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

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

Docket No.
15-23 OCD

Case Nos. 23604, 22409, 22410,
22411, 22412, 21568, 21572,
22653, 23621, 23622, 23623,
23647, 23659, 23660, 23661,
23680, 23686, 23687, 23688,
23689, 23690, 23691, 23236,
23237, 23240, 23241, 23242,
23587, 23588, 23589, 23590,
23581, 23582, 23583, 23648,
23651, 23652, 23653, 23654,
23662, 23663, 23674, 23675,
23676, 23632, 23683, 23684,
23692, 23693, 23695, 23696,
23697, 23706, 23707, 23710,
23679, 23685, 23448, 23449,
23450, 23451, 23452, 23454,
23455, 23594, 23595, 23596,

1 23597, 23598, 23599, 23600,
2 23601, 23508, 23509, 23510,
3 23511, 23512, 23513, 23514,
4 23515, 23516, 23517, 23518,
5 23519, 23520, 23521, 23522,
6 23523

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VIDEOCONFERENCE HEARING

9

DATE: Thursday, August 3, 2023

10

TIME: 9:15 a.m.

11

BEFORE: Hearing Examiner Felicia Orth

12

LOCATION: Remote Proceeding

13

Santa Fe, NM, 87501

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REPORTED BY: Dana Fulton, Notary Public

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JOB NO.: 5528930

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A P P E A R A N C E S (Cont'd.)

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A P P E A R A N C E S (Cont'd.)

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A P P E A R A N C E S (Cont'd.)

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A P P E A R A N C E S (Cont'd.)

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A P P E A R A N C E S (Cont'd.)
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Yarithza Pena, Panel (by videoconference)
Marlene Salvidrez, Host (by videoconference)

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E X H I B I T S

NO.	DESCRIPTION	ID/EVD
Cases 23587-23590:		
Exhibit A-4	Supplemental information	50/51
NO.	DESCRIPTION	ID/EVD
Cases 23581-23583, 23486:		
Exhibit A-3	Land Ownership/Pooled Parties	54/54
Exhibit C	Notice Affidavit	54/54
NO.	DESCRIPTION	ID/EVD
Cases 23651-23654:		
Exhibit A	Extension Application	58/58
Exhibit B	Pooling Orders	58/58
Exhibit C	Statement - David Johns	58/58
Exhibit C-1	Mailing Report	58/58
Exhibit C-3	Pooling Exhibit	58/58
Exhibit D	Self-Affirmed Statement	58/58
Exhibit E	Affidavit of Notice of Publication	58/58
NO.	DESCRIPTION	ID/EVD
Cases 23662-23663:		
Exhibit A	Testimony - Adams Davenport [ph]	61/64

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NO.	DESCRIPTION	ID/EVD	
Cases 23662-23663 (Cont'd.):			
4	Exhibit B	Testimony - David Childers	61/64
5	Exhibit C	Notice Testimony	61/64
Cases 23674-23675:			
9	Exhibit A-1	Statement - Thomas Sloane	66/67
10	Exhibit B	Statement - John Carroll	66/67
11	Exhibit B-1	Locator Map	66/67
12	Exhibit C	Notice Affidavit	66/67
13	Exhibit D	Affidavit of Publication	66/67
Cases 23632-23683:			
17	Exhibit C	Statement - Lizzy Laufer	73/73
18	Exhibit C-1	C102	73/73
19	Exhibit C-2	Land Tract Map	73/73
20	Exhibit C-3	Sample Well Proposal Letter	73/73
21	Exhibit C-4	Chronology of Contacts	73/73
22	Exhibit D	Statement - Parker Foy	73/73
23	Exhibit D-1	Locator Map	73/73
24	Exhibit D-2	Sub-sea Structure Map	73/73
25	Exhibit D-3	Cross Section Map	73/73

1	E X H I B I T S (Cont'd.)		
2	NO.	DESCRIPTION	ID/EVD
3	Cases 23632-23683 (Cont'd.):		
4	Exhibit D-4	Stratigraphic Cross Section	73/73
5	Exhibit E	Self-Affirmed Statement	73/73
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7	NO.	DESCRIPTION	ID/EVD
8	Case 23684:		
9	Exhibit A	Statement - John Kaufman	79/79
10	Exhibit B	Mailing Report	79/79
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12	NO.	DESCRIPTION	ID/EVD
13	Case 23693:		
14	Exhibit 1	Application	89/89
15	Exhibit 2	Affidavit - Brad Dunn	89/89
16	Exhibit 2-C-1	Proposal Letter	89/89
17	Exhibit 2-3	Plat	89/89
18	Exhibit 3	Statement - Charles Crosby	89/89
19	Exhibit 4	Affidavit of Notice of	89/89
20		Publication	
21	Exhibit 5	Certified Notice Spreadsheet	89/89
22	Exhibit 7	Pooling Checklist	89/89
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NO.	DESCRIPTION	ID/EVD
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Exhibit 1	Application	99/99
Exhibit 2	Statement - Matt Roberson [ph]	99/99
Exhibit 2-A	Well Plan	99/99
Exhibit 2-B	Bulldog Wells	99/99
Exhibit 2-C	Well Units	99/99
Exhibit 4	Affidavit of Notice	99/99
Exhibit 6	Document	99/99

NO.	DESCRIPTION	ID/EVD
Cases 23706-23707:		
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NO.	DESCRIPTION	ID/EVD
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1	E X H I B I T S (Cont'd.)		
2	NO.	DESCRIPTION	ID/EVD
3	Case 23679:		
4	Exhibit A	Hearing Materials	113/114
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6	Exhibit B-1	Proposed Exhibit A	113/114
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8	Exhibit B-3	Gun Barrel View	113/114
9	Exhibit B-4	Gas Sample Analysis	113/114
10	Exhibit B-5	Well Bore Diagram	113/114
11	Exhibit C	Statement - Tony Troutman	113/114
12	Exhibit D	Statement - Rahul Joshi	113/114
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14	Exhibit F	Notice	113/114
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16	NO.	DESCRIPTION	ID/EVD
17	Case 23685:		
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19	Exhibit B	Resume - Oliver Seekins	154/154
20	Exhibit C	Resume - Reed Davis	172/172
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P R O C E E D I N G S

THE HEARING OFFICER: -- conduct the hearings on the Oil Conservation Division -- hearings docket worksheet dated August 3, 2023. The final worksheet was posted on the division webpage last night -- sorry, yesterday, and we will be walking through the cases in that order, as usual, and as usual, we'll begin with the status conferences and move to the uncontested hearings, and then to the things that may be more contested.

So I'll start -- let me ask the technical staff first. Are there any announcements this morning? Any announcements?

MR. LOWE: I have no announcements. This is Leonard.

THE HEARING OFFICER: Thank you, Mr. Lowe. Our court reporter this morning is Dana Fulton. Please do speak up if there's something that you didn't catch, and we will repeat it.

So case number 23399. The applicant is Cimarex Energy. There are several different types of applications. The well name is Big Iron. Applicant's counsel is Abadie and Schill. There are a number of appearances, and let me say, in connection with 23399, I will call at the same time 23400, 23401, 23402,

1 23214, and 23308. Those have different applicants,
2 but let's start with Cimarex. Mr. Savage -- for the
3 applicant Cimarex.

4 MR. SAVAGE: Yes, good morning, Madam
5 Hearing Examiner. Good morning, Technical Examiner,
6 Mr. Technical Examiner. Darin Savage with the Santa
7 Fe office of Abadie and Schill, on behalf of Cimarex
8 Energy Company.

9 THE HEARING OFFICER: Thank you. Is
10 your sound up? You were a little soft there.

11 MR. SAVAGE: I'll try to speak louder.
12 I don't see, but maybe I can do some adjustments here.
13 Is that better?

14 THE HEARING OFFICER: A little bit.
15 Keep your voice up, please. Let's see. We also have
16 appearances in this set of cases from Mewbourne Oil --
17 for Mewbourne. Mr. Bruce?

18 MR. BRUCE: -- I was muted. Jim Bruce
19 on behalf of Mewbourne.

20 THE HEARING OFFICER: Good morning, Mr.
21 Bruce.

22 MR. BRUCE: Good morning.

23 THE HEARING OFFICER: EGL Recourses?

24 MR. PADILLA: Madam Examiner, I'm
25 Earnest Padilla for EGL Resources.

1 THE HEARING OFFICER: Good morning.
2 Marathon Oil Permian?

3 MS. BENNETT: Deana Bennett from
4 Modrall Sperling on behalf of Marathon Oil Permian.

5 THE HEARING OFFICER: Good morning.
6 Matador Production Company? Is anyone
7 here for Matador?

8 MR. BRUCE: Madam -- I think maybe I
9 file -- I didn't look at the case file, but I think I
10 might have entered an appearance -- virtual
11 connectivity interruption -- but I will do so just so
12 the record ...

13 THE HEARING OFFICER: All right. Thank
14 you very much, Mr. Bruce. And MRC Delaware Recourses?

15 MR. BRUCE: Same thing -- virtual
16 connectivity interruption -- MRC.

17 THE HEARING OFFICER: Okay. Thank you
18 very much, Mr. Bruce. Mr. Bruce, I think there might
19 be some background noises, maybe from having two
20 different phones perhaps, or two different devices?
21 I'm not sure.

22 MR. BRUCE: My place is silent, and I
23 normally have one -- and I'm sitting --

24 THE HEARING OFFICER: Okay. Who is
25 call-in user number 3, then? I think the noise is

1 coming from call-in user number 3. Hello? It seems
2 to have stopped. All right. Thank you all for that.

3 So then let me expressly ask about
4 23214. The applicant is EGL Resources. Mr. Padilla,
5 you said you're representing EGL.

6 MR. PADILLA: I'm not sure what the
7 status is, Madam Examiner. I've been told that we're
8 not opposed to a continuance in this case. My
9 understanding is that there's still considerable
10 negotiations going on between Mewbourne and Coterra,
11 and I'm not sure whether Coterra is still in this case
12 or not, but there's still negotiations going on, so I
13 think in the interest of brevity, for now, a
14 continuance or another status conference would
15 probably be in order.

16 THE HEARING OFFICER: Okay. Well, this
17 is still part of this same big group of cases that
18 we're doing a status conference. I was just calling
19 out the applicant specifically, and then Mewbourne,
20 Mr. Bruce, represents.

21 So who would like to kick off the
22 discussion here? Mr. Savage?

23 MR. SAVAGE: I think Mr. Padilla summed
24 it up pretty well. I talked to our client, and they
25 sound like they're very close to papering something

1 up. They're trying to clear some time to do that and
2 finalize some things. So I would recommend, if the
3 OCD would be agreeable, that we did another status
4 conference, and maybe we should push it down just a
5 little bit -- October 19th, just to give us some time
6 to finalize these. It looks like everybody's on the
7 right track to see something get to fruition.

8 THE HEARING OFFICER: All right. Well,
9 thank you for that, Mr. Savage. October 19th is one
10 of the dates that we can move it to. Any other
11 comments?

12 MR. BRUCE: Madam Examiner, I would say
13 that no. From speaking with my client this week, that
14 they are in discussions with Cimarex quite often, so I
15 think Mr. Savage has the right idea.

16 THE HEARING OFFICER: All right. Thank
17 you. Ms. Bennett?

18 MS. BENNETT: -- clarify that in case
19 23 -- 8, which is part of these cases, I entered an
20 appearance on behalf of Avant Operating, and so I just
21 wanted to clarify that, in this particular case, I'm
22 in this case for Avant Operating, for the record.

23 THE HEARING OFFICER: Well, thank you
24 very much. And do you have any comment on another
25 status conference on October 19th? Ms. Bennett,

1 there's a delay between the time I can see your lips
2 moving and the time we hear sound.

3 MS. BENNETT: -- audio method for the
4 next hearing.

5 THE HEARING OFFICER: All right.
6 Anything else? From anyone else? No? All right.
7 Then we will reset this for a status conference on
8 October 19th. Again, it's the first six cases, cases
9 docketed 1 through 6 there on the worksheet. Thank
10 you all.

11 Let's move, then, to case 23604. XTO
12 Energy is the applicant. It's a compulsory pooling
13 application. The name of the well is Perla Verda, and
14 Holland and Hart is counsel for the applicant. Is
15 that true, Mr. Debrine? Let's see. Oh, no. Mr.
16 Feldewert. Hello.

17 MR. FELDEWERT: Good morning, Madam
18 Examiner. Yes, I'm appearing in a matter for XTO
19 Energy.

20 THE HEARING OFFICER: Terrific. Thank
21 you. And we have an appearance by Modrall Sperling on
22 behalf of Apache. That must be you, Mr. Debrine?

23 MR. DEBRINE: That is, Madam Examiner.
24 Earl Debrine with Modrall Sperling on behalf of Apache
25 Corporation.

1 THE HEARING OFFICER: All right. So we
2 had originally marked this as a status conference.
3 Now I see there is a motion to continue. Would you
4 like to address that, please?

5 MR. FELDEWERT: Sure. XTO filed in the
6 motions. It's my understanding that the parties are
7 pretty close to reaching an agreement. We've asked
8 that the matter be continued for two weeks to August
9 17th when we anticipate they will be able to present
10 the matter by affidavit.

11 THE HEARING OFFICER: All right.

12 MR. FELDEWERT: Is that right, Earl?

13 MR. DEBRINE: Yes. I would concur with
14 that, and it's my understanding they're very close so
15 that we should be able to allow the matter to go to
16 hearing in two weeks. If not, we may have to come
17 back and ask for additional time, but hopefully we can
18 get it done by then.

19 THE HEARING OFFICER: All right. Thank
20 you. I will see you then with a presumed affidavit
21 case on August 17th. Thank you.

22 MR. FELDEWERT: Thank you.

23 MR. DEBRINE: Thank you.

24 THE HEARING OFFICER: Let's move to
25 case 22409. The applicant is Chevron USA. It's a

1 compulsory pooling application. The well is ZN
2 Yosemite. Modrall Sperling entered an appearance on
3 behalf of the applicant, and I'm calling that one in
4 connection with a couple others that are associated
5 with this: 22410, 22411, 22412, 21568, 21572, and
6 22653. So let's see. Ms. Bennett? Are you here for
7 Modrall?

8 MS. BENNETT: I am, thank you, and
9 hopefully this is better audio.

10 THE HEARING OFFICER: Yeah. That is --
11 terrific. Thank you.

12 MS. BENNETT: Sure. Yes. So Deana
13 Bennett from Modrall Sperling on behalf of Chevron USA
14 in all of the cases that you called. Thank you.

15 THE HEARING OFFICER: All right. Thank
16 you. We also have appearances from Taprock. Is that
17 you, Mr. Bruce, from Taprock?

18 MR. BRUCE: Yes, that's correct. Thank
19 you.

20 THE HEARING OFFICER: Allrighty. And
21 Pride Energy Company. Ms. Shaheen? You're here from
22 Montgomery and Andrews. Good morning.

23 MS. SHAHEEN: Good morning. Thank you.
24 Yes. And I would note for the record that we also
25 entered an appearance in the Taprock cases that you

1 called as well. That's 21568, 21572, and 22653.

2 THE HEARING OFFICER: Yes. Let's see.
3 Then there are appearances as well in those cases by
4 Coteria and COG. So let's see. Who's here from Abadie
5 and Schill?

6 MR. ZIMSKY: William Zimsky on behalf
7 of Coteria, I believe.

8 THE HEARING OFFICER: Great. Thank
9 you, Mr. Zimsky. And Mr. Savage?

10 MR. SAVAGE: Yes. I was muted when I
11 said that exact same thing.

12 THE HEARING OFFICER: All right. Thank
13 you. All right. Are there any other appearances?

14 MS. MUNDS-DRY: I think that's me,
15 Madam Hearing Examiner. Ocean Munds-Dry for COG
16 Operating.

17 THE HEARING OFFICER: Well, good
18 morning, Ms. Munds-Dry.

19 MS. MUNDS-DRY: Good morning.

20 THE HEARING OFFICER: That's great --
21 there's COG. All right. Any other appearances? No?
22 All right. We have all of you down for this set of
23 cases for a status conference.

24 Ms. Bennett, are you going to start the
25 conference here?

1 MS. BENNETT: Thank you. Yes. I'm
2 happy to kick it off. In these cases, the applicants,
3 Chevron and Taprock, had originally excluded a 40-acre
4 tract because that 40-acre tract had not yet been
5 leased, and Pride Energy has now received the BLM
6 lease for that 40 acres, and Pride, as a result, moved
7 to vacate the hearing that was set, and set this for a
8 status conference, and so I'd like to pass it to Ms.
9 Shaheen to talk about Pride's position, and then see
10 where we stand.

11 MS. SHAHEEN: Thank you, Deana.

12 I've talked with both counsel for
13 Chevron and Taprock and also our client has spoken
14 with Taprock. Pride would like these cases -- all of
15 these applications to be dismissed and re-filed to
16 include its 40-acre tract, and I believe that both
17 Chevron and Taprock are willing to do that. I think
18 Taprock -- I won't speak for Taprock because Mr. Bruce
19 is here, but my understanding is Taprock has closed on
20 its sale and that they're now ready to address these
21 cases.

22 And so we have discussed the
23 possibility -- I've discussed with Ms. Bennett the
24 possibility of holding a status conference on
25 September 21 to see what the next steps are, and

1 hopefully the applicants will have dismissed their
2 applications and refile to include Pride's tract.

3 THE HEARING OFFICER: Anyone else?

4 MR. BRUCE: Madam Examiner, I think --
5 I know Taprock, if that's the case, and I haven't
6 spoken with them here in the last week or so. Taprock
7 would need to dismiss and refile two cases. One of
8 the cases is unaffected by the new lease, and so I
9 think Chevron may be in a similar situation with one
10 or two of its applications.

11 THE HEARING OFFICER: Okay.

12 MS. BENNETT: Thank you. Chevron is
13 evaluating whether -- which of the cases it would need
14 to dismiss and refile, and so we would -- but in any
15 event, it's my understanding that both Chevron and
16 Taprock would have to repropose the wells in the east
17 half/east half at a minimum. and so even if we have --
18 I'm fine with having a status conference on September
19 21st to touch base and see where we all are, but I
20 don't want anyone to have the impression that we will
21 have new applications filed by then because that is
22 too soon to repropose and refile, so I did just want
23 to level set expectations there and say that, while
24 Chevron is completely on board with dismissing and
25 refiling, there's some logistical aspects that would

1 extend beyond the 9/21 status conference, but I do see
2 some value in having the 9/21 status conference to
3 update the division and each other on where we are in
4 that process.

5 THE HEARING OFFICER: Okay. Any other
6 comments? No? All right. In that case, let's add it
7 to the 9/21 worksheet for a status conference, and
8 we'll take up this discussion again. Thank you all.

9 MS. VANCE: Thank you, Madam Examiner.

10 MS. BENNETT: Thank you.

11 MR. SAVAGE: Thank you.

12 THE HEARING OFFICER: All right. Let's
13 move to number 15. This is case 23621. Also 23622
14 and 23623. They're bundled. The applicant is MRC
15 Permian company. The well family is John Callahan,
16 and Holland and Hart entered an appearance for the
17 applicant -- who's here from Holland and Hart?

18 MS. VANCE: Yes. Good morning, Madam
19 Hearing Examiner and Technical Examiners. Paula Vance
20 with the Santa Fe office of Holland and Hart on behalf
21 of the applicant, MRC Permian Company.

22 THE HEARING OFFICER: Good morning, Ms.
23 Vance. Other entries include COG Operating. I see
24 you, Ms. Munds-Dry.

25 MS. MUNDS-DRY: Good morning. Ocean

1 Munds-Dry with COG Operating LLC.

2 THE HEARING OFFICER: All right. And
3 Franklin Mountain Energy. That must be you, Ms.
4 Bennett.

5 MS. BENNETT: Good morning. Deana
6 Bennett on behalf of Franklin Mountain Energy, LLC.
7 Thank you.

8 THE HEARING OFFICER: All right. Are
9 there any other appearances this morning? No? So
10 who's going to kick off the discussion?

11 MS. VANCE: I'm happy to do that, Madam
12 Hearing Examiner.

13 I think at this point -- so we filed
14 our applications, and it's my understanding that
15 Franklin Mountain Energy has sent out some well
16 proposals and will have some competing applications
17 that they may be filing, and happy to -- obviously Ms.
18 Bennett can speak to that, but that's my
19 understanding, and I would say that I think, given
20 that, our preference would be at this point, since we
21 just got those proposals, is to have a status
22 conference sometime in September, preferably the later
23 date in September, the 21st.

24 THE HEARING OFFICER: All right.
25 Another status conference on the 21st. Any other

1 comments? Ms. Bennett or Ms. Munds-Dry?

2 MS. BENNETT: Thank you, Madam
3 Examiner. I'm, again, not opposed to a status
4 conference on September 21st, but we will not have
5 been able to -- well, we will have -- if everything
6 goes according to plan, then we will have filed the
7 competing applications by September 21st, but they
8 will not be, you know, quote-unquote "ripe" yet, but I
9 think that having at least a placeholder for the --
10 placeholder status conference, and then if we're in a
11 position to actually go to a contested hearing, we can
12 work that out as between the parties in advance of the
13 September 21st contested hearing date.

14 THE HEARING OFFICER: Ms. Munds-Dry,
15 anything to add?

16 MS. MUNDS-DRY: Whatever works for them
17 works for us.

18 THE HEARING OFFICER: All right. Thank
19 you all very much. I will add this to the September
20 21st docket for another status conference. Thank you.

21 MS. BENNETT: Thank you.

22 MS. VANCE: Thank you.

23 THE HEARING OFFICER: Let's move, then,
24 to 23647. This is MRC Permian still, but it's --
25 wait. Oh, I see. Mentions separately here, still

1 John Callahan Well, and -- but we don't have exactly
2 the same parties. Holland and Hart -- let's see.
3 That must be you, Mr. Feldewert?

4 MR. FELDEWERT: Actually, I'm going
5 to -- I think Ms. Vance is still handling the John
6 Callahan case.

7 MS. VANCE: Yes, Madam Hearing
8 Examiner. I apologize. So all of those are -- those
9 are consolidated cases all together, and -- but just
10 the one case has a number that -- a case number that
11 is not sequential with the others.

12 THE HEARING OFFICER: Okay. And COG
13 may or may not be in that one. All right. So thank
14 you very much. I will move on from there.

15 23659. Franklin Mountain Energy is
16 applicant. Compulsory pooling application. New
17 Yeller is the well family. I'm calling this with
18 23660 and 23661. New Yeller is the well name for all
19 of it. Modrall Sperling for the applicant. Ms.
20 Bennett?

21 MS. BENNETT: Yes.

22 THE HEARING OFFICER: I see you there
23 on the screen.

24 MS. BENNETT: Good morning, again.
25 Deana Bennet on behalf of Franklin Mountain Energy,

1 LLC.

2 THE HEARING OFFICER: Good morning.
3 And then appearances from Matador and MRC Permian,
4 Holland and Hart appearing for them. That must be
5 you, Mr. Feldewert?

6 MR. FELDEWERT: Yes. Good morning, Ms.
7 Orth.

8 THE HEARING OFFICER: Okay. We have a
9 status conference.

10 MS. BENNETT: Yes. This is the mirror
11 image of the set of cases we've just discussed. So in
12 this cases Franklin Mountain Energy submitted its
13 applications, and MRC and Matador objected to the
14 cases going by affidavit, and it's my understanding
15 that MRC Permian is going to file competing
16 applications, and so I'm not sure if that's happened
17 yet, so I'm interested in -- or sent out proposals
18 yet. So I'm interested in hearing the status of that
19 from Mr. Feldewert and then seeing where we can go
20 from there.

21 THE HEARING OFFICER: Thank you. Mr.
22 Feldewert?

23 MR. FELDEWERT: Yeah. Franklin
24 Mountain here is seeking to combine the west half of
25 section 32 where they have ownership with the west

1 half of section 29 where they have no ownership. MRC
2 Permian has ownership in section 29. That's -- as a
3 result, they are sending out competing well proposals
4 that will develop MRC's acreage in the west half of
5 section 29. Our application for pooling should appear
6 on the October 5th docket, so Ms. Orth, I believe we
7 can be ready for hearing at that time.

8 THE HEARING OFFICER: Thank you for
9 that, Mr. Feldewert. Ms. Bennett?

10 MS. BENNETT: I think that should be
11 fine. I haven't confirmed with my clients on that
12 hearing date because, until now, I did not know when
13 Matador's applications would be ripe, so with the
14 division's leeway, I would request some time to
15 confirm with Franklin Mountain that that date works
16 for them, and then we can get back to the division on
17 a hearing date.

18 THE HEARING OFFICER: Okay. Sorry, you
19 broke up right at the end. You would get back to the
20 division with a confirmation that your witnesses would
21 be available on October 5th?

22 MS. BENNETT: That's correct.

23 THE HEARING OFFICER: Okay. Thank you.
24 All right. So we will, for the moment, understand
25 that that will be a contested hearing on October 5th.

1 MR. FELDEWERT: What I will do, Ms.
2 Orth, is, recognizing that we can have the hearing on
3 the 5th, we're going to need a pre-hearing order. I
4 will certainly let you know when we file the
5 applications so that you have the case numbers to
6 incorporate it into a pre-hearing order.

7 THE HEARING OFFICER: Thank you very
8 much, Mr. Feldewert. All right. Thank you both.

9 MR. FELDEWERT: Thank you.

10 THE HEARING OFFICER: Next case. This
11 is 22 -- 23680, Spur Energy Partners. Welch is the
12 well name. Holland and Hart entered the appearance
13 for the applicant. Who's here from Holland and Hart
14 for Spur Energy Partners? Mr. Rankin, hello.

15 MR. RANKIN: Good morning, Ms. Hearing
16 Examiner. Adam Rankin appearing on behalf of the
17 applicant in this case with the Santa Fe office of
18 Holland and Hart.

19 THE HEARING OFFICER: And we also have
20 an appearance from Longfellow Energy. Montgomery and
21 Andrews. That must be you, Ms. Shaheen.

22 MS. SHAHEEN: Thank you, Madam
23 Examiner. Sharon Shaheen, Montgomery and Andrews on
24 behalf of Longfellow Energy.

25 THE HEARING OFFICER: Thank you. Are

1 there any other appearances this morning? No? All
2 right. Mr. Rankin, you're going to kick off the
3 discussion.

4 MR. RANKIN: Good morning -- may it
5 please the division. So yes. Spur had filed an
6 administrative application for a nonstandard location,
7 in the subsequent -- and within the time allotted
8 under the administrative procedures. Longfellow has
9 objected, and the basis of that objection, which has
10 not been resolved, we're asking that the nonstandard
11 location application be set for hearing at a contested
12 docket.

