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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:

Docket No. 04-23OCD

Case Nos. 21361, 21362, 21363,
21364, 21393, 21394, 21489,
21490, 21491, 22274, 22275,
22276, 22277, 22600, 22601,
22602, 22603, 22501, 22502,
22503, 22504, 22423, 22424,
22425, 22426, 22496, 22497,
22498, 22499, 22539, 22540,
22782, 22853, 23295, 22988,
23045, 23214, 23254, 23255,
22171, 22172, 22408, 23210,
23298, 22915, 22916, 22990,
22992, 23205, 23206, 23226,
23248, 23249, 23250, 23251,
23252, 23253, 23315, 23316,

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VIDEOCONFERENCE HEARING

DATE: Thursday, February 16, 2023
TIME: 9:16 a.m.
BEFORE: Hearing Examiner Bill Brancard
LOCATION: Remote Proceeding
Santa Fe, New Mexico 87501
REPORTED BY: Dana Fulton, Notary Public
JOB NO.: 5528820

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A P P E A R A N C E S

ON BEHALF OF OIL CONSERVATION DIVISION:

JESSE TREMAINE, ESQUIRE (by videoconference)

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A P P E A R A N C E S (cont'd)

ON BEHALF OF MEWBOURNE OIL COMPANY (cont'd):

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A P P E A R A N C E S (cont'd)

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Santa Fe, New Mexico

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A P P E A R A N C E S (cont'd)

ON BEHALF OF ROCKWOOD RESOURCES:

DARIN SAVAGE, ESQUIRE (by videoconference)
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ON BEHALF OF WHIPTAIL MIDSTREAM, LLC:

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A P P E A R A N C E S (cont'd)

ON BEHALF OF COTERRA ENERGY COMPANY:

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OCEAN MUNDS-DRY, ESQUIRE (by videoconference)

ON BEHALF OF CONCHO OIL AND GAS:

OCEAN MUNDS-DRY, ESQUIRE (by videoconference)

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A P P E A R A N C E S (cont'd)

ON BEHALF OF MARATHON OIL PERMIAN, LLC:

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A P P E A R A N C E S (cont'd)

ON BEHALF OF EGL RESOURCES, INC.:

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ON BEHALF OF MATADOR PRODUCTION COMPANY AS SUCCESSOR
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A P P E A R A N C E S (cont'd)

ON BEHALF OF THE CITY OF CARLSBAD:

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ON BEHALF OF CENTENNIAL RESOURCE PRODUCTION LLC:

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A P P E A R A N C E S (cont'd)

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ON BEHALF OF SILVERBACK OPERATING II, LLC:

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214 McKenzie Street
Santa Fe, New Mexico 87501

ALSO PRESENT:

Mr. Brandon Hajny, Observer, Realeza Del Spear,
Cavin & Ingram (by videoconference)
Jonathan Samaniego, Interested Owner (by
videoconference)
Nathanial Gilbertson, Geologist (by
videoconference)

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I N D E X

WITNESS(ES): DX CX RDX RCX

(None called.)

E X H I B I T S

NO. DESCRIPTION ID/EVD

Item 43:

Exhibit 1 Supplemental Declaration 47/48

Of Earl DeBrine

(Exhibits retained by counsel.)

NO. DESCRIPTION ID/EVD

Item 44:

Exhibit 1 Unknown 49/49

Exhibit 2 Unknown 49/49

Exhibit 3 Unknown 49/49

Exhibit 4 Supplemental Exhibit 49/49

Exhibit 5 Unknown 49/49

(Exhibits retained by counsel.)

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E X H I B I T S (cont'd)

NO.	DESCRIPTION	ID/EVD
Items 45-48:		
Exhibit A	Four Pooling Checklists	58/73
Exhibit B	Applications	58/73
Exhibit C	Composite: Statement	58/73
Exhibit D	Geology Affidavit	58/73
Exhibit E	Notice Affidavit	58/73
Exhibit F	Publication Notice	58/73

(Exhibits retained by counsel.)

NO.	DESCRIPTION	ID/EVD
Item 50:		
Exhibit 1	Application and Notice	79/82
Exhibit 2	Verified Statement	79/82
Exhibit 3	Release/Geologist Statement	79/82
Exhibit 4	Notice Affidavit	79/82
Exhibit 6	Pooling Checklist	79/82
Exhibit 7	Unknown	79/82

(Exhibits retained by counsel.)

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E X H I B I T S (cont'd)

NO.	DESCRIPTION	ID/EVD
Item 51:		
Exhibit A	Land professional's Testimony	84/87
Exhibit B	Geological Testimony	84/87
Exhibit C	Notice Testimony	84/87
	(Exhibits retained by counsel.)	

NO.	DESCRIPTION	ID/EVD
Items 52, 53, and 54:		
Exhibit C	Composite: Bollenbach Affidavit	92/106
Exhibit D	Composite: Brugioni Affidavit	92/106
Exhibit E	Statement of Notice	92/106
Exhibit F	Affidavit of Notice	92/106
	(Exhibits retained by counsel.)	

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E X H I B I T S (cont'd)

NO.	DESCRIPTION	ID/EVD
Items 55, 56, and 57:		
Exhibit C	Composite: Bollenbach Affidavit	115/116
Exhibit D	Composite: Brugioni Affidavit	115/116
Exhibit E	Statement of Notice	115/116
Exhibit F	Affidavit of Notice	115/116

(Exhibits retained by counsel.)

NO.	DESCRIPTION	ID/EVD
Items 58 and 59:		
Exhibit A	Land professional's Testimony	121/128
Exhibit B	Geological Testimony	121/128
Exhibit C	Notice Testimony	121/128

(Exhibits retained by counsel.)

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P R O C E E D I N G S

THE HEARING EXAMINER: Good morning, everyone. This is Thursday, of course, and it is February 16, I believe. And this is the Hearing of the New Mexico Oil Conservation Division. I am Bill Brancard, Hearing Examiner.

With me today is our Technical Examiner, Mr. Dylan Rose-Coss. Are you here?

MR. ROSE-COSS: Good morning, everyone.

THE HEARING EXAMINER: I see a raised hand, so I'll take that as a yes. And as always with these proceedings are being recorded by a court reporter, so please speak clearly and loudly and maybe even slowly, if you need to.

So today's agenda, it's on the worksheet on our Web site, as always. There are 59 cases listed today and we have a number of status conferences to begin the day with. So we may go through this number pretty quickly.

Are there any announcements, Mr. Rose-Coss?

MR. ROSE-COSS: None from me, thanks.

THE HEARING EXAMINER: So, rumors are true -- state employees are back in the buildings -- although finding offices is not easy

1 since our building is still under construction. We
2 have two of three floors available, so people are
3 sitting on each other's laps and it's not a not a fun
4 sight to see.

5 So with that, we can begin today. And
6 we will call the first nine cases. These are case
7 numbers 21361, 21362, 21364, 21393, 21394, 21489,
8 21490, and 21491.

9 We'll start at the top: Mewbourne Oil
10 Company.

11 MS. HARDY: Good morning, Mr. Examiner.
12 Dana Hardy with the Santa Fe Office of Hinkle Shanor
13 of behalf of Mewbourne Oil Company.

14 THE HEARING EXAMINER: Thank you.
15 Ms. Hardy, you're a little quiet this morning, so --

16 MS. HARDY: I will try to turn up my
17 audio.

18 THE HEARING EXAMINER: That's better.

19 MS. HARDY: Okay. Thank you.

20 THE HEARING EXAMINER: Ascent Energy?

21 MR. SAVAGE: Good morning, Mr. Hearing
22 Examiner; Darin Savage with Abadie & Schill on behalf
23 of Matador Production Company, successor to Ascent
24 Energy.

25 THE HEARING EXAMINER: Okay. Thank

1 you. And Apache Corporation.

2 MS. BENNETT: Good morning, everyone;
3 Deana Bennett on behalf of Apache Corporation.

4 THE HEARING EXAMINER: I have a few
5 entries of appearances here. Let's start with Colgate
6 Operating.

7 MS. SHAHEEN: Good morning, everyone.
8 Sharon Shaheen, Montgomery & Andrews, on behalf of
9 Colgate Operating.

10 THE HEARING EXAMINER: Apache
11 Corporation.

12 MR. BENNETT: Good morning,
13 Mr. Examiner. Deana Bennett on behalf again on behalf
14 of Apache Corporation.

15 THE HEARING EXAMINER: Thank you. EOG
16 Resources.

17 MR. PADILLA: Mr. Examiner, Ernest L.
18 Padilla for EOG Resources.

19 THE HEARING EXAMINER: Okay. And in a
20 few of these cases, I have Jalapeno Corporation.

21 MR. BECK: Good morning, Mr. Examiner.
22 Matt Beck on behalf of Jalapeno Corporation.

23 THE HEARING EXAMINER: Are there any
24 other entries of appearances? We're talking cases
25 21361, 362, 363, 364, 393, 394, 489, 490, 491.

1 Hearing none, we'll start with
2 Mewbourne Oil Company. Where are we?

3 MS. HARDY: Mr. Examiner, the parties
4 are still working toward an agreement and I think they
5 are making progress. We have conferred and I -- I
6 believe everyone has agreed to have another status
7 conference on May 18th, if that works for the
8 Division.

9 THE HEARING EXAMINER: It will work for
10 the Division. Matador?

11 MR. SAVAGE: That would be agreeable,
12 Mr. Hearing Examiner.

13 THE HEARING EXAMINER: Thank you.
14 Apache?

15 MS. BENNETT: That's agreeable to
16 Apache, Mr. Examiner.

17 THE HEARING EXAMINER: Thank you. Any
18 other comments?

19 Hearing none, these nine cases will be
20 set for a status conference on May 18th.

21 MS. HARDY: Thank you.

22 MR. SAVAGE: Thank you.

23 MS. BENNETT: Thank you.

24 THE HEARING EXAMINER: With that, we
25 are at Items 10 through 21. I will call cases 22274,

1 22275, 22276, 22277, 22600, 22601, 22602, 22603,
2 22501, 22502, 22503, 22504.

3 Let's start with Mewbourne Oil Company.

4 MR. BRUCE: Mr. Examiner, Jim Bruce on
5 behalf of Mewbourne.

6 THE HEARING EXAMINER: Thank you.
7 Matador Production Company?

8 MR. FELDEWERT: Good morning,
9 Mr. Examiner. Michael Feldewert from the Santa Fe
10 Office of Holland & Hart on behalf of the MRC
11 entities, including Matador.

12 THE HEARING EXAMINER: Thank you. And
13 we have some entries here from Jalapeno Corporation?

14 MR. BECK: Good morning, Mr. Hearing
15 Examiner. Matt Beck on behalf of Jalapeno
16 Corporation.

17 THE HEARING EXAMINER: I have for some
18 cases, EOG Resources.

19 MS. KESSLER: Good morning,
20 Mr. Examiner. Jordan Kessler on behalf of EOG
21 Resources.

22 THE HEARING EXAMINER: Thank you. That
23 may be all I can see. Any other entries of
24 appearances for these cases?

25 Hearing none, we'll start again with

1 Mewbourne.

2 MR. BRUCE: Mr. Examiner, the parties
3 have -- have reached a -- I believe, reached a verbal
4 agreement about settling these matters, but it hasn't
5 been drafted and approved by the parties. So we would
6 ask for a continuance. I'd rather have it set for a
7 hearing rather than a status conference. But
8 the -- we would like to bring these to hearing
9 eventually.

10 THE HEARING EXAMINER: All right.
11 Matador?

12 MR. FELDEWERT: That's my understanding
13 as well, Mr. Examiner, and I don't believe my -- or my
14 client does not have any objection to setting the
15 matter for a hearing, assuming that the verbal
16 agreement eventually results in the correct written
17 agreement.

18 THE HEARING EXAMINER: Okay. Any other
19 comments from other parties?

20 MS. KESSLER: None.

21 THE HEARING EXAMINER: Okay. That was
22 the "none" from EOG and so -- so we're looking at
23 April, 6th or 20th.

24 MR. BRUCE: I would prefer the 6th, but
25 I'd ask Mr. Feldewert.

1 MR. FELDEWERT: Think they can get the
2 agreement done by then, Jim?

3 MR. BRUCE: I've been told for two
4 months that it would -- it would have settled two
5 months ago. So I, you know --

6 MR. FELDEWERT: We'll put -- we'll put
7 April 6th -- April 6th will work.

8 THE HEARING EXAMINER: All right. If
9 already no other comments or objections, we will set
10 this for a hearing on April 6th. Thank you.

11 With that, we are at Items 22 through
12 29. Cases 22423, 22424, 22425, 22426, and 22496,
13 22497, 22498, 22499. Once again, Mewbourne Oil
14 Company.

15 MR. BRUCE: Jim Bruce for Mewbourne.

16 THE HEARING EXAMINER: Thank you. And
17 Matador?

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

21 THE HEARING EXAMINER: Thank you. We
22 have an entry from Colgate operating.

23 MS. BENNETT: Good morning, everyone.
24 Deana Bennett on behalf of Colgate Operating.

25 THE HEARING EXAMINER: Thank you. And

1 who else? Jalapeno Corporation.

2 MR. BECK: Mr. Hearing Examiner, Matt
3 Beck on behalf of Jalapeno Corporation.

4 THE HEARING EXAMINER: All right. Any
5 other entries of appearance, cases 22423, 424, 425,
6 426, 496, 497, 498, 499?

7 We'll start with Matador this time.

8 MR. FELDEWERT: Mr. Examiner, I can say
9 that that verbal agreement that Mr. Bruce referenced
10 in the last series of cases applies here, so the same
11 circumstance exists. I believe eventually
12 Mewbourne -- assuming the agreement is consummated,
13 that Mewbourne will be able to move forward with these
14 cases.

15 Is that right, Jim?

16 MR. BRUCE: Yep, that's right.

17 THE HEARING EXAMINER: So I will assume
18 you want these cases to track the cases that we just
19 set for a hearing on April 6th.

20 MR. BRUCE: Yes.

21 MR. FELDEWERT: Yes.

22 THE HEARING EXAMINER: Mewbourne
23 agreed?

24 MR. BRUCE: Yes.

25 THE HEARING EXAMINER: Any other

1 comments, concerns, questions, until I set this for a
2 hearing on April 6th?

3 MR. FELDEWERT: We're being way too
4 efficient this morning.

5 THE HEARING EXAMINER: Scary. Hearing
6 none, these cases will be set for a hearing on
7 April 6th, and we will issue a piece of paper to
8 commemorate.

9 MULTIPLE SPEAKERS: Thank you.

10 THE HEARING EXAMINER: We are at Items
11 now 30 and 31, Cases 22539, 22540, Rockwood Resources.

12 MR. SAVAGE: Good morning, Mr. Hearing
13 Examiner. Darin Savage with Abadie & Schill on behalf
14 of Rockwood Resources, et al.

15 THE HEARING EXAMINER: Mewbourne Oil
16 Company?

17 MS. HARDY: Mr. Examiner, Dana Hardy
18 with Hinkle Shanor on behalf of Mewbourne Oil Company.

19 THE HEARING EXAMINER: Thank you. Any
20 other interested persons for cases 22539, 22540?

21 All right. We'll start with Rockwood.

22 MR. SAVAGE: Good morning. Mr. Hearing
23 Examiner, the parties are very, very close, as I
24 understand, to -- to resolving -- to consummating
25 their agreement in place, and I believe there's just

1 one item that's remaining. We've conferred with the
2 other party and we think a status conference would be
3 appropriate -- one more status conference to -- to
4 resolve this matter.

5 THE HEARING EXAMINER: All right.
6 Mewbourne?

7 MS. HARDY: Mr. Examiner, I agree. I
8 think another status conference is fine. And in the
9 event all of the -- well, the few remaining issues are
10 resolved by then, I think that Rockwood could dismiss
11 its applications. But I think setting another status
12 conference for now is fine.

