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

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

Case Nos. 23619, 23620, 23692,
23714, 23715, 23717, 23718, 23719,
23720, 23721, 23722, 23723, 23724,
23729, 23734, 23735, 23736, 23738,
23739, 23740, 23741, 23742, 23743,
23744, 23745, 23746, 23747, 23748,
23749, 23750, 23751, 23752, 23753,
23754, 23756, 23757, 23758, 23759,
23760, 23761, 23762, 23763, 23764,
23765, 23766, 23767, 23768, 23769,
23770, 23771, and 23772.

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VIDEOCONFERENCE HEARING

DATE: Thursday, September 7, 2023
TIME: 8:16 a.m.
BEFORE: Hearing Examiner Gregory Chakalian
LOCATION: Remote Proceeding
Santa Fe, New Mexico 87501
REPORTED BY: Dana Fulton, Notary Public
JOB NO.: 6054639

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A P P E A R A N C E S

ON BEHALF OF FRANKLIN MOUNTAIN ENERGY:

DEANA M. BENNETT, ESQUIRE (by videoconference)
Modrall Sperling
123 East Marcy, Suite 201
Santa Fe, NM 87501
deana.bennett@modrall.com
(505) 848-1800

ON BEHALF OF COG OPERATING, LLC:

MICHAEL FELDEWERT, ESQUIRE (by videoconference)
Holland & Hart
110 North Guadalupe, Suite 1
Santa Fe, NM 87501

JOBY RITTENHOUSE, ESQUIRE (by videoconference)
joby.rittenhouse@conocophillips.com
(432) 688-9027

ON BEHALF OF COG ACREAGE:

JOBY RITTENHOUSE, ESQUIRE (by videoconference)
joby.rittenhouse@conocophillips.com
(432) 688-9027

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

ON BEHALF OF COG PRODUCTION:

JOBY RITTENHOUSE, ESQUIRE (by videoconference)
joby.rittenhouse@conocophillips.com
(432) 688-9027

ON BEHALF OF MEWBOURNE OIL COMPANY:

JIM BRUCE, ESQUIRE (by videoconference)
James Bruce, Attorney at Law
P.O. Box 1056
Santa Fe, NM 87504
jamesbruc@aol.com

ON BEHALF OF CIMAREX ENERGY:

DARIN SAVAGE, ESQUIRE (by videoconference)
Abadie & Schill
214 McKenzie Street
Santa Fe, NM 87501
darin@abadieschill.com

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

ON BEHALF OF COTERRA ENERGY:

DARIN SAVAGE, ESQUIRE (by videoconference)
Abadie & Schill
214 McKenzie Street
Santa Fe, NM 87501
darin@abadieschill.com

ON BEHALF OF AMERICAN ENERGY RESOURCES:

JONATHAN SAMANIEGO (by videoconference)

ON BEHALF OF V-F PETROLEUM, INCORPORATED:

DARIN SAVAGE, ESQUIRE (by videoconference)
Abadie & Schill
214 McKenzie Street
Santa Fe, NM 87501
darin@abadieschill.com

ON BEHALF OF PERMIAN RESOURCES:

ADAM RANKIN, ESQUIRE (by videoconference)
Holland & Hart
110 North Guadalupe, Suite 1
Santa Fe, NM 87501
agrarkin@hollandhart.com

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

ON BEHALF OF PERMIAN RESOURCES (Cont'd):

DANA HARDY, ESQUIRE (by videoconference)

Hinkle Shanor

218 Montezuma Avenue

Sante Fe, NM 87501

JACLYN M. MCLEAN, ESQUIRE (by videoconference)

Hinkle Shanor

218 Montezuma Avenue

Sante Fe, NM 87501

ON BEHALF OF SPUR ENERGY PARTNERS

ADAM RANKIN, ESQUIRE (by videoconference)

Holland & Hart

110 North Guadalupe, Suite 1

Santa Fe, NM 87501

agrarkin@hollandhart.com

ON BEHALF OF EARTHSTONE OPERATING:

JACLYN M. MCLEAN, ESQUIRE (by videoconference)

Hinkle Shanor

218 Montezuma Avenue

Sante Fe, NM 87501

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

ON BEHALF OF COLGATE OPERATING, LLC:

JACLYN M. MCLEAN, ESQUIRE (by videoconference)
Hinkle Shanor
218 Montezuma Avenue
Sante Fe, NM 87501

ON BEHALF OF THE ESTATE OF JOHN STEARNS:

PETE DOMINICI, ESQUIRE (by videoconference)
Dominici Law Firm
P.O. Box 4295
Albuquerque, NM 87196
(503) 391-3750

ON BEHALF OF THE COMMISSIONER OF PUBLIC LANDS AND NEW
MEXICO OIL CORPORATION:

RICHARD MOORE (by videoconference)

ON BEHALF OF MARATHON OIL PERMIAN, LLC:

DEANA M. BENNETT, ESQUIRE (by videoconference)
Modrall Sperling
123 East Marcy, Suite 201
Santa Fe, NM 87501
deana.bennett@modrall.com
(505) 848-1800

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

ON BEHALF OF NEW MEXICO OIL CORPORATION:

DANA HARDY, ESQUIRE (by videoconference)
Hinkle Shanor
218 Montezuma Avenue
Sante Fe, NM 87501

ON BEHALF OF READ & STEVENS:

DANA HARDY, ESQUIRE (by videoconference)
Hinkle Shanor
218 Montezuma Avenue
Sante Fe, NM 87501

ON BEHALF OF MRC PERMIAN COMPANY:

MICHAEL FELDEWERT, ESQUIRE (by videoconference)
Holland & Hart
ADAM RANKIN, ESQUIRE (by videoconference)
Holland & Hart

ON BEHALF OF TAP ROCK OPERATING, LLC:

MICHAEL RODRIGUEZ, ESQUIRE (by videoconference)
Tap Rock Operating
523 Park Point Drive
Golden, CO 80401
mdrodriguez@taprk.com

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

ON BEHALF OF LONG BEACH MILLS:

JOBY RITTENHOUSE, ESQUIRE (by videoconference)
joby.rittenhouse@conocophillips.com
(432) 688-9027

ON BEHALF OF SK WARREN:

SHELLY DALRYMPLE, ESQUIRE (by videoconference)
Montgomery & Andrews
325 Paseo De Peralta
Sante Fe, NM 87501

ON BEHALF OF FORAN OIL COMPANY:

ADAM RANKIN, ESQUIRE (by videoconference)
Holland & Hart
110 North Guadalupe, Suite 1
Santa Fe, NM 87501
agrarkin@hollandhart.com

ON BEHALF OF FASKEN OIL AND RANCH:

ADAM RANKIN, ESQUIRE (by videoconference)
Holland & Hart
110 North Guadalupe, Suite 1
Santa Fe, NM 87501
agrarkin@hollandhart.com

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

ON BEHALF OF MATADOR PRODUCTION COMPANY:

ADAM RANKIN, ESQUIRE (by videoconference)
Holland & Hart
110 North Guadalupe, Suite 1
Santa Fe, NM 87501
agrarkin@hollandhart.com

ON BEHALF OF SCO PERMIAN:

JIM BRUCE, ESQUIRE (by videoconference)
James Bruce, Attorney at Law
P.O. Box 1056
Santa Fe, NM 87504
jamesbruc@aol.com

ALSO PRESENT:

Marlene Salvidrez, Host (by videoconference)
Dean McClure, Tech Examiner (by videoconference)
Charity Lee, Witness (by videoconference)

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I N D E X

E X H I B I T S

NO.	DESCRIPTION	ID/EVD
Case 23685:		
Exhibit F	Affidavit of Publication	76/
Exhibit G	Supplemental Geology Statement by Reed Davis	77/
Exhibit H	Revised Proposed Injection Well Bore Diagram	77/
Exhibit I	Surface Casting Remediation	78/
NO.	DESCRIPTION	ID/EVD
Case 23692:		
Exhibit 1	Application	90/95
Exhibit 2	Affidavit of Josh Anderson	91/95
Exhibit 2A	C102	91/95
Exhibit 2B	List of Parties Being Pooled	91/95
Exhibit 2C	Summary of Communications	92/95
Exhibit 2D	Authorization for Expenditures For AFE	92/95
Exhibit 3	Self-Affirming Statement of Charles Crosby	92/95
Exhibit 4	Affidavit of Notice	93/95
Exhibit 5	Certified Notice Spreadsheet	94/95
Exhibit 6	Notice of Publication	93/95

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

NO.	DESCRIPTION	ID/EVD
Case 23692 (Cont'd):		
Exhibit 7	Pooling Checklist	94/95

NO.	DESCRIPTION	ID/EVD
Case 23713:		
Exhibit 1	Application	98/100
Exhibit 2	Affidavit of Mitch Raab [ph]	98/100
Exhibit 2A	Affidavit	98/100
Exhibit 3	Self-Affirmed Statement Of Notice	99/100
Exhibit 3A	Certified Notice Listing	99/100

NO.	DESCRIPTION	ID/EVD
Case 23714:		
Exhibit A	Statement of Brian Van Staveran, Application Packet	107/108
Exhibit B	Self-Affirmed Statement of Dana Hardy With Notice, Proof of Mailing, and Notice Of Publication	108/108

NO.	DESCRIPTION	ID/EVD
E X H I B I T S (Cont'd)		
Case 23715:		
Exhibit A	Statement of Brian Van Staveran, Application Packet	107/108
Exhibit B	Self-Affirmed Statement of Dana Hardy With Notice, Proof of Mailing, and Notice Of Publication	107/108
Case 23717:		
Exhibit A	Statement of Travis Macha And Application Packet	111/112
Exhibit B	Self-Affirmed Statement Of Dana Hardy With Notice, Proof of Mailing, and Notice Of Publication	111/112
Case 23718:		
Exhibit A	Statement of Travis Macha And Application Packet	111/112

E X H I B I T S (Cont'd)		
NO.	DESCRIPTION	ID/EVD
Case 23718 (Cont'd):		
Exhibit B	Self-Affirmed Statement Of Dana Hardy With Notice, Proof of Mailing, and Notice Of Publication	111/112
Case 23719:		
Exhibit A	Statement of Travis Macha And Application Packet	111/112
Exhibit B	Self-Affirmed Statement Of Dana Hardy With Notice, Proof of Mailing, and Notice Of Publication	111/112
Case 23720:		
Exhibit A	Statement of Travis Macha And Application Packet	111/112
Exhibit B	Self-Affirmed Statement Of Dana Hardy With Notice, Proof of Mailing, and Notice Of Publication	111/112

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case 23721:		
4	Exhibit 1	Settlement Agreement	125/127
5	Exhibit A1	1960 Oil and Gas Lease	126/127
6	Exhibit A2	Lease Assignment to Stearns	126/127
7	Exhibit B	Lease Termination	126/127
8	Exhibit 2	Affidavit of Charity	
9		Stearns Lee	132/133
10			
11	NO.	DESCRIPTION	ID/EVD
12	Case 23722:		
13	Exhibit A	Document	136/136
14	Exhibit B	Document	136/136
15	Exhibit C	Document	136/136
16			
17	NO.	DESCRIPTION	ID/EVD
18	Case 23723:		
19	Exhibit A	Compulsory Pooling Checklist	139/140
20	Exhibit B	Declaration of Farley Duvall	139/140
21	Exhibit C	Affidavit of Elizabeth Scully	139/140
22			
23	NO.	DESCRIPTION	ID/EVD
24	Case 23724:		
25	Exhibit A	Compulsory Pooling Checklist	139/140

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

NO.	DESCRIPTION	ID/EVD
Case 23724 (Cont'd):		
Exhibit B	Declaration of Farley Duvall	139/140
Exhibit C	Affidavit of Elizabeth Scully	139/140
NO.	DESCRIPTION	ID/EVD
Case 23729:		
State Land Office:		
Exhibit A1	Lease	149/150
Exhibit A2	Assignment of Lease	149/150
Exhibit B1	Lease	149/150
Exhibit B2	Assignment of Lease	149/150
Exhibit C	Letter from State Land Commissioner	149/150
NO.	DESCRIPTION	ID/EVD
Permian Resources/New Mexico Oil Corp:		
Exhibit A	Document	151/151
Exhibit A1	Document	151/151
Exhibit A2	Document	151/151
Exhibit A3	Document	151/151
Exhibit A4	Document	151/151
Exhibit A5	Document	151/151
Exhibit B	Document	151/151

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

NO.	DESCRIPTION	ID/EVD
Case 23729 (Cont'd):		
Permian Resources/New Mexico Oil Corp (Cont'd):		
Exhibit C1	Document	151/151
Exhibit C2	Document	151/151
Exhibit C3	Document	151/151
Exhibit C4	Document	151/151
NO.	DESCRIPTION	ID/EVD
Case 23734:		
Exhibit A	Affidavit of Travis Macha	157/158
Exhibit B	Testimony of Ira Bradford	157/158
Exhibit C	Dana Hardy Notice Affidavit	157/158
NO.	DESCRIPTION	ID/EVD
Case 23735:		
Exhibit A	Affidavit of Travis Macha	157/158
Exhibit B	Testimony of Ira Bradford	157/158
Exhibit C	Dana Hardy Notice Affidavit	157/158
NO.	DESCRIPTION	ID/EVD
Case 23736:		
Exhibit A	Affidavit of Travis Macha	157/158
Exhibit B	Testimony of Ira Bradford	157/158

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case 23736 (Cont'd):		
4	Exhibit C	Dana Hardy Notice Affidavit	157/158
5			
6	NO.	DESCRIPTION	ID/EVD
7	Case 23738:		
8	Exhibit A	Pooling Application Checklist	164/168
9	Exhibit B	Application	164/168
10	Exhibit C	Affidavit of Isaac Evans	166/168
11	Exhibit C1	Map	166/168
12	Exhibit C2	C102	166/168
13	Exhibit C3	Mercer Project Tract	166/168
14	Exhibit C4	List of Working	
15		Interest Owners	166/168
16	Exhibit C5	List of Overriding	166/168
17		Royalty Interest Owners	166/168
18	Exhibit C6	Well Proposal Letter and AFEs	166/168
19	Exhibit C7	Communication Summary	166/168
20	Exhibit D	Affidavit of Liz Olson	167/168
21	Exhibit D1	Map	167/168
22	Exhibit D2	Map	167/168
23	Exhibit D3	Structural Cross Section Map	167/168
24	Exhibit E	Michael Feldewert Affidavit	167/168
25	Exhibit F	Affidavit of Publication	167/168

E X H I B I T S (Cont'd)		
NO.	DESCRIPTION	ID/EVD
Case 23739:		
Exhibit A	Pooling Application Checklist	164/168
Exhibit B	Application	164/168
Exhibit C	Affidavit of Isaac Evans	166/168
Exhibit C1	Map	166/168
Exhibit C2	C102	166/168
Exhibit C3	Mercer Project Tract	166/168
Exhibit C4	List of Working	
	Interest Owners	166/168
Exhibit C5	List of Overriding	
	Royalty Interest Owners	166/168
Exhibit C6	Well Proposal Letter and AFEs	166/168
Exhibit C7	Communication Summary	166/168
Exhibit D	Affidavit of Liz Olson	167/168
Exhibit D1	Map	167/168
Exhibit D2	Map	167/168
Exhibit D3	Structural Cross Section Map	167/168
Exhibit E	Michael Feldewert Affidavit	167/168
Exhibit F	Affidavit of Publication	167/168
Case 23740:		
Exhibit A	Compulsory Pooling Checklist	196/198

E X H I B I T S (Cont'd)		
NO.	DESCRIPTION	ID/EVD
Case 23740 (Cont'd):		
Exhibit B	Application	196/198
Exhibit C	Statement of David Johns	196/198
Exhibit C1	Overlapping Spacing Units Map	196/198
Exhibit C2	Notice Letter	196/198
Exhibit C3	C102, Maps, Letters	196/198
Exhibit C4	Document	196/198
Exhibit C5	Document	196/198
Exhibit D	Affidavit of Liz Olson	197/198
Exhibit D1	Locator Map	197/198
Exhibit D2	Sub-C Section Structure Map	197/198
Exhibit D3	Structural Cross-Section	197/198
Exhibit E	Notice Affidavit	197/198
Exhibit F	Notice of Publication	197/198
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Case 23741:		
Exhibit A	Compulsory Pooling Checklist	196/198
Exhibit B	Application	196/198
Exhibit C	Statement of David Johns	
	With Attachments	196/198
Exhibit D	Affidavit of Liz Olson	197/198
Exhibit D1	Locator Map	197/198

E X H I B I T S (Cont'd)		
NO.	DESCRIPTION	ID/EVD
Case 23741 (Cont'd):		
Exhibit D2	Sub-C Section Structure Map	197/198
Exhibit D3	Structural Cross-Section	197/198
Exhibit E	Notice Affidavit	197/198
Exhibit F	Notice of Publication	197/198
NO.	DESCRIPTION	ID/EVD
Case 23742:		
Exhibit A	Compulsory Pooling Checklist	202/205
Exhibit B	Application	202/205
Exhibit C	Statement of Isaac Evans	203/205
Exhibit C1	Map of Overlapping Spacing Units	203/205
Exhibit C2	Form C102	203/205
Exhibit C3	List of Involved Land Tracts	203/205
Exhibit C4	List of Pooled Parties	203/205
Exhibit C5	List of Overriding Royalty Interest Owners	203/205
Exhibit C6	Well Proposal Letter and AFEs	203/205
Exhibit C7	Chronology of Contacts	203/205
Exhibit D	Affidavit of Liz Olson	204/205
Exhibit D1	General Location Map	204/205
Exhibit D2	Structure Map	204/205

1 E X H I B I T S (Cont'd)

2 NO. DESCRIPTION ID/EVD

3 Case 23742(Cont'd):

4 Exhibit D3 Structural Cross-Section 204/205

5 Exhibit E Affidavit of Mailing 205/205

6 Exhibit F Affidavit of Publication 205/205

7

8 NO. DESCRIPTION ID/EVD

9 Case 23743:

10 Exhibit A Compulsory Pooling Checklist 202/205

11 Exhibit B Application 202/205

12 Exhibit C Statement of Isaac Evans 203/205

13 Exhibit C1 Map of Overlapping

14 Spacing Units 203/205

15 Exhibit C2 Form C102 203/205

16 Exhibit C3 List of Involved Land Tracts 203/205

17 Exhibit C4 List of Pooled Parties 203/205

18 Exhibit C5 List of Overriding Royalty

19 Interest Owners 203/205

20 Exhibit C6 Well Proposal Letter and AFEs 203/205

21 Exhibit C7 Chronology of Contacts 203/205

22 Exhibit D Affidavit of Liz Olson 204/205

23 Exhibit D1 General Location Map 204/205

24 Exhibit D2 Structure Map 204/205

25 Exhibit D3 Structural Cross-Section 204/205

E X H I B I T S (Cont'd)		
NO.	DESCRIPTION	ID/EVD
Case 23743 (Cont'd):		
Exhibit E	Affidavit of Mailing	205/205
Exhibit F	Affidavit of Publication	205/205
NO.	DESCRIPTION	ID/EVD
Case 23744:		
Exhibit A	Compulsory Pooling Checklist	202/205
Exhibit B	Application	202/205
Exhibit C	Statement of Isaac Evans	203/205
Exhibit C1	Map of Overlapping	
	Spacing Units	203/205
Exhibit C2	Form C102	203/205
Exhibit C3	List of Involved Land Tracts	203/205
Exhibit C4	List of Pooled Parties	203/205
Exhibit C5	List of Overriding Royalty	
	Interest Owners	203/205
Exhibit C6	Well Proposal Letter and AFEs	203/205
Exhibit C7	Chronology of Contacts	203/205
Exhibit D	Affidavit of Liz Olson	204/205
Exhibit D1	General Location Map	204/205
Exhibit D2	Structure Map	204/205
Exhibit D3	Structural Cross-Section	204/205
Exhibit E	Affidavit of Mailing	205/205

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case 23744 (Cont'd):		
4	Exhibit F	Affidavit of Publication	205/205
5			
6	NO.	DESCRIPTION	ID/EVD
7	Case 23745:		
8	Exhibit A	Compulsory Pooling Checklist	202/205
9	Exhibit B	Application	202/205
10	Exhibit C	Statement of Isaac Evans	203/205
11	Exhibit C1	Map of Overlapping	
12		Spacing Units	203/205
13	Exhibit C2	Form C102	203/205
14	Exhibit C3	List of Involved Land Tracts	203/205
15	Exhibit C4	List of Pooled Parties	203/205
16	Exhibit C5	List of Overriding Royalty	
17		Interest Owners	203/205
18	Exhibit C6	Well Proposal Letter and AFEs	203/205
19	Exhibit C7	Chronology of Contacts	203/205
20	Exhibit D	Affidavit of Liz Olson	204/205
21	Exhibit D1	General Location Map	204/205
22	Exhibit D2	Structure Map	204/205
23	Exhibit D3	Structural Cross-Section	204/205
24	Exhibit E	Affidavit of Mailing	205/205
25	Exhibit F	Affidavit of Publication	205/205

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case 23746:		
4	Exhibit A	Compulsory Pooling	
5		Application Checklist	218/222
6	Exhibit B	Application	218/222
7	Exhibit C	Hawks Holder Self-Affirmed	
8		Statement with Attachments	220/222
9	Exhibit D	Andrew Parker Self-Affirmed	
10		Statement with Attachments	220/222
11	Exhibit E	Holland & Hart Self-Affirmed	
12		Statement Re: Notice	221/222
13	Exhibit F	Notice of Publication	221/222
14			
15	NO.	DESCRIPTION	ID/EVD
16	Case 23747:		
17	Exhibit A	Compulsory Pooling	
18		Application Checklist	218/222
19	Exhibit B	Application	218/222
20	Exhibit C	Hawks Holder Self-Affirmed	
21		Statement with Attachments	220/222
22	Exhibit D	Andrew Parker Self-Affirmed	
23		Statement with Attachments	220/222
24	Exhibit E	Holland & Hart Self-Affirmed	
25		Statement Re: Notice	221/222

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case 23747 (Cont'd):		
4	Exhibit F	Notice of Publication	221/222
5			
6	NO.	DESCRIPTION	ID/EVD
7	Case 23748:		
8	Exhibit A	Compulsory Pooling	
9		Application Checklist	218/222
10	Exhibit B	Application	218/222
11	Exhibit C	Hawks Holder Self-Affirmed	
12		Statement with Attachments	220/222
13	Exhibit D	Andrew Parker Self-Affirmed	
14		Statement with Attachments	220/222
15	Exhibit E	Holland & Hart Self-Affirmed	
16		Statement Re: Notice	221/222
17	Exhibit F	Notice of Publication	221/222
18			
19	NO.	DESCRIPTION	ID/EVD
20	Case 23749:		
21	Exhibit A	Compulsory Pooling	
22		Application Checklist	218/222
23	Exhibit B	Application	218/222
24	Exhibit C	Hawks Holder Self-Affirmed	
25		Statement with Attachments	220/222

E X H I B I T S (Cont'd)		
NO.	DESCRIPTION	ID/EVD
Case 23749 (Cont'd):		
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P R O C E E D I N G S

THE HEARING EXAMINER: -- 2023. These are the hearings of the New Mexico Oil Conservation Division. I am Gregory Chakalian, your Hearing Examiner.

With me today, technical, is Dean McClure. Assisting today is Marlene Salvidrez. The worksheet is on our website.

To begin with, we have case number 23619 and 23620. May I have appearance, please?

MS. BENNETT: Good morning. Deana Bennett on behalf of Franklin Mountain Energy.

THE HEARING EXAMINER: Good morning.

MR. FELDEWERT: Good morning, Mr. Chakalian and Mr. McClure. Michael Feldewert with the Sante Fe office of Holland & Hart, appearing on behalf of COG Operating, LLC.

THE HEARING EXAMINER: Thank you. And do we have Ms. Ocean Munds-Dry as well?

MR. FELDEWERT: Well, I would actually be appearing for her. I don't know who -- Joby -- is -- I'll let him answer --

MR. RITTENHOUSE: Yes. No, excuse me, this is Joby Rittenhouse for ConocoPhillips. Ocean Munds-Dry is no longer with the company; has taken a

1 position with another company. However, Holland Hart
2 is representing our interests in these cases.

3 THE HEARING EXAMINER: Okay. Let me
4 make a note here. We had a continuance on this case
5 from the July docket. Where are we with this case?

6 MS. BENNETT: Thank you, Mr. Examiner.
7 Again, Deana Bennett on behalf of Franklin Mountain
8 Energy.

9 So in these cases, Franklin Mountain
10 Energy filed its applications in early June. And as
11 you noted, there was a continuance filed by us because
12 a couple of days before the hearing, COG emailed me to
13 let me know that COG was going to be sending out
14 competing proposals and file competing applications.

15 And our expectation at that time was
16 that the competing -- given the timeline -- was that
17 the competing applications would be ready for a
18 September 7th hearing. However, COG's proposal
19 letters didn't go out in time for a September 7th
20 hearing, and so at that point we were expecting an
21 October 5th hearing the COG's applications would be
22 ripe by October 5th.

23 But I just learned earlier this week
24 that COG sent out new proposal letters rescinding
25 their prior proposal letters. So at this point, it

1 seems to me, and I'll defer to Mr. Feldewert on this,
2 but it seems to me that these -- their applications
3 could be ripe for a November 2nd contested hearing.

4 And that's what Franklin Mountain
5 Energy would prefer, and would like, is a November 2nd
6 contested hearing.

7 THE HEARING EXAMINER: And contested in
8 what sense?

9 MS. BENNETT: It would be contested
10 because COG would be filing competing applications.
11 So Franklin Mountain Energy and COG would be having a
12 contested hearing over who would be operator of the
13 tested units.

14 And I'm not entirely sure, to be honest
15 with you, whether there's a 100 percent overlap
16 between the units that Franklin Mountain Energy is
17 proposing and the units that COG is proposing. I
18 think it is a 100 percent overlap.

19 And so it would be a hearing to
20 determine as between the competing applications which
21 operator should be granted operatorship over the
22 units.

23 THE HEARING EXAMINER: Thank you.

24 Mr. Feldewert?

25 MR. FELDEWERT: Ms. Bennett is correct.

1 COG, after some discussions, I believe, with Franklin
2 Mountain, has sent out some revised well proposal at
3 the end of August. And if the parties aren't able to
4 reach a resolution, we do anticipate filing competing
5 pooling applications on October 3rd so they would
6 be -- show up on the Division 's November 2nd docket.

7 Remain hopeful the parties can work
8 things out, but -- with the new proposal, but I guess
9 we'll see between now and October.

10 THE HEARING EXAMINER: So
11 Mr. Feldewert, it sounds like the parties are still
12 negotiating, as well?

13 MR. FELDEWERT: That's my
14 understanding. It's my understanding. And I think
15 this -- the amendment to their prior well proposals
16 that COG sent out at the end of August, we're hoping
17 that that allows the parties to reach some kind of
18 resolution.

19 THE HEARING EXAMINER: What is the
20 deadline for the filing so that we could have a
21 November 2nd contested hearing?

22 MR. FELDEWERT: We would need to file
23 on or before October 3rd. And what I mean by filing,
24 we'd be filing our competing pooling applications.

25 THE HEARING EXAMINER: Because the

1 deadline would be October 3rd?

2 MR. FELDEWERT: Yes, sir.

3 THE HEARING EXAMINER: I'm looking
4 for -- I see in the rule prehearing statements. What
5 part of the rule are you citing to?

6 MR. FELDEWERT: So I'll have to get my
7 rulebook out if I need to, but I can -- off the top of
8 my head, there is a rule that requires applications to
9 be filed 30 days in advance of the anticipated hearing
10 date.

11 And then there's a separate rule that
12 requires the prehearing statements to be filed in
13 advance of the hearing date. So I'm referencing the
14 rule that requires the applications to be filed, sir.

15 THE HEARING EXAMINER: Okay.

16 Mr. McClure, do you have any questions?

17 MR. MCCLURE: No, no questions here,
18 thank you.

19 THE HEARING EXAMINER: Okay. Marlene,
20 is there room on the November 2nd docket for a
21 contested hearing?

22 MS. SALVIDREZ: Yes, we can do November
23 2nd. We won't issue a prehearing order until we get
24 those new case numbers why you all -- so just be aware
25 of that.

1 THE HEARING EXAMINER: Sounds like we
2 have some users, come call-in users that are causing
3 some interference. Could you mute yourself please?

4 Okay, Ms. Bennett, we will wait for COG
5 to file their application, their competing
6 application, unless you work this out between each
7 other. If you do work it out, are you
8 withdrawing -- are you withdrawing something, or then
9 would we not have a contested hearing?

10 MS. BENNETT: Yes, thank you,
11 Mr. Examiner, for that question. I'm not sure who
12 would withdraw their competing applications, but that
13 would be the ultimate outcome is if the parties were
14 able to reach an agreement, one of the parties would
15 withdraw their competing applications and the other
16 party would be able to move forward by -- with
17 uncontested hearing.

18 THE HEARING EXAMINER: Through
19 affidavit?

20 MS. BENNETT: Yes. Assuming that there
21 are no other objections to the case moving forward.
22 Which we haven't seen any other objections to our
23 cases moving forward by affidavit.

24 THE HEARING EXAMINER: Okay. And the
25 rule, Mr. Feldewert, is 19.15.48, subsection B, which

1 talks about 30 days before. So thanks for bringing
2 that to my attention. Is there anything else before
3 we move on from these two cases?

4 MS. BENNETT: Nothing from me except to
5 confirm that while we're waiting for the COG
6 applications to be filed, that the November 2nd date
7 will be held for either a contested hearing or an
8 uncontested hearing for this -- these matters.

9 THE HEARING EXAMINER: Marlene?

10 MS. SALVIDREZ: That is correct, and I
11 do have it on my notes.

12 THE HEARING EXAMINER: And I have it,
13 as well.

14 MS. BENNETT: Thank you so much. Thank
15 you.

16 THE HEARING EXAMINER: Mr. Feldewert,
17 anything else?

18 MR. FELDEWERT: No. Thank you for your
19 time.

20 THE HEARING EXAMINER: Okay, thank you.
21 Let's move on to case 23708 and 23709.
22 We're here for a status conference. My notes on this
23 case indicate that we have an appearance by Mr. Bruce?

24 MR. BRUCE: That's correct,
25 Mr. Examiner. Jim Bruce representing Mewbourne Oil

1 Company.

2 THE HEARING EXAMINER: We also have a
3 appearance by Cimarex?

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

9 THE HEARING EXAMINER: And if I'm not
10 mistaken, sir, you filed an objection to proceed by
11 affidavit?

12 MR. SAVAGE: That is correct. We did.

13 THE HEARING EXAMINER: Okay. This was
14 continued from the July docket. We also have a
15 Mr. Samaniego on behalf of American Energy Resources.
16 Sir, are you there?

17 MR. SAMANIEGO: I'm here, Mr. Examiner.

18 THE HEARING EXAMINER: Wonderful. And
19 we have an objection from you, as well?

20 MR. SAMANIEGO: Yes.

21 THE HEARING EXAMINER: Okay, wonderful
22 We have a prehearing statement filed at the end of
23 August. Now we have a motion to dismiss the
24 objection. It was filed on 8/31 before Mr. Samaniego
25 provided his objection.

1 So let's start with this motion to
2 dismiss the objection, which Mr. Bruce, I assume
3 covers both objections?

4 MR. BRUCE: Mr. Examiner, no, that one
5 specifically applied to Cimarex's objection. But
6 yesterday in the afternoon I did file another pleading
7 and I have withdrawn that motion.

8 THE HEARING EXAMINER: Which motion?

9 MR. BRUCE: The -- the objection -- I
10 have withdrawn my motion to dismiss Mr. Savage's
11 objection.

12 THE HEARING EXAMINER: I see.

13 MR. BRUCE: So that's no longer at
14 issue. Basically, what we're here for today is to set
15 a hearing date; contested hearing date.

16 THE HEARING EXAMINER: Mr. Bruce?

17 MR. BRUCE: Yes?

18 THE HEARING EXAMINER: A contested
19 hearing date?

20 MR. BRUCE: Well, if -- I think
21 Cimarex, Mr. Savage's client, and my client will
22 probably -- but I'll let Mr. Savage comment upon
23 that -- we'll probably work things out, and it would
24 be uncontested as to that.

25 As to American Energy Resources, I

1 have, in my pleading yesterday I have said that
2 Mewbourne does not seek to pool American because it
3 doesn't think it owns the working interest, and
4 therefore, it's dismissed.

5 THE HEARING EXAMINER: I read that.

6 MR. BRUCE: We're not seeking to pool
7 American anymore, so in my opinion, it would be an
8 uncontested case.

9 THE HEARING EXAMINER: Okay. And
10 Mr. Samaniego also filed a response to your
11 pleading -- we'll call it a pleading -- in which he
12 says that he does have a working interest. Is that
13 right, Mr. Samaniego?

14 MR. SAMANIEGO: Yes, Mr. Examiner.

15 THE HEARING EXAMINER: That's what I
16 thought. Okay.

17 Mr. McClure, do you have any questions
18 for the parties at this point?

19 MR. MCCLURE: No questions from me.
20 Thank you.

21 THE HEARING EXAMINER: Mr. Bruce, I
22 understand that you feel this is an -- or this will be
23 an uncontested hearing. I'm wondering how you view
24 the issue of what Mr. Samaniego has raised?

25 MR. BRUCE: Well, he's going to have to

1 show some evidence of title. I mean, he does own a
2 royalty interest. Mewbourne agrees with that. But
3 we're not seeking to force-pooled royalty interest
4 owners because, you know, they're not liable for well
5 costs. We are only seeking to pool some working
6 interest owners.

7 THE HEARING EXAMINER: I understand.

8 MR. BRUCE: And my clients have
9 informed me that American Energy does not own anything
10 more than a royalty under a lease that's owned by Oxy,
11 and I believe, if I can check my file -- and Mewbourne
12 is seeking to pool Oxy, and they have been in
13 discussions with Oxy. But if Mr. Samaniego has a
14 beef, it's with Oxy, it's not with Mewbourne.

15 THE HEARING EXAMINER: Mr. Samaniego?

16 MR. SAMANIEGO: Yes. Mr. Bruce is
17 ignoring my termination letter that I submitted with
18 the response. And Mr. Bruce's personal opinion has no
19 merit here.

20 MR. BRUCE: It's not my opinion, it's
21 the opinion of my client.

22 MR. SAMANIEGO: And the opinion of my
23 team is that a termination letter has been sent to Oxy
24 the beginning of the year terminating that lease for a
25 non-producing well. A royalty owner has a right to

1 manage his minerals. A lease does not grant an oil
2 company full authority and rights over minerals when
3 they continually non-produce. An oil company has --

4 THE HEARING EXAMINER: Okay, hold on,
5 hold on. Just a second, though.

6 MR. SAMANIEGO: -- an oil
7 company -- oil company --

8 THE HEARING EXAMINER: Hold on. Sir,
9 sir, when I ask you to hold on, I'd like you to stop.
10 And I don't want the parties speaking to each other.

11 So Mr. Bruce, Mr. Bruce, with this in
12 mind, is there some document or some proof that
13 Mr. Samaniego can submit before the next hearing that
14 will satisfy his --

15 Can we silence -- Marlene, can we
16 silence these call-in users? Thank you.

17 Mr. Bruce, is there some evidence that
18 Mr. Samaniego can submit to this office to show that
19 his lease is terminated and now he owns a working
20 interest?

21 MR. BRUCE: Well, I -- I apologize. I
22 got messed up on my schedule yesterday. I didn't see
23 Mr. Samaniego's subsequent filing. I think it's still
24 sitting in my computer. But he says he sent in a
25 letter terminating the lease. Unfortunately, he's

1 going to have to settle that out with Oxy because you
2 cannot unilaterally terminate a lease like that.

3 MR. SAMANIEGO: On a non-producing
4 well, you can.

5 THE HEARING EXAMINER: Mr. Samaniego, I
6 asked -- Mr. Samaniego, if you can't control your
7 responses, I'm going to ask Marlene to silence you. I
8 asked you not to speak directly to another party.
9 You'll wait your turn until you're called on. Do you
10 understand, sir?

11 MR. SAMANIEGO: Yes, Mr. Examiner.

12 THE HEARING EXAMINER: Thank you, sir.
13 I'm going to give you every opportunity to respond,
14 Mr. Samaniego, but I need to hear, first, one party at
15 a time.

16 So Mr. Bruce, would you finish your
17 response?

18 MR. BRUCE: I will contact my client.
19 They understand -- their understanding is that Oxy
20 still claims, and -- that that lease is valid. Now, I
21 do not know, I mean, Mr. Samaniego may well be right
22 that the lease has expired due to non-production.