13 THE HEARING OFFICER: Ms. Shaheen?

14 MS. SHAHEEN: Yes. I agree with Mr.
15 Rankin. The only thing I would note is that my
16 clients do have some unavailability in October, and so
17 their availability is in November.

18 THE HEARING OFFICER: All right. The
19 November docket dates are November 2nd and 16th. So
20 we'll try the 2nd?

21 MS. SHAHEEN: That works for
22 Longfellow.

23 THE HEARING OFFICER: Mr. Rankin?

24 MR. RANKIN: I believe that -- I did
25 not actually confer with them on November dates, but I

1 believe that date should work, and if there's an issue
2 with it, we can address it at that time and, as
3 always, I guess there's a possibility that the parties
4 may work it out between now and then, given the
5 expanse of time, so I think that we'll take the
6 November 2nd hearing date and if there's an issue with
7 that, we will make a motion.

8 THE HEARING OFFICER: Thank you very
9 much, Mr. Rankin. And Ms. Shaheen. We'll add it to
10 the November 2nd docket.

11 Let's move on to 23686 and 23687. The
12 applicant is Chevron USA.

13 MR. RANKIN: Oh, Madam -- I'm sorry.
14 One question just to be clear. I expect there will be
15 a pre-hearing order issued in that case so that --

16 THE HEARING OFFICER: Yes.

17 MR. RANKIN: -- understand that there's
18 deadlines for filing their exhibits and testimony and
19 so forth.

20 THE HEARING OFFICER: Yes. That'll be
21 one of my bits of homework after we have gotten off
22 the platform.

23 MR. RANKIN: Thank you.

24 THE HEARING OFFICER: Thank you.

25 So 23686 and 23687. Chevron USA is the

1 applicant. These relate to salt water wells. The
2 wells' names are Papa Squirrel and Severitas. Modrall
3 appeared on behalf of the applicant. Is that true,
4 Ms. Bennett?

5 MS. BENNETT: Yes, it is. Thank you
6 very much. Deana Bennett from the Modrall Sperling
7 law firm on behalf of Chevron, USA.

8 THE HEARING OFFICER: Great. And
9 Mewbourne entered an appearance in both of these. Ms.
10 Hardy, is that you from Hinkle-Shanor?

11 MS. HARDY: Yes, it is. Good morning.
12 Dana Hardy with Hinkle-Shanor for Mewbourne.

13 THE HEARING OFFICER: Good morning.
14 And Ms. Munds-Dry, I assume you're here for COG?

15 MS. MUNDS-DRY: Good morning. Ocean
16 Munds-Dry for COG Operating, LLC, and we've only
17 entered our appearance in 23687, just to make the
18 record clear.

19 THE HEARING OFFICER: Yes. All right.
20 That is what is shown on the worksheet, so thank
21 you --

22 MS. MUNDS-DRY: Thank you.

23 THE HEARING OFFICER: Thank you for
24 saying that. Let's see here. Ms. Bennett, are you
25 going to kick off the discussion?

1 MS. BENNETT: Yes, thank you. So
2 Chevron has filed these two SWD applications. These
3 applications were originally submitted as
4 administrative applications, and Mewbourne objected to
5 the administrative applications. Chevron and
6 Mewbourne have been in discussions, and Chevron and
7 COG have also been in discussions. And Chevron and
8 the division have been in discussions. So these are
9 shallow SWDs, so this would be considered a pilot
10 project.

11 And it's my understanding that the
12 division is considering its position and how to treat
13 these applications, and we don't quite have that
14 information yet. And so what I would ask is, with the
15 division's leeway, unless someone from the division
16 has some further information on these cases, is to
17 allow me a week or two to further coordinate with the
18 division on its position and then at that point I
19 could file a continuance or another pleading that
20 would allow the parties to understand the status of
21 the cases and the next steps.

22 THE HEARING OFFICER: All right. Thank
23 you. I can certainly see if Mr. Goetze has anything
24 to offer at this point. I believe he's probably on
25 the -- yes. Mr. Goetze, do you have anything got ask

1 or offer at this point? These are salt water -- well
2 as you know, I'm sure --

3 MR. GOETZE: Thank you, Ms. Orth. At
4 this point, no, I have no comment. We'll see what
5 happens, but it is my understanding that it is being
6 considered, and we will see where it goes. Sorry.
7 Caught me off guard.

8 THE HEARING OFFICER: Very sorry.

9 MR. GOETZE: We have nothing to say at
10 this point.

11 THE HEARING OFFICER: All right. Thank
12 you. Ms. Hardy or Ms. Munds-Dry, do you have anything
13 to offer?

14 MS. HARDY: No, Madam Examiner. I
15 think Ms. Bennett's proposal is fine from Mewbourne's
16 perspective.

17 MS. MUNDS-DRY: Ditto for COG. Thank
18 you.

19 THE HEARING OFFICER: All right.

20 MR. GOETZE: Ms. Orth, I will venture
21 to say that it will not remain in division. I can
22 offer that, so we shall probably see this move to a
23 different venue with regards for its discussion and
24 determination. Thank you.

25 THE HEARING OFFICER: Thank you. I

1 guess that's what I was trying to figure out, whether
2 it makes sense to kick this forward on the division's
3 docket or, knowing that the operating assumption of
4 staff and parties is that you'll find yourself before
5 the commission rather than the division, what the best
6 course of action is there.

7 MR. GOETZE: Ms. Examiner, I would just
8 support that, if it's necessary for continuity, then
9 another status conference would be a chain of
10 continuity. Otherwise, I would generally assume that
11 we're going to the next level.

12 THE HEARING OFFICER: Yeah. Okay.

13 MS. BENNETT: Yes. Thank you, Mr.
14 Goetze, and Madam Examiner. That is precisely the
15 reason why I was hoping to have a little more time,
16 because if we are going to be kicked up to the
17 commission, then that would eliminate needing an
18 additional status conference with the division, and so
19 just getting some confirmation on that and, you know,
20 the logistics of that might take some time, and so
21 that's why I didn't want to say for sure that we
22 should have a status conference before the division,
23 but rather just have some time to let the process play
24 out so that we can maybe have it worked out just
25 seamlessly. That's my hope.

1 THE HEARING OFFICER: All right. So we
2 won't identify a date certain for any other additional
3 status conference?

4 MS. BENNETT: Yes. If the division
5 would just give me, say a week or ten days, and then
6 if I haven't gotten -- or if we don't have
7 clarification by then as to the next step, I'll file a
8 motion for continuance and a request for a status
9 conference.

10 THE HEARING OFFICER: All right. I
11 think that sounds like a good plan.

12 MS. BENNETT: Thank you.

13 THE HEARING OFFICER: Thank you. If
14 there's nothing else, thank you all.

15 Let's move then to the next set of
16 cases. 23688, 23689, 23690, and 23691. Mewbourne Oil
17 Company is the applicant. We have compulsory pooling
18 applications and an application to amend earlier
19 orders. The well name is Judge, and Mr. Bruce is the
20 applicant's counsel. Then we have a number of other
21 appearances. Mr. Bruce?

22 MR. BRUCE: Yes, I'm here. Thank you.

23 THE HEARING OFFICER: Thank you.
24 Appearances were entered on behalf of Colgate, Permian
25 Resources, Coterra Entergy, and Cimarex. I see you,

1 Mr. Savage, on the screen, from Abadie and Schill.

2 MR. SAVAGE: Yes. Good morning, Madam
3 Hearing Examiner. Good morning, technical examiners.
4 Darin Savage with Abadie and Schill on behalf of
5 Coterra Energy and Cimarex Energy Company et al.

6 THE HEARING OFFICER: Thank you. And
7 Mr. Rankin from Holland and Hart.

8 MR. RANKIN: Good morning, Madam
9 Examiner, may it please the division. Adam Rankin
10 with the Santa Fe office of Holland and Hart,
11 appearing in these cases on behalf of Colgate and the
12 Permian entities.

13 THE HEARING OFFICER: Thank you. Mr.
14 Bruce, would you like to kick off the discussion?

15 MR. BRUCE: Sure. I'll kick it off,
16 and then the other gentlemen can join in whenever they
17 feel like it. In these cases, there's a lot going on
18 here that you might not be aware of. In these four
19 cases, Mewbourne seeks to force pool four well units
20 collectively covering two sections of land in the Bone
21 Spring formation. Colgate has a pooling order on part
22 of the lands covered by the first application, 23688,
23 which is on appeal to the commission -- de novo
24 appeal. And that's where vacating the order comes in,
25 and I'll let Mr. Rankin address that. I know he and I

1 have discussed this before.

2 The long and the short of it is, the
3 other three cases, at least at this point, are not
4 contested by Colgate, but they're all of a package
5 that eventually need to be heard, all of them, because
6 of the pending commission case which is now on the
7 September commission docket, and Mr. Savage also has a
8 case on that docket that is intertwined with all of
9 these.

10 Now I'm not saying it's going to
11 hearing in September. We have all been in touch with
12 Mr. Moander about that, but eventually we'll need
13 to -- I think what the commission wants is for the
14 division to make a determination in these cases before
15 one or more of them may go up on appeal together with
16 the Colgate case and the Cimarex case. And that's
17 where we stand right now. I know the parties -- I
18 know Mewbourne has been in touch with Colgate
19 discussing this situation. That's about as much as I
20 know, and I'd invite Mr. Rankin to kick off phase two
21 of this introduction.

22 MR. RANKIN: Good morning, Madam
23 Examiner. Yes, I think Mr. Bruce has effectively and
24 correctly summarized where procedurally these
25 interrelated matters stand. From our perspective,

1 Madam Examiner, yes, Mr. Bruce is correct that the --
2 of these four cases that have been filed, one of them
3 affects plans for which Colgate has an existing
4 pooling order in place that was issued by the
5 division. That pooling order is on appeal under a de
6 novo application with the commission.

7 So at this point, Madam Examiner, the
8 applicant in these cases has asked for the revocation
9 of that pooling order, and I guess the question I have
10 is, you know, what's the basis for that? And I think
11 before we can proceed, you know, down any pathway, we
12 need to understand better what Mewbourne's position is
13 and what the legal basis is for revocation of a
14 pooling order that was issued, you know, essentially
15 almost more than two years ago.

16 So that's kind of where we stand right
17 now, and I understand that, you know, there's a
18 potential for these all to get bound up together, but
19 before we get to that point, I think we need to
20 understand a little better, maybe to Jim's -- to Mr.
21 Bruce's point, maybe a decision from the division on
22 whether there's a basis at all for one or any of these
23 to proceed based on the fact that there's an existing
24 pooling order in place.

25 THE HEARING OFFICER: Thank you. Mr.

1 Savage, anything to add?

2 MR. SAVAGE: Yes. Madam Hearing
3 Examiner, we -- Cimarex is involved in these set of
4 cases with the OCC. Mr. Rankin discussed precedent,
5 what the legal precedents would be. I would just like
6 to point out that I believe these questions have been
7 addressed a few years ago. Madam Hearing Examiner, I
8 believe that you actually presided over some of these
9 hearings, when I was looking at my files here. Ascent
10 Energy Company was involved in the cases 21393 and
11 21394 at the division level, and those cases are set
12 to be heard at the division before they go to the OCC,
13 and that was part of a de novo hearing. It looks to
14 us like the precedent has been set and, you know,
15 OCC -- the commission's policy is in place. That the
16 commission wants to see all the potential conflicts
17 and potential cases heard and addressed at the
18 division level before they move to the commission.

19 So, you know, I think that these cases,
20 they deserve some full consideration, but I think that
21 there is a good amount of precedents.

22 THE HEARING OFFICER: Okay. Mr. Bruce?

23 MR. BRUCE: Again, I would point out
24 that the last three cases, there is not an issue as to
25 vacating an existing pooling order. They're just

1 pretty straightforward pooling cases. And as I said,
2 Mr. Rankin and I have discussed his position in this
3 case. Perhaps the thing to do is -- he spoke about it
4 before. If Mr. Rankin would care to file a motion to
5 dismiss, and Mewbourne and probably Cimarex -- or
6 Coterra would respond and then have an argument on
7 that. As to the first case, that may be the route to
8 go, and kick these down the road for a status
9 conference maybe, you know, late September, something
10 like that.

11 THE HEARING OFFICER: Mr. Rankin?

12 MR. RANKIN: Well, I guess we certainly
13 could file a motion to dismiss, and I think it would
14 be fairly generic because I don't think I, you know,
15 fully understand the basis for an application seeking
16 to revoke a pooling order that has been issued more
17 than two years. I think that's kind of different than
18 the cases that Mr. Savage was citing. But we
19 certainly can do that if that's what it's needed to
20 trigger, you know, consideration of these cases. I
21 think we can certainly do that.

22 As to the question about the one case
23 where there's an existing pooling order and the other
24 three cases where there is not, I think, you know, I
25 think Mewbourne has put those other three cases into

1 play by alleging in its application that its complete
2 development package is better than the one under which
3 Colgate's order exists, so I'm not sure how easily
4 they can be extricated. So our view is that they
5 ought to be considered together at this point, at
6 least based on numerous allegations, and so that's our
7 position as to the package of four cases. And so I
8 think, at this point, if it's required or if it's
9 deemed to be the most expedient path forward, we'd be
10 happy to file an application to dismiss.

11 MR. BRUCE: It's either that or set it
12 for a contested hearing right now.

13 THE HEARING OFFICER: I think that's
14 probably a correct assessment. Mr. Savage, anything
15 to add?

16 MR. SAVAGE: No, I agree with Mr.
17 Bruce. And that's, you know, basically our -- what we
18 have to say on this.

19 THE HEARING OFFICER: Mr. Rankin, a
20 motion to dismiss, and then we'll talk about it again
21 on September 21st?

22 MR. RANKIN: Thank you. I believe
23 that's probably the most reasonable path forward, so
24 that the division and the parties can sort through
25 what their positions are and the bases for proceeding.

1 THE HEARING OFFICER: All right. I'll
2 issue an order. Thank you.

3 MR. SAVAGE: Thank you.

4 MR. BRUCE: Thank you.

5 THE HEARING OFFICER: All right. The
6 next set of cases. Several cases, all connected, for
7 another status conference. And then we'll finally get
8 to the hearing portion of the worksheet. 23236,
9 23237, 23240, 23241, and 23242. COG Operating,
10 compulsory pooling and nonstandard spacing. The well
11 name is Akubra and Hennin. Hinkle-Shanor, Ms. Hardy?

12 MS. HARDY: Yes, Madam Examiner. Dana
13 Hardy with Hinkle-Shanor for COG Operating.

14 THE HEARING OFFICER: Thank you.
15 Franklin Mountain Energy entered an appearance. Ms.
16 Bennett, you're here from Modrall.

17 MS. BENNETT: Good morning, and thank
18 you. Deana Bennett, Modrall Sperling, on behalf of
19 Franklin Mountain Energy.

20 THE HEARING OFFICER: Thank you. Ms.
21 Hardy, you're going to kick off the discussion.

22 MS. HARDY: Yes, Madam Examiner. I
23 would like to continue these cases to October 5th for
24 presentation by affidavit.

25 THE HEARING OFFICER: Okay.

1 MS. HARDY: I don't think there's a
2 dispute with Franklin Mountain at this point, and we
3 would just like to go ahead and present them by
4 affidavit in October if that's acceptable.

5 THE HEARING OFFICER: All right. Ms.
6 Bennett?

7 MS. BENNETT: Thank you. Yes, Ms.
8 Hardy's correct. Franklin Mountain Energy does not
9 object to these cases being heard by affidavit.

10 THE HEARING OFFICER: On 10/5. All
11 right. Thank you very much.

12 MS. HARDY: Thank you.

13 THE HEARING OFFICER: All right. Now
14 we're getting into the hearings, though I believe most
15 of these are affidavit hearings. The first set of
16 cases is 23587, 23588, 23589, 23590. The applicant is
17 Flat Creek Resources. It's a compulsory pooling and
18 nonstandard spacing applications. The well name is
19 Rena, and Ms. Shaheen, you must be here from
20 Montgomery and Andrews for the applicant.

21 MS. SHAHEEN: Yes. Thank you, Madam
22 Examiner. Sharon Shaheen, Montgomery and Andrews, on
23 behalf of Flat Creek Resources.

24 THE HEARING OFFICER: Thank you. Devon
25 Energy Production entered an appearance in at least

1 two of the cases, and Holland and Hart is here on
2 behalf of Devon. Ms. Vance, are you here?

3 MS. VANCE: That's correct, Madam
4 Hearing Examiner. Paula Vance with the Santa Fe
5 office of Holland and Hard on behalf of Devon Energy
6 Production Company. And as you mentioned, we only
7 entered an appearance in case numbers 23588 and 23590.

8 THE HEARING OFFICER: All right. Thank
9 you. Are there any other appearances this morning?

10 All right. Hearing none, Ms. Shaheen,
11 would you like to make your presentation please?

12 MS. SHAHEEN: Yes. Thank you. This
13 case was presented at the last hearing, and the
14 division requested some addition information which we
15 filed on Tuesday. Those two documents include the
16 supplemental information on oil conservation
17 division's previous treatment of request for
18 alternative spacing units and revised exhibits A-4.
19 The revised exhibits A-4 speak for themselves. We
20 simply highlighted in yellow those parties who Flat
21 Creek seeks to pool at this time.

22 I'm not sure -- Mr. McClure I believe
23 is in attendance. He had the question about
24 whether -- in this instance, these applications asked
25 for orders approving alternative size spacing units.

1 And he asked the question as to whether the division
2 has done this in the past, and we made an effort to
3 answer that question in the supplemental information.
4 And I can quickly summarize.

5 We had referred to the Titus cases. I
6 don't know if you recall, Madam Examiner. You
7 actually were the hearing examiner for those cases, in
8 which Titus requested alternative spacing units. In
9 that instance, Titus actually decide before the orders
10 were entered which size spacing unit it wanted, and we
11 did some research and explored historically what the
12 division has done in the past. Primarily these relate
13 to vertical wells, and we've provided a number of
14 samples of orders in which the division has previously
15 entered orders approving alternative spacing units for
16 purposes of drilling vertical wells.

17 So with that supplementation, I stand
18 for any question that Mr. McClure or anyone else may
19 have.

20 (Exhibit A-4 was marked for
21 identification.)

22 THE HEARING OFFICER: Thank you, Ms.
23 Shaheen. Ms. Vance, do you have questions of Ms.
24 Shaheen?

25 MS. VANCE: Not at this time. Thank

1 you, Madam Hearing Examiner.

2 THE HEARING OFFICER: All right. Mr.
3 McClure or Mr. Lowe? Questions of Ms. Shaheen?

4 MR. LOWE: This is Leonard. I have no
5 questions. Thank you.

6 THE HEARING OFFICER: Thank you very
7 much, Mr. Lowe.

8 In that case, Ms. Shaheen, the matter
9 will be taken under advisement, and you'll see an
10 order later. Thank you very much.

11 MS. SHAHEEN: Thank you, Madam
12 Examiner.

13 THE HEARING OFFICER: If I didn't say
14 it, the supplemental exhibit A-4 is admitted. Thank
15 you.

16 (Exhibit A-4 was received into
17 evidence.)

18 MS. SHAHEEN: Thank you.

19 THE HEARING OFFICER: All right. Let's
20 go to case 23581. Permian Resources Operating is the
21 applicant. Compulsory pooling application. The well
22 name is Pinkie Pie, and Hinkle Shanor is the law firm
23 entering an appearance on behalf of the applicant. I
24 think we can also call 23582, 23583, and 23648, also
25 relating to that same well, Pinkie Pie.

1 Let's see. Ms. Hardy, you're here from
2 Hinkle.

3 MS. HARDY: That's correct, Madam
4 examiner. Dana Hardy for Permian Resources. Thank
5 you.

6 THE HEARING OFFICER: Thank you. Are
7 there any other appearances this morning? No? All
8 right.

9 If you would please go ahead, Ms.
10 Hardy.

11 MS. HARDY: Thank you. in case number
12 23581, Permian Resources seeks to pool uncommitted
13 interest in the Bone Spring formation underlying a
14 320-acre, more or less, standard horizontal spacing
15 unit comprised of the -- north of sections 21 and 22,
16 township 18 south, range 31 east in Eddy County. And
17 that unit will be dedicated to the Pinkie Pie 22-21
18 Fed Com 121-H and 131-H wells.

19 In case number 23582, Permian Resources
20 seeks to pool uncommitted interest also in the Bone
21 Spring underlying a 320-acre, more or less, standard
22 horizontal spacing unit comprised of the south half of
23 the north half of sections 21 and 22, township 18
24 south, range 31 east. That unit will be dedicated to
25 the Pinkie Pie 22-21 Fed Com 122-H and 132-H wells.

1 In case number 23585, Permian Resources
2 seeks to pool uncommitted interest in the Bone Spring
3 underlying a 320-acre, more or less, standard
4 horizontal spacing unit comprised of the north half of
5 the south half of sections 21 and 22 in township 18
6 south, range 31 east. That unit will be dedicated to
7 the Pinkie Pie Fed Com 123-H and 133-H wells.

8 And last but not least, in case number
9 23648, Permian Resources seeks an order pooling
10 uncommitted interest in the Bone Spring underlying
11 another 320-acre standard horizontal spacing unit
12 comprised of the south half of the south half of
13 sections 21 and 22, township 18 south, range 31 east.
14 That unit will be dedicated to the Pinkie Pie 124-H
15 and 134-H wells.

16 In each case, we've submitted the
17 affidavits of landman Travis Macha and geologist
18 Christopher Canton. Mr. Macha provides the standard
19 land exhibits. The land ownership and pooled parties
20 are identified in his exhibit A-3, and in these cases
21 we are pooling record title and working interest.

22 Mr. Canton provides the standard
23 geology exhibits, including a location map, cross-
24 section map, second and third Bone String structure
25 maps, a cross-section, and a gun barrel diagram.

1 The notice information is provided in
2 Exhibit C, which is my notice affidavit. The
3 attachments include our certified mail chart, the
4 certified mail receipts, and we also did timely
5 publish notice. I believe that in each case, the
6 working interest owners received the certified
7 mailing.

8 With that, unless there are questions,
9 I request that the exhibits be admitted and that these
10 cases be taken under advisement. Thank you.

11 (Exhibit A-3 and Exhibit C were marked
12 for identification.)

13 THE HEARING OFFICER: Thank you very
14 much. The exhibits are admitted. Mr. Lowe, do you
15 have any questions of Ms. Harding?

16 (Exhibit A-3 and Exhibit C were
17 received into evidence..)

18 MR. LOWE: Yes. I do have a few
19 questions. Good morning, Ms. Hardy.

20 MS. HARDY: Good morning.

21 MR. LOWE: This is Leonard. In
22 reference to case number 23581, on Exhibit A-3, or I
23 think it indicates your land exhibits. I just had a
24 question on your table that you had there, just for
25 clarity on what I'm looking at. In your notes portion

1 of the column for BEXP-2 Alpha and Omega, what do you
2 mean by "Executed all documents" in your notes?

3 MS. HARDY: They have signed a JOA so
4 they're not being pooled.

5 MR. LOWE: Okay. And then the yellow
6 items are -- the ones in yellow are being pooled?

7 MS. HARDY: That's correct. And
8 there's a note with an asterisk at the bottom of the
9 page A-3.

10 MR. LOWE: Yeah, okay.

11 MS. HARDY: Right.

12 MR. LOWE: Those are the only questions
13 I got. Thank you.

14 MS. HARDY: Thank you.

15 THE HEARING OFFICER: Thank you, Mr.
16 Lowe. Thank you very much, Ms. Hardy. These cases
17 will be taken under advisement, and you can expect an
18 order at some point.

19 MS. HARDY: Thank you very much.

20 THE HEARING OFFICER: All right. Let's
21 move, then, to the next set of cases. 23651, 23652,
22 23653, and 23654. The applicant is Matador
23 Production Company. These are applications to amend
24 existing orders. Lonnie King is the well name, and
25 Ms. Vance, it appears you're here from Holland and

1 Hart on behalf of the applicant.

2 MS. VANCE: That's correct, Madam
3 Hearing Examiner. Paula Vance with the Santa Fe
4 office of Holland and Hart on behalf of the applicant,
5 Matador Production Company.

6 THE HEARING OFFICER: Thank you. Let
7 me ask if there are other appearances this morning.
8 hearing none, if you would please go ahead, Ms. Vance.

9 MS. VANCE: Thank you, Madam Hearing
10 Examiner. And as you pointed out, these are extension
11 applications that we have. So in case numbers 23651,
12 23652, 23653, and 23654, Matador seeks to amend the
13 division orders for its Lonnie King Fed Com wells
14 which are the 135-H, 136-H, 211-H, and 212-H wells,
15 and is respectfully requesting an extension of time to
16 commence drilling the initial wells under those
17 orders.

18 In our hearing packets, we have
19 included as exhibit A the copy of the extension
20 application for each of the respective cases. Exhibit
21 B is a copy of the original pooling orders. Exhibit C
22 is a self-affirmed statement of landman David Johns in
23 which he explains why there is good cause to extend
24 the orders. And in this case, Matador filed permits
25 with the BLM in September 2021, and has not yet gotten

1 approval back on those, so we're still waiting.

2 Also included sub-exhibits are Exhibit
3 C-1, which is a copy of the original mailing report.
4 I know Mr. McClure has sometimes compared the mailing
5 reports from the original cases to the extension
6 cases, so I have provided that. And then I have also
7 included in updated exhibit C-3, which is our exhibit
8 C-2 in this case, but it's the pooling exhibit from
9 the original cases, and the only update or change that
10 occurred that can be noted is that FAE 2 LLC, it looks
11 like their interest went to Gulf Coast Western, LLC.
12 And that is just in case numbers 23652 and 23654.

13 Following that is my self-affirmed
14 statement of notice, which is Exhibit D, with sample
15 letters that were timely mailed on July 14, 2023, and
16 after that is an affidavit of notice of publication,
17 which is our exhibit E. And we timely published on
18 July 18, 2023.

19 And unless there are any questions, I
20 would ask the exhibits and sub-exhibits be admitted
21 into the record and that these cases be taken under
22 advisement by the division by this time. And I'm
23 happy to answer any questions.

24 I think you're muted, Madam Hearing
25 Examiner.

1 (Exhibit A, Exhibit B, Exhibit C,
2 Exhibit C-1, Exhibit C-2, Exhibit C-3,
3 Exhibit D, and Exhibit E were marked
4 for identification.)