13 THE HEARING EXAMINER: Any suggestions
14 on a date; sooner or later?

15 MR. SAVAGE: Sooner would be fine.
16 Thank you.

17 MS. HARDY: That's fine with Mewbourne.

18 THE HEARING EXAMINER: Why don't we
19 give you 'til April 6th; will that work?

20 MR. SAVAGE: That would be great,
21 Mr. Hearing Examiner. Thank you.

22 MS. HARDY: That's fine. Thank you.

23 THE HEARING EXAMINER: Thank you. With
24 that, cases 22539 and 22540 are set for a status
25 conference on April 6th.

1 All right. Case 22782, Whiptail
2 Midstream.

3 MR. SAVAGE: Good morning, Mr. Hearing
4 Examiner. Darin Savage with Abadie & Schill on behalf
5 of Whiptail Midstream.

6 THE HEARING EXAMINER: Oil Conservation
7 Division?

8 MR. TREMAINE: Good morning,
9 Mr. Hearing Examiner. This is Jesse Tremaine for the
10 Oil Conservation Division.

11 THE HEARING EXAMINER: Thank you. Any
12 other interested persons for case 22782?

13 So we were going to have oral
14 arguments; there's been some papers filed but now
15 we're having a status conference. So what's the wish
16 of the parties?

17 MR. SAVAGE: Mr. Hearing Examiner,
18 given the matters of some of the proceedings with the
19 public notice and clarifying a number of the issues
20 and pleadings, we thought that a status conference
21 would be appropriate at this time.

22 But the positions seem to be still
23 unresolved and I believe that both parties, their
24 positions should receive due consideration -- or
25 due -- yeah, due consideration as the issues

1 are -- seem to be important and have different
2 consequences, depending on which direction you go.

3 So I would request that we set up a
4 motion hearing on this to address the issues and then
5 see if there's a need for a evidentiary -- some kind
6 of evidentiary hearing.

7 MR. TREMAINE: I concur, Mr. Hearing
8 Examiner.

9 I believe you are muted, Mr. Hearing
10 Examiner.

11 THE HEARING EXAMINER: I don't know why
12 I keep doing that.

13 When were you thinking to have oral
14 arguments? March is a little crowded, but --

15 MR. SAVAGE: March or any time
16 thereafter would be appropriate, I believe.

17 MR. TREMAINE: Anything in that time
18 scale would work for the Division, Mr. Hearing
19 Examiner. I do happen to be out of the country April
20 19th through May 3rd, so I'm hearing that April 20th
21 taking in the earlier hearings, so that would not work
22 for me. But I believe that the April 6th date
23 would -- would, if it works for Whiptail.

24 THE HEARING EXAMINER: I was thinking
25 April 6th also. So is that okay with Whiptail?

1 MR. SAVAGE: Yes, thank you. That
2 sounds good.

3 THE HEARING EXAMINER: All right. So
4 we're going to have a hearing on the pending -- I
5 believe it's a summary judgment motion; is that
6 correct?

7 MR. SAVAGE: That is correct.

8 THE HEARING EXAMINER: All right. So
9 we'll have a hearing on April 6th, a summary judgment
10 motion, and we will send out a piece of paper. Thank
11 you all.

12 MR. SAVAGE: Thank you. Thank you.

13 MR. TREMAINE: Thank you.

14 THE HEARING EXAMINER: And with that,
15 we are at Items 33 and 34. This is case 22853 and
16 23295, Pride Energy Company.

17 MR. BRUCE: Mr. Examiner, Jim Bruce on
18 behalf of Pride.

19 THE HEARING EXAMINER: And Cimarex
20 Energy Company?

21 MR. SAVAGE: Hearing Examiner, Darin
22 Savage on behalf of Coterra and Cimarex Energy
23 Company.

24 THE HEARING EXAMINER: Thank you. We
25 have entries here in at least one of the cases from

1 ConocoPhillips.

2 MS. MUNDS-DRY: Good morning,
3 Mr. Hearing Examiner. Ocean Munds-Dry With
4 ConocoPhillips, COG Operating, and Concho Oil and Gas;
5 the whole -- the whole gamut this morning.

6 THE HEARING EXAMINER: Great -- but not
7 mongoose, huh?

8 MS. MUNDS-DRY: I guess it isn't the --

9 THE HEARING EXAMINER: And Marathon Oil
10 Permian, LLC.

11 MS. BENNETT: Good morning, everyone.
12 Deana Bennett on behalf of Marathon Oil Permian, LLC.

13 THE HEARING EXAMINER: All right.

14 Anyone else here for cases 22853, 23295?

15 So I'll start with Pride.

16 MR. BRUCE: Mr. Examiner, we were set
17 to go to hearing today for a contested hearing, and
18 I -- I had witness availability problems so I
19 requested a -- a status conference so we could set
20 this down the road for a contested hearing.

21 The parties are talking but haven't
22 been seeming to get too far along; is that correct,
23 Darin?

24 MR. SAVAGE: Yes, that's -- that's
25 correct. It doesn't seem to be -- seems to be an

1 impasse at this point.

2 THE HEARING EXAMINER: All right. So
3 we should set this for a contested hearing date,
4 correct?

5 MR. BRUCE: Yes, sir.

6 THE HEARING EXAMINER: All right. How
7 about April 20th?

8 MR. BRUCE: That would be fine with me.

9 THE HEARING EXAMINER: Coterra,
10 Cimarex?

11 MR. SAVAGE: I believe that would work.
12 I do need to check with that -- with the client, but
13 I -- I think that tentatively that would suffice.

14 THE HEARING EXAMINER: Any comments or
15 concerns from the other parties?

16 MS. BENNETT: Mr. Examiner, this is
17 Deana Bennett on behalf of Marathon Oil Permian, and I
18 have been in communication with Pride's counsel
19 regarding whether Marathon has an interest in the
20 Pride cases, and we have not yet reached resolution on
21 that particular request.

22 So I would note that there is still an
23 outstanding issue of whether Marathon has an interest
24 in the Pride case, and if so, that may impact
25 Marathon's position going forward. But I am

1 coordinating with Mr. Bruce on that particular issue.

2 THE HEARING EXAMINER: Okay. Well,
3 we'll give you two months to decide whether to
4 participate in a hearing.

5 MS. BENNETT: Yep.

6 THE HEARING EXAMINER: And so with
7 that, cases 22853, 23295, will be set for a hearing on
8 April 20th. Thank you.

9 MR. SAVAGE: Thank you.

10 THE HEARING EXAMINER: We are now on
11 item 35, case 22988, Matador Production Company.

12 MR. BRUCE: Mr. Examiner, Jim Bruce on
13 behalf of Matador.

14 THE HEARING EXAMINER: And we have an
15 entry from ConocoPhillips Company.

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

18 THE HEARING EXAMINER: I believe Conoco
19 has objected to this case going by affidavit; is that
20 correct?

21 MS. HARDY: That's correct.

22 THE HEARING EXAMINER: Does Conoco
23 anticipate filing competing applications?

24 MS. HARDY: Conoco intends to oppose
25 the applications based on its plans to self-develop.

1 It owns 100 percent of the acreage in part of the
2 spacing unit, so doesn't need to file competing
3 applications but does intend to oppose Matador's
4 application.

5 THE HEARING EXAMINER: Okay. So I
6 believe we need to set a hearing date, then.

7 MS. HARDY: That's correct.

8 MR. BRUCE: That's correct,
9 Mr. Examiner. I know the parties have been in touch
10 about trying to resolve it, but I think moving it a
11 couple of months down the road, set it up for a
12 contested hearing would -- would keep matters rolling.

13 THE HEARING EXAMINER: All right. Are
14 you thinking April or May?

15 MR. BRUCE: When is the first May
16 hearing date? Is that --

17 THE HEARING EXAMINER: May 4th.

18 MR. BRUCE: May 4th. Okay. That would
19 work for me.

20 THE HEARING EXAMINER: All right.
21 Conoco?

22 MS. HARDY: That's fine, Mr. Examiner.

23 THE HEARING EXAMINER: Anyone else with
24 comments on case 22988?

25 Hearing none, it will be set for a

1 hearing on May 4th.

2 MS. HARDY: Thank you.

3 MR. BRUCE: Thank you.

4 THE HEARING EXAMINER: We're on item
5 now -- thank you. We're on Item Number 36 now, Case
6 23045, Mewbourne Oil Company.

7 MS. HARDY: Dana Hardy with Hinkle
8 Shanor on behalf of Mewbourne.

9 THE HEARING EXAMINER: Do we have an
10 entry from MRC Permian?

11 MR. FELDEWERT: Good morning,
12 Mr. Examiner. Michael Feldewert with the Santa Fe
13 Office of Holland & Hart. I think we've also appeared
14 for MRC Delaware resources.

15 THE HEARING EXAMINER: Probably so.
16 Any other persons for Case 23045? We've accepted this
17 for a status conference, but I believe we have a late
18 file motion to dismiss; is that correct? I'll check
19 in with Mewbourne here.

20 MS. HARDY: Correct. The parties
21 reached an agreement and we have filed a motion to
22 dismiss Mewbourne's application.

23 THE HEARING EXAMINER: Are there any
24 objections, then, to the motion to dismiss?

25 MR. FELDEWERT: I'm not going to oppose

1 a motion to dismiss.

2 THE HEARING EXAMINER: Thank you.
3 Hearing none, then motion will be granted. Thank you.

4 MS. HARDY: Thank you.

5 THE HEARING EXAMINER: All right. We
6 are now on Item 37, Case 23214, EGL Resources.

7 MR. PADILLA: Mr. Examiner, Ernest L.
8 Padilla for EGL Resources.

9 THE HEARING EXAMINER: Okay. We have
10 entries from Matador Production Company.

11 MR. FELDEWERT: Good morning,
12 Mr. Examiner. Michael Feldewert with the Santa Fe
13 Office of Holland & Hart.

14 THE HEARING EXAMINER: And Cimarex
15 Energy.

16 MR. SAVAGE: Good morning,
17 Mr. Examiner. Darin Savage on behalf of Cimarex
18 energy company.

19 THE HEARING EXAMINER: Thank you. Is
20 there anyone else here for Case 23214?

21 Hearing none, where are we headed here?
22 Has anybody now filed competing applications?

23 MR. PADILLA: Mr. Examiner, I believe
24 Cimarex has filed competing applications in the last
25 week. They're not on this docket. We reluctantly

1 agreed to extend this hearing to April 6th to be
2 combined with other cases that are going to come up on
3 that hearing date. So Cimarex has filed, I think,
4 four cases, if I'm correct.

5 THE HEARING EXAMINER: Let me hear from
6 Cimarex.

7 MR. SAVAGE: That is correct,
8 Mr. Hearing Examiner. This overlap resulted as a
9 result of some competing applications between
10 Mewbourne and Cimarex in -- in another set of cases.
11 Cimarex filed four applications and they happened to
12 overlap with these particular EGL cases, you know, in
13 one particular section. And, therefore, they're
14 mutually exclusive and competing. As a result, we
15 would like to have these -- all cases heard on the
16 April 6th docket.

17 THE HEARING EXAMINER: All right. Do
18 you have in front of you case numbers?

19 MR. SAVAGE: I -- I don't have in front
20 of me, but I can pull those up and -- and let you know
21 what cases those are.

22 THE HEARING EXAMINER: All right.
23 Well, while we're waiting, can we get any comments
24 from Matador Production?

25 MR. PADILLA: Mr. Examiner, Matador

1 agrees that it makes sense to move this matter to the
2 April 6th docket since, I believe, that's where the
3 Cimarex case is, or going to first appear. I think
4 it's their iron -- island or something like that.

5 THE HEARING EXAMINER: That's
6 Mewbourne, I think. Let me see.

7 Well, let me just say I don't -- I
8 don't have a problem with an April 6th hearing date in
9 these cases. If you can't get me those numbers right
10 now, Mr. Savage, you can send an e-mail and copy all
11 the parties so we can put them all into one very
12 pretty prehearing order.

13 MR. SAVAGE: I will do that. Thank
14 you, Mr. Hearing Examiner. I apologize for not being
15 able to pull this up off of my e-mail quickly, but I
16 will send those to you.

17 THE HEARING EXAMINER: All right. Any
18 other concerns before we set this for a contested
19 hearing on April 6th?

20 Hearing none, we will do so and we will
21 await the Cimarex cases to put them on the prehearing
22 order.

23 MR. PADILLA: Thank you, sir.

24 MR. SAVAGE: Thank you.

25 THE HEARING EXAMINER: All right. Now

1 on Items 38 and 39, case 23254, 23255, V-F Petroleum,
2 Inc.

3 MS. HARDY: Mr. Examiner, Dana Hardy
4 with Hinkle Shanor on behalf of V-F Petroleum.

5 THE HEARING EXAMINER: Thank you.
6 Apache Corporation?

7 MS. BENNETT: Good morning, everyone,
8 Deana Bennett from Modrall Sperling on behalf of
9 Apache Corporation.

10 THE HEARING EXAMINER: Anyone else here
11 for cases 23254, 23255?

12 Hearing none, let's start with V-F.
13 Where are we?

14 MS. HARDY: Mr. Examiner, Apache has
15 opposed the presentation of these cases by affidavit.

16 However, Apache does not have an
17 interest in the south-half case, which is Number
18 23255. Given that they don't have an interest in that
19 case, I don't think there's a basis for the objection
20 and I would like to request an opportunity to present
21 that case by affidavit on the north-half case, since
22 they do have an interest. It seems we probably need a
23 contested hearing date on the soonest available
24 docket.

25 THE HEARING EXAMINER: Thank you.

1 Let's hear from Apache.

2 MS. BENNETT: Thank you. It's my
3 understanding that the JOA that V-F originally sent to
4 Apache included the south-half and the north-half
5 acreage, and that's why V-F -- Apache was opposing
6 both cases. And it wasn't until February 7th
7 that -- or February 6th, I think, that V-F sent Apache
8 a revised JOA.

9 And, in either event -- so, first of
10 all, Apache still needs time to review the revised JOA
11 and is still considering its options. And in either
12 event, it is still opposed to both cases proceeding by
13 affidavit.

14 And so we would ask that the cases
15 either be set for a contested -- I'm sorry, for a
16 status conference to allow Apache to review the
17 revised JOA and has its questions answered, because
18 it's my understanding that Apache's asked some
19 questions as well of V-F that have not yet been
20 answered. And so to set either a status conference
21 in, I guess, April or a contested hearing in April,
22 but the cases are not ready -- even the south-half
23 case is not ready to be heard today in V-F -- in
24 Apache's view, given the timing of everything that's
25 transpired very recently.

1 THE HEARING EXAMINER: Okay. So I'm
2 guessing that Apache is not preparing a contested
3 case, it's own case.

4 MS. BENNETT: Not that I'm aware of.
5 But, again, Apache only received the JOA for the
6 north-half on February 6th so it's still reviewing the
7 north-half JOA and still waiting for its questions to
8 be answered on that JOA. But as far as I know,
9 it's -- it isn't at this time going to be filing
10 competing applications. But, again, just received the
11 JOA.

12 THE HEARING EXAMINER: Okay. Let me go
13 back to V-F for a second for a response.

14 MS. HARDY: Mr. Examiner, I think if we
15 are not able to present the south-half case by
16 affidavit, I would ask that both cases be set for a
17 contested hearing on the first April docket and
18 hopefully the parties can work these issues out the by
19 then. But another status conference would cause
20 additional delay and I think V-F is ready to proceed
21 with its development.

22 THE HEARING EXAMINER: But you -- V-F
23 is willing to move one case without the other.

24 MS. HARDY: Yes. If we can present the
25 south-half case by affidavit, that would be

1 preferable. Well, hopefully we can present both cases
2 by affidavit, if the objections are resolved. But
3 definitely I think we should be able to proceed with
4 the south-half case since Apache doesn't have an
5 interest in that case.

6 THE HEARING EXAMINER: All right.
7 Well, why don't we set this, then, for a hearing on
8 April 6th, and hopefully you all can resolve things
9 one direction or another.

