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

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
DIVISION FOR THE PURPOSE OF
CONSIDERING:
Case Nos. 23448, 23449, 23450,
23451, 23452, 23453, 23454,
23455, 23508, 23523, 23594,
23595, 23596, 23597, 23598,
23599, 23600, 23601, 24289,
24585, 24586, 24632, 24633,
24751, 24752, 24756, 24757,
24758, 24759, 24760, 24761,
24762, 24763, 24764, 24765,
24766, 24767, 24807, 24808,
24809, 24810, 24826, 24827,
24829, 24831, 24832, 24843,
24844, 24845, 24846, 24847,
24848, 24882, 24883, 24888,
24894, 24895, 24896, 24905,
24913, 24914, 24915, 24916,

Docket No.
47-24

1 24921, 24922, 24923, 24927,
2 24930, 24931, 24933, 24939,
3 24941, 24944

4

5

HEARING

6

DATE: Thursday, November 21, 2024

7

TIME: 9:00 a.m.

8

BEFORE: Gregory A. Chakalian, Hearing Examiner

9

LOCATION: Pecos Hall

10

Wendell Chino Building

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1220 Street Saint Francis Drive

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Santa Fe, NM 87505

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REPORTED BY: James Cogswell

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JOB NO.: 6773992

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

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

ON BEHALF OF READ & STEVENS, OXY USA INC., PERMIAN
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A P P E A R A N C E S (Cont'd)
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13 WARREN ANDERSON, PRO SE
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17 Million Gebremichael, Technical Examiner
18 Madai Corral, Law Clerk
19 Sheila Apodaca, Law Clerk
20 Jonathan Samaniego, Working Interest Owner (by
21 videoconference)
22 Travis Macha, Witness (by videoconference)
23 David Johns, Witness (by videoconference)
24 Rett Dalton, Witness (by videoconference)
25 John Worrall, Witness (by videoconference)

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E X H I B I T S

NO.	DESCRIPTION	ID/EVD
24905:		
Exhibit 1	Affidavit of Nichoals Karns	22/23
Exhibit 2	Curriculum Vitae of Nichoals Karns	
Exhibit 3	Notice of Violation Against Sellers & Fulton Oil, LLC	22/23
Exhibit 4	Affidavit of Sara Griego	22/23
Exhibit 5	USPS Certified Mail Notice of Violation	22/23
Exhibit 6	Communication with Respondent	23/23
Exhibit 7	State Land Office Right of Entry Form and Fees	23/23
NO.	DESCRIPTION	ID/EVD
24289:		
Exhibit A	Self-Affirmed Statement of Isaac Evans, Landman	148/148
Exhibit B	Self-Affirmed Statement of Andrew Parker, Geologist	148/148
Exhibit C	Self-Affirmed Statement of Notice	148/148
Exhibit D	Affidavit of Publication	148/148

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

NO.	DESCRIPTION	ID/EVD
24290:		
Exhibit A	Self-Affirmed Statement of Isaac Evans, Landman	149/149
Exhibit B	Self-Affirmed Statement of Andrew Parker, Geologist	149/149
Exhibit C	Self-Affirmed Statement of Notice	149/149
Exhibit D	Affidavit of Publication	149/149
24296:		
Exhibit A	Self-Affirmed Statement of Isaac Evans, Landman	149/149
Exhibit B	Self-Affirmed Statement of Andrew Parker, Geologist	149/149
Exhibit C	Self-Affirmed Statement of Notice	149/149
Exhibit D	Affidavit of Publication	149/149

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

NO.	DESCRIPTION	ID/EVD
24297:		
Exhibit A	Self-Affirmed Statement of Isaac Evans, Landman	149/149
Exhibit B	Self-Affirmed Statement of Andrew Parker, Geologist	149/149
Exhibit C	Self-Affirmed Statement of Notice	149/149
Exhibit D	Affidavit of Publication	149/149
NO.	DESCRIPTION	ID/EVD
24751:		
Exhibit A	Self-Affirmed Statement of Travis Macha	151/151
Exhibit B	Self-Affirmed Statement of Christopher Cantin	151/151
Exhibit C	Self-Affirmed Statement of Dana S. Hardy	151/151