23 But at this point, my client thinks
24 differently and is seeking to force-pool Oxy's
25 interest in the well. And if Oxy doesn't agree that

1 the lease is terminated, Mr. Samaniego's remedy is go
2 to district court to have -- to enforce termination of
3 the lease. It's not in front of the Division.

4 THE HEARING EXAMINER: Mr. Samaniego?

5 MR. SAMANIEGO: You don't need district
6 court approval to terminate a lease. It's clearly
7 stated in the lease that for non-production, the lease
8 is terminated; it's void.

9 THE HEARING EXAMINER: Well,
10 Mr. Samaniego, I understand your position, and you may
11 very well be correct. But I agree with Mr. Bruce that
12 you cannot unilaterally terminate a lease, that you
13 need to work this out with your lessee and provide
14 some sort of evidence to the Division that it's been
15 worked out, and that either you own the working
16 interest or Oxy continues to own the working interest.
17 How much time do you think you'll need to do that?

18 MR. SAMANIEGO: I'd like to have until
19 the January 18, 2024, new hearing schedule.

20 THE HEARING EXAMINER: I read that in
21 your -- I read that in your motion and in your
22 response to Mr. Bruce's motion.

23 Mr. McClure, do you have any questions
24 for these parties?

25 MR. MCCLURE: I have no questions at

1 this particular time. Thank you, Mr. Chakalian.

2 THE HEARING EXAMINER: It's Chakalian.
3 You're welcome.

4 Marlene, when is the next hearing date
5 that we can put this on?

6 MS. SALVIDREZ: I would say November
7 2nd.

8 THE HEARING EXAMINER: November 2nd.
9 Okay, Mr. Bruce, are you going to be ready for a
10 November 2nd contested hearing if necessary?

11 MR. BRUCE: For better or worse, I'm
12 always ready for hearings and have been so for quite
13 some years. But I would -- I would ask that it
14 be -- I think Mr. Savage originally requested an
15 October -- what would that be -- the 5th date.

16 If the case is not going to be
17 contested, I would rather go for that October 5th
18 date. We will find out -- I will -- after I get done
19 with the hearings today, I will contact my client and
20 have them check with Oxy and even if -- and -- and I
21 will report back to Mr. Samaniego and Mr. Savage, and
22 of course to the Division, on what I find out.

23 If Oxy thinks the lease is dead, yeah,
24 then November 2nd would be fine with me because we
25 would renotify American of the hearing if they do own

1 a working interest. But if they don't own a working
2 interest and they have to contest this matter with
3 Oxy, then I think we should be allowed to move forward
4 sooner than November, and certainly January is out of
5 the question for me.

6 THE HEARING EXAMINER: Mr. Samaniego,
7 would you be ready for a November 2nd contested
8 hearing?

9 MR. SAMANIEGO: I will not. That
10 doesn't give me enough time to do it -- I mean, to do
11 anything, you know, so a November or October hearing
12 will not work for me within the deadline here.

13 THE HEARING EXAMINER: Well,
14 Mr. Samaniego --

15 MR. SAMANIEGO: So I think -- I
16 believe --

17 THE HEARING EXAMINER: Sir -- sir, sir,
18 you have not provided me any evidence that you own a
19 working interest. I understand your position. And
20 I'm giving you time to work it out with Oxy.
21 However -- however, sir, if you do own a working
22 interest, then you can file the proper documents with
23 Marlene and we will -- we'll consider that.

24 But for now, I'm going to set this for
25 a November 2nd hearing. I realize that neither party

1 is happy with this outcome, but that's the time that
2 we have for a contested hearing at this time.

3 So Marlene, would you please make a
4 note of that?

5 MS. SALVIDREZ: Yes.

6 THE HEARING EXAMINER: Okay. Is there
7 anything else from the parties on this case?

8 MR. BRUCE: No. Thank you,
9 Mr. Examiner.

10 MR. RITTENHOUSE: Mr. Chakalian?

11 THE HEARING EXAMINER: We're going
12 to --

13 MR. RITTENHOUSE: I apologize for the
14 interruption. I just want to clarify the record.
15 This is Joby Rittenhouse with ConocoPhillips. I
16 believe COG Operating and Conoco Oil and Gas have
17 entered appearances in this case, and just wanted to
18 state my appearance. We have nothing further to add,
19 but did just want to clarify that. Please correct me
20 if I'm wrong.

21 THE HEARING EXAMINER: Okay. Hold on
22 one second. I have -- yes, I did have Ocean Munds-Dry
23 on behalf of ConocoPhillips. So you're replacing?

24 MR. RITTENHOUSE: Yes, sir.

25 THE HEARING EXAMINER: Will you be

1 filing a substitution of counsel for that?

2 MR. RITTENHOUSE: You know, I assume we
3 will. That's a great question. We will get to that
4 in due course. Have not done that yet. Thank you.

5 THE HEARING EXAMINER: That will just
6 reduce the confusion factor for me.

7 MR. RITTENHOUSE: Yes, sir. No, I
8 appreciate that. Thank you.

9 THE HEARING EXAMINER: You're welcome.
10 And I'm sorry I left you out of this discussion. Did
11 you say you had anything you wanted to discuss with
12 this?

13 MR. RITTENHOUSE: No, sir. We have
14 nothing to add. Thank you.

15 THE HEARING EXAMINER: All right, I
16 appreciate it. Thank you, sir.

17 So we're going to move on to --

18 MR. BRUCE: Mr. --

19 THE HEARING EXAMINER: Excuse me?

20 MR. BRUCE: Mr. Examiner, if I could, I
21 just want to note that Mr. Rittenhouse's client and
22 Mewbourne have come to terms. And therefore, they are
23 not -- we are not seeking -- Mewbourne is not seeking
24 to force-pool COG or ConocoPhillips at this time, or
25 ever, in this matter. Thank you.

1 THE HEARING EXAMINER: Okay. Is
2 that -- are you saying that you're making a change to
3 your application?

4 MR. BRUCE: That I'm -- what, now?
5 Excuse me.

6 THE HEARING EXAMINER: Are you
7 suggesting that you are going to amend your
8 application to show that?

9 MR. BRUCE: No, I'm not going -- I'm
10 not going to amend the application. The application
11 remains the same. It's just one fewer -- one less
12 party that I'm force-pooling.

13 THE HEARING EXAMINER: Okay. I
14 understand. Thank you, Mr. Bruce.

15 We're going to move on to --

16 MR. SAMANIEGO: I wasn't asked for
17 a -- you know, for a final statement. Everyone else
18 had a turn but me.

19 THE HEARING EXAMINER: I'm not sure who
20 this is?

21 MR. SAMANIEGO: Samaniego.

22 THE HEARING EXAMINER: Okay. Would you
23 like to say something else before we move on?

24 MR. SAMANIEGO: Thank you,
25 Mr. Examiner, for giving me a little time.

1 So you're saying that you're wanting
2 more evidence to -- for me to present to show that my
3 lease is valid. Are you requesting that I submit the
4 old Oxy lease from '73 to show that my lease -- that
5 my new lease is valid? Showing that it's been -- it's
6 expired?

7 THE HEARING EXAMINER: Mr. Samaniego,
8 you submitted documents to this office yesterday in
9 response --

10 MR. SAMANIEGO: I submitted one, and
11 that was the new lease. But I can send the old lease,
12 of the Oxy lease in '73 showing its -- that lease has
13 been expired. It's set.

14 THE HEARING EXAMINER: That's not what
15 I'm asking for, Mr. Samaniego. I'm asking for
16 evidence that you have a working interest -- you say
17 that you have canceled -- you have unilaterally
18 canceled the lease with the operator.

19 And what this office is asking you for
20 is something that shows that they are in agreement
21 with you and that they have -- that it is correct that
22 you have terminated it and it is legally binding so
23 that you do have a correct interest to be able to
24 participate.

25 MR. SAMANIEGO: Well, the statement on

1 their old lease is the evidence. If it was to them,
2 they'd own the minerals by royalties in all New
3 Mexico, but it was -- in the old lease from '73, it
4 states clearly that for non-production, the lease is
5 void.

6 THE HEARING EXAMINER: I understand
7 that's your position, but my position has been clearly
8 enunciated during this hearing and you will either
9 provide this division with a -- with evidence that you
10 have a working interest, or we will proceed with an
11 uncontested hearing on November 2nd.

12 Okay, we are going to move on to 23728,
13 V-F Petroleum. Mr. Savage, are you with us?

14 MR. SAVAGE: Yes. Good morning,
15 Mr. Examiner. Good morning, Mr. Technical Examiner.
16 Darin Savage on behalf of V-F Petroleum, Incorporated.

17 THE HEARING EXAMINER: And we have
18 Mr. Rankin on behalf of Permian Resources?

19 MR. RANKIN: Good morning,
20 Mr. Examiner. Adam Rankin appearing on behalf of
21 Permian Resources.

22 THE HEARING EXAMINER: And do we have
23 an objection to proceed by affidavit?

24 MR. RANKIN: Yes, Mr. Examiner, we do
25 have an objection. Permian Resources has objected to

1 the case proceeding by affidavit.

2 THE HEARING EXAMINER: Well, so we're
3 here for a status conference today. I also see a
4 motion filed by Mr. Savage. Would you like to discuss
5 that motion?

6 MR. SAVAGE: Yes, I would,
7 Mr. Examiner. When we received the objection by
8 discussion with opposing counsel, we were informed
9 that they would be filing -- that Permian Resources
10 would be filing a competing objection -- competing
11 application.

12 And when V-F Petroleum reviewed the
13 competing unit that Permian Resources had proposed in
14 their well proposal, and that would be -- it looks
15 like -- it looks like it'd be an overlapping unit
16 covering section 5 and 6, and this also happens to
17 correspond to their proposed unit for the north half
18 north half of Section 5 and 6 in their JOA.

19 We reviewed closely if Permian
20 Resources owned any interest in that overlapping unit,
21 and we came to the conclusion that they did not. And
22 similar to the last hearing that we had,
23 Permian -- V-F Petroleum feels that although they have
24 a right to -- that Permian Resources has a right to a
25 continuance in order to have a right to a

1 contested -- a contested hearing date, they need to
2 qualify as a -- they need to qualify as a competing
3 applicant.

4 And therefore, they need to meet the
5 threshold of the pooling statute of ownership in the
6 competing unit, and if they cannot do that, which we
7 believe that they cannot, which we show in our motion,
8 then we feel that V-F Petroleum has a right to have a
9 hearing date set for September 21st to -- and Permian
10 Resources, then, would be able to provide evidence
11 that is has ownership in the competing unit.

12 And if they do have ownership, they
13 would be able to file a competing application. And
14 then we would have a status conference on September
15 21st and decide on the competing -- contested hearing
16 date. But at this point, we feel like it's premature
17 to set a contested hearing date.

18 And I'd also like to point out that
19 this seems very telling. Permian Resources had an
20 opportunity to respond to our motion. They did not
21 give a written response, and it would have been very,
22 very easy to show -- if they do own a working
23 interest, it would have been very easy to document
24 that and show that to the OCD. So we feel
25 that -- that we should go forward with a September

1 21st continuance.

2 THE HEARING EXAMINER: Thank you,
3 Mr. Savage. Do you mean -- you don't mean
4 continuance, do you? Do you mean uncontested hearing?

5 MR. SAVAGE: Well -- well, I'm not
6 sure -- for the hearing date for September 21st, we
7 assume it would be uncontested based on the current
8 evidence of ownership. But if it turns out not to
9 be -- if Permian Resources does show evidence of
10 working interest, then that could be turned into a
11 status conference and the OCD could decide when the
12 best time for a contested hearing date would be.

13 THE HEARING EXAMINER: Thank you.
14 Mr. Rankin?

15 MR. RANKIN: Thank you, Mr. Examiner.
16 At this time, Permian's objections are based on its
17 ownership in V-F Petroleum's proposed spacing unit.
18 Mr. Savage in his motion and the arguments that he
19 raises are, I feel, entirely premature.

20 Under the Division's regulations and
21 the guidance, the party who is subject to a compulsory
22 pooling application has the right to object to the
23 case proceeding by affidavit, which we've done. And
24 under the guidance, when an owner in a spacing unit
25 objects to a case going forward and the parties are

1 unable to resolve their differences, then the case is
2 set for a contested hearing.

3 The Division has uniformly applied that
4 guidance and procedure under its rules, and in this
5 situation, it's no different. Mr. Savage, I think, is
6 looking forward here. But when I discussed with him
7 Permian's anticipation of filing proposed competing
8 application, that was part of the discussions between
9 the parties.

10 The parties are discussing full
11 development in Sections 4, 5, and 6. As recently as
12 last week, they were having discussions about how to
13 resolve their competing plans and envision for
14 government of this acreage. As I understand, they
15 were even talking about potentially just kicking this
16 down into October to allow them to continue to discuss
17 how to resolve their differences here. There are
18 third parties involved, as well.

19 And so in this situation, my preference
20 and my suggestion would be under the Division's
21 regulations and guidance, the options are as follows:
22 You can either set it for a contested hearing at some
23 future date when there's an available docket, at which
24 point Permian would be able to raise its concerns at
25 hearing; or we can set the -- set the hearing for a

1 status conference, perhaps in October, with the
2 anticipation that perhaps the parties will be further
3 along in their discussions at that point.

4 So in my view, Mr. Examiner, is that
5 the issues that Mr. Savage has raised in his motion
6 are premature. They're jumping ahead to issues that
7 are not before the Division at this time. We've not
8 filed a competing application. We're not making any
9 of those allegations at this point. Those are part of
10 the discussions with the parties.

11 We simply filed an objection to
12 preserve our interests and prevent the case from going
13 forward by affidavit so that the parties can continue
14 their efforts in discussing how to resolve their
15 differences. And if that's not possible, then we'll
16 have to have a contested hearing on V-F's case.

17 THE HEARING EXAMINER: Okay.

18 Mr. McClure, any questions for the
19 parties at this point?

20 MR. MCCLURE: No questions here,
21 Mr. Examiner.

22 THE HEARING EXAMINER: Okay.

23 Mr. Savage?

24 MR. SAVAGE: Yes?

25 THE HEARING EXAMINER: You mentioned

1 that there is a threshold issue of a certain amount of
2 ownership of a working interest. And I wonder which
3 rule or statute are you citing to?

4 MR. SAVAGE: Yes, I'll be glad to
5 provide that. But I'd like to take just a moment to
6 respond briefly to some of the items that opposing
7 counsel had mentioned.

8 The -- the statute is the pooling
9 statute; it's 72-17 -- 70-2-17, and it states that
10 before you can do a pooling application -- in this
11 case, it would be a competing pooling
12 application -- that the parties have to have -- have
13 working ownership in the tracts that cannot be
14 resolved by a voluntary agreement.

15 And failure of a voluntary -- falling
16 short of a voluntary agreement, then the parties have
17 a right to go seek the resources of the OCD for a
18 compulsory ruling. And that's also -- and that
19 statute also talks about the -- having ownership
20 before proposing a well, as well. They -- they talk
21 about, in there, having a right to drill a proposal
22 well in that statute.

23 That statute's reinforced by another
24 rule, and that's in Part 4. I don't remember the
25 exact number of that rule, but it's Part 4 on

1 adjudication. And that talks about how the parties
2 must make efforts to reach a voluntary agreement prior
3 to filing a pooling application.

4 And the premise or presumption of
5 that -- of that rule is that in order to make an
6 effort to reach a voluntary agreement, you have to
7 have ownership. You can't -- you can't propose a well
8 or try to reach a voluntary agreement unless you have
9 ownership.

10 And we don't see Permian Resources
11 having ownership in the unit that they're proposing
12 that would compete with V-F Petroleum's. And I'd like
13 to point out that V-F -- Mr. Rankin points out that
14 third parties are involved, but those third parties
15 declined to enter an appearance. And I believe that
16 they were involved in those discussions. But they
17 declined to enter an appearance.

18 And, you know, V-F Petroleum feels like
19 if the OCD grants the -- a bona fide contested hearing
20 date, then they would be allowing Permian Resources to
21 use state apparatus -- to use the agency's and state
22 apparatus to delay a hearing date and in -- order to
23 speculate and fish for working interest.

24 Yeah, I -- we know that Permian
25 Resources is talking to other parties. It looks to us

1 like they are speculating that they can acquire a
2 working interest after the fact based on delaying
3 this -- the hearing date.

4 And so we propose that we have a
5 hearing date for September 21st, and if Permian
6 Resources can meet the criteria of being a competing
7 applicant, then that's great, they can file their
8 application, and then we can have a status conference
9 on that date and decide on the contested hearing. But
10 at this point, under the pooling statute, we don't
11 feel like they have a right.

12 THE HEARING EXAMINER: Mr. Rankin?

13 MR. RANKIN: Yeah, thank you again,
14 Mr. Officer. The arguments here are going beyond
15 what's before the Division presently. What's before
16 the Division is an application by V-F Petroleum for
17 it's spacing unit.

18 As an owner of an interest within that
19 spacing unit, which is undisputed, Permian has an
20 opportunity and the right to cross-examine V-F's
21 witnesses and to raise its objections and concerns
22 about V-F's proposed development of a single spacing
23 unit in that acreage.

24 And so what Mr. Savage is raising are
25 issues that are outside the scope of what is presently

1 before the Division and not -- not appropriate for
2 consideration at this time. So I argue -- and I did
3 have a chance to review Mr. Savage's motion last
4 night. However, you know, the issues, again, that
5 he's raising are beyond the scope of what's presently
6 before the Division.

7 So again, I just -- I think the
8 appropriate course here would be to either to move
9 this case forward into October where we can have a
10 status conference and the parties will have time to
11 continue to discuss their resolution of their
12 positions, or to go ahead and set it for a contested
13 hearing at available docket time when -- when we can
14 actually have a full hearing on all the issues.

15 THE HEARING EXAMINER: Mr. Savage, do
16 you -- do you dispute the statement that Mr. Rankin
17 just made that that they have a right to object to
18 proceeding by affidavit and a right to cross-examine
19 your witnesses?

20 MR. SAVAGE: Mr. Examiner, they own
21 working interest in Section 4 -- in the north half
22 north half of Section 4. And as an owner of working
23 interest, they have every right to submit an objection
24 and request a continuance and a hearing -- a hearing.

25 They have a right to object to the

1 hearing being done by affidavit, and they have a right
2 to a live hearing in which they can cross-examine
3 witnesses. And we're providing that on September
4 21st. They -- if they do not have owned interest, and
5 they cannot provide a competing application, then they
6 would have their live hearing on September 21st and
7 they can cross-examine the witnesses at that time and
8 satisfy the policy of the OCD that allows for an
9 objection that -- and the case not going forward by
10 affidavit.

11 But what they're asking for is well
12 beyond that. They're asking -- they're
13 proposing -- and it was in discussions where they told
14 us clearly that they were going to submit competing
15 applications. What they're doing is they're using the
16 State's resources to delay V-F Petroleum's right to a
17 hearing, and we're offering a live hearing in which
18 witnesses can be cross-examined.

19 They're delaying that. And we feel
20 like they're delaying that for the sole purpose of
21 speculating that they can acquire interest during the
22 interim. And I --

23 THE HEARING EXAMINER: Yeah, I
24 understand. You've mentioned this before. I got it
25 the first time.

1 MR. SAVAGE: Okay, thank you.

2 THE HEARING EXAMINER: So Mr. Rankin,
3 do you have a problem going to a contested -- or
4 participating in a contested hearing sooner rather
5 than later?

6 MR. RANKIN: Well, I think -- number
7 one, I think that the parties are still -- I know the
8 parties are still in discussion, number one. The
9 normal course has been to set these matters for a
10 contested hearing with a prehearing order setting out
11 a timeframe in which the parties would file their
12 statements and their evidence and testimony in advance
13 of the hearing.

14 And at this point, that gives us one
15 week to do all that. It will be due on the 14th if it
16 were to go forward on the 21st. And frankly, Mr. -- I
17 have not yet confirmed with Permian their
18 availability. I do understand that their lead landman
19 is -- may be unavailable certain days in the coming
20 months. I'm not exactly sure when he's unavailable,
21 so I'd have to confer with him to confirm that there's
22 availability on the 21st.

23 I -- frankly, I believe that's too
24 soon. I believe that if we -- at least October, that
25 would give the parties time to -- to continue their

1 discussions.

2 THE HEARING EXAMINER: Okay. Thank
3 you, Mr. Rankin.

4 Marlene, would we be able to set this
5 for a contested hearing in October?

6 MS. SALVIDREZ: So currently, we have
7 109 cases on October, and I have not finished
8 approving applications, so there should be more than
9 109. I'm thinking around 120-25. And there are two
10 contested cases on that docket. So --

11 THE HEARING EXAMINER: When you say
12 "that docket," are you talking about October 5th or
13 19th?

14 MS. SALVIDREZ: Fifth.

15 THE HEARING EXAMINER: Can we set it
16 for October 19?

17 MS. SALVIDREZ: Yeah, we can.

18 THE HEARING EXAMINER: Okay. We're
19 going to set this for a contested hearing on October
20 19 and hope the parties can work out some of their
21 differences. But if not, we'll be here to help.

22 MR. SAVAGE: Thank you.

23 THE HEARING EXAMINER: Is there
24 anything else from the parties? No?

25 MR. RANKIN: No. I'll

1 just -- Mr. Examiner, of course, I guess if there's a
2 witness issue, I will -- I will raise that with
3 Mr. Savage and with yourself.

4 THE HEARING EXAMINER: Of course.
5 We're flexible.

6 Let's go onto 23685, Spur
7 Energies -- we have Ms. Vance?

8 MR. RANKIN: Actually, Mr. Examiner,
9 it's me again, Adam Rankin appearing on behalf of Spur
10 Energy Partners.

11 THE HEARING EXAMINER: Okay. We have a
12 prehearing statement filed 7/27. We have a hearing
13 on -- ah, this is that case. Okay. So we had a
14 hearing on the 3rd of August, and then it was
15 continued. The evidentiary record was left open to
16 admit additional evidence. Mr. Rankin, are you
17 familiar with the additional evidence that is
18 required?

19 MR. RANKIN: I am, Mr. Examiner. And I
20 have prepared a supplemental exhibit that was -- or
21 supplemental exhibits that were filed last week in
22 this case. And if you'd like, I can go ahead and walk
23 through those at this time.

24 THE HEARING EXAMINER: Have they been
25 submitted to Marlene?

1 MR. RANKIN: They have been
2 submit -- filed with the Division. They have.

3 THE HEARING EXAMINER: Let me open the
4 case. Hold on a second.

5 Mr. McClure, do you have any questions
6 before we start going through these exhibits?

7 MR. MCCLURE: Mr. Hearing Examiner, I
8 will have some questions for Mr. Rankin, but I don't
9 necessarily need to ask them before. It'd probably be
10 more appropriate to ask after, I suppose.

11 THE HEARING EXAMINER: Mr. Rankin, I
12 have a 12-page document filed on August 31st. Is that
13 the document you're referring to?

14 MR. RANKIN: I believe it is,
15 Mr. Examiner. And it should have attached to it
16 Exhibits F, G, H, and I.

17 THE HEARING EXAMINER: Okay, very good.

18 Mr. McClure, do you have any questions
19 about these exhibits?

20 MR. MCCLURE: I don't -- I don't
21 believe I do, Mr. Hearing Examiner.

22 THE HEARING EXAMINER: Okay.
23 Mr. Rankin, if I'm not mistaken -- I read the
24 transcript, it's been a few days -- Mr. Goetze had
25 asked for these exhibits; is that right?

1 MR. RANKIN: In most cases, Mr. Goetze
2 asked for them, and in the circumstances involving the
3 affidavit of publication, I raised that initially
4 because the publication was not able to be run in the
5 newspaper timely in advance of the hearing, and so we
6 had to continue the case initially to -- in order to
7 perfect notice by publication which is a requirement
8 for injection cases.

9 And so we -- we were able to get that
10 done. And exhibit -- Spur Exhibit F is that Affidavit
11 of Publication confirming that we have provided notice
12 by publication identifying each of the affected
13 parties by name in a newspaper of general circulation
14 within the county where the well is located. So
15 that's Exhibit F.

16 (Exhibit F was marked for
17 identification.)

18 The following three exhibits were
19 requested by Mr. Goetze. Exhibit G is a supplemental
20 geology statement prepared by Mr. Reed Davis, who
21 testified on the geology of the pressure maintenance
22 project. Mr. Goetze had asked for a written statement
23 confirming that there's no hydrologic connectivity or
24 conduits between the injection zone and other zones
25 containing freshwater sources, and that was -- while

1 he confirmed that in his testimony, Mr. Goetze asked
2 for a written statement, so that's been provided as
3 Exhibit G.

4 (Exhibit G was marked for
5 identification.)

6 THE HEARING EXAMINER: Is Exhibit G
7 page 6, Mr. Rankin? Because they're not marked.

8 MR. RANKIN: I apologize. I believe
9 the exhibits themselves are marked, however. But
10 yeah, I believe it's page 6 of the pdf file, yep.

11 THE HEARING EXAMINER: I see it. Thank
12 you.

13 MR. RANKIN: Okay. Exhibit H is the
14 revised proposed injection well bore diagram.

15 (Exhibit H was marked for
16 identification.)

17 During the course of the hearing, it
18 was identified, or we realized that there was an error
19 in the -- in the depiction, I believe, of the packer
20 or the tubing. And this revised exhibit provides a
21 correction to that, and it also includes with it a
22 subsequent pages from the CON-08 that correct the
23 footages and location of the packer. So that's
24 Exhibit H.

25 THE HEARING EXAMINER: Is Exhibit H

1 continued on other pages, or is it only one page?

2 MR. RANKIN: It's continued to pdf
3 page 10, which is the last page before the next marked
4 exhibit, which is Exhibit I.

5 THE HEARING EXAMINER: Okay, thank you.

6 MR. RANKIN: So Exhibit I is the last
7 supplemental exhibit that was provided in our packet.
8 And it is the requested documentation of some surface
9 casing remediation that was conducted.

10 Not -- it was not part of the well file
11 online with the Division. And during the course of
12 our hearing, the Division had some interest or
13 concerns about the status of the cement behind the
14 surface casing. And as part of the discussions, as
15 you may recall, Mr. Chakalian, when you were reviewing
16 the transcript before the Division ordered or required
17 as a condition of approval, a cement bond log.

18 They asked us to submit what
19 information we had demonstrating or confirming that
20 remedial work was done on the cement behind the
21 surface casing. And that's what's here, provided
22 behind Exhibit I.

23 (Exhibit I was marked for
24 identification.)

25 THE HEARING EXAMINER: And I don't

1 believe there's any other parties that may object to
2 these exhibits; is that correct, Mr. Rankin?

3 MR. RANKIN: No other parties entered
4 an appearance in the case.

5 THE HEARING EXAMINER: I didn't think
6 so. Okay.

7 Mr. McClure, now that you've been
8 walked through these exhibits, do you have any other
9 questions?

10 MR. MCCLURE: Yes, I do, Mr. Hearing
11 Examiner.

12 THE HEARING EXAMINER: Please.

13 MR. MCCLURE: Thank you.

14 Mr. Rankin, it appeared that Mr. Goetze
15 had asked for six different things. One of them,
16 which I believe is in these exhibits that you didn't
17 specifically call out, is he asked for a written
18 request for designation of operator, I believe. And
19 that seems like it was in the first page of your
20 submittal; is that correct?

21 MR. RANKIN: Yes. Thank you for
22 reminding me of that. Yes. So Mr. Goetze
23 asked -- just for confirmation again -- you know, it
24 was a bit superfluous, I believe, but the applicant in
25 this case is the -- is the designated operator. And

1 that's to be Spur Energy -- Spur Energy Partners, LLC.

2 MR. MCCLURE: Thank you, sir. Now,
3 there was a question that Mr. Goetze asked and I'm not
4 sure if it was addressed here. But to be fair, I'm
5 not entirely certain what Mr. Goetze was asking for,
6 and I wonder if maybe you have some context for that.

7 MR. RANKIN: Thank you. Yeah, I've --

8 MR. MCCLURE: And -- go ahead, I'm
9 sorry, sir?

10 MR. RANKIN: Yeah. Sorry, I didn't
11 mean to interrupt. I -- I did intend to bring that
12 up, Mr. McClure, and I'm happy to raise it and I'm
13 happy to provide additional information if -- if it's
14 necessary.

15 But basically, one of the additional
16 items that Mr. Goetze asked for was a definition or
17 just -- basically a definition of the injection
18 interval. Now, I believe that was provided in the
19 application and in the testimony where we identified
20 the injection depths across the horizontal portion of
21 the well bore.

22 Mr. Goetze just referenced the
23 statutory unitization act and -- during the
24 hearing -- and suggested that it might be appropriate
25 to identify the -- by specific depths or potentially

1 well-log depths -- what zones we are defining as the
2 injection interval.

3 My review of the requirements of the
4 regulations and previous cases involving pressure
5 maintenance don't indicate that that's a requirement
6 and that we have met the requirement to identify the
7 injection interval by identifying the perforations
8 through which pressure maintenance will be conducted
9 in the designated injection well.

10 So I -- I did reach out to the Division
11 this week asking whether or not the Division did want
12 me to -- or did want Spur to identify through well
13 logs what the injection interval was in addition to
14 the depths that we provided in the application and
15 during the course of the hearing.

16 And so I guess my question remains
17 open, that if that's something that the Division would
18 like, I'm -- having reviewed prior pressure
19 maintenance projects, it's not something that I'm
20 familiar with having -- having to do in addition to
21 just providing the injection interval depths as we've
22 done.

23 So I just wanted to make sure that
24 that's actually a requirement or -- and if so, then
25 I'm happy to go back and talk to Spur about providing

1 some more definition around the injection interval.

2 MR. MCCLURE: Yeah, I was going to say
3 on -- on this particular topic, I believe I have a
4 pretty good idea of what Mr. Goetze is looking for. I
5 was actually referencing another -- one of the other
6 questions he had asked for. But we'll address this
7 one first, I guess.

8 Within this pressure maintenance
9 project -- I don't have it right in front of me -- but
10 I believe it was, like, eight other wells as
11 benefitting from it; correct? Something along those
12 lines?

13 MR. RANKIN: Yeah, I don't recall the
14 exact number of wells, but there are a number of wells
15 in the injection zone, within the -- identified the
16 Bone -- sorry, the Yeso as the injection zone. And
17 that's -- and there are a number of wells within that
18 zone that are going to be benefitting; correct.

19 MR. MCCLURE: And is each one of those
20 wells producing from your injection interval the total
21 vertical depth of the well that you identified in what
22 you submitted?

23 MR. RANKIN: So it's -- I'd have to go
24 back and look, but I believe there is some variation
25 in the depths. In other words, I don't believe

1 they're only within the limitation of the injection
2 interval.

3 MR. MCCLURE: And see, that there I
4 think is exactly the crux of what Mr. Goetze was
5 getting at, is when Mr. Goetze -- is when we go to
6 issue the order, they're going to be authorized,
7 essentially, to inject into -- like, for instance,
8 that pool. And it would include, essentially,
9 everything in that pool.

10 I was going to say, off the top of my
11 head I'm not sure exactly what all is, but I believe
12 it was with -- between, like, the San Andrews down
13 through -- I don't know if it's through the entirety
14 of the Dinker [ph] all the way down to there, or not.

15 But I guess that is kind of what he
16 is -- what I would presume he's looking for is, like,
17 the area, the reservoir that we're going to have this
18 injectant confined to, if that makes sense.

19 Because it's not going to be confined
20 to those total vertical depths. Otherwise, how could
21 these wells that's not producing from those total
22 vertical depths be benefitting from it, if that makes
23 sense.

24 MR. RANKIN: Okay. I believe I
25 understand. I'm not familiar with that requirement in

1 the pressure maintenance projects. And I believe I
2 provided an example of an order from 2019 in which
3 the -- similar situation where the injection interval
4 was provided through the perforations of the
5 horizontal well.

6 And that was what was defined as the
7 injection interval in the order itself. So I'm -- but
8 nevertheless, I don't -- I'll do whatever the Division
9 wants. So I'll go back and confer with the applicant,
10 and we'll get you guys a statement that addresses
11 the -- the injection interval.

12 MR. MCCLURE: And I'll just -- go
13 ahead, sorry Mr. Rankin.

14 MR. RANKIN: I was going to say, in the
15 manner that you're describing, so it's -- it's not
16 just limited to the -- the horizontal well bore
17 perforations, but it will capture the portions of the
18 pool that are benefitting from -- from the injection.

19 MR. MCCLURE: Thank you, sir. And I
20 just -- they just -- to very briefly address just so
21 there's no confusion going forward when we see
22 more -- because obviously, we'll see more pressure
23 maintenance projects in the future -- in the project
24 which I believe -- and I don't know how many projects
25 you may have reviewed -- but in that specific project,

1 the only thing I would point out is it's in a part of
2 an unconventional reservoir in which most of the flow
3 is going to be done through the -- the stimulated
4 reservoir volume, the fractures.

5 Wherein, in, like, the Yeso formation,
6 is -- maybe I shouldn't refer to it as the
7 formation -- the Yeso group -- is much more of a
8 conventional reservoir where you're going to be
9 flowing through the matrix. So it's not really
10 appropriate to consider it to be confined to only
11 directly surrounding that horizontal lateral,
12 if -- if -- hopefully, that -- that -- hopefully, that
13 clears it up more so than adds confusion, I guess.

14 But yeah, if we could go ahead and
15 submit something along those lines, just so we can
16 identify, is all I think he was really looking for,
17 identify kind of the region, the formations, in which
18 this pressure is going -- this gas is going to be
19 confined within.

20 MR. RANKIN: Okay. Will do.

21 MR. MCCLURE: Now, Mr. Rankin, the
22 other one which I'm not quite sure what Mr. Goetze was
23 looking for here, and I'm just wondering if you can
24 provide some extra context, because I didn't really
25 see anything in your supplemental submittal which

1 seemed to address it, and that is he wanted to ask
2 what the production area or confirm the production
3 area is reasonably defined by production.

4 Do you know what he was referring to
5 there and was it addressed in the exhibits?

6 MR. RANKIN: I -- your -- Mr. McClure,
7 I believe -- I apologize for that. I believe I may
8 have missed that item, but I will provide that with
9 the -- of the injection interval.

10 MR. MCCLURE: Okay.

11 MR. RANKIN: I think he -- I mean -- I
12 think it's obvious that it is reasonably defined by
13 production because there is production across the
14 entire project area.

15 So I think we -- I think he just wanted
16 a confirmed statement from Spur's witness that that's
17 the case, even though it's obviously apparent
18 from -- from the -- from the exhibits that that's the
19 case. Because every single well across the project
20 area is producing.

21 MR. MCCLURE: Oh, I see what you're
22 saying. You're just looking for a statement --

23 MR. RANKIN: I believe that -- yeah, I
24 believe Mr. Goetze was just looking for a statement
25 that confirms that's the case. But I mean, it's

1 apparent from the exhibits as reasonably defined by
2 production; yeah.

3 MR. MCCLURE: Well, I suppose if we're
4 submitting supplemental or additional supplemental
5 exhibits anyway, I suppose we might as well go ahead
6 and include that. Thank you, Mr. Rankin.

7 Thank you, Mr. Hearing Examiners -- or
8 Examiner. I have no further questions.

9 THE HEARING EXAMINER: So Mr. McClure -

10 MR. MCCLURE: Oh, go ahead?

11 THE HEARING EXAMINER: -- this
12 evidentiary record was held open to today for
13 admission of additional evidence. Is it your wish to
14 take it under advisement now and receive the
15 additional documents, or do we continue this case to
16 the next docket on the 21st to receive these documents
17 and then potentially take it under advisement?

18 MR. MCCLURE: Mr. Hearing Examiner, I
19 would -- I would leave it in your discretion for the
20 ultimate call, but my recommendation here would likely
21 to be to go ahead and take it under advisement with
22 the record left open for the referenced documents
23 here.

24 THE HEARING EXAMINER: Okay. Thank
25 you, Mr. McClure.

1 Mr. Rankin?

2 MR. RANKIN: I appreciate that, and I
3 think that's the appropriate course and in line with
4 what the Division has done in the past. And I
5 will -- I will get a statement addressing these issues
6 with any additional exhibits here -- if I can't get it
7 by the end of the week, I'll do it by early next week.
8 I appreciate that.