10 MS. BENNETT: Thank you.

11 MS. HARDY: Thank you.

12 THE HEARING EXAMINER: Any other
13 interested persons, then, cases 23254, 23255?

14 Hearing none, they will be set for a
15 contested hearing on April 6th.

16 All right. With that, we are on Items
17 40, 41, 42, Cases 22171, 22172, 22408, Alpha Energy
18 Partners.

19 MS. HARDY: Mr. Examiner, Dana Hardy
20 with Hinkle Shanor on behalf of Alpha Energy Partners.

21 THE HEARING EXAMINER: MRC Permian
22 Company?

23 MR. SAVAGE: Good morning,
24 Mr. Examiner. Darin Savage with Abadie & Schill on
25 behalf of MRC Permian. Also Matador Production

1 Company, success to Ascent Energy.

2 THE HEARING EXAMINER: City of
3 Carlsbad?

4 MS. BENNETT: Good morning, everyone.
5 Deana Bennett, Modrall Sperling, on behalf of the City
6 of Carlsbad.

7 THE HEARING EXAMINER: Thank you. Oil
8 Conservation Division?

9 MR. TREMAINE: This is Jesse Tremaine
10 on behalf of the Oil Conservation Division.

11 THE HEARING EXAMINER: And I have
12 Mewbourne Oil Company.

13 MR. FELDEWERT: Good morning, Michael
14 Feldewert at the Santa Fe Office of Holland & Hart.

15 THE HEARING EXAMINER: Are there any
16 other entries, 22171, 22172, 22408?

17 MR. HAJNY: Good morning, Mr. Hearing
18 Examiner. Brandon Hajny with Cavin & Ingram in
19 Albuquerque.

20 We represent Realeza Del Spear, which
21 originally filed an objection to Alpha's 22172 case.
22 We've withdrawn that objection and I'm just here to
23 monitor.

24 THE HEARING EXAMINER: Okay. Goodness,
25 I thought you had dropped out as a party. I'm sorry.

1 Thank you. So, once upon a time, we
2 had a prehearing order, three different companies
3 overlapping spacing units, and now it appears that two
4 of the sets of applications have disappeared, been
5 dismissed, and we're left with Alpha Energy Partners;
6 is that correct, Ms. Hardy?

7 MS. HARDY: Correct, Mr. Examiner. And
8 at this point, I don't believe there are any
9 objections to Alpha's applications, but I do note that
10 the Oil Conservation Division may want to oppose
11 permit conditions because of the proximity of these
12 wells in relation to the Carlsbad brine well. So I'm
13 hoping we can work those issues out.

14 But I think we would ask for the cases
15 to be set for a hearing on the May 18th docket, and if
16 we're able to resolve the permit conditions with OCD,
17 we would hope to present these cases by affidavit.
18 But if not, we might need hearing testimony.

19 THE HEARING EXAMINER: Okay. Well,
20 let's go around, check in with everybody here. Start
21 with MRC?

22 MR. SAVAGE: Mr. Hearing Examiner,
23 that's correct. And no objections on that.

24 THE HEARING EXAMINER: The City of
25 Carlsbad?

1 MS. BENNETT: Thank you, Mr. Examiner.
2 The City of Carlsbad has -- when the Alpha cases were
3 first filed -- or the City of Carlsbad was negotiating
4 with Alpha about the lease terms, and then we entered
5 into this, you know, state of flux and these multiple
6 continuances.

7 And so to be quite honest, when the
8 other two parties settled and made this Alpha case
9 more -- on a faster track, I needed to check back in
10 with the City of Carlsbad to see where the lease
11 negotiations were, because those had been put on the
12 back burner, I'm sure, pending this -- the outcome of
13 the cases.

14 So I have been in contact with the City
15 of Carlsbad, but I don't have a final answer from them
16 yet on whether their lease negotiations with Alpha
17 have been successful. So that is still a pending
18 issue.

19 So while I largely agree with
20 Ms. Hardy, I would like to put a pin in this and just
21 note that the City is still needing to work through
22 some things with Alpha and that could potentially
23 affect the presentation by affidavit. But I'm hopeful
24 that between now and May 18th I would have time to get
25 that all resolved and that the City and Alpha would be

1 able to come to an agreement or not between now and
2 them. But I did want to raise that for the record and
3 for the parties' understanding.

4 THE HEARING EXAMINER: Okay. Thank
5 you. Let me just check with Mewbourne first here.

6 MR. FELDEWERT: Mr. Examiner, I
7 anticipate that the -- Mewbourne is not going to be
8 involved any further in this matter, because I do not
9 believe we are an affected party now that the other
10 cases have been dismissed.

11 THE HEARING EXAMINER: Thank you. So
12 Oil Conservation Division.

13 MR. TREMAINE: Mr. Hearing Examiner, I
14 agree with Ms. Hardy. I think that is a good plan.
15 The OCD has been in contact with the contractor
16 remediating the brine well to get the final monitoring
17 plan finalized and in place, and that will hopefully
18 be happening well in advance of the May date and
19 inform OCD's position at that time.

20 The Division's involvement at this
21 point is related to the current one-mile restriction
22 on development, and so my intent is to be able to
23 provide an updated position on the part of the
24 Division before that date, and we will be in touch
25 with Alpha to discuss any appropriate conditions that

1 OCD would be requesting in advance of the May 18th
2 hearing date.

3 THE HEARING EXAMINER: Thank you. If I
4 read the maps correctly, these spacing units appear to
5 be within one mile of the brine well cavern, correct?

6 MR. TREMAINE: Yes, that is my
7 understanding.

8 THE HEARING EXAMINER: Thank you.

9 All right. So let's go back, then, to
10 Alpha. And so May 18th is fine. Should we set this
11 up, basically, as a potential contested hearing that
12 could turn into an affidavit hearing?

13 MS. HARDY: I think so, Mr. Examiner.

14 THE HEARING EXAMINER: All right. Any
15 objections from anyone? Any further comments? I see
16 noddings of head, "no", and with that, Cases 22171,
17 22172, 22408 will be set for a hearing on May 18th.

18 MS. HARDY: Thank you.

19 THE HEARING EXAMINER: Thank you all.

20 Well, let's try to do a few hearings
21 here while we're at it. We'll start off with a couple
22 of cases that have been continued from prior hearings.

23 Item Number 43, Case 23210, Novo Oil &
24 Gas Northern Delaware, LLC.

25 MS. BENNETT: Good morning,

1 Mr. Examiner and everyone. Deana Bennett on behalf of
2 Novo Oil & Gas Northern Delaware, LLC.

3 THE HEARING EXAMINER: Any entries from
4 Yates Energy Corporation? MRC Delaware Resources?

5 MR. FELDEWERT: Good morning,
6 Mr. Examiner. Michael Feldewert, Santa Fe Office of
7 Holland & Hart.

8 THE HEARING EXAMINER: COG Operating?

9 MS. MUNDS-DRY: Ocean Munds-Dry with
10 COG Operating, LLC.

11 THE HEARING EXAMINER: And EOG
12 Resources.

13 MS. KESSLER: Good morning. Jordan
14 Kessler on behalf of EOG Resources.

15 THE HEARING EXAMINER: All right.
16 Sorry, Ms. Kessler, you were a little quiet there,
17 so --

18 MS. KESSLER: I'll speak up.

19 THE HEARING EXAMINER: All right.
20 Well, I believe there was some notice issues to deal
21 with; is that correct?

22 MS. MUNDS-DRY: That's correct. This
23 case was continued for notice purposes only.

24 When we were preparing the materials
25 for the case a few weeks ago, we noticed that on the

1 tracking that we had the tracking said, "to be
2 mailed," even though we had physically delivered the
3 letters to the post office. And so for the folks who
4 were noted as to be mailed, on our spreadsheet we went
5 ahead and prepared handwritten green cards and set
6 those letters by certified mail with handwritten green
7 cards -- or, you know, original green cards that folks
8 could sign.

9 And so we did file a supplemental
10 declaration of Earl DeBrine, and that supplemental
11 declaration does show that the additional -- or those
12 parties that were listed as to be mailed were timely
13 sent notice letters. And the majority of those
14 letters was delivered, as is reflected by the signed
15 green cards that we received back.

16 So with that, I would ask that the
17 supplemental declaration of Earl DeBrine and the
18 supplemental exhibit regarding notice, which is
19 Exhibit B.7.6, be admitted into the record in case
20 23210, and that the case be taken under advisement.

21 (Item 43 Exhibit 1 was marked for
22 identification.)

23 THE HEARING EXAMINER: Thank you. Are
24 there any other comments or objections on Case 23210?

25 Thank you. I will also note you also

1 filed another amended exhibit on listing the
2 overriding royalty interest owners.

3 MS. MUNDS-DRY: That's correct. At the
4 end of the first hearing, or during the first hearing,
5 we did need to submit a amended pooled party list, and
6 we did submit that.

7 THE HEARING EXAMINER: Thank you. With
8 that, the exhibits will be admitted into the record
9 and the case will be taken under advisement.

10 (Item 43 Exhibit 1 was received into
11 evidence.)

12 MS. MUNDS-DRY: Thank you very much.

13 THE HEARING EXAMINER: Thank you. We
14 are now on Item 44, Case 23298, Mewbourne Oil Company.

15 MR. BRUCE: Mr. Examiner, Jim Bruce on
16 behalf of Mewbourne.

17 THE HEARING EXAMINER: Thank you. Any
18 other entries of appearance for Case 23298?

19 Hearing none, this case is also a
20 continuation for notice purposes. Mr. Bruce?

21 MR. BRUCE: Yes, Mr. Examiner. I think
22 the Affidavit of Publication was -- may have been
23 published one day late, so the matter was continued to
24 let the notice period run.

25 Plus, I had not received the original

1 affidavit of publication as of the last -- as of the
2 hearing -- prior hearing, and I did receive that, and
3 I filed a supplemental exhibit, and that was Exhibit
4 4. But I would ask that Exhibits 1 through 5 in the
5 case -- was presented other than the notice
6 affidavit -- Exhibits 1 through 5 be admitted into the
7 record and that the case be taken under advisement.

8 (Item 44 Exhibits 1 through 5 were
9 marked for identification.)

10 THE HEARING EXAMINER: Thank you. Are
11 there any objections, case 23298? Hearing none, all
12 the exhibits will be admitted into the record and the
13 case will be taken under advisement.

14 (Item 44 Exhibits 1 through 5 were
15 received into evidence.)

16 MR. BRUCE: Thank you.

17 THE HEARING EXAMINER: With that, we
18 are on Items 45 through 48, Cases 22915, 22916, 22990,
19 22992, Matador Production Company.

20 MR. FELDEWERT: Good morning,
21 Mr. Brancard and Mr. Rose-Coss, Michael Feldewert with
22 the Santa Fe Office of Holland & Hart on behalf of the
23 Applicant.

24 THE HEARING EXAMINER: We have entries
25 from COG Operating, LLC.

1 MS. MUNDS-DRY: Good morning,
2 Mr. Hearing Examiner. Ocean Munds-Dry with COG
3 Operating, LLC and Concho Oil and Gas.

4 THE HEARING EXAMINER: Mewbourne Oil
5 Company.

6 MR. BRUCE: Mr. Examiner, Jim Bruce on
7 behalf of Mewbourne.

8 THE HEARING EXAMINER: And COG
9 Resources.

10 MS. KESSLER: Jordan Kessler on behalf
11 of EOG Resources.

12 THE HEARING EXAMINER: Any other
13 interested person in cases 22915, 916, 990, and 992?

14 Hearing none, these cases were part of
15 a larger prehearing order, and I believe we vacated
16 the prehearing order. And Matador wants to go ahead
17 with four of these cases; am I correct, Mr. Feldewert?

18 MR. FELDEWERT: Yes, sir.

19 THE HEARING EXAMINER: Thank you. So,
20 all right. Let me just once again check; does anyone
21 object to those cases going forward by affidavit?

22 MR. BRUCE: I do not.

23 THE HEARING EXAMINER: I see several
24 nodding of heads on the screens, "no." So with that,
25 I believe, Mr. Feldewert, you may go ahead with

1 Matador's presentation.

2 MR. FELDEWERT: Thank you.

3 Mr. Examiner, Mr. Rose-Coss, this is -- part of these
4 four cases are really a part of a series of cases on
5 file to address development in an area of New Mexico
6 that has some unique land configurations. I would
7 invite everyone to take a look at what was -- been
8 filed as Matador Exhibit C3, which is page 48 of the
9 PDF that we have filed, and you'll see -- we've
10 outlined here the acreage in question.

11 And what you'll observe here is that in
12 this very unique part of New Mexico, you have some
13 irregular sections of land, and these irregular
14 sections of land are comprised of a series of unusual
15 number of contiguous lots.

16 And you'll also notice when you look at
17 this plat that those continuance -- contiguous lots
18 actually shift as you move from 21 -- or 20
19 south -- 21 south, 28 east to 21 south 29 east; they
20 kind of drop down a little bit.

21 So to address this very unique land
22 configuration we have presented here today -- or going
23 to present here today four consolidated cases
24 involving the Wolfcamp formation underlying this area.

25 Two of these applications seek approval

1 and pooling of nonstandard horizontal space units to
2 address the unusual number and configuration of the
3 lots that you see that comprise, essentially, the
4 north-half of this acreage. And, now, those are cases
5 22990 and 22992.

6 22990 seeks an order approving and
7 pooling what will be a nonstandard horizontal well
8 spacing unit, approximately 670 acres in the Wolfcamp,
9 and you'll see that from this exhibit that it will be
10 comprised of lots 1 through 8 of irregular section 1
11 and 2, which will be the north-half -- north-half
12 equivalent of those sections.

13 And then also lots -- or, let's see, 1
14 through 8. And then lots 3 through 6 -- hold on a
15 minute here. I've got to look at my -- in my plat,
16 here. It would be -- if you shift over then to the
17 next section, you'll see it will involve lots 3, 4, 5
18 and 6 of irregular section 6, which is essentially the
19 north-half of the northwest quarter equivalent of
20 Section 6 for the proposed 2 and a half mile wells
21 which would be the Simon Camamile 201, 202 and 222
22 that you see there at the top of the screen.

23 Then case 22992 seeks an order
24 approving and pooling a nonstandard horizontal spacing
25 unit approximately 780 acres in the Wolfcamp comprised

1 of lots 9 through 16, which would be the south-half of
2 the north-half equivalent of sections -- irregular
3 sections 1 and 2. And then the lots 11, 12, 13, and
4 14 of irregular section 6, which is essentially the
5 south-half of the northwest quarter equivalent.

6 We then have case 22915 which seeks to
7 pool a standard -- this one gets to be a standard
8 one -- a standard 390 acre horizontal space unit in
9 the Wolfcamp that's comprised of the north-half and
10 the south-half of sections 1 and 2, and then what
11 would be lot 17, and then the northeast quarter of the
12 southwest quarter of irregular section 6, which would
13 be the north-half of the south-half equivalent of that
14 southwest quarter.

15 And then finally, rounding things out,
16 we got Case 22916, which seeks to pool a standard
17 horizontal well spacing unit comprised of
18 approximately 390 acres in the Wolfcamp comprised of
19 the south-half of the south-half of sections 1 and 2,
20 and then the lot 18 in the southeast quarter of the
21 southwest quarter of Section 6, which is the
22 south-half of the southwest quarter equivalent of
23 Section 6.

24 And both of these standard spacing
25 units at this time will be initially dedicated to a

1 single well at 205H Simon Camamile and then the Simon
2 Camamile 206H.

3 With respect to the standard spacing
4 units that we seek under 22915 and 22916, the original
5 application sought approval of an overlapping spacing
6 unit in each of those applications, as I note in our
7 prehearing statement that is no longer needed.

8 So with that said, what we provided you
9 in our package here is Exhibit A is comprised of the
10 four compulsory pooling checklists for each of these
11 cases, the Exhibit B is the application that was filed
12 for each of these four cases, Exhibit C is the
13 self-affirmed statement of the Landman, Mr. Clay
14 Wooten [ph], who has not previously testified before
15 this Division, so he outlines his credentials in
16 paragraph 2, which, I believe, qualifies him to speak
17 as an expert landman.

18 Mr. Wooten then goes on to provide in
19 Exhibit C1 the C102s for all the wells that you saw
20 listed on Exhibit C3 and we have them in numerical
21 order, just to make it easier to find them. Exhibit C
22 2 is a general location map to show you where this
23 unusual acreage configuration is located. Exhibit C3
24 is what -- is the exhibit we just reviewed outlining
25 the spacing units and the acreage that's involved.

