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

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

Case Nos. 23246, 23264, 22083, 22084,
22813, 23274, 23221, 23222, 23223,
23224, 21683, 21685, 22103, 22104,
22584, 23042, 23201, 23202, 23279,
23295, 23296, 23297, 23298, 23299,
23300, 23301, 23302, 23303, 23304, 23305,
23306, 23307, 23308, 23309, 23310, 23311,
23312, 23313, 23314, 23315, 23316, 23317, 23318,
23319, 23320, 23321, 23322, 23323, 23324, 22701,
22935, 22936

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VIDEOCONFERENCE HEARING

Date: Thursday, February 2, 2023
Time: 9:16 a.m.
Before: Hearing Officer Bill Brancard
Location: Remote Proceeding
Santa Fe, NM 87501
Reported by: Dana Fulton
JOB NO.: 5528818

A P P E A R A N C E S

List of Attendees:

John Garcia, Technical Examiner

Marlene Salvidrez

Paula Vance

Darin Savage

Dana Hardy

Michael Rodriguez

Earnest Padilla

Jim Bruce

Sharon Shaheen

Percy Engineer

Earl DeBrine

Ocean Munds-Dry

Michael Feldewert

Adam Rankin

James Parrot

1 P R O C E E D I N G S

2 MR. BRANCARD: It is February 2, 2023.
3 I am Bill Brancard, hearing examiner, and these are
4 the hearings of the New Mexico Oil Conservation
5 Division. With me today is the technical examiner
6 Mr. John Garcia. And as always, we have a worksheet
7 with the order of the cases today. There are I
8 believe 32 cases on the docket left today. So we
9 won't break the routine. We will start as usual from
10 number one.

11 Any announcements, Mr. Garcia?

12 MR. GARCIA: No major announcements.

13 MR. BRANCARD: Thank you.

14 And thanks everyone. I hope you're all
15 paying attention to the legislative session. There
16 will be lots of things involving the new Oil and Gas
17 Act, I'm told; so pay attention. With that, we will
18 start with items 1 through 6, and I will call cases
19 21683, 21685, 22103, 22104, 22083, 22084. Let's start
20 with Matador Production Company.

21 MR. FELDEWERT: Good morning,
22 Mr. Examiner, Mr. Garcia. Michael Feldewert, Santa Fe
23 office of Holland & Hart, appearing on behalf of
24 Matador Production Company and on behalf of the XTO
25 Energy company.

1 MR. BRANCARD: Thank you. I believe we
2 have what is now Earthstone Operating -- used to be a
3 few other things, including EGL.

4 MR. PADILLA: Good morning,
5 Mr. Examiner. I'm Earnest L. Padilla for Earthstone
6 Operating.

7 MR. BRANCARD: Thank you. We have
8 entries of appearances here from EOG Resources.

9 MR. PARROT: Good morning,
10 Mr. Examiner, this is James Parrot with Beatty &
11 Wozniak representing EOG Resources.

12 MR. BRANCARD: I see an entry here from
13 Cimarex Energy.

14 MR. SAVAGE: Good morning, Mr. Hearing
15 Examiner. Darin Savage on behalf of Coterra Energy et
16 al.

17 MR. BRANCARD: Are there any other
18 entries of appearances? Cases 21683, 685, 22103, 104,
19 22083, 22084? Hearing none, we will start with
20 Matador. I believe we have lost a couple of cases
21 along the way here, and we're now down to six. What's
22 the status?

23 MR. FELDEWERT: Mr. Examiner, as you
24 know these are impeding pooling cases between Matador
25 and EGL. The parties have been in -- I'm informed --

1 the parties have been in productive discussions, and
2 that my client would suggest another status conference
3 in April.

4 MR. BRANCARD: Earthstone?

5 MR. PADILLA: I agree, Mr. Examiner.
6 The parties are -- I'm informed that the parties are
7 negotiating and need more time. It's likely that
8 they'll reach some agreement.

9 MR. BRANCARD: Thank you.

10 Any other comments from the other
11 parties? Hearing none, April 6th or April 20th?

12 MR. FELDEWERT: April 6th sounds good
13 to me, Mr. Examiner.

14 MR. PADILLA: That's good for me, Your
15 Honor -- Mr. Examiner.

16 MR. PADILLA: He's the honorable
17 examiner.

18 MR. BRANCARD: Yeah, I started to look
19 over my shoulder like, "Who is he talking to?"

20 Okay. With that, cases 21683, 685,
21 22103, 22104, 22083, 22084 are set for a status
22 conference on April 6th. We will send out a document.

23 MR. FELDEWERT: Thank you.

24 MR. BRANCARD: With that, we are at
25 items 7 and 8. These are cases 22584, 22813. It

1 looks like have the same contestants here. Matador
2 Production Company?

3 MR. FELDEWERT: Good morning,
4 Mr. Examiner. Michael Feldewert, Santa Fe office of
5 Holland & Hart.

6 MR. PADILLA: Earthstone Operating.

7 MS. HARDY: Good morning, Mr. Examiner.
8 Dana Hardy with Hinkle Shanor on behalf of Earthstone
9 Operating.

10 MR. BRANCARD: We've got a number of
11 entries of appearance here. I have a Chisholm Energy.
12 That may be Earthstone.

13 MS. HARDY: Mr. Examiner? I apologize.
14 Yes, that's correct. Earthstone is the successor to
15 Chisholm.

16 MR. BRANCARD: Okay. ConocoPhillips?

17 MS. MUNDS-DRY: Good morning,
18 Mr. Hearing Examiner. Ocean Munds-Dry for
19 ConocoPhillips.

20 MR. BRANCARD: Thank you.
21 Fasken Oil and Ranch?

22 MS. SHAHEEN: Good morning, everyone.
23 Sharon Shaheen, Montgomery & Andrews, on behalf of
24 Fasken Oil and Ranch.

25 MR. BRANCARD: Thank you.

1 Anyone else here for cases 22584,
2 22813? Hearing none, we will start again with
3 Matador.

4 MR. FELDEWERT: Mr. Examiner, I know
5 from talking with the client and talking with counsel
6 that there are trade discussions or settlement
7 discussions that are progressing, and I believe that
8 there's an agreement among counsel for another status
9 conference on March 16th.

10 MR. BRANCARD: Earthstone?

11 MS. HARDY: That's correct,
12 Mr. Examiner. I agreed with Mr. Feldewert.

13 MR. BRANCARD: Any comments from the
14 other parties? Hearing none, cases 22584 and 22813
15 are set for a status conference on March 16th.

16 MR. FELDEWERT: Thank you.

17 MR. BRANCARD: With that, we're on item
18 9, case 23042. Mewbourne Oil Company?

19 MR. FELDEWERT: Good morning,
20 Mr. Examiner. Michael Feldewert, Santa Office of
21 Holland & Hart.

22 MR. BRANCARD: Okay. I have an entry
23 here from Endeavor Energy Resources.

24 MS. SHAHEEN: Good morning again.
25 Sharon Shaheen, Montgomery & Andrews, on behalf of

1 Endeavor.

2 MR. BRANCARD: All right. Is anyone
3 else here for case 23042? Hearing none, this is some
4 kerfuffle to do with injection authority. Mewbourne?

5 MR. FELDEWERT: Mr. Examiner, I'm happy
6 to report the parties have had, as a result of
7 extensive discussions, the parties have actually
8 reached an agreement under which my understanding is
9 Endeavor is proceeding to shut in the well and revoke
10 the injection authority. That has not happened yet.
11 There are certain actions that are required under the
12 agreement that are to be completed in the next few
13 weeks, so we would ask that the case be set for
14 another status conference on this month on February
15 16th. That would keep things moving forward, and I
16 believe at that time we should be able to dismiss the
17 case.

18 MR. BRANCARD: Thank you.

19 Endeavor?

20 MS. SHAHEEN: I don't have an objection
21 to another status conference on February 16th. That
22 may be a little premature. I think the final task
23 that needs to be performed is I'll be submitting a
24 letter seeking cancelation of the order authorizing
25 injection, and then after that I believe Mewbourne is

1 scheduled to dismiss within 10 days of receiving
2 cancelation of the order. So February 16th may be a
3 little premature, but I'm happy to appear again at
4 that time if that's what the hearing examiner prefers.

5 MR. BRANCARD: All right. Well why
6 don't we set this for March 2nd? February 16th is
7 looking like an ugly docket at this point anyway.
8 With that, case 23042 is set for a status conference
9 on March 2nd.

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

11 MR. FELDEWERT: Thank you.

12 MR. BRANCARD: Case 23302, item number
13 10. Ridge Runner Resources?

14 MS. HARDY: Mr. Examiner, Dana Hardy
15 with Hinkle Shanor on behalf of Ridge Runner
16 Resources.

17 MR. BRANCARD: XTO Energy?

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

21 MR. BRANCARD: Any other persons here
22 for case 23302? Hearing none, I think we actually
23 have a motion to continue here. Is that correct? Who
24 filed that?

25 MS. HARDY: That's correct,

1 Mr. Examiner. I filed that. XTO submitted an
2 objection to the matter preceding by affidavit, so I
3 filed a motion to continue to February 16th in the
4 hope that the parties could reach a resolution by that
5 date.

6 MR. BRANCARD: Okay. So do we want
7 this set on the regular docket for that date? Or do
8 we want a status conference? What would be the
9 preference of the parties?

10 MS. HARDY: I'd prefer to just set it
11 on the regular docket.

12 MR. BRANCARD: In other words grant
13 your continuance?

14 MS. HARDY: Yes, please. We could
15 convert it to a status conference if XTO's objection
16 still hasn't been resolved.

17 MR. BRANCARD: Okay. XTO?

18 MR. FELDEWERT: If you can squeeze it
19 on that very crowded docket, I guess I have no
20 objection.

21 MR. BRANCARD: All right. Well, we'll
22 grant this continuance then to February 16th. Thank
23 you for case -- anyone else here for case 23302? If
24 not, it has been continued to February 16th. With
25 that, we are on items 11 and 12, cases 23303, 23304.

1 COG Operating?

2 MS. HARDY: Mr. Examiner, Dana Hardy on
3 behalf of COG Operating.

4 MR. BRANCARD: Chevron USA, Inc.?

5 MR. DEBRINE: Good morning,
6 Mr. Examiner. Earl DeBrine with the Modrall Sperling
7 Firm on behalf of Chevron USA, Inc.

8 MR. BRANCARD: Thank you.

9 Anyone else here for cases 23303,
10 23304? Hearing none, I will go to COG.

11 MS. HARDY: Thank you, Mr. Examiner.
12 COG is prepared to proceed to a contested hearing on
13 these matters. COG owns around 95 percent of the
14 interest in its proposed units and is ready to develop
15 them, so we would request a contested hearing on the
16 earliest possible date. I believe there is also
17 potential lease expiration issue that warrants a
18 hearing as soon as possible.

19 MR. BRANCARD: Thank you.

20 Chevron?

21 MR. DEBRINE: Mr. Examiner, as
22 indicated by our entry of appearance, Chevron is
23 proposing its own units that are going to comprise
24 parts of this acreage. The time for filing the
25 applications has not yet run. The notice flyers went

1 out earlier this last month, and so we would ask that
2 once those are filed that the cases be combined for a
3 contested hearing. And given the timing, it looks
4 like that won't be possible until the April docket.

5 MR. BRANCARD: Okay. So can you make
6 April 6?

7 MR. DEBRINE: Yes, that should work.

8 MR. BRANCARD: All right. Well let's
9 set this then for a hearing on April 6.

10 MS. HARDY: Thank you.

11 MR. BRANCARD: And please be sure to
12 let us know if you want to combine cases.

13 MR. DEBRINE: We will do that.

14 MS. HARDY: We will do that. Thank
15 you.

16 MR. BRANCARD: Okay. With that, cases
17 23303, 304, are set for a contested hearing on April
18 6th. We will issue a prehearing order.

19 All right. I believe we have one more
20 status conference here. Item 13, case 23308.
21 Mewbourne Oil Company?

22 MR. FELDEWERT: Good morning,
23 Mr. Examiner. Michael Feldewert, Santa Fe Office of
24 Holland & Hart.

25 MR. BRANCARD: I have Coterra Energy?

1 MR. SAVAGE: Good morning, Mr. Hearing
2 Examiner. Darin Savage with Abadie & Schill on behalf
3 of Coterra Energy, et al.

4 MR. BRANCARD: Thank you.

5 And Avant Operating?

6 MR. DEBRINE: Good morning, Mr.
7 Examiner. Earl DeBrine with the Modrall Sperling Firm
8 on behalf of Avant.

9 MR. BRANCARD: Anyone else here for
10 case 23308? Hearing none, I believe we have an
11 objection by Coterra. Mewbourne, do you have a
12 proposal?

13 MR. SAVAGE: Mr. Examiner, I saw the
14 objection filed by Coterra. I don't know what the
15 status is of any competing proposals, but from
16 Mewbourne's perspective, we would like to get this
17 case separate contested hearing as soon as possible.

18 MR. BRANCARD: All right. Coterra?

19 MR. DEBRINE: Thank you, Mr. Hearing
20 Examiner. Coterra is prepared to file competing
21 applications. We have them drafted, and we're
22 confirming just a few last items. We hope to file
23 those in the next couple of days, and that would make
24 them available for the April 6th hearing date for a
25 contested hearing.

1 MR. BRANCARD: Thank you. Avant, any
2 position?

3 MR. DEBRINE: No, we are just
4 monitoring this case, and we'll do whatever the
5 principal parties agree to.

6 MR. BRANCARD: All right. Well we can
7 set this then for April 6th for a hearing.

8 MR. SAVAGE: That would be great,
9 Mr. Examiner. Thank you.

10 MR. DEBRINE: Thank you.

11 MR. BRANCARD: And as always, if you
12 have competing cases, let us know so we can combine
13 them. Thank you.

14 With that, let's start on some
15 hearings. I'm on items 13 through -- I'm sorry. 14
16 through 17. Cases 23221, 23222, 23223, 23224.

17 Franklin Mountain Energy?

18 MR. DEBRINE: Good morning,
19 Mr. Examiner. Earl DeBrine with the Modrall Sperling
20 Firm on behalf of the applicant in each of these
21 cases, Franklin Mountain Energy, LLC.

22 MR. BRANCARD: Thank you.

23 Do we have any other appearances?
24 23221, 222, 223, 224? Hearing none, I believe that
25 this was continued from January 5th in order to

1 complete notice requirements.

2 MR. DEBRINE: That's correct, Your
3 Honor. The cases were presented for hearing at the
4 January 5th docket and were continued for notice. We
5 have submitted the further notice affidavit of
6 Ms. Bennett who indicates that the notice was
7 published in the Ops News Sun [ph] for the unlocatable
8 interests that we discovered prior to the last
9 hearing. And given that, we would ask that these
10 cases be taken under advisement, and that the
11 application be granted under due consideration by the
12 division.

13 MR. BRANCARD: Thank you.

14 Mr. Garcia, any questions?

15 MR. GARCIA: No questions.

16 MR. BRANCARD: Thank you.

17 Are there any other interested persons
18 then for cases 23221, 222, 223, 224? Hearing none,
19 the exhibits will be admitted into the record, and
20 these cases will be taken under advisement.

21 With that, we are on item 18, case
22 23246. Avant Operating?

23 MR. DEBRINE: Good morning,
24 Mr. Examiner. Earl DeBrine with the Modrall Sperling
25 Firm on behalf of Avant Operating, LLC, the applicant.

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1 MR. BRANCARD: Thank you.

2 Are there any other entries of
3 appearance for case 23246?

4 That's impressive, considering how many
5 people you gave notice to. Please proceed, Avant.

6 MR. DEBRINE: Good morning,
7 Mr. Examiner. In this case, Avant is seeking an order
8 pooling all uncommitted interests within a standard
9 640-acre Bone Spring horizontal spacing unit that's
10 comprised of the south half of sections 35 and 36 in
11 Township 18 South, Range 32 East, Lea County, New
12 Mexico. The unit will be dedicated to nine Alpha Wolf
13 Fed Com wells that are listed in the application. The
14 producing area for the wells is expected to be
15 orthodoxed.