5 THE HEARING OFFICER: Thank you. The
6 exhibits and sub-exhibits are admitted, and let me ask
7 Mr. Lowe if he has any questions of you.

8 (Exhibit A, Exhibit B, Exhibit C,
9 Exhibit C-1, Exhibit C-2, Exhibit C-3,
10 Exhibit D, and Exhibit E were received
11 into evidence.)

12 MR. LOWE: Yes, hi. Good morning,
13 Paula Vance. This is Leonard. I've got a few
14 questions for you. You're requesting an extension to
15 drill for these -- all four of these cases; correct?

16 MS. VANCE: That's correct, Mr. Lowe.

17 MR. LOWE: And is this your first
18 request?

19 MS. VANCE: That's correct, Mr. Lowe.

20 MR. LOWE: Okay. Those are the only
21 questions I've got. Thank you.

22 THE HEARING OFFICER: Thank you, Mr.
23 Lowe.

24 Ms. Vance, these cases will be taken
25 under advisement and an order will be forthcoming.

1 MS. VANCE: Thank you, Madam Hearing
2 Examiner. Thank you, Mr. Lowe.

3 THE HEARING OFFICER: Let's move, then,
4 to cases 23662, 23663. BTA Oil Producers is the
5 applicant. These are compulsory pooling applications.
6 The well name is Capitan, and Hinkle-Shanor is counsel
7 for the applicant. Who's here from Hinkle-Shanor?

8 MS. MCLEAN: Hi, good morning. Jaclyn
9 McLean on behalf of BTA Oil Producers.

10 THE HEARING OFFICER: Good morning, Ms.
11 McLean. And let's see. Is that you, Mr. Zimsky?

12 MR. ZIMSKY: Yes. William Zimsky on
13 behalf of Abadie and Schill on behalf of Cross Timbers
14 Energy, LLC entering an appearance, which we will
15 file --

16 THE HEARING OFFICER: All right. Thank
17 you. Are there any other appearances this morning in
18 these two cases? No? All right.

19 Ms. McLean, would you like to begin the
20 discussion here?

21 MS. MCLEAN: Yes, Ms. Examiner. And I
22 just want to make sure, because we hadn't received
23 that entry of appearance previously. They're not
24 objecting to us presenting by affidavit; is that
25 correct?

1 MR. ZIMSKY: Correct. There's no
2 objection for you to proceed by affidavit.

3 MS. MCLEAN: Thank you for the
4 clarification. I appreciate it.

5 In case numbers 23662 and 23663, BTA is
6 seeking to pool all uncommitted interest in the
7 Pennsylvanian Shell formation in the east half of
8 sections 28 and 21, township 16 south, range 36 east,
9 in Lea County.

10 And in case number 23662, BTA's
11 applying for an order pooling all uncommitted interest
12 in the Pennsylvanian Shell formation underlying a 320-
13 acre, more or less, standard horizontal spacing unit
14 comprised of the west half/east half of sections 28
15 and 21, township 16 south, range 36 east, and BTA will
16 dedicate the spacing unit to the Capitan 22301 28-21
17 State Com number 17-H well.

18 And then in case number 23663 --
19 virtual connectivity interruption -- pooling all
20 uncommitted interest in the Pennsylvanian Shell
21 formation underlying a 320-acre more or less standard
22 horizontal spacing unit comprised of the east
23 half/east half of sections 28 and 21, township 16
24 south, range 36 east, and the spacing unit will be
25 dedicated to the Capitan 22301 28-21 State Comm number

1 18-H well.

2 And in both cases, we submitted exhibit
3 packets to the division that contain Exhibit A, the
4 land professional's testimony of Adams Davenport [ph]
5 and related land exhibits, including the plat of
6 tracts, ownership interest, pooled parties, a well
7 proposal letter, and a summary of communications.

8 Then we have Exhibit B, geology
9 testimony of David Childers, which include a location
10 map, sub-sea structure maps, stratigraphic cross
11 section, and a gross isopach map.

12 And then Exhibit 3 [sic], which is our
13 notice testimony, and that includes the sample notice
14 letter that was sent to the parties to be pooled, a
15 charge of the parties to be pooled, copies of the
16 certified mailed green cards, and white slip returns,
17 and then affidavit of publication that shows that we
18 timely published on July 14, 2023.

19 And unless there are additional
20 questions, I ask that Exhibits A, B, and C be admitted
21 into the record in case numbers 23662 and 23663, and
22 that the cases be taken under advisement.

23 (Exhibit A, Exhibit B, and Exhibit C
24 were marked for identification.)

25 THE HEARING OFFICER: Thank you, Ms.

1 McLean. Mr. Zimsky, do you have questions of Ms.
2 McLean?

3 MR. ZIMSKY: No. Thank you.

4 THE HEARING OFFICER: Mr. Lowe, do you
5 have questions of Ms. McLean?

6 MR. LOWE: Yes, hi. I have a few
7 questions. Good morning, Ms. McLean.

8 MS. MCLEAN: Good morning.

9 MR. LOWE: On case number 23662, I
10 noticed that -- actually for both of these cases, are
11 they both seeking the Shell formation?

12 MS. MCLEAN: Yes. Both are the
13 Pennsylvanian Shell formation.

14 MR. LOWE: Okay. And then the drilling
15 costs and the producing rates for this is 12,000 and
16 1,200 -- is that the nominal rates for this area?

17 MS. MCLEAN: Yes. That is correct.
18 And BTA actually got that approved, I believe in the
19 May docket. It is the going rate now in that area for
20 BTA and other producers.

21 MR. LOWE: Okay. All right. The other
22 question -- I'm still trying to sift through my notes
23 here, but as I can probably clarify what I'm looking
24 at here, the pools of interest that you're seeking to
25 pool in both cases are pretty much the same. Is that

1 correct?

2 MS. MCLEAN: That's correct.

3 MR. LOWE: But I noticed in the case
4 23662, there was no -- nothing -- no bonus in your
5 packet that -- anything to the Haye [ph] family trust.
6 Am I not seeing it, or is it --

7 MS. MCLEAN: I believe that, if you
8 look -- it's under Norma L. Haye [ph] and Luis Haye
9 [ph], co-trustees of the Haye [ph] Family Trust, and
10 we did send notice on July 10th, and the green card
11 was returned on July 18th. And that's -- if you're
12 looking at case 23663, the green card is on page 35 of
13 52 of the exhibits.

14 And then on -- in case 23662, it's on
15 page 36 of the exhibits that we submitted to the
16 division.

17 MR. LOWE: Okay. Okay. All right.

18 MS. MCLEAN: It's a little different
19 name, but it's -- the people that it was addressed to
20 are slightly different, but that's the Haye [ph]
21 Family Trust.

22 MR. LOWE: Okay. Thank you -- those
23 are the only questions I have.

24 MS. MCLEAN: Thank you.

25 THE HEARING OFFICER: Thank you, Mr.

1 Lowe, Mr. Zimsky, and Ms. McLean. Exhibits A through
2 C are admitted, and the two matters will be taken
3 under advisement. Thank you.

4 (Exhibit A, Exhibit B, and Exhibit C
5 were received into evidence.)

6 MS. MCLEAN: Thank you, Ms. Examiner.

7 MR. ZIMSKY: Thank you.

8 THE HEARING OFFICER: Moving to our
9 last page here. The next two cases are 23674 and
10 23675. Mewbourne Oil is the applicant. These are
11 compulsory pooling applications. The well name is
12 Thundercloud, and Mr. Feldewert, it appears that
13 you're here on behalf of the applicant.

14 MR. FELDEWERT: Yes. Good morning, Ms.
15 Orth, Mr. Lowe. Michael Feldewert, Santa Fe office of
16 Holland and Hart on behalf of Mewbourne Oil Company,
17 and we ask that this case be consolidated with
18 23675 --

19 THE HEARING OFFICER: Yes, sorry. I
20 thought I called both of them, but if I didn't, 23674
21 and 23675. Yes. Let me ask if there are other
22 appearances this morning.

23 I don't hear anything. Mr. Feldewert,
24 go ahead.

25 MR. FELDEWERT: So in these

1 consolidated cases, Mewbourne seeks to create two Bone
2 Spring spacing units in the north half of section 29
3 and the northeast quarter of section 30 for two
4 proposed lay-down wells that'll be essentially a mile
5 and a half. 23674 involves the north half/north half
6 acreage, and 23675 involves the south half/north half
7 acreage. We filed separate hearing packets with the
8 appropriate application, compulsory pooling checklist,
9 C102 and notice affidavits in each package. But both
10 packets contain the same land and geology statements
11 with associated exhibits, because the testimony is
12 basically the same and the parties -- the pooled
13 parties are the same in both case.

14 So if you look at just the first case,
15 23674, at that hearing package, you'll see the
16 application for that case. You'll see the compulsory
17 pooling checklist. And then we have the statement
18 from the landman, Thomas Sloane. This is his first
19 time testifying before the division. Exhibit A-1
20 includes his educational background and work
21 experience, which we believe qualifies him to testify
22 as an expert on land matters. He then goes on to
23 describe the project. He provides a C-102 for each
24 well, tract ownership, the well proposal letter, and
25 then a chronology of contacts. And again, it's the

1 same pooled parties in each case.

2 Exhibit B is the statement of John
3 Carroll. He's a geologist. He provides a nice
4 locator map in Exhibit B-1 showing the area. Then he
5 has his structure map and his stratigraphic cross
6 section which identifies the landing intervals for the
7 wells. Exhibit C in each package is the notice
8 affidavit. And then Exhibit D is the affidavit of
9 publication. You'll see from the Exhibit C notice
10 affidavit that, according to the postal records, all
11 of the four pooled parties received notice of the
12 hearing by certified mail.

13 So with that, we would request that, in
14 each case, Exhibits A through D and their associated
15 sub-exhibits be admitted into evidence, and that both
16 matters be taken under advisement.

17 (Exhibit A-1, Exhibit B, Exhibit B-1,
18 Exhibit C, and Exhibit D were marked
19 for identification.)

20 THE HEARING OFFICER: All right. Thank
21 you, Mr. Feldewert. Exhibits A through D, along with
22 their sub-exhibits, are admitted in each matter. Mr.
23 Lowe, do you have any questions of Mr. Feldewert?

24 //

25 //

1 (Exhibit A-1, Exhibit B, Exhibit B-1,
2 Exhibit C, and Exhibit D were received
3 into evidence.)

4 MR. LOWE: Just a clarification. Good
5 morning, Mr. Feldewert.

6 MR. FELDEWERT: Good morning.

7 MR. LOWE: For both of these cases, the
8 74 and 74, they're both seeing one -- two mile spacing
9 unit per well. Is that correct?

10 MR. FELDEWERT: They're actually a mile
11 and a half. So you've got the north half of section
12 29 and the northeast quarter of section 30 involved.
13 One case involves what I would call the north
14 half/north half acreage, and the second half involves
15 the south half/north half acreage.

16 MR. LOWE: Something happened to my
17 computer. You said a mile and a half; right?

18 MR. FELDEWERT: Hold on a second. I'm
19 sorry. You're right, Mr. Lowe. I'm getting confused
20 with another case. It is the north half equivalent of
21 both sections 29 and 30. So it would be essentially
22 two mile wells.

23 MR. LOWE: Okay. I thought I was under
24 the wrong case.

25 MR. FELDEWERT: No, you got it right.

1 You got it right.

2 MR. LOWE: Okay. So each case is per
3 well, and each of the wells are two miles --

4 MR. FELDEWERT: You got it.

5 MR. LOWE: Okay. All right. Those are
6 the only questions I have. Thank you, Mr. Feldewert.

7 MR. FELDEWERT: Thank you.

8 MR. LOWE: Thank you, Mr. Lowe and Mr.
9 Feldewert. The two cases will be taken under
10 advisement, and an order will be forthcoming. Thank
11 you.

12 MR. FELDEWERT: Thank you.

13 THE HEARING OFFICER: Let's move to
14 case 23676, Ridgerunner Resources Operating is the
15 applicant. This is an application to amend previous
16 order. The well name is Zeus. Hinkle-Shanor on
17 behalf of the applicant, Ms. McLean?

18 MS. MCLEAN: Yes. That would be me,
19 Jackie McLean on behalf of Ridgerunner Resources.

20 THE HEARING OFFICER: Okay. Let me ask
21 if there are other appearances this morning in 23676.
22 No? All right. If you would please go ahead, Ms.
23 McLean?

24 MS. MCLEAN: We actually filed a motion
25 to continue this case to the next hearing docket. The

1 land professional needed additional time to get things
2 together for the exhibits. So we would just ask that
3 this case be continued to the August 17th docket.

4 THE HEARING OFFICER: Okay. And it
5 doesn't seem as though there would be any question of
6 it being contested? It seems like it would be
7 presented affidavit, but on the 17th?

8 MS. MCLEAN: That's correct, Ms.
9 Examiner.

10 THE HEARING OFFICER: Okay. All right.
11 We will do that, then. Thank you.

12 MS. MCLEAN: Thank you.

13 THE HEARING OFFICER: Mr. Lowe, any
14 questions about that?

15 MR. LOWE: No, I have no questions.
16 Thank you.

17 THE HEARING OFFICER: All right. Thank
18 you. The next two cases we'll call in tandem. This
19 is 23682 and 23683. Ameridev Operating. Both are
20 pooling applications. The well name is Tea Olive.
21 Ms. Vance? I see you for Holland and Hart.

22 MS. VANCE: That's correct, Madam
23 Hearing Examiner. Paula Vance with the Santa Fe
24 office of Holland and Hart on behalf of the applicant,
25 Ameridev Operating, LLC.

1 THE HEARING OFFICER: Thank you. Let
2 me pause for a moment to ask if there are other
3 appearances this morning. Hearing none, if you would
4 please go ahead.

5 MS. VANCE: Thank you, Madam Hearing
6 Examiner. Before I go through the two cases, I did
7 want to note that in case number 23682, I would like
8 to present, as I said, both of the cases. However, we
9 will need to continue this case to the 8/17 docket to
10 perfect notice. Our notice of publication wasn't able
11 to make the time -- the deadline, so we'll go ahead
12 and file that affidavit once we get it, and
13 supplement -- add that to the record. But again, we'd
14 like to present both and just continue the one case.

15 So in these cases, Ameridev is seeking
16 to pool all uncommitted interests in the Wolf Camp
17 formation, and that pool is the Jal at Wolf Camp West,
18 and the pool code is 33813, and in both cases, that's
19 underlying acreage all in township 25 south, range 36
20 east, in Lea County.

21 In case number 23682, Ameridev seeks to
22 pool a standard 640-acre, more or less, horizontal
23 well spacing unit, and that is comprised of the east
24 half of the west half and west half of the east half
25 of sections 28 and 33. And initially dedicate this

1 spacing unit to the Tea Olive Fed Com 25 36 33 104-H,
2 124-H, 105-H, and 115-H.

3 And I would note that the 124-H is the
4 proximity well being used to create the enlarged
5 spacing unit, and for the benefit of Mr. Lowe who does
6 all the NSL applications, the Tea Olive 115-H is at a
7 nonstandard location and Ameridev already has an
8 approved order for that, and that is NSL order 8558.

9 And then in case number 23683, Ameridev
10 seeks to pool a standard 640-acre, more or less,
11 horizontal well spacing unit, and that is comprised of
12 the east half of the east half of sections 28 and 33,
13 and the west half/west half of sections 27 and 34.

14 And initially dedicate this spacing unit to the
15 proposed Tea Olive Fed Com 25 36 33 118-H and the
16 128-H, and the proximity well for this case is the
17 128-H.

18 In these cases, we have included a copy
19 of the applications, provided the compulsory pooling
20 checklist, as well as the self-affirmed statement of
21 landman Lizzy Laufer and geologist Parker Foy, both of
22 whom have previously testified before the division,
23 and their credentials have been accepted as a matter
24 of record.

25 Ms. Laufer's statement is Exhibit C,

1 and includes all of the standard sub-exhibits. C-1 is
2 the C102. C-2 is the land tract map and ownership
3 breakdown, with the parties that are to be pooled
4 highlighted in yellow. And then C-3 is a sample well
5 proposal letter with AFEs. We've also included a
6 sample copy of lease offers that were sent out to the
7 unleased mineral interest owners. And then C-4 is the
8 chronology of contacts.

9 This is followed by Mr. Foy's
10 statement, and which includes -- which is Exhibit D,
11 and includes sub-exhibits D-1, a locator map; D-2, a
12 sub-sea structure map; D-3, a cross-section map; and
13 D-4 a stratigraphic cross section. In these cases,
14 Mr. Foy did not observe any faulting, pinchouts, or
15 other geologic impediments to the horizontal drilling
16 of these wells.

17 And then lastly is Exhibit E, which is
18 a self-affirmed statement of notice from myself, with
19 sample letters that were timely mailed on July 14th,
20 and you'll see, in case number 23683, we didn't
21 include a notice -- an affidavit of notice of
22 publication. There was only one party that we're
23 pooling, which is Oxy, and they received that notice.
24 And as I mentioned before starting, in case 23682, we
25 will file the affidavit of notice of publication once

1 we receive that.

2 So unless there any questions, I would
3 ask that the exhibits and sub-exhibits be admitted
4 into the record and that these case be taken under
5 advisement by the division at this time. And I stand
6 by for any questions.

7 (Exhibit C, Exhibit C-1, Exhibit C-2,
8 Exhibit C-3, Exhibit C-4, Exhibit D,
9 Exhibit D-1, Exhibit D-2, Exhibit D-3,
10 Exhibit D-4, and Exhibit E were marked
11 for identification.)

12 THE HEARING OFFICER: The exhibits and
13 sub-exhibits are admitted. We're going to continue
14 23686 to finish on 8/17. I believe we need go through
15 the portal for that.

16 And Mr. Lowe, do you have any questions
17 of Ms. Vance?

18 (Exhibit C, Exhibit C-1, Exhibit C-2,
19 Exhibit C-3, Exhibit C-4, Exhibit D,
20 Exhibit D-1, Exhibit D-2, Exhibit D-3,
21 Exhibit D-4, and Exhibit E were
22 received into evidence.)

23 MR. LOWE: Yes. I have one question to
24 Ms. Vance. Good morning, Ms. Vance.

25 MS. VANCE: Good morning, Mr. Lowe.

1 MR. LOWE: I just have a question
2 pertaining to the proximity well that you mentioned,
3 well number 124-H. That well itself, apparently right
4 now has an approved APD; right?

5 MS. VANCE: Let me --

6 MR. LOWE: Or -- still pending. But --
7 that well, as you presented it here, as noted as a
8 proximity well, was that somehow noted in the APD
9 application indicating -- I don't know. Paul Kous
10 [ph] and I had been -- we talked in the past about
11 wells that -- well, for a well that is designated as a
12 proximity well creating a nonstandard spacing unit
13 should be somehow stated -- presented in the well
14 file, indicating that that's what that status is, so
15 that in the future, for a concern of a nonstandard
16 space unit that might be caught by somebody else, that
17 if there's any information in that well file, that
18 that well is designated as a proximity well specifying
19 irregular spacing unit. I don't know if that was done
20 in this case. There's nothing mandated to do so as
21 far as I understand, but that's something that we've
22 been trying to get operators to do for wells in that
23 case -- in such cases, I guess. So I don't know if
24 you know about that in this case.

25 MS. VANCE: One, I don't know, but I

1 would say -- I guess it's my understanding, reading
2 the rules, that when you're utilizing the proximity
3 tracts, it's not necessarily creating a nonstandard
4 spacing unit, but it's, you know, just enlarging the
5 spacing unit and it's still considered standard. But
6 with that being said, I think, based on the
7 instructions for the C102s, there may be -- I think
8 it's box 13 maybe where operators are able to indicate
9 something, but I don't know if anything's been
10 indicated. I'm happy to find out, or I'll look that
11 up. But any updates from the divisions, then, on what
12 they would like to see is, I think, helpful for
13 everyone.

14 MR. LOWE: A question for you in
15 addition to that is, the pool formation for these
16 wells is -- is it Jal Wolf Camp West; correct?

17 MS. VANCE: That's correct.

18 MR. LOWE: And what are the building
19 blocks for that pool formation?

20 MS. VANCE: As far as I understand,
21 they're 40 acre spacing unit, those are -- it's Wolf
22 Camp, but it's Wolf Camp Oil Pool.

23 MR. LOWE: Okay. Yeah. It's important
24 to the -- well, I'm looking at the C102 for the 115-H
25 well. The spacing unit straddles the center portion

1 of two sections. Just by that in itself is a
2 nonstandard. But being that you have a proximity
3 well, that will create that, so that's where that
4 lies -- that's where that's at, so -- in regards to
5 your statement earlier.

6 So being that you have a proximity
7 well, you can do that. And I was just curious to
8 know -- to make people aware of that. If that's the
9 case, then it will be informative to the rest of us on
10 our side to have that sort of information in the
11 proximity well file so that we don't have to
12 scrutinize any additional areas pertaining to the
13 spacing unit. So there's a number of wells in that
14 scenario.

15 That's all I can say about that. Those
16 are all my questions and statements I have for this.
17 Thank you.

18 MS. VANCE: Thank you, Mr. Lowe.

19 THE HEARING OFFICER: Thank you, Mr.
20 Lowe and Ms. Vance, and I guess we will see you on
21 August 17th for the completion of the submissions.

22 MS. VANCE: Thank you, Madam Hearing
23 Examiner.

24 THE HEARING OFFICER: Thank you. All
25 right. Let's move to 23684. This is Cimarex Energy

1 is the applicant. Application to amend an order.
2 River Bend is the well name. Abadie and Schill here
3 for the applicant. I see you, Mr. Savage.

4 MR. SAVAGE: Good morning. Darin
5 Savage with the Sante Fe office of Abadie and Schill
6 appearing on behalf of Cimarex Energy Company.

7 THE HEARING OFFICER: Thank you. Let
8 me ask if there are any other appearances this
9 morning. I hear nothing. Go ahead, Mr. Savage.

10 MR. SAVAGE: Madam Hearing Examiner,
11 Cimarex will proceed by affidavit if there's no
12 objection.

13 In case number 23684, Cimarex seeks to
14 reopen case number 22894 and amend order number
15 R-22343 in order to request a one-year extension of
16 the well commencement deadline for the pooled unit in
17 the Wolf Camp formation underlying the east half of
18 sections 12 and 13, township 25 south, range 28 east,
19 Eddy County, New Mexico, as it pertains to the River
20 Bend and 12-13 Federal Com 1-H, 2-H, 19-H, and 20-H
21 wells. The pooling order, a copy of which is provided
22 in the reference section of the hearing packet, allows
23 for time extension upon the showing of good cause.

24 In Exhibit A of the hearing packet,
25 landman Mr. John Kaufman, who is familiar with the

1 subject plans in the end unit and whose credentials
2 have been previously accepted as an expert witness in
3 professional land matters testifies that Cimarex is in
4 good standing under the statewide rules and the
5 existing pooling order, and there exists good cause to
6 grant the time extension requested.

7 As stated by Mr. Kaufman, Cimarex has
8 made progress toward the development of the unit since
9 issuance of the order. However, the availability of
10 the drilling rig as scheduled places it uncomfortably
11 close to the final commencement date that is specified
12 in the order, which appears to provide no latitude
13 should there be any foreseen or unforeseen delay.

14 Cimarex respectfully requests the
15 opportunity to move forward without interruption under
16 a one-year time extension, extending the drilling
17 commencement date to October 28, 2024.

18 Exhibit B in the hearing packet shows
19 that notice of this hearing was timely. The mailing
20 report shows that notice letters were timely mailed to
21 the uncommitted owners, with only one letter to an
22 overriding royalty interest owner returned as
23 unlocatable. There are a handful of letters listed in
24 the mailing report that are still in transit, but
25 these are only to royalty interests and do not include

1 any working interest owners. A newspaper publication
2 in the Carlsbad Current-Argus was timely published to
3 account for any unlocatable parties or any
4 contingencies regarding notice.

5 At this time, Madam Hearing Examiner
6 and Mr. Technical Examiner, I'd request that Exhibits
7 A and B and all sub-exhibits be admitted into the
8 record, and that case 24684 be taken under advisement.
9 I am available to answer any questions. Thank you.

10 (Exhibit A and Exhibit B were marked
11 for identification.)

12 THE HEARING OFFICER: Thank you, Mr.
13 Savage. Exhibits A and B and the sub-exhibits are
14 admitted. Mr. Lowe, do you have questions of Mr.
15 Savage?

16 (Exhibit A and Exhibit B were received
17 into evidence.)

18 MR. LOWE: Just a quick question, Mr.
19 Savage. I don't know if you might have stated this or
20 not. Is this time that's being requested of this
21 extension in this case?

22 MR. SAVAGE: For these particular
23 wells, yes, Mr. Lowe. First time with this.

24 MR. LOWE: Okay. And -- okay. Thank
25 you.

1 MR. SAVAGE: Thank you.

2 THE HEARING OFFICER: All right. We'll
3 take the matter under advisement, Mr. Savage, and an
4 order will be forthcoming.

5 MR. SAVAGE: All right. Thank you,
6 Madam Hearing Examiner.

7 THE HEARING OFFICER: Thank you.

8 Next case, 23692. Mewbourne Oil is the
9 applicant. Compulsory pooling application. Gemini is
10 the well name. Mr. Bruce, I see that there was a late
11 breaking motion to continue.

12 MR. BRUCE: Yes, Madam Chair -- Madam
13 Examiner. Yeah.

14 In this case, it's a straightforward
15 pooling proceeding. There were three parties to
16 notify, and I was informed by my client that they were
17 all locatable, and I did give certified notice and I
18 did receive green cards from two of them, but to the
19 third part who I've never dealt with before, I still
20 haven't received the letter back, but the Postal
21 Service's online information said it was either
22 unclaimed or service was refused.

23 And I had meant to file, just because I
24 hadn't dealt with this party before, an affidavit of
25 publication. I thought I had, but when I was going

1 through this information Tuesday afternoon, by which
2 time it was already past the deadline to file a motion
3 to continue, I noticed this. And so I'm requested a
4 continuance to the first September hearing --
5 September 7th hearing, simply because I have not even
6 published a newspaper notice yet, and this will give
7 me time to do that. And since it's a party I've never
8 notified before, I would rather do that than present
9 part of the case today and then the rest of the case
10 on the 7th. I would -- it's uncontested. The other
11 parties, one of whom is EOG, are not contesting the
12 matter.

13 So I think it can go forward
14 uncontested by affidavit, and if the division wants to
15 move it to a date different than the September 7th,
16 that's fine. I just needed enough time to publish
17 notice against this one party.