1 Exhibit C4 then begins a series of track maps for each
2 of these spacing units that identifies the tracts of
3 land involved, the interest owners that require
4 pooling and where their acreage is located, along with
5 their interest in each of the proposed spacing units,
6 and then a list for each case of the overriding
7 royalty interest owners that the company seeks to pool
8 under these applications.

9 And so we have for each case the track
10 map, the list of working interest owners and
11 their -- where their interest is located with their
12 interests, along with the overriding royalty -- list
13 of overriding royalty interest owners. That's Exhibit
14 C4.

15 Exhibit 5 is a sample of the well
16 proposal letter -- letters that went out in connection
17 with this project, starting back in November of 2021.
18 There's been a few letters that have updated and
19 amended the wells -- well proposals. The AFEs are
20 provided, and Mr. Wooten talks about those in his
21 statement.

22 Exhibit C6 is the summary of
23 communications, which each of the parties that the
24 company seeks to pool by case in that Exhibit, so it's
25 comprised of a series of pages identified by

1 particular case number and then the chronology
2 context. And then recall that we have two
3 applications where we seek approval of nonstandard
4 spacing units that deal with those lots up there in
5 what is the north-half equivalent of this -- this
6 acreage in the northwest quarter equivalent of
7 Section 6.

8 So Exhibit C7 identifies the tracts
9 that are impacted by the requests for a nonstandard
10 spacing unit and then it provides a list of the
11 parties that are affected by the nonstandard spacing
12 unit sought in Case 22990 and in Case 22992.

13 We then get to the geology affidavit,
14 Mr. Andrew Parker -- this is a little more standard
15 and straightforward. He provides his self-affirmed
16 statement along with a location map, a structure map
17 that shows the well bores and the acreage in question
18 and a map showing the wells that he utilized to create
19 a stratigraphical structural cross-section, which is
20 then identified as Exhibit D3, wherein he identifies
21 the landing zones for the wells that are proposed
22 under these four applications.

23 Exhibit E is my affidavit confirming
24 that notice was provided in each of these cases to all
25 of the parties. I've broken it down into Exhibit E1

1 to my affidavit, which contains a list of the status
2 of delivery and the parties to whom notice was
3 provided for Cases 22915 and 22916, which are the
4 standard spacing units, and they have the same -- they
5 share a common notice list.

6 Exhibit E2 contains the status of
7 mailings for Case 22990, which is one of the
8 nonstandard spacing units, and what you'll see is it
9 has in the list underneath that case, first it
10 identifies the offset owners and the status of notice
11 to them, and then as you continue through that
12 list -- I'm looking at page 117 of the PDF -- off set
13 notice list first, and as you continue through and you
14 get to page 118, you'll see in the middle there begins
15 there forced pooled or the pooled party list.

16 Then Exhibit E3 contains the same type
17 of information for the other cases seeking a
18 nonstandard spacing unit.

19 And then Exhibit E4 looks a little
20 different because it's a series of information dealing
21 with the status of notice to a Canadian interest
22 owner, so that's why we have Exhibit E4.

23 Exhibit F, then, is a notice of
24 publication for each of those -- these four cases that
25 was accomplished by name to each of the pooled parties

1 and then each of the parties who are affected by the
2 proposed -- two cases that propose approval of
3 a -- and pooling of a nonstandard horizontal well
4 spacing unit.

5 So with that, I would move the
6 admission of Exhibits A, B, C, D, E, and F, and ask
7 that these four cases be taken under advisement.

8 (Items 45 to 48 Exhibits A through F
9 were marked for identification.)

10 THE HEARING EXAMINER: Thank you. Let
11 me start with the other parties, if there are any
12 questions or concerns.

13 Let's start with COG Operating.

14 MS. MUNDS-DRY: No questions, no
15 concerns. Thank you.

16 THE HEARING EXAMINER: Okay. Mewbourne
17 Oil Company.

18 MR. BRUCE: Same here.

19 THE HEARING EXAMINER: And EOG
20 Resources.

21 MS. KESSLER: No concerns. Thank you.

22 THE HEARING EXAMINER: You're a little
23 quiet there, EOG; is that "no"?

24 MS. KESSLER: No concerns. Thank you,
25 sir.

1 THE HEARING EXAMINER: Thank you. All
2 right. Anyone else with questions or concerns?

3 Hearing none, I will go to
4 Mr. Rose-Coss for questions.

5 MR. ROSE-COSS: Sure. Good morning,
6 Mr. Feldewert.

7 MR. FELDEWERT: Good morning.

8 MR. ROSE-COSS: Yeah -- thanks for your
9 detailed outline of the material; very, very helpful.

10 So you know what? I don't have many
11 questions really. One of the ones that came to mind,
12 though, I see that there's a -- some Wolf -- some Bone
13 Spring development in the same area with wells that
14 run north to south versus east to west.

15 And I'm just, you know, curious,
16 playing devil's advocate; is this east to west
17 configuration really optimal for here? Would any of
18 the potential spacing conflicts be alleviated going
19 that direction and is there any -- is there going to
20 be a complication or stranded resources, you know,
21 based on there being -- you know, north-south Bone
22 Springs wells in the area? Does that kind of limit
23 this acreage being developed by Matador at the Bone
24 Spring interval or what's going on there?

25 MR. FELDEWERT: So just for purposes of

1 the record, this case -- these cases involve the
2 Wolfcamp formation, and I know that our geologist
3 talks about the orientation of the wells for the
4 Wolfcamp formation.

5 But to answer your question, there are
6 some cases -- Matador has on file cases for the Bone
7 Spring wells. Just to kind of make these easier and
8 break it up, I didn't present the Bone Spring cases
9 today and started with the Wolfcamp cases. I think
10 they're -- these are the wells that they want to drill
11 first.

12 We do have similar applications for the
13 Bone Spring. They do involve some overlapping
14 horizontal well spacing units, but it's my
15 understanding that the company, having looked at the
16 information available and the stress orientation in
17 this area has come to the same conclusion that lay
18 downs are better here for the Bone Spring development
19 like this than stand up.

20 MR. ROSE-COSS: Okay. Perfect. And,
21 you know, just for -- make sure it's clear in my mind,
22 why -- why are the -- kind of the development in the
23 north-half -- north-half nonstandard and then in the
24 south -- they look pretty similar. What makes them
25 none standard versus --

1 MR. FELDEWERT: Well, this is where the
2 lawyers get to have a lot of fun. If you take a look
3 at the language in the horizontal well rule and how
4 the definition of a standard spacing unit is defined,
5 okay, there is some question about whether
6 these -- whether we can bring together, for example,
7 lots one through eight in Sections 1 and 2 and then 3,
8 4, 5, and 6 in Section 6 as a standard spacing unit
9 with that well 222, okay?

10 Because there's some language in the
11 horizontal well rules that could be read to indicate
12 that you cannot -- you can only bring in a
13 quarter -- quarter section equivalent, singular, and
14 here to the configuration here for what I would
15 concern to be the north-half -- north-half acreage, is
16 comprised of more than one lot. Usually you just see
17 one lot, you know, but here's we have a series of lots
18 because of, I guess, the unique area here.

19 So we made the decision that -- not to
20 get involved in that particular debate and just create
21 a nonstandard spacing unit that clearly is allowed by
22 the rules, clearly allows the company to develop this
23 acreage in an efficient and effective manner, and
24 deals with what I would consider to be a very unique
25 land configuration/situation in New Mexico.

1 MR. ROSE-COSS: Okay. I'm putting it
2 together now. In the north-half of this -- of the
3 map, it's irregular sections are broken out into
4 sublots, but in the -- kind of in the south-half we
5 end up with regular quarters -- or more regular.

6 MR. FELDEWERT: Good point. If you
7 take a look at what I would consider the south-half
8 acreage, which is Case 22915 and 22916 -- I'm looking
9 at Exhibit C3, that's how I keep this
10 straight -- you'll see that that's comprised of what
11 you usually see in a -- in a regular section, is that
12 you have standard quarter-quarter sections, and then
13 you have, like we see over in Section 6, just one lot
14 comprising the quarter-quarter section equivalent
15 for -- in this case lot 17 for the north-half of the
16 south-half acreage and then lot 18 for the south-half
17 of the south-half acreage.

18 So at that -- clearly fits within the
19 horizontal well rules, clearly indicates that they are
20 standard, so we did not have to go with the
21 nonstandard approval effort like we did for the
22 remaining acreage.

23 MR. ROSE-COSS: And then the paperwork
24 effort from the nonstandard aspect, that's all been
25 filed and that's being dealt with outside of this?

1 MR. FELDEWERT: No. That is
2 actually -- you'll see on the compulsory pooling
3 checklist that we need approval of the nonstandard
4 spacing unit and then pooling of that nonstandard
5 spacing unit, which is why we have some additional
6 notice for the Case 22990 and 22992, because we have
7 to give notice to the affected parties in the tracts
8 that adjoin the proposed nonstandard spacing unit.

9 MR. ROSE-COSS: I see. Perfect. And,
10 you know, my last question, and maybe it's not
11 relevant here, does this create any complications with
12 APD for the BLM when -- when the wells kind of cross
13 tracts the way they are?

14 MR. FELDEWERT: Man, I hope not.

15 MR. ROSE-COSS: For sure.

16 MR. FELDEWERT: Good question, though.
17 I -- I don't -- we have -- they put together the, you
18 know, the C102s, they've been surveyed. I am not
19 aware of any issue being raised by the BLM. I -- you
20 know, they are contiguous. Yes, they kind of jog a
21 little bit, but they are contiguous.

22 MR. ROSE-COSS: Sure. Okay. Well,
23 that's my last question here. It seems, like, as an
24 efficient way as possible to deal with the kind of
25 irregularity in this section, so

1 hopefully -- hopefully it can just go forward.

2 And, thanks again. Those are my
3 questions.

4 MR. FELDEWERT: Thank you.

5 THE HEARING EXAMINER: Thank you.

6 Okay. So let me get my little concerns out of the way
7 here, which relate to legal descriptions. Okay?

8 I think that the legal descriptions
9 that you have provided for the notice paragraphs that
10 we used are fine because they focus on lot numbers,
11 which are how the public land survey system divides
12 this area up.

13 It's when you start calling things
14 equivalents that it gets a little confusing. I'm not
15 sure what -- you know, I don't know what an equivalent
16 is, but, anyway, more importantly, in -- in your
17 checklists, you're doing equivalents. Okay?

18 MR. FELDEWERT: Let me check up with
19 you here. I see. Yeah.

20 THE HEARING EXAMINER: In particular
21 you stumble in the checklist for 992, if I can find it
22 here.

23 MR. FELDEWERT: In terms of the
24 description of the spacing unit?

25 THE HEARING EXAMINER: Yes. So 992,

1 you say lots 9216 south-half-south-half equivalent;
2 it's not the south -- it's the south-half -- if it's
3 an equivalent of anything, it's the south-half of the
4 north-half.

5 MR. FELDEWERT: You're right. Okay.
6 That's a typo. Because we say the south-half of the
7 northwest quarter. You're right.

8 THE HEARING EXAMINER: Yeah. So --

9 MR. FELDEWERT: Okay.

10 THE HEARING EXAMINER: I guess that's
11 sort of -- and it's a parenthetical, so, you know,
12 we're not relying on it. I mean, I think the true
13 legal description is using the lot numbers. And so
14 you have those correctly in all the other notice
15 documents.

16 So other than maybe
17 correcting -- looking at all these checklists to make
18 sure they're correct, I think we're fine.

19 MR. FELDEWERT: Okay. Now --

20 THE HEARING EXAMINER: But at least the
21 992 checklist should be changed.

22 MR. FELDEWERT: Certainly. Now, recall
23 that -- and the reason I did this is because I think
24 in the past you have requested us to identify -- you
25 thought it easier if we happen to identify the -- what

1 would be equivalents.

2 Now, whether -- you're right. I don't
3 know if these are the equivalent or not, but it
4 certainly helped me, and perhaps the public,
5 understand what type of acreage we're dealing with in
6 each case. That's the reason we went with the
7 equivalent language that the Division sometimes finds
8 helpful.

9 THE HEARING EXAMINER: So let me just
10 talk a little bit about these irregular sections.

11 MR. FELDEWERT: Yeah.

12 THE HEARING EXAMINER: Well, let me
13 just start by saying that your approach with treating
14 these as nonstandard spacing units is obviously the
15 safe approach, and that's fine. So there's nothing
16 wrong with what you've done here.

17 MR. FELDEWERT: Good.

18 THE HEARING EXAMINER: Let's just start
19 with that. But I -- when these applications first
20 started coming in in this Township 21 South, it caused
21 us to have a number of internal discussions about what
22 is a standard spacing unit when it comes to irregular
23 shaped tracts.

24 And so we had -- debate on this issue,
25 and there are some of us, like myself, who favored

1 sort of a broad approach to nonstandard spacing units,
2 you know, when everything -- when anything is not
3 quite right, just call it nonstandard -- and then
4 there were the people out in the field who was, like,
5 no, that's not -- and so I lost in the debate.

6 And, basically, our position is that
7 these lots are tracts for the purposes of the
8 horizontal spacing unit definitions. Okay? So you
9 can line up the lots and turn it into a standard
10 horizontal spacing unit.

11 However, there is the old
12 provisions -- the provisions in the old rules prior to
13 the horizontal well units that talk about nonstandard
14 spacing units being tracts that are less than 70
15 percent or greater than 130 percent of a normal-sized
16 tract. In other words, if it's a quarter-quarter,
17 it's, you know, 28 acres and whatever 130 percent is.
18 That makes it irregular. Okay?

19 So I think our position is that if you
20 line up a whole bunch of these lots and you add up the
21 acreage of those lots and it comes out to being less
22 than 70 percent or greater than 130 percent of what it
23 would have been had you had normal quarter-quarter 40
24 acre tracts, you have a nonstandard spacing unit.
25 Okay?

1 But most of your lots here are 40 acre
2 lots so they could form the basis of a standard
3 horizontal spacing unit. Which means you could also
4 use proximity wells to tag along some of these
5 irregular spacing units into a standard spacing unit.
6 So I don't know if of you some -- if you're
7 understanding what I'm saying, but --

8 MR. FELDEWERT: Well, I'm just harking
9 back --

10 THE HEARING EXAMINER: I think we're
11 taking a little more, you know, forgiving attitude
12 about standard spacing units when it comes to these
13 irregular units that we might have initially given the
14 impression of --

15 MR. FELDEWERT: Okay. Good. Because
16 that was a little --

17 THE HEARING EXAMINER: Like I
18 said -- going the safe route and calling them
19 nonstandard, you've done your client, you know, a
20 favor. I'm not having a whole argument about whether
21 these are standard or not.

22 MR. FELDEWERT: Right. Because I'm
23 harking back to some conversations and communications
24 had in trying to deal with this previously and that,
25 of course, formed the basis of how we decided may be

1 the best way to proceed, given the uncertainties. So
2 I appreciate the clarification. I'm not sure I'm
3 going to take the risk.

4 THE HEARING EXAMINER: Yeah. Right.
5 You know, why put your client at a risk of having
6 another continuance or something or having to
7 reapply --

8 MR. FELDEWERT: Right. Because the
9 last thing I want to do is have something that takes a
10 year to get an order, so there you go.

11 THE HEARING EXAMINER: Right. Right.
12 So, anyway, that's just how -- that's just how we've
13 looked at it, is using that -- I mean, the issue in
14 this area would be that top row of lots because they
15 are clearly undersized, and you probably could not
16 form a standard spacing unit just with, you know, a
17 lay down unit consisting of those, because they're
18 right around the 70 percent number there.

19 But you're combining them with the
20 units below and using a proximity well, you could
21 create a standard spacing unit, so that's today's
22 discussion.

23 But thank you for finally bringing this
24 forward. It forced us to have a whole internal
25 discussion about what that meant and how to apply the

1 horizontal spacing unit rules.

2 And, again -- and the other issue,
3 obviously, is when you connect over to the crossing
4 the township line and you know have --

5 MR. FELDEWERT: Yeah.

6 THE HEARING EXAMINER: -- a different
7 size of units. I don't think those are problems
8 because it's clearly -- you would also recall from the
9 horizontal well rule making that it was written in a
10 way that you can create standard spacing units that
11 are not rectangles.