9 THE HEARING EXAMINER: Marlene, is
10 there anything preventing us from taking this under
11 advisement at this point?

12 MS. SALVIDREZ: Not from my standpoint.

13 THE HEARING EXAMINER: Okay. So I'm
14 going to make notes here that we are now taking this
15 under advisement. And Mr. Rankin, in a few words,
16 what is it that you are still sending in?

17 MR. RANKIN: So Mr. Hearing Officer, I
18 will be sending in a supplemental exhibit or exhibits
19 that include the following: Statement from Spur
20 confirming that the project area for this pressure
21 maintenance project is reasonably defined by
22 production, number one.

23 Then the second item will be either a
24 statement or demonstration through exhibits or well
25 logs confirming the injection interval that will be

1 benefitting from the pressure maintenance project. So
2 a top and a bottom as defined by perhaps a well log or
3 some other geologic marker within the project are.

4 THE HEARING EXAMINER: And Mr. McClure,
5 does that comport with your understanding?

6 MR. MCCLURE: Yes, sir, it does.

7 THE HEARING EXAMINER: So then, this
8 case will be taken under advisement, and we will wait
9 for those two supplemental exhibits on those two
10 issues. We will leave the record open for those two
11 exhibits. Anything left on this matter, or can we
12 move on?

13 MR. RANKIN: I believe that's all.
14 Thank you.

15 THE HEARING EXAMINER: This might be a
16 good time to take a five-minute break. We will come
17 back at 9:20 this morning. Thank you.

18 (Off the record.)

19 THE HEARING EXAMINER: We are on case
20 number 23692, Mewbourne compulsory pooling case.
21 Mr. Bruce, are you available?

22 MR. BRUCE: Yes, sir. Thank you.

23 THE HEARING EXAMINER: Okay. Are you
24 ready to proceed?

25 MR. BRUCE: Yes, I am.

1 THE HEARING EXAMINER: Okay. I believe
2 we're having an uncontested hearing?

3 MR. BRUCE: Yes. No one has showed up
4 in this hearing other than me.

5 THE HEARING EXAMINER: Okay. Right.
6 Okay, how do you want to proceed?

7 MR. BRUCE: I'll just --- if I can,
8 I'll just briefly run through the exhibits and then
9 open myself up for questioning.

10 THE HEARING EXAMINER: Please.

11 MR. BRUCE: Mr. Examiner, over a month
12 ago, I submitted exhibits, and I'll get into that in a
13 minute.

14 Exhibit 1 is simply the application.
15 Mewbourne seeks to force pools that are in the north
16 half south half of Section 35 -- I -- Section 36, and
17 the north half southeast quarter of Section 35 and 17
18 South 30 East at Eddy County for purposes of drilling
19 it's proposed Gemini 3635 B2IJ Fed Com well number 1H.

20 (Exhibit 1 was marked for
21 identification.)

22 Exhibit 2 is the affidavit of the
23 landman Josh Anderson, who has previously testified
24 before the Division.

25 //

1 (Exhibit 2 was marked for
2 identification.)

3 All these pooling exhibit packages are
4 pretty similar, not only from me but from the other
5 attorneys. Contains the usual information, the land
6 plat, the C102 showing the well's location. There are
7 tract maps showing the tracts involved in the well
8 unit, the leases covering the well unit, and then
9 listing the interest owners and their percentage
10 interests and indicating which parties need to be
11 pooled.

12 (Exhibit 2A was marked for
13 identification.)

14 The parties who are being pooled in
15 this case are EOG Resources, Well Fleet Investment
16 Fund, whose interest derives from EOG, and then
17 Brigham [ph] Trust, which owns a small interest.
18 Attachment -- that is shown in attachment B to
19 Exhibit 2.

20 (Exhibit 2B was marked for
21 identification.)

22 Attachment C shows the summary of
23 communications. Actually, the origination of this
24 project started five years ago, and one well was
25 drilled on different acreage, and now they're seeking

1 the fourth pool, the second well.

2 The affidavit of the landman does
3 request \$8,000 per month for drilling wells and \$800
4 per month for producing wells for overhead and
5 administrative costs. And of course, requests the
6 200 percent risk charge be assessed against any
7 non-consenting interest owner.

8 (Exhibit 2C was marked for
9 identification.)

10 Attachment D is simply the
11 authorization for expenditure for AFE for the well.
12 Then the well costs are stated to be fair and
13 reasonable. And I'm so old, I remember when well
14 costs didn't even reach \$1,000,000. And this one is
15 in excess of 9,000,000.

16 (Exhibit 2D was marked for
17 identification.)

18 Exhibit 3 is the self-affirmed
19 statement of Charles Crosby, who has testified quite a
20 number of times before the Division. Contains the
21 usual structure map, attachment C. One thing to note,
22 it does show the unit outlying and the course of the
23 well being drilled.

24 (Exhibit 3 was marked for
25 identification.)

1 In this area, you can see other
2 off-setting wells drilled to the same Bone Spring,
3 second Bone Springs and interval, and they are all
4 lay-down wells. And so Mewbourne believes that is the
5 proper orientation of the well unit, rather than
6 heading north-south. Also contained is the
7 correctional horizontal drilling plan.

8 There's my affidavit of notice marked
9 Exhibit 4.

10 (Exhibit 4 was marked for
11 identification.)

12 Certified notice was sent to everyone.
13 Both Brigham [ph] Trust and EOG received actual
14 certified notice. I never got anything -- any green
15 card back from Wellfleet Investment Fund. I had
16 intended -- I thought I had a valid address for them.
17 I had intended to move forward a month ago on this
18 hearing, so I hadn't published notice. But since the
19 Wellfleet green card never came back, I had to
20 continue the case for four weeks and publish notice.

21 Exhibit 6 is the Notice of Publication.

22 (Exhibit 6 was marked for
23 identification.)

24 That is what I submitted to the
25 newspaper. A couple of days ago, I submitted an

1 additional exhibit, which is the actual publication of
2 notice against Wellfleet in the Carlsbad newspaper.
3 So Wellfleet did receive constructive notice. And the
4 publication was timely -- timely published. It's
5 supposed to be at least ten days before the -- ten
6 business days before the hearing date, and that has
7 been complied with.

8 And then finally, Exhibit 7 -- oh,
9 there is a certified notice spreadsheet submitted as
10 Exhibit 5 showing who received notice and timely
11 received it.

12 (Exhibit 5 was marked for
13 identification.)

14 And then Exhibit 7 is simply the
15 pooling checklist, which the Division needs. Those
16 are always my bugaboo. I almost always find mistakes
17 in the pooling checklist, but I'll -- I'll let
18 Mr. McClure correct me if I -- if I made any mistakes.
19 And I'll do a corrected one.

20 (Exhibit 7 was marked for
21 identification.)

22 But with that, I think the exhibit
23 package is complete.

24 I would move the Exhibits 1 through 7
25 into the record and answer any questions you have and

1 ask that the matter be taken under advisement.

2 THE HEARING EXAMINER: Okay. Are there
3 any objections to moving these exhibits into evidence
4 by any party? I'm not hearing any there, so entered.

5 (Exhibit 1 through Exhibit 7 were
6 received into evidence.)

7 THE HEARING EXAMINER: Mr. McClure?

8 MR. MCCLURE: Mr. Hearing Examiner, all
9 the questions I had noted down, Mr. Bruce resolved via
10 his presentation and in that supplemental exhibit that
11 he had submitted -- or the additional exhibit he had
12 submitted. So long rambling answer short, no, I don't
13 have any questions. Thank you, Mr. Hearing Examiner.

14 THE HEARING EXAMINER: So Mr. Bruce, I
15 believe that we're done with this case. It will be
16 taken under advisement.

17 MR. BRUCE: Thank you.

18 THE HEARING EXAMINER: We're going to
19 move on to another case that you're representing
20 Mewbourne Oil Company, 23713.

21 MR. BRUCE: Yes.

22 THE HEARING EXAMINER: Are there any
23 other parties or interested parties? Not hearing any.

24 Mr. Mewbourne -- Mr. Bruce, are
25 you -- well, it seems as though you are Mr. Mewbourne.

1 Mr. Bruce, are you ready to proceed with the hearing?

2 MR. BRUCE: Yes. Yes, I am. If I was
3 Mr. Mewbourne, I'd probably be on an island I owned in
4 the Caribbean, okay?

5 THE HEARING EXAMINER: Let me pull this
6 case up. Give me one second. 23713. Okay, and we
7 have your exhibits filed yesterday. We have four
8 exhibits. Do you want to run through them?

9 MR. BRUCE: Yes. And I'll start out
10 with a little preliminary matter. This well
11 was -- there was a compulsory pooling application
12 heard a couple of years ago. And recently, a few
13 months ago, an additional party showed up who I had to
14 pool, and I pooled that interest owner at the early
15 July OCD hearing. That is case 23710.

16 I don't -- I can't remember if an order
17 has been issued in that case. But while I was going
18 through the materials, I noted that the order -- the
19 original order, pooling order in this case -- was
20 about to expire. And I asked my client if they had
21 hoped to spud this well in mid to late July.

22 But they never received -- have never
23 received an APD, application for permit to drill, from
24 the Buruea of Land Management, even though it was
25 filed over a year ago. And so the order was set to

1 expire on July -- I did get an extension of
2 the -- I've been working on this whole matter over two
3 years now.

4 It was -- the original order came out
5 in 2021; July. I got an extension for Mewbourne, and
6 the order was extended into -- requiring a well to be
7 commenced by July 22, 2023. As I just said, that has
8 not happened because an APD was issued, so Mewbourne
9 dare not commence the well.

10 So when I was going through this, I
11 asked the landman. He goes, "Oh, yeah, we need to get
12 the order extended." So this case resulted
13 now -- even the order was set to expire July 22, 2023.

14 Over the last three years, many, many
15 operators have sought to extend the well commencement
16 deadline under existing orders. And the OCD reached a
17 policy that so long as the application to extend the
18 well-commencement deadline was filed before the date
19 the order was set to expire, then even if the order
20 was issued after the official expiration date of the
21 order, as long as you had filed this extension request
22 before the order expired, the Division would consider
23 the matter and usually grant the application.

24 And I go into that detail because this
25 is your first hearing before -- before us

1 practitioners. So anyway, I have submitted the
2 exhibit package.

3 Exhibit 1 is the application to amend
4 the prior orders to grant until July 2024 to commence
5 the well. At the top, you can see the filing date. I
6 did copy the application as filed with the OCD. The
7 application was filed July 14th of 2023, about ten
8 days before the order -- eight days before the order
9 was set to expire.

10 (Exhibit 1 was marked for
11 identification.)

12 Exhibit 2 is the Affidavit of Mitch
13 Raab [ph] a landman from Mewbourne who has testified
14 quite a number of times. He goes through the history
15 of the orders in this case or in this -- regarding
16 this well.

17 And then paragraph 6 discusses that the
18 APD has not been issued yet by the OCD. Therefore,
19 they can't get an API number. And so there would be
20 price to pay if they tried to commence the well
21 without those documents. The original order, 21793,
22 is submitted as attachment A to the landman's
23 affidavit.

24 (Exhibit 2 and 2A were marked for
25 identification.)

1 Exhibit 3 is my self-affirmed statement
2 of notice. And the parties I notified were all the
3 parties pooled or notified under the prior proceedings
4 by Mewbourne regarding this well. All of them did
5 receive certified notice, and that is shown on
6 attachment A to Exhibit 3.

7 (Exhibit 3 and 3A were marked for
8 identification.)

9 So everyone has received actual notice.
10 I actually did publish notice in the newspaper, but
11 since everyone received certified notice, I did not
12 submit that as an exhibit.

13 And then -- oops. I was going to
14 submit a certified notice spreadsheet. I will do so
15 if the Division wants that. It would just regurgitate
16 the mailing date of the notice letter and when it was
17 received and whether a green card was received back.
18 Should be easy enough to do since there's only four
19 parties involved.

20 But with that, I would move the
21 admission of Exhibits 1 through 4 [sic], ask that the
22 order be extended until July of 2024, and if the
23 Division wants the certified notice spreadsheet, I
24 will so provide that after the hearing. Thank you.

25 THE HEARING EXAMINER: Are there any

1 objections to moving these exhibits into evidence?
2 Not hearing any, they are so moved.

3 (Exhibit 1 through Exhibit 3A were
4 received into evidence.)

5 Mr. McClure, any questions?

6 MR. MCCLURE: Yes, I do, Mr. Hearing
7 Examiner.

8 THE HEARING EXAMINER: Please.

9 MR. MCCLURE: Thank you, sir.

10 Mr. Bruce, I believe you just said it
11 in your presentation, but just to confirm, all persons
12 that were originally noticed of this -- of Order
13 R21793 have been re-noticed of this particular
14 hearing; is that correct?

15 MR. BRUCE: Yes. In case number 21887,
16 the original case, the parties notified were Oxy USA,
17 Magnum Hunter Production, and J. Hiram Moore, Limited.
18 In the case I -- the recent case I just mentioned,
19 23710, Michael Harrison Moore, Trustee, was notified.

20 And so in renewing -- trying to renew
21 the -- not renew, but to extend the lease
22 deadline -- I notified all those parties. Any other
23 party is under a JOA and is voluntarily subject to
24 whatever that JOA says. So I didn't notify every
25 interest owner in the lease -- in the well.

1 MR. MCCLURE: Thank you, sir. And you
2 actually answered my follow up question, which was
3 going to be in relation to the extra person that had
4 been added in the case in which the order R21793-A was
5 issued for, but you've already answered in the
6 affirmative for that.

7 My next question is: It appears that
8 the BLM had approved the APD for the proposed well, I
9 believe July 19th of this year. And the Division
10 followed up with like approval July 20th of this year.
11 In reference in the case -- and obviously, the
12 application was submitted prior to these approvals,
13 but referenced in the case was an initial plan by
14 Mewbourne to have it on its July drilling schedule.
15 Is it safe, then, to say that this well has now been
16 drilled?

17 MR. BRUCE: I will check and get back
18 to you, Mr. McClure. I do not believe it is. I think
19 they altered the drilling schedule because they didn't
20 want to get a rig out there and then have to move it
21 off. But I will ask.

22 MR. MCCLURE: Yeah, it's -- yeah, I
23 mean, we're on that -- that does make sense because it
24 was the later part of July before approvals was done.
25 I just assumed it would have got slotted back in. I

1 guess the reason or context for why I'm asking that
2 question is -- is -- virtual connectivity
3 interruption --

4 MR. BRUCE: -- orders on, and I believe
5 they were all commenced before -- the orders were all
6 dated the same, July 22nd of whatever year. And those
7 wells were commenced by the middle of July. But they
8 were holding off on this one because they didn't want
9 to get in trouble with both the Division and the BLM.

10 MR. MCCLURE: All right. Thank you,
11 Mr. Bruce.

12 I have -- I have no more questions,
13 Mr. Hearing Examiner.

14 THE HEARING EXAMINER: Is there
15 anything preventing us taking this under advisement at
16 this point, Mr. McClure?

17 MR. MCCLURE: No, I do -- I do not
18 believe so. I believe Mr. Bruce had referenced that
19 he may be submitting -- and I believe our reviewers
20 have been requiring, and that is the noticed -- notice
21 spreadsheet. And since he's submitting anyway, if he
22 wanted to go ahead and submit a follow up statement
23 from Mewbourne in regards to when they are currently
24 planning to drill this well.

25 MR. BRUCE: I will.

1 THE HEARING EXAMINER: Mr. Bruce, are
2 you clear what you still need to submit?

3 MR. BRUCE: Yes, sir.

4 THE HEARING EXAMINER: Okay. Would you
5 repeat it so I can take notes?

6 MR. BRUCE: It is the certified notice
7 spreadsheet, a one-page sheet, giving a succinct
8 description of when the notice was mailed and
9 received; the certified notice.

10 And then I will confirm with my client
11 whether the well has been commenced, and if not, when
12 they plan on drilling it, so that you have a better
13 time. And if they plan on drilling it in the next
14 couple of months, or even -- or have already commenced
15 it, you know, I would still need an order to cover
16 those few weeks when there was -- when the well was in
17 limbo, let's put it that way.

18 THE HEARING EXAMINER: Okay. All
19 right, so we're going to take this case under
20 advisement at this point, but we're going to leave the
21 evidentiary record open for the certificate of notice
22 spreadsheet. I believe that's the only evidence
23 that's needed. I don't believe that the statement of
24 whether the well has been commenced or not is
25 considered evidence, Mr. McClure?

1 MR. MCCLURE: Yeah, I was going
2 to -- let me slow down here. I believe -- I believe
3 you would -- you would be correct, Mr. Hearing
4 Examiner. Yeah, I think that would only be
5 confirmation of Mewbourne -- of Mewbourne planning to
6 or have already planned to take care of this matter
7 prior to the proposed new expiration date.

8 As such, I -- I suppose it
9 would -- really wouldn't be needed for the approval of
10 this order, if that makes sense.

11 THE HEARING EXAMINER: Thank you,
12 Mr. McClure.

13 Mr. Bruce, do you concur with that?

14 MR. BRUCE: Yes, sir.

15 THE HEARING EXAMINER: Okay. Then we
16 are done with that case, and we are going to move on
17 to case number 23714. Do we have -- Hardy available?

18 MS. MCLEAN: Hi. Good morning, it's
19 Jackie McLean with Hinkle Shanor on behalf of
20 Earthstone Operating.

21 THE HEARING EXAMINER: Okay. Let me
22 pull this case up, because I thought the application
23 was filed by Dana Hardy.

24 MS. MCLEAN: We're partners and we're
25 both on the pleading.

1 THE HEARING EXAMINER: Very good.

2 Thank you, Ms. McLean. Welcome.

3 MS. MCLEAN: Thank you.

4 THE HEARING EXAMINER: Are you ready to
5 proceed with the hearing today?

6 MS. MCLEAN: I am, Mr. Examiner.

7 THE HEARING EXAMINER: Okay. Are there
8 any interested parties or any other -- I don't see
9 anyone entered on this case. Are there any other
10 interested parties? No. Okay. Let me pull this up.
11 Give me a moment.

12 MS. MCLEAN: Okay, no problem,
13 Mr. Examiner.

14 THE HEARING EXAMINER: I do see here an
15 exhibit index filed two days ago. And it looks like
16 it's ready. Okay, please proceed.

17 MS. MCLEAN: Thank you, Mr. Examiner.
18 And just to begin with, we have asked that cases 23714
19 and 23715 be consolidated for presentation of the
20 hearing today because they both concern the same set
21 of wells and the same request for extension.

22 THE HEARING EXAMINER: I do see that.
23 It wasn't on the pleading, it just has a case number
24 and an order number. But I do see that the original
25 application covers those two cases. So is there

1 anyone else here for 23715? No. Okay, please
2 proceed.

3 MS. MCLEAN: Thank you, Mr. Examiner.
4 In case numbers 23714 and 23715, Earthstone requests a
5 one-year extension of time to commence drilling the
6 wells authorized by Order Numbers R22271 and R22272
7 until September 2, 2024. The Division entered Order
8 Number R22271 in case number 22851 on September 2,
9 2022.

10 The order pooled all uncommitted
11 interests in the Bone Spring formation underlying a
12 240-acre standard horizontal spacing unit comprised of
13 the east half east half of Section 30, and the east
14 half northeast quarter of irregular Section 31,
15 Township 26 South, Range 35 East, in Lea County.

16 And this unit was dedicated to the Los
17 Vaqueros Fed Com 214H well and it designated Titus Oil
18 and Gas Production, LLC, as operator of the unit and
19 the well. And Earthstone is now the successor to
20 Titus as it recently acquired Titus' interests.

21 The Division entered Order Number
22 R22272 in case number 22852 on September 2, 2022. And
23 that order pooled all uncommitted interests in the
24 Wolfcamp formation underlying that same 240-acre
25 standard horizontal spacing unit in the east half east

1 half of Section 30 and the east half northeast quarter
2 of irregular Section 31, Township 26 South, Range 35
3 East, in Lea County. And that unit was dedicated to
4 the Los Vaqueros Fed Com 434H well.

5 Because Earthstone recently acquired
6 Titus' interest, additional time is needed to drill
7 and complete these wells, and good causes exists for
8 the Division to extend the deadline to commence
9 drilling the wells until September 2, 2024.

10 The exhibit packet that our firm
11 submitted to the Division for case numbers 23714 and
12 23715 contain Exhibit A with -- professional testimony
13 of Brian Van Staveran explaining why good cause exists
14 to extend the drilling deadline, the applications, and
15 proposed notices of hearing, along with Order Numbers
16 R22271 and R22272.

17 (Exhibit A was marked for
18 identification.)

19 And then there is Exhibit B, which is
20 the self-affirmed statement of my partner Dana Hardy.
21 And attached to that is the notice letter sent to the
22 parties about this hearing, copies of the certified
23 mail green cards, and the white slip returns. We also
24 have the affidavit of publication from August 11,
25 2023.

1 (Exhibit B was marked for
2 identification.)

3 And with that, unless there are
4 questions, I ask that Exhibits A and B be admitted
5 into the record in these cases, and that case numbers
6 23714 and 23715 be taken under advisement.

7 THE HEARING EXAMINER: Thank you. Are
8 there any objections to entering Exhibits A and B into
9 evidence? Not hearing any, they are so admitted.

10 (Exhibit A and Exhibit B were received
11 into evidence.)

12 Mr. McClure?

13 MR. MCCLURE: Mr. Hearing Examiner, I
14 have a very fast question.

15 THE HEARING EXAMINER: Please.

16 MR. MCCLURE: Thank you.

17 Ms. McLean, just to confirm, were all
18 persons that were originally noticed for both of these
19 cases re-noticed for this particular -- for these
20 cases?

21 MS. MCLEAN: Yes. Yes, they were.

22 MR. MCCLURE: Okay. Thank you.

23 No more questions, Mr. Hearing
24 Examiner.

25 THE HEARING EXAMINER: Okay. So we

1 will take this case under advisement. And does that
2 conclude your business, Ms. McLean?

3 MS. MCLEAN: For this case,
4 Mr. Examiner. I think I'm up next, so you'll see me
5 continuing on here with other business.

6 THE HEARING EXAMINER: Okay. So you're
7 representing Colgate Operating, LLC in 23717, '18,
8 '19, and '20; is that correct?

9 MS. MCLEAN: That's correct,
10 Mr. Examiner.

11 THE HEARING EXAMINER: Then we're here
12 for an uncontested hearing. Please proceed.

13 MS. MCLEAN: Thank you. This is
14 another extension to drill. And I'll just formally
15 enter my appearance. Jackie McLean with Hinkle Shanor
16 on behalf of Colgate Operating in case numbers 23717
17 through 23720.

18 And in case numbers 23717, '18, '19,
19 and 23720, Colgate is requesting a one-year extension
20 of time to commence drilling the wells authorized
21 under Order Numbers R22319, R22321, R22323, and
22 R22325. And the Division entered these orders on
23 October 2, 2022, and pooled all uncommitted interest
24 in Order Number R22319 in the Wolfcamp formation
25 underlying a 320-acre horizontal spacing unit

1 comprised of the east half east half of Sections 17
2 and 20, Township 20 South, Range 34 East in Lea
3 County, and dedicated the unit to the Robin 204H well.

4 The Division entered Order Number
5 R22321 on October 20, 2022, which pooled all
6 uncommitted interest in the Wolfcamp formation in the
7 west half east half of Sections 17 and 20, Township 20
8 South, Range 34 East, in Lea County. And that unit
9 was dedicated to the Robin Federal Com 203H well.

10 In Order Number R22323, the Division
11 pooled all uncommitted interests in the Bone Spring
12 and Harkey [ph] formations underlying a 320-acre
13 spacing unit comprised of the east half east half of
14 Sections 17 and 20, Township 20 South, Range 34 East,
15 in Lea County. And -- unit was dedicated to the Robin
16 Federal Com 114H, 127H, 128H, 174H, and 134H wells.

17 And then in Order Number R22325, the
18 Division pooled all uncommitted interests in the Bone
19 Spring and Harkey [ph] formations underlying a
20 320-acre standard horizontal standard spacing unit in
21 the west half east half of Sections 17 and 20,
22 Township 20 South, Range 34 East, in Lea County. And
23 that unit was dedicated to the Robin Federal Com 113H,
24 125H, 126H, 173H, and 133H wells. And in all of these
25 orders, Colgate was designated operator of the unit

1 and the wells.

2 And with these applications, Colgate is
3 asking for additional time to drill and complete these
4 Robin wells due to reg availability and delays that
5 were caused by the merger of Colgate and Centennial
6 Resources. Because of that, good causes exists for
7 the Division to extend the deadline to commence
8 drilling the wells until October 20, 2024.

9 And the exhibit packet submitted to the
10 Division for case numbers 23717 through 23720 contain
11 the land professional's testimony of Travis Macha
12 explaining why good cause exists to extend the
13 drilling deadline, along with the applications and
14 proposed notices of hearing, and the Order Numbers
15 R22319, 22321, 22323, and R22325.

16 (Exhibit A was marked for
17 identification.)

18 Then we have Exhibit B, which is a
19 self-affirmed statement of my partner Dana Hardy, and
20 attached to that are the notice letter sent to the
21 pooled parties, the copies of the certified mail green
22 cards and white slip returns, and the Affidavit of
23 Publication, which was August 11, 2023.

24 (Exhibit B was marked for
25 identification.)

1 And at this point, I'd ask that
2 Exhibits A and B be admitted into the record in these
3 cases, and that the cases be taken under advisement.

4 THE HEARING EXAMINER: Are there any
5 objections to admitting Exhibits A and B into
6 evidence? Hearing none, they are admitted.

7 (Exhibit A and Exhibit B were received
8 into evidence.)

9 Mr. McClure?

10 MR. MCCLURE: Thank you, Mr. Hearing
11 Examiner. I do have a question, perhaps multiple
12 questions, for Ms. McLean here.

13 Ms. McLean, were all the original
14 persons that were noticed initially re-noticed for
15 these extension-of-time requests?

16 MS. MCLEAN: I believe so; yes. That's
17 correct.

18 MR. MCCLURE: I was going to say, based
19 upon looking -- I just did a spot-check of one of
20 these -- it seems like for this particular case, there
21 was -- I believe there's ten persons that's listed on
22 your spreadsheet that were noticed. Do you think
23 there were additional people noticed beyond these, I
24 believe it's ten, that's listed here? Specifically,
25 this is case -- just so we're on the same page -- the

1 one I'm looking at is case 23717.

2 MS. MCLEAN: Okay, great. Yeah, I was
3 just going to say, let me -- if you let me know which
4 case. I do have a lot of familiarity with the persons
5 involved in these Robin cases because they were quite
6 contentious back when we initially pooled. And yes,
7 these are the same parties and I believe they're the
8 same for all four of these cases.

9 MR. MCCLURE: Now, when I'm looking at
10 the notice spreadsheet that was submitted for case --

11 MS. MCLEAN: 237 --

12 MR. MCCLURE: -- 22 -- case number
13 22861.

14 MS. MCLEAN: Oh, so one of the original
15 cases? Let me pull that up really quick.

16 MR. MCCLURE: Correct. And there are
17 substantially more persons that were noticed in that
18 case.

19 MS. MCLEAN: I believe in that case, we
20 had noticed not just working interest owners, but we
21 had pooled overrides as well. Did you say 22861?

22 MR. MCCLURE: 22861; yes. Yes, ma'am.

23 MS. MCLEAN: Okay. And also, you know,
24 as the rule states, after we received the pooling
25 order, we send out notice again. And oftentimes,

1 parties will sign on at that point with the JOA or,
2 you know, contract with the company after they are
3 provided notice that second time.

4 And I'm happy to -- yeah, okay, so if
5 you see -- I'm looking at -- and this does explain why
6 there are more -- definitely more pages. The first
7 page of C2 is the working interest owners. And then
8 if you go on page 2 of C2 are record title owners.
9 And then we have several pages of overriding royalty
10 interests that are pooled. And it appears here that
11 we had noticed the working interest owners for this
12 extension application.

13 MR. MCCLURE: Ms. McLean, while it's
14 interesting, I guess, as to the thought process of
15 forced-pooling overriding interest
16 owners -- overriding royalty interest owners, excuse
17 me -- it appears based upon case 22861 application
18 that it was requested -- Colgate had requested, or I
19 guess maybe it was Titus here, you said -- had
20 requested that the overriding royalty interest owners
21 be pooled.

22 But yet, it appears that they were not
23 re-noticed for these cases. I just -- do you have any
24 thoughts towards that matter?

25 MS. MCLEAN: Just -- I think that it

1 has just become kind of a -- pooling the overrides,
2 you know -- we're doing it now just to be on the safe
3 side. But I don't think that it necessarily is
4 required, and I think that since we had already pooled
5 them and this is just an extension, and the working
6 interest owners would be the ones that would be
7 affected by this extension, not the overrides, because
8 the working interest owners are the cost-bearing
9 parties.

10 So we felt because this is an extension
11 to begin drilling and extending the drilling deadline,
12 that we would be required to notify the working
13 interest owners who would be directly affected by this
14 extension request. Whereas the overrides not -- they
15 don't really have much skin in the game and would not
16 need to be notified of additional costs if there're
17 any and that sort of thing.

18 MR. MCCLURE: While I'm not -- I guess
19 I'm not in disagreement with your explanation there in
20 regards to the overriding royalty interest owners, not
21 making a lot of sense for why operators are requesting
22 to force-pool them. It seems that they were requested
23 to be force-pooled in this case. And everyone that is
24 force-pooled, I mean, is grant -- is needed to be
25 noticed regardless of whether they have skin in the

1 game. Unless, of course, they did sign on to a JOA.
2 But I don't see how an overriding royalty interest
3 owner can sign onto a JOA --

4 MS. MCLEAN: Right. They wouldn't --

5 MR. MCCLURE: Specifically be -- yeah,
6 go ahead.

7 MS. MCLEAN: And we are, you know, if
8 you would like, we're happy to continue the case to
9 the next docket so that we can send out notice to all
10 of the additional record-title and overriding royalty
11 interest owners, if you would prefer.

12 MR. MCCLURE: I mean, that would likely
13 be my recommendation to our Hearing Examiner that we
14 do something along that path. I guess my question to
15 you, Ms. McLean, do you believe this is likely a issue
16 with all four of these cases?

17 MS. MCLEAN: If you give me one minute,
18 I can just -- I mean, I would say probably yes. But
19 if you would allow me, I can just do a quick search
20 and see who -- who we provided notice to in the other
21 cases.

22 MR. MCCLURE: I was going to say, I'll
23 leave it up to the -- our Hearing Examiner's
24 discretion on how much time we want to grant. But I
25 would probably agree with your assertion that the

1 answer is likely yes, this is probably across all four
2 cases.

3 MS. MCLEAN: Yeah. I just pulled up
4 another one, and it's the -- identical. So I
5 would -- I think it's a safe bet to say yes.

6 MR. MCCLURE: Okay, thank you,
7 Ms. McLean.

8 Thank you, Mr. Hearing Examiner. No
9 further questions.

10 THE HEARING EXAMINER: So Mr. McClure,
11 it sounds to me, and I have no reason to think
12 otherwise, that these four cases should be continued
13 to allow Ms. McLean to follow through with your
14 request; is that correct?

15 MR. MCCLURE: Yes. That -- that would
16 definitely be my recommendation. It definitely gets a
17 little more complex when you look at rule, but that'd
18 be my recommendation at this point.

19 THE HEARING EXAMINER: Ms. McLean, how
20 much time do you need to comply with this request?

21 MS. MCLEAN: So from today, we will
22 need, I believe it's 20 days prior to the hearing. So
23 we would not be able -- I'm looking at the date. The
24 next one is 9/21. So I believe we'd need to be set
25 for the October 5th docket.

1 THE HEARING EXAMINER: Okay. And I
2 think -- I think Marlene said the October -- the
3 October 5th docket is quite full at this point. We
4 have over 120 cases, I thought she mentioned. Is
5 there any objection to moving it to the October 19
6 docket?

7 MS. MCLEAN: This would -- I imagine it
8 would be extremely fast just to present these exhibits
9 that, you know, the certified mail green cards to show
10 that we did, in fact, mail. And I do know, also, that
11 we have another set of Robin applications that are set
12 on the October 5th docket. So if we would be
13 permitted to present those at the same time.

14 THE HEARING EXAMINER: Okay. I
15 understand, Ms. McLean. So what part of the rule are
16 you citing for the 20-day deadline?

17 MS. MCLEAN: It is
<https://protect-us.mimecast.com/s/cg2NCKrRrzU2Nvm4Ivhcea?domain=19.15.4.10>.

18 THE HEARING EXAMINER: Let me take a
19 look at it. Is there a subsection?

20 MS. MCLEAN: Subsection -- sorry, I
21 just need to do a little search here -- it's
22 adjudicating hearing notice -- I cannot speak those
23 words this morning -- it is subsection -- okay, so
24 subsection -- it is B. 19.15.4.9B. the Division --

25 THE HEARING EXAMINER: I see it.

1 MS. MCLEAN: The Division has to
2 publish and then we'll need to send out by mail.

3 THE HEARING EXAMINER: So this is that
4 the Division must --

5 MS. MCLEAN: Right.

6 THE HEARING EXAMINER: -- publish
7 notice.

8 MS. MCLEAN: So Ms. Salvidrez sends
9 public -- puts everything on the website, so that
10 would have to be done. And then I believe there's the
11 notice requirements separately that we mail to the
12 parties, which is by mail. I'm looking at
13 the -- trying to find the subsection here for you.

14 THE HEARING EXAMINER: But are there
15 any parties?

16 MS. MCLEAN: What?

17 THE HEARING EXAMINER: But Ms. McLean,
18 I thought there were no other parties that you would
19 have to mail anything to.

20 MS. MCLEAN: We have -- we have to mail
21 out hearing of the notice, do the additional working
22 interest and overriding -- sorry, not the --

23 THE HEARING EXAMINER: I see. Okay.

24 MS. MCLEAN: -- or sorry, not the
25 working interest, the override and the record title

1 that we initially notified the first case. And that
2 is -- I found that one for you. It's 19.15.4.12B, the
3 applicant shall send notice by certified mail, return
4 receipt requested, to the last known address of a
5 party within 20 days.

6 THE HEARING EXAMINER: Okay, I
7 understand. So Ms. McLean, you -- you think or you
8 assert that the 20-day rule is -- must be complied
9 with when a hearing -- we've already started this
10 hearing. You are asserting that it needs to be
11 complied with if we continue the hearing?

12 MS. MCLEAN: That's what Mr. McClure
13 has requested that we do provide that notice --

14 THE HEARING EXAMINER: Okay.

15 MS. MCLEAN: -- to the record title and
16 the overriding royalty interests, and that can be
17 accomplished by the October 5th hearing docket.

18 THE HEARING EXAMINER: Fifth. Okay.

19 Marlene, would you have a problem if we
20 added these Colgate cases to the October 5th docket
21 with the other --

22 Ms. McLean, what are the case numbers
23 for the other Colgate cases?

24 MS. MCLEAN: The other case numbers
25 are -- let me get those for you -- Robin -- just a

1 minute, I'm looking on my little spreadsheet here.
2 Okay, so those are 23 -- 23791, 23792, 23793.

3 THE HEARING EXAMINER: Okay. Marlene,
4 do you have those three cases on the October 5th
5 docket?

6 MS. SALVIDREZ: I need to double-check.
7 Yes, they are on the October 5th docket.

8 THE HEARING EXAMINER: Okay, thank you.

9 And Mr. McClure, are you -- do you
10 agree with Ms. McLean that this is a very simple and
11 quick matter to add this piece of evidence to the
12 record?

13 MR. MCCLURE: Yes, Mr. Hearing
14 Examiner. I think it should be a fast case to
15 re-hear, or to hear then.

16 THE HEARING EXAMINER: And Ms. McLean,
17 are you going to be amending one of your exhibits that
18 has already been admitted into evidence, or are you
19 going to add another exhibit?

20 MS. MCLEAN: We will supplement and add
21 another exhibit.

22 THE HEARING EXAMINER: An Exhibit C?

23 MS. MCLEAN: Yes, probably an
24 additional Exhibit C5 that would contain the
25 additional notice.

1 THE HEARING EXAMINER: Okay.

2 Marlene, are you okay with adding these
3 cases to the October 5th docket?

4 MS. SALVIDREZ: Yes. I will continue
5 cases 23717, '718, '719, and '720 to the October 5th
6 docket.

7 THE HEARING EXAMINER: Thank you.

8 MS. MCLEAN: Thank you, Mr. Examiner.

9 THE HEARING EXAMINER: So Ms. McLean,
10 this Exhibit 3 will be submitted by what date?

11 MS. MCLEAN: We will submit all of the
12 exhibits by the deadline which I believe is October
13 3rd, Mr. Examiner, for the October 5th docket.
14 Because that way we can get back all of the returns
15 and compile everything for submission prior to this in
16 the other Robin hearings.