18 THE HEARING OFFICER: All right. Mr.
19 Bruce, I think so long as it's uncontested, the 7th of
20 September works fine. But let me ask if Mr. Lowe has
21 any questions.

22 MR. LOWE: I have no questions for Mr.
23 Bruce. Thank you.

24 THE HEARING OFFICER: All right. Thank
25 you. So we'll continue this to September 7th, Mr.

1 Bruce.

2 MR. BRUCE: Thank you.

3 THE HEARING OFFICER: All right. It is
4 ten of ten. Most of us have been on the platform
5 almost two hours. Let's take a ten-minute break and
6 come back at ten o'clock. We have just seven more
7 hearings, and then a little motion argument after the
8 end of that, and I think a ten-minute break would be
9 good here. Thank you all.

10 (Off the record.)

11 THE HEARING OFFICER: As I said, have
12 just seven hearings left. Next we'll go to 23693.
13 This is Mewbourne Oil Company, compulsory pooling and
14 mountain standard spacing applications. Well name is
15 Night Watch. Mr. Bruce, you're here for the
16 applicant?

17 MR. BRUCE: That is correct.

18 THE HEARING OFFICER: Okay. And then
19 we have an appearance by Holland and Hart for MRC
20 Delaware Resources. Mr. Feldewert, is that you?

21 MR. FELDEWERT: That is me. Good
22 morning, Ms. Orth.

23 THE HEARING OFFICER: Good morning.
24 And I see you, Mr. Zimsky.

25 MR. ZIMSKY: Yes, Ms. Hearing Examiner.

1 William Zimsky, Abadie and Schill, on behalf of Cross
2 Timbers Energy, LLC. And I'd like to note that I
3 mistakenly entered an appearance in 23663 earlier, and
4 I've emailed Ms. McLean to indicate my error of
5 misreading the numbers. One of the many reasons I'm
6 not an accountant or an engineer, but I am entering an
7 appearance in this case.

8 THE HEARING OFFICER: All right. Thank
9 you very much, Mr. Zimsky. Let me ask if there are
10 any other appearances this morning. No? All right.

11 Mr. Bruce, was it your intention to
12 proceed? Should I ask if the others object to
13 proceeding by affidavit?

14 MR. FELDEWERT: Good question, Ms.
15 Orth. No. The MRC Delaware Resources does not object
16 to the matter proceeding by affidavit.

17 THE HEARING OFFICER: Okay. Mr.
18 Zimsky?

19 MR. ZIMSKY: Your Honor, Cross Timbers
20 does not object to proceeding by affidavit.

21 THE HEARING OFFICER: All right. Thank
22 you both. Mr. Bruce, you're up.

23 MR. BRUCE: Okay. Madam Examiner, I've
24 submitted my exhibits, and I'll get to my defects
25 soon. Exhibit 1 is the application. Applicant seeks

1 to pool the Bone Spring formation in -- there are lots
2 involved, but effectively the north half of section 2
3 and the north half of section 1, 18 south, 32 east,
4 Lea County.

5 Just for historical reference, this is
6 a nonstandard unit. Nonstandard, basically 640-acre
7 unit. Mewbourne had originally applied for a pooling
8 and a nonstandard unit excluding Lot 1 or the
9 northeast/northeast of section 1 because it was
10 unleased federal land.

11 (Discussion held off the record.)

12 THE HEARING OFFICER: Mr. Bruce, I'm
13 sorry for the interruption. If you would please begin
14 again so that we're making a complete transcript.

15 And I'd say, for the benefit of the
16 transcript, that the two other parties in this case,
17 Mr. Feldewert and Mr. Zimsky, had already indicated
18 that they did not object to Mr. Bruce proceeding by
19 affidavit. So that's what we're doing. Go ahead, Mr.
20 Bruce.

21 MR. BRUCE: Okay. In this case,
22 Mewbourne seeks to force pool the Bone Spring
23 formation underlying the north half of section 2 and
24 the north half of section 1 of 18 south, 32 east, Lea
25 County. And they also seek approval of the

1 nonstandard 640 acre, more or less nonstandard spacing
2 and proration unit.

3 I would note that, from a historical
4 standpoint, Mewbourne did file a separate application
5 in case 23487 to force pool effectively the same unit,
6 but at that point, lot 1, the northeast/northeast of
7 section 1, was unleased federal land. That case was
8 set for hearing on May 4th, but I was contacted by one
9 of the other parties and they said, "It's coming up
10 for lease, and we would like you to hold off on
11 presenting your case until the last had been issued to
12 that new party." That has occurred, and so Mewbourne
13 dismissed its original case and refiled this case for
14 today's hearing.

15 So anyway, page 1 is the new
16 application which includes Lot 1, or section 1.
17 Exhibit 2 is the landman's affidavit which contains
18 the basic information, the lands involved, the
19 interest owners involved, and there's quite a few --
20 the parties being pooled, some information on the
21 nonstandard unit. This is an affidavit or self-
22 affirmed statement of Brad Dunn, who has testified
23 before the division many times. The applications, I
24 mean, the exhibits include the C102s, which I believe
25 are properly filled out, land plats showing the

1 different tracts involved, and the working interest
2 owners in those tracts, and then a listing of the
3 parties being pooled, one of whom is Cross Timbers
4 energy, represented by Mr. Zimsky, and one of whom is
5 MRC Delaware Resources, represented by Mr. Feldewert.

6 There's a summary of communications
7 showing communications with all these parties, which
8 have been ongoing now for about seven months. Sample
9 copy of the proposal letter, which is dated July 5,
10 and the reason I went into the background is to show
11 that all of these parties have been aware of what's
12 been going on since January 2023, which is Exhibit 2-
13 C-1. The only change was that the new lessee of plat
14 1 of section 1, after the lease was issued, they had
15 voluntarily joined in the well, but all the parties
16 knew what was going on. And, of course, they're
17 requesting \$8,800 a month overhead rates, the typical
18 cost plus 200 percent penalty.

19 Exhibit 2-E is a plat showing the
20 nonstandard unit and the affected offsetting tracts.
21 And there is a listing tract by -- of the offsetting
22 working interest owners. So I believe the package is
23 correct as to the nonstandard unit.

24 Exhibit 3 is the statement of Charles
25 Crosby, geologist who has testified a number of times

1 before the division. It contains the usual structure
2 map cross section, showing that the formation being
3 pooled is uniformly -- more or less uniformly thick
4 across the two sections, half-sections of land, and
5 containing the usual information. If you look at
6 Exhibit 3-A, there are both laydown and standup wells
7 in this area. Mewbourne prefers laydown wells, and
8 that's simply the justification for it.

9 Exhibit 4 is my affidavit of notice. A
10 letter went out to the 20 or so parties being pooled,
11 and then a separate notice was shipped out as to the
12 offsetting working interest owners, of whom there were
13 about three dozen of them. I still owe the division
14 additional information. There's so many green cards
15 that came back relatively late. I need to compile a
16 package of all the green cards. I will submit that
17 together with a certified notice spreadsheet and
18 submit that this week. That will probably be the
19 lengthiest exhibit of the whole day.

20 I did publish notice, and here's where
21 the big -- comes in. I did publish notice.
22 Unfortunately, in my -- in my frenzy to get notice
23 published, I first published notice in the -- in Eddy
24 County with the Carlsbad paper, and I woke up a couple
25 of mornings later and I realized what I had done, so I

1 republished notice in the Hobbs newspaper, which is
2 the appropriate place for it, but that was -- it was
3 published two to three days late because of my mess-
4 up, and so at the end of this hearing, I would like
5 the matter taken under advisement. But I would ask
6 that it be continued for two weeks just to let the
7 notice period run on the published notice. Obviously
8 there's no one in this matter who's objected to
9 presentation by affidavit, so all I would need to do
10 on the 17th is present my affidavit of publication
11 from the newspaper.

12 And then of course there are -- the
13 final exhibit, Exhibit 7, is the pooling checklist,
14 which I always hope is correct. And I think all the
15 exhibits are there, other than the certified mail
16 information or the green cards, I should say. And of
17 course there were several returns.

18 But I would ask that this matter --
19 that exhibits 1 through 4 and 7 be admitted to the
20 record, and I will submit Exhibit 5, the certified
21 notice spreadsheet, with the notices -- or with the
22 green cards and the affidavit of publication -- be
23 submitted later at the next hearing. And I ask at
24 that point, in a couple of weeks, the matter be taken
25 under advisement.

1 (Exhibit 1, Exhibit 2, Exhibit 2-C-1,
2 Exhibit 2-E, Exhibit 3, Exhibit 3-A,
3 Exhibit 4, Exhibit 5, And Exhibit 7
4 were marked for identification.)

5 THE HEARING OFFICER: All right. Thank
6 you, Mr. Bruce. Mr. Feldewert, do you have any
7 questions of Mr. Bruce?

8 MR. FELDEWERT: No questions and no
9 objections.

10 THE HEARING OFFICER: Thank you. Mr.
11 Zimsky?

12 MR. ZIMSKY: No questions and no
13 objections.

14 THE HEARING OFFICER: Thank you very
15 much. In that case, Exhibits 1 through 4 and 7 are
16 admitted, and if you would, please, Mr. Bruce, go
17 through the portal and we'll continue this to 8/17 to
18 finish up your green card and notice of publication in
19 Hobbs.

20 (Exhibit 1, Exhibit 2, Exhibit 2-C-1,
21 Exhibit 2-E, Exhibit 3, Exhibit 3-A,
22 Exhibit 4, Exhibit 5, and Exhibit 7 was
23 received into evidence.)

24 MR. BRUCE: I will do that --

25 THE HEARING OFFICER: Sorry?

1 MR. LOWE: I've got a few questions.

2 THE HEARING OFFICER: Oh. Mr. Lowe.
3 I'm sorry. Yes.

4 MR. LOWE: Good morning, Mr. Jim Bruce.

5 MR. BRUCE: Morning.

6 MR. LOWE: As I recall before we had a
7 little delay there, you were talking about -- I think
8 you were getting to the point of the northeast quarter
9 of the northeast quarter of that one well. Were you
10 going to explain that -- my first question for you
11 pertaining to that is, that -- well, I think it's a
12 lot -- it's not being perforated; right?

13 MR. BRUCE: Oh, the original plan was
14 not to perforate that northeast quarter-northeast
15 quarter of section 1, because it was unleased federal
16 land. But now that quarter-quarter section is leased
17 to a company called Promontory Exploration which has
18 joined in the proposed wells, and it will not be
19 perforated. So there will be no stranded acreage.

20 MR. LOWE: Okay. I was just curious --
21 I know that's allowable to do it, I was just curious
22 to understand why, but I guess you did explain that.
23 Okay. And then in your exhibits, is there a
24 distinguishing exhibit you have where it indicates
25 notice pertaining to the compulsory pooling portion

1 and a notice to the list of noticed parties for the
2 NSP portion. Is there --

3 MR. BRUCE: That would be Exhibit 4, my
4 self-affirmed statement of notice, and Attachment 1 to
5 Exhibit 4 is the notice letter that was sent to the 19
6 or 20 parties who are being pooled. And attachment B
7 is the certified letter that was sent to all of the
8 offset parties. And the notice letters are virtually
9 identical, except that Attachment B says that these --
10 informs the people they are only being notified as to
11 the nonstandard unit portion of the application, and
12 that is capitalized in that application.

13 So Exhibit 4, my affidavit notice, and
14 then Exhibit 2-E shows the nonstandard unit, and then
15 there's a listing of all of the offset interest
16 owners.

17 MR. LOWE: Okay. Yeah. I didn't have
18 time to go look through it entirely of all your
19 exhibits, but -- Okay. I just wanted to -- that was
20 clarified. And my last question to you is the reasons
21 why you provided public notice in the newspapers, what
22 you stated was an error upon your end initially was
23 why?

24 MR. BRUCE: Well, you know, when you
25 got -- you're notifying about 55 parties or so,

1 invariably there's going to be parties who might have
2 moved, who don't claim their certified mail, or who
3 refuse certified mail, and so I had a lot of parties
4 notified by publication. And I do have, you know,
5 sitting on my desk here, about half a dozen returned
6 envelopes where I do not have green cards from the
7 people. So that was a reason to give them, rather
8 than actual notice by certified mail, give them
9 constructive notice by publication.

10 MR. LOWE: Okay. So it was just a last
11 barrier, precautionary measure you did to provide
12 notice just in case.

13 MR. BRUCE: Correct.

14 MR. LOWE: Okay. All right. I think
15 those are all the questions I have for you. Thank
16 you, sir.

17 MR. BRUCE: Thank you.

18 THE HEARING OFFICER: Thank you, Mr.
19 Lowe. And thank you all, gentlemen. We will see you
20 again on August 17th for the completion of the exhibit
21 submission. Thank you.

22 Let's move to 23695. This is Burnett
23 Oil Company, compulsory pooling application. The well
24 name is Four Mile. Mr. Bruce, I see you're here for
25 the applicant.

1 MR. BRUCE: Yeah.

2 THE HEARING OFFICER: Planned I think
3 is an affidavit hearing, but now there's a motion to
4 continue. Let me ask if there are any other
5 appearances this morning. No?

6 Go ahead, Mr. Bruce.

7 MR. BRUCE: Yeah. This is a basic --
8 it's a proximity tract, south half of section 7
9 pooling of the Yeso formation, and I have all the
10 exhibits ready to go, but the self-affirmed statements
11 of notice from the landman and the geologist came in
12 late, and I was -- I thought it was bad form to go
13 forward with the case -- to not have statements from
14 the witnesses. So when they came in late, I couldn't
15 get them timely filed with division. I moved to
16 continue the case for two weeks just so that here in a
17 day or two I can submit the full exhibit package with
18 signed affidavits from the witnesses.

19 THE HEARING OFFICER: Okay. So we'll
20 see you again on August 17th in this matter.

21 Mr. Lowe, do you have any questions
22 about this case?

23 MR. LOWE: No, I do not. Thank you.

24 THE HEARING OFFICER: All right. Thank
25 you. Let's move, then, to the next two cases. 23696

1 and 23697, Texas Standard Operating NM is the
2 applicant. They are compulsory pooling applications.
3 The name of the well is Bulldog. Mr. Bruce, you're
4 here for the applicant.

5 MR. BRUCE: Correct.

6 THE HEARING OFFICER: Let me ask if
7 there are any other appearances this morning. No?
8 Please go ahead, Mr. Bruce.

9 MR. BRUCE: In these cases
10 collectively, Texas Standard seeks to force pool in
11 one case, the first case, 23696, the west half
12 southeast section 34 in 16 south 36 east, and then the
13 west half/east half of section 3, and the west
14 half/northeast quarter of section 10 in 17 south 36
15 east. In the second case, 697, it seeks to force pool
16 the east half southeast of section 34 16 36, and the
17 east half/east half of section 3 and the east
18 half/northeast of section 10 and 17 south/36 east.

19 The -- pooled with the Upper Penn
20 Shell. Exhibit 1 is the application. And once again,
21 I have to go through some historical situation, which
22 is set forth in the self-affirmed statement of Matt
23 Roberson [ph] the landman who has previously testified
24 before the division. If you go to his Exhibit 2,
25 attachment A, the first case involves the Bulldog

1 State 1-H and 2-H wells. Attachment A shows that the
2 original well plan included -- covered the west half-
3 east half of section 34 rather than just the west half
4 of the southeast quarter of section 34.

5 There are some other pooling
6 applications by BTA. BTA also wanted to force pool
7 some of the same acreage in section 34, and the
8 parties eventually settled up by dividing section 34
9 in half, where Texas Standard would proceed with
10 forced pooling the southeast quarter of section 34 and
11 BTA would go forward with its pooling application on
12 the northeast quarter of section 34. As to the -- and
13 a proposal letter was sent out to the parties back in
14 January.

15 Then if you go to Attachment B of
16 Exhibit 2, which concerns the Bulldog 3-H and 4-H
17 wells, again, the east half-east half of section 34
18 was involved. Again, there was a counter-application
19 by BTA. And the parties split up the acreage, so
20 Texas Standard proceeded with this case. And then
21 there was another complicating factor. The east half-
22 southeast quarter of section 3 was unleased state
23 land, so this was a relatively -- would have been a
24 relatively short mile-long well unit, but then the
25 east half-southeast quarter of section 3 was

1 subsequently leased, and that party is joined in the
2 drilling of these wells with Texas standard.

3 And then go on to attachment C of
4 section 2 and you will see now the two full well
5 units, which collectively cover the southeast quarter
6 of section 34, the east half of section 3, and the
7 northeast quarter of section 2, and that is the
8 current proposal. The reason I went into the
9 historical development is because, if you look at the
10 final proposal sent out regarding the various wells,
11 it's dated June 23, which really meant the application
12 should have been filed for the September hearing, but
13 all of the parties involved in all of these well
14 locations, all of these well proposals were the same.
15 So you can see the people have been known what's going
16 on for a couple of months in here, so the parties are
17 not -- have been aware since January of what's been
18 going on, and there is -- attachment B, the landman's
19 affidavit, contains a contact log. It's not separated
20 by company, but you can see that there have been
21 extensive contacts between the parties from January 23
22 to July 26, and those contacts continued. The only
23 two parties being pooled are Oxy and Exxon/STO -- I'm
24 never always sure which party owns the interest and
25 which is the operator.

1 But if you go through, you'll see that
2 the parties -- notice has been given -- excuse me.
3 Negotiations have been ongoing with the parties for
4 months. The landman's affidavit contains all the
5 usual data. They're requesting \$8,000 a month and
6 \$800 a month as the overhead rate on the 200 percent
7 risk charge. The AFEs are included, stated to be fair
8 and reasonable for wells drilled in this area of Lea
9 County. There is an affidavit of the geology -- David
10 Entzminger, E-N-T-Z-M-N-I-N-G-E-R, who has previously
11 testified, contains a generalized location plat.
12 There are other Upper Penn wells in this area, and
13 they're all oriented north-south, which seems to be
14 the favored disposition of these wells. There's a
15 structure map and a cross-section showing that the
16 proposed completion zone for the wells are a
17 relatively uniform thickness across the well units.

18 Texas Standard is proposing two wells
19 in each well unit. It has come out in other hearings
20 that, in the Upper Penn Shell, the permeability is
21 quite low. It's in the nanodarcy range, and
22 therefore, Texas Standard believes they can drill two
23 wells in each well unit to the same zone.

24 Exhibit 4 is my affidavit of notice.
25 Again, only two parties being pooled. And one of

1 these days I'll get through this -- these parties that
2 were previously testified of the original applications
3 filed in these matters, I always got green cards back.
4 Right now -- so I did not publish notice. I am still
5 waiting to get one of the green cards back, and
6 hopefully it's sitting at the post office now. It was
7 not late yesterday afternoon. But -- and that's
8 Exhibit -- my notice exhibit is Exhibit 5, I believe.
9 Yeah. Exhibit 4 -- when I get the filed green card
10 back, which the U.S. Postal Service online records
11 show that delivery was made to both parties, I just
12 haven't received one of the green cards back.

13 And so I am asking again for a two-week
14 continuance so I can get the green card back and
15 complete the exhibit package, and then there's one
16 other issue is that the surface location for the wells
17 and the C-102s were being prepared. The survey was
18 being done this week, and the surface locations are
19 unknown at this point, although I did submit a pooling
20 checklist. I will have to get the final surface
21 locations and amend exhibit 6, but other than that,
22 the data -- and I will submit the C-102 as soon as
23 they are prepared and sent to me, but I can move the
24 admission of Exhibits 1 through 4 and 6 and ask that
25 the matter be continued for two weeks, and I would --

1 of course, this afternoon I have to file a motion of
2 continuance for that two-week period.

3 (Exhibit 1, Exhibit 2, Exhibit 2-A,
4 Exhibit 2-B, Exhibit 2-C, Exhibit 4,
5 and Exhibit 6 were marked for
6 identification.)

7 THE HEARING OFFICER: All right. Thank
8 you, Mr. Bruce. Exhibits 1 through 4 and 6 are
9 admitted. If you would pursue that continuance
10 through the portal, Marlene will have what she needs
11 for the August 17th docket.

12 Mr. Lowe, do you have questions about
13 either of these cases?

14 (Exhibit 1, Exhibit 2, Exhibit 2-A,
15 Exhibit 2-B, Exhibit 2-C, Exhibit 4,
16 and Exhibit 6 were received into
17 evidence.)

18 MR. LOWE: Yes. Sorry. I couldn't
19 find my cursor.

20 Quick question for you, Mr. Bruce. I
21 think you stated that these two cases were -- they
22 were previously indicated as two different other cases
23 with different case numbers beforehand. Is that
24 correct?

25 MR. BRUCE: Yeah. I don't have the

1 case number, but I force pooled at least -- I force
2 pooled the first case for the 1-H and 2-H wells late
3 winter/early spring, but then the dispute with BTA
4 came about, so we didn't proceed to hearing, and the
5 parties settled out on an amicable basis, but it
6 required a revision of the application to indicate the
7 change of acreage, and I actually -- for the 1-H and
8 2-H wells, there have been three different iterations
9 of the pooling location. And then for the 3-H and 4-H
10 wells, there have been two different iterations of the
11 pooling applications, finally ending up with -- like I
12 said, I think Exhibit 2-C shows the full well units
13 for both wells. And again, the last proposal letter
14 only went out in June, but again, the parties have
15 been negotiating for seven months, and one of the
16 parties, Oxy, is actually about ready to sign a term
17 assignment to Texas Standard, so that will no longer
18 be an issue. And they have been negotiating for
19 months with Exxon or XTO, and the reason I say Exxon
20 or XTO is, in many cases, Exxon is the actual working
21 interest owner, but all of the negotiations are
22 handled by its subsidiary, XTO.

23 But all the parties pretty much are
24 coming to agreement, but at this point, Texas Standard
25 wants to move forward with getting its wells drilled.

1 It's all state acreage, so getting APDs issued is not
2 a problem once we get a pooling order issued.

3 MR. LOWE: Okay. So basically this --
4 what you basically stated] is everything was -- that
5 time to this time right now, is there a spacing unit
6 change and that's why there is no C-102 in any of the
7 exhibits? Is that why?

8 MR. BRUCE: Yeah. Because of the
9 changes in the well units and the agreements with BTA,
10 which were fairly recent, the surface location for the
11 wells had to be changed, and I think the surveyor just
12 went out two days ago to do that, and so that's why I
13 don't have the C-102s yet.

14 MR. LOWE: Okay. All right. Thank you
15 for that clarification. Those are all the questions I
16 have. Thank you.

17 THE HEARING OFFICER: All right. Thank
18 you, Mr. Lowe.

19 All right. We will see you then on
20 August 17th, Mr. Bruce.

21 MR. BRUCE: Thank you.

22 THE HEARING OFFICER: But don't go
23 far -- several hearings as well. 23706 and 23707,
24 Mewbourne Oil Company. These are applications to
25 amend existing orders. Deep Ellum is the name of the

1 well family. Mr. Bruce, you're here for the
2 applicant.

3 MR. BRUCE: Yes, ma'am.

4 THE HEARING OFFICER: Let me ask if
5 there are any other appearances this morning? No?
6 All right.

7 Do you intend to proceed by affidavit,
8 Mr. Bruce?

9 MR. BRUCE: Correct.

10 THE HEARING OFFICER: Go ahead.

11 MR. BRUCE: These cases collectively
12 cover the north half of section 25 and the northeast
13 quarter of section 26 in 18 south/31 east Eddy County
14 for purposes of drilling some Bone Spring wells.
15 These units were pooled some time ago, and actually,
16 then the applicant located an additional owner and so
17 asked me to refile or, I should say reopen the pooling
18 case to send additional notice to the new parties
19 being pooled, which I did. Those cases 23544 and
20 23545 were heard on June 1. I looked, and we have not
21 received pooling orders on those reopened cases yet.
22 But then in going through the stuff, we noticed that
23 the original orders are 22269 and 22270 were entered
24 on September 2, 2022, so the wells needed to be
25 drilled by September 2 of this year, but with all the

1 stuff going on and the -- notifying new parties, and
2 if you'll look at the original geology affidavits in
3 these various cases, there aren't many Bone Spring
4 wells in this area.

5 And so applicant, besides wanting to
6 get orders out in the reopened pooling cases and to
7 continue to review production data from wells in this
8 area, would request that the -- each order be extended
9 for a year. I don't think it will take that long to
10 drill the wells, but since it seems to be standard to
11 ask for a one-year extension, but they don't want the
12 original orders to expire and to have to come back, so
13 in order to get things tied up and everything, they
14 need at least a few months' time to take care of all
15 of that and get the wells commenced.

16 And so in each case, they ask for a
17 year extension of the order -- of the application,
18 landman's affidavit explaining this information -- and
19 then the affidavit of mailing. And although I did
20 publish notice in this, certified mail was sent to the
21 only two parties affected, being Chevron and
22 Occidental Permian, and they both received certified
23 letters, so I have not included my publication
24 affidavit, so I would ask that Exhibits 1 through 3 be
25 admitted and these matters be taken under advisement.

1 (Exhibit 1, Exhibit 2, and Exhibit 3
2 were marked for identification.)

3 THE HEARING OFFICER: Thank you, Mr.
4 Bruce. Exhibits 1 through 3 are admitted. Mr. Lowe,
5 do you have questions about either of these cases?

6 (Exhibit 1, Exhibit 2, and Exhibit 3
7 were marked for identification.)

8 MR. LOWE: I just want to get I guess a
9 clarification for case number 23706. You're
10 requesting that any order pertaining to that case
11 number to be extended to September 2, 2024. Is that
12 the same dates for that others?

13 MR. BRUCE: It's the same date in case
14 707 also.

15 MR. LOWE: Okay. Thank you.

16 MR. BRUCE: Yeah.

17 MR. LOWE: Those are all my questions.

18 THE HEARING OFFICER: All right. Thank
19 you very much, Mr. Lowe.

20 Move then to case 23710. Mewbourne Oil
21 is the applicant. It's another application to amend
22 an existing order. They seem to have named the well
23 after you, Mr. Bruce: Local Legend. You're here for
24 the applicant.

25 MR. BRUCE: Yes, I am -- they should

1 have said, "Local Legend In My Own Mind," okay?

2 THE HEARING OFFICER: They couldn't fit
3 all of that in the spreadsheet, Mr. Bruce. Let me ask
4 if there are any other appearances this morning. No?