12 You go on an angle, as long as that
13 well is crossing each of those tracts, that's a
14 standard spacing unit. So they don't have to be
15 perfect rectangles in order to qualify as a standard
16 spacing unit.

17 MR. FELDEWERT: For a -- for a lay down
18 well?

19 THE HEARING EXAMINER: Well, that's
20 what you have here. You have lay down wells that are
21 not perfect rectangles, because some of them are a
22 little --

23 MR. FELDEWERT: Yes. Yeah.

24 THE HEARING EXAMINER: -- you know,
25 further south or further north. But as long as the

1 well is inside that tract, I think that's at standard
2 spacing unit.

3 MR. FELDEWERT: Because that was
4 another issue because, as you recall, the language of
5 the horizontal well rules talk about if the -- you
6 have to maintain a rectangular shape generally if
7 your -- if your space -- if the orientation of your
8 contiguous lots would be a -- a rectangle. So I was a
9 little concerned here with the jog that we'd run into
10 the rectangular issue in the horizontal well rules.

11 But if you're telling me that perhaps
12 that's not an issue, that's good to know.

13 THE HEARING EXAMINER: Yeah, I
14 think -- I mean, as I read it, the rectangular issue
15 relates to if you're trying to do sort of a proximity
16 deal and adding another tract on.

17 MR. FELDEWERT: Yes. Yep.

18 THE HEARING EXAMINER: Okay?

19 MR. FELDEWERT: Right.

20 THE HEARING EXAMINER: So you have four
21 tracts and then, you know, your well goes off near the
22 edge and you add a fifth track above it. Well, you've
23 created a nonstandard -- that's not a standard
24 spacing unit.

25 MR. FELDEWERT: I agree with that. I

1 agree. My concern was -- if you look at C3, as you
2 get into Section 6, if you use 222 as your proximity
3 track well, you're bringing in lots 5 and 6 that
4 arguably, or some could view, as messing up your
5 rectangle. Now, it sounds like that's not the
6 Division's interpretation, and I'm glad to hear that.
7 But that was another area of uncertainty.

8 THE HEARING EXAMINER: Right. Yes.
9 Yeah, I mean that is -- yeah, for a proximity well,
10 that might be an issue. Okay? But for -- for
11 just -- if you just went straight across, right, and
12 just did all those lots -- if you did lots, you know,
13 say, you know, 9 through 12 -- 9 through 12 and then
14 went across into the next section -- because they're
15 all essentially 40 acre tracts except for that one
16 little lot over there in 6 -- I think you have a
17 standard spacing unit, if you lined up 10 tracts in a
18 row.

19 MR. FELDEWERT: Okay. That's good to
20 know.

21 THE HEARING EXAMINER: But we have
22 discussed this internally, so feel free to chat with
23 us in advance of filing an application if this issue
24 comes up again.

25 MR. FELDEWERT: But we're okay with the

1 nonstandard spacing unit approach, right? That's the
2 most --

3 THE HEARING EXAMINER: Absolutely.

4 MR. FELDEWERT: Okay. Good. Because
5 that's --

6 THE HEARING EXAMINER: That is the safe
7 way -- and that -- that works.

8 MR. FELDEWERT: Okay. Good. Because
9 we have the other applications on file. Good. Thank
10 you, sir.

11 THE HEARING EXAMINER: Thank you. All
12 right. With that, any other further questions for
13 cases 22915, 22916, 22990, 22992?

14 Hearing none, the exhibits will be
15 admitted into the record, and these cases will be
16 taken under advisement, and we will leave the record
17 open if -- for corrections to at least one
18 checklist --

19 (Items 45 to 48 Exhibits A through F
20 were received into evidence.)

21 MR. FELDEWERT: Yes. Yes.

22 THE HEARING EXAMINER: -- inspect them
23 all just to make sure.

24 MR. FELDEWERT: I will do that. Thank
25 you for your time.

1 THE HEARING EXAMINER: With that, we
2 are now on Item 49. And let me first check in with
3 our court reporter to see how we are doing.

4 THE REPORTER: Doing fine.

5 THE HEARING EXAMINER: Then let's just
6 keep going here.

7 Item 49, Case 23205, Centennial
8 Resource Production.

9 MS. VANCE: Good morning, Mr. Hearing
10 Examiner and Mr. Rose-Coss, Paula Vance with the Santa
11 Fe Office of Holland & Hart on behalf of the
12 Applicants, Centennial Resource Production, LLC.

13 THE HEARING EXAMINER: Thank you. We
14 have an entry from Tap Rock Operating?

15 Novo Oil and Gas?

16 MS. BENNETT: Good morning, everyone.
17 Deana Bennett from Modrall Sperling on behalf of Novo
18 Oil & Gas.

19 THE HEARING EXAMINER: Thank you. COG
20 Operating, LLC?

21 MS. MUNDS-DRY: Ocean Munds-Dry with
22 COG Operating, LLC.

23 THE HEARING EXAMINER: Thank you. I
24 believe Centennial has a late file motion to continue;
25 is that correct?

1 MS. BENNETT: That's correct,
2 Mr. Hearing Examiner, and I apologize. We filed as
3 expeditiously as we could yesterday evening, and I'm
4 glad to see that you got that filing.

5 THE HEARING EXAMINER: Thank you. And
6 what is the date for the continuance?

7 MS. BENNETT: It is the March 16th
8 hearing date, and I also did get an e-mail from
9 Mr. Rodriguez from Tap Rock. He does not oppose the
10 continuance.

11 THE HEARING EXAMINER: Thank you. Are
12 there any objections to this continuance? I see
13 nodding of heads "no," and so I'll take that as we're
14 fine with it.

15 With that, this case is continued to
16 March 16th.

17 MS. BENNETT: Thank you, Mr. Hearing
18 Examiner.

19 THE HEARING EXAMINER: Thank you.

20 We are now on Item Number 50. This is
21 Case 23206, Mewbourne Oil Company.

22 MR. BRUCE: Mr. Examiner, Jim Bruce on
23 behalf of Mewbourne. Sorry, I didn't realize I was on
24 mute.

25 THE HEARING EXAMINER: Thank you. We

1 have an entry from ConocoPhillips.

2 MS. MUNDS-DRY: Ocean Munds-Dry with
3 ConocoPhillips and COG Operating, LLC.

4 THE HEARING EXAMINER: Thank you. Are
5 there any other interested persons for case 23206?

6 Hearing none, Mewbourne may proceed.

7 MR. BRUCE: Mr. Examiner, I'll run
8 through the exhibits, and there's a couple things I
9 need to point out.

10 First Exhibit 1 is the application and
11 proposed notice.

12 Exhibit 2 is the verified statement of
13 Carson Colin [ph], the Landman. It contains all the
14 usual information -- tract maps, C102s, a list of
15 interest owners and those being pooled, and then the
16 proposal letters that were sent out.

17 Exhibit 3 is asking for the usual
18 release. I would point out that, once again just like
19 at the last hearing, Mewbourne is requesting overhead
20 rates of 1,000 -- excuse me, \$10,000 for a producing
21 well and \$1,000 -- \$10,000 for a drilling well, \$1,000
22 for a producing well. It contains the usual AFEs for
23 the wells.

24 Exhibit 3 is the geologist's statement
25 from Tyler Hill [ph] containing the structure map,

1 cross-section, information on other wells in the area
2 and the horizontal drilling plans. And he states that
3 this -- each quarter section in the well unit will
4 contribute more or less equally to production.

5 Exhibit 4 is my notice affidavit.

6 I'll get to Exhibit 5 in a minute.

7 And then Exhibit 6 is the pooling
8 checklist.

9 The things to note there was no C102
10 prepared as of yesterday for the third well listed in
11 the application, the W2MP well, which is a lower
12 Wolfcamp well. I have asked that they get that C102
13 to me as soon as possible and I will submit that when
14 I get it.

15 The second thing to notice is if you go
16 to Exhibit 3A, the geologist's structure map, which is
17 page 27 of the exhibit package, you'll notice that
18 there are overlapping well units, north-south well
19 units that go from either Section 28 down into Section
20 33 or Section 29 down into Section 32.

21 Those are other viper prospect wells
22 that are operated by Mewbourne. The overlapping well
23 units are being -- notice of those is being -- has
24 been taken care of by -- pursuant to the
25 administrative procedures and I will report back on

1 when that is complete.

2 The third thing is Exhibit 2B, which is
3 the list of interest owners and those being pooled.
4 Yesterday morning, COG and ConocoPhillips did sign a
5 JOA, so I submitted a revised Exhibit 2B which shows
6 that they are not being pooled and correcting the
7 amount of the interest that is subject to pooling.

8 And then, finally, Exhibit 5 [sic], the
9 notice affidavit, when you go through my notice
10 affidavit, you'll see that I did not get a green card
11 back from Oxy Y-1 Company, even though it was marked
12 by the -- on the postal service's Web site as being
13 delivered in late November. I guess there's little
14 likelihood of me getting a green card back. I did not
15 realize this. I thought I had all the green cards.

16 So what I did was publish notice as
17 against Oxy Y-1 Company, but since I was late, I
18 published notice for the March 2nd hearing, so at the
19 end of this hearing, I would ask that the matter be
20 placed on the March 2nd docket to allow the
21 publication period to lapse. I think I published that
22 about ten days ago, but it was obviously too late for
23 this hearing. And I will submit that notice affidavit
24 when I receive that.

25 So I'm missing a couple of items here

1 which I will provide to the Division but, you know, we
2 did submit Exhibits 1 through 5 and 7. I will submit
3 Exhibit -- I mean, excuse me, 1 through 4, 6 and 7,
4 and I will submit the publication affidavit when I
5 receive that, hopefully in the mail soon, and the C102
6 for the well.

7 But with that, I would open myself up
8 to questions.

9 (Item 50 Exhibits 1 through 4, 6 and 7
10 were marked for identification.)

11 THE HEARING EXAMINER: Thank you.
12 Let's start with ConocoPhillips; any questions or
13 concerns?

14 MS. MUNDS-DRY: No questions, no
15 concerns. Thank you.

16 THE HEARING EXAMINER: Thank you.

17 Mr. Rose-Coss, questions?

18 MR. ROSE-COSS: No. No, I don't have
19 any questions. I might have had some questions about
20 kind of the stand up and lay down wells in the same
21 section in the same interval, but if it's all
22 Mewbourne, then I'll assume they've got that sorted.
23 So, thanks.

24 MR. BRUCE: Yeah. And this probably
25 isn't perfectly clear in the geologist affidavit, but

1 in speaking with them, the geologist at Mewbourne,
2 these stand up well units are older well units, and
3 they're productivity is much less efficient than more
4 current wells. Apparently lay down wells are the
5 favored item for the newer wells with better
6 productivity and also a higher oil cut. And so that
7 is the reason for seeking to drill additional lay down
8 wells, even though there are existing wells.

9 And, again, I will -- I will confirm
10 for the Division when the time has expired on
11 objecting to the overlapping well units.

12 MR. ROSE-COSS: Okay. Now, well,
13 thanks for the clarification. Because I
14 believe -- you know, the reason that it's one of the
15 things that kind of piques my interest, the first case
16 that I was a Hearing Examiner for, Mr. Bruce, you were
17 there; I believe it was in 2019 and it was Apache
18 versus somebody else and we had -- we had a whole
19 argument -- we had a whole afternoon's worth of
20 arguments about whether stand up or lay down was going
21 to be better and whether -- whether a stand down and a
22 lay -- stand up and a lay down could exist in the same
23 section in the same interval together. And at that
24 time it was absolutely no and that there was no
25 preferred stress orientation that would determine

1 whether stand up or lay down was preferred. But I
2 suppose those things have -- there's been
3 additional -- since 2019.

4 MR. BRUCE: Yeah. And these are Purple
5 Sage Wolfcamp wells, and generally I don't think in
6 many -- at least in most areas, there is no favored
7 well orientation, but this is based strictly
8 on -- from off setting wells and -- which is why they
9 want to do the lay downs with the overlaps.

10 MR. ROSE-COSS: Well, no. I'm glad we
11 got that fleshed out a little bit more. And that's
12 the extent of my questions. So thank you, Mr. Bruce.

13 MR. BRUCE: Thank you.

14 THE HEARING EXAMINER: Thank you. So
15 if I understand correctly, Mr. Bruce, you need to get
16 us C102 -- one C102?

17 MR. BRUCE: Correct.

18 THE HEARING EXAMINER: And then we have
19 to wait for the publication, and you have to file that
20 information.

21 MR. BRUCE: Yeah, the publication
22 notice period wouldn't -- would be -- well, the ten
23 days will have lapsed well before the March 2nd
24 hearing.

25 THE HEARING EXAMINER: Okay. Good. So

1 with that, any other concerns from anyone on case
2 23206?

3 Hearing none, we will admit the
4 exhibits so far into the record, including your
5 supplement Exhibit COG, and this case will be
6 continued to March 2nd to complete notice
7 requirements.

8 (Item 50 Exhibits 1 through 4, 6 and 7
9 were received into evidence.)

10 Thank you.

11 MR. BRUCE: Thank you. With that, we
12 are on Item 51, Case 23226 Spur Energy Partners.

13 MS. MCLEAN: Good morning,
14 Mr. Examiner. Jackie McLean with Hinkle Shanor on
15 behalf of Spur Energy Partners.

16 THE HEARING EXAMINER: Thank you. Are
17 there any other interested persons for case 23226?

18 Hearing none, Spur may proceed.

19 MS. MCLEAN: Thank you. In Case Number
20 23226, Spur seeks to pool all uncommitted interests in
21 the Yeso formation underlying 160 acres standard
22 horizontal spacing unit comprised of the west half,
23 east half of Section 22, Township 17 South, Range 28
24 East, Eddy County, New Mexico. And this spacing unit
25 will be dedicated to the Mayaro 22 State Com 10H and

1 70H wells, which will be drilled from surface hole
2 locations in the southwest corridor, Southeast
3 Corridor Unit 0 of Section 15 to bottom hole locations
4 in the southwest corridor, Southeast Corridor Unit 0
5 of Section 22.

6 And the Exhibit packet that we
7 submitted to the Division for Case Number 23226
8 contains the compulsory point checklist, then we have
9 Exhibit A, which is the land professional's testimony
10 and related land exhibit, which include a plot of
11 tracts ownership interests, the pooled party, a well
12 proposal letter, and a summary of communications, and
13 there were no unlocatable parties.

14 Exhibit B, geological testimony, which
15 includes a location map, sub C structure map, gun
16 barrel diagram, and a structural cross-section of the
17 interval of interest.

18 And then we have Exhibit C, which is
19 notice testimony, which sets out when the notice
20 letter of this hearing and application were sent to
21 the party to the pooled.

22 And there's only one party and they
23 received notice and we attached a copy of the
24 certified mail receipt, and we also went a little
25 overkill and we published this one as well in a timely

1 manner.

2 And with that, I ask that Exhibits A,
3 B, and C be admitted into the record in Case Number
4 23226 and that the case be taken under advisement.

5 (Item 51 Exhibits A, B, and C were
6 marked for identification.)

7 THE HEARING EXAMINER: Thank you. Are
8 there any other interested persons for Case 23226?
9 Hearing none, Mr. Rose-Coss, any questions?

10 MR. ROSE-COSS: My main concern -- or I
11 shouldn't say it that way. But I just wanted
12 to -- one of the big issues I had to deal with in this
13 area with the Yeso horizontal wells is that
14 they -- Spur had fracked the Yeso well right next to
15 an existing vertical well and kind of -- several
16 damaged the casing on a saltwater disposal well.

17 Do you know, are you aware, if all of
18 that has been taken into consideration on these well
19 paths, that there aren't any kind of -- I guess,
20 that's been the theme of all my questions today.
21 There aren't going to be any complications with
22 existing well bores and with these well bores?

23 MS. MCLEAN: I'm looking at the Exhibit
24 B1, and it doesn't look like it should be. But if
25 you'd like additional information, we can certainly

1 ask for that.

2 MR. ROSE-COSS: Yeah. Because it --

3 MS. MCLEAN: We could -- sorry.

4 MR. ROSE-COSS: A bullet point from the
5 geologist affirmation that they've evaluated and
6 determined that they aren't jeopardizing any existing
7 well bores in the area?