16 The application is supported by the
17 declaration of Tiffany Sarantinos, who is a
18 professional landman who has not previously testified
19 before the division. Her declaration reflects that
20 she as a 1988 graduate of the University of Denver has
21 worked as a professional landman for the last 20
22 years, with the last three and a half years with
23 Avant. Her CV is attached as Exhibit B8. Her
24 declaration sets forth her experience in working for
25 various operators in the -- base and then other

1 producing areas. And we ask that she be allowed to
2 testify as an expert in petroleum land matters.

3 MR. BRANCARD: Any concerns? Hearing
4 none, so accepted.

5 MR. DEBRINE: Her declaration includes
6 a copy of the application, the C102s for the wells,
7 the proposal letters and AFE, the summary of her
8 contacts with the working interest and overriding
9 interest owners in an effort to reach voluntary
10 agreement with regard to the formation of the
11 horizontal spacing unit. As reflected in our
12 affidavit, there were a voluminous number of
13 overriding royalty interests, because there was a 2006
14 conveyance that carved up an overriding royalty
15 interest -- and assigning an interest in a number of
16 people.

17 As a result, in order to locate
18 everybody, Avant hired a broker to track down the
19 owners based on the addresses that were listed in that
20 conveyance using the internet to do Google searches
21 and to identify family members, and also an internet
22 tool that requires the user to have a background check
23 to find comprehensive information with regard to the
24 potential -- all of the overriding owners that we
25 identified. And we also published notice in the

1 newspaper timely because there were still some
2 interests that reflected back that were still
3 unlocatable. And there was -- and because of the
4 report that came back from the tracking service listed
5 a bunch -- listed the -- the notice as lost, we
6 actually went back and submitted an additional chart
7 to reflect the actual status of the delivery. In
8 fact, those weren't loss, there were just some that
9 were -- were not picked up or addressed as that they
10 weren't in fact lost by the Postal Service, which is
11 somewhat comforting. But as a result, we published so
12 that -- to cover all of the -- all of the unlocatable
13 interests.

14 Avant is asking to be named operator of
15 the wells, that the division approve the estimated
16 cost of drilling -- the wells, allow for 200 percent
17 risk charge and supervision costs of 10,000 while
18 drilling and 1,000 during production, which is
19 consistent with industry custom and practice for
20 drilling wells with comparable length and depth in
21 this area of Lea County.

22 The application was first ordered by
23 the affidavit of Avant's geologist John Harper, who
24 has previously testified before the division, and his
25 credentials were accepted as a matter of record. His

1 declaration includes the wellbore schematic, the
2 structure map, cross-reference locator map, and his
3 geological study of the structural stratigraphic
4 cross-sections of the first second in Bone Spring,
5 which is the target of the wells in this horizontal
6 spacing unit, and his opinion that the unit is just
7 fine from a geological standpoint. There are no
8 structural impediments or faulting that would
9 interfere with horizontal development, and that each
10 quarter section comprising horizontal spacing unit
11 will contribute more or less equally to the unit which
12 has consistent thickness throughout the target
13 formation.

14 I would also note that this is a unit
15 that is based on proximity wells, and so it's double
16 the size of a normal spacing unit. With that, we ask
17 that the declarations and exhibits that are attached
18 to them be admitted into the evidence, that the matter
19 be taken under advisement, and after due consideration
20 the application be granted.

21 MR. BRANCARD: Thank you.

22 Mr. Garcia, questions?

23 MR. GARCIA: No questions --

24 MR. BRANCARD: Thank you. We're not
25 hearing you very well, so just be aware of that.

1 MR. GARCIA: I said no questions. It's
2 just weird that we have six pages of lost notice.

3 MR. BRANCARD: Yeah.

4 MR. GARCIA: No questions.

5 MR. BRANCARD: Thank you. Yeah, I --
6 in going through all of this notice documentation, I
7 was actually focused on the fact that you have two
8 working interest owners; is that correct, Mr. DeBrine?

9 MR. DEBRINE: Yes.

10 MR. BRANCARD: And they are sisters?

11 MR. DEBRINE: Yes, and in fact the --
12 the sisters did receive notice of the well proposal,
13 and they elected to go non-consent with regard to the
14 wells in this unit. So there was actual contact made
15 with the sisters.

16 MR. BRANCARD: Okay. But then I notice
17 one of them was lost in -- was among the lost.

18 MR. DEBRINE: Right. That was listed
19 as lost. They did in fact receive the proposal letter
20 and responded that they wanted to go non-consent, but
21 the notice of the actual application was reflected as
22 lost, but in fact it was sent to the same address as
23 the notice letter which was received and
24 correspondence back that they wanted to go
25 non-consent, so I don't know if they didn't pick it up

1 or what the situation was, but they obviously had made
2 their election prior to the finding of the
3 application.

4 MR. BRANCARD: Okay.

5 Are there any other interested persons
6 here then?

7 One other question. We noticed that
8 you have a -- the monthly charges are 10,000 and
9 1,000. That's a little high from what we're seeing in
10 Southeast New Mexico. I wonder if you have an
11 explanation for that.

12 MR. DEBRINE: The explanation is all
13 the proposal letters that Avant has been receiving
14 over the last two months have reflected similar
15 charges, and so we believe that is the -- the new
16 industry custom and standard that will be used going
17 forward. Obviously because of the inflation that's
18 been experienced, costs have gone up substantially
19 over the last year, and so this is reflective of the
20 additional costs that are associated with drilling
21 wells as we go into 2023.

22 MR. BRANCARD: Thank you.

23 Did you have any questions on that,
24 Mr. Garcia?

25 MR. GARCIA: No. It's just interesting

1 that we have pages today that have pumps down south at
2 7,500. So today's cost -- 7,500 to 10,000 -- today's
3 docket. It is a little high from what we've been
4 seeing the last year.

5 MR. BRANCARD: Thank you.

6 With that, in case 23246, are there any
7 other interested persons? Hearing none, the exhibits
8 will be admitted into the record, and case will be
9 taken under advisement.

10 MR. DEBRINE: Thank you, Mr. Examiner.

11 MR. BRANCARD: With that, we will call
12 item 19, case 23264. Devon Energy Production Company?

13 MR. FELDEWERT: Good morning,
14 Mr. Brancard, Mr. Garcia. I'm Michael Feldewert of
15 the Santa Fe Office of Holland & Hart on behalf of
16 Devon Energy Production Company.

17 MR. BRANCARD: We have an entry from
18 EOG resources. Mr. Parrot?

19 MR. PARROT: Sorry, everybody. I was
20 having a little trouble getting my audio and video
21 going. This is James Parrot with Beatty & Wozniak
22 representing EOG Resources, Inc.

23 MR. BRANCARD: Thank you. Any other
24 interested parties for case 23264?

25 Hearing none, Mr. Feldewert, Devon to

1 explain.

2 MR. FELDEWERT: To present the case.

3 MR. BRANCARD: Yes.

4 MR. FELDEWERT: Certainly.

5 Mr. Examiner, Devon seeks to pool the Bone Spring
6 formation underlying the east half of the east half of
7 sections 6 and 7 down there in 26 South, 34 East in
8 Lea County for their Jayhawk well. You'll see that
9 the application that was filed initially sought
10 approval of an overlapping spacing unit from the
11 division that is no longer necessary, since the
12 effected working interest owners have received notice
13 of the overlapping spacing unit and have no objection
14 to it. So we only need a pooling order.

15 Now we filed two sets of exhibits here.
16 The initial set was filed in advance of the January
17 5th hearing. And shortly before that hearing, I ended
18 up continuing the matter to address some notice issues
19 and -- because the company was required to change the
20 orientation of the well.

21 So we filed a supplemental set this
22 past Tuesday to reflect the change in the orientation
23 of the well, so the well was going to be north to
24 south, but now it's going to be south to north -- and
25 also to provide the letter under which notice was

1 provided to the working interest owners about the
2 overlapping spacing unit and to testify that there had
3 been received -- no objection had been received. So
4 we have an initial set, and then we have a second set
5 that was filed this past Tuesday.

6 I will start with the initial set. It
7 contains the affidavit of Daniel Brunsman, who is a
8 landman with Devon, is marked as Exhibit A. You'll
9 see that it notes that this is his first time
10 testifying, so he has provided his credentials, which
11 I believe qualify him to testify as an expert in
12 petroleum land matters.

13 He goes on to provide, in this initial
14 set of exhibits, the C102 for the Jayhawk well. As
15 you can tell from the supplemental set, that C102 has
16 been revised, so we can ignore that one. He provides
17 then as Exhibit A2 a tract map for the east half east
18 half acreage, and you'll see that there are two tracts
19 involved. There is a small feed track up in the
20 northeast in the northeast of section 6, and the
21 remainder is a federal tract.

22 He provides in that exhibit the
23 ownership breakdown by tract and then by spacing unit,
24 and you'll see there highlighted in yellow that the
25 company seeks to pool two working interest owners in

1 that 40-acre feed tract in that tract 2. And within
2 that feed tract, there are two overriding royalty
3 interest owners that appear to require pooling.

4 And then finally an entity that -- or a
5 trust that owns what is marked as NPRI, which would be
6 a net proceeds royalty interest or a net profits
7 royalty interest -- they go by different names, but
8 it's just a different type of royalty interest.

9 You'll then see that in Exhibit A3, we have the
10 initial well proposal letter that went out in October
11 along with the AFE, and then A4 is the chronology of
12 contacts with the working interest owners that Devon
13 seeks to pool.

14 We then provided in the initial set the
15 affidavit of the geologist Matthew Myers who has
16 testified previously before the division. He provides
17 a structure map as B1, he provides a base map for a
18 stratigraphic cross-section as B2, and then his
19 stratigraphic cross-section is B3 with the landing
20 zone marked in green.

21 Exhibit C is my affidavit indicating
22 that notice was provided to the parties to be pooled
23 by certified mailings that went out in December,
24 because some of those mailings had not been -- yet
25 been delivered. We also then provided in our initial

1 set as Exhibit D, an affidavit of publication that is
2 directed to -- by name to the parties that we seek to
3 pool.

4 With the change in the orientation of
5 the well, and to avoid any confusion, we then on
6 Tuesday, Mr. Examiner, filed our supplemental set of
7 exhibits, and if you go through that, you will see a
8 couple of things. One is we submitted a revised B1
9 and a revised B2 -- those were the geology exhibits --
10 solely for the purpose of just showing the correct
11 orientation of the well. Because the well is now
12 being drilled south to north rather than north to
13 south.

14 We also then provided as Exhibit E as
15 in Edward to continue the numbering of the letter
16 sequence -- a revised compulsory pooling checklist to
17 likewise reflect a change in the orientation of the
18 well, which then also resulted in the a change in the
19 well name from the Jayhawk 6-7 to Jayhawk 7-6 Fee Com
20 Well. So that's why that -- revised compulsory
21 pooling checklist was provided.

22 Mr. Brunsmann then filed a supplemental
23 statement for the purpose of noting that there had
24 been a change in the well orientation, because as he
25 notes in paragraph 2 of his supplemental statement,

1 Devon couldn't get the surface location in the north
2 to drill north to south, so that's why they are
3 drilling from the south to the north. He then
4 provides as Exhibit F1 the revised C102 of the initial
5 well which reflects the name change and the
6 reorientation of the well.

7 Then to deal with the -- with the
8 overlapping -- or first off, to deal with -- I'm
9 sorry, the change in the orientation, he provided as
10 in F2 a supplemental letter that he sent out to the
11 pooled working interest owners likewise apprising them
12 of the change in the well orientation. And then he
13 provides Exhibit F3, which is a copy of the letter
14 sent to all of the affected working interest owners
15 apprising them of the overlapping spacing unit.

16 And he testifies that none of these
17 affected owners have objected to the overlapping
18 spacing unit, which is why we no longer need any
19 relief from the division on that front. Then Exhibit
20 G was just a -- another affidavit that I submitted for
21 the sole purpose of trying to get notice by mail to
22 Monticello Minerals. That's one of the overriding
23 royalty interest owners. There was a second address
24 that they had found, but you'll see that that address
25 likewise was not successful. So they had two

1 addresses for Monticello after looking in the public
2 records and doing their searches, and it doesn't
3 appear that either one of them work for this
4 overriding royalty interest owner, hence the notice of
5 publication, which is marked as -- previously as
6 Exhibit B.

7 So with that, I would move the
8 admission of Devon Exhibits A through G that comprises
9 the initial set and supplemental set, and we ask that
10 the matter be taken under advisement.

11 MR. BRANCARD: Thank you. Let me first
12 go to EOG.

13 Any questions or concerns?

14 MR. PARROT: No, Mr. Examiner. Thank
15 you.

16 MR. BRANCARD: Mr. Garcia, questions?

17 MR. GARCIA: Good morning,
18 Mr. Feldewert, can you hear me?

19 MR. FELDEWERT: Yes. Good morning. I
20 can hear you fine.

21 MR. GARCIA: On Exhibit A3, PDF page 17
22 of the first exhibit packet --

23 MR. FELDEWERT: I'm there.

24 MR. GARCIA: The October 25th letter.
25 I would -- curious about the body of the letter, the

1 bullet points, where a 100/400 percent non-consenting
2 penalty. It seems that they are trying to add a 300
3 percent risk charge, which -- max 200 percent risk
4 charge. Typically these numbers are 100/300 and a 200
5 difference.

6 And also the overhead rates are
7 reflected at 6,000 while drilling and 600 while --
8 checklist had 8,000 and 800. I looked at the revised
9 exhibits that adjust the orientation change and the
10 overlapping unit, but I didn't see anything revising
11 these numbers. I was curious if you could talk about
12 that.

13 MR. FELDEWERT: Certainly. So first
14 off, with respect to the risk penalty, for purposes of
15 pooling, the division -- Devon is only requesting the
16 maximum 200 percent risk penalty. We can't go beyond
17 that. Whatever they can negotiate under JOA, and
18 whether that follows some -- I know that there are
19 parties who have accepted the JOA, so I'm assuming
20 that that might have been the terms, I just don't
21 know. But that was for purposes solely of entering
22 into the JOA and does not reflect the pooling order.

23 In terms of the overhead rates,
24 certainly it looks like with our -- both of our
25 compulsory pooling checklists, they do reflect what I

1 think has become fairly standard overhead rates of
2 8,000 per month while drilling and 800 while
3 producing. I don't know what's in the JOA that was
4 signed by the other parties and whether those -- that
5 number that you saw in the October letter carried over
6 in the -- executed JOA, but I know for purposes of
7 this pooling hearing, they're only asking 200 percent
8 risk penalty and are asking for what would otherwise
9 be standard overhead rates.

10 MR. GARCIA: Yeah, I guess -- someone
11 didn't not sign the JOA or -- because of these numbers
12 and didn't get changed or -- the different --

13 MR. FELDEWERT: Yeah, there's certainly
14 -- I agree there is certainly a difference.

15 MR. GARCIA: Yeah. I guess I'll defer
16 to Mr. Brancard and leave it to him to decide if it's
17 the material -- with that, Mr. Brancard, I don't have
18 questions.

19 MR. BRANCARD: Thank you. I --
20 basically they're offering one deal if you sign the
21 JOA, and you get a different deal if you go through
22 the pooling hearing. So --

23 MR. FELDEWERT: Trying to incentivize
24 people to sign the JOA.

25 MR. BRANCARD: Right. That could be

1 what is going on there. So let me see. Now I've lost
2 my train of thought. So we are agreed then, Mr.
3 Feldewert, we brought this up last time -- that the
4 name of the well is the Jayhawk?

5 MR. FELDEWERT: The rock jock Jayhawk.

6 MR. BRANCARD: Right. As opposed to
7 what went out in your notice letters initially which
8 was the Jawhawk?

9 MR. FELDEWERT: Yeah, it looks like I
10 spelled the spelling mistake, yes.

11 MR. BRANCARD: Okay. So in the
12 additional exhibits, you sent out another letter to
13 all the parties; is that correct?