17 THE HEARING EXAMINER: Okay. Anything
18 else on these cases?

19 MS. MCLEAN: Not from Colgate,
20 Mr. Examiner.

21 THE HEARING EXAMINER: Then we will
22 continue those and move on. Thank you for your
23 participation.

24 MS. MCLEAN: Thank you.

25 THE HEARING EXAMINER: Thank you.

1 We move on to 23721. Mr. Dominici, are
2 you with us?

3 MR. DOMINICI Yes, I am, Mr. Hearing
4 Examiner.

5 THE HEARING EXAMINER: Okay, wonderful.
6 So let's see, we also have a state land office entry
7 of appearance filed by Mr. -- is it Grasor [ph]?

8 MR. MOORE: Good morning, Mr. Hearing
9 Examiner. My colleague, Chris Grasor [ph] filed the
10 entry of appearance on behalf of himself and myself,
11 Richard Moore.

12 THE HEARING EXAMINER: And it's my
13 understanding that you concur with Mr. Dominici?

14 MR. MOORE: The Commissioner of Public
15 Lands and the State Land Office supports the
16 application by the State of John Stearns to take
17 operatorship of this well for the purpose of plugging
18 and abandonment.

19 THE HEARING EXAMINER: Okay. And do we
20 have any other parties or interested persons here
21 today for this case?

22 MS. LEE: I am here. I represent
23 John R. Stearns. My name is Charity Lee.

24 MR. DOMINICI: She's a potential
25 witness, Your Honor, if we need one.

1 THE HEARING EXAMINER: Oh, okay. Thank
2 you, Mr. Dominici. I was confused. Okay,
3 Mr. Dominici, we're here for a hearing. Are you ready
4 to proceed?

5 MR. DOMINICI: Yes, Mr. Examiner.

6 THE HEARING EXAMINER: Okay, please.

7 MR. DOMINICI: Mr. Examiner, I
8 represent the Estate of John Stearns. They are
9 successors to essentially a liability of John Stearns,
10 who is the lessee of record of a lease, State Land
11 Office lease, that has three wells on it that need to
12 be plugged. We actually assigned this lease, but the
13 transfer of the State lease never took place.

14 So this lease has changed hands several
15 times, and there is a companion pending lawsuit by the
16 State Land Office trying to assure that these wells
17 get plugged and some other surface reclamation takes
18 place. We can proceed with the reclamation with the
19 State Land Office permission exclusively as they are
20 the owner. But we cannot proceed with the plugging
21 without changing the operator status.

22 So the most current operator is
23 Northern Pacific. They -- they acquired assets and
24 liabilities of one of our assignees, Cross Border
25 Resources. They were active in the lawsuit that I

1 described until about January, and then their counsel
2 withdrew and they became pro se, although that's not
3 really appropriate because they are -- they are an
4 incorporated entity, but that's what the court did.

5 And so we decided to -- and then
6 Mr. Stearns passed away. We decided to have separate
7 negotiations with the Land Office and agreed to take
8 on this plugging obligation.

9 Attached to our prehearing statement is
10 Exhibit 1, which is a settlement agreement. The
11 other -- which I would move that into the record.

12 (Exhibit 1 was marked for
13 identification.)

14 THE HEARING EXAMINER: Well do it all
15 at once, Mr. Dominici.

16 MR. DOMINICI: We'll do it all the
17 same -- okay. And then the other exhibits are
18 actually attached to the Land Office prehearing
19 statement. And they are the history of the leases,
20 which show John Stearns as the last lessee, and then
21 the lease termination letter from the State Land
22 Office in 2019.

23 So these wells cannot operate. They're
24 not operational, and they -- they really need to be
25 plugged. The Estate is trying to resolve the State

1 issues; has decided to take on this obligation. And
2 Northern Pacific has been uncooperative since their
3 attorney withdrew in the companion lawsuit, and so we
4 went ahead and filed this application.

5 We did a prehearing statement as to the
6 State Land Office, and we would like -- and it's a
7 limited change of operatorship to allow us to plug the
8 wells. But that's all that needs to be done with
9 these wells and we are prepared to do that. We
10 are -- our timeline will start as soon as we get an
11 order becoming operator, and we're ready to pursue
12 that.

13 So the exhibits I would move would be
14 Exhibit 1 to our prehearing statement, and then the
15 exhibits to the Commissioner of Public Lands'
16 prehearing statement, which is Exhibit A1, A2, and B,
17 which are the lease history and the lease termination.

18 (Exhibits A1, A2, and B were marked for
19 identification.)

20 THE HEARING EXAMINER: Are there any
21 objections to admitting those exhibits into evidence?

22 MR. MOORE: None from me --

23 THE HEARING EXAMINER: Not hearing
24 any -- I'm sorry, Mr. Moore?

25 MR. MOORE: None from us.

1 THE HEARING EXAMINER: Thank you,
2 Mr. Moore.

3 Those exhibits are now in evidence.
4 (Exhibit 1, A1, Exhibit A2, and
5 Exhibit B were received into evidence.)
6 Are there any questions? Mr. Moore, do
7 you have any questions for this witness before I turn
8 to Mr. McClure?

9 MR. MOORE: We don't -- we don't have
10 any questions. Thank you, Hearing Examiner.

11 THE HEARING EXAMINER: Thank you.
12 Mr. McClure?

13 MR. MCCLURE: Thank you, Mr. Hearing
14 Examiner. I do have a few questions for Mr. Dominici.
15 Hopefully I pronounced that correctly, sir. I
16 apologize if I didn't. From the looks of it, Stearns,
17 or Estate of Stearns, I guess, had been in contact
18 with the attorney for Northern; is that correct??

19 MR. DOMINICI: That's correct.

20 MR. MCCLURE: On the prior -- oh, I
21 apologize. Now, since they have -- since they're no
22 longer representing them, has Stearns ever
23 been -- have -- managed to reach Northern themselves
24 then -- since then?

25 MR. DOMINICI: My client has had some

1 contact with them sort of in the field, if you will.
2 My formal communications, I haven't had any
3 communication directly with -- with Northern Pacific
4 other than the -- the emails and mailings that we sent
5 them regarding this proceeding, but I haven't been
6 able to contact them.

7 MR. MCCLURE: Okay. And see, that's
8 exactly, I guess, the context for my questions I had.
9 I was wondering if we had -- or if Stearns had
10 attempted to provide notice of this hearing and
11 whether you have received any responses in regards to
12 that?

13 MR. DOMINICI: We have provided notice.
14 We haven't received any response. I will indicate
15 that when Northern Pacific purchased the assets and
16 liabilities of Cross Borders, they posted a \$1,000,000
17 bond and they entered a compliance order which
18 included these wells, even though they're -- they're
19 not really assets, they were liabilities.

20 And so our communications immediately
21 before Northern Pacific's attorney dropped out, we
22 were making significant headway that Northern was
23 going to plug these wells. They were going to move
24 them up in their compliance order. They're not
25 scheduled for plugging until next year.

1 And when the attorney -- before the
2 attorney withdraw [sic], he said all of those
3 proposals to essentially work with us and change the
4 schedule were withdrawn by Northern and that they were
5 not going to participate in any negotiations that
6 would assist us in resolving the State Land Office
7 efforts to get the wells plugged immediately.

8 My understanding, but this is just
9 second-hand from my client and others, is Northern is
10 out of compliance with that compliance agreement.
11 But -- which is -- which is other wells in the
12 immediate vicinity but not these wells. They're not
13 scheduled until next year.

14 MR. MCCLURE: I guess my -- my
15 question, Mr. Dominici, is: Was record of those
16 emails or however notice of this hearing was
17 originally sent out, was record of that submitted to
18 us in their exhibits?

19 MR. DOMINICI: No, it wasn't. I would
20 request that I could submit -- submit that.

21 MR. MCCLURE: Okay, thank you, sir.
22 No further questions, Mr. Hearing
23 Examiner.

24 THE HEARING EXAMINER: All right.
25 Mr. Dominici, you have Ms. Charity Lee here. What is

1 the purpose of this witness?

2 MR. DOMINICI: Only if we needed
3 rebuttal for some -- or answering questions, or
4 if -- so she has an affidavit in the record.

5 THE HEARING EXAMINER: Okay. I saw it.

6 MR. DOMINICI: And I would move that
7 affidavit to be considered.

8 THE HEARING EXAMINER: Okay. I just
9 want to go through what you've submitted so far,
10 because I'm a little confused at the exhibits. How
11 many exhibits have you entered into the record so far?

12 MR. DOMINICI: It would be Stearns
13 Exhibit 1, State Land Office Exhibits 1A and 1B, State
14 Land Office Exhibit 2, and then the affidavit of my
15 client --

16 THE HEARING EXAMINER: Okay, I
17 understand.

18 MR. DOMINICI: -- which was Charity
19 Stearns Lee.

20 THE HEARING EXAMINER: Right. Okay.
21 So I want to go through the documents that we have
22 here, because I'm not sure I saw all of them and I
23 want to make sure that the record is clear what we're
24 admitting and what we're not admitting.

25 We have the initial application. There

1 are no exhibits there to think about. Then we have an
2 entry of appearance from the State Land Office there.
3 We don't have any exhibits either. Now, we do have,
4 from the State Land Office, a document which I read,
5 and it says the Commission does not intend to present
6 witnesses or exhibits other than rebuttal where
7 exhibits may be necessary. But below it, it does have
8 an oil and gas lease from 1960. Now, is that an
9 exhibit, Mr. Dominici?

10 MR. DOMINICI: Yes. That would
11 be -- so that would be attached to the Commissioner of
12 Public Land's prehearing statement.

13 THE HEARING EXAMINER: Right.

14 MR. DOMINICI: And that would be the
15 start of Exhibit --

16 THE HEARING EXAMINER: A1?

17 MR. DOMINICI: A1.

18 THE HEARING EXAMINER: So we have
19 Exhibit A1 here. That's been admitted. We also have
20 Exhibit A2. What is Exhibit A2?

21 MR. DOMINICI: So A2 is the assignment
22 that placed that lease in A1 into the name of John
23 Stearns d/b/a Stearns.

24 THE HEARING EXAMINER: And then we have
25 Exhibit B?

1 MR. DOMINICI: So B is the termination
2 of the lease.

3 THE HEARING EXAMINER: Okay.

4 And Mr. McClure, you saw these three
5 exhibits?

6 MR. MCCLURE: Yes, sir, I did.

7 THE HEARING EXAMINER: Okay. I just
8 wanted to make sure that we're all on the same page
9 here.

10 So then we have -- and that was
11 submitted on the 31st of August. Then we have the
12 document, Affidavit of Charity Stearns Lee. What is
13 the purpose of this exhibit?

14 MR. DOMINICI: Just to verify the
15 statements in our prehearing statement.

16 THE HEARING EXAMINER: And this is not
17 marked as an exhibit, so what are you proposing that
18 this be called?

19 MR. DOMINICI: I would propose to mark
20 that as Applicant's Exhibit 2.

21 (Exhibit 2 was marked for
22 identification.)

23 THE HEARING EXAMINER: Exhibit 2;
24 Applicant's Exhibit 2. Okay. And do you have an
25 Exhibit 1?

1 MR. DOMINICI: Exhibit 1 should be
2 attached to our prehearing statement, which is the
3 Settlement Agreement.

4 THE HEARING EXAMINER: Okay. And what
5 date did you file the prehearing statement?

6 MR. DOMINICI: The same -- the 31st.

7 THE HEARING EXAMINER: I only have one
8 document filed on the 31st, so let me look at it
9 again. Okay, and this is your prehearing statement.
10 And this here has a Settlement Agreement marked as
11 Exhibit 1. Okay.

12 And Mr. McClure, you've seen now
13 Exhibit 1 and Exhibit 2 filed by the applicant; is
14 that correct?

15 MR. MCCLURE: Yes, That is correct.

16 THE HEARING EXAMINER: Very good. All
17 right. Then we have admitted these as -- into
18 evidence.

19 (Exhibit 2 was received into evidence.)

20 Is there anything from preventing us
21 from taking this under advisement, Mr. McClure?

22 MR. MCCLURE: Mr. Hearing Examiner, I
23 do not believe so, although I would recommend that we
24 leave the record open for supplemental information
25 regarding the attempt to notice Northern of this

1 hearing today.

2 THE HEARING EXAMINER: All right. I
3 want to make a note of that.

4 Mr. Dominici, when would you be
5 providing that?

6 MR. DOMINICI: I would request until
7 Monday.

8 THE HEARING EXAMINER: I'm sure that
9 would be fine. So we are going to take this under
10 advisement. But we're leaving the record open until,
11 let's say, next Friday, as opposed to just Monday,
12 giving you more time. How about the 15th,
13 Mr. Dominici?

14 MR. DOMINICI: Thank you. That would
15 be fine.

16 THE HEARING EXAMINER: To
17 provide -- Mr. McClure, what is Mr. Dominici
18 providing?

19 MR. MCCLURE: Essentially copies of
20 emails that were provided or they had sent certified
21 letters. I'd like to see the tracking numbers of
22 those certified letters. And then also, I suppose,
23 the content of the certified letter.

24 THE HEARING EXAMINER: So Mr. McClure,
25 this is essentially notice?

1 MR. MCCLURE: Yes. Correct. I
2 apologize. Yes. Essentially, evidence of notice that
3 was provided to Northern, I guess regardless of
4 whether they actually received it, but evidence that
5 it was provided.

6 THE HEARING EXAMINER: Specifically to
7 Northern?

8 MR. MCCLURE: Correct. Because they're
9 the current operator, which we're changing from.

10 THE HEARING EXAMINER: Very good.

11 Mr. Dominici, you understand what you
12 need to provide?

13 MR. DOMINICI: Yes, I do.

14 THE HEARING EXAMINER: Very good. Is
15 there anything left on this case?

16 MR. DOMINICI: Not for the applicant.

17 THE HEARING EXAMINER: Very good.
18 State Land Office?

19 MR. MOORE: Nothing from us. We're
20 just here to support the application of the Estate to
21 take care of these wells.

22 THE HEARING EXAMINER: Okay, thank you
23 Mr. Moore for your participation, and Ms. Lee for your
24 attendance.

25 We're going to take a five-minute

1 break. It's 10:25. We'll come back at 10:30 to
2 continue.

3 (Off the record.)

4 THE HEARING EXAMINER: It is 10:30.
5 We're going to continue the docket with case number
6 23722. Ms. McLean, are you handling this case?

7 MS. MCLEAN: I am, Mr. Examiner.

8 THE HEARING EXAMINER: Very good. Are
9 there any other parties or interested persons in this
10 case? Are you ready to proceed with the hearing?

11 MS. MCLEAN: Yes, Mr. Examiner.

12 THE HEARING EXAMINER: I see you filed
13 a -- see what you filed here -- an Exhibit Index, A,
14 B, and C. Are you asking for those to be admitted
15 into evidence?

16 MS. MCLEAN: Yes, along with the
17 compulsory pooling checklist that was submitted as
18 well.

19 THE HEARING EXAMINER: Perfect. So
20 hearing no objections, there are admitted into
21 evidence.

22 (Exhibits A, Exhibit B, and Exhibit C
23 were marked for identification and
24 received into evidence.)

25 So proceed, please.

1 MS. MCLEAN: Thank you. And I'm happy
2 just to answer questions. But I do have a
3 presentation if you would like that. And then I can
4 answer questions after the presentation.

5 THE HEARING EXAMINER: Great. An
6 abbreviated presentation would be fine.

7 MS. MCLEAN: Okay. Great. So
8 basically, in case number 23722, MRNM is applying for
9 an order pooling all uncommitted interests in the Avo
10 formation underlying 160-acre horizontal spacing unit
11 comprised of the south half north half of Section 34,
12 Township 16 South, Range 27 East in Eddy County, and
13 this unit would be dedicated to the Clydesdale Federal
14 Com Number 1H well to be drilled from surface hole
15 location in the northwest quarter southwest quarter of
16 Section 35 to a bottom hole location in the southwest
17 quarter northwest quarter of Section 34.

18 And since the exhibits have already
19 been admitted, I would request that case number 23722
20 be taken under advisement.

21 THE HEARING EXAMINER: Mr. McClure?

22 MR. MCCLURE: No questions here,
23 Mr. Hearing Examiner.

24 THE HEARING EXAMINER: Okay. I have no
25 questions, so this case will be taken under

1 advisement. Thank you very much, Ms. McLean.

2 MS. MCLEAN: Thank you, Mr. Examiner.

3 THE HEARING EXAMINER: We're going to
4 proceed to 23723 and '24. Is Ms. Bennett available?

5 MS. BENNETT: Good morning again.
6 Deana Bennett from Modrall Sperling.

7 THE HEARING EXAMINER: Good morning.
8 Are there any other parties or interested persons in
9 this case? Hearing none, are you ready to proceed,
10 Ms. Bennett?

11 MS. BENNETT: Yes, I am. Thank you
12 very much.

13 THE HEARING EXAMINER: Okay, go right
14 ahead.

15 MS. BENNETT: Thank you. So in -- I'd
16 actually like to combine case 23723 and case 23724 for
17 purposes of my presentation, if that's agreeable?

18 THE HEARING EXAMINER: Please.

19 MS. BENNETT: Okay. And in these two
20 cases, Marathon is seeking an order from the Division
21 pooling all uncommitted mineral interests within two
22 standard 320-acre, more or less, facing units. And
23 these are companion cases. Together, they cover the
24 east half of Sections 30 and 31 in Township 19 South
25 and Range 35 East.

1 And we timely filed exhibits. And the
2 exhibits include Exhibit A, which is our Compulsory
3 Pooling Checklist; Exhibit B, or tab B, which is the
4 Declaration of Mr. Farley Duvall [ph], who's
5 previously testified before the Division, and his
6 credentials have been accepted as a matter of record;
7 and Exhibit C is the Affidavit or self-affirmed
8 Declaration of Elizabeth Scully, a geologist who's
9 also previously testified before the Division.

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

12 And behind each of tab B and tab C are
13 the usual exhibits supporting our pooling
14 applications. And in these two cases, the spacing
15 units will be dedicated to the Hefeweizen State Com
16 501H well and the Hefeweizen State Com 502H well.

17 I'm happy to run through a little bit
18 more, but I think that covers the essential features
19 of these two cases, and I'd ask that Exhibits A, B,
20 and C in each of the cases be admitted into the record
21 and -- in each case. And I'm happy to answer any
22 questions that the Division may have.

23 THE HEARING EXAMINER: Okay. Are there
24 any objections to admitting the Exhibits contained
25 within tabs A, B, and C into the evidence record?

1 Hearing none, they are so admitted.

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

4 Let's start out with questions from
5 Mr. McClure.

6 MR. MCCLURE: Yes, Mr. Hearing
7 Examiner. I don't have any questions, but I do
8 request that Marathon submit us a amended checklist
9 for case 23723 because the pool name and pool code is
10 not included on that checklist.

11 MS. BENNETT: Okay, my apologies on
12 that for sure. Did I -- let's see -- right. Got it.
13 I will definitely make that change and make
14 the --resubmit. I don't know how I missed that. But
15 I will definitely make that change and resubmit.

16 MR. MCCLURE: Thank you.

17 THE HEARING EXAMINER: Thanks.

18 Mr. McClure, thanks for spotting that. Where does
19 that go on this checklist?

20 MR. MCCLURE: Oh, of what I'm referring
21 to?

22 THE HEARING EXAMINER: Yes.

23 MR. MCCLURE: You see a section that's
24 labeled, like, formation/pool? And then, like, in
25 that, like, the fourth one down in there, it says pool

1 name and pool code?

2 THE HEARING EXAMINER: Yes.

3 MR. MCCLURE: Currently, it looks like
4 they -- like we'd accidentally copy and pasted
5 something from down below in there. Instead, what
6 they should have in there is the name of the pool in
7 which the well is supposed to produce from, as well as
8 the pool code for that pool.

9 THE HEARING EXAMINER: I see. So the
10 entry there that starts with the number 40 is just
11 wholly inaccurate?

12 MR. MCCLURE: Absolutely; yeah. I
13 think they intended to put that down under the
14 building block section for facing unit.

15 THE HEARING EXAMINER: Right.

16 Ms. Bennett, do you know the answer to
17 the pool name and pool code?

18 MS. BENNETT: Yes, I do. Mr. McClure
19 is absolutely correct. I did inadvertently cut and
20 paste one to many times. So in the checklist for
21 23724, I do have the pool name and the pool code in
22 the correct place -- well, in place. And so I will
23 just fix that inadvertent overly-zealous cutting and
24 pasting in the checklist for 23723.

25 THE HEARING EXAMINER: Okay. So

1 where -- what page is the checklist for 23724 on?

2 MS. BENNETT: It's -- it starts -- it's
3 labeled Exhibit A. And so it's immediately after the
4 table of contents in my packet. And so it'd be page 3
5 of the pdf.

6 THE HEARING EXAMINER: Right.
7 That's -- that's where the wrong number is for 23723,
8 but my question is: Where is the checklist for 23724?

9 MS. BENNETT: It has its own hearing
10 exhibit packet.

11 THE HEARING EXAMINER: Okay, hold on
12 one second. I understand. Give me a minute.

13 MS. BENNETT: Sure thing.

14 THE HEARING EXAMINER: I thought they
15 might be under the same, but I see why they're not.
16 So let me go there. Okay, I see it here. All right.
17 Table of contents 23724. And here, pooling name and
18 code, Lea; Bone Spring 37570. So you're
19 saying -- you're saying, Ms. Bennett, that that same
20 information that is here, Lea; Bone Spring 37570,
21 should be on 23723? I see. Okay.

22 Good catch, Mr. McClure.

23 So how long would it take for you to
24 modify 23723 checklist and get it to us?

25 MS. BENNETT: It won't take me very

1 long at all. I am working out of our Santa Fe office
2 right now, which I do have a bit of limited
3 connectivity, which is sort of why I'm going in and
4 out, also, probably. But I can have it done by, you
5 know, maybe 1 or 2 o'clock this afternoon. And
6 what --

7 THE HEARING EXAMINER: So is
8 the -- okay, so Ms. -- hold on one second. So is it
9 typical for you to correct that and file that one page
10 as a correction, or would you be amending the entire
11 packet and resubmitting -- what is your typical way
12 that you do it?

13 MS. BENNETT: Generally speaking, what
14 I've done in the past is filed a notice of a revised
15 exhibit and then I have attached the revised exhibit
16 to that notice. So that's generally how I've
17 proceeded.

18 THE HEARING EXAMINER: Okay.

19 MS. BENNETT: But I am willing to do
20 whatever the division prefers.

21 THE HEARING EXAMINER: Good. So you're
22 going to file a notice of errata, then?

23 MS. BENNETT: Yes. And in my notice,
24 it -- I generally identify the page that's being
25 corrected and the reason for the correction so that

1 it's clear if someone were to just look at my revised
2 exhibit what I've changed and why.

3 THE HEARING EXAMINER: Okay, sounds
4 good.

5 Mr. McClure, do you agree with that
6 solution?

7 MR. MCCLURE: I will say it sounds
8 right. Although to be fair, I'm not the primary
9 review of the CP cases later. That'd be Mr. Garcia
10 and Ms. Thompson. But I believe that's correct.

11 THE HEARING EXAMINER: Let me ask
12 Marlene.

13 Marlene, is there a way for her to
14 submit a revised document that would prevent
15 confusion?

16 MS. SALVIDREZ: The way she explained
17 it is how John Garcia would like those filed.

18 THE HEARING EXAMINER: And would you
19 put it in your own words, Marlene, how you want it
20 submitted?

21 MS. SALVIDREZ: Well, they usually do a
22 cover page and then they submit exactly what they're
23 providing on the second page.

24 THE HEARING EXAMINER: Okay, perfect.
25 So Ms. Bennett, what I'm -- what I'm

1 still confused about is this cover page would be the
2 Notice of Errata. Would you then submit a single page
3 as the correction, or are you going to submit the
4 entire 50-page packet with the one page corrected?

5 MS. BENNETT: So it's
6 a -- either -- it's usually just the single page that
7 you're correcting. But in this case, since it's the
8 compulsory pooling checklist, I would likely resubmit
9 the entire compulsory pooling checklist, not to be
10 confusing, but because that becomes attached to the
11 order. It might be more useful for the Division to
12 have a full compulsory pooling checklist revised. But
13 I would not be submitting the entire packet again.

14 THE HEARING EXAMINER: Now I
15 understand. Let me just see how many -- so what is
16 it -- that three pages?

17 MS. BENNETT: Three pages.

18 THE HEARING EXAMINER: Checklist is
19 three pages?

20 MS. BENNETT: That's correct.

21 THE HEARING EXAMINER: Okay, very good;
22 very good.

23 Mr. McClure, can we take this under
24 advisement and leave the record open for this
25 correction?

1 MR. MCCLURE: That would be my
2 recommendation; yes.

3 THE HEARING EXAMINER: Then that is
4 what we will do. So there's nothing to be corrected
5 in 23724 on my understanding?

6 MR. MCCLURE: That's my understanding
7 as well, Mr. Hearing Examiner.

8 THE HEARING EXAMINER: All right. Make
9 sure I have these correct. Okay, so we are taking
10 these under advisement with a correction to the 23723
11 checklist. Okay. Is there anything further,
12 Ms. Bennett?

13 MS. BENNETT: Nothing from me. Thank
14 you.

15 THE HEARING EXAMINER: Wonderful. So
16 we are taking 23724 under advisement with no
17 correction, and 23723 with a correction.

18 And we will move on to 23729, Permian
19 Resources. Ms. Hardy?

20 MS. HARDY: Good morning, Mr. Examiner.

21 THE HEARING EXAMINER: Good morning.

22 MS. HARDY: Dana Hardy with Hinkle
23 Shanor on behalf of Permian Resources and New Mexico
24 Oil Corp.

25 THE HEARING EXAMINER: And I see

1 Mr. Moore for the State Land Office?

2 MR. MOORE: Good morning, Mr. Hearing
3 Examiner. Richard Moore on behalf of the Commissioner
4 of Public Lands and the New Mexico State Land Office.

5 THE HEARING EXAMINER: Wonderful. And
6 Mr. Moore, the State Land Office Commissioner takes
7 the same position on this as she did on the other?

8 MR. MOORE: Yes. We support Permian
9 Resources and New Mexico Oil Company's application to
10 take operatorship of these wells for purposes of
11 plugging and abandonment.

12 THE HEARING EXAMINER: Okay.

13 Ms. Hardy, are you ready to proceed
14 with the hearing?

15 MS. HARDY: Yes, I am. Thank you.

16 THE HEARING EXAMINER: Please.

17 MS. HARDY: In this case, Permian
18 Resources and New Mexico Oil Corp seek an order
19 removing Bar V Barb as operator of record of three
20 wells, the South Lucky Lake Queen Unit 1A, 01, and 02
21 wells, and designating Permian Resources as operator
22 of record.

23 Permian Resources is the record title
24 owner of a state lease which covers certain lands in
25 Chavez County, and certain of these wells are located

1 on that lease. New Mexico Oil Corp is record title
2 owner of another lease, also in Chavez County. And
3 one of the wells, I believe, is located on that lease,
4 as well. So there are three wells at issue located
5 between them on these two leases.

6 And the State Land Office has requested
7 that Permian Resources and New Mexico Oil Corp plug
8 and abandon these wells to comply with the
9 requirements of the leases. And Bar V Barb is the
10 current operator of record of the wells. Bar V Barb
11 is a defunct basically non-existent corporation or LLC
12 at this point. It's not in good standing with the New
13 Mexico Secretary of State. There have been Oil
14 Conservation Division compliance actions against Bar V
15 Barb.

16 The individual identified as the owner
17 of Bar V Barb in Division records is Steve Oldfield.
18 We contacted him to see if he would be willing to
19 transfer operatorship and plug these wells -- transfer
20 operatorship or plug these wells. And his response is
21 that he has transferred the interest in county
22 records, and so he doesn't think he can do that.

23 So -- so Permian Resources and New
24 Mexico Oil Corp are asking for authorization that
25 Permian Resources plug these three wells.

1 THE HEARING EXAMINER: So Ms. Hardy,
2 let's pause for a minute.

3 Mr. Moore, you have a bunch of
4 attachments to your prehearing statement. Are you
5 asking for those to be admitted?

6 MR. MOORE: Yes. If there's no
7 objection, we would like to admit the leases and
8 assignments that are attached to our prehearing
9 statement.

10 THE HEARING EXAMINER: So I have a
11 lease as Exhibit A1. I have --

12 MR. MOORE: And -- yes, sorry.

13 THE HEARING EXAMINER: I have an
14 Assignment as A2. I have another lease, a later
15 lease, it looks like, as B1. And another Assignment
16 as B2. And finally, I have a letter from the current
17 State Land Commissioner as Exhibit C. Does that
18 accurately reflect the exhibits?

19 MR. MOORE: Yes.

20 (Exhibits A1 through C were marked for
21 identification.)

22 THE HEARING EXAMINER: Okay.

23 Ms. Hardy, any objection to admitting
24 these into evidence?

25 MS. HARDY: No objection, Mr. Examiner.

1 And we also had provided our separate exhibits, as
2 well.

3 THE HEARING EXAMINER: I'm sure you
4 have. I just wanted to deal with these first, in
5 case --

6 MS. HARDY: Sure.

7 THE HEARING EXAMINER: -- in case
8 Mr. Moore wants to -- wants to stay or leave. It's up
9 to him. So those five exhibits are admitted into
10 evidence.

11 (Exhibits A1 through C were received
12 into evidence.)

13 And now let's take a look at your
14 exhibits, Ms. Hardy. Let's see, we have here a
15 prehearing statement. No exhibits here. We then
16 have -- it looks like I have an exhibit list from you,
17 Ms. Hardy, Exhibit A, B, and C, with subexhibits in
18 there. Are you asking for those to be admitted?

19 MS. HARDY: Yes, Mr. Examiner.

20 THE HEARING EXAMINER: We're going to
21 admit -- Mr. Moore, any objections to any of these
22 exhibits?

23 MR. MOORE: No objection.

24 THE HEARING EXAMINER: Okay. These are
25 admitted into evidence: Exhibits A; A1, '2, '3, '4,

1 and '5; Exhibit B; and Exhibit C1, '2, '3, and '4 are
2 all admitted.

3 (Exhibit A through Exhibit C4 were
4 marked for identification and received
5 into evidence.)

6 Ms. Hardy, do you feel the need to give
7 us a summation of this? It seems like you already
8 have. Or are you ready to stand for any questions
9 from Mr. McClure?

10 MS. HARDY: I am ready to stand for any
11 questions.

12 THE HEARING EXAMINER: Okay.

13 Mr. McClure?

14 MR. MCCLURE: Thank you, Mr. Hearing
15 Examiner.

16 Ms. Hardy, it looks like notice was
17 attempted to be sent out to Bar and Barb to two
18 separate addresses. Do you know from where these
19 addresses was obtained?

20 MS. HARDY: These addresses were
21 obtained from the Division's records for Bar V Barb.
22 And I believe also from the Secretary of State's
23 website.

24 MR. MCCLURE: Now, it looks like you
25 had submitted the email communication that you'd

1 referenced, the email communication with -- sorry, I'm
2 on the wrong tab.

3 MS. HARDY: Mr. Oldfield?

4 MR. MCCLURE: Yes. Correct. I
5 apologize for that. I had the wrong -- I had the
6 wrong tab open. Yes, Mr. Oldfield, in which he had
7 asserted that he no longer has ownership in Bar and
8 Barb. Was he never re-noticed via that email address
9 of this -- I shouldn't say re-noticed. Let me back
10 up. Was he ever noticed of this hearing via that
11 email address -- Mr. Oldfield, that is?

12 MS. HARDY: Yes, he was, Mr. McClure.
13 I believe if you scroll through the emails, we did
14 send him notice of the correspondence which was the
15 notice letter and the application.

16 THE HEARING EXAMINER: Ms. Hardy, what
17 page is this one? Is it 19, 20? Where are we?

18 MS. HARDY: I am looking at
19 page -- looks like 22 and 23 of the pdf.

20 THE HEARING EXAMINER: I'm looking at
21 your page numbers up in the upper right corner where
22 it says page 22 of 43. What page are you on?

23 MS. HARDY: Okay. So page 22.

24 THE HEARING EXAMINER: That's what I
25 thought. And which email are you talking about?

1 MS. HARDY: The email at the bottom of
2 the page says "Please see attached letter."

3 THE HEARING EXAMINER: Okay.

4 So Mr. McClure, do you see that on
5 Wednesday, July 19; that email?

6 MR. MCCLURE: Yes. I see what she's
7 referring to. I'm trying to -- "Please see attached
8 letter in regards" -- then the attached --

9 MS. HARDY: I have another --

10 MR. MCCLURE: -- then the attached
11 letter is -- is it -- what was the attached letter
12 referring to? I apologize.

13 MS. HARDY: Actually, you know,
14 Mr. McClure, I have to correct myself. If you look at
15 page 35 of the pdf, that email is the transmission
16 email for the hearing application, the hearing notice
17 letter. And you can see that it's listed at the top
18 as a -- those are attachments to the email.

19 MR. MCCLURE: Okay. Thank you,
20 Ms. Hardy. Yes, I believe this -- page 35 of 43
21 answers -- essentially answers that question. In
22 regards to Mr. Standard -- hopefully that was his
23 name -- I got to scroll back up --yeah, Mr. Standard.
24 In regards to who was asserted to now currently own
25 Bar and Bard, I guess, or Barb, excuse me. Was -- I'm

1 assuming no addresses was ever provided based upon
2 what the email chain you have here; is that correct?
3 No communication or way of communicating with this
4 Mr. Standard?

5 MS. HARDY: That's right, Mr. McClure.
6 We had asked Mr. Oldfield for Mr. Standard's contact
7 information, and he said he did not have it and his
8 attempts had been unsuccessful. And we did not find
9 contact information in any records for this individual
10 who purportedly owns Bar V Barb, although as I said,
11 Bar V Barb is defunct and nonexistent.

12 MR. MCCLURE: So then would it be an
13 accurate statement to say that in lieu of providing
14 direct notice, that's the reason that public notice
15 was provided?

16 MS. HARDY: Well, we -- we did also
17 publish notice, that's correct, and we included
18 Mr. Standard in our publication affidavit, in the
19 publication notice, as well as the individual who, you
20 know, is the owner of record of Bar V Barb.

21 But being that it's a defunct company,
22 we did not receive return receipts. I mean, we mailed
23 them certified mail. And that information is provided
24 in our notice attachment Exhibit C. But I suppose
25 because Bar V Barb is defunct, it doesn't have a

1 mailing address that's valid.

2 MR. MCCLURE: Oh, yes, I did see that
3 those had been returned. Thank you, Ms. Hardy. I
4 have no further questions.

5 Thank you, Mr. Hearing Examiner.

6 THE HEARING EXAMINER: Mr. McClure, is
7 there any reason why we can't take this case under
8 advisement at this point?

9 MR. MCCLURE: I do not see a reason not
10 to.

11 THE HEARING EXAMINER: And is that your
12 wish, Ms. Hardy?

13 MS. HARDY: Yes, it is. Thank you.

14 THE HEARING EXAMINER: All right. We
15 will take this case under advisement. And we will
16 move on to the next case, which I think Ms. Hardy,
17 you're also part of the next three cases, that is
18 23734, '35, and '36?

19 MS. HARDY: That's correct,
20 Mr. Examiner. Dana Hardy with Hinkle Shanor on behalf
21 of Read & Stevens.

22 THE HEARING EXAMINER: I also have an
23 entry of appearance from Paula Vance, but I see
24 Mr. Feldewert?

25 MR. FELDEWERT: Yes, Mr. Chakalian.

1 Michael Feldewert with the Santa Fe office for -- of
2 Holland & Hart for MRC Permian Company.

3 THE HEARING EXAMINER: Thank you. Are
4 there any objections to this case proceeding by
5 affidavit?

6 MR. FELDEWERT: No.

7 THE HEARING EXAMINER: Ms. Hardy, are
8 you prepared to proceed?

9 MS. HARDY: Yes, I am.

10 THE HEARING EXAMINER: Please go ahead.

11 MS. HARDY: Thank you. In each of
12 these cases, Read & Stevens seeks to pool record title
13 interest in these three wells. There are three
14 spacing units. Collectively, they cover the west half
15 and the west half of the east half of Section 3,
16 Township 20 South, Range 34 East, in Lea County.

