

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

**APPLICATION OF ENDURING
RESOURCES, LLC TO AMEND
ORDER NO. R-14347 TO EXPAND THE
SOUTH ESCAVADA UNIT AREA,
SANDOVAL COUNTY, NEW MEXICO.**

CASE NO. 22952

**ENDURING RESOURCES, LLC'S MOTION
TO SET A CONTESTED HEARING AND ISSUE A PREHEARING ORDER**

Enduring Resources, LLC (“Enduring”) requests that the New Mexico Oil Conservation Division (“Division”) set this case for a contested hearing for the October 6, 2022, hearing date and issue a standard prehearing order accordingly. In support of this motion, Enduring states the following:

BACKGROUND

1. On July 5, 2022, in the above-captioned case, Enduring filed an application to amend Division Order No. R-14347 to expand the South Escavada Unit area to include an additional 160-acre tract of Allotted Indian lands, under the terms of the Unit Agreement, that were recently leased to Enduring, comprised of the NE/4 of Section 22, Township 22 North, Range 7 West, NMPM, Sandoval County, New Mexico.
2. On August 30, 2022, counsel for Vivian Mitchell, Margery Chiquito and her family, and Mae Toledo, Betty Castillo, Eunice Charley, Charlotte Gordo, Dickson Castillo, Matilda A. George, and Raquel Harrison (collectively, “Allottees”) filed an entry of appearance and motion for continuance to the October 6, 2022, hearing date.
3. On August 30, 2022, the Division approved the continuance filed by Allottees.

ARGUMENT

1. Seven minutes prior to the deadline, Allottees' counsel emailed Enduring's counsel providing notification of their intent to file an entry of appearance and a motion for continuance and requested Enduring's position. *See Exhibit A.*

2. One minute prior to the deadline, Allottees' counsel filed the motion and the Division granted the continuance, which moved the hearing date from September 1, 2022, to October 6, 2022.

3. Allottees are all owners in the existing unit, not the acreage that is proposed to be added.

4. Allottees' counsel has yet to communicate any concerns or issues with the application despite repeated requests by Enduring's counsel to identify what their concerns or issues might be. *See Exhibit A.* Counsel for Enduring has notified counsel for Allottees about this request for a contested hearing but have heard no response. *See id.*

5. Further delay is unnecessary and will be prejudicial to Enduring, which has plans to drill and complete three wells across the expanded acreage. In the interim, counsel will continue to try to identify and resolve concerns the Allottees may have. In the event concerns remain, Allottees can raise their issues with the Division at the hearing.

CONCLUSION

For the foregoing reasons, Enduring requests that the Division set this case for a contested hearing on October 6, 2022 and issue a standard prehearing order accordingly.

Respectfully submitted,

HOLLAND & HART LLP



Michael H. Feldewert
Adam G. Rankin
Julia Broggi
Paula M. Vance
Post Office Box 2208
Santa Fe, New Mexico 87504-2208
(505) 988-4421
(505) 983-6043 Facsimile
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agrarkin@hollandhart.com
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pmvance@hollandhart.com

ATTORNEYS FOR ENDURING RESOURCES, LLC

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2022, I served a copy of the foregoing document to the following counsel of record via Electronic Mail to:

Allyson A. Beasley
Western Environmental Law Center
409 E. Palace Avenue, #2
Santa Fe, New Mexico 87501
(505) 570-5565
beasley@westernlaw.org

Attorney for Allotees



Adam G. Rankin

Adam Rankin

From: Adam Rankin
Sent: Wednesday, September 14, 2022 4:33 PM
To: 'Ally Beasley'
Cc: Paula M. Vance
Subject: RE: Rescheduling today's call

Ally,

Of your available times work for me. Please send me a proposed time/calendar invite at your convenience. Looking forward to talking.

Best,
Adam

Adam G. Rankin
Partner, Holland & Hart LLP
110 N. Guadalupe, Suite 1, Santa Fe, NM 87501 Direct 505.954.7294 Cell 505.570-0377 Main 505.988.4421

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-----Original Message-----

From: Adam Rankin
Sent: Wednesday, September 14, 2022 10:02 AM
To: 'Ally Beasley' <beasley@westernlaw.org>
Cc: Paula M. Vance <PMVance@hollandhart.com>
Subject: RE: Rescheduling today's call

Ally,

That's ok and thanks for letting me know. Hope everything is alright. We are going to go ahead and request that the hearing on 10/6 be set as a contested hearing and that the Hearing Examiner issue a standard prehearing order setting out deadlines for exhibits and testimony, etc. Our hope is that the hearing will not be contested and we will continue to work with you to address any concerns or questions your clients may have between now and the hearing. I will send you my availability next week later today for a call.