5 All right. Please go ahead, Mr. Bruce.

6 MR. BRUCE: Yes. Madam Examiner, in
7 case 21887, Mewbourne pooled the Bone Spring formation
8 in the south half/south half of section 18, and the
9 south half/south half of section 17. 18 south/31
10 east. And an order was entered -- I should have that
11 order number handy. 21793. And that order was --
12 yeah, correct. But Mewbourne located another party,
13 one single party who owned an interest in the well
14 unit, and the landman's affidavit. Exhibit 2, Mitch
15 Rob [ph] is the landman. He has previously testified
16 a number of times before the division. And so he
17 submitted the usual landman's affidavit with a tract
18 map. He's included the C-102 for the well. It shows
19 all the interest owners in the well.

20 The one party being pooled is the
21 Michael Harrison Moore, that's M-O-O-R-E, Trust. They
22 have sent out a proposal letter. They've never really
23 received anything back from the Moore Trust. Notice
24 was given at the hearing. It looks like I didn't mark
25 my notice affidavit properly, but it is Exhibit 3.

1 The Moore Trust did receive actual notice and has not
2 objected to this matter. So we simply seek to add the
3 Moore Trust as one of the parties being pooled under
4 the original pooling order, and we'd ask that Exhibits
5 1 through 3 be admitted into the record and the matter
6 be taken under advisement, without for once asking for
7 a continuance.

8 (Exhibit 1, Exhibit 2, and Exhibit 3
9 were marked for identification.)

10 THE HEARING OFFICER: Terrific. We're
11 finishing strong. Exhibits 1 through 3 are admitted.
12 Mr. Lowe, do you have questions of Mr. Bruce?

13 (Exhibit 1, Exhibit 2, and Exhibit 3
14 were marked for identification.)

15 MR. LOWE: I do not have any questions
16 for Mr. Bruce. Thank you.

17 THE HEARING OFFICER: Thank you. All
18 right. Thank you, Mr. Bruce. The matter will be
19 taken under advisement.

20 MR. BRUCE: Thank you.

21 THE HEARING OFFICER: Let's move to
22 case 23679. Oxy USA is the applicant. Holland and
23 Hart entered an appearance for the applicant. Who's
24 here from Holland and Hart on behalf of the applicant?

25 MR. RANKIN: Good morning, Madam

1 Examiner. Adam Rankin appearing with the Santa Fe
2 office of Holland and Hart, on behalf of the applicant
3 in this case, Oxy USA, Inc.

4 THE HEARING OFFICER: All right. Thank
5 you very much. And then we have Mr. Bruce entering an
6 appearance for Mewbourne.

7 MR. BRUCE: That is correct, and
8 Mewbourne has no objections to presenting this case by
9 affidavit. I might have a couple of questions of Mr.
10 Rankin, but we do not object.

11 THE HEARING OFFICER: All right. Thank
12 you very much. And are there other appearances this
13 morning in this matter? No? I do see Mr. McClure on
14 my screen from the division. I see two other
15 gentlemen. Would you like to introduce yourself?,
16 please? Mr. Joshi?

17 MR. JOSHI: Yeah. This is Rahul Joshi,
18 I'm reservoir engineer for Oxy.

19 THE HEARING OFFICER: Thank you. And
20 Mr. Troutman?

21 MR. TROUTMAN: I'm Tony Troutman. I'm
22 a geologist for Oxy.

23 THE HEARING OFFICER: All right. Thank
24 you very much. And I see Mr. Janacek?

25 MR. JANACEK: Yes, ma'am. Mr. Janacek

1 here.

2 THE HEARING OFFICER: Janacek. Thank
3 you very much. If you would then, please, is there
4 anything we need to talk about before Mr. Rankin
5 begins?

6 MR. RANKIN: Madam Examiner, in this
7 case, I think the intent here is to present this case
8 by affidavit, or self-affirmed statement, so we have
9 presented in our exhibit packet the testimony of each
10 of these three witnesses. My understanding, based on
11 the division's request, is that we do so and then make
12 each of the witnesses available for examination by the
13 division. So I guess in order to facilitate that,
14 maybe the fastest thing to do would be to swear them
15 in on the assumption that each will be asked some
16 questions, and then I can generally give a short
17 overview of the exhibits and materials that were
18 presented to the division.

19 THE HEARING OFFICER: Thank you very
20 much, Mr. Rankin. So Mr. Joshi, Mr. Janacek, and Mr.
21 Troutman, if you would each raise your right hand?

22 //

23 //

24 //

25 //

1 WHEREUPON,

2 RAHUL JOSHI

3 called as a witness, and having been first duly sworn
4 to tell the truth, the whole truth, and nothing but
5 the truth, was examined and testified as follows:

6 WHEREUPON,

7 TONY TROUTMAN

8 called as a witness, and having been first duly sworn
9 to tell the truth, the whole truth, and nothing but
10 the truth, was examined and testified as follows:

11 WHEREUPON,

12 STEPHEN JANACEK

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

16 THE HEARING OFFICER: Thank you. That
17 was all three of them. Mr. Rankin, go ahead.

18 MR. RANKIN: Thank you. Good morning,
19 Madam Examiner -- the division, may it please the
20 division. In this case, Oxy is seeking another order
21 authorizing it to engage in a closed loop gas capture
22 injection pilot project in the Bone Spring formation.
23 Oxy in this case proposes to create a 3,821 acre, more
24 or less, project area consisting of some acreage in
25 township 19 south, range 29 east, all in Eddy County.

1 The proposed project area here is part
2 of a larger area that Oxy refers to as Tricky Tract
3 area, and in this case Oxy, as with its others, seeks
4 the authority to conduct this pilot project to avoid
5 temporary flaring of gas and shut-ins of its producing
6 wells during pipeline capacity constraints, mechanical
7 difficulties, plant shutdowns, or other events that
8 affect or impair pipeline takeaway capacity. In this
9 case, they're seeking authority to convert 12 wells
10 within this project area to short-term temporary
11 injection. The injection will be conducted into the
12 Tricky Tract Bone Spring pool, pool code 60660.

13 As I mentioned, we've got three
14 witnesses here who have presented and prepared written
15 testimony. We filed that testimony in advance of the
16 hearing on Tuesday in an exhibit packet that was filed
17 again with the division. In that exhibit packet, the
18 first attachment is the application that was filed
19 with the division. Exhibit A is the copy of the
20 hearing materials that are required by the division's
21 guidance. On these closed loop gas cases identifying
22 all the elements necessary for approval.

23 Exhibit B is the self-affirmed
24 statement of Mr. Janacek, and he reviews in his
25 testimony the basis for the project and much of the

1 operational parameters, the location of the project
2 area itself, wells that will be converted to temporary
3 injections, and other operational engineering items
4 related to their project. Attached to his self-
5 affirmed statement is Exhibit B-1, and that's a
6 proposed exhibit A for the division's order that
7 identifies the pool in which the injection will occur,
8 the project area, and each of the proposed closed loop
9 gas capture wells. Exhibit B-2 is his proposed
10 exhibit B, which will be attached to the division's
11 order. It identifies the injection wells by API
12 number. The pool code that they're injecting into and
13 then offset wells by API number, and they -- Exhibit
14 B-3 is a gun barrel view of each of the proposed
15 injection wells so that the division understands how
16 they're oriented with respect to offsetting wells. B-
17 4 is a gas sample analysis for the second Bone Spring
18 sand that is being provided, identifying the
19 components of the nature of the gas within that
20 interval. Exhibit B-5 is a copy of the Conco 10 State
21 2-H well, well bore diagram that was being provided
22 supplement after the exhibit materials were submitted
23 with the application.

24 Exhibit C is the affidavit or self-
25 affirmed statement of Oxy's geologist, Mr. Tony

1 Troutman. Mr. Troutman reviews the stratigraphy
2 around the project area, and particularly the proposed
3 injection interval and identifies the overlying and
4 underlying different seals that will contain the
5 proposed injection volumes within the project area and
6 the injection interval.

7 Exhibit D is the self-affirmed
8 statement of Oxy's engineer, Mr. Rahul Joshi, and he
9 reviews the model that Oxy has prepared and presented
10 its previous cases, evaluating the effectiveness of
11 the injection and any impairments or impacts to the
12 injection interval and the ability to continue to
13 produce hydrocarbons and as well offsetting
14 hydrocarbon areas. And in his testimony, he confirms
15 that, in their view, the injection is going to stay
16 close to the well bore, and there's plenty of
17 stimulated rock volumes for the post-injection volumes
18 to stay within the injection area.

19 Exhibit E is a copy of the affidavit
20 that I prepared, reflecting that we provided notice
21 pursuant to the division's guidance in these cases,
22 based on the effective parties identified to us by
23 Oxy, and that we also published notice in a newspaper
24 of general circulation within the county where the
25 project was located. That's Exhibit F.

1 The notice exhibits contain proof of
2 notice, a notice letter that was sent out, as well as
3 the status of each of the certified letters that were
4 sent to all the effective parties in this case. And
5 Exhibit F, as I mentioned, is the affidavit of
6 publication reflecting that the notice of today's
7 hearing at the end of the application was provided to
8 each of those parties by name, that's writing each of
9 them with constructive notice.

10 With that, Madam Examiner, I would move
11 the admission of Exhibits A through F, along with
12 their attachments, and then assuming there are no
13 objections to that, I would offer each of these
14 witnesses in turn to examination by Mr. Bruce and the
15 division.

16 (Exhibit A, Exhibit B, Exhibit B-1,
17 Exhibit B-2, Exhibit B-3, Exhibit B-4,
18 Exhibit B-5, Exhibit C, Exhibit D,
19 Exhibit E, and Exhibit F were marked
20 for identification.)

21 THE HEARING OFFICER: Thank you very
22 much, Mr. Rankin.

23 Mr. Bruce, do you object to the
24 admission of Exhibits A through F?

25 MR. BRUCE: No, ma'am.

1 THE HEARING OFFICER: All right.
2 Exhibits A through F and any sub-exhibits are
3 admitted.

4 Let's see. I'm just going to go from
5 top to bottom here. Mr. Janacek, if you would please
6 unmute yourself, spell your name, and I'm going to ask
7 Mr. Bruce and then Mr. McClure if they have any
8 questions of you.

9 (Exhibit A, Exhibit B, Exhibit B-1,
10 Exhibit B-2, Exhibit B-3, Exhibit B-4,
11 Exhibit B-5, Exhibit C, Exhibit D,
12 Exhibit E, and Exhibit F were received
13 into evidence.)

14 MR. JANACEK: Sure thing, Ms. Examiner.
15 Can you hear me okay?

16 THE HEARING OFFICER: Yes.

17 MR. JANACEK: Okay, great. My name is
18 Stephen Janacek, and that is spelled S-T-E-P-H-E-N,
19 last name Janacek, J-A-N-A-C-E-K.

20 THE HEARING OFFICER: Thank you. Mr.
21 Bruce, do you have questions of Mr. Janacek?

22 MR. BRUCE: Yes, a couple of general
23 questions.

24 //

25 //

1 DIRECT EXAMINATION

2 BY MR. BRUCE:

3 Q I didn't go through the exhibits in detail,
4 but I'm looking at this, and it's pretty interesting.
5 I actually had a client about six years ago who was
6 going to do something similar and then abandoned the
7 project. The wells that you're taking gas from an
8 injecting into are existing wells; is that correct?

9 A Yes, that's correct.

10 Q Okay. And you don't see any big difference
11 in injecting Atoka and Moro [ph] gas -- with Bone
12 Spring gas into the Bone Spring wells?

13 A No, we don't. We don't see any type of
14 issues with that.

15 Q Okay. And how many -- and I didn't quite
16 see this in what I was reading. How many Bone Spring
17 horizontal wells are you injecting into?

18 A In this application, we proposed a total of
19 12 horizontal wells.

20 Q Okay. And second Bone Spring?

21 A Yes. These are all second Bone Spring sand
22 target -- the target injection zone.

23 Q Okay. And when do you anticipate starting
24 this? How long after you get an order approving this
25 from the division would you anticipate starting the

1 injection?

2 A We anticipate, after an order is issued,
3 beginning this project as soon as possible. This is a
4 depleted field where we currently are shutting in
5 production due to gas takeaway issues to reduce our
6 flaring, and so we're looking to do this as quickly as
7 possible.

8 Q Yeah -- depleted field. At my age, I can
9 remember filing applications at the OCG for Tricky
10 Tract wells 35 years ago.

11 A It is a relative term, I suppose.

12 MR. BRUCE: Okay. I just wanted some
13 general information. Thank you, Mr. Janacek.

14 THE WITNESS: You're welcome. Thank
15 you.

16 THE HEARING OFFICER: Thank you, Mr.
17 Bruce. Mr. McClure, do you have questions of Mr.
18 Janacek?

19 MR. MCCLURE: Yes, I do, Ms. Orth.

20 CROSS EXAMINATION

21 BY MR. MCCLURE:

22 Q Mr. Janacek, I guess the very first initial
23 question -- this is the third case in a row I've asked
24 this one. Oxy is understanding that they need to
25 continuously measure the production from one of these

1 injection wells for a 24-hour period following an
2 event; correct?

3 A Yes, that's correct.

4 Q Okay. I guess the reason I bring it up is,
5 within the application itself, where we're talking
6 about allocation via well tests and such, Oxy's
7 application in this case and the previous cases seemed
8 to neglect, I guess, to reference the need to do so.
9 I bring that up, I guess, just in the hopes that maybe
10 in future applications we may be able to add an
11 additional paragraph with the caveat of the continuous
12 measurement. For this one, though, we should be fine
13 to proceed as we are.

14 A Understood.

15 Q It's been a few cases also since I've asked
16 this following question, and I do not know if this is
17 better for you, Mr. Jancek, or maybe for Mr. Joshi, or
18 it may also -- and feel free to go down this route, it
19 may be more appropriate for a follow-up submittal with
20 a response.

21 My question to you, I guess kind of two
22 questions combined. Do you have a best -- or what is
23 your best guess estimate for the vertical extent of
24 the fractures for the second Bone Spring wells? And
25 then the additional question to that, and upon what

1 basis is that best guess estimate based upon?

2 A Yes. I do not know the answer to that
3 question. You can ask Mr. Joshi at a later point.
4 That would probably be best.

5 MR. MCCLURE: Okay. Thank you. I'll
6 withdraw the question for now and I'll ask Mr. Joshi
7 as well, and then he will also, you know, have the
8 option of just providing a follow-up if he feels more
9 appropriate for that.

10 Thank you, Mr. Janacek. Thank you, Mr.
11 Rankin. And thank you, Ms. Orth.

12 THE HEARING OFFICER: Thank you, Mr.
13 McClure. Mr. Rankin, do you have any follow-up to Mr.
14 Janacek?

15 MR. RANKIN: I do not.

16 THE HEARING OFFICER: All right. Let's
17 turn to you, Mr. Joshi. If you would please spell
18 your name for the transcript?

19 MR. JOSHI: Yeah, this is Rahul --
20 R-A-U-H-L --

21 THE HEARING OFFICER: I'm sorry. We
22 can't hear you.

23 MR. JOSHI: Oh, I'm sorry. Can you
24 hear me now?

25 THE HEARING OFFICER: Now, yes.

1 MR. JOSHI: Yeah. This is Rahul,
2 R-A-H-U-L, Joshi, J-O-S-H-I.

3 THE HEARING OFFICER: Thank you. Mr.
4 Bruce, do you have questions?

5 DIRECT EXAMINATION

6 BY MR. BRUCE:

7 Q Just one briefly. How many -- I know Oxy
8 has some. How many gas injection projects, whether
9 they're this type or another type, involving the Bone
10 Spring formation are there that you're aware of?

11 A So Stephen and Adam, you can add to -- these
12 are before my time, before I started testifying.
13 There's maybe six now -- six, yeah. You can correct
14 me -- Stephen or Adam, if you know. Because there
15 have been some before I started testifying.

16 MR. BRUCE: Okay. Yeah. Over my
17 career, I've been involved with some secondary
18 recovery water injection into the Bone Spring, but I
19 really wasn't aware of many Bone Spring gas
20 injections. That's all I have. Thank you.

21 THE WITNESS: Thank you.

22 THE HEARING OFFICER: Thank you. Mr.
23 McClure, do you have questions of Mr. Joshi?

24 MR. MCCLURE: Yes, Ms. Orth, I do.

25 //

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1 CROSS EXAMINATION

2 BY MR. MCCLURE:

3 Q Mr. Joshi, I guess obviously you heard my
4 question for Mr. Janacek, but let me re-ask it.

5 What is your best estimate for the vertical
6 extent of the fractures into the second Bone Spring,
7 and -- upon what basis is that estimate derived from?
8 And again, feel free to -- if we need to, we can also
9 have a supplement submittal, unless you're prepared to
10 provide something to us today.

11 A Yeah. So there's been a lot of data -- Oxy
12 has been trying to actively use multiple -- some of
13 these are fairly detailed. But looking into total
14 completions amount, generally -- I'm speaking on an
15 average, maybe 200 to 300 feet, though it seems that
16 Second Bone Spring even exceeded Canyon -- the frack
17 generally stays in the second Bone Spring formation,
18 particularly even when we dig the section 16 gas
19 injection project, when we injected gas at high
20 pressure in -- 16-7-H, we did not see any gas
21 breakthrough or any evidence of gas in the first Bone
22 Spring well or even in third Bone Spring wells. So
23 that leads us to believe, along with -- there's a --
24 data which uses the oil fingerprinted, geochemical
25 analysis -- of course there's a lot more detail. I'm

1 just kind of reporting the results that we get from
2 these methodologies -- stays within that 200 to 300
3 feet -- frack stays in the second Bone Spring --
4 confined to the second Bone Spring formation.

5 Q And so are you saying that it does not
6 exceed 2-300 feet upward, or are you saying that the
7 height of the fracture is estimated to be 2-300 feet,
8 some of that going above and some of that going below?

9 A So it goes above -- we have not seen,
10 depending upon where the well is drilled, and some of
11 this does vary with local geology. Generally in Cedar
12 Canyon -- stays a total height of 300 feet. So yeah,
13 it depends upon where the well is landed, and there
14 are regional variations, and whether you have
15 limestone -- barriers stopping the frack from moving
16 up.

17 Q All right. So maybe I'm misunderstanding,
18 but just to make sure I have the understanding, it's
19 not so much that you're saying the fracture extends
20 300 feet up, you're saying that it does not exceed 300
21 foot, and you're not seeing a breakthrough --

22 A Yes.

23 Q -- of a upper confining layer of greater
24 than 300 feet; correct?

25 A Yes, yes -- and gas injection has showed in

1 section 16-7-H that we stay confined in the second
2 Bone Spring with the fracture vertically.

3 Q Now as far as a breakthrough from the lower
4 confining layer, do you also have the same results?

5 A Yeah. We haven't seen any breakthrough in
6 the lower confining -- in the lower wells either.

7 Q And in regards to maybe -- thicknesses of
8 the second limestone, where Oxy has looked into that,
9 do you have any sort of round estimate? It was 300
10 feet for the first limestone, but as far as the second
11 limestone, what are you thinking?

12 A I don't know right now the exact thickness,
13 but we can provide you the numbers.

14 Q I'm sorry, I apologize. Say that one more
15 time?

16 A I can't say the exact thickness right now,
17 but we can provide some information later on.

18 Q Okay. Very good. Now I guess as far as
19 actually knowing what the vertical extent is, though,
20 do you have an estimate of what you believe that
21 vertical extent may be?

22 A So again, I'll just say the number that --
23 we have done -- Cedar Canyon is the best, because
24 that's actually where we've done the gas injection
25 to -- and we haven't seen any vertical breakthrough

1 above or below the formation, so for now, that's our
2 standard estimate -- the total thickness at Cedar
3 Canyon's about 250 feet to 300 feet, and I think that
4 we would say that the frack stays within that
5 interval. Vertical extent of frack would be -- that's
6 my estimate.

7 Q Okay. So we don't really have, like, an
8 estimate per se, it's just less than 250 feet to 300,
9 then?

10 A Yes.

11 Q Okay. And essentially this is based upon
12 gas analysis or taking a thumbprint of the gas we
13 covered from the first Bone Spring wells while you
14 were injected into a second Bone Spring sand; correct?

15 A Yes. I mean, more than that, we also check
16 the volumes, and because we are injecting hydrocarbon
17 gas, the fingerprinting is a lot more difficult than,
18 say, injecting CO2, which is much easier. So
19 hydrocarbon gas fingerprinting is slightly more
20 tricky, but right now we're just going by volume.
21 Considering that in our 7-H injection, 2017 project,
22 we injected almost 700 million in gas, and we could
23 see a breakthrough in our offset wells -- lateral
24 breakthrough in our offset wells in second Bone
25 Spring, but we did not see any vertically. So that

1 leads us to believe -- that is primary data that we
2 use as evidence that vertically there has not been
3 movement of gas as much as it was laterally in second
4 Bone Spring in that particular project.

5 MR. MCCLURE: Okay. Thank you. And I
6 guess -- I don't believe we'll need follow-up. I was
7 going to say, I don't believe it's likely that we
8 would have breakthroughs for the second Bone Spring
9 limestone going downward, so I don't think we really
10 need follow-up on the distance there. So I think
11 that's all the questions I have for you, Mr. Joshi.
12 Thank you for your time. Thank you, Mr. Rankin, and
13 thank you, Ms. Orth.

14 THE HEARING OFFICER: Thank you, Mr.
15 McClure.

16 Mr. Rankin, any follow-up for Mr.
17 Joshi?

18 MR. RANKIN: No, ma'am.

19 THE HEARING OFFICER: All right. Thank
20 you. Let's move to Mr. Troutman. If you would
21 please, Mr. Troutman, spell your name for the
22 transcript.

23 MR. TROUTMAN: I'm Tony Troutman. It's
24 T-O-N-Y T-R-O-U-T-M-A-N.

25 THE HEARING OFFICER: Thank you. Mr.

1 Bruce, did you have questions of Mr. Troutman?

2 MR. BRUCE: No, I do not. Thank you.

3 THE HEARING OFFICER: All right. Mr.
4 McClure?

5 MR. MCCLURE: Thank you, Ms. Orth. I
6 do.

7 DIRECT EXAMINATION

8 BY MR. MCCLURE:

9 Q Mr. Troutman, you may have it listed here
10 somewhere, or maybe not. My question to you is, do we
11 have the actual identified pick for the second -- or,
12 excuse me, for the top of the first Bone Spring line?

13 A Top of the first Bone Spring line?

14 Q Maybe I'm missaying. The one right above
15 our second Bone Spring sand -- upper confining layer,
16 excuse me.

17 A We do. I know at some point I added that to
18 the materials.

19 Q I may have definitely have missed it here,
20 because I don't know if parsed every single part of
21 the charts. I guess, unless you know where it may be
22 in there, if you just wanted to provide it -- go
23 ahead, Mr. Troutman.

24 A I do think those depths are in the
25 application, but I'm not sure what page to refer you

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1 to. Because that was an issue that we definitely were
2 aware of that -- you wanted to know where we were
3 setting our packers.

4 Q Oh, yes, exactly, yes --

5 A That's why I came up with those depths. But
6 if for some reason they're not there, I'm sure we can
7 file a supplemental.

8 Q Yes, please, because I'm -- I mean, you're
9 probably right. They're probably here somewhere, but
10 I've obviously missed them on my first read-through.
11 Maybe it's directly in your affidavit, maybe, but I
12 guess just to make it easier, if you just wanted to
13 submit a follow-up, please, and you can either
14 identify where it is or just -- maybe it's easier just
15 to say it again because I think we're just -- look at
16 a single depth essentially just on the type log, just
17 kind of what we're looking at.

18 And then the only other question I have for
19 you, Mr. Troutman, in regards to the second Bone
20 Spring, the limestone and this Tricky Tract area
21 versus the Cedar Canyon area where my prior questions
22 to Mr. Joshi was referencing to. Are you aware of any
23 differences between the limestones there and the
24 limestones here?

25 A No, there's no very significant differences.

1 MR. MCCLURE: Okay. Thank you. So
2 that's all my questions for you. Thank you, Mr.
3 Rankin, and thank you, Ms. Orth.

4 THE HEARING OFFICER: Thank you, Mr.
5 McClure.

6 Mr. Rankin, any follow-up questions for
7 Mr. Troutman?

8 MR. RANKIN: No, ma'am. I'm trying to
9 see if I can locate the geological pick for the top of
10 that limestone, but I'm not seeing it here, so we'll
11 make sure to follow up with it.

12 Mr. McClure, I guess the only question
13 I have, though, is just to make sure that the only
14 outstanding information that you're looking for right
15 now is the confirmation of what the depth -- what
16 the -- yeah, what the pick is for the top of that
17 other confining interval. Is that correct?

18 MR. MCCLURE: Yes, sir, Mr. Rankin.
19 That is essentially my only request, and I'm sure it's
20 here somewhere. I'm not finding it, I guess, but
21 yeah, if you could just provide that? Thank you, sir.

22 MR. RANKIN: Yeah. We talk about the
23 thickness. I see that, but I'm not sure -- we'll
24 double-check, and if it is, we'll point you to it, and
25 if not, we'll provide it in a supplemental -- paper.

1 MR. MCCLURE: Very good.

2 THE WITNESS: I'm getting a message
3 here. I think I provided those picks to the
4 engineers, but we didn't put it in the application.
5 So they used it in picking their packer depths, but
6 we'll file a supplemental with that.

7 MR. MCCLURE: Very good.

8 THE HEARING OFFICER: All right. Well,
9 thank you all. If there is nothing else, we will take
10 the matter under advisement.

11 MR. RANKIN: Thank you, Madam Hearing
12 Examiner. I think we have the next coming up on the
13 docket, and this case involves some actual witnesses
14 again, and I'm wondering if we might take a short
15 break to make sure they're lined up and ready to go.

16 THE HEARING OFFICER: Absolutely.
17 Shall we take another ten-minute break and come back
18 at 11:30?

19 MR. RANKIN: Thank you, Madam Chair.
20 That works for me. Appreciate it.

21 THE HEARING OFFICER: All right.
22 Appreciate it. We'll see everyone at 11:30.

23 (Off the record.)

24 THE HEARING OFFICER: Mr. Rankin, are
25 you going to be appearing on that last case?

1 MR. RANKIN: Yeah, sorry we have
2 some -- feedback --

3 THE HEARING OFFICER: All righty.
4 Great. Screen populated quickly there. All right.

5 Let's call the last case on the docket
6 worksheet for August 3rd, 23685. Spur Energy Partners
7 is the applicant. Pinto is the name of the well, and
8 Holand and Hart is here for the applicant. Mr.
9 Rankin?

10 (Discussion held off the record.)