17 Case number 23734 involves pooling of
18 the record title interest for the North Lea 3 Fed Com
19 2H. Case number 23735 covers the spacing unit for the
20 North Lea 3 Fed Com 3H. And then 237 -- case number
21 23736 involves the spacing unit for the North Lea 3
22 Fed Com 4H.

23 We have provided our compulsory pooling
24 checklist with our exhibit packet in each case. And
25 we have also included Exhibit A, which is the

1 self-affirmed statement of our landman, Travis Macha.
2 He provides the plat of tracts and ownership interest,
3 pooled parties, recapitulation, a communitization
4 agreement, and his chronology of contact with these
5 parties.

6 (Exhibit A was marked for
7 identification.)

8 Exhibit B is the testimony of our
9 geologist, Ira Bradford, who provides standard geology
10 exhibits.

11 (Exhibit B was marked for
12 identification.)

13 And then Exhibit C is my notice
14 affidavit, which includes the certified mail receipts,
15 the chart of notice, and an affidavit of publication
16 for each case.

17 (Exhibit C was marked for
18 identification.)

19 So with that, I would ask that these
20 exhibits, A, B, and C, and their subexhibits be
21 admitted into the record, and that these three cases
22 be taken under advisement.

23 THE HEARING EXAMINER: Okay. Are there
24 any objections to these exhibits being entered into
25 evidence? Hearing none, they are --

1 MR. FELDEWERT: No, Mr. Examiner, I do
2 have a question.

3 THE HEARING EXAMINER: I haven't gotten
4 to that point yet, Mr. Feldewert.

5 MR. FELDEWERT: Okay.

6 THE HEARING EXAMINER: These exhibits
7 are admitted into evidence, Ms. Hardy.

8 (Exhibit A, Exhibit B, and Exhibit C
9 were received into evidence.)

10 And now, Mr. Feldewert, you have
11 cross-examination?

12 MR. FELDEWERT: Well, I don't know if
13 it's cross-examination. I had some questions for
14 Ms. Hardy --

15 THE HEARING EXAMINER: Please.

16 MR. FELDEWERT: -- as I was looking at
17 the exhibits in her statement here. So if I'm
18 understanding this, MRC Permian Company is not being
19 pooled, right?

20 MS. HARDY: Let me look at Exhibit A3,
21 which is the list of the pooled parties. And I am
22 looking at the exhibits for the first case.

23 MR. FELDEWERT: It's probably the same.
24 I was looking at case number 23735, which is Exhibit A
25 through E [sic] again.

1 MS. HARDY: If they aren't listed on
2 Exhibit A3, then -- highlighted in
3 yellow -- highlighted the pooled parties, then -- then
4 that's correct, they wouldn't be pooled.

5 MR. FELDEWERT: Because I see
6 then -- so I'm looking at case 23735, and I'm looking
7 at A3. And I see MRC Permian listed there right at
8 the bottom. But they're not highlighted. Then I go
9 to the next exhibit, or the next page of that exhibit,
10 so it would be page 14 of 96, which I think is
11 supposed to be a working interest owner capitulation.
12 And I don't see MRC Permian listed there.

13 MS. HARDY: So it's my understanding
14 that they were noticed because they were record title
15 owner of one of the leases. And we were pooling to
16 get those interests pooled for the purpose of
17 obtaining communitization agreements from the BLM.

18 MR. FELDEWERT: All right. So that
19 helps, because I was trying to figure out why they got
20 notice. So you show MRC Permian as a record title
21 owner?

22 MS. HARDY: That would be why they
23 received notice. But if they signed the comm
24 agreements, then they aren't being --

25 MR. FELDEWERT: Pooled. Okay. So what

1 I could take from this is that apparently, they're not
2 a working interest owner because they don't appear on
3 the second page of Exhibit A-3.

4 MS. HARDY: Correct. That's correct.

5 MR. FELDEWERT: Okay. All right. That
6 explains it. I was trying to figure this out. Thank
7 you very much.

8 MS. HARDY: Sure.

9 THE HEARING EXAMINER: Mr. McClure?

10 MR. MCCLURE: Thank you, Mr. Hearing
11 Examiner.

12 Ms. Hardy, I'm almost questioning -- I
13 suppose my question after your exchange with
14 Mr. Feldewert -- my assumption had been that only the
15 record title owners are being pooled; is that correct?

16 MS. HARDY: Correct; that's correct.

17 MR. MCCLURE: But did you just tell
18 Mr. Feldewert that MRC Permian is a record title owner
19 and that's why they received notice, but they're not
20 being pooled?

21 MS. HARDY: So I believe if -- we
22 noticed the record title owners who had not yet signed
23 communitization agreements. But if they signed
24 communitization agreements after the notice was issued
25 but before today, then they would not be listed as

1 being pooled.

2 MR. MCCLURE: Okay. Thank you. I
3 understand where we're at now. Okay. I guess the
4 only other question I had for you then is on your
5 initial application, it implies, I guess, that you
6 would be pooling working interest owners as well,
7 because you do list out that you would be imposing a
8 200 percent risk charge as well as your operating
9 costs. I'm assuming that's just a typo; is that
10 correct to say?

11 MS. HARDY: That's our standard
12 language, but it would only apply to working
13 interests. You're correct. So since we're not
14 pooling working interest, it wouldn't apply.

15 MR. MCCLURE: Okay. Thank you. No
16 further questions.

17 Thank you, Ms. Hardy. No further
18 questions.

19 Thank you, Mr. Hearing Examiner.

20 MS. HARDY: Thank you.

21 THE HEARING EXAMINER: So Mr. McClure,
22 did you have a chance to look at each application for
23 each of these three cases?

24 MR. MCCLURE: Yes. Well, are we
25 referring to the application or the exhibits? I'm

1 sorry, Mr. Hearing Examiner?

2 THE HEARING EXAMINER: The exhibits,
3 the exhibits.

4 MR. MCCLURE: Oh. Yes. Yes, I have
5 done so.

6 THE HEARING EXAMINER: I just wanted to
7 make sure, because each one seems a little different.

8 Okay, Mr. Feldewert, any further
9 questions?

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

11 THE HEARING EXAMINER: Okay. So
12 Ms. Hardy, you would propose that these be taken under
13 advisement.

14 Mr. McClure, is that acceptable?

15 MR. MCCLURE: I would agree it is.

16 THE HEARING EXAMINER: Okay. Okay,
17 then these three cases will be taken under advisement,
18 23734, '35, and '36.

19 MS. HARDY: Thank you very much.

20 THE HEARING EXAMINER: Thank you.

21 We're going to move on to 23738.

22 Mr. Feldewert?

23 MR. FELDEWERT: Yes, sir. Appearing on
24 behalf of the applicant here, MRC Permian Company.
25 And we can hear also case 23739.

1 THE HEARING EXAMINER: Perfect. We
2 have a entry of appearance for Tap Rock by Michael
3 Rodriguez. Do we have him?

4 MR. RODRIGUEZ: Good morning. This is
5 Michael Rodriguez with Tap Rock Operating, LLC.

6 THE HEARING EXAMINER: Good morning.
7 And we have an entry of appearance for COG by
8 Ms. Ryan?

9 MR. RITTENHOUSE: Yes, sir. This is
10 Joby Rittenhouse for ConocoPhillips appearing on
11 behalf of COG Operating, as well as COG Acreage. And
12 I'll note that I believe in all of our entries of
13 appearance, Ms. Ocean Munds-Dry was included along
14 with Beth Ryan and myself. So I think we should be
15 good in terms of whether or not we need to submit
16 substitution of counsel for these various entries.

17 THE HEARING EXAMINER: Very good.

18 Mr. Feldewert, are you ready to proceed
19 by affidavit for the hearing?

20 MR. FELDEWERT: Yes, sir.

21 THE HEARING EXAMINER: Okay. Please
22 proceed.

23 MR. FELDEWERT: So in both of these
24 cases, together they involve the Bone Spring formation
25 underlying the west half of Sections 8 and 17, 25

1 South, 35 East, down there in Lea County. 23738,
2 which is the exhibit package that I'll run through
3 real quick, seeks to approve an overlapping horizontal
4 well spacing unit in the Bone Spring formation, and
5 then pool that overlapping horizontal spacing unit in
6 the Bone Spring underlying the west half of the west
7 half of this acreage.

8 And in case 23739, it seeks the same
9 relief for the east half of the west half of this
10 acreage.

11 In each case, the overlapping spacing
12 unit map and affected parties, and then the pooled
13 parties, are the same. So the exhibits in each case
14 you'll see are virtually identical. So I'm going to
15 take a look -- I'll run through 23738 -- and what
16 you'll see is we have Exhibit A as our application.
17 And then the checklist -- sorry, Exhibit A is the
18 pooling application for each case. And then Exhibit B
19 is the filed application.

20 (Exhibit A and Exhibit B were marked
21 for identification.)

22 Then in each case, we have the
23 affidavit of Isaac Evans -- he's a landman -- marked
24 as Exhibit C. He walks through seven exhibits to his
25 statement. The first Exhibit, C-1, is a map of the

1 overlapping spacing units that occur here from this
2 planned development. You'll see that they overlap
3 some spacing unit that's operated by COG, who's in
4 this case.

5 And then Mr. Evans identified in
6 paragraph 8 of his statement that the notice list
7 includes not only the pooled parties, but the working
8 interest owners affected by the overlapping spacing
9 unit as well as the BLM since we have some federal
10 acreage involved here. The remaining exhibits are
11 pretty straight forward, like you see in other cases.
12 He provides us -- C-102 for the initial wells.

13 Exhibit C-3 is a tract Mercer project
14 which is identical for for both cases. Exhibit C-4
15 provides a breakdown of the owners that -- working
16 interest owners -- to be pooled, which again, is the
17 same in both cases.

18 And C-5 includes a list over overriding
19 royalty interest owners. And then what they call net
20 profits mineral owners, or net proceeds mineral
21 owners, or non-participating mineral owners.
22 You -- they vary. But essentially, they don't
23 participate in the -- in the project, but they need to
24 be pooled. Because of the nature of their
25 instruments, it's not clear that their instruments

1 authorized the creation of the spacing units, so they
2 are being pooled out of an abundance of caution. And
3 that's why that happens sometimes, Mr. McClure.

4 Exhibit C-6 is then the well proposal
5 letter in each case that went out for these wells for
6 the parties to be pooled, along with the AFEs for the
7 proposed wells. And then in each case, Exhibit C-7
8 provides a summary of the communications with the
9 participating entities, the working interest owners
10 that seek to be pooled.

11 (Exhibits C through C7 were marked for
12 identification.)

13 We then have the -- in each case -- the
14 affidavit of Liz Olson [ph]. She's a geologist with
15 the company. This is the first time she had testified
16 before the Division.

17 So paragraph 2 provides her education
18 background and her work experience and qualifications
19 which we believe qualify her to testify as an expert
20 witness in petroleum geology. She then provides some
21 very nice maps. The first one Exhibit D-1, shows the
22 general location of this particular area in relation
23 to some landmarks.

24 Exhibit D-2 is, again, her structure
25 map, along with a cross section. You'll see that she

1 identifies the existing Bone Spring wells in the area,
2 most of which, if not all, are stand-up orientation.
3 And she identifies the spacing units in yellow, along
4 with the cross section of wells that she utilized to
5 then create Exhibit D-3, which is a structural cross
6 section of the interval being pooled, in which she
7 identifies the targets within that Bone Spring
8 formation that the set, initial set of wells seek to
9 target and develop.

10 (Exhibits D through D3 were marked for
11 identification.)

12 Exhibit E is then my affidavit
13 indicating that notice was sent by certified mail to
14 the parties listed, and you'll see a sheet generated
15 from the postal information that identifies the status
16 of these delivery of those -- of that notice.

17 (Exhibit E was marked for
18 identification.)

19 And then finally, Exhibit F in each
20 case is a affidavit of publication directed by
21 names -- by name to all of the affected parties out of
22 an abundance of caution, since there is some certified
23 mailings that appear to be in transit, so to speak.

24 (Exhibit F was marked for
25 identification.)

1 So with that, we ask that the Exhibits
2 A through F in both cases be admitted and that both of
3 these matters be taken under advisement.

4 THE HEARING EXAMINER: Thank you. Do
5 we have any objection to admitting these exhibits in
6 these two cases as evidence?

7 MR. RODRIGUEZ: No objection from Tap
8 Rock.

9 MR. RITTENHOUSE: No objection from
10 COG.

11 THE HEARING EXAMINER: Thank you, sir.
12 The exhibits in both cases admitted
13 into evidence.

14 (Exhibits A through F were received
15 into evidence.)

16 Mr. McClure, do you have any questions
17 for this witness?

18 MR. MCCLURE: Yes, I do, Mr. Hearing
19 Examiner.

20 Mr. Feldewert, these two cases, and in
21 the Baker's cases, are going to be interesting in as
22 your -- well, let me back up just a second. The two
23 wells that's proposed is in Bone Spring 1 and Bone
24 Spring 2; correct?

25 MR. FELDEWERT: If you look at the

1 geologist's statement, which he identifies with
2 exhibits the location of the target intervals for the
3 Bone Spring wells. And based on the depth -- you'd
4 had to -- and off the top of my head, I'm not sure
5 exactly which Bone Spring interval is being targeted
6 by each set of wells. We may have to look at the well
7 proposal letter.

8 MR. MCCLURE: I was going to say, on
9 the map where it shows the overlapping horizontal
10 spacing unit, it identifies as Bone Spring 1 and Bone
11 Spring 2. And based off the -- or the cross-section
12 that you had just referenced, I would presume that
13 we're looking at Bone Spring 1 and Bone Spring 2. But
14 I guess this is leading to my next question, more so
15 than anything else.

16 It is the intent of Marathon to -- or
17 Matador, excuse me, Matador, excuse me -- to possibly
18 pool the entirety of the Bone Spring formation,
19 though; is that correct?

20 MR. FELDEWERT: Correct. Which is why
21 we have the overlapping spacing in the notice
22 requirement.

23 MR. MCCLURE: Okay. Yeah. Well; yeah.
24 And I was kind of assuming so. I was just confirming.
25 Because of that, the pool we have selected would

1 most -- would be incorrect. The pool you have
2 selected is for the entirety of the Bone Spring, and
3 we're not going to have an overlapping pool.

4 So even if we were to pull in, it
5 wouldn't be this particular pool. It would have to,
6 instead, be a pool that is for the middle of the Bone
7 Spring and upper Bone Spring, and then in addition,
8 we'd be talking about that Wolf Bone pool, because
9 that includes -- the top of it is at the top of the
10 Bone Spring third line, or carbonate, I should say,
11 instead.

12 So essentially, we would be
13 force-pooling not only these pools in the Bone Spring,
14 but also that Wolf Bone would be one of the include
15 pools.

16 MR. FELDEWERT: Well --

17 MR. MCCLURE: Go ahead?

18 MR. FELDEWERT: Hold on a second. I
19 disagree with that.

20 MR. MCCLURE: Okay, go ahead.

21 MR. FELDEWERT: The -- first off, the
22 Division is the one who chooses the pool, not me.
23 Okay?

24 MR. MCCLURE: Acknowledged.

25 MR. FELDEWERT: And we're not including

1 the Wolf Bone pool because that is a separate pool,
2 okay. We're including the identified -- as I
3 understand it -- the identified pool on C102, which is
4 the -- whatever remains of the Bone Spring formation
5 outside of what Paul Coutts [ph] has put into the Wolf
6 Bone pool.

7 MR. MCCLURE: Okay. If that's correct,
8 then it would imply that you're -- or it'd be stating
9 that you're not including, or not intending to include
10 the entirety of the Bone Spring, then, because the top
11 of the Wolf Bone is the top of the third Bone Spring
12 line. So you also have the third Bone Spring sand
13 beneath that. Now, we don't currently have any
14 proposed wells within that. So I guess it's
15 possibility maybe Matador does not intend to
16 force-pool that, but that's not --

17 MR. FELDEWERT: They -- they would

18 MR. MCCLURE: -- how it's currently set
19 up. Go ahead?

20 MR. FELDEWERT: Now, they're only
21 pooling the pool identified by the Division in the
22 Bone Spring formation.

23 MR. MCCLURE: So then, would it be
24 accurate to say that Matador does not intend to
25 force-pool from the top of the third Bone Spring line

1 down?

2 MR. FELDEWERT: What would be accurate
3 to say is -- and I will take -- I don't know what the
4 representation of the Wolf Bone pool is or what the
5 demarcation is.

6 MR. MCCLURE: Yeah. Go ahead.

7 MR. FELDEWERT: But it would be more
8 accurate to say is that they were pooling the Bone
9 Spring formation that has been assigned a -- the pool
10 identified on C102. And not pooling whatever in the
11 Bone Spring formation has been allocated to a separate
12 standalone pool by the Division.

13 MR. MCCLURE: I apologize,
14 Mr. Feldewert, could you say that last sentence one
15 more time? I apologize.

16 MR. FELDEWERT: They would not
17 be -- you can only pool a pool, right? Okay? You
18 can't pool two pools. So they're not pooling whatever
19 Paul Coutts [ph] and the Division has put into the Wolf
20 Bone pool.

21 MR. MCCLURE: And see, in all reality,
22 that there is actually an interesting statement,
23 because I believe in the past, when we have the
24 horizontal bounds of the pools hitting each other,
25 I --

1 MR. FELDEWERT: Could you view them,
2 like, side by side?

3 MR. MCCLURE: Exactly. I believe -- I
4 believe in those instances, we do or have been
5 compulsory pooling more than one pool, per se, because
6 we're compulsory pooling that formation. I guess.

7 MR. FELDEWERT: Because you're in the
8 same -- you're in the same geologic depth. I get it.
9 And the pool --

10 MR. MCCLURE: Exactly, exactly. So I
11 would imagine -- I don't, like, have it, like, right
12 in front of me. But I would imagine that that's
13 probably occurred in the past.

14 MR. FELDEWERT: I -- I don't disagree
15 with that.

16 MR. MCCLURE: Yeah.

17 MR. FELDEWERT: Here, we have -- the
18 Division has taken, apparently, forced what you would
19 call the Bone Spring formation and put it into the
20 Wolf Bone pool, okay. And that is a separate
21 stand-alone source of supply, according to the
22 Division. What Matador is pooling here is the Bone
23 Spring formation that remains within the pool
24 designated on the C102 and on our compulsory pooling
25 checklist.

1 MR. MCCLURE: And see, I guess my only
2 question in regards to that is the particularly -- the
3 selected pool here. That pool would include the
4 entirety of the Bone Spring. But it can't overlap
5 with the Wolf Bone area, which you clearly have your
6 second mile going into. So this particular pool
7 would, by necessity of being -- going across that Wolf
8 Bone would be incorrect. We would need to bring in a
9 pool that does not include the entirety of the Bone
10 Spring.

11 MR. FELDEWERT: Well, that's for the
12 you and the Division to decide, right? That's not for
13 us to decide.

14 MR. MCCLURE: Yeah; yeah.

15 MR. FELDEWERT: We were -- we were told
16 by Paul Coutts [ph] to put these wells into the pool
17 that is identified on the C102s and in our compulsory
18 pooling checklist. Now, if the Division decides that
19 they should be placed in some other pool, that's up to
20 the Division. We have no control over that.

21 MR. MCCLURE: Okay. Well, I mean,
22 essentially, I guess what I'm trying to establish
23 here -- and I understand -- I understand -- I
24 understand the difficulties when it comes to the pool
25 codes and pools, absolutely. I guess what I'm trying

1 to establish here is if your intent is not to include
2 the Wolf Bone. That's why I'm trying to make sure
3 that we're clear on, I guess.

4 MR. FELDEWERT: Our intent is not to
5 include the Wolf Bone; correct.

6 MR. MCCLURE: Okay. Okay. Yeah,
7 that -- okay, thank you, sir. Yeah, a long rambling
8 discussion, but that was what I was trying to get at,
9 I guess.

10 MR. FELDEWERT: Right. And I -- I
11 think in our application, we note that that Wolf Bone
12 pool is an interval of the pool different than that
13 targeted by the proposed wells.

14 MR. MCCLURE: Oh, okay, and that's very
15 good. I -- I didn't parse your application as
16 thoroughly, I guess, to see that -- that, in
17 particular. But yeah, I guess, very good if we have
18 that in there.

19 I guess before we move down off the
20 admin checklist, or excuse me, the pooling checklist,
21 I touched base with Mr. Garcia yesterday, and that N/A
22 that you have listed for pooling this vertical extent,
23 the Division would like something else
24 put -- something actually put in there rather than
25 N/A, even if that's just a repeat of -- go ahead?

1 MR. FELDEWERT: So which -- where you
2 are viewing the compulsory pooling checklist?

3 MR. MCCLURE: Yes, sure. On the
4 formation pool area there. It says pooling this
5 vertical extent. I assume the reason you put N/A
6 there is because it would -- your intention would be
7 to just copy the Bone Spring formation down and put
8 that there; therefore, you didn't include it.

9 Now, based off our discussion just now,
10 I mean, I guess obviously that would probably be
11 something along the lines of Bone Spring minus
12 whatever's in the Wolf Bone or however you want to
13 word it, but --

14 MR. FELDEWERT: Well; no. I mean,
15 first off --

16 MR. MCCLURE: Go ahead, go ahead, sir.

17 MR. FELDEWERT: -- that is a line that
18 is utilized when, for example, you have a pool in the
19 Bone -- in the Bone Spring formation. But for
20 whatever reason, you're only pooling a particular
21 interval in that pool assigned the Bone Spring
22 formation, so for example, the second Bone Spring
23 interval only.

24 That is when we pool -- put in the
25 vertical extent, and you identify it with a well log.

1 In this case, we are pooling the Bone Spring pool
2 assigned to the formation that we are targeting with
3 our wells. So that -- that vertical extent doesn't
4 apply.

5 MR. MCCLURE: Yeah. And -- yeah, and I
6 was going to say -- see, I wasn't involved when this
7 checklist was first put into -- go ahead, sir.

8 MR. FELDEWERT: So that's -- yeah, I
9 mean, that was the origin of it, because, you know,
10 there were times when, so that parties would not be
11 interfering, for example, with an operator who started
12 developing the third Bone Spring interval in the Bone
13 Spring formation, okay? And they got third Bone
14 Spring well in there.

15 They want to come in and just develop
16 the second Bone Spring interval. They didn't want to
17 interfere with the operator's ability to develop the
18 other portions of the Bone Spring formation, so they
19 put this line in the checklist so that you would
20 identify that you're only pooling the vertical extent
21 that is the second Bone Spring interval. And you
22 identify it by depth. That's why it says vertical
23 extent.

24 MR. MCCLURE: And as I was looking
25 down, I was trying to see -- because when we have a

1 depth severance, we have all that. But -- and this
2 would be an instance where it's not a depth severance,
3 is essentially what you're laying out; correct?

4 MR. FELDEWERT: That is correct. That
5 is correct. So it's not applicable.

6 MR. MCCLURE: Yeah, and see, your
7 explanation makes perfect sense. Having said that, I
8 don't actually know, I guess, what the Division's
9 current position is on this. So I guess for now, I'll
10 leave it alone. But I was just going to say, just so
11 that you're aware, it's possibility that Mr. Garcia or
12 Ms. Thompson may reach out in regards to this.

13 MR. FELDEWERT: That's fine.

14 MR. MCCLURE: But for now,
15 we'll -- yeah, leave it alone for now. I guess the
16 other question I had for you: As listed on your
17 exhibits, it's page 22 of 48, and that's the summary
18 of interests?

19 MR. FELDEWERT: Which case are you on,
20 Dean?

21 MR. MCCLURE: Oh, I apologize. Case
22 23738.

23 MR. FELDEWERT: Okay. 22 of 48; let me
24 get there. Okay, got you.

25 MR. MCCLURE: Yes. Just to confirm,

1 everybody on this table, including on page 23, is who
2 Matador intends to compulsory pool?

3 MR. FELDEWERT: Yes, sir.

4 MR. MCCLURE: Okay. And that does
5 include COG's record title ownership, I guess?

6 MR. FELDEWERT: Yes.

7 MR. MCCLURE: Okay. That was all I was
8 going to confirm. And I'll probably ask you the same
9 in some of these other cases. I would obviously
10 assume it's the same here -- or there as here, but
11 just to have it in the transcript, I guess, for those
12 cases as well.

13 MR. FELDEWERT: Certainly. And just
14 so -- on the transcript --

15 MR. MCCLURE: Oh, go ahead.

16 MR. FELDEWERT: And also Exhibit C5.

17 MR. MCCLURE: C5.

18 MR. FELDEWERT: Next, the next few
19 pages.

20 MR. MCCLURE: Yeah, I already moved on.
21 Oh, okay, I got you. Yeah, these were just you
22 identifying. Are you -- it -- was it the intent of
23 Matador to force-pool these individuals that's in this
24 overriding royalty interest?

25 MR. FELDEWERT: Yes.

1 MR. MCCLURE: Oh. Okay. I wasn't -- I
2 guess I wasn't aware of that --

3 MR. FELDEWERT: Which is why our notice
4 list extends one, two, three pages.

5 MR. MCCLURE: Oh, yes, sir; yeah. But,
6 I mean, it seems like some, like, some operators, I
7 guess, are, like, just noticing everybody regardless
8 of whether they're being force-pooled or not. So
9 that's the reason I'm asking, to see, I guess, who it
10 is you're actually intending to force-pool, and that
11 perhaps notice wasn't provided to persons that
12 wouldn't have needed to have been noticed, if that
13 makes sense.

14 MR. FELDEWERT: I can't speak to what
15 other operators are doing.

16 MR. MCCLURE: Oh, of course. Go ahead.

17 MR. FELDEWERT: Mr. Evans identifies in
18 the statement that there are pooling parties listed in
19 C4 and C5.

20 MR. MCCLURE: Okay. Thank you.
21 That -- that will be sufficient, because that's
22 exactly where I was going with this, was if we were
23 going to need something to specifically point out that
24 everybody here was being requested to be force-pooled.
25 And that should be sufficient.

1 MR. FELDEWERT: You're making me work
2 today, Mr. McClure.

3 MR. MCCLURE: Well, you're not going to
4 like where I'm going next, Mr. Feldewert.

5 THE HEARING EXAMINER: Mr. McClure?
6 Mr. McClure, before you go wherever you're going
7 next --

8 MR. MCCLURE: Go ahead, I'm sorry. Go
9 ahead.

10 THE HEARING EXAMINER: I want to
11 understand the exchange between you and Mr. Feldewert
12 before. In your first series of questions you were
13 trying to confine the pool to a specific location.
14 Ultimately, Mr. Feldewert said on his checklist, he
15 indicated that they were not looking to pool interests
16 in -- in one formation; they were only looking to pool
17 interests in a very specific location.

18 Where -- Mr. Feldewert, where on this
19 application or this checklist does it show that?

20 MR. FELDEWERT: Okay. So we have
21 the -- the Bone Spring formation is what's involved
22 here. And within the Bone Spring -- so if I go to the
23 checklist, and we go to formation/pool, okay, it says
24 formation name, Bone Spring formation.

25 Then it identifies the pool name and

1 the pool code. That is what the Division supplies,
2 okay? The Division determines what pool is applicable
3 there. What Mr. McClure is indicating, that the
4 Division in this particular area, has taken a lower
5 portion of the Bone Spring formation and the upper
6 portion of the Wolfcamp formation and put it together
7 as a common source of supply with its own standalone
8 pool.

9 THE HEARING EXAMINER: I see.

10 So Mr. McClure, does this checklist
11 here on page 3 or 4, does this answer your questions
12 from before?

13 MR. MCCLURE: The pool -- the pooling
14 checklist itself, because of the incorrect pool listed
15 there, would not answer my question. Instead, we
16 would have to reference the geologist's statement, I
17 believe, is where it's referenced, correct,
18 Mr. Feldewert, in regards to not including the Wolf
19 Bone?

20 MR. FELDEWERT: The application notes
21 the Wolf Bone is a different pool that we are not
22 addressing.

23 MR. MCCLURE: Yeah, but in regards to
24 the checklist, would you agree that it does not
25 indicate that the Wolf Bone is not being included?

1 MR. FELDEWERT: The checklist is
2 constrained by the nature of the checklist that the
3 Division put together. And in the checklist, you are
4 to identify the pool that the Division has placed this
5 into, which is what we did.

6 MR. MCCLURE: But unfortunately, in
7 this particular case, it seems that the pool was
8 misidentified.

9 MR. FELDEWERT: I don't -- I don't --

10 MR. MCCLURE: Evidenced by the fact
11 that your overlapping spacing unit is in a Wolf Bone
12 pool. So maybe -- go ahead, go ahead, sir. I
13 apologize. Go ahead.

14 MR. FELDEWERT: But the -- the wells
15 that are drilled in the overlapping spacing unit,
16 okay, apparently, are drilled in the -- what the
17 Division has put in as a Wolf Bone pool, which is a
18 separate pool, okay.

19 And when it comes to the horizontal
20 well rules, the horizontal well rules say that you
21 identify the affected working interest owners whenever
22 you have a spacing unit that overlaps in the same pool
23 or -- or formation, which is why we were required to
24 give notice. Now, the reason the parties don't
25 object, I would surmise, is because they're developing

1 the Wolf Bone pool and we're developing the pool that
2 the Division has placed for the remainder of the Bone
3 Spring formation.

4 MR. MCCLURE: Yes. And I'm
5 understanding that. But where, I mean, just going
6 back to -- back to the question posed in regards to
7 the pooling checklist, I mean, perhaps this would be
8 the indication that we would need something on the
9 pooling this vertical extent?

10 MR. FELDEWERT: I don't see why,
11 because the --

12 MR. MCCLURE: Go ahead.

13 MR. FELDEWERT: -- checklist, the
14 checklist is identifying the pool that we are pooling
15 based on what the Division has said. We're not
16 pooling any other pool.

17 MR. MCCLURE: Which is exactly where I
18 was getting at that this is obviously an incorrect
19 pool, at least for the entirety of the lateral for the
20 well. And I suppose --

21 MR. FELDEWERT: Why do you -- why do
22 you reach that conclusion?

23 MR. MCCLURE: Because this pool that
24 you have listed includes the third bone spurring.

25 MR. FELDEWERT: But it would --

1 MR. MCCLURE: So therefore --

2 MR. FELDEWERT: But it would not
3 include what Paul Coutts [ph] has put into the Wolf
4 Bone Pool.

5 MR. MCCLURE: Because we can't overlap
6 pools, that would be correct. But your second mile of
7 your lateral, by necessity, cannot be this pool.
8 Otherwise, it would include what's been put into the
9 Wolf Bone. Because essentially, have two pools that
10 are taking the exact same area, if that makes sense.

11 MR. FELDEWERT: Well, that's what
12 you're going to have to visit with Paul Coutts [ph]
13 about, because we have no control over that.

14 MR. MCCLURE: Yeah. And I was going to
15 say, I touched base with, not specifically on these
16 cases, but on the Biggars [ph] cases, I directly
17 touched base with and had a long conversation about it
18 yesterday. And these aren't similar areas, it
19 appears.

20 So while I suppose it's -- while I
21 didn't include this in my conversation yesterday, I
22 would most definitely surmise that this is a almost
23 identical situation based upon the fact that the
24 existing wells that you're overlapping with most
25 definitely is included currently in a Wolf Bone pool.

1 MR. FELDEWERT: Because of their depth,
2 I would assume.

3 MR. MCCLURE: Well, they're in
4 the -- yeah, I mean, I mean, yeah, they're in the
5 upper Wolfcamp is what it looked on your HSU. But
6 looking at what's in the well details, since it's the
7 Wolf Bone there, it makes it a part of the Wolf Bone
8 because it includes the bottom of the Bone Spring and
9 the top of the Wolfcamp.

10 THE HEARING EXAMINER: So
11 Mr. McClure --

12 MR. MCCLURE: Go ahead.

13 THE HEARING EXAMINER: Mr. McClure, so
14 I understand that you feel this checklist here is
15 somewhat misleading. But because of the other
16 exhibits, does that clear it up, or does -- do we need
17 to have some sort of a change to this checklist before
18 we can accept it?

19 MR. MCCLURE: Well, I do believe the
20 other exhibits clears up the discussion. But now that
21 I'm rethinking about it, now that you prompted it,
22 because the checklists are attached to the order
23 itself, we probably will need something clarified
24 here.

25 Maybe it might just be to include

1 whatever the Bone Spring pool is that's going to be
2 over the top of the Wolf Bone, which I unfortunately
3 don't have right in front of me for these particular
4 wells. So I need something that -- oh, go ahead, I'm
5 sorry.

6 THE HEARING EXAMINER: So Mr. -- that's
7 okay. But Mr. Feldewert, what I understood him to say
8 is, this information, this identifying information for
9 the pool name and code, came from the Division itself.

10 MR. MCCLURE: And my assumption is that
11 the section for the first mile of their lateral is
12 what was examined. And it's definitely possible that
13 the Division has in the past, and will continue to,
14 you know, make mistakes on occasion.

15 THE HEARING EXAMINER: I see.

16 MR. MCCLURE: It's also possible that I
17 could be mistaken in this particular case. But I do
18 not believe so, simply because we have in our system,
19 I can see where those wells in the second
20 mile -- second mile of the lateral is currently in the
21 Wolf Bone. So unless a mistake was made for those
22 wells prior, then that means that we, you know, need
23 to worry about something here, I guess.

24 THE HEARING EXAMINER: So then,
25 Mr. Feldewert, how -- before -- before Mr. McClure

1 goes onto his other questions, how do you propose to
2 modify this checklist to be in compliance with what
3 he's asking?

4 MR. FELDEWERT: Well, I think there's
5 some things that need -- well, first off, as I said
6 before, operators don't control the pools. Okay? And
7 they can only go by what the Division identifies for
8 them as the pool when they provide the C102. And this
9 is what's been identified.

10 So at this point, there's nothing I can
11 do to correct it. Now, if the Division determines
12 that there's a different pool, then it does seem to me
13 that before they issue the order, they can put in the
14 correct pool. But I don't have the pool right now.
15 If it's -- if McClure is correct and it was a mistake,
16 then that's out of my control.

17 THE HEARING EXAMINER: Okay.

18 Mr. McClure, how do you want to proceed
19 on this one issue?

20 MR. MCCLURE: I mean, Mr. Feldewert is
21 exactly right. I mean, it's not the fault of the
22 operator here. But there will have to be a follow up
23 communication from the Division in regards to what it
24 should be. So I guess my proposal would be for that
25 follow up communication to occur, and then a amended

1 checklist be submitted to us.

2 THE HEARING EXAMINER: Okay. Okay, why
3 don't you proceed with your other questions. Are we
4 going to move to the other case now?

5 MR. MCCLURE: Well, the other question
6 is -- well, I mean, it kind of regards to both these
7 cases -- my next question.

8 THE HEARING EXAMINER: Okay. Please
9 proceed.

10 MR. MCCLURE: Thank you, sir.

11 Mr. Feldewert, you referenced earlier
12 that everybody on this notice list that you sent
13 notice to is being requested to be force-pooled;
14 correct?

15 MR. FELDEWERT: Everyone listed in
16 Exhibits 4 and 5.

17 MR. MCCLURE: And of those persons, was
18 direct notice provided for each and every single one
19 of them?

20 MR. FELDEWERT: By direct notice, do
21 you mean either by certified mail or by name by
22 publication?

23 MR. MCCLURE: I would agree with either
24 of those, but where I'm going with this is I believe
25 the Labor Day vacation was not accounted for when you

1 considered the date of public notice.

2 MR. FELDEWERT: The -- the -- notice of
3 publication?

4 MR. MCCLURE: Correct. It's on August
5 24th. And by my accounting, I believe August 23rd was
6 the cutoff, I guess, as it were.

7 MR. FELDEWERT: You are correct.

8 MR. MCCLURE: Which is why I guess my
9 question -- on everybody on that notice list, there's
10 some of them that got returned? I don't --

11 MR. FELDEWERT: Yeah, let's take -- let
12 me take a look real quick --

13 MR. MCCLURE: Go ahead, sir. Go ahead.

14 MR. FELDEWERT: Yeah, give me a minute.
15 It looks like there's a least one party, Kyoga [ph]
16 Royalties, LLC. It says: This is a reminder to pick
17 up your item before September 5th or your item will be
18 returned on September 6th. Please pick up.

19 I don't know if that's -- I can't say
20 that that -- that they picked it up or not. It would
21 appear to be a valid address, but it doesn't indicate
22 that they picked it up. Let me see if there's any
23 other issue here. All of them seem to say your item
24 was delivered.