14 MR. FELDEWERT: So if you look at
15 Mister -- land statement by Mr. Brunsmann indicates
16 that as Exhibit F2, there is a supplemental letter
17 that he sent out to the pooled working interest
18 owners, which you would send it to the parties that
19 would be -- letting them know about the change in the
20 drilling plan, and that is what is reflected in F2.
21 So there is a supplemental -- as F2 reflects, it is a
22 supplemental letter to the initial well proposal
23 letter that went out in October.

24 MR. BRANCARD: Okay. So it's -- it's
25 designed to be a supplement, not designed to replace?

1 MR. FELDEWERT: Correct.

2 MR. BRANCARD: All right. Okay.
3 Because it doesn't -- I mean, the letter in F2 doesn't
4 meet the 20 day deadline for notice.

5 MR. FELDEWERT: Correct, and it
6 certainly -- it certainly is sent out as a
7 supplemental letter to the initial well proposal
8 letter, and it's not a notice letter for the hearing,
9 Mr. Examiner, it's just an update to the initial well
10 proposal that was sent out in October to reflect the
11 change in circumstances that Devon has encountered in
12 trying to acquire the surface location.

13 MR. BRANCARD: Yes. And we discussed
14 this internally. Changing well details is not as
15 crucial as changing for a spacing unit.

16 MR. FELDEWERT: Correct, and good
17 point. And maybe I'll make that for the record.
18 Spacing unit has not changed.

19 MR. BRANCARD: I mean, your surface
20 hole locations and your bottom hole locations have
21 changed, but that's reflected in your checklist.

22 MR. FELDEWERT: Correct. And that is
23 the only thing that's changed. The target location,
24 the spacing unit, the location of the setback of the
25 well, etc., all of that remains the same.

1 MR. BRANCARD: Okay. So the only other
2 thing is you have a supplemental notice affidavit?

3 MR. FELDEWERT: Yes.

4 MR. BRANCARD: G -- in your paragraph 1
5 you say, "We've sent this to Monticello Minerals on
6 the date set forth in the letter attached hereto." I
7 don't see a letter attached hereto.

8 MR. FELDEWERT: Oh dad-gone-it. I
9 didn't see that one. We'll get that fixed.

10 MR. BRANCARD: Okay. I think that's it
11 then.

12 Any other questions, Mr. Garcia?

13 MR. GARCIA: No questions.

14 MR. BRANCARD: So with that, if there
15 are no further objections on case 23264, the exhibits
16 will be admitted into the record, the case will be
17 taken under advisement, and you will revise your
18 Exhibit G.

19 MR. FELDEWERT: Certainly. Thank you,
20 Mr. Examiner.

21 MR. BRANCARD: Thank you.

22 With that, we are at item 20, case
23 23274. Earthstone Operating? Mr. Padilla, we don't
24 have anything here today for this. What's going on?

25 MR. PADILLA: Mr. Examiner, let me give

1 you a little bit of background on this case.
2 Originally, this Earthstone took over from EGL in
3 cases 22114 and 22115. We tried to get an affidavit
4 hearing. I believe it was January 5th. Mr. Feldewert
5 filed an objection to a affidavit case, so that got
6 bumped, and the January 5th hearing got bumped, and my
7 assistant had some communications with Marlene I think
8 about two weeks ago, and my understanding was that
9 this was going to be set for a status conference.

10 We refiled, we dismissed the 22114 case
11 and the 22115 cases, and we filed the new case, 23274.
12 Anyway, we don't want this case dismissed, and my
13 understanding is that we were going to have a status
14 conference and a separate hearing is what Earthstone
15 wants to do.

16 MR. BRANCARD: All right.

17 Let me get entries here from MRC
18 Permian and XTO.

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

22 MR. BRANCARD: Thank you. And the case
23 file indicates that XTO has withdrawn its objection;
24 is that correct?

25 MR. FELDEWERT: In this -- this is the

1 newly filed case, 23274?

2 MR. BRANCARD: Yeah, I have something
3 here that says XTO Energy no longer objects to this
4 matter proceeding by affidavit, filed December 22nd.
5 Case 23274.

6 MR. FELDEWERT: Hold on, I'm catching
7 up. So I'm here on behalf of XTO Energy, and you're
8 correct. We -- XTO no longer objects to the matter
9 proceeding by affidavit. Now MRC and entities, or MRC
10 Delaware, has appeared in this newly filed matter --
11 noted that the parties are engaged in settlement
12 discussions. And I -- Mr. Padilla is correct in the
13 sense that this is a replacement case for a prior EGL
14 cases that were dismissed that at the time had always
15 been consolidated for purposes of treating them
16 together with the first set of cases you heard this
17 morning.

18 MR. BRANCARD: Okay. I'm also confused
19 because MRC entered an appearance here but didn't
20 object to this case.

21 MR. FELDEWERT: We have entered an
22 appearance in the matter after having an unopposed
23 motion to continue to this docket. Correct. We filed
24 a motion to continue this matter to the February 2nd
25 docket.

1 MR. BRANCARD: I don't know how we got
2 to this docket, but --

3 MR. FELDEWERT: Because I'm looking at
4 the file, the division file, and it was filed December
5 29th.

6 MR. BRANCARD: Yes. Okay. MRC
7 continued this. Yes. Parties are engaged in ongoing
8 and productive settlement discussions.

9 MR. FELDEWERT: Yes, sir.

10 MR. BRANCARD: So would you like to add
11 this to the first six cases of the docket today?

12 MR. FELDEWERT: Mr. Padilla?

13 MR. PADILLA: Mr. Examiner, we would
14 just like to get it on for a hearing. I think the
15 first two cases were continued were a status
16 conference, and Earthstone wants to go to hearing on
17 this case. I mean, I understand there is proximity to
18 the first set of cases, but with respect to this
19 particular case, they would like to proceed to hearing
20 at the earliest convenient time.

21 MR. BRANCARD: Okay. Well, I can
22 continue this to March 2nd.

23 MR. PADILLA: Okay.

24 MR. BRANCARD: And at this point, the
25 case is uncontested. So I'm not going to issue a

1 prehearing order. If somebody would like to contest
2 it --

3 MR. FELDEWERT: That's what we're going
4 to find out.

5 MR. BRANCARD: Okay.

6 MR. PADILLA: Okay.

7 MR. FELDEWERT: Because the last I
8 heard, they were engaged in ongoing settlement
9 discussions that I thought were tied in with the
10 discussions involving the cases that had been set --
11 the first set of cases this morning had been set for a
12 status conference on April 6th. If that's changed,
13 then I -- we may need to take some different action.

14 MR. BRANCARD: All right. So
15 Mr. Padilla, if you could just file a motion to -- you
16 just do a continuance to March 2nd, and --

17 MR. PADILLA: Yes, I'll do that.

18 MR. BRANCARD: -- we'll go from there.

19 MR. PADILLA: Will that be an affidavit
20 case then?

21 MR. BRANCARD: At this point it's an
22 affidavit case.

23 MR. PADILLA: Okay.

24 MR. BRANCARD: With that, case 23274
25 will be continued to March 2nd.

1 MR. PADILLA: Thank you, Mr. Examiner.

2 MR. BRANCARD: So we are now on item
3 21, case 23296.

4 Earthstone Operating?

5 MS. HARDY: Mr. Examiner, Dana Hardy
6 with Hinkle Shanor on behalf of Earthstone Operating.

7 MR. BRANCARD: Thank you.

8 We have entries of appearance from Tap
9 Rock Operating.

10 MR. RODRIGUEZ: Good morning. Michael
11 Rodriguez for Tap Rock Operating, LLC.

12 MR. BRANCARD: And I think we still
13 have entry of appearance from COG Operating.

14 MS. MUNDS-DRY: Good morning,
15 Mr. Hearing Examiner. Ocean Munds-Dry with COG
16 Operating, LLC.

17 MR. BRANCARD: So let's clarify here.
18 Does Tap Rock have any objections to this case going
19 forward by affidavit?

20 MR. RODRIGUEZ: No objections from Tap
21 Rock. Thank you.

22 MR. BRANCARD: Thank you.

23 COG?

24 MS. MUNDS-DRY: No objection. Thank
25 you.

1 MR. BRANCARD: Thank you.

2 Any other interested persons for case
3 23296? Hearing none, Earthstone may proceed.

4 MS. HARDY: Seeks an order pooling all
5 uncommitted interest in the first Bone Spring interval
6 of the Bone Spring formation underlying a 319.86 acre
7 --

8 MR. BRANCARD: Ms. Hardy, we lost your
9 video, and then we lost your audio. We can see you
10 now. Can you hear us?

11 MS. HARDY: I can hear you. Can you
12 hear me now?

13 MR. BRANCARD: I can hear you, yes.

14 MS. HARDY: Okay. I'm turning off my
15 video in case that's impacting my connection. Sorry
16 about that. Okay. Should I start over? I'm not sure
17 where I cut out.

18 MR. BRANCARD: I'd suggest you start
19 over.

20 MS. HARDY: Okay. Thank you.
21 Earthstone seeks an order pooling uncommitted interest
22 in the first Bone Spring interval of the Bone Spring
23 formation underlying a 319.86 acre more-or-less
24 standard horizontal spacing unit comprised of the east
25 half of the east half of section 34, Township 19

1 South, Range 33 East, and the east half east half
2 equivalent of irregular section 3, Township 20 South,
3 Range 33 East. And the unit will be dedicated to the
4 Jade 34-3 Fed 1BS Com 12H well. There is a depth
5 severance in the Bone Spring formation with the unit,
6 and as a result, Earthstone seeks to pool interest in
7 the first Bone Spring interval.

8 We've provided with our exhibits the
9 affidavit of Landman Matt Solomon and Geologist Jason
10 Asmus. Mr. Solomon provides the standard land
11 exhibits, the tract ownership information, and pooled
12 parties are identified in Exhibit A3. Mr. Asmus
13 provides a location map, structure map, cross-section,
14 and gun barrel.

15 My notice affidavit is Exhibit C. We
16 provided notice to all affected parties by certified
17 mail, and we also timely published notice. In this
18 case, we did receive return receipts from all of the
19 parties. So with that, unless there are questions, I
20 request that the exhibits be admitted and that the
21 case be taken under advisement. Thank you.

22 MR. BRANCARD: Thank you. Any
23 questions or concerns from Tap Rock?

24 MR. RODRIGUEZ: No questions from Tap
25 Rock. Thank you.

1 MR. BRANCARD: From COG? I'll take
2 that as a no.

3 Mr. Garcia?

4 MR. GARCIA: No questions.

5 MR. BRANCARD: All right.

6 So I guess I got a little confused,
7 which doesn't take much, but you are no -- Earthstone
8 is no longer pooling either COG or Tap Rock, is
9 that -- well, no. Just COG -- you're not pooling
10 COG, is that correct?

11 MS. HARDY: That's correct. COG and
12 Earthstone reached an agreement.

13 MR. BRANCARD: Okay. But you are
14 pooling Tap Rock?

15 MS. HARDY: That's correct.

16 MR. BRANCARD: Okay. Well, I think
17 that's it for me. So with that, the exhibits will be
18 admitted into the record and case 23296 will be taken
19 under advisement.

20 MS. HARDY: Thank you very much.

21 MR. BRANCARD: With that, we are at
22 item 22, case 23297. Earthstone Operating?

23 MS. HARDY: Dana Hardy with Hinkle
24 Shanor on behalf of Earthstone Operating.

25 MR. BRANCARD: And COG?

1 MS. MUNDS-DRY: Ocean Munds-Dry with
2 COG Operating, LLC.

3 MR. BRANCARD: Thank you. I believe we
4 have a late filed motion to dismiss here; is that
5 correct, Earthstone?

6 MS. HARDY: That's correct,
7 Mr. Examiner. We dismissed this case, and we did
8 refile a replacement application for the March docket
9 that omits the depth severance, so that's the reason
10 for the dismissal.

11 MR. BRANCARD: Thank you.
12 Any objections to the dismissal?

13 MS. MUNDS-DRY: No objection.

14 MR. BRANCARD: Thank you.

15 So with that, case 23297 will be
16 dismissed. Okay, we'll move on to item 23, case
17 23298.

18 Mewbourne Oil Company? Mr. Bruce, are
19 you with us?

20 MR. BRUCE: I'm afraid so. Sorry about
21 that. Mr. Examiner, in this case, Mewbourne seeks to
22 reopen case number 22639 to pool certain interests
23 into the -- in the Bone Spring formation underlying
24 the south half south half of section 22 and south half
25 south half of section 21, 18 South 29 involving the

1 Puma Blanca 22/21 B2PM Fed Com Well Number 1. In that
2 case, order 22346 was entered in the original case.
3 That only pooled -- only pooled the working interest
4 owners, but there are a number of record title owners
5 to federal leases out here who do not own mineral
6 interests in the Bone Spring formation, and they are
7 either unlocatable, or they have refused to sign the
8 communitization agreement, and therefore in this case
9 Mewbourne seeks to pool a few record title interest
10 owners, so that the BLM will go ahead and approve the
11 communitization agreement.

12 I submitted as Exhibit 1 the
13 application of proposed notice, and Exhibit 2 is the
14 statement of Ariana Rodrigues, the landman in this
15 matter. It's pretty straightforward; it's just they
16 have contacted the subject mineral -- record title
17 owners. They've attached the -- she has attached the
18 prior order. There is a plat of the unit being
19 pooled, some of the tracts involved, and then a
20 listing of the parties showing that Mewbourne Oil
21 Company and its working interest partners own 100
22 percent of the working interest, but the three parties
23 are being pooled for the record title only.

24 There's the proposal letter asking the
25 people to sign the com agreement, so we think the

1 steps have been taken. These people are not adversely
2 affected in that they are not being requested to pay
3 any portion of the well costs. It's simply the record
4 title interest being pooled.

5 Exhibit 3 is my affidavit of notice.
6 And affidavit 5 is a notice spreadsheet. Only one
7 person has -- Denton Oil Company has returned its
8 green card. The other two people have disappeared
9 into the void. There is one issue, if you'll look at
10 my affidavit of publication. I did publish notice
11 early in January or requested publication.

12 When I got the affidavit of publication
13 back about whenever it was, ten days or so ago, I
14 noticed that in that publication notice, I had put the
15 date of hearing as 2022, so I was obviously living in
16 the past. So I immediately redid the affidavit, or
17 the notice by publication to reflect the hearing date.
18 It was too late to publish that -- get it published
19 for this hearing, so I put the February 16 date as the
20 date of hearing.

21 So in short, although I presented the
22 case, I would request that the case be moved or
23 continued to February 16, and at that time I did
24 receive the official affidavit of publication late
25 yesterday in the mail. I will file that for the

1 record, and on February 16th, all I would need to do
2 is move the admission of the exhibits and ask that the
3 case be taken under advisement.

4 MR. BRANCARD: Thank you.

5 Mr. Garcia, any questions?

6 MR. GARCIA: No, sir.

7 MR. BRANCARD: Hearing none, so Mr.
8 Bruce, then the issue then is just the publication of
9 notice; correct?

10 MR. BRUCE: That is correct.

11 MR. BRANCARD: I will note too that in
12 your notice of publication, in your publication itself
13 you need to update the email addresses and website
14 addresses for --

15 MR. BRUCE: Ah, thank you. I -- I've
16 got so many on my computer, I've done it for the most
17 part since we were told to do so, but I will -- I will
18 do so in the future. I will make sure I remember to
19 do that.

20 MR. BRANCARD: And just to clarify, the
21 whole point of this exercise is to amend order
22 R-22346?

23 MR. BRUCE: That's correct.

24 MR. BRANCARD: Okay. Thank you. You
25 know, sometimes it's helpful if you could get that

1 into your initial application, so we could figure that
2 out.

3 MR. BRUCE: Okay.

4 MR. BRANCARD: With that, are there any
5 other questions or concerns for case 23298? Hearing
6 none, the exhibits will be admitted into the record,
7 and the case will be continued to February 16th for
8 notice purposes.