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

NO.	DESCRIPTION	ID/EVD
24752:		
Exhibit A	Self-Affirmed Statement of Travis Macha	151/151
Exhibit B	Self-Affirmed Statement of Christopher Cantin	151/151
Exhibit C	Self-Affirmed Statement of Dana S. Hardy	151/151
NO.	DESCRIPTION	ID/EVD
24894:		
Exhibit A	Self-Affirmed Statement of Brad Dunn	159/159
Exhibit B	Self-Affirmed Statement of Charles Crosby	159/159
Exhibit C	Self-Affirmed Statement of Dana S. Hardy	159/159

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

NO.	DESCRIPTION	ID/EVD
24896:		
Exhibit A	Self-Affirmed Statement of Brad Dunn	159/159
Exhibit B	Self-Affirmed Statement of Charles Crosby	159/159
Exhibit C	Self-Affirmed Statement of Dana S. Hardy	159/159
NO.	DESCRIPTION	ID/EVD
24921:		
Exhibit A	Application to Add Additional Pooled Parties	164/164
Exhibit B	Pooling Order R-23188	164/164
Exhibit C	Affidavit of Hanna Rhoades, Landman	164/164
Exhibit D	Self-Affirmed Statement of Notice	164/164
Exhibit E	Affidavit of Publication	164/164

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	24922:		
4	Exhibit A	Application to Add Additional	
5		Pooled Parties	164/164
6	Exhibit B	Pooling Order R-23188	164/164
7	Exhibit C	Affidavit of Hanna Rhoades,	
8		Landman	164/164
9	Exhibit D	Self-Affirmed Statement of	
10		Notice	164/164
11	Exhibit E	Affidavit of Publication	164/164
12			
13	NO.	DESCRIPTION	ID/EVD
14	24923:		
15	Exhibit A	Application to Add Additional	
16		Pooled Parties	166/166
17	Exhibit B	Pooling Order R-23188	166/166
18	Exhibit C	Affidavit of Hanna Rhoades,	
19		Landman	166/166
20	Exhibit D	Self-Affirmed Statement of	
21		Notice	166/166
22	Exhibit E	Affidavit of Publication	166/166
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E X H I B I T S (Cont'd)

NO.	DESCRIPTION	ID/EVD
24924:		
Exhibit A	Self-Affirmed Statement of Rett Dalton	170/170
Exhibit B	Self-Affirmed Statement of Dana S. Hardy	170/170
NO.	DESCRIPTION	ID/EVD
24927:		
Exhibit A	Self-Affirmed Statement of John Worrall	177/177
Exhibit B	Self-Affirmed Statement of Dana S. Hardy	177/177

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

NO.	DESCRIPTION	ID/EVD
24939:		
Exhibit A	Compulsory Pooling Application Checklist	195/195
Exhibit B	Application of Read & Stevens, Inc. for Compulsory Pooling	195/195
Exhibit C	Self-Affirmed Statement of Travis Macha, Landman	195/195
Exhibit D	Self-Affirmed Statement of Chris Cantin, Geologist	195/195
Exhibit E	Self-Affirmed Notice Statement	195/195
Exhibit F	Notice of Publication	195/195

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P R O C E E D I N G S

THE HEARING EXAMINER: Okay. It's 9 a.m., and we're going to get started. It is November 21st. This is the regular docket of the Oil Conservation Division. My name is Gregory Chakalian. I'm the hearing examiner. Today we have Dean McClure as our technical examiner. We have consolidated dates from November 7 into today so it's not going to be a typical status -- docket.

Because the office was closed two days earlier in November, we were not able to hold our docket, and there were no other dates to hold them since the Commission was doing a rule-making. Okay. So let's go to our worksheet, and I am going to call a couple of cases that were not on our worksheet because the parties are here, but I'll get to that later. I want to get this first one out of the way. This is case -- this is number 1 in our docket. This is case 24905. Enter appearance, please.

MS. TREVINO: Christy Trevino for the Oil Conservation Division.

THE HEARING EXAMINER: Do we have the respondent with us?

MS. TREVINO: And the respondent with me, Mr. Chad Fulton, C-H-A-D F-U-L-T-O-N.