11 MR. RANKIN: Yes, Madam Examiner.
12 Thank you very much. Adam Rankin appearing with the
13 Santa Fe office of Holland and Hart on behalf of the
14 applicant in this case. Today we have three witnesses
15 who'll be presenting this case on behalf of Spur. We
16 have Mr. Oliver Seekins. We have Mr. Reed Davis, and
17 we have Mr. George Waters, each of whom requires to be
18 sworn in.

19 THE HEARING OFFICER: Allrighty. Let
20 me ask if there are first -- if there are any other
21 appearances. No? I see a Mr. Gebremichael?

22 MR. GEBREMICHAEL: Yes. Million
23 Gebremichael, correct. Can you hear me?

24 THE HEARING OFFICER: Yes. Are you
25 another witness or another lawyer?

1 MR. GEBREMICHAEL: No, I'm part of the
2 UIC.

3 THE HEARING OFFICER: Ah, okay. Thank
4 you. I see Mr. Goetze?

5 MR. GOETZE: That's correct. I will
6 also be participating with Mr. Gebremichael as
7 examiners for the division.

8 THE HEARING OFFICER: Thank you. I've
9 met you, Mr. Goetze, but I hadn't met Mr.
10 Gebremichael.

11 Allrighty. So gentlemen, Mr. Davis,
12 Mr. Seekins, and Mr. Waters, if each of you would
13 raise your right hand.

14 WHEREUPON,

15 REED DAVIS
16 called as a witness, and having been first duly sworn
17 to tell the truth, the whole truth, and nothing but
18 the truth, was examined and testified as follows:

19 WHEREUPON,

20 OLIVER WARNER SEEKINS
21 called as a witness, and having been first duly sworn
22 to tell the truth, the whole truth, and nothing but
23 the truth, was examined and testified as follows:

24 //

25 WHEREUPON,

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GEORGE ARMSTRONG WATERS

called as a witness, and having been first duly sworn to tell the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

THE HEARING OFFICER: Okay. Thank you. That was all three of them, and we can go alphabetically again. Let's start with Mr. Davis.

MR. RANKIN: Madam Examiner, I think probably given the nature of this case, our preference would be to go in a logical sequence, I guess, rather than just alphabetical, because we did not yet supply written affidavits or statements, so we need to kind of present our testimony and our first witness would be Mr. Seekins, if that's okay with you.

THE HEARING OFFICER: That's fine.

MR. RANKIN: Thank you very much. Just as a bit of a summary so everyone's on the same page, in this case, Spur's asking for or seeking approval for what's known as a pressure maintenance project within the Yeso formation, underlying a project area that comprises all of section 36, township 18 south, range 25 east, and the west half/west half of section 31 and the adjacent township to the east. That is termed the project area here.

In this case, they're seeking to

1 convert one of the wells within the project area that
2 Spur operates, the Pinto 36 State Com 3-H well into an
3 injection well for purposes of injecting produced gas
4 to affect their pressure maintenance project within
5 the area. There are a number of wells, I believe it's
6 13, within the project area that have identified as
7 will be benefiting from the increase from the pressure
8 maintenance and are expecting to see a positive
9 response as a result of the injection. The details
10 will be covered by Mr. Seekins as he reviews his
11 testimony in terms of the operational parameters and
12 the injection well. But just wanted to give that
13 quick overview for you.

14 So Mr. Seekins will be addressing the
15 area to review and sort of the initial operational
16 parameters. Mr. Davis will be addressing the
17 geology, the injection interval -- the stratigraphy,
18 as well as the confining layers within the project
19 area. And then Mr. Waters is a petroleum engineer
20 with Spur and he will be giving an overview for the
21 rationale and the expectations from Spur as a result
22 of the injection.

23 So with that framework, I appreciate
24 your attention and we'll call our first witness, Mr.
25 Oliver Seekins.

1 DIRECT EXAMINATION

2 BY MR. RANKIN:

3 Q Mr. Seekins, can you hear me okay?

4 A Yes, I can. Can you guys hear me?

5 Q Very well. And if anything -- if there's a
6 technical issue or glitch or you can't hear me, just
7 let me know.

8 Mr. Seekins, will you please state your full
9 name for the record and spell it for the benefit of
10 the hearing court reporter?

11 A My name is Oliver Warner Seekins.
12 O-L-I-V-E-R Seekins, S-E-E-K-I-N-S.

13 Q And by whom are you employed and in what
14 capacity?

15 A A-L-L Consulting, and I work as a
16 consultant.

17 Q Have you previously testified before the
18 division and had your status as an expert in class 2
19 UIC or underground injection control, injection wells,
20 and regulatory matters accepted as a matter of record?

21 A I have not.

22 Q Is your resume attached in the exhibit
23 packet that was filed with the division on Tuesday and
24 marked as Exhibit B?

25 A Yes, it is.

1 Q Just briefly if you would, Mr. Seekins, just
2 summarize your educational and work experience, in
3 particular, permitting class 2 injection wells.

4 A I have a Bachelor's of Science degree from
5 Oakland State University in biochemistry and molecular
6 biology. I started working for ALL Consulting in
7 2013. My time at ALL has consisted of three
8 internships and approximately six years of full-time
9 work. During that time, my workload has consisted of
10 conducting multiple post- and pre-acquisition
11 regulatory reviews for class 2 injection wells in
12 Texas and New Mexico. I've audited multiple pre-
13 existing C108 applications in order to identify any
14 issues stopping them from being considered
15 administratively complete and assisted to get them to
16 that status.

17 In addition to that, in support of some
18 injection well projects, I've conducted water
19 sampling, assisted in environmental assessments,
20 reviewed archaeological assessments, coordinated
21 third-party contractor work, and assisted in the
22 development of regional injection network planning,
23 including pipelines, storage capacity facilities, and
24 SWD locations.

25 Q And as to New Mexico, how many different

1 injections projects or permits have you been a part of
2 or overseen and had permitted in New Mexico?

3 A In New Mexico, I've assisted with
4 approximately 100 class 2 injection wells, all of
5 which were located within the Permian Basin.

6 Q And are you familiar with the C108
7 application that was filed with the division in this
8 case?

9 A Yes, I am.

10 Q And you're familiar with the lands that are
11 the subject of the application within the area of
12 review and offsetting acreage?

13 A Yes, I am.

14 MR. RANKIN: At this time, Madam
15 Examiner, I would tender Mr. Seekins as an expert
16 witness in class 2 UIC regulatory matters.

17 THE HEARING OFFICER: Thank you. He'll
18 be so recognized.

19 BY MR. RANKIN:

20 Q Mr. Seekins, if you would just review at a
21 high level what it is that Spur is seeking with this
22 case -- what approval is it asking for?

23 A Spur is seeking an order approving a
24 pressure maintenance project into the Yeso formation
25 underlying a project area of all of section 36,

1 township 18 south, range 25 east, as well as the west
2 half of the west half of section 31, township 18
3 south, range 26 east in Eddy County, New Mexico. Spur
4 is proposing to convert an existing production well
5 into a pressure maintenance well. That well would be
6 the Pinto 36 State Com 3-H well.

7 Q Now just to restate, Spur did file an
8 exhibit packet in advance of today's hearing, and is
9 Spur Exhibit A that was included in that packet, is
10 that a copy of the application that was filed,
11 including the full and complete copy of the C104 --
12 sorry, C108 that was filed on behalf of Spur?

13 A Yes, it is.

14 Q I'm going to go ahead and pull up, if I
15 might -- share my screen just for ease of discussion.
16 Mr. Seekins, I'm going to pull up that exhibit. When
17 you can see my screen, just let me know.

18 A I can see it now.

19 Q I'm going to scroll down to the front page
20 of our cover application, and if you would just refer
21 to this first page here, you confirm that -- listed in
22 paragraph 1 are the wells that Spur anticipates will
23 see a positive response from the injection through the
24 proposed -- from the proposed injection into the Pinto
25 36 3-H well?

1 A Yes. That is a list of the 13 horizontal
2 wells located within the project area that Spur
3 expects to see a positive response in.

4 Q And does Spur operate each of those wells,
5 including the proposed injection well at this time?

6 A Yes, they do.

7 Q I'm going to skip down to -- I believe it's
8 page -- it's marked as page 35 on the OCD page stamp,
9 in the exhibit packet. This is an overview map. If
10 you just would give us a general orientation here for
11 where the project is located?

12 A Yes. The project area is located
13 approximately ten miles south of Artesia and a
14 substantial distance to the west of the Potash area.

15 Q Now zooming in here, let's talk about the
16 injection well. I'm going to scooch back to page 13,
17 I believe, of the exhibit packet, which is the C102
18 that was submitted. If you would just explain to us a
19 little bit about -- identify what this exhibit is and
20 the details on the proposed injection well?

21 A The C102 is the certified well plat for this
22 well. It shows both the surface hole location as well
23 as the bottom hole location, outlining the extent of
24 the horizontal. It also shows that this well is
25 currently producing out of the Yeso formation.

1 Q And in fact it identifies -- number one,
2 this is the as-drilled plat for the well; is that
3 correct?

4 A Yes, it is.

5 Q And it identifies that the pool that is
6 completed in is the Penasco Draw of San Andres Yeso
7 pool, with a pool code of 50270; is that right?

8 A Yes.

9 Q Are all of the wells offsetting that are
10 expecting to benefit within the project area, are they
11 completed in the same pool?

12 A Yes. Each offset well is completed into the
13 same pool.

14 Q Now what's the approximate depth of the
15 injection interval here? What are we targeting in
16 terms of where this well is completed and the
17 injection interval?

18 A The well is completed at approximately 2311
19 feet to 2673 feet by total vertical depth.

20 Q Does this C108 include all the current --
21 I'm sorry. Yeah. Does the C108 include all the
22 current information on the current construction status
23 of the proposed injection well?

24 A Yes. I believe on page 8 there is a table
25 that shows the -- yeah. The current casing and

1 cementing records, and then we have both a well bore
2 diagram of the well as it is currently constructed and
3 for the proposed recompletion of the well as a
4 pressure maintenance well.

5 Q So if I scroll down to, I believe it's page
6 14 of the exhibit packet, that includes the well bore
7 diagram for the well as constructed?

8 A Yes. I believe page 14 is the as-
9 constructed well bore diagram. Page 15 and 16 should
10 be the matching C105 completion report, and on page
11 17, we have a well bore diagram reflecting the
12 proposed recompletion.

13 Q If you would, Mr. Seekins, just explain to
14 us what changes or modifications Spur proposes to make
15 to convert this well to injection for this pressure
16 maintenance project?

17 A Spur proposes to pull the existing tubing
18 from the well, replace that tubing with internally
19 coated plastic tubing to help prevent any -- prevent
20 any corrosion concerns, and they will place a packer
21 within 100 feet of the top perforation.

22 Q And packer depth is identified here on
23 the -- actually, I'm not sure if it is on here but
24 it's on the previous --

25 A It is on the well bore diagram. It's in the

1 second block of text right there. I believe it says
2 2406, the next one down from your cursor.

3 Q Yeah. Thank you. Yeah. Thank you very
4 much. Now just to confirm, this is a new injection
5 project. There's not currently any injection
6 occurring within the project area?

7 A That is correct.

8 Q And this will be -- what kind of system will
9 this be, a closed or open injection system?

10 A This will be a closed system.

11 Q Turning to page 9 of your exhibit packet, if
12 you would just give us the operational parameters.
13 What are the injection rates, volumes, and pressures
14 that Spur is proposing to operate this injection
15 project under?

16 A Spur is proposing to operate this injection
17 project with a maximum injection rate of ten million
18 cubic feet of gas per day, with an estimate average of
19 five million cubic feet of gas. We have a calculated
20 maximum injection pressure of 670 PSI, with an
21 estimated average injection pressure of 470 PSI.

22 Q Based on your understanding, Spur has
23 conducted an assessment and determination that those
24 volumes can be injected without exceeding the maximum
25 operating service injection pressure that's proposed

1 here?

2 A That is my understanding from working with
3 Spur.

4 Q Now if Spur requires an increase in service
5 injection pressures, will it perform an OCD witnessed
6 step rate test; is that correct?

7 A Yes. Spur would work with OCD to conduct
8 the step rate test.

9 Q Now in your opinion, are the casing designs
10 in the job that we just reviewed at a high level in
11 this well protective of fresh water sources in the
12 area and the correlative right of offsetting well and
13 gas mineral owners?

14 A Yes, that aligns with my opinion.

15 Q Now will Spur be undertaking any efforts to
16 monitor the integrity of the well board during
17 operations?

18 A Yes. Spur intends for there to be inert
19 fluid within the annular space, and Spur will monitor
20 the pressure.

21 Q Any plans to further stimulate the well
22 following conversion to injection?

23 A Not at this time.

24 Q Now you also conducted an assessment or
25 review of the area -- a review around the proposed

1 injection. Is that correct?

2 A Yes, it is.

3 Q Let's talk about that. I'm going to skip
4 down to page 19 of the exhibit packet here, which I
5 believe is -- the first page is reviewing the area of
6 review in your analysis. I apologize for making
7 everybody dizzy here. If you would, Mr. Seekins,
8 discuss what this map shows and explain what you've
9 done to assess the area of review around the proposed
10 injection.

11 A So we use this AOR map to show the existing
12 infrastructure in the area, so working our way outside
13 in, we have a two-mile buffer around the well that's
14 being proposed for conversion as well as a half-mile
15 buffer further in. You'll then see a red rectangle
16 depicting our project area. Just on the upper edge of
17 the project area, you will notice a red star that is
18 indicating the service hole location. If you follow
19 the dashed line down from there, you will see a red
20 circle indicating the bottom hole location. The
21 dashed line is showing where our horizontal is running
22 and perfed through. And then you'll notice a series
23 of solid lines running both vertically and
24 horizontally, and those are depicting the horizontals
25 of Spur's wells within the project area.

1 Additionally, our map here, if you look at the key on
2 the right-hand side, shows you the status of each well
3 on the map.

4 Q And just to be clear, the wells that Spur
5 has identified in this cover application and that Spur
6 anticipates will show a positive response from this
7 injection, those are the wells that are identified --
8 the solid lines within this project area on this map?

9 A Yes, that is correct.

10 Q Let's go down to the next page here, as part
11 of your AOR analysis. This is a little hard to read
12 for those looking at the screen. I'll try to increase
13 the size a little bit here, but what does this table
14 of information show and how does it relate to your
15 previous map?

16 A So this is a tabulation of data for all the
17 wells located within one half-mile of the Pinto 36 Com
18 well we're looking at converting here. This gives you
19 the well name, the current operator of record, if the
20 well is active or plugged, and if the well penetrates
21 the proposed injection zone.

22 Q Now you've got a similar but different table
23 of data on the next page. If you would just review
24 and explain the difference between this table and the
25 previous one and what these tables of data show.

1 A So these two tables, the top table is going
2 to discuss the first two casing strings, and the
3 second table is a continuation of that. These two
4 tables were put together to show the current
5 construction and cementing details for each well that
6 penetrates the proposed injection zone located within
7 a half mile.

8 Q Great. And then the next page here shows
9 additional information for which wells?

10 A Yes. So this third table provides the
11 plugging information for each plugged and abandoned
12 well within a half mile of the proposed pressure
13 maintenance well.

14 Q And as to the wells that are plugged that
15 you included information here for, those are wells
16 that are plugged and actually penetrate the proposed
17 injection interval. Is that right?

18 A Yes, that is correct.

19 Q Now as to the wells that penetrate the
20 proposed injection interval and are plugged, have you
21 also provided the division with well bore diagrams for
22 each of those wells?

23 A Yes. I believe that is going to be the next
24 approximately seven pages.

25 Q And has ALL Consulting evaluated and

1 reviewed the status of each of those wells, the
2 construction and plugging status to confirm, in your
3 opinion, that each of these wells are protective and
4 will not serve as a conduit for injected produced gas
5 for escaping the injection interval?

6 A Yes. Under my direction, our chief
7 geologist not only reviewed each plugged penetrating
8 well but each well within a half mile of the proposed
9 pressure maintenance well, and during that review, we
10 reached the conclusion that none of the wells within
11 the AOR present an issue for confinement within the
12 Yeso formation.

13 Q So in your opinion, none of the wells
14 require any remediation or corrective action at this
15 point?

16 A That is correct.

17 Q Now I want to just touch on the injection of
18 produced gas here that Spur's proposing. Did you
19 prepare an analysis or did Spur prepare an analysis of
20 the chemical analysis of the gas that Spur proposes to
21 inject in this case?

22 A Yes. Spur provided us with an analytical
23 analysis of the produced gas they expect to utilize in
24 this pressure maintenance project.

25 Q And I believe that was provided as part of

1 the exhibit packet on page 37 of the exhibit packet?

2 A Yes. I'm not sure if 37 is the cover page
3 or the analysis itself, but you're showing the
4 analysis that was provided currently.

5 Q Yeah. It looks like it's the actual page
6 marked as page 37, so that would be --

7 A Yes.

8 Q That's the page. Now if you would just
9 explain to us where this gas sample was collected and
10 whether, in your opinion, it's going to be
11 representative of the produced gas that Spur will be
12 injecting?

13 A Spur collected this sample from their nearby
14 central tank battery. It's Flare, and the gas going
15 to this facility is from the Spur operated wells
16 within the area producing out of the Yeso. So yes, I
17 believe it is an accurate representation of what they
18 plan to inject.

19 Q Great. So essentially as you understand it,
20 Spur is going to be diverting some of this gas for
21 purposes of -- on this pressure maintenance project
22 before or at the point it connects with the central
23 tank battery?

24 A Yes. That is my understanding.

25 Q Now based on this gas analysis, is there any

1 risk or concerns about compatibility between this
2 gas -- before I ask that question, Mr. Seekins, just
3 if you would confirm, is this gas all produced from
4 the Yeso pool?

5 A Yes, it is.

6 Q Okay. So on that point, is there any
7 expectation of any compatibility issues between this
8 gas and the reservoir gas that would be receiving this
9 injection?

10 A No. In my opinion, there are no
11 compatibility issues there.

12 Q Now onto another topic here, offsetting
13 water wells and offsetting water production, have you
14 conducted a review to determine if there are any in
15 the location of offsetting water wells in the area?

16 A Yes. If you can make your way to page 39,
17 we have a map showing all the offset water wells
18 within a mile of the proposed pressure maintenance
19 well. In this case, there are 21 active water wells
20 shown with a blue circle. There are six pending water
21 well applications shown with the green circle, and
22 there are 19 water wells with an unknown status
23 currently. From there, we utilize two existing water
24 samples that Spur had access to in this application.

25 Q Now on those two water samples, these were

1 existing water samples that had previously been
2 collected?

3 A Yes.

4 Q And on the following pages, you identify and
5 give an overview of the location of each of the water
6 wells in the previous map, and then also lay out
7 rationale or basis for submitting the two water well
8 samples that you did collect and submit. Is that
9 correct?

10 A That is correct.

11 Q Great. I think that's all we need to touch
12 on there. And so we have a base -- essentially, Mr.
13 Seekins, we have a baseline now for offsetting water
14 quality within the area; correct?

15 A Yes. We have a baseline for offsetting
16 water quality and the analytical results corresponding
17 to the two results that were sampled, should be
18 contained in -- let's see here. It looks like it's
19 going to start on page 41.

20 Q Okay. I think it's page 41 through it
21 should be 47, I believe, contain those two water
22 quality samples.

23 A Yes. That is correct.

24 Q Now next topic here under the C108 I guess
25 would be land ownership status and notice to affected

1 parties. So let's talk a little bit about that. Did
2 you work with Spur's land team and with ALL to prepare
3 an analysis of the land ownership status within the
4 area of review?

5 A Yes, I did. If I could direct you back to,
6 I believe it's page 32, I could walk you through what
7 we did to identify all the affected parties that we
8 did notice.

9 Q Great. I believe on here, Mr. Seekins, if
10 you would just guide us through the next series of
11 maps and explain what they all show and what you all
12 have done to identify the parties requiring notice.

13 A Yes. So similar to the oil and gas AOR well
14 map that we did earlier, we have the same two-mile and
15 half-mile buffer shown as well as the project area.
16 On this map, you'll see most of the area within the
17 project area shown in green, and that is indicating
18 that the mineral rights there are held by the state
19 land office. Similarly, any of the text blocks shown
20 in red are going to be minerals held by the BLM and
21 each of the areas shown in this yellow or orange would
22 be a private mineral lease. And then --

23 Q Sorry. Also identified is the location of
24 that injection well?

25 A Yes. We have both the service hole location

1 and the bottom hole location depicted on this map.

2 Q Explain to us what the next map shows and
3 the difference here.

4 A So the first map was showing mineral leases.
5 This map is showing the mineral ownership surrounding
6 it. Just trying to make it a little bit more clear.
7 So once again we have state-owned minerals underneath
8 the majority of the project area, and then outside of
9 that, the rest of the project area is sitting on
10 private minerals with some offsetting BLM-owned
11 minerals.

12 Q Thank you. What's this next map show?

13 A The next map shows the surface ownership.
14 So again, just confirming the state land owns the
15 majority of the land within the project area, and then
16 it's private ownership in the surrounding area.

17 Q The state land office owns the acreage on
18 which the injection well will be located; correct?

19 A Yes, that is correct.

20 Q Now based on that, who was -- if you could
21 just give us a general overview of who was notified as
22 affected parties of the application and of today's
23 hearing?

24 A So the surface owner was notified. The OCD
25 district office was notified. And then each person

1 identified as an affected person.

2 Q So all the working interests within the
3 project area, and the all the lease hold owners within
4 the half-mile area of review were all notified of the
5 applications. Is that your understanding?

6 A Yes, it is. We worked with Spur to review
7 all of the operators of record for wells located
8 within a half mile, and to do that we reviewed the OCD
9 and BLM records. Additionally, we reviewed the BLM
10 and SLO lease records to determine who the lessee of
11 records were. And then for each of the private leases
12 within the AOR, we used a combination of the --
13 various midland maps, private mineral ownership and
14 lease data, as well as private lease data provided by
15 Spur. In this case, Spur specifically holds several
16 private mineral leases and is the operator of several
17 wells within the project area. So they provided us
18 with the working interest owners for each of their
19 wells and the mineral interest owners for each of
20 their privately held leases.

21 Q And that list was then provided to Holland
22 and Hart, and we provided notification pursuant to the
23 division's regulations?

24 A That is correct.

25 Q Now based on your experience providing

1 notice for class 2 UIC injection applications and
2 projects, do you have an opinion about whether Spur
3 and ALL -- good faith effort to locate and identify
4 the correct parties and addresses required for notice
5 within the half mile area of review?

6 A Yes. I would agree with that statement,
7 that a good faith effort was put in by both parties to
8 provide Holland and Hart with an adequate list to send
9 notice to.

10 Q While we're on the topic, Mr. Seekins, I'm
11 going to go ahead and introduce my exhibits here that
12 reflect our efforts to provide notification. Attached
13 to the exhibit packet and marked as Exhibit -- should
14 E, is this a copy of the affidavit that I prepared
15 reflecting that Holland and Hart provided notification
16 of the application and hearing pursuant to the
17 division's regulations and that attached to that
18 affidavit is a copy of the notice letter that was sent
19 out dated July 14th to each of the interest owners
20 giving them notice of the hearing on today's date with
21 reference to the division's website information where
22 they can find information on the hearing and contact
23 information for Spur's project manager for this
24 project?

25 And following that sample letter, a copy of

1 each of the mail status reports for each of the
2 affected parties, including the surface owner, state
3 land office, as well as each of the lease hold
4 interest owners and working interest owners identified
5 as affected parties?

6 A Yes. That would be correct.

7 MR. RANKIN: Yeah. Now I will I guess
8 address this now. We did have an issue with our
9 notice of publication. It was not timely, and so for
10 that reason, Madam Examiner, we're going to request
11 that this case be continued to the September 7th
12 docket in order to allow us to perfect notice by
13 publication, at which point we will submit an
14 additional exhibit reflecting affidavit of publication
15 on the date that it is published.

16 And so as to notice, Madam Examiner,
17 that completes our presentation on the notice.

18 BY MR. RANKIN:

19 Q Mr. Seekins, in your opinion, does the
20 application that was submitted by Spur in this case
21 provide all the information necessary for approval,
22 and is it complete?

23 A Yes. To the best of my knowledge, this
24 application would be considered administratively
25 complete and provides all of the pertinent information

1 to address the regulatory matters around a pressure
2 maintenance well?

3 Q Thank you. At this time, Mr. Seekins, were
4 Exhibits A and B, which is your resume, were they
5 prepared by you or under your direction?

6 A Yes, they were.

7 MR. RANKIN: Madam Examiner, I would
8 move at this time admission of Exhibits A, B, and E.

9 (Exhibit A, Exhibit B, and Exhibit E
10 were marked for identification.)

11 THE HEARING OFFICER: Exhibits A, B,
12 and E are admitted.

13 (Exhibit A, Exhibit B, and Exhibit E
14 were received into evidence.)

15 MR. RANKIN: Madam Chair, no further
16 questions of Mr. Seekins, and we'll pass him for
17 questions by the examiners.

18 THE HEARING OFFICER: Thank you very
19 much. Mr. Goetze, do you have questions of Mr.
20 Seekins?

21 MR. GOETZE: Yes, and no. Actually, I
22 do have one request. Seeing how we're going to
23 continue this to September 7th. Normally for our
24 C108s or affirmation statements are signed by an
25 individual and are not just put into the C108, so I

1 would ask that Spur provide us with a supplemental
2 statement signed by someone qualified to make the
3 assessment about the engineering and hydrologic
4 connections. So I'll put that on Mr. Rankin's to-do
5 list.

6 Another item, and just clarity on my
7 part. So for the project area, Mr. Rankin, we did
8 notify all the working interest owners within the box
9 that we're saying we're going to have as a unit. Is
10 that correct?

11 MR. RANKIN: Yes, Mr. Examiner, we did
12 provide a notification -- because in this case, Spur
13 is the operator of each of those wells. Spur did
14 provide notice to each of the working interest owners
15 within the project area given that.

16 MR. GOETZE: It's still a project
17 that's considered statutory units, so I just want to
18 make sure that all those are covered so that we don't
19 have an issue of notice and someone object to it, so
20 that's fine. I just want to make sure.