8 I just scrolled through as well, that
9 Exhibit, and it's like, okay, well there is a lot of
10 wells in the area. So that would be something that,
11 you know, on the UIC side, the disposal wells, that
12 I'd have to take into consideration.

13 MS. MCLEAN: Yeah. And I think that
14 the one -- the one is a Spur operated lay down well.
15 If you look at paragraph number 3, that's the one that
16 bisects the proposed spacing unit.

17 So what I'm -- I would think that Spur
18 wouldn't want to damage their own wells. But so I
19 think that the geology takes care of that, but we can
20 certainly, you know, get a supplemental affidavit that
21 specifically addresses that.

22 MR. ROSE-COSS: Perfect.

23 THE HEARING EXAMINER: Is
24 that -- Exhibit B1, are all the little squares
25 existing wells?

1 MS. MCLEAN: All the little -- where's
2 the -- do you --

3 THE HEARING EXAMINER: The squares with
4 dots in the middle.

5 MS. MCLEAN: The squares with dots? I
6 believe so.

7 MR. ROSE-COSS: I believe the dots with
8 lines through them are also wells.

9 MS. MCLEAN: Mm-hmm.

10 THE HEARING EXAMINER: There's circles
11 with the cross in them also.

12 MS. MCLEAN: Yeah. And then
13 there's -- the ones that are in the Yeso formation are
14 the green ones.

15 THE HEARING EXAMINER: Okay. I see
16 what you mean.

17 MR. ROSE-COSS: Because we've
18 also -- the Division's also seen now existing well
19 bores providing conduits for frack fluid to find its
20 way to the surface.

21 THE HEARING EXAMINER: And so I
22 believe, Ms. McLean, you're saying that Collier 22
23 well --

24 MS. MCLEAN: Yes, Mr. Examiner.

25 THE HEARING EXAMINER: -- that

1 is -- that is a Spur well?

2 MS. MCLEAN: Yes, Mr. Examiner.

3 THE HEARING EXAMINER: And it's in the
4 San Andres?

5 MS. MCLEAN: Yes. Because the Spur
6 target is deeper, it should not -- not interfere with
7 that one.

8 THE HEARING EXAMINER: Okay. So that
9 seems like a reasonable request. If you could have a
10 supplement to the geologist's affidavit that addresses
11 any analysis of potential impacts to existing wells,
12 either horizontal or vertical, that are in this
13 spacing unit.

14 MS. MCLEAN: We will do, Mr. Examiner.

15 THE HEARING EXAMINER: Any other
16 questions, Mr. Rose-Coss?

17 MR. ROSE-COSS: That's the extent to my
18 questions. Thank you, Mr. Examiner.

19 THE HEARING EXAMINER: Thank you. All
20 right. With that -- and the Exhibits will be admitted
21 into the record and Case 23226 will be taken under
22 advisement, and the record left open for a
23 supplemental geologist exhibit -- affidavit.

24 (Item 51 Exhibits A, B, and C were
25 received into evidence.)

1 MS. MCLEAN: Thank you.

2 THE HEARING EXAMINER: With that, we
3 are on Items 52, 53, and 54. These are cases 23248,
4 23249, 23250, Matador Production Company.

5 MS. VANCE: Good morning, again,
6 Mr. Hearing Examiner and Mr. Rose-Coss, Paula Vance
7 with the Santa Fe Office of Holland & Hart on behalf
8 of the Applicant, Matador Production Company.

9 THE HEARING EXAMINER: Thank you. And
10 I assume you want to do these cases three -- in
11 bunches of three?

12 MS. VANCE: That's correct, Mr. Hearing
13 Examiner.

14 THE HEARING EXAMINER: All right. We
15 have an entry of appearance from Coterra Energy?

16 MR. SAVAGE: Good morning, Mr. Hearing
17 Examiner, Mr. Technical Examiner. Darin Savage with
18 the Santa Fe office of Abadie & Schill on behalf of
19 Coterra Energy and Cimarex energy company. And we
20 have no objection to this case going forward by
21 affidavit.

22 THE HEARING EXAMINER: Thank you. Novo
23 Oil & Gas.

24 MS. BENNETT: Good morning, everyone.
25 Deana Bennett, Modrall Sperling on behalf of Novo Oil

1 & Gas. And we have no objection to these cases being
2 heard by affidavit this morning.

3 THE HEARING EXAMINER: All right. Any
4 other interested persons, Cases 23248, 249, 250?

5 MR. SAMANIEGO: Yes, Mr. Brancard.
6 This is Samaniego. I'm an interested owner in the
7 pooling.

8 THE HEARING EXAMINER: Thank you,
9 Mr. Samaniego.

10 So Matador, please proceed.

11 MS. VANCE: Thank you, Mr. Hearing
12 Examiner. So in Cases 23248, 23249, and 23250, these
13 all involve the north-half of Sections 27 and 28,
14 Township 22 South, Range 28 East, Eddy County, New
15 Mexico.

16 And in Case 23248 and Case 23249,
17 Matador is seeking to pool the uncommitted interests
18 in the Bone Spring formation, and the pool is the
19 Culbreth [ph] Bluff Bone Spring, south pool, and the
20 pool code is 15011 for both of those cases. And so in
21 Case 23248, Matador is seeking to pool the Bone Spring
22 underlying a standard 320 acre, more or less,
23 horizontal spacing unit comprised of the north-half/
24 north-half of Sections 27 and 28 and dedicate that
25 spacing unit to the proposed Charlie K.S. 2827 Fed Com

1 Number 121H well.

2 And then in Case 23249, Matador is
3 seeking to pool the uncommitted interests in the Bone
4 Spring formation in a standard 320 acre more or less
5 horizontal well spacing unit, comprised of the
6 south-half of the north-half of Sections 27 and 28 and
7 dedicate that Bone Springs spacing unit to
8 the -- initially dedicated that Bone Spring spacing
9 unit to the Charlie K.S. 2827 Fed Com 122H well.

10 And then, lastly, in Case 23250 Matador
11 is seeking to pool the uncommitted interests in the
12 Wolfcamp formation, and that's the Purple Sage
13 Wolfcamp in the pool code 98220. And that is
14 underlying a standard 640 acre, more or less,
15 horizontal spacing unit, comprised of the north-half
16 of sections 27 and 28, and initially dedicate this
17 Wolfcamp spacing unit to the Charlie K.S. 2827 Fed Com
18 201H and 202H wells.

19 In this case, we have provided the
20 compulsory pooling checklists, as well as the
21 affidavit of Landman Hanna Bollenbach and Geologist
22 Daniel Broge [ph] -- Brugioni, excuse me, both of whom
23 have previously testified before the Division and
24 their credentials have been accepted as a matter of
25 record.

1 In Ms. Bollenbach's exhibits, her
2 affidavit is Exhibit C, which includes sub-exhibits C
3 1, the C102s, C2, a land tract map, C3, a summary of
4 uncommitted working interest owners, C4, a list of
5 overriding royalty interest owners, C5, a sample well
6 proposal letter and AFEs, and C6, a chronology of
7 contacts.

8 This is followed by Mr. Brugioni's
9 affidavit, which is Exhibit D, and includes all
10 sub-exhibits: The D1 which is the locator map, D2 a
11 Bone Spring Sub-C structure and cross-section map, and
12 D3 a bone string stratigraphic cross-section, and D4 a
13 Wolfcamp sub C structure and cross-section map, and D5
14 a Wolfcamp stratigraphic cross-section.

15 In this case, Mr. Brugioni did not
16 observe any faulting pinch-outs or other geological
17 impediments to the horizontal drilling of these wells.

18 Then, lastly, as Exhibit E, as
19 self-affirmed statement of notice with sample letters
20 that were timely mailed on December 16, 2022 and then
21 January -- an additional notice that went out on
22 January 27, 2023.

23 And then Exhibit F, which is an
24 affidavit of notice of publication, which was timely
25 published on December 18, 2022 and an additional

1 notice of publication that was published on January
2 31, 2023.

3 So unless there are any questions, I
4 would ask that all exhibits and sub-exhibits be
5 admitted in the record and that cases 23248, 23249,
6 and 23250 be taken under advisement by the Division at
7 this time.

8 I stand by for any questions. Thank
9 you.

10 (Items 52 to 54 Exhibits C through F
11 were marked for identification.)

12 THE HEARING EXAMINER: Thank you.

13 Let me start with the parties. We'll
14 start with Coterra Energy; any questions or concerns?

15 MR. SAVAGE: No questions or concerns.
16 Thank you.

17 THE HEARING EXAMINER: Novo Oil & Gas?

18 MS. BENNETT: No questions or concerns.
19 Thank you.

20 THE HEARING EXAMINER: Thank you.
21 Mr. Samaniego?

22 MR. SAMANIEGO: Yes. Before I get
23 started, I'd like to -- the exhibits that Ms. Vance
24 was mentioning, were those entered into -- were those
25 entered?

1 THE HEARING EXAMINER: They have been
2 proposed.

3 MR. SAMANIEGO: I'm looking --

4 THE HEARING EXAMINER: They are shown
5 on a case file, if you need to look at them.

6 MR. SAMANIEGO: I'm looking through the
7 case file and I see no exhibits that she mentioned
8 entered in that file.

9 MS. VANCE: Mr. Hearing Examiner, this
10 is the first that I'm hearing about Mr. Samaniego
11 having any interest involved with this case, and
12 unless there is something that's been entered into the
13 record that he had an interest here, I would ask that
14 we move forward with this case.

15 But as far as to my knowledge,
16 Mr. Samaniego has no interest in these -- in the
17 subject lands in these hearings -- in these cases.

18 THE HEARING EXAMINER: Well, let me
19 first start with Mr. Samaniego's question.

20 Which is if you go to the case files,
21 Mr. Samaniego, for 23248, the last document there has
22 a little Matador insignia on the front cover. Those
23 are the exhibits that have been mentioned here by
24 Counsel for Matador.

25 MR. SAMANIEGO: I understand that, and

1 I don't see these specific exhibits entered. So I'm
2 going to request that the Hearing Examiner ignore
3 and -- I mean, ignore those exhibits that she
4 mentioned by them not being submitted in the file.

5 THE HEARING EXAMINER: They are
6 submitted, and as a part of this process, I would
7 decide at the end of the hearing whether to admit
8 those exhibits or not. That is the normal process.
9 So those were exhibits --

10 MR. SAMANIEGO: Okay.

11 THE HEARING EXAMINER: -- were filed in
12 advance, as required, so they can be viewed and then I
13 will decide whether to admit them or not.

14 MR. SAMANIEGO: Okay. And then, also,
15 there was an admittance by Paula Vance that -- stating
16 I have no interest in this pooling unit. So that
17 backs my -- my injury of facts raised, had what I'm
18 about to bring up by her stating I had no interest in
19 these lands shows the lack of notice requirements
20 being sent to me.

21 So I'm going to go ahead and get
22 started for cases 48, 49, and 50, requirements of
23 1915412, notice -- A1, notice requirements and
24 specific adjudications, 1955A, 191514 A1 and 2,
25 19151615 rules and statutes, 195511 and 1955A and 7231

1 and 7228.

2 This is the third time dealing with
3 Matador in this particular area for not following
4 proper procedures and proper requirements. There's
5 injury of fact raised, violation of the Oil and Gas
6 Act raised. Matador intentionally ignored and failed
7 notice requirements for compulsory pooling, Matador's
8 application must be admitted for such failed and total
9 disregard for such requirements.

10 Matador to not give proper notice
11 requirements is nothing more than a technical scheme
12 to not have any oppositions at the compulsory hearing.
13 The Matador application is intentional negligence,
14 gross negligence, intentional infliction to cause harm
15 bad faith efforts and bad intentions, all while
16 intentionally undermining with bad faith efforts and
17 bad intentions to maliciously mislead the Division and
18 Hearing Examiners.

19 On Matador application, I was not
20 listed and stated by Paula Vance that I am not a
21 interested party in this particular pooling, and by
22 that statement shows the disregard of the notice
23 requirements given to interested parties.

24 Matador is requesting a 200 percent
25 penalty; that should be ignored and is salt on a

1 wound. A penalty must be imposed on Matador for
2 violating the Oil and Gas Act and obligated
3 requirements for the third time and impose 200 percent
4 penalty on top of a penalty should be imposed on
5 Matador. Not being properly notified is infringement
6 on an interest owner's rights, the statutes, rules,
7 policies, the Oil and Gas Act, the Fifth Amendment of
8 the Constitution.

9 The Division position is obligated to
10 have duty uphold these rules, statutes, policy, Oil
11 and Gas Act, and by not doing so, falls under
12 negligence itself upon the Division.

13 Matador misled Holland & Hart Law
14 Firm -- Matador misled Holland & Hart Law Firm and
15 attorneys. In their application, Holland & Hart had
16 submitted a misleading application with bad faith
17 efforts and bad intentions to undermine the Division,
18 and Hearing Examiners' positions, obligations, and
19 duties.

20 Paula Vance signed a sworn affidavit in
21 false pretenses for their client, Matador, Michael
22 Feldewert, in past cases, 20717, 20183, 84, 85, 86,
23 has also signed affidavits under false pretenses back
24 in July of 2020 for their client, Matador, stating
25 notice requirements were met to the best of his

1 knowledge and their knowledge. Notice requirements
2 were not met and submitted falsified documents and
3 false sworn affidavits with bad intentions, regardless
4 of the judicial ethics and standards.

5 In other cases, 22605, 22874, I have
6 found false pretenses of false sworn affidavits to
7 mislead the Division and Hearing Examiners and Holland
8 & Hart Firm and Attorneys Julia Broggi and Adam
9 Rankin, Holland & Hart, to the best of their ability
10 are intentionally negligent in their unethical
11 behavior for continuously not following the rules,
12 statutes, policy, the Oil and Gas Act, a total of six
13 times in my personal account, and such behavior of a
14 law practice, not only unethical behavior with bad
15 intentions, but intentionally acts with total
16 disregard and recklessness towards judicial ethics and
17 standards.

18 Legislation sets a
19 compulsory -- policies -- Oil and Gas Act for everyone
20 to follow.

21 THE HEARING EXAMINER: Mr. Samaniego,
22 Mr. Samaniego --

23 MR. SAMANIEGO: The Division and
24 Hearing Examiners have obligations and duties to the
25 statutes, rules, policy and the Oil and Gas Act. The

1 Division is committed to making sure the oil and gas
2 industry is acting responsibly in good faith efforts.

3 By granting Matador application will
4 render the Hearing Examiner position and compulsory
5 pooling hearing very purpose of having them useless
6 and defeated. The Division and Hearing Examiner must
7 impose sanctions on operations against Matador for bad
8 faith, malicious intentions with imposed penalties and
9 not allowed to produce until all such penalties are
10 paid.

11 Matador's unethical behavior and
12 tactics must have penalties to prevent further future
13 unethical tactics from recurring such bad faith,
14 unethical behavior.

15 Matador's unethical behavior and
16 tactics must have penalties to prevent future
17 unethical tactics from recurring such bad, unethical
18 behavior. And I have to repeat that because it keeps
19 reoccurring.

20 For the Division and Hearing Examiners
21 to approve this application is reckless, negligent, an
22 abuse of the process and will further question the
23 state of mind of such approval under the circumstances
24 that will have damaging future consequences and set a
25 precedent for future compulsory hearing requirements.

1 70-2-28, "And any person
2 violates -- threatens to violate any statutes with
3 respect to the conservation of the oil and gas or both
4 or any provisions or any rule, regulation, or order
5 made, the Division through the attorney general will
6 bring suit against such person or operator for
7 penalties and to retain such person from continuing
8 such violations or carrying out the threat of
9 violations."

10 For the Division to take a broad
11 approach to the Oil and Gas Act statutes, rules,
12 policy is not justification to break them or abuse
13 them. I further respectfully request the Division and
14 the Hearing Examiners to dismiss these applications of
15 Matador.

16 THE HEARING EXAMINER: Thank you,
17 Mr. Samaniego. So let me get this straight. You are
18 claiming that you have an interest in this area?