1 THE HEARING EXAMINER: Okay. Mr.
2 Fulton, are you with us?

3 Ms. Trevino, did you expect Mr. Fulton
4 to be here?

5 MS. TREVINO: It wasn't stated, but I
6 was under the assumption he might be here.

7 THE HEARING EXAMINER: Was he provided
8 with the notice that this would be here today at this
9 time?

10 MS. TREVINO: Yes.

11 THE HEARING EXAMINER: Okay. Was he
12 sent the link to participate?

13 MS. TREVINO: I believe so. I sent him
14 all the updates from the closures.

15 THE HEARING EXAMINER: You did?

16 MS. TREVINO: Mm-hmm.

17 THE HEARING EXAMINER: What are
18 closures?

19 MS. TREVINO: The winter closures, the
20 inclement weather closures.

21 THE HEARING EXAMINER: So this is why
22 the case was on the November 7th docket?

23 MS. TREVINO: Yes.

24 THE HEARING EXAMINER: Okay. Why don't
25 you proceed, and we'll see if he appears? But so far,

1 there is no indication that he's with us.

2 Sheila, do you have any indication that
3 Mr. Fulton is with us? No? Okay. Okay.

4 Please proceed.

5 MS. TREVINO: We'll be proceeding by
6 affidavit, so I'll ask to admit Exhibits 1 through 8.
7 8 is a supplemental exhibit, so it's not listed on the
8 table of contents.

9 THE HEARING EXAMINER: All right. Let
10 me pull up your filing. It takes me a second here. I
11 have -- what was the date of the filing?

12 MS. TREVINO: I believe October 31st,
13 the week before.

14 THE HEARING EXAMINER: I have it's
15 dated November 1st on our system, but it says "table
16 of contents"?

17 MS. TREVINO: I believe so.

18 THE HEARING EXAMINER: Okay. It says,
19 "table of contents, OCD vs." -- can you -- would you
20 share your screen?

21 MS. TREVINO: Yes, I can.

22 THE HEARING EXAMINER: With the table
23 -- with the document? Okay. That's it.

24 MS. TREVINO: So we sent this one over
25 to the clerk on the 31st, but I think it was

1 submitted.

2 THE HEARING EXAMINER: Can you go up a
3 little bit? All right. So it's not just mine that
4 says "Oil Conservation Division" --

5 MS. TREVINO: I apologize. This --

6 THE HEARING EXAMINER: -- in a new way
7 of spelling it.

8 MS. TREVINO: I didn't --

9 THE HEARING EXAMINER: Okay. So the
10 respondent is Sellers & Fulton Oil, LLC.

11 MS. TREVINO: And the registered
12 operator is Chad Fulton.

13 THE HEARING EXAMINER: Registered
14 operator, Chad Fulton. Okay. All right. So these
15 are the documents you seek to admit through --

16 MS. TREVINO: Affidavit. The first
17 affidavit is Exhibit 1 of Mr. Nicholas Karns. And
18 he's testified to Exhibits 2, 3, and its subsequent
19 exhibits. And then Exhibit 4 is the affidavit of Ms.
20 Sara Griego. She testifies to Exhibit 5 and that is
21 it as to notice.

22 (24905 Exhibit 1 through Exhibit 5 were
23 marked for identification.)

24 THE HEARING EXAMINER: Okay. And then
25 we have Exhibit 6.

1 MS. TREVINO: Yes. Exhibit 6 is from
2 the respondent. It's an admission by party opponent.
3 And then in Exhibit 6, the respondent refers to the
4 state land office, and we have provided Exhibit 7 just
5 for more clarification as to the contents of Exhibit
6 6.

7 (24905 Exhibit 6 and Exhibit 7 were
8 marked for identification.)

9 THE HEARING EXAMINER: Okay. Are there
10 any objections to receiving these Exhibits 1 through 7
11 into evidence? Not hearing any, they are admitted
12 into evidence. What is Mr. Fulton alleged to have
13 done?

14 (24905 Exhibit 1 through Exhibit 7 were
15 received into evidence.)

16 MS. TREVINO: Mr. Fulton is the
17 registered operator and owner of Sellers & Fulton Oil.
18 He is registered in 36 wells. All 36 wells are
19 inactive so therefore out of compliance with
20 19-15-25-8 and 19-15-5-9-A. 20 of the wells lack
21 sufficient financial assurance under 19-15-8-9, and
22 the operator has also failed to file C-115 production
23 reports. The last time those were filed were in 2021,
24 so that's a violation of 19-15-7-24.

25 THE HEARING EXAMINER: So in total, how

1 many violations are you claiming?