9 MR. BRUCE: Thank you.

10 MR. BRANCARD: Thank you.

11 With that, we are on items 24 and 25,
12 and but let me first check in with our court reporter.

13 Dana, are you doing okay?

14 THE REPORTER: I'm doing fine.

15 MR. BRANCARD: Thank you.

16 So we are on items 24 and 25. These
17 are cases 23300, 23301.

18 Mewbourne Oil Company?

19 MR. BRUCE: Mr. Examiner, Jim Bruce on
20 behalf of Mewbourne.

21 MR. BRANCARD: Thank you.

22 We have an entry from COG operating.

23 MS. MUNDS-DRY: Ocean Munds-Dry with
24 COG Operating, LLC. Thank you.

25 MR. BRANCARD: Does COG have any

1 objection to these case going forward by affidavit?

2 MS. MUNDS-DRY: No objection. Thank
3 you.

4 MR. BRANCARD: Thank you.

5 Are there any other appearances then
6 for cases 23300, 23301? Hearing none, take it away,
7 Mewbourne.

8 MR. BRUCE: Mr. Examiner, I have
9 submitted an exhibit package for each case, but they
10 are virtually identical cases. So if you'd just
11 direct yourself to the first matter, 23300, and the
12 exhibit package for 301 is basically the same. I have
13 attached the application and proposed notice.

14 The landman from the job is Josh
15 Anderson in this first case. Mewbourne seeks to force
16 pool the west half east half of section 1 and the west
17 half east half of Section 12, Township 19 South, Range
18 32 East, in Lea County for the purpose of drilling one
19 its Bondurant wells. The second case involves the
20 east half east half of the same sections for another
21 Bondurant well.

22 Going then to the affidavit -- contains
23 the usual information. There's a land plat, the
24 C102s, the tract maps showing the working interest.
25 Not only the tracts involved, but the working interest

1 owners involved, and contains a summary of contacts
2 with the parties as well as the proposal letters.
3 Also the proposal letters show the -- certify that
4 they were received, certified return receipts.

5 The AFEs are involved, the wells are
6 pretty close to 11 million dollars in cost, which is
7 stated to be common in this area of Lea County for
8 wells of this depth and length. Geologist Nathan
9 Cless -- his affidavit contains the usual structure
10 map, cross-section -- there is one thing of interest
11 is a production map which is Exhibit 3C showing why
12 they are seeking stand-up units rather than lay-down
13 units.

14 You'll notice that highlighted on that
15 map are two wells -- a more recent well with a lay-
16 down well, and these are almost adjoining wells to the
17 subject wells. Obviously this well made money and
18 produced almost 300,000 barrels of oil, but right
19 below that is a COG well which has produced almost
20 900,000 barrels of oil, so obviously the stand-up
21 units are favored in this matter.

22 I submitted as Exhibit 4 the affidavit
23 notice. The green cards coming back were few and far
24 between, but I checked the US Postal Service website
25 and Exhibit 7 is the spreadsheet showing that all of

1 the parties did receive notice, they simply haven't
2 got back the green cards from WPX and Michael Lynn
3 Taylor, but there is an affidavit of publication,
4 Exhibit 5, which means that everybody did receive
5 actual constructive notice.

6 Exhibit 6 is the pooling spreadsheet,
7 and there's one issue which fortunately was broached
8 in the Avant hearing just a little while ago,
9 Mr. Examiner. Well, before I get to this, I believe I
10 informed Ms. Munds-Dry that COG has signed a JOA for
11 these wells, and therefore would be dismissed from
12 this action. I believe that is correct.

13 Can you confirm that, Ms. Munds-Dry?

14 MS. MUNDS-DRY: I can confirm that is
15 true. Thank you.

16 MR. BRUCE: All right. I tried to find
17 my email to you, and I couldn't.

18 So anyway, Mr. Examiner, COG was an
19 original noticed party but is hereby dismissed from
20 this case. The other issue is that in these cases,
21 Mewbourne has requested overhead rates of \$10,000 for
22 a drilling well and \$1,000 for a producing well. I
23 heard your questions to Mr. DeBrine, and in Exhibit 2,
24 the landman's affidavit, this is somewhat addressed in
25 paragraph 2I where he describes the increases that

1 have resulted in this request. I know it's been
2 common for the division to request or allow 8,000/800.
3 I know some people are still asking 7,500/750. I did
4 mean to contact this past weekend Mr. Peabody and ask
5 if I could borrow his wayback machine to go back in
6 time and find out when the division did start allowing
7 8,000/800 a month, but I believe it's been some time.

8 And they're of course -- everything
9 changes, so Mewbourne would request the 10,000/1,000,
10 but if the division decides otherwise, it will live
11 with the division's decision. With that, I would move
12 the admission of Exhibits 1-7E in each case and ask
13 that the cases be taken under advisement.

14 MR. BRANCARD: Thank you.

15 Any questions or concerns from COG?

16 MS. MUNDS-DRY: No questions, no
17 concerns. Thank you.

18 MR. BRANCARD: Okay.

19 Mr. Garcia?

20 MR. GARCIA: No questions.

21 MR. BRANCARD: Thank you.

22 So Mr. Bruce, did you want to update --
23 it looks like attachment B, which lists the pooled
24 parties?

25 MR. BRUCE: I will -- I will do that.

1 This was just in the last day or so. I think I might
2 have already filed my exhibits. I will do that.

3 MR. BRANCARD: Thank you for addressing
4 the charges, and I will note in your publication you
5 got the email addresses and website correct --

6 MR. BRUCE: Yes. Just a matter of -- a
7 matter of what form I pull up from past usage, so ...

8 MR. BRANCARD: All right. Are there
9 any other interested persons then for cases 23300,
10 23301? Hearing none, the exhibits will be admitted
11 into the record, and these cases will be taken under
12 advisement and the record left open to revise the list
13 of pooled parties. Thank you. With that, we are on
14 item 26, case 23305.

15 Spur Energy Partners?

16 MS. HARDY: Mr. Examiner, Dana Hardy
17 with Hinkle Shanor on behalf of Spur Energy Partners.

18 MR. BRANCARD: Thank you.

19 Are there any other interested persons
20 for case 23305? Hearing none, Spur may proceed.

21 MS. HARDY: Thank you. Spur seeks an
22 order pooling all uncommitted interest within the Yeso
23 formation underlying a 320-acre, more or less,
24 standard horizontal spacing unit comprised of the
25 south half north half and north half south half of

1 section 14, Township 17 South, Range 32 East, in Lea
2 County. Spur proposes to dedicate the unit to the
3 Miller Federal Com 10H, 20H, 21H, 70H, and 71H wells.
4 This is a proximity tract unit with the 10H being the
5 proximity tract defining well.

6 We've provided with our exhibits the
7 affidavit of landman Lance Young and geologist Matthew
8 Van Wie. Mr. Young provides the standard land
9 exhibits, the tract ownership information, and
10 identification of pooled parties are provided in
11 Exhibit A3. You'll see that quite a few parties are
12 listed, although most of them are overriding royalty
13 interest owners.

14 Mr. Van Wie provides a location map,
15 structure map, cross-section, and gun barrel. My
16 notice affidavit is Exhibit C. We provided notice to
17 all affected parties by certified mail and also timely
18 published notice. We received return receipts from
19 almost all of the parties. We provided the post
20 office tracking report for parties who did not send
21 receipts, and I think most of those actually had
22 picked up the certified mail according to the post
23 office record.

24 So with that, unless there are
25 questions, I request that the exhibits be admitted and

1 that the case be taken under advisement. Thank you.

2 MR. BRANCARD: Thank you.

3 Mr. Garcia, questions?

4 MR. GARCIA: No questions.

5 MR. BRANCARD: Thank you.

6 The only thing I would note is looking
7 at your very tidy print page covering interest
8 ownership, page 19 of the PDF, it looks like Spur only
9 owns 3.8 percent of the working interest?

10 MS. HARDY: I'm trying to decipher that
11 page myself.

12 MR. BRANCARD: I'm looking at the right
13 column and the bottom line, SEP, I assume that's Spur.

14 MS. HARDY: Yes, it is Spur. That is
15 what this seems to show. I believe -- I'm not sure if
16 that's correct. I can confirm with --

17 MR. BRANCARD: Well, pretty impressive,
18 and no one's objecting.

19 MS. HARDY: That's correct.

20 MR. BRANCARD: And unlike say,
21 Colorado, we don't have a threshold for filing an
22 application in terms of interest, so --

23 MS. HARDY: Right.

24 MR. BRANCARD: -- with that, are there
25 any other interested persons in case 23305? Hearing

1 none, the exhibits will be admitted into the record,
2 and 23305 will be taken under advisement.

3 MS. HARDY: Thank you very much.

4 MR. BRANCARD: Okay. With that, we are
5 on item number 27, case 23307.

6 Crockett Operating?

7 MS. VANCE: Good morning, Mr. Hearing
8 Examiner and Mr. Garcia. Paula Vance with the Santa
9 Fe office of Holland & Hart on behalf of the applicant
10 Crockett Operating, LLC.

11 MR. BRANCARD: Are there any other
12 interested persons for case 23307?

13 MR. ENGINEER: Good morning,
14 Mr. Examiner. This is Percy Engineer, land manager
15 for Crockett Operating.

16 MR. BRANCARD: Thank you, Mr. Engineer.
17 And with that, Crockett may proceed.

18 MS. VANCE: Thank you, Mr. Hearing
19 Examiner. So in case 23307, Crockett seeks to pool
20 uncommitted interest within the San Andres formation.
21 And that's pool -- the pool is Bronco San Andres south
22 oil pool, and the code is 7500, and that's underlying
23 a standard 480-acre, more or less, horizontal spacing
24 unit comprised of the east half of Section 31 and the
25 southeast quarter of Section 30, Township 13 South,

1 Range 38 East, and that's in Lea County, New Mexico.
2 And Crockett seeks to dedicate the spacing unit to the
3 proposed Ackbar 30 31 B Fee Number 5H well.

4 And in this case we've provided the
5 compulsory pooling checklist as well as the
6 self-affirmed statement of landman Mr. Percy Engineer
7 who has joined us and the geologist Zachary Kaler,
8 both of whom have previously testified before the
9 division, and their credentials have been accepted as
10 a matter of record.

11 Mr. Engineer's self-affirmed statement
12 is Exhibit C which also includes Exhibit C1, the C102,
13 C2 which is the land tract map and ownership
14 breakdown, C3, a sample well proposal letter and AFEs,
15 and C4, a chronology of contacts. This is followed by
16 Mr. Kaler's self-affirmed statement which is Exhibit
17 D, and that includes Sub-Exhibits D1, a locator map,
18 D2, a subsea structure map, D3, a cross-section map,
19 and D4, a stratigraphic cross-section.

20 In these cases, Mr. Kaler did not
21 observe any faulting, pinchouts, or other geologic
22 impediments to the horizontal drilling of this well.
23 And then lastly is Exhibit E which is a self-affirmed
24 statement of notice with sample letters that were
25 timely mailed on January 13, 2023. And Exhibit F,

1 which is an affidavit of notice of publication which
2 was timely published on January 17, 2023. And unless
3 there are any questions, I would ask that the exhibits
4 and all sub-exhibits be admitted into the record, and
5 that this case be taken under advisement by the
6 division at this time.

7 MR. BRANCARD: Thank you.

8 Mr. Garcia, any questions?

9 MR. GARCIA: No questions.

10 MR. BRANCARD: Okay. So I think we
11 need a little bit of elaboration on the role of the
12 applicant here.

13 MS. VANCE: Absolutely. So previously
14 when we filed with Crockett in the Ackbar 1H and the
15 Anakin 1H, we provided a exhibit there. There were no
16 questions regarding that exhibit that explained the
17 relationship between Vader Exploration, which is the
18 parent company to Crockett Operating, LLC. The
19 companies are -- share the same exact management and
20 ownership. We can provide that same exhibit here, but
21 if you'll look at Exhibit C, which is Mr. Engineer's
22 self-affirmed statement, paragraph 2, he states
23 Crockett is an affiliate of Vader Exploration and
24 Production, LLC.

25 MR. BRANCARD: Thank you. That's -- I

1 mean, I just wanted to understand what affiliate
2 meant. So --

3 MS. VANCE: Yes, and I think if you'd
4 like us to file that supplement we can. Also,
5 Mr. Engineer is on the line, and so I'm sure he would
6 be happy to explain the same exact information that we
7 can file with the supplemental exhibit.

8 MR. BRANCARD: I think that's fine. I
9 was just a little taken aback by the list of people --
10 interest owners in the document which listed Crockett
11 at zero, and so -- normally you don't even list
12 yourself if you're an affiliate, but -- so anyway, I
13 just wanted a little more clarification what affiliate
14 meant.

15 MS. VANCE: That sounds good, I mean --
16 unless you need any further explanation. If what I've
17 provided on the record is good, I would just ask that
18 the division take the hearing and packet and all the
19 information under advisement.

20 MR. BRANCARD: I think that's fine.
21 And so this is in the San Andres formation?

22 MS. VANCE: That's correct, Mr. Hearing
23 Examiner.

24 MR. BRANCARD: I assume there are no
25 injection wells nearby?

1 MS. VANCE: I would not have an answer
2 for that off the top of my head, and I'm not sure
3 Mr. Engineer would either. We may have to reach out
4 to the geologist for that.

5 MR. ENGINEER: I can actually answer
6 that question, Mr. Examiner. There are --

7 MR. BRANCARD: Mr. Engineer, could you
8 wait a second?

9 MR. ENGINEER: Yes, sir.

10 MR. BRANCARD: Before you start
11 testifying could you raise your right hand?

12 PERCY ENGINEER,
13 called as a witness, and having been first duly sworn
14 to tell the truth, the whole truth, and nothing but
15 the truth, was examined and testified as follows:

16 MR. BRANCARD: Thank you.

17 MR. ENGINEER: Yeah, there are -- there
18 are no -- there are no injectors within a several mile
19 radius that are injecting in this San Andres. We had
20 an old injector that I don't believe injected in the
21 last 20 years into the formation, so there are
22 currently no -- no injectors I'd say -- I'm estimating
23 probably about a six to ten mile radius where there's
24 any injection into the San Andres, to the best of my
25 knowledge.

1 MR. BRANCARD: Thank you. That's
2 helpful. I was just curious, because this unit is
3 used sometimes for reduction and sometimes for
4 injection.

5 MR. ENGINEER: Yes, sir.

6 MR. BRANCARD: All right. With that,
7 any other questions, Mr. Garcia?

8 MR. GARCIA: No questions.

9 MR. BRANCARD: With that, the exhibits
10 in case 23307 will be admitted into the record, and
11 the case will be taken under advisement.

12 MS. VANCE: Thank you, Mr. Hearing
13 Examiner, and thank you, Mr. Garcia.

14 MR. BRANCARD: Thank you.

15 With that, I am on item 28, case 23317.
16 Mewbourne Oil Company?

17 MR. FELDEWERT: Good morning,
18 Mr. Brancard and Mr. Garcia. Michael Feldewert with
19 the Santa Fe office of Holland & Hart on behalf of the
20 applicant.

21 MR. BRANCARD: I have an entry of
22 appearance from MRC Permian.

23 MR. BRUCE: Yes, Mr. Examiner. Jim
24 Bruce on behalf of MRC Permian, and I would state that
25 MRC Permian does not object to this matter moving

1 forward by affidavit and really has no questions to
2 that.

3 MR. BRANCARD: Thank you. That's
4 helpful, because don't you two lawyers usually
5 represent the other companies?

6 MR. BRUCE: Oh, it's a coinflip between
7 Mr. Feldewert and I.

8 MR. FELDEWERT: We have a weekly
9 conference.

10 MR. BRANCARD: Any other interested
11 persons in case 23317? Hearing none, Mewbourne may
12 proceed.

13 MR. FELDEWERT: Thank you,
14 Mr. Examiner. In this application, Mewbourne seeks to
15 pool the Bone Spring formation underlying a non-
16 standard 640-acre spacing unit comprised of the east
17 half of Sections 15 and 10, 18 South, 33 East, Lea
18 County. And we note in our application and in our
19 previous hearing statement and in the exhibits that
20 upon approval of this application, the division can
21 vacate pooling orders R-22377 and R-22378 which
22 currently cover the same acreage.

23 Our exhibit package contains the
24 application and the compulsory pooling checklist, and
25 then our Exhibit A is the land statement from Tyler

1 Jolly, who is the landman. And I think of initial
2 importance is that he states in paragraph 4 of his
3 statement that the non-standard spacing unit has
4 already been approved by the division under
5 administrative order NSP-2144, therefore we only need
6 to now pool this acreage for the proposed wells.