21 Other than that, I don't have any more
22 questions for Mr. Seekins, and thank you very much.

23 THE HEARING OFFICER: Thank you, Mr.
24 Goetze.

25 Mr. Gebremichael?

1 MR. GEBREMICHAEL: Gebremichael. Yeah.
2 It's all good. Yeah, I do have a question for Mr.
3 Seekins.

4 CROSS EXAMINATION

5 BY MR. GEBREMICHAEL:

6 Q I've seen like -- there is a variation
7 between the original application and then the revised
8 one, which is good. Now I want to ask you about the
9 surface casing. In your initial application, it was
10 showing that the cement was not circulating to the
11 surface, right? And now it is circulating. Was it a
12 typo, or what was the reason for those --

13 A So the original statement on the well bore
14 diagram was misleading. It stated that the top of
15 cement was determined during a temperature survey and
16 did not accurately reflect the remedial work that was
17 done as a result of that. When we went to check the
18 OCD well details, the cementing sundry submitted to
19 OCD clearly stated that the top I believe was
20 identified at roughly 181 feet, and then as a result
21 of that there was remedial work performed to cement
22 the surface casing back to surface, as reflected on
23 that sundry notice. So we simply cleared up the
24 language on the well bore diagram to accurately
25 reflect our current understanding of the cementing.

1 Q That's great. Do you have a CBL, or could
2 you provide OCD with the CBL?

3 A We have not provided one, and in this moment
4 I'm not sure if one has been submitted to the state
5 from that work.

6 Q Yeah. It would be good, so we would like to
7 confirm, you know, the -- you know, the cementation,
8 you know, process and that. The other question I have
9 is in terms of the tubing depth and the packer setting
10 depth. I'm trying to visualize it, where that packer
11 is latching onto. From what I see here is the -- your
12 ending for the tubing depth is 2370. Is that right?

13 A Sorry. I'm trying to find it in there --
14 taking forever.

15 Q That's fine. Take your time, yeah. It is
16 2370 feet MD. That's where your -- the latest
17 application, that's what it shows. And then the
18 packer's set at 2406, which is fine, which is like
19 within a hundred feet from the top perforation.

20 Now my question is, between the tubing depth
21 and then the packer setting depth, I'm trying to
22 visualize it -- where is the packer latching onto?

23 A I believe you have identified a typo in our
24 supplementary information here. The tubing would go
25 all the way down to the packer setting depth, but we

1 can confirm that for you.

2 Q Yeah. But in your latest application, this
3 is what it shows. I'm reading it from the latest one;
4 right?

5 A Right.

6 Q So obviously there is some -- yeah, if you
7 could revise that one, because it doesn't make sense.
8 You know, there is -- tubing is way at top, and then
9 the packer is set at 2406. I'm trying to visualize
10 where it's latching onto, so yeah. If you could
11 provide the latest information on this one, I would
12 appreciate it.

13 A Yes. We can do that.

14 Q I've got a third question in terms of -- can
15 you describe the acid job performed on this well? I
16 know you're not planning to perform any new acid job,
17 but you did perform -- it is more like a matrix
18 acidization, like spot acidization, or was it frack
19 acidization? I think it's frack as far as I'm
20 concerned. Am I right?

21 A That would be outside of my area of
22 expertise. I can cover, if you would like, how we've
23 described the previous stimulations in the
24 application, but outside of that verbiage, I wouldn't
25 be the proper person to describe that work to you.

1 Q Yeah. The reason I'm raising this question
2 is, Mr. Seekins, is as I understand, you're planning
3 to apply for SRT. You know, for, you know, maybe
4 later for increased injection pressure increase. As
5 far as the OCD SRT guidelines are concerned, once you
6 fracture the formation, you know, you can perform SRT,
7 because, I mean, the result would be invalid because
8 the formation is already fractured. So if you could
9 provide, as with the fracture gradient, the length of
10 the fracture and then -- I mean, the general --
11 the --. That would tell us, you know -- I mean, the
12 height of the fracture and then the fracture gradings.
13 That information is very important because you may not
14 be able to do SRT in the future if they are already
15 fractured.

16 MR. RANKIN: Madam Examiner, if I might
17 just interject for a moment. My thought on that --
18 and Mr. Gebremichael, I understand the question --
19 maybe it would be appropriate to address that issue if
20 and when Spur decides it is necessary or needs to
21 increase injection pressures. At this point, I'm not
22 sure that it's necessary, and I understand the nature
23 of the question, but if that's not something that's
24 going to occur, I'm not sure, you know, it's
25 necessary --

1 MR. GEBREMICHAEL: Yeah. I thought you
2 raised the SRT, because the SRT is a prerequisite for
3 IPI application; right? So yeah. If you could
4 provide us with that information so we could guide you
5 to the right direction, and so that's what --

6 MR. RANKIN: I guess my question is,
7 that's only necessary if Spur is going to seek an
8 increase in pressure injection; right?

9 MR. GEBREMICHAEL: Okay. But is Spur
10 still going to conduct SRT? In the future?

11 MR. RANKIN: I guess the point we raise
12 there is that, if they did need to, they would --
13 yeah, if. It's not to confirm that they need to at
14 all. So as I think Mr. Seekins testified, Spur
15 believes that they will be able to operate within the
16 standard operational limits they've identified, and
17 only if they need to increase pressure will they come
18 to the division and ask for one.

19 THE HEARING OFFICER: Also it might be
20 written up a condition to clarify that in fact that's
21 what would have to happen if in fact that's where you
22 were headed.

23 MR. GEBREMICHAEL: Yeah -- thank you
24 very much. Yeah. Those are all the questions I have.
25 Thank you. Thank you so much.

1 THE HEARING OFFICER: Thank you, Mr.
2 Gebremichael. Let's see.

3 Did you have any follow-up with Mr.
4 Seekins, or are we going to talk with another witness?

5 MR. RANKIN: I don't believe I have any
6 further questions for Mr. Seekins, but I do want to
7 make sure I understand the request for some follow-up
8 information, so if I might just inquire.

9 Mr. Gebremichael, you asked for a
10 cement bond log. Now I guess the question I have is,
11 are you interested in only the portion of the well
12 bore that undertook a remediation to circulate to the
13 surface?

14 MR. GEBREMICHAEL: For the acid job?

15 MR. RANKIN: No, I'm talking about for
16 a cement bond log. You asked --

17 MR. GEBREMICHAEL: Yes. Especially,
18 you know, we're very concerned protecting the, you
19 know, the fresh water. Yes, because there was
20 discrepancy between the initial and then the final, so
21 I would like to see the cement bond on the surface. I
22 mean, the whole CBL would be helpful, if we have the
23 CBL for the entire well, but yeah, mainly I'm
24 concerned on this surface casing, yeah.

25 MR. RANKIN: My understanding is that

1 there has not been a CBL conducted on this well, and
2 so the question, I guess is, you know, the preference
3 would be to conduct, you know, a CBL only as to the
4 portion that you're concerned about, and that's what
5 I'm getting at here is, do you want to --

6 MR. GEBREMICHAEL: I can consult with
7 Phil. Maybe Phil could support me on this one, but we
8 can decide -- internal discussion and come back to you
9 with this one again, whether we want the entire CBL or
10 just for the surface casings.

11 MR. GOETZE: May I interject, and let's
12 do that. This is Phillip Goetze -- let's see what you
13 can find before the next continuation, and make an
14 effort to see if there's something buried away as far
15 as any additional CBL or cement bond log for this
16 well, and we'll discuss among ourselves as to what
17 requirements, if necessary, for if there's additional
18 need of information. Okay?

19 MR. RANKIN: No, thank you. I think
20 that makes sense, Mr. Goetze, and we'll be happy to
21 provide to y'all information we have on the remedial
22 actions or steps that were taken to recirculate, and
23 if that's not sufficient, then, you know, I think a
24 condition of approval can be incorporated into the
25 order if a CBL is required prior to commencing

1 injection.

2 MR. GOETZE: Mr. Rankin, it seems
3 you're having problems with my name today.

4 MR. RANKIN: What did I call you?

5 MR. GOETZE: Is that conducive with the
6 fact that you did not send the emails too? Is this a
7 mental block as far as my presence?

8 MR. RANKIN: I apologize. Whatever I
9 said, I hope it wasn't ...

10 MR. GOETZE: Well, thank you.

11 MR. RANKIN: What did I call you, Mr.
12 Goetze?

13 THE HEARING OFFICER: Thank you very
14 much, Gentlemen. Shall we move, then, to the next
15 witness?

16 MR. RANKIN: Thank you, Madam Examiner.
17 Our next witness I would like to call up to the stand
18 is Mr. Reed Davis with ALL Consulting.

19 THE HEARING OFFICER: I believe you are
20 sworn, so if you would just spell your name for the
21 transcript?

22 MR. DAVIS: Sure. My name is Reed
23 Davis. First name, R-E-E-D. Last name, D-A-V-I-S.

24 THE HEARING OFFICER: All right.
25 You're a little soft. I might be the only one, but

1 you're a little soft.

2 MR. DAVIS: Let me see if I can adjust
3 here. Is that any better for you?

4 THE HEARING OFFICER: Oh, very much.
5 Thank you.

6 Mr. Rankin, did you have questions of
7 Mr. Davis before the technical examiners?

8 MR. RANKIN: I do. I do, Madam
9 Examiner.

10 DIRECT EXAMINATION

11 BY MR. RANKIN:

12 Q Mr. Davis, will you just explain, by whom
13 are you employed and in what capacity?

14 A I'm currently employed by ALL Consulting as
15 a geophysicist.

16 Q And have you previously testified before the
17 division and had your status as an expert in geology
18 accepted as a matter of record?

19 A I've previously testified before the
20 division as an expert on induced seismicity, but not
21 specifically geology.

22 Q Is your resume containing your credentials
23 as an expert in geology contained in Spur Exhibit C?

24 A That's correct.

25 MR. RANKIN: Without going through I

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1 guess the time, Madam Chair, I would tender Mr. Davis
2 an expert in petroleum geology as well as in
3 geophysics.

4 THE HEARING OFFICER: So recognized.

5 MR. RANKIN: Thank you.

6 BY MR. RANKIN:

7 Q Mr. Davis, are you familiar with the C108
8 application that was filed in this case on behalf of
9 Spur?

10 A I don't think I heard you there. Your
11 volume went away completely, I think, at least for me.

12 THE HEARING OFFICER: Me too.

13 BY MR. RANKIN:

14 Q Okay. So I guess, once again, you're
15 familiar with the C108 that was filed?

16 A Yes, I am.

17 Q Perfect. And you've conducted a study of
18 the geology and the lands within the proposed
19 injection area?

20 A Yes, I have.

21 Q Do you want to just explain for the
22 examiners what the proposed injection interval is for
23 the pressure maintenance project here?

24 A The proposed injection interval is within
25 the paddock number of the Yeso formation, with an

1 approximate total vertical depth of 2,311 feet to
2 2,673 feet. That depth corresponds with the paddock
3 number of the Yeso.

4 Q And it's also the completed interval of the
5 existing well that's proposed to be converted to
6 injection?

7 A [No audible response.]

8 Q I didn't hear the answer there.

9 A That is correct. I'm sorry. I don't know
10 what it's not getting me --

11 Q It's okay. Now referring back to the
12 Exhibit A that was filed in support of this
13 application, I'm going to share my page here so we can
14 follow along with your testimony.

15 A Okay.

16 Q If I can find it. There we go. I'm going
17 to scroll to the page here that I'm going to
18 reference, but item 7 in the C108 form that was filed
19 in connection with this application, that contains the
20 geologic information that's required by the division
21 in support of the application?

22 A That's correct.

23 Q And that's listed here on page 9 of the
24 C108?

25 A Yes.

1 Q You're a little soft, and I don't know what
2 it is. Maybe just closer you get to the microphone,
3 maybe the better.

4 A I'll stay real close. Hopefully that helps.

5 Q That works. Now if you would, Mr. Davis,
6 just give us an overview of the general geology in the
7 area, the stratigraphy going from the surface down to
8 the injection interval.

9 A Sure. According to the completion report
10 from this well, the top of the Grayburg is the first
11 formation found at approximately 415 feet, and if that
12 is the top of the San Andreas formation at 692 feet,
13 then the Glorieta topped at 2,098 feet. The top of
14 the Yeso is at 2,150 feet. The top of the Paddock is
15 at 2,311 feet. And the top of the Blinbry is at
16 2,673 feet.

17 Q Now within your assessment, had you
18 identified any zones within the geology containing
19 fresh water in the area?

20 A Yes. The fresh water aquifers in this
21 region are the artesian and valley fill, with the base
22 of the RCW being located within the Grayburg Formation
23 at approximately 690 feet. Water well depths in this
24 area range from about four-and-a-half to 165 feet
25 beneath the ground surface.

1 Q Mr. Davis, you referred to a USDW. If you
2 would, for the benefit of the court reporter and those
3 not versed in the acronym, what does USDW mean?

4 A It's an underground source of drinking
5 water.

6 Q And I think, did you give us the depths, the
7 range of depths for which those wells are completed,
8 those drinking water wells or those fresh water wells?

9 A Yes. They're completed at four-and-a-half
10 to 165 feet beneath the ground surface, approximately.

11 Q In your opinion, based on the geology in the
12 area, is it your opinion that injection into the Pinto
13 36 3-H well will be protective of these freshwater
14 zones?

15 A Yes. That is my opinion. The surface
16 casing on the Pinto well is set at 1,227 feet, far
17 below the base of the USDW that we have identified,
18 and it is cemented back to surface, as is the
19 production casing providing a dual layer of cement and
20 steel back to surface.

21 Q Now let's get into a little bit more detail
22 here on the injection interval you've identified as
23 the Paddock, which is a member of the Yeso formation.
24 Give us a little more detail on the geology here in
25 the injection zone.

1 A Sure. The Paddock in this area is
2 approximately 362-foot thickness. It consists of
3 dolomites, anhydritic [ph] dolomites and some
4 interbedded silt stones throughout the formation. The
5 porosity ranges from 4 to 20 percent, and a porosity
6 log run in the proposed converted injection well
7 showed an average of about seven-and-a-half porosity
8 in the Paddock here, and permeability in this area
9 varies from 0 to 360 millidarcies, with the average in
10 this specific location being approximately 15
11 millidarcies.

12 Q Mr. Goetze has pointed out that he would
13 like an actual written statement confirming from a
14 geologist that you have reviewed the geologic and
15 engineering data and confirmed that there's no
16 evidence of a hydrological connection between the
17 injection zone and any underground sources of drinking
18 water. Is that something that you can provide?

19 A Yes, it is.

20 Q Now on that topic, is it your opinion, based
21 on your assessment and review, that this injection
22 will pose any threats to underground sources of
23 drinking water or fresh water in the area?

24 A My opinion is that it will not pose any
25 threats to underground sources of fresh or drinking

1 water.

2 Q Now let's talk about containment within the
3 injection zone. Do you have an opinion about whether
4 the injection will be contained within the Yeso?

5 A I believe it will be contained within the
6 Yeso directly overlying the Paddock in the upper Yeso
7 formation. There's an approximately 36-foot confining
8 unit with less than 3 percent porosity. It's a tight
9 carbonate rock that'll prevent upward migration of any
10 of the injected gas, and additionally, there's a
11 secondary upper confinement layer of approximately 85
12 feet, from 2,005 feet to 2,090 feet of continuous low
13 porosity and high resistivity tight carbonate rock in
14 the lower San Andreas formation directly above the
15 Glorieta.

16 Beneath the target injection interval is the
17 Blinebry member of the Yeso formation, and in the
18 upper Blinebry, from approximately 2,770 foot to 2,830
19 foot is a section of equivalently low porosity and
20 permeability carbonate rock that will prevent downward
21 migration of the injected gas.

22 Q In your opinion, do these geologic seals
23 exist across -- are they consistent across the
24 proposed project area?

25 A Yes. From the available data and the best

1 of my knowledge, they are.

2 Q Now let's talk a little bit about offsetting
3 zones of hydrocarbon production. In addition to the
4 Yeso, are there vertically offset zones that are
5 productive of hydrocarbons?

6 A There are the San Andreas above the
7 injection zone is prospective in this region. The
8 formation top is about 692 feet, and beneath the
9 injection zone the first productive formation is the
10 Wolf Camp, with a top at approximately 5700 feet.
11 Beneath that, the Cisco [ph] productive, top at
12 approximately 7,652 feet. And the Moro [ph] beneath
13 that, with a top at approximately 9,008 feet.

14 Q Based on the offsets and the geologic seals
15 that you've identified, do you believe that the
16 proposed injection will present any kind of risk of
17 impairment to correlative rights or future production
18 in those offsetting hydrocarbon zones?

19 A No. In my opinion, the proposed injection
20 will not impair offsetting production with the Yeso or
21 vertically offsetting production zones. In fact, the
22 goal of the pressure maintenance product is to
23 increase production in Spur's offsetting wells that
24 are completed nearby. By restoring and maintaining
25 reservoir pressure to where it previously was.

1 Q Thank you. Now in your opinion, summing up,
2 do you believe granting the application is in the best
3 interest of conservation of resources, protection
4 against waste, and protection of correlative rights?

5 A Yes, I do.

6 Q Mr. Davis, was Exhibit C, your resume,
7 prepared by you?

8 A Yes, it is.

9 MR. RANKIN: At this time, Madam
10 Examiner, I would move the admission of Exhibit C.

11 (Exhibit C was marked for
12 identification.)

13 THE HEARING OFFICER: Exhibit C is
14 admitted.

15 (Exhibit C was received into evidence.)

16 MR. RANKIN: And we'll provide a
17 supplemental exhibit with a written statement
18 prepared, confirming that there's no hydrologic
19 connection between the injection zone and any
20 underground sources of drinking water or fresh water.

21 At this time, Madam Examiner, I have no
22 further questions of Mr. Davis and will offer him for
23 questions by the examiners.

24 THE HEARING OFFICER: All right. Thank
25 you very much. Examiner Goetze, do you have questions

1 of Mr. Davis?

2 MR. GOETZE: Okay. Yeah, we'll throw
3 one out there.

4 CROSS EXAMINATION

5 BY MR. GOETZE:

6 Q Good afternoon, Mr. Davis. As part of the
7 requirements -- Mr. Rankin can also be part of this --
8 we need a statement that the reservoir involved in the
9 application has been reasonably defined by
10 development. Is this indicated by your assessment of
11 this unit that's being proposed?

12 A Yes.

13 MR. GOETZE: Okay. So to Mr. Rankin,
14 there'll be a second document that you're going to
15 provide -- let's have that statement included in it.
16 And this is something that is required for the
17 application, so verbally we've got it. Let's put into
18 writing too, okay?

19 Thank you. That's the only other
20 question I have for you. You've answered most of my
21 concerns, and with the original meetings we had with
22 you folks, so that's a good sign. We don't have to
23 dwindle on details. Thank you.

24 THE WITNESS: Thank you, Mr. Goetze.

25 THE HEARING OFFICER: Thank you.

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1 Examiner Gebremichael, do you have questions of Mr.
2 Davis?

3 MR. GEBREMICHAEL: I don't have any
4 questions. Thank you, Madam Examiner.

5 THE HEARING OFFICER: All right. Thank
6 you very much. Are we finished, then, with Mr. Davis,
7 Mr. Rankin?

8 MR. RANKIN: We are, Madam Examiner.
9 No further questions, and he may be excused.

10 THE HEARING OFFICER: Thank you. We're
11 moving to Mr. Waters, I take it?

12 MR. RANKIN: That's correct, Madam
13 Examiner. Our final witness of the day is Mr. George
14 Waters.

15 DIRECT EXAMINATION

16 BY MR. RANKIN:

17 Q Mr. Waters, are you there? Can you hear us?

18 A Yes. Can you hear me?

19 Q I can hear you very well. Mr. Waters, if
20 you would, for the benefit of the court reporter and
21 those in attendance, just state your name and please
22 spell your name for the record.

23 A It's George Armstrong Waters. G-E-O-R-G-E
24 W-A-T-E-R-S.

25 Q Will you explain by whom you're employed and

1 in what capacity?

2 A Yes. I'm employed by Spur Energy Partners
3 as a senior operations engineer.

4 Q Now have you previously had the opportunity
5 to testify before the Oil Conservation Division?

6 A No, I have not.

7 Q So let's get you qualified as an expert in
8 petroleum engineering. Did you submit, as Exhibit D,
9 your resume which summarizes your education and work
10 experience as a petroleum engineer?

11 A Yes, I did.

12 Q Just at a very high level, if you would just
13 explain your education and work experience in
14 petroleum engineering?

15 A Sure. I graduated with a degree in
16 petroleum engineering from the University of Texas at
17 Austin in 2012. I then went on to work for various
18 exploration and production companies for the past 11
19 years, primarily focusing on production engineering.
20 I also received my professional engineering licensure
21 from the Texas Board of Professional Engineers in
22 2016. That exam covers the sub-disciplines of
23 reservoir engineering, production and completions,
24 facilities, and drilling engineering.

25 Q And your responsibilities primarily involve

1 operations and engineering within the Permian Basin
2 for Spur in New Mexico?

3 A Correct.

4 Q Are you familiar with the C108 application
5 that was filed with the division in this case?

6 A Yes, I am.

7 MR. RANKIN: At this time, Madam
8 Examiner, I would tender Mr. Waters as an expert in
9 petroleum engineering.

10 THE HEARING OFFICER: He is so
11 recognized.

12 MR. RANKIN: Thank you.

13 BY MR. RANKIN:

14 Q Mr. Waters, if you would just give us a
15 little bit of background. Explain how it is that Spur
16 came to be interested in this project and how Spur
17 identified this particular well and project area as a
18 candidate for pressure maintenance.

19 A Sure. First we identified the -- well,
20 really there are two reasons. First reason is we
21 identified the Pintos as the best candidates because
22 of their high original oil and place calculations, but
23 well recovery factor compared to average recovery
24 factors across the field. These wells have been on
25 production for about 11 years and have significant

1 depletion in the original reservoir pressure. The
2 Yeso is generally sensitive to pressure, so our
3 approach is to return these wells closer to original
4 reservoir pressure, which will increase the drawdown,
5 the pressure drawdown and increase production as a
6 result. And the --

7 Q -- second --

8 A Yes, the second reason, sorry. The second
9 reason is also we have gas takeaway issues, like other
10 operators in the area, and Spur is constantly looking
11 at ways to maximize production and minimize waste,
12 mitigate flaring, and to avoid having to shut in wells
13 and lose oil production due to these gas takeaway
14 issues.

15 Q So we heard some testimony from ALL's
16 geologist on Paddock in the area and understand it's
17 largely composed of dolomite. Tell us a little bit
18 about how the fact that it's mostly dolomite, how it
19 affects or will affect operations of injection and the
20 pressure maintenance that you're proposing here.

21 A Sure. Yes. The reservoir is an oil-wet
22 dolomite, so water flooding is not expected to be as
23 effective as gas flooding. We also believe there are
24 wells with interconnected fractures in this area,
25 which would increase the speed at which we would start

1 to see a pressure response.

2 Q And you say the wells interconnected in the
3 area, you're talking about the project area itself,
4 the wells that Spur operates you believe are
5 interconnected with some fracture networks that will
6 allow the pressure maintenance to communicate between
7 each of the wells in the pressure maintenance area?

8 A Correct.

9 Q Now I'm going to just kind of, for purposes
10 of storytelling, I'm going to pull up again our
11 Exhibit A that was filed with the division, and I'm
12 going to direct you page 19 of that exhibit, because I
13 think it's useful as a demonstrative, as a point of
14 reference for discussing -- if you would, this is the
15 area review map that shows the project area outline
16 with a sort of red square, and then each of the wells
17 that Spur operates within the project area. If you
18 would just kind of referring to this map, explain the
19 surface operations a little bit and then I think you
20 described to some extent the fracture network here,
21 but just explain how you expect the pressure
22 maintenance project to be operated in terms of the
23 facilities and then, you know, in the subsurface, how
24 the wells will function.

25 A Sure. So there's a compressor station just

1 to the north of the Pinto 3-H surface location, so we
2 would build injection lines from the compressor
3 station to the surface location and build a manifold
4 with float control valves and metering.

5 Q And as you previously discussed, the
6 fracture networks interconnect these wells depicted
7 here, and so you expect there to be some communication
8 between them, and so as gas is injected into the Pinto
9 36-H, you expect that gas to communicate with these
10 offsetting wells?

11 A Yes, that's correct.

12 Q Now just for purposes of clarification, you
13 know, the division has been hearing recently, and just
14 prior to this case I presented a case dealing with
15 intermittent temporary injection and what's called a
16 closed loop gas capture case. In this circumstance,
17 however, Spur is proposing to continuously inject gas
18 into its Pinto 36 3-H well; correct?

19 A Correct.

20 Q So there's not going to be -- ideally, in
21 ten years is that that gas is going to be continuously
22 injected and there's not going to be a period of time
23 when that well goes back to production or ceases to
24 inject?

25 A Correct.

1 Q Now -- and just for confirmation, because I
2 think this was a question the division had too.
3 Because of that, this is not a huff and puff project?
4 This is not -- what the division often hears about
5 sometimes is a huff and puff. It's a straight-up
6 pressure maintenance project with continuous produced
7 gas injection?

8 A That's correct.

9 Q Now I want to talk a little bit about
10 monitoring or evaluating the effectiveness of the
11 injection response. If you would just give us a
12 little bit of a, you know, explanation for how Spur
13 intends to monitor or evaluate the effectiveness of
14 this pressure maintenance project?

15 A Yes. We plan on getting monthly fluid
16 levels in all the wells within the project area, as
17 well as normal daily production monitoring.

18 Q If you would just explain for those not
19 engineering, you know, with an engineering
20 inclination, explain why fluid levels in the
21 offsetting wells would indicate effectiveness of the
22 pressure maintenance?

23 A Sure. So these wells are on broad pump, and
24 since they've been producing for a while, a lot of
25 them, they have broad pump controllers so they don't

1 run 100 percent of the time. So the first thing that
2 we would expect to see would be potentially run times
3 going up, along with production rates, and then they
4 could see 100 percent run time, at which point the
5 fluid level would start rising, meaning that your
6 pumps are no longer big enough to move the amount of
7 fluid that is now coming into the well. So this would
8 indicate a fluid level -- a high fluid level would
9 indicate increasing pressure.

10 Q And essentially, as I understand, as you
11 increase pressure in the formation of the matrix from
12 your injection, that increased pressure is going to
13 propagate out and force fluids, including oil, out of
14 the matrix or formation into the offsetting well
15 bores; is that right?

16 A That's right.

17 Q And so that would be, you know, initial
18 indication that the pressure maintenance is working
19 because you're increasing the extraction or the
20 squeezing out of fluids, including oil, into your
21 offsetting wells?

22 A That's correct --

23 Q I'm just trying to get this in my head.

24 A Yeah, that's correct, and if we do see fluid
25 levels rise substantially, we could take action and

1 start speeding up pumping units or looking at upsizing
2 pumps, things like that.