2 MS. TREVINO: Three.

3 THE HEARING EXAMINER: I understand
4 that there's three regulations that are violated, but
5 in total, how many violations are there?

6 MS. TREVINO: Violations of the rule,
7 there are four. 25-8 and 5-9 were kind of conjunction
8 with each other in terms of inactive wells.

9 THE HEARING EXAMINER: But without
10 looking at your NOB, aren't you alleging that he
11 violated 36 times for one of the rules?

12 MS. TREVINO: Yes.

13 THE HEARING EXAMINER: Okay. So how
14 many violations in total are you alleging?

15 MS. TREVINO: 36 violations.

16 THE HEARING EXAMINER: Oh, just 36, and
17 then there's --

18 MS. TREVINO: 36 and then 20 under the
19 financial assurance. Those are all laid out in the
20 civil penalties calculated.

21 THE HEARING EXAMINER: Ah, okay. And
22 what page is the civil penalties calculated?

23 MS. TREVINO: That is going to be pages
24 18 and 19 --

25 THE HEARING EXAMINER: Perfect.

1 MS. TREVINO: -- which are Exhibit 3-D.
2 THE HEARING EXAMINER: Which I can't
3 read. Can you read that? When I enlarge it, it
4 doesn't seem to get clearer.
5 MS. TREVINO: Let me see. I did scan
6 this in, so that may be the issue. If I need to, I
7 can provide a clearer document.
8 THE HEARING EXAMINER: Yeah. Well, it
9 would be -- it just gets blurry when you do that.
10 MS. TREVINO: I can resubmit that.
11 THE HEARING EXAMINER: Okay. Perfect.
12 MS. TREVINO: A clearer document.
13 THE HEARING EXAMINER: Yes, please. So
14 what is the ultimate result of all these violations?
15 What is the penalty?
16 MS. TREVINO: The penalty is \$89,100.
17 That's for the 36 wells. We do the one day of
18 violation, even though they've been inactive and no C-
19 115s have been filed since 2021.
20 THE HEARING EXAMINER: And is that on
21 one of these pages where you have a total somewhere?
22 MS. TREVINO: Yes. The total is in the
23 pre-hearing statement. It is also listed, and I
24 apologize. Let me rotate the document back over.
25 They're listed here. The total isn't listed, but each

1 --

2 THE HEARING EXAMINER: I see.

3 MS. TREVINO: -- amount per violation
4 is.

5 THE HEARING EXAMINER: And why are
6 these penalties reasonable?

7 MS. TREVINO: They're reasonable
8 because the operator has been noncompliant as far as
9 2021. It's OCD's discretion to implement these civil
10 penalties, and by doing so, we only implement one --
11 so they're beyond -- they're reasonable.

12 THE HEARING EXAMINER: And finally, can
13 we go to his -- I think it's Exhibit 6, is it?

14 MS. TREVINO: His communication.

15 THE HEARING EXAMINER: His
16 communication.

17 MS. TREVINO: So this is the beginning
18 of the chain we attempted to enter into a formal
19 resolution. We didn't receive any substance of his
20 attempt to comply with our rules, and this was his
21 response after I checked in with him after a few weeks
22 had gone by.

23 THE HEARING EXAMINER: Was this case on
24 an October docket?

25 MS. TREVINO: It was not. It was on

1 November 7th.

2 THE HEARING EXAMINER: Okay. And the
3 mailings that you sent, I know Ms. Griego testified to
4 it, but basically, she was able to communicate with
5 him through mailings.

6 MS. TREVINO: Yes. We have attached
7 her affidavit and then the certified mail USPS
8 tracking information. It shows that it was picked up.

9 THE HEARING EXAMINER: It was picked
10 up?

11 MS. TREVINO: Mm-hmm. We also received
12 an email from Mr. Fulton, which is in Exhibit 8, and
13 we had attached the mail covers, like, the envelopes.
14 Typically, I don't add those unless notice is an
15 issue, but he brought it up in one of his
16 communications in Exhibit 8.

17 THE HEARING EXAMINER: Okay. And
18 you're representing to the Division that everything,
19 all the communications, were legally sufficient to
20 provide him notice?