7 Mr. Jolly has then provided as Exhibit
8 A1 the C102s for the two initial wells. A2 is his
9 tract map showing the orientation of the wells and the
10 various tracts that are involved in what I'll call the
11 east half acreage. He then has his ownership
12 breakdown in Exhibit A3, and at the end of that
13 exhibit he identifies in red font the parties that the
14 company seeks to pool, which in total comprise about
15 eight percent of the working interest in this entire
16 east half of these two sections.

17 Exhibit A4 is the initial well proposal
18 letter that was sent out by the company for these two
19 wells, and then Exhibit 5 is the chronology of
20 contacts with the parties that the company seeks to
21 pool. Exhibit B is a statement from geologist
22 Mr. Jordan Carrell who has previously testified before
23 the division as an expert. He provides in B1 a
24 location description for this acreage. B2 is his
25 structure map showing on it the wells from A to A

1 Prime that he has utilized to create a cross section,
2 and then B3 is his cross-section for this acreage in
3 which he has identified with a red arrow the target
4 zone for the initial two wells.

5 Exhibit C is my affidavit reflecting
6 that notice was sent out to the working interest
7 owners and contains the letter that was utilized, as
8 well as the most recent printout of the status of the
9 delivery. And since some of those parties have yet to
10 pickup their package, or it has yet to be apparently
11 delivered, we provide as Exhibit D as David a notice
12 of publication for this particular map. So with that,
13 we would ask that Exhibits A through D be admitted,
14 and that this matter be taken under advisement.

15 MR. BRANCARD: Thank you.

16 Mr. Garcia, questions?

17 MR. GARCIA: Thank you for writing the
18 NST number on this --

19 MR. FELDEWERT: Sure.

20 MR. GARCIA: One question, and it's
21 purely for myself. Do you -- combining two orders
22 into one order? Is it just for internal tracking
23 interest for the operators? Solely for self-
24 knowledge.

25 MR. FELDEWERT: Certainly. Yes. And

1 that's why I referenced the two prior orders. I
2 didn't -- procedurally, yes. We're wrapping those two
3 orders into -- the acreage that's involved in those
4 two orders into this case, which is why we requested
5 that once the -- or maybe as part of the order issued
6 in this case, the division would then vacate the two
7 existing orders that we identified in our application.

8 MR. GARCIA: Yeah. So really it's for
9 ease of tracking them for --

10 MR. FELDEWERT: I'm sorry, I missed
11 that.

12 MR. GARCIA: So basically making it one
13 large one is just ease of tracking interest owners
14 mainly?

15 MR. FELDEWERT: It's -- really it's for
16 purposes of allowing -- you know, if we do it this
17 way, they're able to deal with some of the co-mingling
18 issues more effectively.

19 MR. GARCIA: Yeah. Thank you. It's
20 not the first time I've had something like this before
21 me, so I was interested.

22 MR. FELDEWERT: Yeah -- yeah.

23 MR. GARCIA: That's call my questions,
24 Mr. Brancard.

25 MR. FELDEWERT: I think you're muted,

1 Bill.

2 MR. BRANCARD: You're coming in a
3 little soft, Mr. Garcia, so just be aware.

4 Okay. Have these wells been drilled?

5 MR. FELDEWERT: No.

6 MR. BRANCARD: All right.

7 MR. FELDEWERT: At least -- well, let
8 me step back. Maybe I spoke too soon. Not to my
9 knowledge. I haven't looked at the division's files,
10 and I didn't ask that question, but I don't -- I don't
11 think so, Mr. Examiner.

12 MR. BRANCARD: So -- okay. We have two
13 --

14 MR. FELDEWERT: In fact, let me step
15 back. They have not been drilled.

16 MR. BRANCARD: Okay. We have two
17 orders for two standard spacing units. We issued
18 those orders. Did Mewbourne send out then AFEs to the
19 parties saying, "Are you going to join the well or
20 not?" But they haven't, because they haven't drilled
21 the wells. Okay.

22 MR. FELDEWERT: Correct. So before any
23 of that occurred, Mewbourne decided to pursue the
24 non-standard spacing unit route which resulted first
25 in the administrative approval of the non-standard

1 spacing unit, and now the filing of this pooling
2 application to essentially replace the two existing
3 pooling orders.

4 MR. BRANCARD: Okay. So we issue one
5 or more orders getting rid of the old orders and
6 putting a new order in place.

7 MR. FELDEWERT: Yes.

8 MR. BRANCARD: Okay. And then
9 Mewbourne will have to send out, right before it
10 drills, the offer to the parties.

11 MR. FELDEWERT: To participate in the
12 pooling order, yes.

13 MR. BRANCARD: Yes. Okay. Correct.
14 Thank you. My concern -- and we can talk about
15 whether it's a real concern or not -- is that what you
16 used in this application for notifying the parties and
17 giving the -- sending them AFEs is what Mewbourne did
18 in the first set of applications.

19 MR. FELDEWERT: Yes, and I did look at
20 that. And when I go to the letter, it says, "hereby
21 proposes to creating a working interest unit
22 comprising the east half of Section 15 and the east
23 half of Section 10." That's what we're doing here.
24 So I think all along they hoped to develop this as an
25 east half working interest unit, either by voluntary

1 agreement or eventually now by pooling.

2 MR. BRANCARD: So when you send out the
3 AFEs, does the company normally say, "Okay, we think
4 this well is going to cost 6.5 million, and your
5 percentage would be X"?

6 MR. FELDEWERT: So let me -- let's step
7 back here. I -- I'm not sure exactly how each land
8 person does it within Mewbourne. I know that in this
9 particular case, when I look at Exhibit A4, there is
10 no breakdown of a company's percentage. Now what they
11 do once they get the pooling order, and they send out
12 -- so in other words, unless the spacing unit is
13 actually put together, either by agreement or by the
14 pooling order, and they're at a point there to know
15 what the acreage dedication is going to be -- at that
16 point I don't know whether they -- when they send out
17 the AFE whether they provide an interest breakdown or
18 not.

19 But certainly in this Exhibit A3, part
20 of this pooling case if you go to the last page, that
21 is everybody's interest in the non-standard spacing
22 unit.

23 MR. BRANCARD: All right. And my
24 concern is that that percentage is different than the
25 percentages in each of the two prior units.

1 MR. FELDEWERT: Well, it would be
2 different, because we're combining the acreage. The
3 prior units did have it -- if you go into the file,
4 I'm pretty confident it had it broken down by spacing
5 unit. So it may or may not have been different
6 depending upon -- yeah, it would have been different,
7 because the tracks are different. But there was no
8 proposed -- there was no election that was sent out
9 under those prior orders.

10 MR. BRANCARD: Okay.

11 MR. FELDEWERT: So the election that's
12 going to go out now will be under -- once this order
13 is issued -- will be under the existing order with the
14 percentages shown on Exhibit A3.

15 MR. BRANCARD: Has anything changed
16 about the wells? Are they the same wells?

17 MR. FELDEWERT: The wells are the same.

18 MR. BRANCARD: Okay.

19 MR. FELDEWERT: The only thing -- I
20 know that painstakingly, because when I first got the
21 C102s and I put together the package, they had the 320
22 acres dedicated rather than 640. So that was the only
23 thing we had to change. Pool was the same, location
24 was the same, the dedicated acres -- we almost missed
25 that, Mr. Examiner. I'm sure you would have pointed

1 it out to us.

2 MR. BRANCARD: Maybe, maybe not. So
3 you see what I'm getting at is I'm sort of wondering
4 whether with the new application you can rely on the
5 AFEs that were sent out -- the well proposals that
6 were sent out under the prior applications, which is
7 what you're doing here.

8 MR. FELDEWERT: Well, I think it
9 depends upon how the letter was drafted. I mean, in
10 this case when I looked at the letter, this is exactly
11 what we're doing. When I look at A4, this is exactly
12 what we're doing here with this pooling application.

13 MR. BRANCARD: I see what you mean.
14 Yeah.

15 MR. FELDEWERT: But I -- and I did look
16 at that.

17 MR. BRANCARD: In other words, they
18 treated it as one unit initially.

19 MR. FELDEWERT: Yes.

20 MR. BRANCARD: Okay. Even though they
21 were part of separate spacing units in their
22 applications.

23 MR. FELDEWERT: Yeah. I mean, when it
24 got time to file the applications, you know, we had to
25 split it out. But until -- they were then able to get

1 a non-standard spacing unit approved without
2 objection.

3 MR. BRANCARD: Okay. All right.

4 Mr. Garcia, any concerns about this
5 process?

6 MR. GARCIA: I mean, I think the bigger
7 concern I have isn't this case. It's that -- those
8 landman letters that do send out AFEs are very, very
9 vague. The more hearing orders I issue, the more
10 public phone calls I receive. I got an AFE for \$10
11 million. If there's a fee to pay, it doesn't say how
12 much to pay. And that's pretty vague across the board
13 for all law firms and all -- I guess maybe recommend
14 to the landman in the future to assemble one line
15 of -- you know, person A, you own three percent of
16 this spacing unit or are entitled to three percent of
17 the AFE.

18 MR. FELDEWERT: Yeah, I mean my -- I
19 hear you. My only response to that is let's keep in
20 mind what this is. This is the initial proposal for
21 all parties to commence the discussion of good faith
22 efforts to reach a voluntary agreement; right? So
23 things -- unless they sign a JOA, they're not going to
24 be submitting their money or sending their election
25 until we get the pooling order, at which point in time

1 then the landman has to send out the well proposal
2 under the pooling order with, "This is how much you
3 owe."

4 MR. GARCIA: And that's the ones I'm
5 talking about. Those are the ones --

6 MR. FELDEWERT: Yeah, and I agree.
7 Those need -- I don't disagree with that. I'm sure
8 that they do that, otherwise how would anybody know
9 how much they're supposed to pay under an AFE under a
10 pooling order? So I'm sure they do that.

11 MR. GARCIA: Yeah. The increase in my
12 phone calls -- lead me to believe otherwise, so I
13 would recommend it to your landman.

14 MR. FELDEWERT: I didn't realize you
15 were getting phone calls. Okay.

16 MR. GARCIA: Yeah, when they call me up
17 with a hearing order number with an AFE cost and say,
18 "I don't know how much to pay," maybe across the board
19 recommend to all of your clients.

20 MR. FELDEWERT: Yeah. That's a good
21 idea.

22 MR. GARCIA: And that goes for all of
23 you, Counsel.

24 MR. BRANCARD: Yeah, and that's a good
25 idea, even at the well proposal stage. Because if

1 you'd like to get somebody to sign a JOA, they should
2 know what, you know, what -- how much they're in for.
3 And often the people -- I think that Mr. Garcia gets
4 calls from are people who have really small interests,
5 you know?

6 MR. GARCIA: Yeah.

7 MR. BRANCARD: You know, a .5 interest
8 of a \$9 million well is not that great, but when you
9 see the only number you have is in the \$9 million
10 well, it's a bit daunting.

11 MR. FELDEWERT: I understand, yeah.
12 Yeah. And I just made a note to tell my client.

13 MR. BRANCARD: With that, are there any
14 other interested persons for case 23317? Hearing
15 none, the exhibits will be admitted into the record,
16 and case 23317 -- and I don't think we had anything
17 else you need to submit; is that correct,
18 Mr. Feldewert?

19 MR. FELDEWERT: As far as I'm -- yes, I
20 think you have what you need.

21 MR. BRANCARD: Okay. The case will be
22 taken under advisement then.

23 MR. FELDEWERT: Thank you.

24 MR. BRANCARD: With that, we are on
25 item 29, case 23322.

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OXY USA?

MR. RANKIN: Good morning,
Mr. Examiner, Examiner Garcia. Adam Rankin appearing
on behalf of the applicant in this case with the Santa
Fe office of Holland & Hart.

MR. BRANCARD: Thank you.

Are there any other interested persons
for case 23322? Hearing none, OXY may proceed.

MR. RANKIN: Good morning,
Mr. Examiner. If it may please the division, in this
case OXY seeks an order pooling all uncommitted
mineral owners in the Wolfcamp formation underlying a
standard 1,278.62-acre, more or less, horizontal well
spacing unit comprised of Sections 3 and 10 all within
Township 24 South, Range 29 East, in Eddy County, New
Mexico.

In this case, Mr. Examiner, the only
uncommitted owner that OXY is seeking to pool here is
a company by the name of MBR Resources, which is a
bare-record title owner in the BLM -- listed in the
BLM serial registry page, which means that they have
no working interest, they are not a cost-bearing
interest, and they do not have any revenue interest in
the production from this base unit. OXY is seeking to
pool this party in order to allow them to obtain a

1 communitization agreement from the BLM. In this case,
2 OXY is seeking to initially dedicate to the horizontal
3 well spacing unit eight initial wells that have been
4 drilled and completed and are producing, designated as
5 the Tails CC 10-3 Federal Com Wells, the Tails 38H
6 Well is within 338 feet of the offsetting quarter
7 sections or the equivalent tracks to allow the
8 inclusion of the additional proximity tracks into an
9 enlarged spacing unit.

10 Mr. Examiner, filed on Tuesday was a
11 exhibit packet, Exhibits A through F. Exhibit A is a
12 copy of the compulsory pooling application checklist
13 which identifies the elements necessary for the
14 divisions orders and pooling. Identifying the spacing
15 unit, the acreage, the orientation of the wells, the
16 wells that are dedicated to the spacing unit, the
17 proximity-defining well, and the other elements under
18 the pooling order.

19 Exhibit B is a copy of the application
20 that was filed in this case. Exhibit C is the
21 self-affirmed statement of OXY's landman, Mr. Peter
22 Van Liew. Mr. Van Liew has previously testified
23 before the division and has had his credentials as an
24 expert in petroleum land matters accepted. In
25 Mr. Liew's statement, he reviews the basis -- he

1 reviews the proposed spacing unit, the formation
2 that's being pooled, the wells that are dedicated to
3 it, and explains the basis for, and the reason, that
4 they're seeking to pool MBR Resources in this case.

5 Mr. Liew also explains that the company
6 that they're seeking to pool based on his review of
7 the Texas Secretary of State website is no longer in
8 place -- is defunct. And he has -- explains his
9 efforts to identify that company and operators of the
10 company, as well as the company's registered agent and
11 provided notice and request for verification of the
12 BLM communization agreement. I was unable to locate
13 them, and so therefore we had to resort to pooling to
14 combine their interests into this spacing unit.

15 His Exhibit C1 is a copy of the C102
16 status drill for each of the wells. His Exhibit C2 is
17 a tract map identifying the different leases that
18 comprise the spacing unit. It also identifies the
19 specific tract from which MBR Resources is the record
20 title owner. Mr. Examiner, just so you're clear, we
21 did not include an ownership breakdown of the mineral
22 owners or their working interests in this case,
23 because all those interests have voluntarily committed
24 to a joint-operating agreement which is in place, and
25 so because MBR Resources does not own a fractional

1 interest or proportionate interest in the spacing
2 unit, we did not provide that as an exhibit.

3 Exhibit C3 is a copy of Mr. Van Liew's
4 communication efforts to research and identify --
5 locate each of the parties -- well, rather MBR
6 Resources, and then also the operators that were
7 identified in the Texas Secretary of State website, as
8 well as the registered agent.

9 Just to be clear, because MBR Resources
10 is a non-cost bearing interest, OXY is not seeking to
11 impose a proportionate share of cost or risk charges,
12 overhead or administrative costs, for drilling or
13 completing these wells. OXY provided us with a copy
14 of the addresses and the information that it
15 identified for each of the -- for the company itself
16 and then each of the operators that it was able to
17 locate through our online records.

18 Exhibit D is a copy of the
19 self-affirmed statement of Mr. Seth Brazell. He has
20 not previously testified before the division,
21 therefore attached to his self-affirmed statement,
22 Exhibit D, is his resume, marked as Exhibit D1, which
23 reviews his educational background and work history as
24 a petroleum geologist. Mr. Examiner, based on his
25 experience and education and work, I ask that he be

1 recognized before the division as an expert in
2 petroleum geology.