25 MR. MCCLURE: Yeah, I was going to say

1 there's one further down for Catherine Watts [ph]
2 acting --

3 MR. FELDEWERT: I see that now. So I
4 think out of an abundance of caution, we probably
5 should continue this for two weeks to allow that
6 public notice to expire. I think that'd be prudent.

7 MR. MCCLURE: You know, in regards to
8 that, I almost wonder if, you know, we can have this
9 follow up communication in regards to the admin
10 checklist, or excuse me, the pooling checklist, in the
11 meantime, and maybe at that same time we can hopefully
12 get the amended one submitted. I guess what are your
13 thoughts towards that, Mr. Feldewert?

14 MR. FELDEWERT: I think -- I think
15 that's an excellent idea.

16 MR. MCCLURE: Okay. Thank you,
17 Mr. Feldewert.

18 Thank you, Mr. Hearing Examiner. I had
19 no further questions.

20 THE HEARING EXAMINER: Okay. Did we
21 have any questions from Mr. Rittenhouse or
22 Mr. Rodriguez?

23 MR. RODRIGUEZ: No questions for Tap
24 Rock. Thank you.

25 MR. RITTENHOUSE: No questions for me,

1 either. Thank you.

2 THE HEARING EXAMINER: Okay. So
3 Mr. McClure, are you then suggesting that these two
4 cases, 23738 and '39, be continued to the September
5 21st docket?

6 MR. MCCLURE: Presuming that this
7 notice issue is also present with 23739, which I know
8 public notice was conducted August 24th, then yes, my
9 recommendation would be for us to continue it for
10 notice per Mr. Feldewert's suggestion earlier.

11 THE HEARING EXAMINER: Well, is it not
12 just for the -- is it just for the notice to cure that
13 issue, or was it also to cure this identification of
14 the pool?

15 MR. MCCLURE: Primarily, the reason to
16 extend it would be for notice. We could -- we
17 could -- and as for these later cases, probably will
18 need to -- not the cases we're talking about today,
19 right now, but the ones later, we'll likely have to
20 take care of that outside the fines of continuing it,
21 unless we decide to continue those as well. But
22 primarily, the notice is the main reason for needing
23 to continue it, in my opinion anyway.

24 THE HEARING EXAMINER: So then,
25 Mr. McClure, you are suggesting that 23739 would not

1 need to be continued unless there is a notice issue?

2 MR. MCCLURE: Correct. I believe there
3 probably is a notice issue but maybe Mr. Feldewert can
4 clear that up real fast.

5 MR. FELDEWERT: Yeah, we can
6 short-circuit this. I just checked, and the
7 publication was on the same August 24th date, so we
8 are one day short given the Labor Day holiday. So it
9 does seem to make the most sense to continue both of
10 these cases for two weeks to allow that to be
11 perfected.

12 THE HEARING EXAMINER: Okay.

13 So Marlene, are you okay with moving
14 these to the 21st docket?

15 MS. SALVIDREZ: Yes, I will continue
16 cases 23738 and 23739 to September 21st docket.

17 THE HEARING EXAMINER: Okay. Let me
18 make my notes here. I have no idea what this system
19 is doing. Okay, there we go. Wow. Okay. Continued
20 to 9/21 to hear a notice and to amend checklist to
21 pool -- okay, I'm just going to say that. Okay.
22 Okay. Is there anything else on these two cases
23 before we proceed?

24 MR. FELDEWERT: Not that I'm aware of.

25 THE HEARING EXAMINER: Let's move on to

1 23740 and 23741. Mr. Feldewert?

2 MR. FELDEWERT: Yes. Michael Feldewert
3 in the Santa Fe office of Holland & Hart on behalf of
4 the applicant. We can also hear at the same time case
5 23741.

6 THE HEARING EXAMINER: Do we have any
7 other parties who are interested in this case? Not
8 hearing any.

9 Mr. Feldewert, are you prepared to go
10 to the hearing?

11 MR. FELDEWERT: Yes, sir.

12 THE HEARING EXAMINER: Okay. Please
13 proceed.

14 MR. FELDEWERT: Except I'm going to
15 take the wind out of Mr. McClure's sails, because I
16 just checked the notice of publication and it was on
17 August 24th, so we're going to have the same issue
18 that we had with the prior set of cases. But that
19 can -- we can address after we run through the matter.

20 These two cases seek to create two
21 spacing units in the Bone Spring formation for now
22 three mile wells to be drilled in the west half of
23 Section 2 of 23 South, 35 East, and then the west half
24 of Sections 35 and 26, which is 22 South, 35 East, in
25 Lea County.

1 Case 23740 seeks to pool the Bone
2 Spring underlying the west half of the west half of
3 this acreage. And then 23741 seeks to pool the Bone
4 Spring underlying east half of the west half of this
5 acreage.

6 There's no longer a need to seek
7 approval of the overlapping spacing unit in the case
8 involving the west half west half acreage, since
9 notice was provided to the affected working interest
10 owners and no one has objected to the development
11 plan. So we just are seeking pooling here. And
12 again, in each case, the pooled parties are the same,
13 and so the exhibits filed in each case are essentially
14 identical.

15 So if I look at 23740, again, we have
16 the compulsory pooling checklist as Exhibit A, and
17 then the application as Exhibit B. Exhibit C is the
18 statement from David Johns; he's a landman with the
19 company who has previously testified. And it has
20 a -- the same set of subexhibits, except this
21 particular case, 23740, will have two extra exhibits,
22 C1 and C2. And that is because, as Mr. Johns points
23 out, Exhibit C1 is the notice -- or map of the
24 overlapping spacing unit, and Exhibit C2 is the notice
25 letter that went out to all of the parties affected by

1 the overlapping spacing unit.

2 Then the exhibits conform in each case.
3 You have the C102s, which are submitted along with
4 identifying the pool that was provided by the
5 Division. Then in each case, you have the tract map,
6 which shows five tracts of land. Then following that,
7 you have the same list of working interest owners, and
8 overriding royalty interest owners that are -- that
9 the company is seeking to pool in this case.

10 You have the well proposal letter that
11 was sent out to all of the affected working interest
12 owners, along with the AFE. And the the final exhibit
13 in each package is the chronology of contacts
14 providing a discussion of where they are with each of
15 the affected working interest person.

16 (Exhibits A through C5 were marked for
17 identification.)

18 Exhibit D, as in David, is the
19 affidavit of Liz Olson [ph]. Again, she is the
20 geologist with the company. First time testifying
21 before the Division in these cases. So her paragraph
22 2 provides her educational background and her work
23 history and other qualifications that we believe
24 qualify her to testify as an expert in petroleum
25 geology.

1 She then provides the same exhibits
2 you've previously seen, that is a locator map as
3 Exhibit D-1, her sub-C structure map as Exhibit D-2,
4 along with a structural cross-section 88 timeline.
5 And then her Exhibit D-3 is a structural cross-section
6 that identifies the landing zone for each of the
7 proposed wells in each -- in each case.

8 (Exhibits D through D3 were marked for
9 identification.)

10 Exhibit D is an affidavit of
11 publication -- I'm sorry, Exhibit E is a -- my notice
12 affidavit indicating that notice was sent by certified
13 mail to each of the parties that we seek to pool, and
14 to my nice surprise here, all of the parties received
15 actual notice by certified mail.

16 (Exhibit E was marked for
17 identification.)

18 So Exhibit F, which is the notice of
19 publication, is superfluous. We don't have -- it
20 appears we do not have to worry about the publication
21 date because actual notice was provided to each of the
22 parties that we seek to pool.

23 (Exhibit F was marked for
24 identification.)

25 So with that, I would move the

1 admission of Exhibits A through F in each case and ask
2 that both cases be taken under advisement.

3 THE HEARING EXAMINER: Are there any
4 objections to that? Hearing none, those exhibits are
5 entered into evidence.

6 (Exhibits A through F were received
7 into evidence.)

8 Mr. McClure?

9 MR. MCCLURE: Thank you, Mr. Hearing
10 Examiner.

11 Mr. Feldewert; yes, I mean -- I mean, I
12 don't know if you successfully deflated my sails,
13 because I actually had seen that notice was provided
14 to each person.

15 MR. FELDEWERT: Oh, you were way ahead
16 of me.

17 MR. MCCLURE: But the only question I
18 have in regards to this is: On your table of pooled
19 parties -- let me see if I can get to the exhibit
20 number. I believe it's Exhibit C3, there is five
21 persons listed there, including overriding royalty
22 interest owners. Just for confirmation, the intent is
23 to force-pool these five persons? All of them?

24 MR. FELDEWERT: The intent is to pool
25 all five of these parties, correct.

1 MR. MCCLURE: Okay, thank you. I guess
2 the only small follow up to that, and maybe it's just
3 a different address or a different name from one of
4 these persons, but it looks like notice was also
5 provided to a Featherstone. Is that included
6 somewhere else in this application of being pooled as
7 well, or --

8 MR. FELDEWERT: No, they're not listed
9 as being pooled. It may be that they acquired the
10 interest since the submission of these packages. But
11 the only parties that they're seeking to pool -- let
12 me doublecheck here -- because I think there's only
13 one exhibit -- are the parties that are listed on what
14 would be Exhibit C5 in case 23740. And then a
15 comparable exhibit in 23741.

16 MR. MCCLURE: Okay, very good. And
17 it's indicated as such somewhere in the exhibits that
18 it's everybody on that table that is being requested
19 to be force-pooled; is that correct?

20 MR. FELDEWERT: If you look at the
21 statement of David Johns, he -- yes, in paragraph 12
22 in case 23740, he identifies that -- or confirms that
23 the parties on Exhibit C5 are the ones being pooled.

24 MR. MCCLURE: Okay, thank you, sir.

25 No further questions. Thank you,

1 Mr. Hearing Examiner.

2 THE HEARING EXAMINER: So Mr. McClure,
3 is it your opinion now that we do not need to continue
4 these two cases to 9/21 and that they can be taken
5 under advisement?

6 MR. MCCLURE: My recommendation would
7 be to take them under advisement.

8 THE HEARING EXAMINER: Okay.
9 Wonderful. Okay, then I'm going to change my notes
10 here that 23740 and '41 are now to be taken under
11 advisement and we do not need to continue those to
12 cure the notice issue.

13 And we're going to move on to 23742.
14 And it looks like Mr. Feldewert again is representing
15 MRC Permian in this case and three others. So we're
16 going to hear '43, '44, and '45 at the same time.

17 Are you ready to proceed?

18 MR. FELDEWERT: Yes, sir.

19 THE HEARING EXAMINER: Looks like we
20 have a entry of appearance by Ms. Ryan?

21 MR. RITTENHOUSE: Sir, again, this is
22 Joby Rittenhouse appearing on behalf of several COG
23 entities: COG Operating, COG Production, and Long
24 Beach Mills.

25 THE HEARING EXAMINER: Okay. Okay.

1 And you're not filing an objection to hearing this by
2 affidavit; is that correct??

3 MR. RITTENHOUSE: That's correct. We
4 are not; no.

5 THE HEARING EXAMINER: Okay.

6 Mr. Feldewert?

7 MR. FELDEWERT: I will proceed, then.
8 As you note, these four cases can be heard together.
9 And all four of them seek to approve overlapping
10 spacing units in the Bone Spring formation and then
11 pool the four identified units underlying Sections 7
12 and 18 in Township 25 South, 35 East, down in Lea
13 County for essentially two-mile wells.

14 Case 23742 and 23743 involve what I
15 would call the west half acreage. 23742 actually
16 involves lots 1 through 4 which are -- comprise the
17 west half west half equivalent of Sections 7 and 18.
18 And in 23743 involves the east half of the west half
19 of these sections.

20 And you'll -- for exhibits that on this
21 particular acreage, it involves the same overlapping
22 horizontal spacing units, the same three tracts of
23 land, and the same pooled parties.

24 Now, when we get to the other -- other
25 two cases, they do involve slightly different

1 circumstance. Case 23744 involves different
2 overlapping horizontal well spacing units in the Bone
3 Spring formation, and that case deals with the west
4 half of the east half of Sections 7 and 18.

5 And then case 23745 involves a
6 different overlapping horizontal well spacing unit in
7 the east half of the east half of Sections 7 and 18,
8 but the same four tracts of land and the same pooled
9 parties are involved.

10 So with that said, you'll see the
11 exhibits are essentially the same with those nuances,
12 but they're -- it's certainly structured the same and
13 in each case, we have the compulsory pooling checklist
14 as Exhibit A.

15 (Exhibit A was marked for
16 identification.)

17 The filed application is Exhibit B.

18 (Exhibit B was marked for
19 identification.)

20 Exhibit C in each case is the statement
21 of Isaac Evans, who is a landman with the company who
22 has previously testified before the Division. And he
23 provides in each case seven exhibits that he
24 discusses, the first being C1, being a nice map that
25 identifies the overlapping spacing units that are

1 involved in each case. And he testifies in his
2 statement in paragraph 8 that the notice that was
3 provided in this case includes not only the pooled
4 parties, but all the working interest owners affected
5 by the overlapping spacing unit as well as the BLM.

6 The remaining exhibits
7 are -- will -- include the form C102s, which he
8 provides in each case under Exhibit C2 for the
9 initially proposed wells. Exhibit C3 provides for you
10 the tracts of land that are involved in each case.
11 Exhibit 4 [sic] provides the list of the parties that
12 are being pooled in these particular matters. And
13 then Exhibit C5 includes a list of overriding royalty
14 interest owners that are being pooled for this federal
15 acreage.

16 Exhibit C6 in each case is the well
17 proposal letter along with the accompanying AFEs for
18 each of the initials wells. And then Exhibit C7
19 provides a chronology of contacts for the parties,
20 working interest owners that are being pooled.

21 (Exhibits C through C7 were marked for
22 identification.)

23 Exhibit D in each case is again, the
24 affidavit -- or statement, I should say -- of Liz
25 Olson [ph], who is a geologist with the company.

1 Again, paragraph 2, she provides her educational
2 background, work experience, and other qualifications
3 that we believe qualify her to testify as an expert in
4 petroleum geology. And I -- misspoke, it is an
5 affidavit that she has submitted, so it is signed.

6 And in each case, she provides under
7 Exhibit D1 a general location map. Exhibit D2, you'll
8 find the structure map, which identifies in yellow the
9 spacing units involved, along with a line -- a
10 cross-section A to A prime that she then utilizes to
11 create a structural cross-section on which she
12 identifies the landing zone for each of the initial
13 proposed wells for this -- each particular spacing
14 unit.

15 (Exhibits D through D3 were marked for
16 identification.)

17 Exhibit E is the affidavit from my
18 office noting that mailing was sent out by certified
19 mail to the parties affected. It appears that at
20 least in a number of these cases, the notice
21 was -- was perfected by certified mail. But each case
22 then provides a affidavit of publication, published on
23 August 22nd -- so it is timely -- identifying by name
24 the parties that we seek to pool.

25 //

1 (Exhibit E and Exhibit F were marked
2 for identification.)

3 So with that said, I would move the
4 admission of Exhibits A through F in each of these
5 four cases, and ask that all these four cases be taken
6 under advisement.

7 THE HEARING EXAMINER: Are there any
8 objections?

9 MR. RITTENHOUSE: No objections from
10 COG.

11 MR. RODRIGUEZ: Mr. Hearing Examiner,
12 I'm sorry, this is Michael Rodriguez. I did actually
13 enter an appearance in two of these matters, cases
14 23745 and 23746, on behalf of Tap Rock Operating. But
15 I just wanted the record to reflect that at today's
16 hearing. And Tap Rock does not have any objections or
17 questions in either of these matters. Thank you.

18 THE HEARING EXAMINER: Thank you,
19 Mr. Rodriguez and Mr. Rittenhouse.

20 Exhibits A, B, C, D, E, and F will be
21 admitted into evidence in case number 23742, '43, 44,
22 and '45.

23 (Exhibits A through F were received
24 into evidence.)

25 And are there any questions for this

1 witness? Mr. McClure?

2 MR. MCCLURE: Yes, I do. I'm sorry,
3 Mr. Hearing Examiner, I thought maybe you were talking
4 to the other parties. Yes, I do. And if you lose me,
5 my hearing set is about to lose battery, but I'll get
6 my mic, my actual microphone set up as fast as
7 possible if I do lose it.

8 Mr. Feldewert, it looks like
9 the -- essentially, the identical situation that we
10 just ran into on the cases 23738 and 23739, the Lesley
11 Wells, is also occurring here in regards to there
12 being a Wolf Bone pool. Is it also your understanding
13 in these four cases here for the Biggars [ph] wells,
14 is it also your understanding that Matador only wishes
15 to produce wells above that Wolf Bone?

16 MR. FELDEWERT: Matador is -- again, I
17 don't know the depth of the Wolf Bone, okay? But as
18 indicated by the compulsory pooling checklist and the
19 application, they're seeking to pool the spacing units
20 in the Bone Spring pool identified on the checklist
21 that was provided by the Division.

22 MR. MCCLURE: Well, my -- I guess my
23 understanding from the earlier cases, but I guess,
24 just to re-ask it: It had seemed in the previous
25 cases that Matador's intent was to propose wells in

1 above the third Bone Spring. Is that correct in these
2 cases?

3 MR. FELDEWERT: The -- I'd have to go
4 by the depth of the proposed wells. And where and how
5 that relates to the first, second, or third, is -- I
6 guess depends upon the particular -- this -- this
7 area. So I don't know what depth of the Wolf Bone
8 pool is and the bottom of the depth of this pool that
9 was provided by the Division. So what I can tell you
10 is that they -- they proposed wells in the depths
11 identified in the well proposal letter and identified
12 on Exhibit D3.

13 MR. MCCLURE: And I was going to say:
14 Of those wells, it seems that they're all in the Bone
15 Spring 1 and the Bone Spring 2. The only reason I
16 guess that I'm asking for additional follow up is I
17 don't think there's any reason they couldn't oppose
18 infill wells, you know, as it's laid out here, in the
19 Bone Spring 3. Now, my understanding from the
20 previous cases was it wasn't -- it wasn't your
21 understanding that they intend to do that. Would that
22 be your understanding here as well?

23 MR. FELDEWERT: The only -- so I get
24 back -- I don't know what their intent is, okay? But
25 I get back to the point that we're not pooling the

1 Wolf Bone pool. We are pooling the pool that was
2 identified by the Division when -- on the APDs for
3 these wells that are in the first Bone -- as you had
4 identified -- in the first Bone Spring interval and
5 the second Bone Spring interval. That's the pool that
6 we are pooling.

7 That's the only pool that they will be
8 able to develop under this pooling unit. Now, if that
9 pool's not correct, we need to get it -- we need to
10 get some information from the Division, right?

11 MR. MCCLURE: Yeah. And based
12 off -- oh, go ahead.

13 MR. FELDEWERT: -- orders -- the pool
14 as it says on the checklist, the pool identified on
15 that checklist.

16 MR. MCCLURE: I guess based off this
17 discussion, what I'm almost surmising from it is with
18 the understanding that the pools are going to have to
19 be corrected, would you feel it's most appropriate to
20 continue these cases as well with the understanding
21 that potentially a part of these areas is not going to
22 be able to be included if you don't intend to include
23 the Wolf Bone as well?

24 MR. FELDEWERT: That's hard for me to
25 answer that, Mr. McClure. A, I don't think so, okay.

1 MR. MCCLURE: Yeah, okay.

2 MR. FELDEWERT: Because the Division
3 needs to tell -- if this pool that's identified on the
4 C102s for each of these wells is not correct, then we
5 need -- then we need to know that, and the Division
6 needs to confirm that. And correct the -- the
7 checklist accordingly. Because that is the pool that
8 we are seeking to pool. We're not seeking to pool the
9 Wolf Bone.

10 MR. MCCLURE: Okay. I -- I guess,
11 Mr. Feldewert, I guess what I'm trying to get at is if
12 it is decided that the Wolf Bone -- the Bone Spring 3
13 may not be included, period. Not without including
14 the additional Wolf Bone pool here, would Matador be
15 fine with not having the chance to, I guess, have a
16 continued hearing here? In --

17 MR. FELDEWERT: Again -- I'm sorry,
18 Mr. McClure.

19 MR. MCCLURE: Yeah; yeah. I was just
20 going to say, maybe I need to restate that a little
21 bit more clearly.

22 If the pool, which I believe it's going
23 to be, would only include from the Avalon shell down
24 to the top of the third Bone Spring line, is Matador
25 at this point fine with essentially no longer

1 force-pooling the Bone Spring 3 line down? Would that
2 be an accurate statement?

3 MR. FELDEWERT: With the understanding
4 that the depth of these wells that identified does not
5 include the third Bone Spring interval that is, I
6 guess, part of the Wolf Bone, then that would be
7 correct.

8 MR. MCCLURE: Okay. Thank you, sir.

9 Looks like we have call-in user 11.

10 MR. FELDEWERT: Because I don't know,
11 Mr. McClure, and I don't know if you know: Do we know
12 what the stratigraphic depth is of the Wolf Bone, top
13 of the Wolf Bone pool?

14 MR. MCCLURE: Yeah, it's the top of
15 the -- okay, I keep calling it the third Bone Spring
16 line, but technically it's the third Bone Spring
17 carbonate. It's the top of that. And then I believe
18 it's 500 -- go ahead, Mr. Feldewert.

19 MR. FELDEWERT: Yes, if we look at
20 Exhibit D3 in the first case, okay --

21 MR. MCCLURE: I'm on the fourth case.
22 Let me back up and I'll get the --

23 MR. FELDEWERT: It's probably -- I
24 think they're the same. Sorry, I think they're the
25 same.

1 MR. MCCLURE: Oh, probably, probably.
2 Okay, I'll go head and go down the fourth case, then.
3 Go ahead, sir.

4 MR. FELDEWERT: Okay. Do you know on
5 Exhibit D3, the depth --

6 MR. MCCLURE: What page is that, sir?

7 MR. FELDEWERT: On Exhibit D3, which
8 would be, well it's 39 of 44 in the first case, so
9 Exhibit D3 to the geologist's affidavit, it's the
10 structural cross-section.

11 MR. MCCLURE: Okay. I'm there. Go
12 ahead, sir.

13 MR. FELDEWERT: Okay. Do you
14 know -- looking at that structural cross-section, do
15 you know in this area where the top of the Wolf Bone
16 pool is? What depth?

17 MR. MCCLURE: The top of the -- oh, I
18 don't know off the top of my head. I surmise it's
19 around, like, around that 11,700. But I'm not the one
20 to make the call on that. That would be our district
21 geologist. But I believe -- I believe that is
22 correct. I know it's the top of the third Bone Spring
23 carbonate, and I would surmise it's around that 11,600
24 to 11,800 range. But sitting here today, I don't know
25 for sure where that would be.

1 MR. FELDEWERT: Okay. So it would be
2 below the target zone. We can say this would be below
3 the target zone for the Biggars' [ph] Fed 121, 122,
4 123, and 124?

5 MR. MCCLURE: I believe so, but I can't
6 outright say that without further review.

7 MR. FELDEWERT: Okay. And that's the
8 same situation I'm in; right?

9 MR. MCCLURE: Yeah, correct. Yeah. I
10 hear you.

11 MR. FELDEWERT: So they seek to pool
12 whatever pool the Division has assigned to this depth
13 for these wells. Does that make sense?

14 MR. MCCLURE: Yes.

15 MR. FELDEWERT: And I don't know that.
16 You don't know that. Apparently, nobody knows that
17 except the District office. So I can only go by what
18 the District office tells us. But that's what they
19 intend to pool.

20 MR. MCCLURE: In regards to the
21 pool -- the pool codes, you mean, and that's only the
22 District office. Yeah, and I was going to say, I -- I
23 talked to them yesterday, Mr. Keltz [ph], that is.
24 So, yeah, I believe he actually did tell me which pool
25 it would be, but I'll put that off for now. I believe

1 we'll have further conversation in regards to this.

2 MR. FELDEWERT: Thank you. So with
3 that understanding, I don't think we need a hearing
4 for that. We just need to be -- I just need to know
5 what pool it is for these wells, and I can send a
6 corrected checklist. Because that's the only pool we
7 seek to pool.

8 MR. MCCLURE: Okay. I guess there's
9 one other question I have for you, or additional
10 thing, and we're going to be submitting amended
11 checklists anyway, so it's not necessarily that big of
12 a deal at this juncture, but just to point out for you
13 for when you do do that, for your fourth case, case
14 23745 --

15 MR. FELDEWERT: Let me catch up with
16 you here.

17 MR. MCCLURE: Yes, sir.

18 MR. FELDEWERT: Okay, I'm on the
19 checklist.

20 MR. MCCLURE: Where the spacing unit is
21 described, its legal description, we -- or the matter
22 accidentally included the incorrect description here.
23 It seems to be correct in the last of the
24 application -- in the rest of the application,
25 including notice, but this should have stated east

1 half of east half, is my understanding from the rest
2 of the application. Is that your understanding as
3 well?

4 MR. FELDEWERT: Yes, you are correct.
5 I appreciate that -- pointing that out.

6 MR. MCCLURE: Okay. Thank you, sir.
7 No further questions. Thank you,
8 Mr. Hearing Examiner.

9 THE HEARING EXAMINER: Okay. So
10 Mr. McClure, I want to be able to make notes. Where
11 are we leaving these four cases?

12 MR. MCCLURE: Well, that was the thing
13 I was going to touch base with you on. Based off
14 Mr. Feldewert's statement, maybe we're fine to go
15 ahead and just take it under advisement. But it would
16 be understanding that Matador accepts that essentially
17 whatever pool we essentially tell them that these
18 wells belong to would be the restriction of what's
19 being force-pooled. And it seems like that's their
20 understanding as well.

21 As such, I think we could take it under
22 advisement, but there will be additional
23 communications from the Division to Matador, and then
24 Matador submitting the amended checklists.

25 THE HEARING EXAMINER: So the amended

1 checklists, we don't need to keep the evidentiary
2 record open for the amended checklist, then?

3 MR. MCCLURE: Oh, we definitely would
4 need to keep it open, for sure. And then in addition,
5 we would have communications between us and Matador
6 which would also have to be provided to anybody
7 entries of appearance and made record in the case
8 file. So I don't know what your thought process is, I
9 guess.

10 THE HEARING EXAMINER: Okay, will you
11 say that again? I didn't understand --

12 MR. MCCLURE: Oh, okay, okay.
13 Essentially, what's going to need to take place is the
14 Division is going to have to reach out to Matador
15 including everybody that has put a entry of appearance
16 telling them what pool codes and what pools these
17 wells would belong to. Matador will then need to
18 correct the pool -- the pooling checklists and
19 resubmit them.

20 THE HEARING EXAMINER: Mr. Feldewert?
21 Is that your understanding? Are you okay with that?

22 MR. FELDEWERT: Yeah. I'm, you know, I
23 don't know if that's evidence or not. This is really
24 a form that they then attach to the order. So it
25 seems to me we don't need a hearing to do that, that

1 that can be done outside of recalling the case for
2 a -- for another -- on another docket. And with that
3 understanding, this case can be taken under
4 advisement.

5 THE HEARING EXAMINER: Okay. These
6 four cases will be taken under advisement. And we'll
7 leave that housekeeping issue. That will not be an
8 evidentiary issue, that will be a housekeeping issue
9 between the Division and the company.

10 So we will move on now to cases 23746,
11 '47, '48, and '49. And Mr. Feldewert?

12 MR. RANKIN: Actually, Mr. Hearing
13 Examiner, these cases -- I will be appearing and
14 presenting the cases on behalf of the applicant. This
15 is Adam Rankin appearing with the Santa Fe office of
16 Holland & Hart on behalf of the applicant in these
17 cases, MRC Permian Company.

18 THE HEARING EXAMINER: Very good,
19 Mr. Rankin. I also have an entry of appearance from
20 Dana Hardy.

21 MS. MCLEAN: Good afternoon. It's
22 Jackie McLean from Hinkle Shanor on behalf of Permian
23 Resources. We're just switching back and forth today
24 to confuse you.

25 THE HEARING EXAMINER: No problem. I'm

1 not confused. I'll learn who is -- who is -- yeah,
2 I'll learn this. And I also have an entry of
3 appearance from Mr. Bruce from Mewbourne?

4 MR. BRUCE: Yes, Mr. Examiner, Jim
5 Bruce representing Mewbourne.

6 THE HEARING EXAMINER: Okay. And
7 Ms. McLean and Mr. Bruce, there is no objection to
8 Mr. Rankin proceeding through affidavit?

9 MS. MCLEAN: That is correct,
10 Mr. Examiner, no objection.

11 MR. BRUCE: Mr. Examiner, no objection.
12 No objection to the exhibits or -- and I will not be
13 asking any questions.

14 THE HEARING EXAMINER: Okay, Mr. Bruce.
15 Are there any other parties or
16 interested persons that we have? No.

17 Okay, Mr. Rankin, the floor is yours.

18 MR. RANKIN: Thank you, Mr. Hearing
19 Examiner. If you can't hear me just let me know.

20 This is a set of four cases in which
21 Matador or MRC Permian is seeking to pool all
22 uncommitted interests in four separate 240-acre
23 spacing units which involve all of Section 33 and the
24 east half of Section 32. And these are proposed to
25 pool uncommitted interest in the Bone Spring

1 formation.

2 I will attempt to group these,
3 Mr. Examiner, and if you have any questions about
4 individual cases, please let me know. But in each of
5 these cases, as I mentioned, Matador is seeking to
6 pool separate 240-acre horizontal well spacing units,
7 each of which constitutes separate laterals across
8 from the north half north half down to the south half
9 south half of the proposed acreage.

10 Filed with these exhibits -- filed with
11 the Division, Mr. Examiner, on Tuesday, were a
12 separate set of exhibits for each of these cases.
13 Exhibits were filed, A through F.

14 Exhibit A in each case is a copy of the
15 compulsory pooling application checklist, which
16 contains each of the elements required by the Division
17 for pooling.

18 (Exhibit A was marked for
19 identification.)

20 Exhibit B is the application in each
21 case of Matador's application for compulsory pooling.

22 (Exhibit B was marked for
23 identification.)

24 In each packet, there's an Exhibit C,
25 which is a self-affirmed statement of Matador's

1 landman in each case, is Mr. Hawks Holder. He has
2 previously testified before the Division and has had
3 his credentials as an expert in petroleum land matters
4 accepted as a matter of record.

5 Attached to his self-affirmed statement
6 in each case is a copy of the following: A C102 for
7 the proposed initial well to be designated under the
8 order; a land tract map identifying each of the tracts
9 that would comprise the proposed spacing units; as
10 well as the uncommitted interest owners, working
11 interests and overrides, and in some cases, I believe
12 there are some record title owners, as well.

13 As well, he's got a sample well
14 proposal letter with the AFE's identifying the costs
15 for the well. And in his affidavit, he requests
16 overhead -- identifies the overhead rates for drilling
17 and well -- operating the wells, which he confirms are
18 consistent with what Matador and other operators have
19 incurred for drilling similar wells in this -- in this
20 acreage.

21 Also attached to his affidavit is a
22 copy of his chronology of contacts and his efforts to
23 make voluntary -- reach voluntary agreement with each
24 of the working interests owners that Matador is
25 seeking to pool.

1 (Exhibit C was marked for
2 identification.)

3 Exhibit D in each of the cases is the
4 self-affirmed statement of Andrew Parker. He's a
5 geologist with the company. And in his affidavit, he
6 identifies his analysis of the geology and the acreage
7 and the suitability for development by horizontal
8 wells. His exhibits include a locator map identifying
9 for each case the spacing unit that is targeted for
10 pooling, a sub-C structure map, and cross-section map
11 identifying the acreage and tracts and confirming his
12 geologic analysis that the tracts are suitable for
13 horizontal well development, that there's no
14 pinch-outs or other geologic impediments to drilling
15 horizontal wells.

16 And finally, he's got his stratigraphic
17 cross-section which he has constructed off the wells
18 comprised in the line of cross-section in his previous
19 exhibit in which he confirms the target interval for
20 each of the wells, and in that, you can see that there
21 are no geologic impediments to horizontal well
22 development.

23 (Exhibit D was marked for
24 identification.)

25 Exhibit E is the self-affirmed

1 statement prepared by our office reflecting that we
2 provided notice to each of the parties that are
3 subject to this compulsory pooling case, working
4 interests, and overrides. And also attached is the
5 affidavit of publication for the case reflecting that
6 we have identified each of those parties by name in
7 the publication in a newspaper within the county.

8 (Exhibit E and Exhibit F were marked
9 for identification.)

10 And to Mr. Dean's keen eyes, you'll see
11 that they were published finally on the 23rd of
12 August. So with that -- one thing I would want to
13 add, just to be -- just to be clear, in cases 23747
14 and case 23748, Matador is seeking to pool only the
15 overriding royalty interest owners.

16 And in the -- which case they are
17 non-cost bearing interests, not without executive
18 rights. Therefore, you'll see that there's no -- for
19 that reason, you'll see -- you'll see there's no
20 compulsory pooling chronology of contacts or -- and
21 since they're not seeking to pool or apply any costs
22 against those interest owners.

23 With that, Mr. Examiner, unless there's
24 any questions by the parties or the examiners, I would
25 move the admission of Exhibits A through F in these

1 cases and ask that they be taken under advisement.

2 THE HEARING EXAMINER: Are there any
3 objections to entering these into evidence? Not
4 hearing any, these Exhibits A through F in these four
5 cases are admitted into evidence.

6 (Exhibits A through F were received
7 into evidence.)

8 Are there any parties that have
9 questions for Mr. Rankin? Not hearing any --

10 MS. MCLEAN: No questions from Permian.

11 THE HEARING EXAMINER: Thank you.

12 MR. RANKIN: Oh, Mr. Examiner, one
13 thing I also meant to mention, I apologize for leaving
14 this off, in case 23749, there was a request in the
15 application for approval of an overlapping spacing
16 unit. Because notice was properly provided to all
17 working interest owners in both the proposed spacing
18 unit and the existing spacing unit that would be
19 overlapped, no objections were raised.

20 We are thereby accordingly dropping our
21 request for that approval. At this time, it's not
22 necessary since no objections were raised, and so I
23 just wanted to make that clear for case 23749.

24 THE HEARING EXAMINER: Mr. McClure?

25 MR. MCCLURE: I have no questions at

1 this time, Mr. Hearing Examiner. Thank you.

2 THE HEARING EXAMINER: So these four
3 cases will be taken under advisement.

4 Okay, Mr. Rankin.

5 It is 12:19. I propose we take a
6 40-minute break for lunch and come back at 1 o'clock.
7 Mr. McClure, are you okay with that?

8 MR. MCCLURE: Works for me.

9 THE HEARING EXAMINER: Ms. Fulton? Are
10 you okay with that?

11 THE REPORTER: Yes.

12 THE HEARING EXAMINER: Okay, wonderful.
13 Thank you. All right, let's take a 40-minute break.
14 Thank you very much.

15 UNIDENTIFIED SPEAKER: Thank you.

16 (Off the record.)

17 THE HEARING EXAMINER: Okay, it is 1
18 o'clock. We are back from lunch. I see Mr. Rankin is
19 here to present the cases 23750, '51, '52, '53. We
20 also have entries of appearance by Ms. Hardy and
21 Mr. Bruce.

22 MR. BRUCE: Yes, Mr. Examiner, I am
23 here for Mewbourne Oil Company, and as in the last
24 batch of cases, I do not object to the proceeding
25 going forward by affidavit. I will have no questions.

1 Thank you.

2 THE HEARING EXAMINER: Thank you.

3 And Ms. McLean?

4 MS. MCLEAN: Yes, Mr. Examiner. Jackie
5 McLean on behalf of Permian Resources. And we have no
6 objection to the case proceeding by affidavit.

7 THE HEARING EXAMINER: Okay, wonderful.
8 Mr. Rankin?

9 MR. RANKIN: Thank you, Mr. Hearing
10 Examiner. Adam Rankin with the Santa Fe office of
11 Holland Hart, appearing on behalf of the applicants in
12 these four cases, MRC Permian. We'll be presenting
13 these cases by affidavit.

14 THE HEARING EXAMINER: Please proceed.

15 MR. RANKIN: In each of these cases,
16 Mr. Examiner, as with the four prior cases, Matador is
17 seeking to pool four separate spacing units comprised
18 each of 240 acres, more or less; in this case, in the
19 Wolfcamp formation. Yeah, for each of these 240-acre
20 spacing units, they will be lay-down orientation going
21 from the north half north half equivalent going down
22 to the south half south have equivalent in each
23 instance.

24 Filed on Tuesday in each of the cases
25 was a set of exhibit packets for each case comprised

1 of Exhibits A through F.