21 MS. TREVINO: Yes. I even gave him a
22 call, which is not reflected in these documents.

23 THE HEARING EXAMINER: Okay. Is there
24 anything further?

25 MS. TREVINO: No.

1 THE HEARING EXAMINER: Okay. Then
2 we're off the record in this case, and we'll wait for
3 you to prepare a proposed order for the director --

4 MS. TREVINO: Thank you.

5 THE HEARING EXAMINER: All right.
6 Thank you.

7 Okay. Before we go through the rest of
8 our regular docket, I want to call a separate set of
9 cases. These cases were heard, I believe, in August
10 of 2023 before I got here. These are case numbers
11 23448 through 23455. Those are applications of
12 Cimarex Energy for -- spacing unit and compulsory
13 pooling in Lee County. We have 23594 through 23601.
14 Those are Cimarex competing application -- no, these
15 are applications for Cimarex compulsory pooling. Then
16 we have competing applications in case number 23508,
17 23523. These are Read Stevens cases for compulsory
18 pooling. And finally, we have 24528 and 24541. These
19 are Read Stevens for creation of a special pool and
20 Cimarex's application for a special pool.

21 May I have entries of appearance,
22 please.

23 MR. RANKIN: Good morning, Mr. Hearing
24 Examiner. Adam Rankin with the office of Hollard Hart
25 appearing on behalf of Read & Stevens, Permian

1 Resources in those cases.

2 THE HEARING EXAMINER: Good morning.

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

6 THE HEARING EXAMINER: Good morning.
7 The Division received motions on the 29th of October
8 and a response received on -- I don't know when it was
9 received, but I can see when it was signed. It looks
10 like Mr. Rankin signed this and certified it on
11 November 15th. So we're not going to have any more
12 briefing on this issue. From my recollection, we held
13 a special pool contested hearing.

14 Mr. Savage, when was that?

15 MR. RANKIN: August.

16 THE HEARING EXAMINER: Okay. August.

17 MR. SAVAGE: Was it August?

18 MR. RANKIN: August of '23.

19 MR. SAVAGE: That was the original
20 contested hearing, yes. But then we had a special
21 pool hearing.

22 MR. RANKIN: That's what I'm talking
23 about.

24 MR. SAVAGE: That was this summer.

25 MR. RANKIN: August '24, September.

1 August, July.

2 THE HEARING EXAMINER: It's okay.

3 Forget I asked.

4 MR. SAVAGE: I'm sorry.

5 THE HEARING EXAMINER: I'll withdraw --

6 MR. SAVAGE: This is short notice here.
7 I would have liked to review the --

8 THE HEARING EXAMINER: Earlier. It was
9 earlier this year.

10 MR. SAVAGE: Yes.

11 THE HEARING EXAMINER: And have the
12 parties heard from the Division on whether or not the
13 Division granted the joint application for a special
14 pool?

15 MR. SAVAGE: So the last I heard on
16 that -- and this is related to the other case with
17 Pride, and that was also a special pool request. I
18 believe John Garcia was looking, like, towards
19 February, possibly. But nothing has been communicated
20 or issued at this point, so it's still pending.

21 THE HEARING EXAMINER: Mr. Rankin, you
22 --

23 MR. RANKIN: Those cases are
24 unconnected other than they have similar issues, so I
25 don't see any reason why they should be connected.

1 They have similar issues, but they're not related.

2 THE HEARING EXAMINER: I'm not
3 connecting them.

4 MR. RANKIN: Okay. That was just --

5 THE HEARING EXAMINER: But, Mr. Rankin,
6 what I'm asking you is, have you heard anything from
7 the --

8 MR. RANKIN: No.

9 THE HEARING EXAMINER: You've not?
10 Okay. So the status of the joint application for --
11 because the parties decided at the end of the
12 contested hearing that they didn't have differences as
13 long as the allocation table was not included in that
14 request for a special pool as I remember, and the
15 parties went through several iterations of joint
16 applications and finally, I think we have, what, a
17 second joint application.