3 MR. BRANCARD: There being no
4 objections, so recognized.

5 MR. RANKIN: Mr. Examiner, attached is
6 a statement as well, Exhibit D2 is a locator map that
7 identifies OXY's spacing unit. Exhibit D3 is a
8 structure map that he's prepared on top of the
9 Wolfcamp identifying the wellbore paths and other
10 elements of the geologic analysis. He notes that he
11 did not observe any faulting, pinchouts, or geologic
12 impediments to the drilling of the corresponding wells
13 in the acreage.

14 Exhibit D3 also shows the line of
15 cross-section, identifying the wells that he's used to
16 create a cross-section in this next Exhibit D4. And
17 that exhibit is a structural cross-section identifying
18 the target zones for each of the wells in the spacing
19 unit. He confirms that the orientation of the wells
20 is appropriate, and that each of the wells will
21 contribute more or less equally to production from the
22 spacing unit.

23 Mr. Examiner, because we did have some
24 issues identifying these parties, we -- well, let me
25 back up. First, Exhibit E is a copy of the affidavit

1 prepared by me and my office reflecting that we have
2 provided each of the individuals identified to us by
3 OXY. Attached to my letter is a copy of the notice
4 letter that went out to each of these individuals with
5 the updated information from the division, and then a
6 copy of the current tracking information as of last
7 week.

8 And then in addition, because some of
9 them were still outstanding, we published notification
10 in the newspaper identifying the company and the
11 individual operators by name, so that they would have
12 effective notice of a location.

13 Mr. Examiner, at this time I would move
14 then Exhibits A through F and their attachments and
15 stand ready for any questions that you or Mr. Garcia
16 may have.

17 MR. BRANCARD: Thank you.

18 Mr. Garcia, any questions?

19 MR. GARCIA: No questions.

20 MR. BRANCARD: So just to make clear
21 for the record, Mr. Rankin -- these are 320-acre
22 building blocks? The building blocks are oriented the
23 same direction as the well, and you have a proximity
24 well in between?

25 MR. RANKIN: That's correct.

1 MR. BRANCARD: Thank you.

2 Are there any other interested persons
3 then for case 23322? Hearing none, the exhibits will
4 be put into the record, and case 23322 will be taken
5 under advisement.

6 MR. RANKIN: Thank you, Mr. Examiner.

7 MR. BRANCARD: Once again, I'll check
8 in with our court reporter. Are we doing okay?

9 THE REPORTER: I'm doing fine.

10 MR. BRANCARD: Thank you. We're on
11 item number 30, case 23323.

12 Chevron USA?

13 MR. RANKIN: Good morning,
14 Mr. Examiner. May it please the division, Adam Rankin
15 appearing on behalf of the applicant in this case.

16 MR. BRANCARD: We have an entry of
17 appearance from Coterra Energy.

18 MR. SAVAGE: Good morning,
19 Mr. Examiner, Mr. Garcia. Darin Savage with Abadie &
20 Schill on behalf of Coterra Energy, et al.

21 MR. BRANCARD: Thank you. Does Coterra
22 have any objections to this case going forward by
23 affidavit?

24 MR. SAVAGE: No objections. Thank you.

25 MR. BRANCARD: Any other interested

1 persons for case 23323? Hearing none, Chevron may
2 proceed.

3 MR. RANKIN: Thank you, Mr. Examiner.
4 In this case, Chevron seeks an order pooling all
5 uncommitted interests in the Wolfcamp formation,
6 underlying a standard 640-acre, more or less,
7 horizontal spacing unit comprised of the west half of
8 Sections 3 and 10 within Township 23 South, Range 28
9 East, in Eddy County, New Mexico. The spacing unit is
10 proposed to be initially dedicated to three wells: CB
11 Amilyn, 10 3 Fed Com, P13 401H, 402H, and 403H wells.

12 Mr. Examiner, on Tuesday we filed in
13 this case an exhibit packet consisting of Exhibits A
14 through F. Exhibit A is a copy of the compulsory
15 pooling checklist which identifies the necessary
16 elements of a pooling to be included in the division's
17 pooling orders identifying the applicant to the
18 operator and the well family proposed spacing unit,
19 orientation of the well, and other elements of the
20 proposed spacing unit.

21 Exhibit B is a copy of the application
22 that was filed in this case. Exhibit C is a copy of a
23 self-affirmed statement of Mr. Douglas Crawford.
24 Mr. Crawford is a landman with Chevron. He has not
25 previously testified before the division, therefore

1 Mr. Examiner, we have attached to his statement his
2 resume which includes his educational background and
3 work experience as a petroleum landman. We ask at
4 this time that the division, based on his
5 qualifications and experience, be recognized as an
6 expert petroleum witness before the division.

7 MR. BRANCARD: Hearing no objections,
8 so recognized.

9 MR. RANKIN: Mr. Examiner,
10 Mr. Crawford's land statement reviews the proposed
11 spacing unit, identifies the acreage and the wells to
12 be dedicated, and his Exhibit C2 is a copy of the
13 C102s for the proposed wells reflecting that these
14 wells would be assigned to the Purple Sage Wolfcamp
15 gas pool. Exhibit C3 is a tract map that identifies
16 the tracts and leases that will comprise the acreage
17 in the spacing unit, as well as the interests that
18 comprise the spacing unit, including the overriding
19 royalty interests and the working interests that
20 remain uncommitted.

21 These are indicated in that exhibit by
22 bold and an asterisk. So each of the parties that are
23 bolded with an asterisk are parties that Chevron is
24 seeking to pool in this case. There are no depth
25 severances. Exhibit C4 is a sample of the well

1 proposal letters that were sent out by Mr. Crawford to
2 the parties that own an interest in the acreage. The
3 costs reflected in the AFEs are similar to what
4 Chevron and other operators in the area have incurred
5 for doing similar wells in the acreage.

6 Exhibit C5 is a summary of the
7 chronology and efforts to identify, locate, and reach
8 agreement with each of the working interests.
9 Mr. Crawford confirms that in his opinion, he has made
10 a reasonable and good faith effort to reach agreement
11 with each of those parties. In this case, Chevron is
12 seeking an overhead administrative cost of 8,000 a
13 month for drilling and 800 a month for producing.
14 Mr. Crawford provided us with all the names of the
15 parties that are subject to the proposed pooling in
16 this case.

17 Exhibit D is the self-affirmed
18 statement of Ms. Natthawee Hinthong, and she is a
19 geologist with Chevron and also has not previously
20 testified before the division, therefore she has
21 attached to her self-affirmed statement a copy of her
22 work experience and educational background as a
23 petroleum geologist. Mr. Examiner, at this time if
24 there are no objections, I would ask that Ms. Hinthong
25 be accepted and recognized as an expert in petroleum

1 geology before the division.

2 MR. BRANCARD: Hearing no objection, so
3 recognized.

4 MR. RANKIN: Attached to her
5 self-affirmed statement is Exhibit D2, which is a
6 locator map identifying the area of interest here
7 where Chevron is seeking to pool. Exhibit D3 is a
8 subsurface structure map that she prepared on top of
9 Wolfcamp A -- interval showing the structure of the
10 geology in the target zones. She has identified no
11 faulting or pinchouts or other geologic impediments to
12 development of horizontal wells in the area.

13 Her D4 Exhibit also shows the
14 cross-section lines comprised of three wells that she
15 has used and are representative of the geology in the
16 area for construction of a structure map in her
17 next -- rather, stratigraphic cross-section in her
18 next Exhibit, D5. That D5 Exhibit identifies the
19 target intervals within the Wolfcamp and demonstrates
20 that the target zones are consistent and present
21 across the entire spacing unit.

22 She confirms that she believes this
23 acreage is appropriate for horizontal well
24 development, and is in the interest of conservation,
25 prevention of waste, and that they're oriented

1 properly for development in the area.

2 Let's see. Exhibit E is a copy of the
3 affidavit prepared by myself and our office reflecting
4 that we provided notice to each of the parties who are
5 subject to compulsory pooling in this case and also
6 have caused a publication in the newspaper identifying
7 each of the parties by name, which is attached as well
8 as Exhibit F. Also in Exhibit E is a copy of the
9 letter we sent out providing notice to each of the
10 parties of today's hearing and the status of those
11 mailings by certified mail is attached to that letter,
12 reflecting the delivery status to each of these
13 individuals, because some of them I believe reflected
14 they're not yet, or may not have been picked up.

15 We have also included a notice of
16 publication attached as Exhibit F that reflects each
17 of the parties by name has been given notice in the
18 Carlsbad Current-Argus in a timely manner. With that,
19 Mr. Examiner, I think I would move Exhibits A through
20 F and their attachments to be accepted into the record
21 and ask, if there are no questions, that the case be
22 taken under advisement.

23 MR. BRANCARD: Thank you.

24 Mr. Garcia, any questions?

25 MR. GARCIA: No questions.

1 MR. BRANCARD: I will go to Coterra
2 Energy. Any questions?

3 MR. SAVAGE: No questions. Thank you.

4 MR. BRANCARD: Okay.

5 I will just say, Mr. Rankin, I'm
6 looking at your list of interest owners. It seems
7 like it's after your Exhibit C3; is that right?

8 MR. RANKIN: Yep.

9 MR. BRANCARD: You have this by tract
10 only; is that correct?

11 MR. RANKIN: I'm sorry, Mr. Examiner.
12 I should have been -- articulated that, because
13 there's a lot of gobbledygook at the headings for each
14 column. And so you'll see going from left to right,
15 the gobbledygook I'm referring to are acronyms, and
16 the first column, denoted as TRGW1 is the tract basis.
17 The next column over to the right is the unit basis.
18 So it has both a unit interest and -- rather, both a
19 tract basis and a unit basis within this chart. The
20 next two columns relate to the revenue interest, which
21 are not -- not relevant for purposes of the division.

22 MR. BRANCARD: But the second column,
23 the unit interest, is simply a translation of what
24 that tract's interest translates into for the unit?

25 MR. RANKIN: It -- it is --

1 MR. BRANCARD: It's not the interest of
2 that party for the entire unit?

3 MR. RANKIN: It is, Mr. Examiner. If
4 you look, for example, at the Magnum Hunter in tract 1
5 at the top, you'll see that it identifies the mineral
6 owner as the United States of the federal tract, and
7 then below that you have Magnum Hunter Production,
8 which is an affiliate of Coterra. So they have 100
9 percent of the working interest in that tract, but
10 when you look at it on a unit basis, it's 18.7
11 percent.

12 MR. BRANCARD: Right, but if you go
13 down to say, the next item, and you go look at the
14 Chevron numbers for your tract 2.

15 MR. RANKIN: Yeah.

16 MR. BRANCARD: The unit interest of
17 Chevron is just taking that tract's interest and
18 saying what part of the unit that is. It's not saying
19 the higher interest is Chevron.

20 MR. RANKIN: In the --

21 MR. BRANCARD: So what I'm saying
22 basically is you don't have a cumulative chart here
23 anywhere.

24 MR. RANKIN: I -- I see -- I think I
25 see what you're saying. I think what I'm telling you,

1 Mr. Examiner, is that the unit interest in that second
2 column is what that interest amounts to on a unit-wide
3 basis. But you're pointing out that Chevron USA has
4 interest in different tracts, and you'd have to add
5 those up to get to the total?

6 MR. BRANCARD: Yes.

7 MR. RANKIN: On a unit basis that's
8 true. So you'd have to just do a little math here,
9 but you can see in the second column that it does have
10 what that interest is on a unit basis, you just would
11 have to add the interests to come to a total.

12 MR. BRANCARD: I guess what I'm more
13 interested in is having in one place, which we often
14 have in applications, a list of all the pooled
15 parties.

16 MR. RANKIN: Yeah. And that's here.
17 They are all identified in this one -- one exhibit. I
18 guess what you're asking for though is a separate
19 column that just would have a total interest across
20 the entire unit that would sum everything in column 2?

21 MR. BRANCARD: Yeah, or just a list of
22 the pooled parties, frankly. I mean, the unit
23 interest is interesting, but the -- I mean -- because
24 here is the point. When we go to look at the
25 notice -- who is getting noticed -- we want to be able

1 to compare who is getting noticed to who the pooled
2 parties are. And so if we have all of the pooled
3 parties in one place, it's easier to compare it to
4 further on in your document who got noticed -- and
5 make sure that you got notice to all the people you're
6 listing as pooled. So it would be helpful just of who
7 are the parties you are pooling.

8 MR. RANKIN: Okay. So Mr. Examiner, I
9 just want to clear, because this Exhibit C3 does
10 contain a list of the parties that we're pooling
11 identified in bold with an asterisk for each of those
12 -- each of those parties of the pooled parties.

13 MR. BRANCARD: Right. But they are
14 mixed up in various tracts, and some of them have
15 interest in more than one, so it would be good to have
16 a list of all of them to compare. Because when I kind
17 of glance, I just picked a couple names, picking names
18 of people who I knew, which is really odd that I
19 actually knew some people on this list. I noticed
20 that, you know, Lisa Enfield is listed as somebody
21 with their separate property, and then she's also
22 listed as a trustee. But when you go to the notice
23 provisions, it's only sent to Lisa Enfield, trustee.
24 I don't know if that's a different address from Lisa
25 Enfield. And Cecilia Haynes becomes Cecilia Haynew

1 when it comes to the notice provisions. So trying to
2 find out whether you've missed anybody in notice, it's
3 really helpful if we had a list of just who all are
4 the pooled parties. Which I'm sure you have, because
5 that's how you got your notice out. So if you could
6 just get us a list of who are you pooling. I don't
7 even have to have interest percentages, just who are
8 they. That makes it a lot easier for us to compare
9 that to the notice provisions.

10 MR. RANKIN: Are you asking for that in
11 this case, Mr. Examiner, or what?

12 MR. BRANCARD: Yes. Because there's a
13 fair number here, and which requires therefore a fair
14 amount of notice. I'm going to make sure you did it
15 correctly.

16 MR. RANKIN: Okay, Mr. Examiner. I
17 will confer with Crawford, and we will provide a
18 single list of the parties who are being pooled.

19 MR. BRANCARD: And it's also helpful,
20 because the pooling checklist which is attached to the
21 order will say, "List of parties being pooled are at
22 this location." So if somebody wants to know who's
23 being pooled, they should be able to go right to it.

24 MR. GARCIA: Can you hear me,
25 Mr. Brancard?

1 MR. BRANCARD: Yes, we can hear you
2 great now, Mr. Garcia.

3 MR. GARCIA: My headset was dying --
4 probably why you couldn't hear me. And just one thing
5 I guess I'll keep reiterating is, you know, keep in
6 mind while building exhibit packets -- OCD is a state
7 entity. We get lots of public traffic and lots of
8 public phone calls, and some of these people are from,
9 you know, all over the country. They've never even
10 heard about OCD, have never seen a well in their
11 backyard. So you know, keeping that in mind would
12 probably help, too.

13 MR. BRANCARD: Did you have any other
14 questions or concerns, Mr. Garcia?

15 MR. GARCIA: No, no questions.

16 MR. BRANCARD: Okay. With that, do we
17 have any other interested parties then for case 23323?
18 Hearing none, the exhibits in case 23323 will be
19 admitted to the record, case will be taken under
20 advisement, and with the record left open to provide
21 us with a complete list of the pooled parties. Thank
22 you. With that, we are at item 31, case 23324.

23 Mewbourne Oil Company?

24 MR. BRUCE: Mr. Examiner, Jim Bruce on
25 behalf of Mewbourne.

1 MR. BRANCARD: Thank you.

2 And then we have an entry of appearance
3 from MRC Permian.

4 MR. FELDEWERT: May it please,
5 Examiner, Michael Feldewert from Santa Fe office of
6 Holland & Hart.

7 MR. BRANCARD: Thank you.

8 Are there any other interested persons
9 for case 23324? Hearing none, Mewbourne may proceed.

10 MR. BRUCE: Mr. Examiner, there are
11 several issues in this case, but let me first proceed
12 with the pooling portion, the stripping pooling
13 portion of the case. In this case, Mewbourne seeks to
14 pool the south half of Section 23 and the south half
15 of Section 24, 21 South, 27 East in the Wolfcamp
16 formation for the purpose of drilling two Chile Verde
17 wells.