19 MR. SAMANIEGO: There's no claim; I can
20 prove it.

21 THE HEARING EXAMINER: Okay. Well,
22 Matador has listed -- Matador has not listed you as an
23 interest owner. All right? That means --

24 MR. SAMANIEGO: And I know that, and
25 I'm letting you --

1 THE HEARING EXAMINER: Let me just
2 finish. Let me finish.

3 That means that if we approve this
4 application, it does not apply to any interest you
5 might own. Okay?

6 So there's not a notice problem because
7 you're not listed in their application as a party that
8 they are seeking to pool.

9 MR. SAMANIEGO: The Application doesn't
10 oversee -- let me make a statement --

11 THE HEARING EXAMINER: -- your
12 interests will not be pooled by this application.

13 MR. SAMANIEGO: Their application
14 doesn't oversee or overrule interest owners in this
15 area, and the fact that they didn't notify me as an
16 interested party to the Division puts them in
17 violation of the regulations and requirements that
18 they're supposed to follow for compulsory poolings.

19 THE HEARING EXAMINER: The Division can
20 only pool those parties that are listed as pooled
21 parties and are provided notice. You were not listed
22 as a pooled party --

23 MR. SAMANIEGO: That's not how it says
24 it. Right here -- let me pull it up right here -- "An
25 Applicant shall give notice to each owner of an

1 interest in the mineral estate portion of the land the
2 Applicant proposes to be pooled."

3 To each owner of an interest in the
4 mineral estate of any portion of left hand this
5 Applicant proposes to be pooled, 1950412 A1.

6 THE HEARING EXAMINER: All right.
7 Well, you obviously -- you and Matador obviously have
8 a disagreement as to who has an interest here.

9 MR. SAMANIEGO: The application must be
10 dismissed and the process should be started all over
11 again.

12 THE HEARING EXAMINER: And you -- and
13 you need to settle that with Matador or sue them,
14 whatever.

15 MR. SAMANIEGO: Say that again?

16 THE HEARING EXAMINER: You
17 either -- you either need to work this out with
18 Matador or you could take it to court. I mean, we do
19 not adjudicate interests in mineral rights in this --

20 MR. SAMANIEGO: But it's your
21 obligation to --

22 THE HEARING EXAMINER: We only take
23 what the parties have given to us.

24 MR. SAMANIEGO: -- withhold the ethics
25 and the -- of the policies, the statutes, and the

1 rules supposed to enforce and this is over looking
2 that. Yeah, that's negligence. That's negligence.

3 THE HEARING EXAMINER: We do not
4 adjudicate property rights. Mr. Samaniego, we do not
5 adjudicate property rights.

6 MR. SAMANIEGO: You're giving -- you're
7 giving them rights to my property.

8 THE HEARING EXAMINER: We are not.

9 MR. SAMANIEGO: You're granting them
10 rights under negligence.

11 THE HEARING EXAMINER: I just -- I just
12 explained to you this proceeding does not involve any
13 rights you might own.

14 MR. SAMANIEGO: The process has to be
15 dismissed and the process has to be started all over
16 again, and then they can notify me once the process is
17 started over again. But to grant them approval under
18 these circumstances is negligence.

19 Okay? The process has a -- it has to
20 be dismissed and the process started all over again,
21 and give me proper notification.

22 But as far as right now under these
23 circumstances, this is negligence upon the Division
24 and negligence of Matador and -- and fraud.

25 THE HEARING EXAMINER: All right.

1 Here's what I'm going to do, Mr. Samaniego. I'm going
2 to continue this matter -- and assuming you may want
3 to continue the following matter -- to provide you an
4 opportunity to present any evidence you have of an
5 ownership of a working interest in this property, or a
6 royalty interest -- an overriding royalty interest to
7 Matador.

8 MR. SAMANIEGO: Okay. It's not my
9 obligation to show ownership to Matador. It's their
10 job to find it.

11 THE HEARING EXAMINER: Well, you
12 know --

13 MR. SAMANIEGO: It's not the
14 mineral -- no, no. It's not mineral owner's
15 responsibility to show ownership to the oil company
16 for pooling. No, their job is to go in there -- they
17 got landmen; no and get it.

18 THE HEARING EXAMINER: Well --

19 MR. SAMANIEGO: I'm a single dad -- I'm
20 a single dad with two kids. They're a big
21 corporation. Go and get it. Send the -- unleash the
22 landmen. Go get it.

23 THE HEARING EXAMINER: Mr. Samaniego,
24 we have a whole signed affidavit from a landman in
25 this proceeding about their --

1 MR. SAMANIEGO: And it's under false
2 pretenses and it's backed by Paula Vance's statement.

3 THE HEARING EXAMINER: Well, I think
4 that's your obligation to prove it. All right? And
5 I'm giving you the opportunity, which I don't need to
6 give you.

7 MR. SAMANIEGO: Not to Matador -- not
8 to Matador, but I'll prove it to the Division. And
9 I've always sent you the proof that I've had, to you,
10 Mr. Brancard. I have no reason to come here and lie
11 and waste everybody's time and my own time.

12 THE HEARING EXAMINER: Mr. Samaniego,
13 you do have an obligation if you want to show that you
14 have an interest in this property. Okay?

15 MR. SAMANIEGO: To you, to have this
16 case dismissed; I have no obligation to Matador.

17 THE HEARING EXAMINER: As to us, we
18 don't really -- we take the word -- we will pool
19 whoever they say they're pooling.

20 MR. SAMANIEGO: I have no obligation to
21 Matador, but I will send it to you. I will send it to
22 you so that this case can be dismissed.

23 THE HEARING EXAMINER: Mr. Samaniego,
24 if you have an interest, I'm sure Matador would change
25 their application to include your interest.

1 MR. SAMANIEGO: Buy me out. Buy me
2 out.

3 THE HEARING EXAMINER: That's not for
4 the Division to decide; that's between you and
5 Matador.

6 MR. SAMANIEGO: And that's not for the
7 Division to decide, to give them my interest, to show
8 them what I own. That's not by obligation either, nor
9 is it your obligation to obligate me to obligate those
10 kind of -- my interest to them.

11 THE HEARING EXAMINER: All right.

12 MR. SAMANIEGO: No notice was given.
13 It's your obligations to follow the statutes, policy,
14 and rules and the Oil and Gas Act to dismiss when
15 these -- when certain requirements, statute, policy,
16 and Oil and Gas Act are not followed to the T to be
17 granted this kind of approval.

18 THE HEARING EXAMINER: Mr. Samaniego,
19 At this point --

20 MR. SAMANIEGO: Mr. Brancard,
21 Mr. Brancard --

22 THE HEARING EXAMINER: -- we have the
23 evidence of Matador. You have not provided a single
24 shred of evidence at this point. All right?

25 MR. SAMANIEGO: Do you -- do you

1 want --

2 THE HEARING EXAMINER: So I'm going to
3 give you an opportunity to do that. If you don't want
4 to take that opportunity, that's fine. That's your
5 choice. But I'm going to give you that opportunity,
6 and then we will proceed. All right?

7 So on the basis of that, this case will
8 be continued to March 2nd. Exhibits that have been so
9 far provided will be admitted into the record. And
10 we will move forward.

11 (Items 52 to 54 Exhibits C through F
12 were received into evidence.)

13 MS. VANCE: Thank you, Mr. Hearing
14 Examiner. I would add -- if I may, these -- these
15 cases have been -- you know, they were filed in
16 December 6th. You know, we've continued these cases,
17 and it would be our preference to move forward with
18 these cases and not have to continue them.

19 Especially -- I understand
20 Mr. Samaniego, his position, but up to this point,
21 there's been nothing entered into the record by
22 Mr. Samaniego that -- you know, to show that he has
23 standing in these cases, that he has an interest, and
24 there's been significant time to allow him to do that.

25 And it would be our preference to go

1 ahead and move these forward but understand if we do
2 have to continue the cases. But, again, our
3 preference would be to move forward on these.

4 THE HEARING EXAMINER: Well, I'm going
5 to continue the cases. That may not be the best
6 solution, but I'm going to continue the cases. I've
7 already stated that.

8 But as I said, you know, we recently
9 issued an opinion where a party claimed that they had
10 a working interest in a property and there was a
11 dispute about it and we told the parties to settle the
12 matter outside of the hearing process. And, as a
13 result, whatever interest that party had was not
14 pooled.

15 And so even if -- even if Mr. Samaniego
16 does not provide any evidence in the next two weeks,
17 it simply means that if he has an interest, it's not
18 pooled.

19 MS. VANCE: Correct. Which -- which
20 is, you know, the other part to that, which is why we
21 would like to move forward and I believe maybe my
22 colleague, Mr. Feldewert, is their -- I think he was
23 shaking his head as well. We both agree. We're
24 not -- even if Mr. Samaniego is, you know, saying he
25 has an interest, we're clearly -- we're not trying to

1 pool any interests of his. So --

2 MR. SAMANIEGO: Can I get on the record
3 of how a compulsory pooled unit does not pool mineral
4 owners in the unit. Aren't the resources being pulled
5 out regardless of being pooled or not being pooled?

6 THE HEARING EXAMINER: Mr. Samaniego,
7 what is pooled is there is a working interest in the
8 property.

9 MR. SAMANIEGO: I mean, it's -- and
10 then the 200 percent -- on top of that?

11 THE HEARING EXAMINER: So if you have a
12 mineral interest that has been leased, you would be
13 subject to pooling.

14 If you have a mineral interest that has
15 been leased and therefore you only have a royalty
16 interest left, it's that leased party that gets
17 pooled, because they have a working interest in the
18 property. We wouldn't pool a mineral interest owner
19 who has leased their property.

20 MR. SAMANIEGO: As long as proper
21 notice was -- given.

22 THE HEARING EXAMINER: So, for
23 instance, we don't pool the Bureau of Land Management
24 who has leased property.

25 MR. SAMANIEGO: But the Bureau of Land

1 Management wouldn't allow any interest whatsoever to
2 be pooled without proper notice requirements, nor
3 would the state.

4 THE HEARING EXAMINER: Nope, we
5 do -- constantly pool federal lease interests without
6 notice to the Bureau of Land Management.

7 So if you have a mineral interest
8 that's been leased, that's not subject to being
9 pooled.

10 MR. SAMANIEGO: So you're saying state
11 land can be pooled without giving notice?

12 THE HEARING EXAMINER: Yes. If they
13 have lease --

14 MR. SAMANIEGO: Excuse me? Excuse me?

15 THE HEARING EXAMINER: Yes. If they
16 have -- if the state has leased its land, the party
17 that's pooled is the leased party.

18 MR. SAMANIEGO: Interesting. So the
19 state would --

20 THE HEARING EXAMINER: Because if you
21 lease, what you're left with is a royalty interest,
22 which is not in any way affected by the pooling.

23 MR. SAMANIEGO: Interesting.

24 THE HEARING EXAMINER: So --

25 MR. SAMANIEGO: Okay. Well, then, I

1 guess I will -- I'll be there March 2nd.

2 THE HEARING EXAMINER: All right. But
3 we would prefer it if you file something in advance
4 showing your interest that we can have a look at.
5 Thank you.

6 MR. SAMANIEGO: Thank you.

7 THE HEARING EXAMINER: All right. With
8 that, were there -- anything else that we had,
9 Ms. Vance, on these cases?

10 MS. VANCE: No, but once we get
11 to -- if I can go ahead and present the next case,
12 even if we do continue it, I'm ready to provide -- you
13 know, provide the -- go through the exhibits with the
14 examiners.

15 THE HEARING EXAMINER: Yes. No,
16 we -- we have now continued cases 23248, 23249, 23250
17 to March 2nd, but all your exhibits have been admitted
18 into the record. And so it would certainly be for the
19 question of dealing with, are there any interests here
20 that you have not properly pooled.

21 And with that, I believe we are on
22 Items 55, 56, and 57, Cases 23251, 23252, 23253,
23 Matador Production Company.

24 MS. VANCE: Good morning, again,
25 Mr. Hearing Examiner and Mr. Rose-Coss. Paula Vance

1 with the Santa Fe Office of Holland & Hart on behalf
2 of the Applicant, Matador Production Company.

3 THE HEARING EXAMINER: We have entries
4 from Coterra Energy.

5 MR. SAVAGE: Good morning, Mr. Hearing
6 Examiner, Mr. Technical Examiner. Darin Savage with
7 the Santa Fe Office of Abadie & Schill on behalf of
8 Coterra Energy and Cimarex Energy Company.

9 THE HEARING EXAMINER: And Novo Oil &
10 Gas.

11 MS. BENNETT: Good morning, everyone.
12 Deana Bennett, Modrall Sperling, on behalf of Novo
13 Oil & Gas, and we have no objections to the cases
14 proceeding by affidavit.

15 THE HEARING EXAMINER: Thank you. Any
16 other --

17 MR. SAMANIEGO: And, Mr. Brancard, I'd
18 like to be on record on these cases that I'm opposing
19 and they should be dismissed. Jon Samaniego, an
20 interested party in the pooling.

21 THE HEARING EXAMINER: Thank you. I
22 have an entry from Jonathan Samaniego. Anyone else?

23 Hearing none, Matador may proceed.

24 MS. VANCE: Thank you, Mr. Hearing
25 Examiner. And just to make sure I get this on the

1 record as well, Mr. Samaniego has not provided
2 anything into the record or to substantiate that he
3 has an interest and at this point Matador is not
4 seeking to pool -- pool him.

5 So in Case 23251, 23252, and 23253,
6 this involves the south-half of Sections 27 and 28,
7 Township 22 South, Range 28 East, Eddy County, New
8 Mexico. And in Case 23251 and 23252, Matador is
9 seeking to pool the uncommitted interests in the Bone
10 Spring formation. The pool is the
11 Culbreth [ph] -- Culebra Bluff Bone Spring
12 south -- I'm not sure I said that right in the
13 previous cases, so I apologize. And the pool code is
14 15011.

15 And in Case 23251, Matador is seeking
16 to pool the Bone Spring formation in a standard 320
17 acre more or less horizontal spacing unit, comprised
18 of the north-half of the south-half of Sections 27 and
19 28, and dedicate that Bone Springs spacing unit to the
20 proposed warrior 2827 Fed Com Number 123H well.

21 And in case 23252, Matador is seeking
22 to pool those -- pool the uncommitted Bone Spring, the
23 uncommitted interests in the Bone Spring, underlying a
24 standard 320 acre more or less horizontal spacing
25 unit, comprised of the south-half, south-half of

1 sections 27 and 28, and initially dedicate that Bone
2 Spring formation -- or Bone Spring spacing unit to the
3 Warrior 2827 Fed Com 124H well.

4 And then, lastly, in case 23253,
5 Matador is seeking to pool all the uncommitted
6 interests in the Wolfcamp formation, and that's -- the
7 pool is the Purple Sage, and the pool code is 98220.
8 And that's underlying a standard 640 acre more or less
9 horizontal spacing unit, comprised of the south-half
10 of sections 27 and 28. And initially dedicate that
11 Wolfcamp spacing unit to the Warrior 2827 Fed Com
12 Number 203H and 204H wells.

13 In these cases, we have provided the
14 compulsory pooling checklist, as well as the affidavit
15 of Landman Hanna Bollenbach and Geologist Daniel
16 Brugioni, both of whom have previously testified
17 before the Division and their credentials have been
18 accepted as a matter of record.

19 Ms. Bollenbach's affidavit is
20 Exhibit C, which includes sub-exhibits C 1, C102s, C2,
21 a land tract map, C3, a summary of uncommitted working
22 interest owners, C4, a list of overriding royalty
23 interests, a C5, a sample well proposal letter and
24 AFEs, and C6, a chronology of contacts.

25 This is followed by Mr. Brugioni's

1 affidavit, which is Exhibit D and includes
2 sub-exhibits D1, a locator map, D2, a Bone Spring
3 Sub-C structure and cross-section map, D3 a Bone
4 Spring stratigraphic cross-section, D4 a Wolfcamp
5 Sub-C structure and cross-section, and D5 a Wolfcamp
6 stratigraphic cross-section.

7 In these cases, Mr. Brugioni did not
8 observe any faulting pinch-outs or other geologic
9 impediments to the horizontal drilling of these wells.
10 And then lastly, as Exhibit E, as self-affirmed
11 statement -- a self-affirmed -- sorry, Self-Affirmed
12 Statement of Notice with sample letters that were
13 timely mailed on December 16, 2022 and an additional
14 notice that went out on January 27, 2023.