2 Exhibit A in each case is the
3 compulsory pooling checklist for each case identifying
4 the spacing unit wells and other elements necessary
5 for a compulsory pooling order.

6 (Exhibit A was marked for
7 identification.)

8 Exhibit B in each case is a application
9 that was filed by Matador for compulsory pooling in
10 each case.

11 (Exhibit B was marked for
12 identification.)

13 Exhibit C is a self-affirmed statement
14 of Matador's petroleum landman, Mr. Hawks Holder. He
15 has previously testified and had his credentials
16 accepted as a matter of record. Attached to his
17 self-affirmed statement are Exhibits C1 through C5
18 comprised of C102, land plat that identifies the
19 footages, location, and dedicated acreage for the
20 proposed well dedicated under the spacing unit. C2 is
21 a land tract map which shows the separately-owned
22 tracts that comprise the proposed spacing unit.

23 Exhibit C3 is the list of uncommitted
24 interest owners and overrides within each of the
25 tracts and their ownership interests on that acreage

1 basis. C4 is a sample of the well proposal letters
2 and the AFEs reflecting the costs anticipated for
3 drilling each of the wells. Exhibit C5 is the
4 chronology of contacts reflecting Matador's efforts to
5 reach voluntary agreement with each of the parties
6 working interests that they're seeking to pool.

7 The costs reflected in Mr. Holder's
8 affidavit and AFEs he testifies are commensurate with
9 what other operators and Matador have incurred
10 drilling wells in the acreage, as well as the overhead
11 rates while drilling and producing the well. And he
12 confirms that they are seeking a 200 percent risk
13 penalty -- rather, a risk charge for nonconsenting
14 pool parties.

15 (Exhibits C through C5 were marked for
16 identification.)

17 Under Exhibit D is Matador's
18 self-affirmed statement of Mr. Andrew Parker, who is
19 the geologist for the company. And his testimony
20 confirms that the acreage is appropriate for
21 horizontal well development. Attached to his
22 affidavit is a locator map identifying the acreage for
23 the proposed spacing units in each case, as well as a
24 sub-C structure map and cross-section map that
25 identifies the target interval structure.

1 And Exhibit D3 is a stratigraphic
2 cross-section identifying the target intervals for the
3 wells and confirming that the acreage targeted in the
4 Wolfcamp is appropriate for development by horizontal
5 wells and there's no impediments to -- no geologic
6 impediments to drilling in the acreage.

7 (Exhibits D through D3 were marked for
8 identification.)

9 Exhibit E is a self-affirmed statement
10 prepared by our office reflecting that we have
11 provided notice to each of the parties that Matador is
12 seeking to pool in these four cases, as well as the
13 certified mail status report showing the status of the
14 mailings that went out.

15 (Exhibit E was marked for
16 identification.)

17 Exhibit F is the affidavit of
18 publication reflecting that notice was published to
19 each of the owners that Matador seeks to pool by name
20 and identifies the case to which their interest is
21 applicable, and reflects that the notice was published
22 in the newspaper timely by August 23rd. Therefore,
23 every party that is subject to compulsory pooling in
24 this case has received notice either directly by
25 certified mail or constructively through publication.

1 (Exhibit F was marked for
2 identification.)

3 Couple things I want to note real
4 quick. In case numbers 23751 and 23752, Matador is
5 seeking to pool only overriding royalty interest
6 owners. There are no working interest or other
7 cost-bearing interests that are subject to pooling in
8 those two cases.

9 And in case 23751, Matador sought
10 approval in its application of an overlapping spacing
11 unit. Matador is seeking to drop that request from
12 that case. Notice was provided to each of the working
13 interest owners in the existing spacing unit as well
14 as the proposed new spacing unit that would overlap.
15 No objections were received, and therefore, approval
16 from the Division is not required or necessary.

17 And that -- in addition, Mr. Examiner,
18 we filed a supplemental exhibit labeled Exhibit G in
19 that case, which demonstrates that notice was provided
20 of the proposed overlapping spacing unit to all those
21 interest owners. And that's been marked, again, as
22 supplemental Exhibit G in that case.

23 (Exhibit G was marked for
24 identification.)

25 With that, Mr. Examiner, if there are

1 no further questions, I would move the admission of
2 Exhibits A through F in each case, and Exhibit G in
3 case, as well, in case 23751, and ask that these four
4 cases be taken under advisement.

5 THE HEARING EXAMINER: Are there any
6 objections?

7 MS. MCLEAN: No objection.

8 THE HEARING EXAMINER: Okay. Thank
9 you, Ms. McLean. And I think Mr. Bruce is there, but
10 I don't think he objects, right Mr. Bruce?

11 MR. BRUCE: Correct.

12 THE HEARING EXAMINER: Thank you. They
13 are admitted into evidence

14 (Exhibits A through G were received
15 into evidence.)

16 And I think Mr. Bruce said no
17 questions. Ms. McLean, I think, said no questions,
18 but I want to make sure.

19 Ms. McLean?

20 MS. MCLEAN: That's correct. No
21 questions from Permian.

22 THE HEARING EXAMINER: Thank you.

23 Mr. McClure?

24 MR. MCCLURE: No questions here,
25 Mr. Hearing Examiner.

1 THE HEARING EXAMINER: Okay, then these
2 four cases will be taken under advisement. Let me
3 make some notes here and then we'll move on.

4 Next, we have cases 23754. That case
5 stands by itself, I believe. We have Ms. Deana
6 Bennett.

7 MS. BENNETT: Good afternoon, everyone.
8 Deana Bennett on behalf of Marathon Oil Permian LLC.

9 THE HEARING EXAMINER: We also have an
10 entry of appearance for SK Warren by Ms. Sharon
11 Shaheen.

12 MS. DALRYMPLE: Good afternoon,
13 Mr. Hearing Examiner. Ms. Shaheen is unexpectedly not
14 available. I'm Shelly Dalrymple with Montgomery and
15 Andrews on behalf of SK Warren.

16 THE HEARING EXAMINER: Okay, thank you.
17 We have an entry for Foran Oil.

18 MR. RANKIN: Good morning -- afternoon,
19 Mr. Examiner. Adam Rankin with the Santa Fe office of
20 Holland & Hart appearing on behalf of Foran Oil
21 Company.

22 THE HEARING EXAMINER: Wonderful. We
23 have an entry of appearance by Paula Vance for MRC.

24 MR. RANKIN: Similarly, Mr. Examiner,
25 Adam Rankin appearing on behalf of MRC Permian Company

1 in this case with the Santa Fe office of Holland &
2 Hart. And as with Foran Oil Company, I'll just make
3 it clear, no objection to the case proceeding by
4 affidavit and no objection to the entry of the
5 exhibits.

6 THE HEARING EXAMINER: And are you also
7 covering for Mr. Feldewert for Fasken Oil & Ranch?

8 MR. RANKIN: Yes, Mr. Examiner. Fasken
9 Oil & Ranch. Also appearing on behalf of that entity
10 in this case. And -- who is no longer objecting to
11 the case proceeding.

12 THE HEARING EXAMINER: Right. I saw
13 that. Thank you, sir.

14 And then Mr. Savage for Cimarex.

15 MR. SAVAGE: Yes. Good afternoon,
16 Mr. Hearing Examiner. Darin Savage with the Abadie
17 Schill Santa Fe office on behalf of Coterra Energy and
18 Cimarex Energy Company, et. al. And Cimarex has no
19 objection to the case going forward by affidavit.

20 THE HEARING EXAMINER: Okay. So unless
21 I missed it or unless a party hasn't voiced it, I hear
22 no objection to this case moving forward to hearing on
23 affidavit basis; is that correct?

24 MS. DALRYMPLE: Correct.

25 THE HEARING EXAMINER: Okay. Thank

1 you. Ms. Bennett?

2 MS. BENNETT: Thank you very much. As
3 you noted, this is case number 23754, and Deana
4 Bennett on behalf of Marathon Oil Permian LLC.

5 In this case, Marathon is seeking an
6 order from the Division pooling all uncommitted
7 mineral interests within a 960-acre, more or less,
8 Bone Spring spacing unit underlying the east half of
9 Sections 22, 27, and 34 in Township 24 South, Range 28
10 East, which is in Eddy County.

11 We timely filed our exhibits, and our
12 exhibits include the compulsory pooling checklist
13 which I'll come back in a moment, as well as tab B
14 which contains the self-affirmed declaration of
15 Mr. Farley Duvall who's previously testified before
16 the Division and who's credentials have been accepted
17 as a matter of record.

18 (Exhibit A was marked for
19 identification.)

20 And behind tab B in his declaration are
21 the usual land exhibits, the application, C102s, lease
22 tract map and summary of interests, sample well
23 proposal, AFEs and notice affidavit prepared by me.

24 (Exhibit B was marked for
25 identification.)

1 Tab C contains the declaration of Greg
2 Bartowski; he's the geologist for Marathon in this
3 case, and he's previously testified before the
4 Division and his credentials have been accepted as a
5 matter of record.

6 And his exhibits contain the
7 usual -- or his declaration identifies the usual
8 exhibits, and in this case, we've included additional
9 structure maps and cross-reference locator maps and
10 stratigraphic cross-section because there's three Bone
11 Spring targets here; first, second, and third. And so
12 he's prepared a geology study for each of those
13 targets. And that's behind his declaration.
14 So -- oh, we've also included as Exhibit C15 a
15 regional stress orientation justification.

16 (Exhibit C was marked for
17 identification.)

18 Turning to a couple of cleanup items
19 before I stand for questions. We did file a revised
20 compulsory pooling checklist on Tuesday. After I
21 filed the packet, I realized I'd inadvertently left
22 off Foran and Matador from the revised checklist, and
23 so -- I'm sorry, from the compulsory pooling checklist
24 so I filed a revised checklist to add those additional
25 parties.

1 And then in preparing for the hearing,
2 the geologist, Mr. Bartowski, yesterday that there is
3 a typo on one of his slides which is slide 69 in the
4 materials. And that's the gun barrel, or the
5 well-bore schematic. And on --

6 THE HEARING EXAMINER: Do you have a
7 page number, Ms. Bennett?

8 MS. BENNETT: Yeah, it's page 69.

9 THE HEARING EXAMINER: Thank you. Go
10 ahead.

11 MS. BENNETT: And so it -- on that
12 page, 69, that's the well-bore schematic. It's
13 Exhibit C2. And he identified the Perogy [ph] 551H
14 and 552H in the wrong -- at the wrong depth there.
15 And those just need to be moved up a little bit higher
16 on the well-bore schematic.

17 So I will be submitting a revised
18 exhibit C2 to correct that footages or depth issue.
19 But that is -- it does not affect any of the other
20 materials that he submitted. Everything else is
21 correct. It's just that where he placed the dots are
22 a little bit too low and they need to be moved up.
23 So --

24 THE HEARING EXAMINER: Just to be
25 clear, I see a 69 in very small numbers at the bottom

1 of that page, but you have it marked as page 71 of 84;
2 is that right?

3 MS. BENNETT: What I'm looking at has a
4 page number 69 in very small -- a small number at the
5 bottom of the page. I'm not seeing something that
6 says 79 of something-or-other, but that could just be
7 the limitations on my end.

8 THE HEARING EXAMINER: I think I know
9 what those numbers are. I think when that is filed
10 through the OCD system, each page is given a number
11 and date that it's received. And that's what I'm
12 looking at. That says page 71.

13 MS. BENNETT: Oh, okay.

14 THE HEARING EXAMINER: But I see why
15 you don't see that. So yes, please proceed.

16 MS. BENNETT: Yes. Yeah, I'm looking
17 at the version that we filed, and that makes sense
18 that you're looking at the version that was imaged in
19 the system. I think we're looking at the same thing.
20 It says Perogy [ph] Federal Com Unit Well-Bore
21 Schematic.

22 THE HEARING EXAMINER: Yes.

23 MS. BENNETT: Okay. Great. So I will
24 be filing an amended or a revised exhibit C2 at the
25 end of the hearing today. And -- oh, I did also just

1 want to note that there are proximity tract wells
2 here, and I don't know if we've talked about proximity
3 tract wells yet today. But there are two proximity
4 tract wells which allows the operator to bring in the
5 adjacent tracts to increase the size of the spacing
6 unit.

7 And I've noted that in our compulsory
8 pooling checklist and I've identified the two
9 proximity tract wells. So with that, I will stand for
10 any questions you may have.

11 THE HEARING EXAMINER: Okay.
12 Mr. McClure?

13 MR. MCCLURE: Yes, Mr. Hearing
14 Examiner.

15 Ms. Bennett, I was going to say, during
16 your presentation, you referenced that there was two
17 additional pooled parties that was added. Did you say
18 that you're going to be submitting a amended list,
19 or -- I apologize, what was it that you had mentioned
20 in regards to that?

21 MS. BENNETT: Oh; yes, thank you. No,
22 it was my compulsory pooling checklist, and you know
23 how on the checklist on the first page you need
24 to -- we put in the entries of appearance. And I
25 had -- no offense to Foran or Matador -- but I had

1 forgotten that they had entered an appearance in
2 these -- in this case. And so I submitted the
3 compulsory pooling checklist without including them.
4 And so the only revision to that checklist is to add
5 the Foran and Matador as entries of appearance.

6 MR. MCCLURE: Oh, okay. Thank you,
7 Ms. Bennett. Yeah, I just simply misheard you. I do
8 see exactly what you're talking about now. I just
9 misheard your earlier testimony. I have no other
10 questions. Thank you, Ms. Bennett.,

11 Thank you, Mr. Hearing Examiner.

12 THE HEARING EXAMINER: Okay.

13 Ms. Bennett, that case will be taken
14 under advisement. The record will be left open to
15 receive your amended Exhibit C2, and you say that will
16 come in by the end of the day; is that right?

17 MS. BENNETT: That's right.

18 THE HEARING EXAMINER: All right, very
19 good.

20 MS. BENNETT: And Mr. Examiner? I
21 don't know that I asked for the other exhibits to be
22 admitted into the record, so just in case I didn't, I
23 would ask that the exhibits in Tab A, B, and C be
24 admitted into the record.

25 THE HEARING EXAMINER: Yes. They will

1 be admitted into the record. I've not heard any
2 objection from any other party. I think I've already
3 asked that, but thank you for bringing it back up
4 again.

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

7 MS. BENNETT: Thank you.

8 THE HEARING EXAMINER: We're going to
9 go on to 23756 and 23757. We have Mr. Bruce?

10 MR. BRUCE: Yes, sir.

11 THE HEARING EXAMINER: And I don't
12 think there are any other parties. So I'll just ask:
13 Are there any other parties or interested persons in
14 this case? Hearing none, Mr. Bruce, would you like to
15 proceed?

16 MR. BRUCE: Yes, sir, by affidavit.

17 THE HEARING EXAMINER: Sure. Go right
18 ahead.

19 MR. BRUCE: Okay. And at the end, I'll
20 have a couple of comments, not only regarding this
21 case, but some of my other upcoming cases at the end
22 of the day.

23 First of all, in these cases, in the
24 '756 case, Mewbourne seeks to force-pool the north
25 half south half of Sections 2 and 1 to drill its Dama

1 Dorado B3LI well. And in the second case, '757, seeks
2 to force-pool the south half south half of Section 2
3 and 1 for its Dama Durado B3MP1H well.

4 Those applications and the notices
5 submitted to the Division are marked as Exhibits 1
6 and 2.

7 (Exhibit 1 and Exhibit 2 were marked
8 for identification.)

9 Exhibit 3 is the self-affirming
10 statement of Braxton Blandford, a Mewbourne landman
11 who has previously testified before the Division. He
12 gives basic information on the case. Again, Mewbourne
13 is requesting \$8,000 a month for a drilling well and
14 800 bucks a month for a producing well as overhead and
15 administrative rates and the usual cost-plus
16 200 percent risk charge.

17 His affidavit has attachment A,
18 contains a land plat. This item number one is I do
19 not -- I do have C102s but they were incompletely
20 filled out. And so I've had to ask the client to
21 submit me new C102s which I will submit after the
22 hearing. They had some wrong well locations on them
23 which I had to point out to them.

24 They -- then you go to attachment B
25 which contains land plats showing the tracts, the

1 leases involved, and the interest owners being pooled.
2 There are three interest owners, Chevron USA, Verne
3 Dwyer, and -- at this point, those are the only two
4 people being pooled.

5 The Exhibit C is a summary of
6 communications on Mewbourne's communications with
7 these parties and containing the -- a sample copy of
8 the proposal letter to the parties being pooled.

9 Attachment D is, once again, the AFEs
10 for the two wells.

11 (Exhibits 3 through 3D were marked for
12 identification.)

13 Exhibit 4 is the Affidavit of Charles
14 Crosby, one of Mewbourne's geologists. It contains
15 the usual structure map showing the well units, the
16 proposed wells, and other Bone Spring wells in this
17 area.

18 The thing to note is they are all
19 lay-down wells, and therefore, Mewbourne thinks that
20 is the preferred orientation of the well units.
21 There's -- the attachment C are the survey calculation
22 reports that the Division requests.

23 (Exhibit 4 was marked for
24 identification.)

25 Exhibit 5 is my affidavit of mailing.

1 Two of the parties -- and I believe Blackstone Energy
2 is no longer being pooled -- but Chevron USA did
3 receive certified mail. The letter to Verne Dwyer was
4 returned.

5 (Exhibit 5 was marked for
6 identification.)

7 And so notice was published, it was
8 timely published. That is Exhibit 6 for this
9 case -- so I think all the basic information is there
10 for this case.

11 (Exhibit 6 was marked for
12 identification.)

13 And for a number -- several of the
14 subsequent cases, I do owe the Division the certified
15 notice spreadsheet, and I will bring that up one by
16 one just to say that I owe them to you. That's kind
17 of administrative. And also the pooling checklists.
18 I have drafted them, but over the last three days I
19 drafted them at night, and I was worried.

20 It's been the bane of my existence
21 making mistakes on the pooling checklists. So what I
22 am going to do later this afternoon and tomorrow is
23 verify all the data in the pooling checklists and on
24 each of the subsequent cases that I need them, I will
25 be submitting those pooling checklists and the

1 certified notice spreadsheet to the Division via
2 subsequent notice of filing.

3 But with that, I'd move the admission
4 of Exhibit 1, 2, 3, 4, and 5, and Exhibit 6 and 7 will
5 be submitted in a couple of days, within a couple of
6 days. And I'd ask that the case be taken under
7 advisement. But if there's any questions from the
8 examiner, I'm ready.

9 THE HEARING EXAMINER: Mr. Bruce, I
10 have some questions before Mr. McClure poses his. As
11 we were going through your exhibits, some have
12 letters, I thought, and some had numbers. You've
13 asked for the admission of numbers, but not letters.

14 MR. BRUCE: Yeah, Mr. Examiner, that's
15 a good point, and I should point out that what I do is
16 I generally mark, like, the landman's affidavit, the
17 geologist's affidavit, as Exhibits 2 and 3 or 3 and 4.
18 And then the subparts to that, various land plats,
19 proposal letters, summary of communications, AFEs, I
20 mark as attachment A.

21 And I think what I'm going to start
22 doing is mark those, rather than Exhibit 3 attachment
23 A, I'll just start marking them Exhibit 3A. But
24 they're -- any time you see attachments,
25 it's -- relates to the above exhibit number, so.

1 THE HEARING EXAMINER: Okay. All
2 right, so A, B, and C are part of Exhibit 3 is what
3 you're saying?

4 MR. BRUCE: That is correct.

5 THE HEARING EXAMINER: And then I
6 thought you said -- thought you said that there was an
7 error on one of these exhibits that you needed to
8 correct?

9 MR. BRUCE: Well, it was Exhibit 3A.
10 It's not -- what I normally do is I submit a basic
11 land plat as Exhibit 3A or exhibit -- the landman's
12 exhibit attachment A. And I did receive late on
13 Tuesday, C102s from the client. But they messed
14 up -- whoever made them messed up the surface hole
15 location and bottom hole location.

16 So I sent them back to the client and
17 said they -- I did not include them in the exhibit
18 package, but my client has to correct them and send
19 them to me, and I will subsequently submit those to
20 the Division together with the pooling checklists and
21 the certified notice spreadsheet.

22 THE HEARING EXAMINER: Okay. I need to
23 write all this down. So the pooling checklist, is
24 that Exhibit 6 or 7 that you said you still were going
25 to submit?

1 MR. BRUCE: The pooling
2 checklist -- both of them will be Exhibit 7. The
3 certified notice spreadsheet will be Exhibit 6. And
4 then the C102s and this is the only case I have which
5 this applies to, those will be part of Exhibit 2, or
6 excuse me, 3A. And those are the three items I need
7 to submit to the Division.

8 THE HEARING EXAMINER: Okay.

9 MR. BRUCE: But they're kind of
10 administrative so I would ask that the cases be taken
11 under advisement with the --

12 THE HEARING EXAMINER: I understand. I
13 understand, Mr. Bruce. Okay, so I just need to be
14 accurate. I just need to know what I'm leaving the
15 record open to accept in this case.

16 MR. BRUCE: Sure.

17 THE HEARING EXAMINER: So we have
18 Exhibit 3A which is going to be corrected, for lack of
19 better words, with the C102s. We have -- we're going
20 to have an Exhibit 6 that's going to have a certified
21 notice spreadsheet. And we're going to have an
22 Exhibit 7 which is your pooling checklist after you
23 doublecheck it. When will you be submitting these
24 three documents?

25 MR. BRUCE: I will be submitting them

1 by this weekend.

2 THE HEARING EXAMINER: Okay. Do you
3 mean over the weekend, or do you mean by Friday?

4 MR. BRUCE: It will probably be over
5 the weekend, you know. You know, I
6 just -- Mr. Examiner, I get to Friday and I look at
7 the calendar, and I say, well, thank god it's only two
8 more work days until Monday. So.

9 THE HEARING EXAMINER: Okay. All
10 right. Then I'm going to leave this record open until
11 the 11th, which is Monday, by the close of business
12 for these three documents or exhibits or whatever you
13 want to call them.

14 Okay, Mr. McClure, your questions?

15 MR. MCCLURE: Mr. Hearing Examiner, I
16 was going to say I don't know as I have questions per
17 se, but just to let Mr. Bruce know, when you do
18 correct or go ahead and submit your C102s and pooling
19 checklists, the pool code and pool that's listed in
20 your application is incorrect for the Bone Spring in
21 this area. Instead, it should be pool code 48035.

22 MR. BRUCE: 48035.

23 THE HEARING EXAMINER: Mr. McClure, did
24 you say -- Mr. McClure, did you say 48035?

25 MR. MCCLURE: Yes, that is correct.

1 THE HEARING EXAMINER: Thank you.

2 Mr. Bruce, did you get that?

3 MR. BRUCE: Yes. And what is the pool
4 name?

5 MR. MCCLURE: Oh, it's, like, Miller
6 Ranch Associated -- something along those lines. I
7 didn't actually write it in my notes; I apologize.

8 MR. BRUCE: Okay. Well, that's okay.
9 I just took whatever my client sent me and -- thank
10 you, Mr. McClure. I can yell at my client. You don't
11 get to do that often, okay?

12 THE HEARING EXAMINER: Mr. McClure, I
13 have a question for you. Without this pooling
14 checklist and without the certified spreadsheet,
15 etcetera, and without the C102s, are you able -- are
16 we able to take this under advisement? I mean, are
17 you able to ask the questions?

18 MR. MCCLURE: I mean, it definitely
19 would have been nice to have had the -- to have had
20 the C102 and the pooling checklist, but I was able to,
21 you know, figure out what they're asking for based off
22 the exhibits.

23 THE HEARING EXAMINER: Well, are
24 you -- okay, I want to make sure that you're okay with
25 taking this under advisement, leaving the record open

1 for these documents. Or would you prefer that
2 Mr. Bruce file these documents by close of business
3 Monday and then we move this case to the September
4 21st docket?

5 MR. MCCLURE: I think we should be fine
6 on these two cases, at least, to take them under
7 advisement with the record left open.

8 THE HEARING EXAMINER: Okay. That's
9 what we'll do, then.

10 MR. MCCLURE: And also, Mr. Bruce, I
11 did just look it up. It's called Old Millman Ranch,
12 PS, Associated. The pool, I mean. Excuse me.

13 MR. BRUCE: Oh, okay. Yeah, okay.
14 Thank you. Yeah, I know that. Thanks for that.

15 MR. MCCLURE: Yep. Thank you,
16 Mr. Bruce.

17 Thank you, Mr. Hearing Examiner.

18 THE HEARING EXAMINER: Taking notes.
19 Mr. McClure, what are C102s?

20 MR. MCCLURE: Essentially, it's the
21 land plat of -- showing where the service location is
22 and all the relevant details for a well. It shows the
23 first take point, last take point, pool it's producing
24 from. It's kind of a easy reference form to show us
25 where the well is located and what's it's producing, I

1 guess, if that makes sense.

2 THE HEARING EXAMINER: Perfect. Thank
3 you.

4 We're going to move on to case 23758.
5 This is -- let's see. We have a motion to continue.
6 It was a late motion to continue. Ms. Hardy?

7 MS. HARDY: Yes, Mr. Examiner. Dana
8 Hardy on behalf of Colgate Operating.

9 THE HEARING EXAMINER: And are there
10 any other parties who are interested in 23758 and -- I
11 guess that's the only case right now, right,
12 Ms. Hardy?

13 MS. HARDY: Correct.

14 THE HEARING EXAMINER: Okay. Are there
15 any other parties or interested persons? Okay?

16 Ms. Hardy, you filed a late motion to
17 continue; is that right?

18 MS. HARDY: That's correct. When we
19 were preparing our exhibits for hearing, it was
20 determined that additional interest owners needed to
21 receive notice. So we filed our motion requesting a
22 continuance to afford us an opportunity to provide
23 that notice.

24 THE HEARING EXAMINER: Okay. And so in
25 a situation like this, Marlene, what needs to happen?

1 MS. SALVIDREZ: Well, they already
2 filed their continuance via the fee portal, so I will
3 approve it.

4 THE HEARING EXAMINER: And
5 that's -- and then we're just going to move this to
6 another docket?

7 MS. SALVIDREZ: Yes. They requested
8 October 5th.

9 THE HEARING EXAMINER: All right,
10 Ms. Hardy, we will see you October 5 for this case.

11 MS. HARDY: Thank you.

12 THE HEARING EXAMINER: Thank you.

13 We're now calling 23759 and 23760,
14 Permian Resources. We also have motions to continue
15 in this case, these cases, excuse me. Who do we have?
16 Is it Ms. Hardy again?

17 MS. HARDY: Yes, it is. Dana Hardy on
18 behalf of Permian Resources.

19 THE HEARING EXAMINER: Very good. And
20 is it the same situation here?

21 MS. HARDY: It is the same situation,
22 Mr. Examiner.

23 THE HEARING EXAMINER: Okay. So
24 these -- Marlene, have these been continued to October
25 5, as well?

1 MS. SALVIDREZ: Yes. And I will
2 approve them right now.

3 THE HEARING EXAMINER: Ms. Hardy, do
4 you need anything else from me before we say thank
5 you?

6 MS. HARDY: I do not. Thank you very
7 much.

8 THE HEARING EXAMINER: All right, thank
9 you very much. See you -- see you then.

10 We have 23761. This is Mr. Bruce. And
11 it looks like we have an entry of appearance,
12 Mr. Rankin. Are there any other parties here? I
13 don't hear any.

14 So Mr. Bruce, are you ready?

15 MR. BRUCE: Yes, sir.

16 THE HEARING EXAMINER: And you want to
17 proceed by affidavit?

18 MR. BRUCE: Correct.

19 THE HEARING EXAMINER: And Mr. Rankin,
20 any objections?

21 MR. RANKIN: Mr. Examiner; no. Adam
22 Rankin appearing on behalf of Matador Production
23 Company. No objections to the case proceeding by
24 affidavit and no objection to the admission of the
25 exhibits.

1 THE HEARING EXAMINER: Wonderful. Do
2 you think you'll have any questions for Mr. Bruce?

3 MR. RANKIN: I will not.

4 THE HEARING EXAMINER: You will not.
5 Okay, well thank you, Mr. Rankin.

6 Mr. Bruce, please proceed.

7 MR. BRUCE: Mr. Examiner, in this
8 matter, the exhibits -- Exhibit 1 is the application
9 and the proposed notice Mewbourne seeks to pool the
10 south half of Section 9 and south half of Section 8
11 for purposes of drilling two name -- two wells named
12 the Double Stamp 9 8, well numbers 528H and 526H.
13 Those are second Bone Spring wells. This is a
14 nonstandard horizontal spacing unit.

15 I have not requested approval of the
16 nonstandard unit in this application. That is being
17 requested administratively.

18 Exhibit 2 is the affidavit of Brad
19 Dunn, one of Mewbourne's landmen who has previously
20 testified a number of times.

21 Gives the usual information. Again,
22 asking 8,000 --

23 THE HEARING EXAMINER:
24 Mr. Bruce -- Mr. Bruce --

25 MR. BRUCE: Yes, sir?

1 THE HEARING EXAMINER: It may be easier
2 for me to ask you a few questions. If you're just
3 going to run through what's here in front of us, I'm
4 not sure that that's necessary unless Mr. McClure
5 wants that. Is there any missing --

6 MR. BRUCE: Okay.

7 THE HEARING EXAMINER: Is there
8 anything missing here as there was in the 23757 that
9 you want to bring to our attention?

10 MR. BRUCE: There is one thing, once
11 again, I have it drafted, I need to doublecheck the
12 pooling checklist. There is not a certified notice
13 spreadsheet because only one party was notified, and
14 that is the Matador MRC Delaware party, and they
15 received actual notice. I think if there's only one
16 party, and I've provided the -- the green card -- I
17 don't know what a spreadsheet will add to it. But
18 other than that, it's the usual landman stuff.
19 Contains all the information, the usual geologist
20 stuff, and then my affidavit of notice.

21 THE HEARING EXAMINER: Okay.

22 Mr. McClure, do you need a checklist in
23 a situation like this?

24 MR. MCCLURE: Well, we'll definitely
25 need the checklist, specifically the spreadsheet. We

1 don't need the -- I wouldn't think we would need the
2 notice spreadsheet, which I think is what Mr. Bruce
3 was referring to; correct?

4 THE HEARING EXAMINER: It is. It is.
5 But definitely need the checklist, then.

6 MR. MCCLURE: Absolutely.

7 THE HEARING EXAMINER: Mr. Bruce, when
8 would you have the checklist filed in this case?

9 MR. BRUCE: All of these will be filed
10 by this weekend. And --

11 THE HEARING EXAMINER: All right. So
12 we'll say Monday -- we'll say Monday the 11th at close
13 of business, 5 p.m.?

14 MR. BRUCE: Yes. Oh, absolutely.

15 THE HEARING EXAMINER: Okay. So --

16 MR. BRUCE: Probably, well, business on
17 Sunday, 5 p.m.

18 THE HEARING EXAMINER: So how many
19 exhibits do you have -- I see -- is it the same 1
20 through -- well, here I don't see a 3. I see 1, 2, I
21 don't see a 3, I see an A. Let me just run through
22 this. B, C, then we go onto -- is this -- hold on,
23 Mr. Bruce, let me just run through these in my
24 own -- in my own way. Because I'm not sure how you're
25 marking these. Okay, so now we have 3. So we have 1,

1 2, A, B, and then we have 3 --

2 MR. BRUCE: Yeah, that's 3, 3A, 3B, 3C.

3 THE HEARING EXAMINER: Perfect.

4 MR. BRUCE: And then --

5 THE HEARING EXAMINER: Are those what
6 you're --

7 MR. BRUCE: -- Exhibit 4, affidavit of
8 mailing. And which attachment A is, you know, Exhibit
9 4 is my statement of notice, but Exhibit 4A is the
10 notice letter itself with the green cards. And so I
11 have exhibits --

12 THE HEARING EXAMINER: Okay, so we have
13 exhibits --

14 MR. BRUCE: -- 1 through 4.

15 (Exhibits 1 through 4A were marked for
16 identification.)

17 THE HEARING EXAMINER: 1 through 4.

18 MR. BRUCE: And then I will submit by
19 this weekend, Exhibit 5, the pooling checklist.

20 THE HEARING EXAMINER: Okay. All
21 right. And are you asking for those to be admitted?

22 MR. BRUCE: Yes, please.

23 THE HEARING EXAMINER: Okay. And
24 there's no objection from Mr. Rankin, he's already
25 said that. So I'm going to admit them into evidence.

1 (Exhibit 1 through 4A were received
2 into evidence.)

3 Are there any questions by Mr. McClure?

4 MR. MCCLURE: No questions, Mr. Hearing
5 Examiner.

6 THE HEARING EXAMINER: Very good. So
7 Mr. Bruce, we're going to take this one under
8 advisement. We're going to leave the record open
9 until Monday close of business for Exhibit 5 which is
10 going to be your checklist.

11 MR. BRUCE: Yes, sir.

12 THE HEARING EXAMINER: All right.
13 Okay. The next case I show here, again, Mr. Bruce, it
14 looks like you're on most of these cases right to the
15 end of this hearing today.

16 MR. BRUCE: I'm afraid you -- tolerate
17 me, sir.

18 THE HEARING EXAMINER: Yes, sir. We
19 have case 23762 and '63. I think we're going to hear
20 those together; is that correct?

21 MR. BRUCE: That is correct.

22 THE HEARING EXAMINER: All right. Let
23 me make a quick note here before I -- this spreadsheet
24 is acting very oddly today. Wow, never had a problem
25 like this before. Okay, so this is taken under

1 advisement, record opened 9/11 for Exhibit 5 your
2 checklist. Okay.

3 So I don't see any other parties
4 entering an appearance in 23762 and '63. Are you
5 aware of any?

6 MR. BRUCE: No, sir.

7 THE HEARING EXAMINER: No. And I don't
8 hear anyone joining us. Are there any interested
9 parties? I don't hear any. Mr. Bruce, proceed,
10 please.

11 MR. BRUCE: Okay. In these matters
12 there's two different wells involved. They're both in
13 the same sections of land. And each packet contains
14 Exhibit 1, the application.

15 (Exhibit 1 was marked for
16 identification.)

17 Exhibit 2 with its subparts, A, B, C,
18 D, the landman's affidavit.

19 (Exhibit 2 was marked for
20 identification.)

21 Exhibit 3, the geologist's affidavit
22 with the attached subparts A, B, C.

23 (Exhibit 3 was marked for
24 identification.)

25 The affidavit of mailing, the affidavit

1 of publication again, same in both cases. I owe the
2 Division a spreadsheet and the pooling checklists.

3 (Exhibit 4 and Exhibit 6 were marked
4 for identification.)

5 But in these cases, Mewbourne seeks to
6 force-pool portions of the -- in the first case,
7 23762, the east half west half of Section 23, and the
8 east half west half of Section 26, 18 South 32 East
9 Lea County, for purposes drilling a quarto 2326 well
10 number 616H, which is a third Bone Spring well.

11 In the subsequent case, they are
12 drilling -- they are proposing a unit of the west half
13 east half of Section 23 and the west half east half of
14 Section 26, an adjoining well unit. Same Township and
15 Range, 18, 32, for purposes of drilling a second Bone
16 Spring test.

17 The landman's affidavit contains all of
18 the usual information. Since you asked about
19 C102s -- first of all, Mr. Examiner, I should say that
20 the affidavit of the landman is by a gentleman named
21 Hudson Brunson. He has not testified before the
22 Division. He does set for his educational and
23 employment background as a landman for Mewbourne.

24 You asked before about C102s. That is
25 part of -- that is attachment A to Exhibit 2 in either

1 case. And you will see what Mr. McClure was talking
2 about. Gives information on the well, the pool
3 involved, the pool code, surface hole location, bottom
4 hole location. That's all that is specifically
5 required. But the Division hearing examiners like to
6 know the exact last take point and first take point of
7 the wells, and that is noted on these exhibits.

8 As Mr. McClure, is just to know -- they
9 like to know -- the hearing examiners like to know the
10 path of the wells are. And of course, the land plats
11 showing the parties being pooled, their working
12 interests, etcetera. Together with the AFEs and
13 everything else.

14 Exhibit 3 is the Affidavit of geologist
15 Charles Crosby and it contains the usual geologic
16 plats. The only thing I would point out here is
17 attachment -- attachments A and C to the geologist's
18 affidavit, Exhibit 3, are structure maps which contain
19 information on other wells in this area.

20 This is -- it always seems unusual to
21 me, but when you look at the third Bone Spring well,
22 you will see that there are no other third Bone Spring
23 wells in the area, in the immediate area. If you go
24 to Exhibit 3C, there are other second Bone Spring
25 wells in the area, and there's a mixture of lay down

1 units and stand up units.