18 Exhibit 1 is the application and
19 proposed publication notice. Exhibit 2 is the
20 statement of Josh Anderson, landman. He has been
21 previously qualified as an expert by the division.
22 The purpose of this matter is to force pool the lands
23 I've just discussed which are in -- it's a 640-acre --
24 proposed non-standard 640-acre spacing and proration
25 unit in the Lone Tree Draw-Wolfcamp pool, which is an

1 oil pool, and I will get to that in a minute.

2 Exhibit Attachment A to the landman's
3 affidavit is a general land plat, and the C102s for
4 the well, the wells are at orthodox locations in this
5 pool. Attachment D shows the tracts involved, the
6 interests owner's -- tracts. And the third page,
7 attachment B, at the top it shows the parties being
8 pooled who are MRC Permian, Ridge Runner Resources
9 Operating, and Ridge Runner Resources, Agent.

10 Attachment C is a summary of contacts
11 with the parties. If you will notice, this matter has
12 been going on for over two years, and I will also get
13 to that in a minute. Proposal letters for the parties
14 -- to the parties are attached, which went out in
15 October, 2019, and then attachment D is the AFEs for
16 the proposed well.

17 The attachment -- or excuse me, Exhibit
18 3 is the landman's of the affidavit. Charles Crosby
19 contains a structure map, and the cross-section
20 showing that the interval being pooled is pretty
21 continuous across the well unit, and each quarter
22 section or quarter quarter section in the well unit
23 will contribute more or less equally to production.

24 Exhibit 4 is my notice letter, and I'm
25 sure you will point this out to me, Mr. Examiner -- I

1 believe -- I don't know if my email information is
2 correct on the site. I think it is. I think
3 succeeded in avoiding that trap. The notice, if you
4 go back to Exhibit 7, which is the notice spreadsheet
5 -- I'm going to add under USPS online service, and it
6 shows that all the parties did receive notice. I have
7 not received -- green cards back. Obviously, MRC
8 Permian knows about the case and did ask for an
9 appearance.

10 I intend to supplement Exhibit 7, and
11 hopefully I will get some green cards back within the
12 next couple of days. But I think all of the
13 procedures for pooling have been complied with, and so
14 I would ask approval of pooling in this matter. The
15 other issues to address are -- let me take a step
16 back. In this case, as noted, I will refer you to
17 Exhibit 14 -- All right. Excuse me -- paragraph 14 of
18 the landman's affidavit.

19 This is a non-standard unit, and it's
20 requested for the following reasons. When a couple of
21 years ago, on behalf of Mewbourne I filed force
22 pooling applications for Wolfcamp wells and the north
23 half of these two sections, and also in the south half
24 of these two sections, which is what we're here for
25 today. In case 21724, Mewbourne pooled the Wolfcamp

1 formation in the north half of the sections. Pooling
2 order was granted, and the well was drilled. In case
3 21725, Mewbourne pooled the south half of these
4 sections, which is what we're here for today, based on
5 640-acre spacing. An order was granted, but those
6 wells were not drilled, and the order expired, which
7 is why we're here today.

8 At the time of those two orders were
9 issued, the division had placed the wells in the
10 Alacran Hills-Wolfcamp gas pool, which was spaced on
11 320 acres, unless the 640-acre well units were proper.
12 Thereafter, the division changed the designation to
13 the Lone Tree Draw-Wolfcamp pool, which is an oil
14 pool, spaced on 40 acres in the north half. Mewbourne
15 sought administratively a non-standard spacing and
16 proration unit, and that was granted.

17 In this case, obviously we have also
18 requested a non-standard spacing and proration unit.
19 If you look at Attachment C to the landman's
20 affidavit, you can see when the proposal letters went
21 out, it was for a south half unit based on the current
22 spacing at that time. Secondly, if you look at
23 Attachment B to the landman's affidavit, you will see
24 that the south half is covered by I think it's three
25 tracts of land which shows that -- excuse me, four

1 tracks of land, which shows that each tract, whether
2 you look at the north half south half, the two
3 sections, or the south half south half, interest
4 ownership is uniform. So really, by drilling a
5 non-standard unit, no one is adversely affected.

6 As the landman notes in his affidavit,
7 the branching of the non-standard unit, similar to the
8 non-standard unit in the north half of these sections,
9 will lead to efficient administration and reduced
10 surface use, and therefore Mewbourne requests
11 permission for a non-standard proration unit for these
12 wells.

13 A second issue is -- I will note that
14 there was a prior case, I think it was 23284, where I
15 -- which came up for hearing on the first January
16 docket. Before that hearing, I noticed that the --
17 from the C102s submitted to me that the pooling
18 designation had changed so that the application wasn't
19 proper, so I dismissed that application and filed this
20 application. And during that hearing, Mr. Feldewert
21 pointed out that there may be an overlapping well unit
22 issue. Mewbourne looked at that, and if you go to
23 paragraph 15 of the landman's affidavit, there is a
24 well, the state IR Well Number 1, in Unit E of Section
25 23, which was completed in the Wolfcamp formation

1 almost 30 years ago -- well actually, almost 35 years
2 ago -- with the west half of Section 23 dedicated to
3 the well, which is shown on attachment F to the
4 landman's affidavit. That well was placed in the East
5 Carlsbad-Wolfcamp gas pool by the division.

6 Mewbourne's review of the data shows
7 that the well is no longer producing from the Wolfcamp
8 formation, thus Mewbourne asserts there is no
9 overlapping well unit. In addition, the State IR Well
10 Number 1 is in a different pool than what the division
11 placed the proposed wells in, so I think under the
12 overlapping well unit rules, there should not be an
13 overlapping well unit.

14 And then the third issue is, just
15 because I thought you might ask me this question,
16 Mr. Examiner, the overhead rates requested by
17 Mewbourne are \$8,000 a month for a drilling well, and
18 \$800 a month for a producing well, as opposed to the
19 prior case where we requested a higher rate. The
20 reason for that is that this matter has been going on
21 for two years, and all of the JOA which covers a
22 number of interest owners, and all of the proposals
23 and discussions between the parties, were under an
24 \$800 rate, and Mewbourne thinks that should remain,
25 since it's been going on for two plus years, almost

1 two and a quarter years. And so those are the rates
2 that Mewbourne requests.

3 With that, I would move the admission
4 of Exhibits 1 through 7 and ask that the matter be
5 taken under advisement.

6 MR. BRANCARD: Thank you.

7 Mr. Garcia, questions?

8 MR. GARCIA: I think so.

9 Let me see if I can unconfuse myself
10 too, Mr. Bruce. So we had an old case, old hearing
11 order, that is expired for this -- correct?

12 MR. BRUCE: Correct.

13 MR. GARCIA: Okay -- have been outdated
14 and now needs an NSP and a compulsory pooling again;
15 correct?

16 MR. BRUCE: Correct.

17 MR. GARCIA: Okay. Compulsory pooling
18 notice looks good. Was the NSP notice good? I didn't
19 -- I'm still going through the exhibits, but -- was
20 the -- notified correctly to the adjoining tracts?

21 MR. BRUCE: I don't -- and I'll tell
22 you what, I'm unclear on that. In looking at the NSP
23 notice rules, the first thing I always see is someone
24 being excluded.

25 MR. GARCIA: Correct.

1 MR. BRUCE: And there's no -- excluded,
2 because the interest owners, whether you look at the
3 north half south half and the south half south half or
4 combine -- are all the same parties with the same
5 interests. And then --

6 MR. GARCIA: Well, I can clarify, and
7 Mr. Brancard can keep me in line if I'm wrong.
8 Horizontal well -- four horizontal wells NSPs is you
9 notify excluded tracts if the excluded tract would
10 have been standard if it was included. So if you have
11 a standard 320, you drop a tract, it's not NSP, you
12 would have to notify the tract you dropped. For all
13 other cases, you'd notify the adjoining tracts. SO if
14 you combine two standards, you notify the surrounding
15 tracts. Typically, OCD's policy has been half the
16 acreage you notify. So something like Purple Sage 320
17 building blocks, you would notify the offset 160-acre
18 tracts. For standard oil or 40 acres, we'd just go
19 with 40 acres, because there's no really halving that.
20 That's my interpretation of the NSP notice for --
21 rules.

22 MR. BRUCE: Okay. And -- I understand
23 that, Mr. Garcia, and I was looking at that. And I
24 did not talk with Mewbourne about that, and they said
25 they've gotten NSPs approved where they notified the

1 offsetting tracts if there is an operator. And I
2 guess I would refer to the -- exhibits, Exhibit 3A --
3 which other than the north half tracts, which are
4 operated by Mewbourne, there are no adjoining Wolfcamp
5 well units. And of course it would be 40 acre tracts.
6 Now Mewbourne is willing to do whatever the division
7 requests, but I was confused, because I guess I
8 focused mainly on the excluded tract deal. I thought
9 everything was fine, but if we need to notify someone
10 else, we will gladly do so.

11 MR. GARCIA: Yeah. The rules don't
12 explicitly say offsetting operator, they say affected
13 parties or affected persons, is what I think the rules
14 say.

15 MR. BRUCE: Yeah. That's why I was a
16 little iffy on that regulation.

17 MR. GARCIA: I believe you would still
18 need to file NSP even if it was all uniform ownership.
19 The uniform ownership would have to submit a waiver of
20 protest period, essentially. I'm losing the correct
21 word. Basically, like, "Hey, we own the offsetting
22 acreage. We thereby waive our interest. There is no
23 other interest in the offsetting acreage." I may be
24 able to bypass the 20 day notice period of an NSP, but
25 Mr. Brancard can correct me if that's wrong. But I

1 believe that's how Leonard has been treating the
2 administrative NSP requests.

3 MR. BRUCE: Well, I'm willing to learn.
4 Let's put it that way. I think this may --

5 MR. GARCIA: Yeah. So I think I'm
6 fully caught up. It was an old order, it expired,
7 that's gone. The wells have not been drilled. We
8 need a new CP order, we need an NSP because the -- no
9 over off-spacing unit, because that well is probably
10 plugged and abandoned, it sounds like.

11 MR. BRUCE: That well is plugged and
12 abandoned because it is still a Bone Spring producer.

13 MR. GARCIA: Yeah. Okay. Sorry. I
14 guess really my only question comes down to is if
15 notice is correct, and I'm sure Mr. Brancard was
16 probably looking at that also, because he has a very
17 eagle-eye for the notices.

18 MR. BRUCE: That's what I was afraid
19 of, Mr. Garcia.

20 MR. GARCIA: That's why he's always
21 here with us. Compulsory pooling-wise, I have no
22 questions. NSP-wise, I would ask Mr. Brancard if he
23 is comfortable with notice. I feel there might be
24 defectiveness.

25 Mr. Brancard?

1 MR. BRANCARD: Well, I'm wondering if
2 an easier way to go, Mr. Garcia, Mr. Bruce, is to drop
3 the non-standard from this application and have you
4 apply administratively, Mr. Bruce. Would that be --
5 then you wouldn't have to go back to hearing. You
6 could just apply administratively, and if nobody
7 objects, then you don't need a hearing.

8 MR. BRUCE: That -- that would make me
9 happy, Mr. Examiner.

10 MR. GARCIA: And it would work for me.
11 And I see your APDs both have conditions of approval
12 for -- to get an NSP administratively. So I'm also
13 okay with that.

14 MR. BRANCARD: People do it just for
15 ease to sort of get both done at a hearing, but you
16 can do it just as easily administratively, if you'd
17 like.

18 MR. BRUCE: And --

19 MR. BRANCARD: In fact, there was a
20 case earlier today where they had already done the
21 administrative approval for a non-standard unit.

22 MR. BRUCE: Right. Now is -- and I
23 haven't spoken with Mr. Lowe about this, but
24 re-offsetting 40s, do you need to notify all of the
25 working interests in each offsetting 40?

1 MR. BRANCARD: Well, they use the term
2 affected persons, and affect persons means operator.
3 If not an operator, then lessee working interest
4 owners, and if not working interest owners, then
5 unleased mineral owners.

6 MR. BRUCE: Yeah. I understand that.
7 That's why I just -- yeah.

8 MR. BRANCARD: So yeah. You follow the
9 affected persons definition to notify. I mean, I
10 think your client is the operator to the north --
11 correct?

12 MR. BRUCE: That is correct.

13 MR. BRANCARD: So that eliminates one
14 part of the notice right there.

15 MR. BRUCE: That eliminates a lot.
16 Yeah. Correct.

17 MR. BRANCARD: So yeah, check with
18 Mr. Lowe. He would -- if you go administratively,
19 that may be the easier thing for you to do right now
20 is just to drop that from this application, and we go
21 ahead and --

22 MR. BRUCE: Then I still request a --

23 MR. BRANCARD: And so we don't need to,
24 unlike the previous case we had, we don't need to
25 revoke the prior order, because it should have expired

1 on its own terms; is that correct, Mr. Garcia?

2 MR. GARCIA: Correct.

3 MR. BRANCARD: Okay. So we're not
4 replacing an order. We may just note it as a finding
5 in this order, just so it's --

6 MR. BRUCE: Yeah. But I can guarantee
7 that the wells were not drilled, so ...

8 MR. BRANCARD: And then yes, you can --
9 you know, if there's an issue with overlapping spacing
10 unit, you can figure that one out, too, at the time
11 you go for the APD.

12 MR. BRUCE: Yeah, and I would note that
13 the division obviously approved the non-standard unit
14 in the north half, and they've made no requirement of
15 Mewbourne with respect to an overlapping well unit,
16 which is where that State IR Well Number 1 is located.

17 MR. BRANCARD: Okay. All right. I'm
18 trying to think. Do we have other questions?

19 MR. FELDEWERT: Just one --

20 MR. BRANCARD: Oh, Mr. Feldewert?

21 MR. FELDEWERT: Thank you. Just one
22 observation, only because I heard -- I don't want
23 there to be any confusion. Mr. Examiner, you
24 mentioned the fact that Mewbourne was the operator of
25 the space unit to the north. I believe that for the

1 non-standard unit, since Mewbourne is the operator to
2 the north, the notice would go to the working interest
3 owners then under the affected party.

4 MR. BRANCARD: I would have to check
5 with Leonard on that. Check with Leonard. Yeah, I
6 would have to refer you to him.

7 MR. FELDEWERT: Okay.

8 MR. BRUCE: And just as an answer to --
9 a general response to Mr. Feldewert -- my clients have
10 told me that they've gotten some other NSPs, and if
11 there is an operator, they only notify the operator.

12 MR. FELDEWERT: Let's talk about that
13 off the --

14 MR. BRUCE: On our weekly conversation?

15 MR. FELDEWERT: Yeah.

16 MR. BRUCE: But as I said, Mewbourne
17 will do whatever the division desires, so ...

18 MR. GARCIA: Yeah. I believe
19 Mr. Brancard's -- is the easiest and the cleanest, and
20 works for me, so ...

21 MR. BRANCARD: Okay. So let me ask
22 around then again, are there other interested parties?

23 I'll start with MRC Permian -- any
24 questions, concerns?

25 MR. FELDEWERT: No, sir. Thank you.

1 MR. BRANCARD: Any other interested
2 parties, case 23324? Hearing none, so I think
3 Mr. Bruce, you indicated you were going to try to get
4 us some green cards?

5 MR. BRUCE: I hope so. They've been
6 slow on coming in this month, but I will -- as soon as
7 I receive the green cards, I will file a notice of
8 additional filing.

9 MR. BRANCARD: Okay. Thank you. I
10 think that's -- do we have anything else that you --
11 I'm sorry?

12 MR. BRUCE: I would also update the
13 spreadsheet.

14 MR. BRANCARD: Okay.

15 MR. GARCIA: I believe one typo, not
16 too major of a typo, Mr. Bruce, but since you have
17 some stuff to resend -- your checklist first stake
18 points and the last stake points are different than
19 your 102s are. As an FYI.