Best,
Adam

-----Original Message-----

From: Ally Beasley <beasley@westernlaw.org>
Sent: Wednesday, September 14, 2022 9:55 AM
To: Adam Rankin <AGRRankin@hollandhart.com>
Subject: Rescheduling today's call

External Email

Adam,

I apologize for the inconvenience and short notice, but due to unforeseen personal circumstances, I will need to reschedule today's call to next week.

I am available Monday from 10:00 am to 1:00 pm mountain and 3:00-4:00 pm mountain, Tuesday before 2:00 pm mountain and after 3:00 pm mountain, Wednesday 10:00-11:00 am mountain, noon to 1:00 pm mountain, and 3:00-4:00 pm mountain, and Thursday 11:00 am to 4:00 pm mountain.

I will also let you know by next week, if not before, if anyone's contact information needs updating.

Apologies again, and look forward to talking next week.

Thank you!

Ally

Adam Rankin

From: Adam Rankin
Sent: Friday, September 9, 2022 4:37 PM
To: 'Ally Beasley'
Subject: RE: Notice of Appearance and Motion for Continuance in OCD Case No. 22952, Application of Enduring Resources, LLC to Amend Order No. R-14347

Thanks for the quick response, Ally. Times that work for me are below. I drop my daughter off at school and can usually get to the office by ~8:15 for a call.

From: Ally Beasley <beasley@westernlaw.org>
Sent: Friday, September 9, 2022 4:02 PM
To: Adam Rankin <AGRankin@hollandhart.com>
Subject: Re: Notice of Appearance and Motion for Continuance in OCD Case No. 22952, Application of Enduring Resources, LLC to Amend Order No. R-14347

External Email

Thanks, Adam! Apologies for not circling back sooner about a call and Ms. Harrison’s address, I am conferring with clients in a few minutes this afternoon and should have confirmation re: her address at that time. Monday I will be traveling all day, but would you be available for a call during one of the following time frames Tuesday or Wednesday?

- Tuesday before 9:30 am mountain – works for me starting at ~8:15
- Tuesday 1:30 to 2:30 pm mountain – works for me except 1-2 p.m.
- Wednesday before 9:30 am mountain – works for me starting at ~8:15
- Wednesday 11:30 am-1:00 pm mountain – works for me

If none of these work, let me know some times that would work for you and I’ll see what I can do!

Thanks and have a great weekend,

Allyson (Ally) Beasley (*She/Her/ella*)
 MPH, JD
 Staff Attorney
 Western Environmental Law Center
 409 East Palace Avenue, #2
 Santa Fe, New Mexico 87501
 Office Phone: 505-570-5565
 Cell: 405-229-0634
beasley@westernlaw.org
www.westernlaw.org

From: Adam Rankin <AGRankin@hollandhart.com>
Date: Friday, September 9, 2022 at 3:43 PM

EXHIBIT A

To: Ally Beasley <beasley@westernlaw.org>

Subject: RE: Notice of Appearance and Motion for Continuance in OCD Case No. 22952, Application of Enduring Resources, LLC to Amend Order No. R-14347

Ally,

Hope your Friday is going well. I left a voicemail for you to see if we can possibly touch base, if not today, then early next week on this. We'd like to understand what, if any, concerns or questions your clients may have that we can address. As I mentioned in my voicemail, I understand that each of the allottees your represent have an interest in the existing unit; not the new lease that is going to be added. I would like to be able to touch base on this before the middle of next week so we know what your clients' respective positions are.

Thanks and all best,
Adam

Adam G. Rankin

Partner, Holland & Hart LLP

110 N. Guadalupe, Suite 1, Santa Fe, NM 87501

Direct 505.954.7294 Cell 505.570-0377 Main 505.988.4421



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From: Adam Rankin

Sent: Tuesday, September 6, 2022 10:21 AM

To: 'Ally Beasley' <beasley@westernlaw.org>

Subject: RE: Notice of Appearance and Motion for Continuance in OCD Case No. 22952, Application of Enduring Resources, LLC to Amend Order No. R-14347

Ally,

Just following up to see if you we can touch base this week on your clients' concerns/questions about the application. Looking forward to hearing from you.

All best,
Adam

From: Ally Beasley <beasley@westernlaw.org>

Sent: Wednesday, August 31, 2022 1:13 PM

To: Adam Rankin <AGRankin@hollandhart.com>

Subject: Re: Notice of Appearance and Motion for Continuance in OCD Case No. 22952, Application of Enduring Resources, LLC to Amend Order No. R-14347

External Email

Adam,

EXHIBIT A

Thank you for reaching out! Apologies for the delayed response, I had an all-day meeting yesterday and am in back-to-back meetings most of today as well, so I will get back to you in more detail as soon as possible re: confirming Ms. Harrison's address and re: concerns about the application and possibly setting up a call, but for now, at least wanted to thank you for the offer to discuss and the additional information regarding Ms. Harrison's delivery.