2 And Mr. Crosby does say in his
3 affidavit that based on review of the geology and
4 other wells, not only in this immediate area, but
5 other areas, they believe that stand up wells are the
6 proper way to develop this acreage.

7 And Exhibit 4 is my affidavit of
8 notice. Notified quite a few people. Any time you do
9 that, you're always in trouble. Shows all the green
10 cards. I did not receive all of the certified green
11 cards back.

12 And I did publish notice, which is
13 Exhibit 6 in the Hobs [ph] newspaper. It was not
14 timely published. It should have been published by
15 August -- what would that have been -- 23rd. It was
16 not published until August 27th.

17 And so basically this case needs to
18 be -- although I will move the admission of Exhibits
19 1, 2, 3, 4, and 6, the case -- to let the publication
20 period expire, I would ask that these two cases be
21 moved to the September 21 docket to allow that period
22 to expire.

23 And by which time, as again, in my
24 negligence, I will -- actually, I'll do it this
25 weekend, but since the case has to be moved, I would

1 ask that the cases be moved to the September 21 docket
2 and I will submit the pooling checklist, the
3 proof-read pooling checklists, and notice spreadsheet
4 to the Division by this weekend.

5 THE HEARING EXAMINER: Mr. McClure?

6 MR. MCCLURE: I have no questions.

7 Thank you.

8 THE HEARING EXAMINER: Okay. I don't
9 believe there are any parties to object to the
10 admission of Exhibits 1 through 4 and 6, so they are
11 admitted into evidence.

12 (Exhibit 1 through 4 and Exhibit 6 were
13 received into evidence.)

14 This case will be moved, or continued
15 for lack of better word, to the September 21st docket
16 where we will allow that constructive notice to take
17 affect and we will expect your exhibits 5 and 7 to be
18 submitted by Monday close of business through the
19 portal in both of these cases.

20 MR. BRUCE: Thank you.

21 THE HEARING EXAMINER: You're welcome.
22 I was going to make some notes. Okay. Let's go on to
23 23764. I don't believe that's contingent on any other
24 case, is it, Mr. Bruce?

25 MR. BRUCE: You are correct.

1 THE HEARING EXAMINER: All right.
2 Please proceed. I don't believe there's any parties
3 that have entered an appearance. Are there any
4 interested parties or parties that I'm unaware of in
5 this case? I don't hear any.

6 Mr. Bruce, would you like to proceed by
7 affidavit?

8 MR. BRUCE: Yes, sir. Mr. Examiner, in
9 this case, Mewbourne seeks to force-pool the south
10 half south half of Section 27 and south half southwest
11 to Section 26, 18 South, 28 East, Eddy County, for
12 purposes of drilling two wells. It's Woodford [ph]
13 wells, a second Bone Spring well, and a third Bone
14 Spring well. That's Exhibit 1, the application.

15 (Exhibit 1 was marked for
16 identification.)

17 Exhibit 2 is the affidavit of the
18 landman containing all of the usual information, the
19 request for overhead rates, etcetera.

20 (Exhibit 2 was marked for
21 identification.)

22 The only parties being pooled in this
23 case are -- is -- actually, there's only one, and that
24 is EOG Resources. And the parties have been in
25 communication for a number of months at this point.

1 Exhibit 3 is the statement of Justin
2 Roeder [ph], the geologist. He has not previously
3 testified before the Division. Paragraph 1 of his
4 self-affirmed statement does give out his educational
5 and employment background in case the Division has any
6 questions on that. Contains the usual structure maps
7 and cross sections. You'll notice on the cross
8 sections, attachments A and C to the land -- or
9 geologist affidavit, there are second and third Bone
10 Spring wells in this area, and they are all lay down
11 wells, so Mewbourne is kind of going with the flow, so
12 to speak, by proposing lay down well units.

13 (Exhibit 3 was marked for
14 identification.)

15 Exhibit 4 is my affidavit of notice.

16 (Exhibit 4 was marked for
17 identification.)

18 There were actually two parties
19 pooled -- or notified: EOG and Oxy USA. And at this
20 point, only Oxy -- I mean, only EOG is being pooled.
21 And so as a result, since there's only one party
22 again, I request that -- I would suggest, I suppose,
23 that a spreadsheet, certified notice spreadsheet, is
24 kind of superfluous since there's only one party
25 involved. But I do owe the Division a pooling

1 checklist which again I will complete by this weekend.

2 And I would move the admission of
3 Exhibits 1 through 4, and one Exhibit 6, the pooling
4 checklist. I think that would take care of it. And
5 then I open myself to questions. Thank you.

6 THE HEARING EXAMINER: Okay, I'm going
7 to admit Exhibits 1 through 4.

8 (Exhibits 1 through 4 were received
9 into evidence.)

10 We're going to give you until Monday
11 close of business to submit Exhibit 6. I
12 wonder -- which is going to be the checklist. I
13 wonder, Mr. Bruce, is this your -- is this your common
14 practice to not include a checklist or a spreadsheet
15 with your applications and your --

16 MR. BRUCE: It -- it looks common
17 today, and it's happened in the past, but -- and part
18 of it is I -- I -- I practice alone so I don't have
19 any minions to take care of the paperwork other than
20 me. But I try to get them done, but obviously I had a
21 lot of cases going on today, so I just kind of fell
22 behind my times.

23 THE HEARING EXAMINER: I understand.

24 MR. BRUCE: And I promise you I will do
25 better in the future, so.

1 THE HEARING EXAMINER: Okay. Thank
2 you. They've been admitted to evidence. And we're
3 going to wait for Exhibit 6 and we're going to look to
4 Mr. McClure for any intelligent questions.

5 MR. MCCLURE: Well, you might have to
6 look long and hard for intelligent questions.
7 Regardless, Mr. Hearing Examiner, I have no questions
8 for this case.

9 THE HEARING EXAMINER: You'll have more
10 opportunities, I see.

11 We're going to call -- this is taken
12 under advisement with the record open until 9/11 for
13 Exhibit 6.

14 We're calling case 23765, '66, and '67.
15 We do have an entry of appearance by Mr. Rankin, I
16 guess. Well, it was by Mr. Feldewert, but I see
17 Mr. Rankin.

18 Who are you representing, Mr. Rankin?

19 MR. RANKIN: Good afternoon,
20 Mr. Hearing Officer. Holland Hart is entering
21 separate appearances on behalf of both MRC Permian
22 Company and Foran Oil Company in these three cases.
23 We have no objections to any of them proceeding by
24 affidavit and no objections to the admissions of
25 exhibits or to the cases being taken under advisement.

1 THE HEARING EXAMINER: And will you
2 have any questions for Mr. Bruce?

3 MR. RANKIN: None. And no intelligent
4 ones, either. So.

5 THE HEARING EXAMINER: There's a theme
6 going on here today. All right.

7 Mr. Bruce, please proceed.

8 MR. BRUCE: Okay. Mr. Examiner, these
9 cases are all, you know, semi-related. Again, the
10 exhibit packages are basically the same. The
11 application, the landman's affidavit, geologist
12 affidavit, etcetera. The lands involved are slightly
13 different.

14 In the first one, Mewbourne seeks to
15 force-pool a proximity tract spacing unit for the east
16 half of Sections 28 and 33 in 21 South, 32 East, Lea
17 County for purposes of drilling a third Bone Spring
18 well, the Lobo 3328 626H well. That's Exhibit 1.

19 (Exhibit 1 was marked for
20 identification.)

21 The affidavit of the landman, Adriana
22 Salgado, is marked Exhibit 2. It contains the usual
23 information with the C102s, the -- like I said, this
24 is a proximity tract and the well basically runs right
25 down the middle of the 640-acre unit. Contains

1 information on the tracts, the well ownership, who's
2 being pooled, etcetera, etcetera. The usual things.

3 (Exhibit 2 was marked for
4 identification.)

5 Exhibit 3 is the affidavit of Jordan
6 Carroll describing -- showing the structure map, cross
7 section. If you look at attachment A to Exhibit 3,
8 the structure map, you will see that there are a
9 number of Bone Spring wells in this area. First,
10 second, and third Bone Spring, and they are all stand
11 up wells. Therefore, Mewbourne believes that its
12 proposed stand up well unit is justified.

13 Mr. Carroll included as attachment C to
14 his affidavit a production chart. I always am
15 fascinated at this, because when you look at that, you
16 can see that some of these wells out here are, shall
17 we say highly productive. And it's always nice to
18 see. I never begrudge anybody making money.

19 (Exhibit 3 was marked for
20 identification.)

21 Exhibit 4 is my affidavit of notice.

22 (Exhibit 4 was marked for
23 identification.)

24 There -- actually, everyone who is
25 being pooled did receive actual -- even through there

1 was some unreturned mail, everyone who is being pooled
2 was -- did receive actual certified notice except for
3 one party. And I checked late yesterday and that is
4 BP America Production Company.

5 I did publish notice as against BP and
6 several other companies. But again, this was in the
7 Hobs [ph] newspaper and they published it late, even
8 though it took them a week to get this published after
9 I submitted the request. So these cases are going to
10 need to be continued just like a couple of the
11 previous cases to September 21 to let the publication
12 period lapse. And again, I owe the usual spreadsheets
13 and pooling checklist on these cases.

14 And the only other thing I will point
15 out is that although the exhibit packages are the
16 same, same basic info, the next two cases involve the
17 Wolfcamp formation, one on the west half east half of
18 Sections 28 and 29 and one in the east half east half
19 of Sections 28 and 29.

20 All of the other information, the well
21 proposals, blah blah blah, is basically the same. And
22 Mr. Carroll, the geologist, has included the basic
23 geologic information and again, when you look at his
24 Exhibit 3A, you can see that all of the Wolfcamp wells
25 in this area are north south or south north wells.

1 And therefore, stand up units are preferred in those
2 two applications.

3 But I will cut it short. I would move
4 the admission in each case of Exhibits 1, 2, 3, 4, and
5 6. And then I will subsequently file by this weekend
6 the Exhibits 5 and 7, the spreadsheet and pooling
7 checklists.

8 (Exhibit 6 was marked for
9 identification.)

10 THE HEARING EXAMINER: Okay. The
11 Exhibits 1, 2, 3, 4, and 6 in cases 23765, '66, and
12 '67 are admitted into evidence.

13 (Exhibits 1 through 4 and Exhibit 6
14 were received into evidence.)

15 We are going to, after giving
16 Mr. McClure an opportunity to question you now, we're
17 going to continue these three cases to the September
18 21st docket to allow this published notice from August
19 27 to be legally sufficient, and we are going to
20 expect Exhibits 5 and 7 in each of these three cases
21 to be filed by Monday close of business
22 September 11th.

23 Are there any questions, Mr. McClure?

24 You are --

25 MR. BRUCE: Thank you.

1 MR. MCCLURE: No questions, Mr. Hearing
2 Examiner.

3 THE HEARING EXAMINER: All right. So
4 then I will make notes while we get the next case
5 going. It looks like, Mr. Bruce, we have 23768? That
6 stands on its own?

7 MR. BRUCE: Yes, sir.

8 THE HEARING EXAMINER: Please proceed.
9 Are there any other parties or interested persons? I
10 don't believe there are, but are there any with us
11 today? No.

12 Mr. Bruce, please proceed.

13 MR. BRUCE: Mr. Examiner, in this case,
14 Exhibit 1 is the application. In this case, Mewbourne
15 seeks to force-pool the south half of Section 10 and
16 south half of Section 11, 18 South, 29 East, in Eddy
17 County, for the purpose of drilling two C-Bass [ph]
18 second Bone Spring wells. This is a nonstandard
19 spacing unit. Mewbourne is seeking approval of the
20 nonstandard units administratively. So we are not
21 dealing with that right now.

22 (Exhibit 1 was marked for
23 identification.)

24 Exhibit 2 is the affidavit of Brad
25 Dunn, the landman. It contains all the usual

1 information and requests. The C102s. The only party
2 sought to be pooled is WPX Energy Permian, who overall
3 owns slightly under 6 percent of the working interest
4 in the well unit.

5 (Exhibit 2 was marked for
6 identification.)

7 Exhibit 3 is the affidavit of Charles
8 Crosby once again. Contains the usual structure map
9 and cross section. Again, if you look to Exhibit 3A,
10 there are a number of second Bone Spring wells drilled
11 in this area. They are all lay down units, and
12 therefore Mewbourne believes it's the proper
13 orientation to drill these wells.

14 (Exhibit 3 was marked for
15 identification.)

16 Exhibit 4 is my statement of notice.

17 (Exhibit 4 was marked for
18 identification.)

19 And the only party being pooled, WPX,
20 did receive actual notice. And so I move the
21 admission of Exhibits 1, 2, 3, and 4. Again, since
22 there is only one party, I don't know what the
23 certified notice spreadsheet would add, which I was
24 originally going to do. And so I ask that I be
25 excused from submitting that. But again, the pooling

1 checklist is missing, and I will file that within a
2 couple of days.

3 (Exhibits 1 through 4 were marked for
4 identification.)

5 And with that, I'd ask that the case be
6 taken under advisement.

7 THE HEARING EXAMINER: Okay. Are there
8 any objections to Exhibits 1, 2, 3, and 4 being
9 admitted into evidence? I don't hear any, so they are
10 admitted.

11 (Exhibit 1 through 4 were received into
12 evidence.)

13 Mr. McClure, do you have any questions
14 for Mr. Bruce at this time on this case?

15 MR. MCCLURE: No questions on this
16 case. Thank you, Mr. Hearing Examiner.

17 THE HEARING EXAMINER: And Mr. Bruce,
18 we can expect the Exhibit 6, the checklist, to be
19 filed, again, by Monday?

20 MR. BRUCE: That is correct, sir.

21 THE HEARING EXAMINER: Okay. All
22 right. So we will take this case under advisement.
23 We will hold the record open until 9/11, close of
24 business, for Exhibit 6.

25 Mr. Bruce, 23769, is that your case?

1 MR. BRUCE: It certainly is,
2 Mr. Examiner. I would note that it says the applicant
3 is Mewbourne. It's actually SCO Permian, LLC.

4 THE HEARING EXAMINER: All right. I
5 corrected it. I know it was misfiled. I corrected it
6 in my spreadsheet, so thank you for putting that on
7 the record. Are there any other parties who are
8 interested in this case? I don't hear any.

9 Mr. Bruce, please proceed.

10 MR. BRUCE: Mr. Examiner, I have a
11 preparatory statement, and also I would like to
12 verify, since I'm on my cellphone, this is a case for
13 a special depth bracket allowable. These used to be
14 common cases. I've been doing this stuff for too
15 long. But I do have my -- he's a geologist and
16 reservoir engineer, Keith Logan.

17 Mr. Logan, are you on the phone?

18 I may have to email him. But in the
19 meantime, let me go through a little bit of what has
20 happened here and what the examiners know.

21 What the request is -- and a little bit
22 of the preliminaries as to why this case is on the
23 docket at this point.

24 THE HEARING EXAMINER: And before you
25 continue, Mr. Bruce, what are you relying on this

1 witness for?

2 MR. BRUCE: Well, I'm -- I'm really
3 only relying on him to answer questions probably that
4 Mr. McClure might have.

5 THE HEARING EXAMINER: I see. Okay.
6 Well, go right ahead.

7 MR. BRUCE: But let me -- let me just
8 email my witness and tell him we're on because -- I'm
9 doing this from my cellphone, so I have to email him
10 because I'm technologically incompetent. But let me
11 go into a little history here which I don't think
12 Mr. McClure is aware of here.

13 This case involves the Goodwin Avo [ph]
14 pool in Lea County. If you look at the exhibit
15 package, again, Exhibit 1 is the application and the
16 proposed notice.

17 (Exhibit 1 was marked for
18 identification.)

19 Exhibit 2 is the affidavit of Keith
20 Logan who has been previously qualified before the
21 Division not only as a geologist, but as an engineer,
22 reservoir engineer.

23 (Exhibit 2 was marked for
24 identification.)

25 In this case, Goodwin -- excuse

1 me -- SCO seeks an increase in the depth bracket
2 allowable for the Goodwin Avo [ph] pool located in Lea
3 County. The application shows the acreage in the
4 pool. This pool was created in 1962. Basically,
5 there has not been a well except for the one I'll get
6 to, since probably the early- to mid-'90s. These are
7 all vertical wells in this pool. There -- it's one of
8 the rare vertical wells you'll ever deal with.

9 And what happened is almost two years
10 ago, SCO drilled the Goodwin 30 State Well Number 1 in
11 Section 30 of 18 South, 37 East. That well came in at
12 over 500 barrels per day. Actually, there are days on
13 which it produced close to 1,000 barrels a day. The
14 allowable under the state-wide rules is 187 barrels of
15 oil per day.

16 Obviously, SCO has a golden nugget
17 here, a very large golden nugget, and it wants to
18 produce at a higher rate. That having been said,
19 shortly after the well was drilled on behalf of SCO, I
20 filed an application before the Division, case 22456,
21 which was heard in January, early January of 2022.

22 And that application requested an
23 increase in the allowable to 500 barrels a day and
24 some other relief. But no order has ever been issued
25 in that case. I bugged the OCD a few times about it.

1 Never heard anything.

2 Well, now that well has been producing
3 for well over a year and a half and it is still
4 capable of producing substantial amounts of oil above
5 the allowable without waste. And rather than try to
6 reopen that case, because we're requesting simpler
7 relief now, SCO -- on behalf of SCO, I filed an
8 application to request an allowable increase to 300
9 barrels of oil per day. That is in the application
10 marked Exhibit 1.

11 With request to the prior case, 22456,
12 I would simply ask that that case be dismissed and
13 that this case, 23679, supersede that case. I have
14 attached the self-affirmed statement of Keith Logan,
15 as I said, the engineer geologist. And it goes
16 through the production in this case.

17 And the thing is, you don't see many of
18 these cases anymore. There -- these used to be very
19 common cases. A change in the pool rules before the
20 Division going way back to when I was still a baby
21 attorney, not only for allowable increases, for
22 spacing increases, for increases in the gas/oil ratio.

23 But with the advent of horizontal
24 drilling, these cases don't come up very often
25 anymore. As far as the horizontal wells, there is no

1 oil allowable. You can produce whatever you can make.

2 So anyway, let me go through

3 Mr. Logan's affidavit a little bit. This well was
4 drilled -- it was commenced August 2021. It was
5 completed, I believe, in late October 2021.

6 Attachment A to Exhibit 2 shows that the -- excuse
7 me -- Attachment B to Exhibit 2 shows that its initial
8 production was 519 barrels of oil per day at a gas/oil
9 ratio of approximately -- it's not stated on here, but
10 approximately 1,000-to-1, which is less than the
11 state-wide allowable of 2,000-to-1.

12 And the well did have days where it was
13 capable of producing 1,000 barrels a day, so we
14 requested a production increase, which I said the
15 Division never acted upon.

16 So in this case and in the previous
17 case, we filed an application to increase the
18 allowable to the pool. And in the past, I mean, this
19 has occurred in the past where you get a -- one good
20 well in the pool, and the Division, going back, way
21 back, has always said you have to request the increase
22 for the entire pool, not just for one well.

23 So if you -- so that is why we are
24 requesting it for the entire pool because there are
25 some other operators out there, and they should

1 benefit from this, too. I think in my many years of
2 practice I've only had one operator object to an
3 application of mine seeking an increase in the oil
4 allowable.

5 But when going through this, the main
6 exhibit of course, of Mr. Logan, Exhibit 2,
7 attachment C, shows that this is a long narrow Avo
8 pool heading basically north to south, or you could
9 say from the top of the pool kind of maybe south,
10 southwest a little bit. Number of wells were drilled
11 out there. There's only a few wells still remaining
12 from this pool -- or still producing from this pool or
13 are capable of producing from this pool.

14 And they are -- are, you know, they
15 were drilled decades ago, so they're not major
16 producers. When you look at attachment C to
17 Exhibit 2, you will see the Goodwin Avo [ph] pool
18 within this yellow area on the plat. That is a simple
19 State of New Mexico lease. And SCO is the only owner
20 in that lease.

21 And I will bring this up again, but you
22 will see, that's a relatively new lease, but you will
23 see that right down to the southwest of that well of
24 the Goodwin Avo [ph] well that we're for today, is a
25 well that produced 275,000 barrels of oil a day. So

1 this is -- can be a prolific reservoir, especially for
2 wells which do not cost near the amount of money that
3 horizontal wells cost.

4 Attachment D, I submitted this
5 primarily for notice purposes. I have included
6 information on the other existing wells completed in
7 the Goodwin Avo [ph] pool at this time because of
8 notice requirements. And so far as notice of this
9 hearing is concerned, you have to -- for an allowable
10 increase under the Division's rules, you have to
11 notify operators of wells currently completed in the
12 pool. And so you will get an idea of who these
13 operators are. And I will go into that a little bit
14 further in the future.

15 Exhibit [sic] E is a Avo [ph] reef
16 structure map. Again, it shows that this reservoir
17 trends from the northeast slightly to the southwest.

18 Attachment F is a net isopach map also
19 showing the northeast southwest trend. And what you
20 will notice here in particular is that basically all
21 of the really good wells, starting at the north, the
22 Goodwin Avo [ph] pool which is quite good, the well to
23 the southwest produced 275,000 barrels. Another well
24 immediately to the south produced 193,000 barrels.

25 And then if you go further to the

1 southwest, you'll see a well that produced 331,000
2 barrels of oil. And all of those wells are within the
3 50-sheet net pay area. And the thing is, that well in
4 the southwest quarter of southwest quarter of Section
5 30 produced 275,000 barrels, it is PNA'd, but SCO
6 drilled that offsetting well in the adjoining well
7 unit and encountered virgin pressures, which shows
8 that there by -- either by producing the well
9 currently or by increasing the allowable, there's
10 going to be no adverse effect on any offsets.

11 And of course, offsetting owners always
12 have the right to drill an offset well. And nobody,
13 the people who have been notified, nobody has showed
14 up.

15 Attachment H is a table of monthly
16 production from October 2021 to -- through July of
17 2023. You can see that other than the first month
18 where SCO had a testing allowable and produced the
19 well, the other production rates per month have been
20 pretty constant, as has the gas producing rate. The
21 well, the -- the well is basically producing at a
22 1,000-to-1 gas/oil ratio with no increase, despite the
23 amount produced by the well.

24 And as Mr. Logan says, that shows that
25 there is no waste -- the reservoir is not being unduly

1 depleted. There is no waste by producing at a higher
2 rate.

3 Exhibit -- attachment I is that same
4 data in graphic form. And you can see the way
5 production goes up and down. Basically, the water and
6 oil and gas production rates remain the same.

7 Attachment J is monthly -- or daily
8 production -- the daily data from late May to the end
9 of June showing that this well is still capable of
10 producing over 400 barrels a day. And without waste.

11 And so as a result, SCO requests that
12 300-barrel-a-day of oil allowable. And, you know,
13 normally, you don't have this much production data for
14 an allowable increase hearing. Right now, we're close
15 to two years of production data.

16 (Exhibits 2A through 2J were marked for
17 identification.)

18 And in older days, the OCD would often
19 improve increases in the allowable, but have the
20 operator come back in a year to show that the well
21 allowable was still needed. I think right now we have
22 almost two years of production data showing, yeah, the
23 wells can produce -- the well can produce 300 barrels
24 a day without a depletion of reservoir engineering the
25 energy. And so SCO requests that the allowable be

1 increased to 300 barrels a day. With no increase in
2 the GOR.

3 Exhibit 3 is my self-affirmed statement
4 of notice. Again, there are only three operators that
5 have wells that are still completed in the Goodwin
6 Avo [ph] pool. Notice has been given to them. They
7 all received notice, actual certified notice. No one
8 has objected, and I do have these status -- certified
9 notice. I have the spreadsheet.

10 (Exhibit 3 was marked for
11 identification.)

12 And the only thing I can say is I would
13 move the admission of Exhibits 1 through 4 , and I
14 would ask --

15 Mr. Logan, are you on the line yet?

16 THE HEARING EXAMINER: Mr. Bruce, which
17 exhibit is listed as or marked as Exhibit 4?

18 MR. BRUCE: Well, Exhibit 3 is my
19 affidavit of mailing. And you know what, I forgot to
20 put an Exhibit 4 on the certified notice spreadsheet.
21 I apologize.

22 (Exhibit 4 was marked for
23 identification.)

24 THE HEARING EXAMINER: Okay. That's
25 what I thought.

1 They are admitted into evidence, 1
2 through 4.

3 (Exhibits 1 through 4 were received
4 into evidence.)

5 And let's find out whether Mr. McClure
6 has any questions for this gentleman who's not on the
7 line with us.

8 Mr. McClure, do you have any questions?

9 MR. MCCLURE: Yeah, that's a good
10 question, Mr. Hearing Examiner, because I -- I don't
11 really have any questions for the witness. So I think
12 we should be good.

13 THE HEARING EXAMINER: I think so, too.

14 Mr. Bruce, we're going to take this
15 case under advisement. You have all your exhibits
16 here, even though one is not marked, it's obvious
17 which one that is. Even to me.

18 MR. BRUCE: That's the minor defect of
19 the day.

20 THE HEARING EXAMINER: We're going to
21 take this under advisement and we're going to move on
22 to case 23770.

23 MR. MCCLURE: Mr. Hearing Examiner? If
24 I may ask you a quick question, do we need them to
25 submit a motion to dismiss the prior case to that

1 other case, or submit anything in regards to that, or
2 does the verbal request today -- I don't know what
3 your thoughts are in regards to that follow up.

4 THE HEARING EXAMINER: I wasn't sure
5 how to proceed there. That case is long out of -- my
6 thinking is that that case is -- has -- has left the
7 Hearing Division a while ago, but there is no order on
8 it.

9 Yes, Mr. Bruce, you submit a motion and
10 a proposed order --

11 MR. BRUCE: Yes.

12 THE HEARING EXAMINER: -- and a
13 proposed order to me, because this is a procedural
14 matter and I think that's the direction I received is
15 that if it's procedural before the order has been --

16 MR. BRUCE: I -- I will do so,
17 Mr. Examiner, and I was going to do that, but I didn't
18 want to -- I didn't want to file anything written
19 before going to hearing, because I was afraid they
20 might get mixed up. And I -- you know.

21 THE HEARING EXAMINER: Sure. Okay.
22 All right. So Mr. McClure, good suggestion.

23 Mr. Bruce, I'm going to put a note here
24 in this case that you're going to do that. When
25 should be expect a motion and a proposed order?

1 MR. BRUCE: Sure. Could you -- could
2 you give me until Tuesday?

3 THE HEARING EXAMINER: Oh,
4 whatever -- whatever you need. Just let me know what
5 you need.

6 MR. BRUCE: Okay. I think that will be
7 it. I'm trying to get everything done this weekend
8 because I got a full week next week. But just -- just
9 in case I -- I get neglectful, that's the only thing.

10 THE HEARING EXAMINER: How about we say
11 the 15th of September? We'll give you until Friday to
12 file that motion and proposed order.

13 MR. BRUCE: Okay. Thank you.

14 THE HEARING EXAMINER: And that is
15 dismissing --

16 MR. BRUCE: My only problem --

17 THE HEARING EXAMINER: Mr. Bruce, hold
18 on. And that is dismissing case number what?

19 MR. BRUCE: It is case 22456.

20 THE HEARING EXAMINER: Mr. McClure, do
21 you concur with that number?

22 MR. MCCLURE: Yes, I do. Yeah, I was
23 just looking at it just a bit ago, and that is what I
24 got in my notes.

25 THE HEARING EXAMINER: Very good. So

1 Mr. Bruce, are you ready to move forward on 23770?

2 MR. BRUCE: God, I hope so.

3 THE HEARING EXAMINER: Okay. Are there
4 any other parties that are interested or have filed an
5 appearance that I don't know about in this case? No,
6 I don't hear any.

7 So Mr. Bruce, please proceed at an
8 expedited rate.

9 MR. BRUCE: Okay. In this case,
10 Mewbourne seeks to force-pool all of -- there is a
11 little quirk in there that Mr. McClure might ask me
12 about. All of Sections 19 and 20, 21 South, 26 East,
13 to form a -- this is a nonstandard horizontal spacing
14 unit for the Bone Spring formation.

15 Mewbourne is applying administratively
16 for the nonstandard unit. Normally, when I would have
17 this case in front, I would have four wells covering
18 the entirety of all of Sections 19 and 20. At this
19 point, Mewbourne has only proposed to drill wells in
20 the north half north half in south half northwest of
21 the Section. And they will be proposing additional
22 wells, but again, they will be filing the NSP
23 application administratively. And that's Exhibit 1.

24 (Exhibit 1 was marked for
25 identification.)

1 Exhibit 2 is the affidavit of the
2 landman, Braxton Blandford. It contains all the usual
3 information and the C102s for the existing wells.
4 There are only three parties being pooled, Devon [ph]
5 Energy, Canyon Dry Resources and Tascosa [ph] Energy
6 Partners. The information on their interests in the
7 nonstandard well unit are included.

8 (Exhibit 2 was marked for
9 identification.)

10 Exhibit 3 is the affidavit of Charles
11 Crosby showing the geology of the Bone Spring in this
12 area, the typical exhibits.

13 (Exhibit 3 was marked for
14 identification.)

15 Exhibit 4 is my affidavit of notice
16 showing notice to those three parties. Everybody did
17 receive actual notice.

18 (Exhibit 4 was marked for
19 identification.)

20 Again, my -- my sloth is evident. I do
21 need a pooling checklist -- pooling checklists for the
22 Division. And if they want the spreadsheet, I will do
23 that. I've been sitting there earlier today typing up
24 some of these spreadsheets, but I will get that to the
25 Division, again, by Monday.

1 But with that, I'd move the admission
2 of Exhibits 1, 2, 3, 4, and I will submit Exhibits 5
3 and 6, the spreadsheet and the pooling checklists, to
4 the Division.

5 THE HEARING EXAMINER: Okay, Mr. Bruce.
6 Any objections to Exhibits 1 through 4
7 at this time being admitted into evidence? Okay, they
8 are admitted into evidence.

9 (Exhibits 1 through 4 were received
10 into evidence.)

11 We will keep the record open until 9/11
12 until 5 p.m. for Exhibits 5 and 6, the spreadsheet and
13 the checklists.

14 Mr. McClure, any questions on this
15 case?

16 MR. MCCLURE: Very fast question,
17 Mr. Hearing Examiner.

18 Mr. Bruce, you are testifying today
19 that it is Mewbourne's intent to drill out the
20 entirety of this proposed NSP; is that correct?

21 MR. BRUCE: That is correct. And I
22 have asked them to provide me with information on
23 their additional proposed wells ASAP. Now, I haven't
24 gotten that in the last three weeks, but I am going to
25 bug them again. And I informed them that if we don't

1 get that information to the Division, we may
2 well -- we may well not get what we request.

3 MR. MCCLURE: In regards to that
4 submission, is that going to be a part of what you
5 provide to Mr. Lowe [ph] in the NSP side of things; is
6 that correct?

7 MR. BRUCE: Yes. Yes. Now, it won't
8 be by Monday, but I will -- I will get that
9 information to you.

10 MR. MCCLURE: So has the NSP
11 application been submitted to the Division at this
12 point, then?

13 MR. BRUCE: I will find out. I am not
14 handling that one -- handling that internally, so I
15 will ask them. And I will -- I will email you and the
16 chief hearing examiner that information when I receive
17 it, hopefully by early next week.

18 MR. MCCLURE: Okay. Thank you,
19 Mr. Bruce.

20 No more questions, thank you,
21 Mr. Hearing Examiner.

22 THE HEARING EXAMINER: You're welcome.

23 Okay, so we are going to move on to the
24 last set of cases. It is 23771, 23772. Mr. Bruce
25 filed an appearance August the 8th. We don't have any

1 other parties, but I will check. Are there any other
2 parties that are interested or interested persons?
3 Not hearing any.

4 Mr. Bruce, would you proceed, please?

5 MR. BRUCE: Yes. And this might be my
6 only non-faulty case of the day, Mr. Examiner, so I
7 saved the best for last.

8 THE HEARING EXAMINER: Okay.

9 MR. BRUCE: In '771, Mewbourne seeks
10 to -- these -- these cases involve well units that
11 have been pooled before, and then, an additional party
12 showed up. So the purpose of these two cases is to
13 force-pool the additional party into these well units.
14 And I will get into that in a minute.

15 In the first case, order R22703 pooled
16 the north half south half of Sections 2 and 1, 19
17 South, 28 East, Eddy County, for the Rio Grande B2LI
18 well. And it's in Exhibit 1.

19 (Exhibit 1 was marked for
20 identification.)

21 And Exhibit 2, the application in case
22 '772, seeking to amend order R22704 to pool an
23 additional party into the south half south half of
24 Sections 2 and 1 for the Rio Grande B2NP well.

25 //

1 (Exhibit 2 was marked for
2 identification.)

3 There's Exhibit 3, is the affidavit of
4 Mitch Raab [ph], the landman. Here is giving the
5 basic information that you've come to see way too many
6 times this often. And the reason for this proposal,
7 the only person they seek to pool, is Marathon Oil
8 Permian. What happened, and I believe this is set
9 forth in Mr. Raab's [ph] -- ah; yes, if you go to
10 Mr. Raab's [ph] affidavit, Exhibit -- well, I'll tell
11 you what, my exhibit list is wrong. It says Exhibits
12 1, 1, 2, and 4. It should say 1, 2, 3, and 4.

13 But Mr. Raab's [ph] affidavit,
14 Exhibit 3, if you go to paragraph 7, when these wells
15 were originally pooled, Marathon's interest was under
16 a term assignment which expired after the original
17 hearings in this matter. And therefore, Marathon came
18 back into title. And therefore, Mewbourne is pooling
19 just to join Marathon's interest in the wells.

20 (Exhibit 3 was marked for
21 identification.)

22 And notice was given to Marathon. As
23 shown on my Exhibit 4, they did receive actual notice.

24 (Exhibit 4 was marked for
25 identification.)

1 That is the only party affected. We
2 are just seeking to amend the orders to include
3 Marathon's interest in the existing pooling orders.
4 Since there is only one party involved, I don't think
5 a -- which did receive notice -- I don't think a
6 spreadsheet is necessary.

7 And of course, the original orders
8 already have the pooling checklists in them. So for
9 once in my life, I think I'm clean and I would move
10 the admission of Exhibits 1 through 4.

11 THE HEARING EXAMINER: Exhibits 1
12 through 4 are admitted into evidence.

13 (Exhibits 1 through 4 were received
14 into evidence.)

15 Mr. McClure, any questions?

16 MR. MCCLURE: No questions for either
17 of these cases, Mr. Hearing Examiner.

18 THE HEARING EXAMINER: Wonderful. So
19 we end the day. We're taking these under advisement,
20 Mr. Bruce. We will look forward to all of your
21 submissions.

22 MR. BRUCE: Thank you.

23 THE HEARING EXAMINER: Are they going
24 to come through the portal?

25 MR. BRUCE: Yes.

1 THE HEARING EXAMINER: So they will be
2 stamped and marked with the proper date and time.

3 MR. BRUCE: Yeah.

4 THE HEARING EXAMINER: Wonderful. Was
5 there any further --

6 MR. BRUCE: Mr. Examiner, I do have one
7 question for you, however.

8 THE HEARING EXAMINER: Yeah, let's hear
9 it.

10 MR. BRUCE: I was looking at your last
11 name and I was wondering what a nice Armenian boy was
12 doing in this business, okay? Your last name is
13 definitely Armenian, isn't it?

14 THE HEARING EXAMINER: Yes, as
15 it -- Armenia as a guess, and all four of my
16 grandparents came to this country in 1920 after the
17 massacre, so they were orphaned by the massacre,
18 and -- well --

19 MR. BRUCE: I know -- I grew up in
20 Michigan, one of the Armenian heartlands of America.
21 So I know all about that.

22 THE HEARING EXAMINER: Of course you
23 do. Well, thank you for asking, Mr. Bruce. And
24 appreciate it.

25 And thank you Marlene and Mr. McClure

1 and everyone else who has made today a good first
2 attempt at being a proficient hearing examiner for the
3 Division. And we'll see everyone in two weeks. Thank
4 you. I'm going to sign off then.

5 MR. MCCLURE: And thank you.

6 THE HEARING EXAMINER: Thank you. Bye
7 bye.

8 (Whereupon, at 3:36 p.m., the
9 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

DANA FULTON
Notary Public in and for the
State of Missouri

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CERTIFICATE OF TRANSCRIBER

I, JONNA BENNETT, 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.



JONNA BENNETT

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