20 MR. BRUCE: Now the -- on which well
21 now?

22 MR. GARCIA: Both wells. For instance,
23 one well says 1980 from north line, and then it says
24 1980 from south line for your first and last stake
25 points, however the 102 says --

1 MR. BRUCE: Ah, got you.

2 MR. GARCIA: Yeah. They're both north,
3 or they're both south --

4 MR. BRUCE: I will -- Exhibit 6. Thank
5 you. And refile.

6 MR. GARCIA: No problem.

7 MR. BRANCARD: The issue is in the
8 checklist, Mr. Bruce?

9 MR. BRUCE: It's in Exhibit 6, the
10 checklist. Yes.

11 MR. BRANCARD: Okay. Thank you.
12 That's important to make sure that works.

13 Okay. All that being said, the
14 exhibits will be admitted into the record, the case
15 will be limited to compulsory pooling and will be
16 taken under advisement and the record left open to
17 submit green card spreadsheet, revised checklist.

18 MR. BRUCE: Thank you.

19 MR. BRANCARD: Thank you.

20 With that, we have one more case left.
21 Item number 32, case 22701.

22 Legacy Reserves Operating?

23 MR. PARROT: Good morning, Mr. Hearing
24 Examiner, this is James Parrot with Beatty & Wozniak
25 representing EOG Resources.

1 MR. BRANCARD: I have COG Operating.

2 MS. MUNDS-DRY: Thank you, Mr. Hearing
3 Examiner. Ocean Munds-Dry with COG Operating, LLC.

4 MR. BRANCARD: All right. Let's just
5 get this out of the way right away. Does COG still
6 object to this case being -- going forward by
7 affidavit?

8 MS. MUNDS-DRY: So I actually believe
9 that was Mewbourne that had the objection, not COG.
10 We're along for the ride, Mr. Examiner.

11 MR. BRANCARD: Okay.

12 MR. PARROT: Mr. Examiner, I apologize.
13 I said EOG, I meant Legacy Reserves Operating. Sorry
14 about that.

15 MR. BRANCARD: We have an entry from
16 Mewbourne Oil Company.

17 MR. BRUCE: Yes, Mr. Examiner. Jim
18 Bruce on behalf of Mewbourne Oil Company, and at this
19 point I am -- same thing as with COG. I'm just here
20 for the ride.

21 MR. BRANCARD: So you no longer are
22 objecting to this case going forward by affidavit?

23 MR. BRUCE: Absolutely.

24 MR. BRANCARD: Okay. A lot of stuff
25 here on the record here. All right. So where are we

1 with Legacy?

2 MR. PARROT: Mr. Examiner, I believe
3 we're ready to proceed on the basis of affidavit, if
4 it pleases the division.

5 MR. BRANCARD: Ah, I found it. Okay.
6 Ms. Munds-Dry, on September 27, 2022, COG Operating
7 said that they object to this case being presented by
8 affidavit.

9 MS. MUNDS-DRY: Thank you for finding
10 that. We withdraw that objection, and we're okay with
11 the case going forward.

12 MR. BRANCARD: Thank you. That's a
13 good thing, because we actually have a prehearing
14 order on this case, which no one has complied with, so
15 we will suspend the prehearing order.

16 MS. MUNDS-DRY: Thank you.

17 MR. BRANCARD: Actually, we'll vacate
18 it. How about that?

19 MS. MUNDS-DRY: That sounds amazing.

20 MR. BRANCARD: All right. I sometimes
21 read these case files, and I get confused.

22 So with that, Legacy may proceed.

23 MR. PARROT: Okay. Mr. Examiner, I
24 will note that we filed prehearing statement many
25 months ago, and we just filed an updated prehearing

1 statement earlier this week on Tuesday. We normally
2 would have filed it a week ago, but it was kind of a
3 last-minute resolution to allow the case to go to
4 hearing rather than a status conference. So we went
5 ahead and just had an updated one filed just for the
6 record. So you'll see that in there.

7 With that being said, case number 22701
8 is an application to pool all uncommitted interests in
9 an approximately 480-acre unit for the Bone Spring
10 formation, covering the east half of Section 33, in 18
11 South, 31 East, and the northeast of Section 4, in 19
12 South, 31 East, all in Eddy County. So the unit is
13 committed to six wells. All are Jet Fed Com wells.
14 They are the 401H, 402H, 501H, 502H, 601H, and 602H.
15 The unit has proximity tracts. One of these wells
16 would be drilled approximately on the quarter section
17 line dividing the east half of section 33 and 4.

18 So the exhibit packet that we filed on
19 Tuesday contains the checklist and the normal
20 exhibits. Exhibit A is the checklist, and B is the
21 application. Exhibit C is the affidavit of Legacy's
22 land witness, who is Taylor Thoreson. Ms. Thoreson
23 has previously testified before the division and had
24 her qualifications accepted as those of an expert. C1
25 is a general location map, C2 contains the form C102s.

1 I will note that on Exhibit C, Ms. Thoreson notes that
2 there are no overlapping spacing unit. Exhibit C3
3 depicts the spacing units in the wells. C4 is the
4 ownership. C5 is the sample of the proposal that was
5 sent to working interest owners. C6 is the AFEs. And
6 C7 provides the chronology of contacts.

7 Exhibit D is the affidavit of EOG's
8 geology witness, John Stewart, who has previously
9 testified before the division and had his
10 qualifications accepted as those of an expert. D1,
11 D4, and D7 are locator maps showing the bone spring
12 unit the wells use to construct cross-section from A
13 to A Prime. D2, D5, and D8 are structure maps off the
14 top of the first, second, and third Bone Spring
15 formations, respectively. And Mr. Stewart states that
16 the wells are representative of the area geology, and
17 he observed no faulting, pinching, or other geologic
18 hazards for horizontal development.

19 D3, D6, and D9 are cross-sections of
20 the first, second, and third Bone Spring formations
21 respectively, showing gamma ray, resistivity, and
22 porosity logs, and the targeted interval in the Bone
23 Spring unit. Exhibit E is the notice affidavit,
24 showing the notice letters were mailed to some
25 addresses for Concho and COG, but were ultimately not

1 delivered. Nevertheless, Concho and COG both signed
2 JOAs, and we've communicated with both to get
3 addresses to which they would prefer we send notices
4 in the future to make sure that those do get
5 delivered. Certified mailing receipts are attached.

6 Out of an abundance of caution, we did
7 publish notice in the Carlsbad newspaper, and that
8 notice is attached. The affidavit of publication is
9 attached as Exhibit F. So with that, thank you very
10 much for your time, and I ask the exhibits be admitted
11 into the record and the matter taken under advisement.

12 MR. BRANCARD: Thank you.

13 Let me just check once again. Any
14 questions or concerns from COG or Mewbourne?

15 MS. MUNDS-DRY: None. Thank you,
16 Mr. Examiner.

17 MR. BRUCE: None from me.

18 MR. BRANCARD: Thank you.

19 Mr. Garcia?

20 MR. GARCIA: I have one.

21 Mr. Parrot, I believe in your opening,
22 you had said that one of the wells would be a
23 proximity well?

24 MR. PARROT: Yes.

25 MR. GARCIA: Your checklist 102s and

1 all of the exhibits do not reflect that, so as it
2 stands, it would actually also need an NSP case, or an
3 NSP order. So I guess either we would need updated
4 C102s checklist and possibly a few other exhibits, or
5 this would need an administrative checklist -- or
6 administrative NSP. Not sure which one the case is,
7 but yeah, as it stands, it says no on proximity
8 tracts, which is correct looking at the 102s. None of
9 these are a proximity well.

10 MR. PARROT: Yeah, understood
11 Mr. Garcia. When the C102s were initially drafted,
12 there was still not a determination of which one would
13 be the proximity well, so -- and I'm not sure exactly
14 is going to be the proximity well -- so with your
15 permission, I can have an updated C102 filed along
16 with a checklist to designate which one of those is
17 going to be the proximity well for the unit and get
18 those in to you. And you said there are some other
19 things that would need to be amended?

20 MR. GARCIA: The geology exhibits show
21 them also not being -- the 102 is my main concern
22 point for these, though.

23 MR. PARROT: Okay.

24 MR. GARCIA: 102 and the checklist.

25 MR. PARROT: I think -- you know, the

1 geology in my end exhibits are just kind of sticks on
2 the map. They're showing kind of a general idea of --
3 yeah. Sorry, go ahead.

4 MR. GARCIA: The 102 is the main
5 concern for the accuracy of the wellbore. The geology
6 exhibits, I agree, they're kind of proposed wellbore
7 sticks.

8 MR. PARROT: Okay. And it's only the
9 C102 for the proximity well that we would need to get
10 to you; right? The amended --

11 MR. GARCIA: And the checklist
12 reflecting that.

13 MR. PARROT: And the checklist. Right.
14 Can we take the matter under advisement and hold the
15 record open for those amended documents?

16 MR. GARCIA: Yeah, I have no objection
17 to that, as long as you combine with those and use
18 guidance of the week turn around time. Mr. Brancard
19 is kind of in charge of that though.

20 MR. PARROT: Okay. Understood.

21 MR. GARCIA: That's all my questions,
22 Mr. Brancard.

23 MR. BRANCARD: Thank you. You stole my
24 big question.

25 MR. PARROT: There's got to be

1 something else that we can talk about.

2 MR. BRANCARD: Yeah, well, I guess my
3 question is who is being pooled here?

4 MR. PARROT: Overriding royalty owners,
5 and there was originally some question about whether
6 all the working interest owners would sign JOAs, but
7 they did. They ended up signing JOAs, so now we just
8 have override royalty interest owners.

9 MR. BRANCARD: Okay. Are those listed
10 in the application?

11 MR. PARROT: No, they are -- I don't
12 think -- well, you know what, let me just double
13 check. I'm not sure that they are. No.

14 MR. BRANCARD: Well, then you're not
15 pooling them.

16 MR. PARROT: I was under the impression
17 we did not need to list overriding royalty interest
18 owners to have them be pooled. Is that incorrect?

19 MR. BRANCARD: Well, then you don't
20 need a pooling application.

21 MR. PARROT: I mean, we can provide you
22 an amended affidavit --

23 MR. BRANCARD: I mean, the question is
24 did you provide notice to them?

25 MR. PARROT: That is a question that I

1 am not prepared to answer right now. I don't know if
2 we did provide notice to overriding royalty interest
3 owners. I'll have to check with our land witness.

4 MR. BRANCARD: Because if you're going
5 to pool people, you need to give them notice. That's
6 the whole point of the process. So ...

7 MR. PARROT: I guess my understanding
8 was notify the working interest owners. The
9 overriding royalty interest derive from the working
10 interest and are on constructive notice of the pooling
11 by virtue of the notice to the working interest owners
12 out of whose interest the overriding royalty interests
13 derive.

14 MR. BRANCARD: Well, yeah, from a
15 theoretical basis, but you know, if you look at, say,
16 Avant's application earlier today, 23246, I think they
17 were like around 300 overriding royalty interest
18 owners that they provided notice to. So that's the
19 way it works. If you're going to pool overriding
20 royalty interest owners, you have to come up with
21 addresses for them and send them notice.

22 MR. PARROT: I mean, I -- I understand
23 that there are companies who will notify overriding
24 royalty interest owners out of an abundance of
25 caution, but my understanding was that was not

1 required by the regulations. That was simply --

2 MR. BRANCARD: Well, I mean it's -- you
3 decide who you want to pool. Okay?

4 MR. PARROT: Yeah.

5 MR. BRANCARD: And so normally people
6 will overriding royalty interest owners, maybe there's
7 some who don't, but when they do try to pool them,
8 they do provide them notice, and that's how the
9 process works. So here's your choice. Since you
10 don't have -- at this point, there's no working
11 interest owners that are being pooled; correct?

12 MR. PARROT: That's correct.

13 MR. BRANCARD: Okay. So there's
14 nothing here to do at this point, unless you either
15 file a new application to pool overriding royalty
16 interest owners, or we continue the case, allow you to
17 provide notice to the overriding royalty interest
18 owners, or you just dismiss the case and go on your
19 way. But -- that's kind of the choices here.

20 MR. PARROT: Okay. Well let's go ahead
21 and continue the case to -- well, I'll tell you
22 what -- since I don't know that we didn't provide
23 notice to overriding royalty interest owners, would
24 you allow me to file additional evidence that we did
25 notify overriding royalty interest owners along with

1 the amended C102 and checklist? And if it turns out
2 we did not notify overriding royalty interest owners,
3 we will file a continuance to allow us time to notify
4 those owners; would that work?

5 MR. BRANCARD: Well, the normal process
6 is, in terms of going forward, that while we do allow
7 the record to be revised or supplemented, when it
8 comes to a notice issue, we generally continue the
9 case. So we will continue this case to March 2nd;
10 okay? And so the question is, do you think you can
11 get it all done by then if you have to?

12 MR. PARROT: I'll -- I don't want to
13 toot my own horn, but I think I might be capable of
14 taking care of that within the next month.

15 MR. BRANCARD: Okay.

16 So with that, were there any other
17 concerns, Mr. Garcia?

18 MR. GARCIA: Small concern, because I
19 didn't catch we were only pooling overrides.
20 Mr. Parrot, you might just reevaluate your checklist
21 for overhead reads, because I don't believe overheads
22 are subject to supervision costs.

23 MR. PARROT: Yes.

24 MR. GARCIA: Typically, counsel drops
25 those and leaves them blank for only -- only pooling

1 overhead. I believe that's it, Mr. Brancard.

2 MR. BRANCARD: Right. If you have no
3 working interest owners being pooled, it's a lot
4 simpler order for us. So --

5 MR. PARROT: Fair enough.

6 MR. BRANCARD: Issue number 1 is the
7 overriding royalty interest owners, and whether you're
8 pooling them, how you're pooling them, etc., and then
9 the other issues are clarifying whether this is or not
10 a non-standard spacing unit, and you're saying it's
11 not because you think there will be a proximity well,
12 and to do that, you need a new C102 and new checklist
13 to show where those stake points are.

14 Was there anything else, Mr. Garcia?

15 MR. GARCIA: No, just -- and to all
16 counsel that's submitting stuff, just please keep that
17 in mind. The cover letter explaining why we have
18 additional exhibits in the case files.

19 MR. BRANCARD: Right.

20 So yeah, you would likely submit a
21 whole new packet, or just a supplemental packet.

22 MR. GARCIA: Yeah, and just some letter
23 up front explaining why, so I don't get confused two
24 weeks from now.

25 MR. PARROT: Fair enough.

1 MR. BRANCARD: Okay. And so with that,
2 this case will be continued to March 2nd. You do not
3 need to file a continuance.

4 MR. PARROT: Thank you very much.

5 MR. BRANCARD: Anything else today?

6 MR. GARCIA: I have a non-direct
7 hearing question aimed at specifically one counsel, if
8 I may.

9 MR. BRANCARD: Well, okay.

10 MR. GARCIA: Mr. Bruce, I'd just like
11 to confirm you've been receiving OCD's emails. I
12 believe I and Marlene sent you an email but didn't
13 hear back. Just an FYI to please check your inbox.

14 MR. BRUCE: I'll try to be more
15 capable.

16 MR. GARCIA: Thank you.

17 MR. BRANCARD: Yeah, and Mr. Bruce,
18 Marlene's question to you about signing on to the
19 hearings, we've gotten a concern from someone else
20 trying to sign in as a call-in user, and so we were a
21 little confused about how easy or difficult it was.

22 MR. BRUCE: Signing in as a caller is
23 absolutely no issue.

24 MR. BRANCARD: Okay. Do you need to
25 present a password or code?

1 MR. BRUCE: Well, for calling in, yeah.
2 There's two codes to sign in, but it's no big deal.

3 MR. BRANCARD: Okay. Thank you.

4 MR. BRUCE: I don't see the issue.
5 It's very easy.

6 MR. BRANCARD: Yeah, well we didn't
7 either, but we try to be helpful to the public.

8 Thank you everyone. Have a great day.

9 MR. BRUCE: You too.

10 (Whereupon, the meeting concluded at
11 12:09 p.m.)

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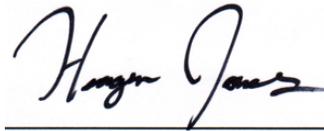


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