Thank you and talk soon,

Allyson (Ally) Beasley (She/Her/ella)
MPH, JD
Staff Attorney
Western Environmental Law Center
409 East Palace Avenue, #2
Santa Fe, New Mexico 87501
Office Phone: 505-570-5565
Cell: 405-229-0634
beasley@westernlaw.org
www.westernlaw.org

From: Adam Rankin <AGRankin@hollandhart.com>
Date: Tuesday, August 30, 2022 at 2:45 PM
To: Ally Beasley <beasley@westernlaw.org>
Subject: RE: Notice of Appearance and Motion for Continuance in OCD Case No. 22952, Application of Enduring Resources, LLC to Amend Order No. R-14347

Ally,

Do you want to discuss what concerns/issues your clients may have about this application? Happy to discuss the application and hear what the concerns may be on a call sometime this week that works for you.

As for Ms. Harrison, her notice was delivered on July 19, but she did not sign for it and never claimed the certified mail, so it was returned. See portion of tracking status below. Is her address that we received from FIMO correct?

| | | | | | |
|------------------------|-----------------|--------------------|-------------|----|--------|
| 9414811898765876570934 | Raquel Harrison | 12316 Badger Ln SE | Albuquerque | NM | 871352 |
|------------------------|-----------------|--------------------|-------------|----|--------|

August 3, 2022, 9:23 am
Unclaimed/Being Returned to Sender
ALBUQUERQUE, NM 87123

July 24, 2022
Reminder to Schedule Redelivery of your item

July 19, 2022, 1:27 pm

Notice Left (No Authorized Recipient Available)
ALBUQUERQUE, NM 87123

Best,
Adam

Adam G. Rankin

Partner, Holland & Hart LLP

110 N. Guadalupe, Suite 1, Santa Fe, NM 87501

Direct 505.954.7294 Cell 505.570-0377 Main 505.988.4421



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From: Ally Beasley <beasley@westernlaw.org>

Sent: Tuesday, August 30, 2022 8:40 AM

To: Adam Rankin <AGRankin@hollandhart.com>

Subject: Re: Notice of Appearance and Motion for Continuance in OCD Case No. 22952, Application of Enduring Resources, LLC to Amend Order No. R-14347

External Email

Adam,

Good morning, and thank you for your understanding!

Allyson (Ally) Beasley (*She/Her/ella*)

MPH, JD

Staff Attorney

Western Environmental Law Center

409 East Palace Avenue, #2

Santa Fe, New Mexico 87501

Office Phone: 505-570-5565

Cell: 405-229-0634

beasley@westernlaw.org

www.westernlaw.org

From: Adam Rankin <AGRankin@hollandhart.com>

Date: Tuesday, August 30, 2022 at 8:19 AM

To: Ally Beasley <beasley@westernlaw.org>, Michael Feldewert <MFeldewert@hollandhart.com>, Julia Broggi <JBroggi@hollandhart.com>, "Paula M. Vance" <PMVance@hollandhart.com>

EXHIBIT A

Subject: RE: Notice of Appearance and Motion for Continuance in OCD Case No. 22952, Application of Enduring Resources, LLC to Amend Order No. R-14347

Good morning, Ally.

I haven't had time to confer with the client, so understand that you need to get it filed.

Best,
Adam

From: Ally Beasley <beasley@westernlaw.org>

Sent: Tuesday, August 30, 2022 8:08 AM

To: Michael Feldewert <MFeldewert@hollandhart.com>; Adam Rankin <AGRankin@hollandhart.com>; Julia Broggi <JBroggi@hollandhart.com>; Paula M. Vance <PMVance@hollandhart.com>

Subject: Notice of Appearance and Motion for Continuance in OCD Case No. 22952, Application of Enduring Resources, LLC to Amend Order No. R-14347

External Email

Counsel,

I am writing to notify you of an Entry of Appearance (attached) that Western Environmental Law Center is filing on behalf of Vivian Mitchell, Margery Chiquito and her family, and Mae Toledo, Betty Castillo, Eunice Charley, Charlotte Gordo, Dickson Castillo, Matilda A. George, and Raquel Harrison (collectively, "Allottees"), in Case No. 22952, Application of Enduring Resources, LLC to Amend Order No. R-14347 to Expand the South Escavada Unit Area.

I have also attached a Motion for Continuance on behalf of Allottees requesting that the September 1, 2022 hearing on this matter be moved to October 6, 2022. If you could provide Enduring's position on the Motion for Continuance, I would greatly appreciate it! In order to comply with the requirement that the Motion for Continuance be filed at least 48 hours before the scheduled hearing, I will be filing ASAP, by 8:15 am mountain time today, so I very much understand if you are unable to reply with Enduring's position by that time, but wanted to reach out.

Thank you,

Allyson (Ally) Beasley (*She/Her/ella*)

MPH, JD

Staff Attorney

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