3 Q Got it. And that would be a positive sign;
4 right? That's where you want to --

5 A Yes.

6 Q -- expect --

7 A That would mean the project is working.

8 Q Got it. Now what's the timeframe? What are
9 you thinking here in terms of timeframe? You
10 mentioned in your engineering assessment the Yeso is
11 sensitive to pressure, so what are your timeframes
12 here that you might expect to see some positive
13 responses?

14 A Yes. We believe that, due to having some
15 interconnected fractures in this area, we could
16 potentially see results within a few months.

17 Q Got it. Now in your opinion, Mr. Waters, I
18 think the answer -- I know the answer here, but in
19 your opinion, do you believe granting this application
20 will help protect against waste and will also be
21 protective of correlative rights?

22 A Yes, I do.

23 Q Mr. Waters, was Exhibit D, your resume,
24 prepared by yourself?

25 A Yes.

1 MR. RANKIN: At this time, Madam
2 Examiner, I would just move the admission of Exhibit
3 D.

4 (Exhibit D was marked for
5 identification.)

6 THE HEARING OFFICER: Exhibit D is
7 admitted.

8 (Exhibit D was received into evidence.)

9 MR. RANKIN: And also, Madam Examiner,
10 I would make Mr. Waters available for questions by the
11 examiners.

12 THE HEARING OFFICER: Thank you very
13 much, Mr. Rankin. Examiner Goetze, do you have
14 questions of Mr. Waters?

15 MR. GOETZE: Yes, examiner.

16 CROSS EXAMINATION

17 BY MR. GOETZE:

18 Q Good afternoon, Mr. Waters -- my first
19 question -- so do we have a SCADA system our here, or
20 how are things monitored? So this will all be
21 interconnected?

22 A Yes. We do. We have SCADA for our larger
23 producers. So I'm not sure if all of the Pinto wells
24 are on SCADA, but I believe some of them are.

25 Q Okay. Do you anticipate communicating with

1 all the -- just for the nature of the project, to have
2 that information available, or is that something way
3 down the road?

4 A We could -- there aren't any plans to add
5 SCADA to all of the wells, but we could do that.

6 Q The other thing I had is about bounding.
7 We're injecting and we're pulling out east to west,
8 west to east, north south. Are we still staying
9 within the project area with this operation? Do
10 you -- the toe and the heel, are there issues about
11 any type of lateral migration north or south?

12 A No, I believe the gas will stay within the
13 project area.

14 MR. GOETZE: Okay. Other than that,
15 those are my only questions. Thank you.

16 THE HEARING OFFICER: Thank you, Mr.
17 Goetze.

18 Examiner Gebremichael, do you have
19 questions of Mr. Waters?

20 MR. GEBREMICHAEL: Yes, Madam Examiner.

21 CROSS EXAMINATION

22 BY MR. GEBREMICHAEL:

23 Q Mr. Waters, quick question. I know the
24 rocks are oil wet rocks, so it would be appropriate to
25 apply the gas injection, that I understand, but do you

1 have any plan to follow that with water injection to
2 give you more sweeping efficiency, or it's going to be
3 strictly just gas injection?

4 A We haven't discussed adding water injection
5 'cause it's our belief that it wouldn't be as
6 effective as purely just gas flooding.

7 Q Yeah, no, I know water wouldn't be --
8 because it's not water wet, it's oil wet, but usually
9 sometimes they get this alternative, you know, like
10 once you disassociate that oil from the rock, that gas
11 injection, and it might need to water to sweep it out,
12 so probably haven't discussed that one, no?

13 A No, we haven't -- no plans to do that.

14 MR. GEBREMICHAEL: Okay. All right.
15 Yeah, that's all the questions I have. Thank you so
16 much.

17 THE HEARING OFFICER: Thank you so
18 much. Anything further, Mr. Rankin?

19 MR. RANKIN: No, no, Madam Examiner. I
20 believe that concludes our presentation of this case
21 today. I appreciate everyone's attention and the
22 opportunity to actually have people talking and
23 questions, so it's nice. Maybe at some point we can
24 show up at the division and do it. But thank you.
25 With that, I have no further questions or comments,

1 and I ask that the case -- with the exception of the
2 admission of the additional exhibits that are
3 required --

4 Mr. Goetze, I'm going to make sure I
5 have this all right, but we're going to submit a
6 signed statement by the geologist addressing the
7 hydrological connection issues, as well as the
8 confirmation that the production area is a reasonably
9 defined zone by production, and then I believe the
10 other topic that we need to update is the tubing issue
11 on the packer setting for the well bore diagram.

12 And then the final point is that we
13 were going to submit what information we have
14 confirming the remediation of the surface casing and
15 cement, and then we would hear back from the division
16 on whether they want us, as a condition of approval or
17 prior to injection, conduct a cement bond log and to
18 what extent, whether it's limited to the service
19 casing area or a full cement bond log.

20 THE HEARING OFFICER: All right -- I'm
21 sorry, Mr. Goetze, did you have something?

22 MR. GOETZE: Can I respond? Because
23 we're going to put two other things on your list.

24 MR. RANKIN: Okay.

25 MR. GOETZE: Besides what you've got

1 there, and describing the development of the zone, two
2 things I want in writing is, one, what is your
3 unitized interval, what is your unit interval? Let's
4 define that. As you know, that's caused problems in
5 the past, as well as much heartburn, so let's --
6 whether it's tied to a log, pool, whatever, let's get
7 a vertical limit, and that way this project is defined
8 and protected.

9 The other thing, too, let's put in
10 writing who's the designated operator. You know,
11 generally I can assume it's Spur, but typically we
12 have that in the application, that the operator,
13 whoever it is, designated operator, the unit, so
14 there's no question about that. Okay?

15 Thank you, Madam Examiner.

16 THE HEARING OFFICER: Thank you, Mr.
17 Goetze. All right.

18 So Mr. Rankin, we'll be putting this on
19 the September 7th docket, and see you then.

20 MR. RANKIN: Thank you very much.

21 THE HEARING OFFICER: If there's
22 nothing else, I think we've reached the end of our
23 docket worksheet for August 3rd. I'm not stepping off
24 the platform though, yet, or ending this meeting. A
25 few of the counsel and I need to talk about a motion

1 for continuance in some cases that are not on the
2 docket. I'll tell you the numbers of the cases.

3 This is Cimarex and Read and Stevens.
4 The cases are 23448 through 23455, 23594 through
5 23601, and 23508 through 23523. Again, we're just
6 going to discuss a motion for continuance, making use
7 of the platform ahead of the special contested hearing
8 setting that is currently next week, August 9th and
9 10th.

10 So farewell to anyone that feels like
11 they would like to get off the platform, and it looks
12 like I have the counsel here. Let's see. Do we have
13 Mr. Rankin as well -- no, it's you, Ms. Vance; right?

14 MR. RANKIN: No, well -- yeah, Ms.
15 Vance -- yes, thank you, Ms. Examiner. Appearing on
16 behalf of Permian Resources and Reed and Stevens in
17 these cases, Adam Rankin and Paula Vance with the
18 Santa Fe office of Holland and Hart.

19 THE HEARING OFFICER: All right. Thank
20 you very much.

21 So as I said, we have a setting for
22 next week, the 9th and 10th. I received this motion
23 to amend the pre-hearing order and continue the
24 hearing to cure notice and read and considered that,
25 and then has the response from Cimarex. So thank you.

1 I've looked at that.

2 I can cut to the chase here. Mr.
3 Savage, why, if in fact these folks have waived notice
4 and you did properly identify the Bone Springs
5 formation, just not the right pool code, why would we
6 need a continuance? Do you not accept those waivers?

7 MR. SAVAGE: Thank you, Madam Hearing
8 Examiner. Darin Savage on behalf of Cimarex Energy
9 Company. I also have Bill Zimsky from our Durango
10 office.

11 I did not accept those premises, and
12 I'd like to give an overview, if I could, on this
13 issue. And I thank you for the opportunity to speak
14 to the division on the record about the status of
15 these cases. I apologize --

16 THE HEARING OFFICER: I'm sorry, say it
17 again?

18 MR. SAVAGE: What's that?

19 THE HEARING OFFICER: I didn't hear the
20 last sentence.

21 MR. SAVAGE: I said, "I thank you for
22 the opportunity to speak to the division -- on the
23 record about the status of these cases." And Madam
24 Examiner, I apologized in advance, especially here
25 right before lunch, if you find my comments lengthy.

1 But Cimarex feels that these matters -- that these are
2 matters that need to be said up front.

3 It should be noted, as an interesting
4 point, that opposing counsel just today during the
5 hearings has moved to continue at least two of its
6 cases in order to cure notice defects. There are a
7 number of reasons to grant Cimarex this continuance of
8 the contested hearings. Some are straightforward and
9 some concern deeper issues.

10 First and foremost, the defects in
11 notice are real and need some form of curative prior
12 to the hearing. An opposing party that decides it
13 wants to chip away at the security of the proceedings
14 could possibly hang its hat on these two defects, the
15 failure to send notice to two working interest owners,
16 and causing the division to misinform and mislead the
17 public about the specific pool and common source of
18 supply under examination in the proceedings.

19 Permian Resources argues that
20 specifying the Quail Ridge Bone Spring pool, and that
21 is pool code 50460, as the pool and common source of
22 supply is just adding additional information that is
23 immaterial, but this additional information is
24 incorrect and misleading, and it directly caused the
25 division to misinform the public. Permian Resources

1 cites rules 19-15-4-9-A-5 and 8, claiming that Cimarex
2 satisfied notice because the standard -- because, as
3 they say, the standard for notice is low, requiring
4 only a brief description, and the purpose of the
5 hearing and a legal description.

6 But Permian Resources really misses the
7 point of these cases, or maybe it's more accurate to
8 say that Permian Resources does not want to
9 acknowledge the point of these cases, which is that
10 these cases involve unresolved legal questions and
11 first impression pertaining to the identification of
12 specific pools that would form spacing units in these
13 proceedings. In fact, Cimarex's whole case in these
14 matters focuses on the nature, extent, identification,
15 and the specific details of the common source of
16 supply residing among the two formations, which means
17 that the details of the specific pool involved -- that
18 is, its current name and its code, are important and
19 material.

20 Cimarex's option 2 is asking the
21 division to consider something very novel. Basically,
22 Cimarex is asking the division to adopt a special
23 application and interpretation of an existing rule,
24 and that rule is 19-15-16-15-A-2, which says, "Each
25 horizontal well shall be dedicated to a spacing unit."

1 Now in the present cases, Cimarex discovered that the
2 spacing unit it is asking the division to address does
3 not involve the Quail Ridge Bone Spring pool, code
4 50460, as Cimarex described in its applications, and
5 gave notice to the public, but involves a very
6 different pool. It's the Tees [ph] Bone Spring East,
7 pool code 96637.

8 Now it is not Cimarex's fault that the
9 wrong pool code had been referenced, nor anyone's
10 fault. It appears to be an accident of
11 miscommunication recently discovered for which the
12 division has in place a policy for its correction. In
13 these cases, Cimarex is requesting the division to
14 adopt a novel and special interpretation of an
15 existing rule that will directly affect a specific
16 pool, and, in principle -- and this is in principle.
17 This situation is closely analogous to the notice
18 requirement embodied in rule 19-15-4-9-A-7, which
19 Permian Resources does not mention. And this rule is
20 designed to account for the need to specify and give
21 notice of the pool or common source of supply when a
22 party seeks to adopt, revoke, or amend special pool
23 orders.

24 Now Cimarex in this case is asking the
25 division to adopt a particular application and

1 interpretation of an existing rule. That's 19-15-16-
2 15, which Cimarex believes the plain language of the
3 rule should allow, but has never been before -- has
4 never before been considered by the division. So the
5 19-15-4-9-A-7 is very analogous to what were are
6 asking the division to do, and the proper notice to be
7 provided for this.

8 Which leads to an important
9 consideration. You can see in the present cases that
10 the pleadings are being hard-fought. There is no
11 doubt that these cases will likely end up before the
12 commission on appeal, no matter how they turn out.
13 And Madam Hearing Examiner, there is talk -- earlier
14 today at the hearing about a series of cases that
15 explored the procedural relationship between the
16 commission and the division. And as I remember, the
17 case in particular was commission case 21277.

18 Now these cases had been appealed to
19 the commission, and questions arose whether the cases
20 or their unresolved issues should be remanded back to
21 the division to be heard before they came to the
22 commission. The commission ruled yes, they should.
23 What at least appears to be one clear mandate that
24 came out of those cases was that the commission wants
25 all disputes and all unresolved issues reviewed and

1 settled at the division level before they make their
2 way to the commission for de novo hearing.

3 Cimarex, in these cases, has -- in
4 these present cases has a question of first impression
5 before the division. And that is specifically, can an
6 operator dedicate a well to a spacing unit when the
7 well is drilled just outside the spacing unit? And
8 the question turns on very specific criteria, such as
9 when the unique geology of the lands will allow the
10 well to efficiently produce oil and gas from the
11 target spacing unit.

12 Now in the division does not take the
13 time to answer this question prior to the contested
14 hearing, and it turns out that this unresolved
15 question, because it is unresolved, biases and
16 prejudices Cimarex in the hearing, the division will
17 have effectively punted the question to the commission
18 instead of applying its own technical expertise to
19 address the kind of question that the commission under
20 what appears to be its current policy would want the
21 division to address.

22 Now Permian Resources claims it will be
23 prejudiced if it isn't allowed to rush into this
24 hearing immediately, and that's what we're doing,
25 Madam Examiner. We're rushing into this very

1 complicated case that involves 32 cases, and they want
2 to advocate for a plan which costs a quarter of a
3 billion dollars more. That's a very sizable amount of
4 contemplate. That's a quarter of a billion dollars
5 more than Cimarex's plan. Yet Permian Resources fails
6 to say what prejudice exactly they would experience.
7 If the hearing is held without first resolving this
8 question, it is Permian Resources who will benefit and
9 Cimarex who will be the only one severely prejudiced.

10 This question of first impression that
11 Cimarex asks is, at a minimum, a 95 million dollar
12 question. If the division answers the question in
13 Cimarex's favor, then the division would have the
14 additional option of being able to select Cimarex's
15 plan if it so chooses, and that plan would be at least
16 95 million dollars less expensive and would avoid the
17 drilling of at least eight unnecessary wells, all
18 considerations required to be made by the division
19 under the pooling statute. In fact, in all -- Permian
20 Resources plan proposes 18 more wells than Cimarex's
21 plan.

22 If the division allows Permian
23 Resources to set the timeline and agenda for this
24 contested hearing, then the division and the
25 commission will be prejudiced, the procedural

1 integrity will be prejudiced, the owners will be
2 prejudiced by possibly having Permian Resources' plan
3 inherently favored during the proceeding, in light of
4 the unresolved legal question that, if resolved -- and
5 if resolved, the question, it would create a level
6 playing field for Cimarex's plan.

7 The public and the lands themselves
8 would be prejudiced by facing a higher probability of
9 being subjected to the drilling of numerous wells that
10 otherwise might prove to be unnecessary. The defects
11 in notice that Cimarex is currently dealing with are
12 real. Cimarex did not fabricate them. They were
13 discovered and should be allowed a curative in some
14 form. Cimarex caused the division to misinform the
15 public about the specific pool and common source of
16 supply that is being closely examined in these cases,
17 and Cimarex failed to send notice to CLM and Warren,
18 as is required of the Oil and Gas Act and its rules,
19 and these are facts.

20 But in addition to the need for
21 curative measures, Cimarex is concerned about Permian
22 Resources rushing into the contested hearing in order
23 to take advantage of critical legal questions that
24 remain unresolved. By preventing their resolution,
25 Permian Resources creates and maintains a level of

1 uncertainty and confusion during the proceedings that
2 provides Permian Resources with an unfair advantage
3 over Cimarex.

4 Cimarex was the first party to file its
5 pooling applications in these matters, and the
6 division allowed Permian Resources to file its
7 applications a month later, in accordance with the
8 division's policy designed to uphold fundamental
9 fairness in its proceedings.

10 Madam Examiner, Cimarex simply asks, in
11 the name of this fundamental fairness, that the
12 division continue these cases in order to allow
13 Cimarex to cure the existing defects in notice, but
14 also to use this additional time to consider some of
15 the deeper unresolved legal issues involved in these
16 cases that really should be addressed at the division
17 level prior to the hearing.

18 It should be noted that Permian
19 Resources did have the opportunity to respond to
20 Cimarex's brief, in which Cimarex attempted to fully
21 inform the division of these matters -- of these
22 unresolved questions, but Permian Resources decided
23 not to respond to this brief. And Cimarex believes
24 Permian Resources' lack of response is an effort to
25 gain and maintain advance by keeping the legal

1 questions unresolved and unanswered. And I thank
2 you -- I know that was lengthy, but I think it's very
3 important, and I thank you for your time.

4 THE HEARING OFFICER: And so Mr.
5 Savage, let me ask -- you didn't address the waivers
6 by CLM and Warren, and I'm wondering if you think they
7 are without effect. I mean ...

8 MR. SAVAGE: Madam Hearing Examiner, I
9 actually called -- when I found out in discovery that
10 we did not send notice those two individuals, I did
11 call Mr. Rankin and I talked to him about the
12 possibility of working around this. We thought there
13 might be a possibility, and -- but we both agreed that
14 there should be some form of curative involved.

15 But then later in the day, as I was
16 finalizing our exhibits for the deadline, I noticed
17 that we had this blatant announcement of the Quail
18 Ridge pool and pool code in our public announcement
19 and in the application, and I felt like that could be
20 gotten around. So, you know, in the motion for
21 continuance, I did include both. I think if we were
22 dealing with just the notice to the two working
23 interest owners and they guaranteed a waiver in
24 writing, I think we might be able to handle that, but
25 I think in the larger context, with Permian Resources

1 rushing into this -- I mean, Madam Examiner, their
2 plan proposes 18 additional wells that Cimarex thinks
3 is unnecessary. Once those wells are drilled into the
4 ground, into these lands, that's it. It's a done
5 deal. I mean, there's no turning back or considering
6 after the fact whether they're necessary, whether they
7 were too expensive, whether the oil and gas could have
8 been harvested by a better means. So, you know, this
9 is a very difficult case, and I think that it would
10 benefit everybody to pause a bit and answer these --
11 address these unresolved legal questions.

12 THE HEARING OFFICER: All right. Thank
13 you, Mr. Savage. Ms. Vance?

14 MR. RANKIN: Ms. Examiner, sorry. This
15 is Adam. I think I may take this response, if it's
16 okay with you.

17 In Mr. Savage's argument, I think I
18 heard a lot of issues that were raised in the legal
19 memorandum that they filed, but not in the motion to
20 continue. So initially I'm just going to focus on the
21 grounds for the continuance that were stated in the
22 motion, because I believe that's appropriate here.
23 Madam Examiner, I think as you correctly surmise, you
24 know, we have cured the noticed defect as to the two
25 owners who were not given notice by Cimarex of their

1 Wolf Camp applications, and as I think we made clear
2 in our response, those two owners are owners who own
3 only in the Wolf Camp. And as you might expect, where
4 Cimarex is not proposing to drill in the Wolf Camp and
5 actually proposed to put a buffer in place prohibiting
6 the drilling in the Wolf Camp, those two owners who do
7 not own interest in the Bone Spring and will not
8 benefit from the production in the wells that Cimarex
9 proposes actually prefers Permian's development plan
10 because their correlative rights will be protected.

11 For that reason, both those owners have
12 stated their support for Permian's applications and
13 proposal to go forward and also have agreed to waive
14 their -- Cimarex's defect issues in terms of their
15 notice defects. So as to those owners, I think it's
16 clear the division has always accepted a waiver of
17 formal notice, and in this case we have that.

18 As to the issue about the definition of
19 the pool, you know, I think thankfully Mr. Savage was
20 very detailed and overcompensated by providing a lot
21 of information about what they're seeking to pool, and
22 while no doubt that the pool code was incorrect, they
23 did identify specifically not only the formation but
24 identifying the tops and bottom within which they seek
25 to pool, but also the vertical extent, the well that

1 defines it, the API number, the footages and so forth.
2 So I don't think there's any possible way that anybody
3 reading that with an interest in this acreage would
4 have any doubt about what it is that Cimarex is
5 seeking to pool with the application.

6 So I think not only the spirit of the
7 law here but the letter of the law was addressed and
8 met, and I think based on the -- I'm a little
9 surprised, actually, that we're having this discussion
10 after Cimarex filed its hearing exhibits last night
11 for exhibit packets containing 1200 pages of exhibits,
12 because I think we're all ready to go. I mean, I
13 don't know why we're here talking about this now.
14 They filed their motion -- rather, their legal brief
15 that addresses their concerns. We'll be filing our
16 response today, and those are considerations that the
17 division can take into consideration in the context of
18 the hearing and the facts.

19 The legal arguments and issues that
20 were raised in the briefing, I think Madam Examiner,
21 are very straight forward. They go to longstanding
22 division procedures and understanding of the Oil and
23 Gas Act. The Oil and Gas Act is clear and express,
24 and I think you will understand better when the
25 briefing is complete, but I don't think there's any

1 reason for justification to extend the hearing in this
2 case on that basis. The parties were presented with a
3 briefing schedule previously. We agreed to the
4 briefing schedule. That briefing schedule is in
5 course. The division will have full legal arguments
6 under which they can consider the parties' opposing
7 positions on these matters. And all that will be
8 provided in due course, and we can proceed with the
9 facts.

10 So at this point, Madam Examiner, I
11 think trying to address in any more detail Mr.
12 Savage's arguments, I'll leave to the briefing. I
13 will say a couple things real quick as to some of the
14 things that I heard -- I believe I heard him say.

15 Number one, he made reference to a rule
16 in the division's regulations that govern special pool
17 orders. There are no special pool orders governing
18 this acreage or either of these pools. There's no,
19 you know, special considerations given here for any
20 orders affecting special pools. There's no special
21 pools at issue here. This is simply a case involving
22 two parties within defined proposed spacing units.

23 And as to the unique nature of the
24 novel issues here, I submit, and I believe Mr. Savage
25 identified as well in his briefing, there's really --

1 this is no different than a circumstance where there's
2 a division of ownership within a single pool,
3 effectively. And that issue is really determinative
4 here, as I think the division will understand as we
5 submit our response to the legal briefing. The
6 division of ownership here is what makes this case not
7 unique but is determinative. Not the geology, not the
8 engineering. You will hear plenty of testimony about
9 the engineering and the geology at the hearing on the
10 9th and 10th, but as you all understand, I believe, as
11 we will argue in our -- memo, that is not
12 determinative.

13 So with that, Madam Examiner, I believe
14 that the division should not delay this case. There's
15 no basis to do so. The parties are fully ready. All
16 the exhibits have been filed. All the testimony has
17 been filed, and we are ready to go.

18 THE HEARING OFFICER: Thank you, Mr.
19 Rankin. Anything to add, Mr. Savage?

20 MR. SAVAGE: I had a few items here.
21 Mr. Rankin refers to, in his argument, to support his
22 position that the letter and the spirit of the rules
23 and the statutes and -- it is true that we are not
24 dealing with a special pooling order, but we're
25 dealing with something closely analogous, and that is

1 the adoption of a particular interpretation of an
2 existing rule that affects a spacing unit. And since
3 the division has never addressed this, there really
4 needs to be -- we really need some feedback from the
5 division. If we don't receive that feedback and we go
6 forward, and a decision is made by the division, then
7 it falls into the lap of the commission. And that is
8 not the current policy that the commission has
9 established. It's at the division level is where the
10 technical expertise is. It's where it resides, and
11 the commission relies on the division to flesh out all
12 the issues -- technical, legal, regulatory -- before
13 it falls into the lap of the commission.

14 This case is way premature. They have
15 been pushing this -- you know, they receive the
16 benefit of accommodation of the division to apply to
17 file their applications after we filed ours first. We
18 filed applications just for the Bone Spring. When
19 they received their accommodation, they then filed
20 applications for the Bone Spring and the Wolf Camp in
21 an area that historically and, under current practice
22 today, never, you know, pools and drills the Wolf
23 Camp -- on very very rare situations does it do so.
24 There are maybe like one viable -- maybe one viable
25 code development plan in this area, and those will be

1 examined closely during the hearing, but they need to
2 be examined under the right context.

3 He also -- Mr. Rankin points out that
4 the two owners, they own in the Wolf Camp. It should
5 be noted that Cimarex has in good faith worked hard
6 with these owners. They have an open offer to blend
7 and extend interest into the Bone Spring so that their
8 correlative rights are protected. But they're not
9 interested in the protection of their correlative
10 rights or getting -- correlative rights as defined.
11 The just and fair share of production -- they're not
12 interested in that. They're using -- they have, like,
13 if I remember right, maybe .25 acres of working
14 interest -- an incredibly small, incredibly small
15 working interest, and they're using that and refusing
16 Cimarex's goodwill to try to push forward a
17 development plan that costs more than a quarter of a
18 billion dollars, when they're talking about .25 net
19 acres of working interest. Compare it to a quarter of
20 a billion dollars.

21 I just -- you know, and given the cost
22 of Permian Resources' plan, that basically wipes out
23 any notion -- any reasonable notion of correlative
24 rights. There is no way -- and if you're looking at
25 our charts, there is no way that they will ever be

1 compensated -- the owners will be compensated for
2 their correlative rights under Permian Resources' plan
3 because of the extreme cost.

4 So I really -- these are such important
5 issues. We're asking just for some time, not very
6 much, and there's no reason that Permian Resources
7 would be prejudiced. In fact, they would be benefited
8 by some clarity that the division would decide that
9 their plan is the correct plan.

10 Thank you for your time.

11 THE HEARING OFFICER: All right. Thank
12 you, Mr. Savage.

13 Based on what I've heard from both of
14 you and my reading of the motion and response, I'm
15 going to deny the motion for continuance. I'd like to
16 make the record next week, and tee it up for I guess
17 eventually the commission to say whatever they're
18 going to say, give us the guidance we need here.

19 So I'll look for your brief, Mr.
20 Rankin, in response to Mr. Savage's brief, and we will
21 see you next Wednesday and Thursday on the platform.

22 I've asked when Porter Hall is going to
23 be available again, but as I understand it, it's still
24 going to be a while. So we'll see.

25 Thank you all. See you next week.

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(Whereupon, at 2:14 p.m., the
proceeding was concluded.)

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CERTIFICATE OF DEPOSITION OFFICER

I, DANA FULTON, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record 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.



DANA FULTON
Notary Public in and for the
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, RICHARD GOODNESS, 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.



RICHARD GOODNESS

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