15 And then Exhibit F, an Affidavit of
16 Notice of Publication, which was timely published on
17 December 18, 2022 and then additional notice -- or
18 additional notice of publication that was published on
19 January 31, 2023.

20 And unless there are any questions, I
21 would ask that the exhibits and sub-exhibits be
22 admitted in the record and that cases 23251, 23252,
23 and 23253 be taken under advisement at this time,
24 understanding -- with the understanding that you may
25 want to -- or you are going to continue this case as

1 well.

2 (Items 55 to 57 Exhibits C through F
3 were marked for identification.)

4 THE HEARING EXAMINER: Thank you.

5 Mr. Rose-Coss, any questions?

6 MR. ROSE-COSS: No, Mr. Hearing
7 Examiner. I do not have any questions.

8 THE HEARING EXAMINER: Thank you. Any
9 questions or concerns from Coterra?

10 MR. SAVAGE: No questions. Thank you.

11 THE HEARING EXAMINER: Any questions or
12 concerns [ph] -- concerns, sorry -- from Novo?

13 MS. BENNETT: No questions. Thank you.

14 THE HEARING EXAMINER: Mr. Samaniego,
15 do you have the same concern with these cases as the
16 previous three?

17 MR. SAMANIEGO: Yes.

18 THE HEARING EXAMINER: Thank you.

19 MR. SAMANIEGO: And I'd also like to
20 state on there 1915412 A1, the non-notice of
21 requirements, 19155 A, 191514 A1 and 2, 19151615,
22 195511, 19558, 7231, 7228, and also the wells
23 being -- other than a standardized spacing unit
24 requires notification to all affected parties.

25 THE HEARING EXAMINER: Thank you. So I

1 will leave the record open until March 2nd and
2 continue this hearing, to -- if any resolving of
3 issues can occur between now and then.

4 Other than that, the exhibits will be
5 admitted into the record, and we will see you all on
6 March 2nd.

7 (Items 55 to 57 Exhibits C through F
8 were received into evidence.)

9 MR. SAMANIEGO: Thank you,
10 Mr. Examiner. Have a good day.

11 MS. VANCE: Thank you, Mr. Hearing
12 Examiner. Thank you, Mr. Rose-Coss.

13 THE HEARING EXAMINER: With that, we
14 are on Items 58 and 59, Cases 23315, 23316, Silverback
15 Operating.

16 MR. SAVAGE: Good morning -- good
17 morning, Mr. Hearing Examiner, Mr. Technical Examiner.
18 Darin Savage with the Santa Fe Office of Abadie &
19 Schill appearing on behalf of Silverback operating II,
20 LLC.

21 THE HEARING EXAMINER: Entry of
22 appearance from COG Operating?

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

25 THE HEARING EXAMINER: Thank you. Any

1 other interested parties, Cases 23315, 23316?

2 Does COG have any objections to this
3 case going forward by affidavit?

4 MS. MUNDS-DRY: No objection,
5 Mr. Examiner. Thank you.

6 THE HEARING EXAMINER: Thank you.
7 Silverback may proceed.

8 MR. SAVAGE: Thank you. We are
9 presenting cases 22 -- 23315 and 23316, a consolidated
10 matter, which both cover lands in Section 22,
11 Township 18 South, Range 26 East, Eddy County, New
12 Mexico.

13 The Landman, Brennan West, for these
14 cases has testified before the Division as an expert
15 witness and his credentials have been accepted of
16 record.

17 Likewise, the geologist, Nathaniel
18 Gilbertson, has testified previously before the
19 Division as an expert witness, and his credentials
20 have been accepted as a matter of record.

21 If there's no objection, I tender
22 Mr. West and Mr. Gilbertson as expert witnesses.

23 In case number 23315, Silverback seeks
24 an order establishing a standard one-sixty acre -- 160
25 acre more or less spacing unit covering the

1 north-half, south-half of Section 22 and pooling all
2 and committed interests in the Yeso formation
3 designated as an oil pool underlying the unit. The
4 unit is dedicated to four initial wells, the Krauss 22
5 103H well, the Krauss 22 203H well, the Krauss 22 102H
6 well, and the Krauss 22 204H well.

7 Orientation of the wells are lay down,
8 east-west. The locations of the 103H, 203H, and 204H
9 wells are Orthodox. The location of the 102H is
10 nonstandard, and Silverback will be applying to the
11 OCD for administrative approval of the location.

12 Mr. West's Exhibit A for case 23315
13 includes his landman self-affirmed statement, C102s,
14 and the ownership break down. And if I may point out
15 that the update of the Exhibit A2 ownership break down
16 was filed yesterday, following negotiations with COG.

17 The well proposal letter with AFE in a
18 supplement to the well proposal for clarification and
19 the chronology of context.

20 Mr. Gilbertson's Exhibit B for this
21 case includes his geology self-affirmed statement
22 along with the standard geology exhibits, showing the
23 potential for development as described in his
24 statement.

25 Exhibit C provides the affidavit of

1 notice for mailing and publication notice. Note, this
2 was timely mailed and owners were locatable. Service
3 of notice by publication was timely.

4 Both Mr. West and Mr. Gilbertson affirm
5 that the approval of this application is in the best
6 interests of conservation protection of correlative
7 rights and the prevention of waste and will prevent
8 the drilling of unnecessary wells.

9 In the next case, Number 23316,
10 Silverback seeks an order establishing a standard 160
11 acre more or less spacing unit covering the
12 south-half, south-half of Section 22 and pooling all
13 uncommitted interests in the Yeso formation designated
14 as an oil pool underlying this unit. The unit is
15 dedicated to three initial wells, the Krauss 22 101H
16 well, the Krauss 22 201H well, and the Krauss 22 202H
17 well.

18 The orientation of the wells are laid
19 down east to west. The locations of the 101H and the
20 201H are orthodox, and the location of the 202H is
21 unorthodox, and, again, we will be
22 providing -- applying to the OCD for approval of the
23 unorthodox location.

24 Mr. West's Exhibit A for case 23316
25 includes his landman self affirmed statement, C102s,

1 the ownership break down, which the update was filed
2 yesterday, which is of record now, well proposal
3 letters with AFE as well as supplement to the well
4 proposal for clarification, and the chronology of
5 contacts.

6 Mr. Gilbertson's Exhibit B for this
7 case includes his geology self-affirmed statement,
8 along with the standard geology exhibits.

9 Exhibit C provides the affidavit of
10 notice for mailings and the publication notice. The
11 notice, again, was timely mailed to the owners. We
12 received undeliverable mailings to two owners, Nancy
13 Miller and Violet Shipyon [ph], which are noticed in
14 the mailing report and described in paragraph 14 of
15 Mr. West's affidavit statement.

16 Service of notice publication was
17 timely. Both Mr. West and Mr. Gilbertson affirm that
18 the approval of this application is in the best
19 interests of conservation protection of correlative
20 rights and the prevention of waste and will prevent
21 the drilling of unnecessary wells.

22 At this time, I move that Exhibits A,
23 B, and C and all sub-exhibits be admitted into the
24 record for Cases 23315 and 23316, and that these cases
25 be taken under advisement.

1 (Items 58 and 59 Exhibits A, B, and C
2 were marked for identification.)

3 I stand available for any questions
4 regarding this case that you may have. Thank you.

5 THE HEARING EXAMINER: Thank you.

6 Mr. Rose-Coss, any questions?

7 MR. ROSE-COSS: Yes. Good
8 afternoon -- or, good morning, still, Mr. Savage.

9 MR. SAVAGE: Good morning. Thank you.

10 Yeah. So in these cases, I'm going to
11 raise the same concern this I did with the previous
12 case by Spur proposing horizontal development in the
13 Yeso.

14 MR. SAVAGE: Yes. Thank you. I -- I
15 figured that you would do that. It seems appropriate.

16 MR. ROSE-COSS: So just a supplemental
17 bullet point to the geologist's statement saying that
18 they've examined kind of well penetrations in the area
19 and that these wells aren't going to jeopardize or
20 cause any harm to existing well bores that or
21 migration pathways for injection fluid no the surface.

22 MR. SAVAGE: Okay. We will do that.
23 Thank you.

24 MR. ROSE-COSS: Perfect. Thanks.

25 And that's all the questions I have.

1 THE HEARING EXAMINER: Thank you.

2 So, Mr. Savage, I got confused. In
3 your supplemental affidavit where you indicate, I
4 guess, that COG has dropped out, correct?

5 MR. SAVAGE: That is correct. They
6 reached an agreement and COG and Silverback have a
7 voluntary agreement, or are moving towards a voluntary
8 agreement, and, therefore, committed and not listed
9 among the uncommitted interest owners to be pooled.

10 THE HEARING EXAMINER: So the
11 uncommitted interest owners are listed in your
12 supplemental affidavit as Oxy Y-1 Company and
13 Frederick Crouse -- spelled differently than the well
14 names -- Heirs. When I look at who you provided
15 notice to, I don't -- I don't know who the Frederick
16 Crouse Heirs are.

17 MR. SAVAGE: So we've provided notice
18 to the individuals listed. Heirs would be any known
19 or unknown heirs, and we would hope that the time and
20 publication stating known and unknown heirs would
21 address that. Silverback did not provide individual
22 names, so I'm going to assume that they were not
23 locatable or identifiable, and, therefore unknown.
24 That would be my understanding.

25 THE HEARING EXAMINER: Well, you have

1 notice to a bunch of people here.

2 MR. SAVAGE: Right.

3 THE HEARING EXAMINER: Are those the
4 heirs or are those royalty interests or what?

5 MR. SAVAGE: They would be working
6 interests, owners -- everybody listed on our --

7 THE HEARING EXAMINER: Looking at page
8 92 of exhibits --

9 MR. SAVAGE: Okay. Hold on. I'm
10 sorry, I'm juggling here the hearing packet and
11 those -- those additionally filed -- 92 -- okay. So
12 those would be the interest owners that they sent
13 these well proposals to.

14 THE HEARING EXAMINER: Okay. So some
15 of them may actually be committed at this point?

16 MR. SAVAGE: Yes, that would be my
17 understanding. And, yeah, the -- we can -- we can
18 give you clarification on this in a supplemental
19 statement, if that would -- if you would grant us
20 leave to do that.

21 THE HEARING EXAMINER: Yeah. Looking
22 at page 106, which has essentially the same list, I
23 think, and then it's followed by 107, which simply
24 lists two working interest owners in the chronology of
25 contacts.

1 MR. SAVAGE: Right. Those were the
2 communications that we were provided from the -- from
3 Silverback, regarding communications.

4 So it was -- you know, I don't know all
5 the efforts and communications that were made to
6 locate these individuals and the efforts to reach out,
7 but we can certainly clarify that. But --

8 THE HEARING EXAMINER: Yeah, you could.
9 Because, I mean, first of all -- I mean, again, I'm
10 looking at page -- your Exhibit C2, right, which is
11 page 123, and it lists all these people that you're
12 giving notice to. And it says "working interests"
13 here. Only one of them is listed as an override --

14 MR. SAVAGE: Only one is listed as
15 overrides. Mr. Brancard, I understand -- I understand
16 that -- some of the confusion here and discrepancy, so
17 I -- you know, I'm addressing it as best I can. But
18 we certainly want to make sure that the Division
19 is -- has clarification on this.

20 The mailing reports that we filed in
21 that Exhibit C do list the notice letters that were
22 sent out and the addresses. So if you would let us
23 review this and make sure that all the discrepancy
24 that you are concerned -- make me concerned about are
25 addressed and clarified to your satisfaction, we would

1 certainly do that.

2 THE HEARING EXAMINER: Okay. So the
3 questions are, A., on this notice list, who are these
4 working interest owners -- in the sense that when we
5 go to your supplemental exhibit, none of them are
6 listed as working interest owners.

7 MR. SAVAGE: Okay.

8 THE HEARING EXAMINER: Okay? And,
9 B., and this may be the same answer, which is what
10 efforts were made to contact the heirs of
11 Frederick Cruz [sic]. These may be the heirs of
12 Frederick Cruz [sic]; I don't know.

13 MR. SAVAGE: Correct.

14 THE HEARING EXAMINER: Okay?

15 MR. SAVAGE: Yes.

16 THE HEARING EXAMINER: But if -- and
17 because if you look at your newspaper publication,
18 heirs of Frederick Cruz [sic] are not listed.

19 MR. SAVAGE: Okay.

20 THE HEARING EXAMINER: Okay? So, yeah.

21 MR. SAVAGE: No, it's very
22 understandable. And, you know, I don't have an excuse
23 for this, but I certainly have an interest in
24 addressing the -- the concerns.

25 THE HEARING EXAMINER: Okay. That's

1 all I have. And I think -- and I think what we'll do
2 is, you know, because this is a notice issue, we will
3 continue this to March 2nd.

4 MR. SAVAGE: Okay.

5 THE HEARING EXAMINER: And do you think
6 that's enough time to -- appearance?

7 MR. SAVAGE: Yes, that -- that should
8 be enough time to clarify -- you know, the extent that
9 it can be clarified, that is certainly enough time
10 to -- to address this.

11 THE HEARING EXAMINER: Okay. And,
12 also, obviously, as Mr. Rose-Coss mentioned, there's
13 the need to update the geologist's affidavit.

14 MR. SAVAGE: And we will do that. And
15 we'll do that within the two weeks -- or before
16 the -- before the next set hearing date.

17 THE HEARING EXAMINER: And do you know
18 whether in this area one mile laterals are sort of the
19 norm? I'm just curious.

20 MR. SAVAGE: I don't -- I believe -- we
21 can -- I believe our geologist is on line.

22 THE HEARING EXAMINER: Yeah, I
23 don't -- I don't -- I'm just curious, 'cause, you
24 know, it's --

25 MR. SAVAGE: Yeah, I don't -- I don't

1 know the scope of that. You know, I believe that one
2 mile laterals are still viewed as economical in a
3 variety of contexts, so I assume that -- that these
4 are economical and something that would prevent waste
5 and promote correlative rights.

6 MR. GILBERTSON: Mr. Examiner, I can
7 address that very briefly, if you choose.

8 THE HEARING EXAMINER: Mr. Gilbertson,
9 I see your name there; is that correct?

10 MR. GILBERTSON: That is correct, sir.

11 THE HEARING EXAMINER: And, you know,
12 this is not -- this is not, like, necessary for this
13 case; this is just more curiosity. So I'm not even
14 going to swear you in.

15 MR. GILBERTSON: Yes, sir. It's -- it
16 has to do with physics. We are at such shallow depths
17 that the torque and drag on the drill string really
18 does prevent us from going further out than a mile in
19 most cases.

20 You will see some examples of
21 mile-and-a-half-type lateral. So that -- I can't do
22 anything about physics, sir, so, that's where we
23 stand.

24 THE HEARING EXAMINER: No, no,
25 that's -- a that's a perfect explanation. Since I

1 know nothing about physics, I'll take your word for
2 it. So, thank you.

3 And by "shallow," you mean this Yeso
4 formation?

5 MR. GILBERTSON: Yes, sir.

6 THE HEARING EXAMINER: Okay. Thank
7 you. I appreciate that.

8 MR. GILBERTSON: You're welcome, sir.

9 THE HEARING EXAMINER: I was just
10 curious, because we have -- this is not the only
11 one-mile lateral we've had today; we've had several of
12 them, you know? And when we had these contested
13 hearings, we have this experts telling us that
14 one-mile laterals are, like, so 20th Century.

15 So, anyway, enough of my education for
16 now. And with that, I think we will continue Cases
17 23315, 23316 to March 2nd to address the notice
18 questions and also a revised geologist affidavit.

19 But the exhibits that have been
20 presented today will be admitted into the record.

21 (Items 58 and 59 Exhibits A, B, and C
22 were received into evidence.)

23 MR. SAVAGE: Thank you, Mr. Brancard.
24 Thank you.

25 THE HEARING EXAMINER: Thank you. And

1 with that, I believe we're at the end of our agenda
2 today. So thank you all, and have a great rest of the
3 day.

4 (Whereupon, at 11:50 a.m., the
5 proceeding was concluded.)
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I, ABIGAIL BAYNE, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



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