

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

**APPLICATION OF MARATHON OIL PERMIAN, LLC
FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

CASE NO. 24081

MOTION TO STRIKE LATE INTERVENTION AND OBJECTIONS

Marathon Oil Permian, LLC (“Applicant”) (OGRID No. 372098), through its undersigned attorney, hereby moves this court pursuant to the authority of New Mexico Administrative Code Section 19.15.10(c) and 19.15.4.11(c), to strike the late intervention and objections to Case No. 24081 proceeding by affidavit filed herein by XTO Energy, Inc. (“XTO”), and Chevron USA, Inc. (“Chevron”), and that XTO and Chevron be deemed to have appeared generally in these proceedings, for grounds stated as follows:

NMAC 19.15.10(c) provides that a party who has not entered an appearance at least one business day prior to the pre-hearing statement filing date provided in NMA 19.15.4.14(b)1 shall not be allowed to present technical evidence at hearing unless good cause is shown.

The deadline for entering an appearance with the ability to present technical evidence in Case No. 24081, the hearing date for which is January 4, 2024, was December 27, 2023. XTO and Chevron entered their notice of appearance and objections on January 3, 2024 (less than 24 hours) and January 4, 2024 (day of hearing), respectively.

Well proposals for the wells at issue in Case No. 24081 were served upon XTO and Chevron on October 16, 2023, as is shown in the Exhibits filed in Case No. 24081. In response to these well proposals, both entities have engaged in conversations with the Applicant regarding Applicant’s development plans, and neither has at any point raised the possibility of a competing development plan.

Applicant's Notice of Compulsory Pooling Application was timely sent on December 13, 2024, to both XTO and Chevron by certified mail, and both returned green cards acknowledging their receipt. XTO is noted in the Exhibits filed in this case as receiving notice on December 18, 2023, whereas Chevron received notice on December 20, 2023. The deadline for entering an appearance with the ability to present technical evidence was December 27, 2023.

NMAC 19.15.4.11(c) provides that the Division Examiner may strike notice of intervention on a party's motion if the intervenor fails to show standing, unless the intervenor shows participation will contribute substantially to the prevention of waste, protection of correlative rights, protection of the public health, and protection of the environment.

Both parties received notice with ample time to submit a notice of appearance and objections, and both parties failed to timely intervene in this matter.

Wherefore, Applicant requests that the intervention and objections of XTO and Chevron filed herein be stricken and for the entry of an order or finding that XTO and Chevron have appeared generally in these proceedings.

Respectfully submitted,

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