18 MR. RANKIN: Correct.

19 THE HEARING EXAMINER: Okay. Very
20 good. That has not been ruled on yet by the Division.

21 MR. RANKIN: Correct.

22 THE HEARING EXAMINER: Okay. That's
23 what I'm asking. Okay. Fine.

24 So then, Mr. Savage, you filed this
25 motion a little bit prematurely, it seems.

1 MR. SAVAGE: Mr. Hearing Examiner, that
2 was at your request.

3 THE HEARING EXAMINER: Right.

4 MR. SAVAGE: The motion.

5 THE HEARING EXAMINER: Okay.

6 MR. SAVAGE: The -- from our
7 perspective, the -- typically, an allocation formula
8 is included and we review as included in a pool,
9 application for a pool, and then that's also iterated
10 in what I consider the related case with Pride Energy.
11 We agreed to remove it in order to allow -- to
12 facilitate the joint application going forward. It
13 was kind of -- if you look at the testimony of the
14 transcript and I signed it in the motion, that was
15 conditioned upon being allowed to put it into a
16 subsequent pooling application, and there was
17 discussion by the OCD that they expected after the
18 issuance -- after if the special application is
19 approved, that there would be subsequent pooling
20 applications to move forward.

21 THE HEARING EXAMINER: So let me just
22 make sure I get this because I'm going to speak to
23 John later today about the motion and the response and
24 I'd like to make sure that I understand your position
25 perfectly. So you're saying that you withdraw --

1 well, as I remember, the Division wasn't willing to
2 entertain an allocation table in the application for a
3 special pool. That's my recollection.

4 MR. SAVAGE: Okay. So we wouldn't have
5 been able to go forward with a joint application.
6 Same as with the Pride case. And they are very
7 similar, and they're informative of each other on --

8 THE HEARING EXAMINER: But it's going
9 to confuse the issues here, so please, let's not talk
10 about the Pride case. Let's keep them separate just
11 for my own benefit. Okay?

12 MR. SAVAGE: Okay.

13 THE HEARING EXAMINER: 'Cause I'm not
14 able to handle that right now.

15 MR. SAVAGE: Yes.

16 THE HEARING EXAMINER: So basically,
17 what you're saying is you would not have been able to
18 -- you would not have agreed to file a joint
19 application for special pool if the allocation table
20 issue had not been allowed to be resurrected later.
21 That's what you're saying?

22 MR. SAVAGE: That is correct, and I
23 believe it's my understanding that PR, Permian
24 Resources, would also not have agreed to the joint
25 application going forward under those circumstances.

1 THE HEARING EXAMINER: All right. Now,
2 on that issue -- so what you're saying, then, is you
3 believe you have a right to file some sort of an
4 amended application. But was this allocation table --
5 'cause I wasn't here in August of '23 -- was this
6 allocation table in that application?

7 MR. SAVAGE: It was not, nor was it in
8 any of the subsequent filings. It was discussed in
9 the closing argument, but it was discussed in relation
10 to the existence of the case to be predicated upon
11 there being two separate pools, the Wolfcamp and the
12 Bone Spring. The allocation formula now applies to a
13 single pool, and that would be the, you know, the
14 Wolfbone. That alters the nature of the working
15 interests within that single reservoir from our
16 perspective. I think that needs to be described and
17 explained to the OCD for their benefit.

18 THE HEARING EXAMINER: Okay. All
19 right. So we'll get to the next issue about notice in
20 just a moment, but I want to hear from Mr. Rankin
21 about this issue about -- the way I understand it, Mr.
22 Rankin, is that the allocation table was not in the
23 original compulsory pooling application. So why do
24 you -- why in your response were you arguing that --
25 why were you arguing the way you were?

1 MR. RANKIN: Mr. Examiner, a couple
2 things. There are no pools that I'm aware of in the
3 state of New Mexico that have an allocation formula
4 built into the pool. It is a unique proposal by
5 Cimarex, number 1. Number 2, the record, the
6 evidentiary record in the underlying competing pool
7 cases, has nothing -- has no evidence supporting an
8 allocation formula. There's no evidence establishing
9 that it will prevent waste. There's no evidence that
10 it will protect correlative rights. There's no
11 evidence even exactly what the proposed allocation
12 formula would be in the evidentiary record. I think
13 that's a very important thing.

14 And then so because there's no evidence
15 and that was, you know -- nor was it in the
16 application, okay, we are opposed to going through
17 this whole process again. They've made their
18 arguments about how their proposed development in the
19 lower Bone Spring formation is the proper way to
20 develop the pool. And from the beginning, Cimarex has
21 argued that it's a single source of supply. We have
22 argued that essentially whether it's a single source
23 of supply or not, we took the position at the hearing
24 because the Division has set it up as two pools, that
25 it could be treated as two pools. But nevertheless,

1 whether it's a single source of supply or not, it's a
2 large enough reservoir that it needs wells on both
3 sides of the ownership severance to fully develop that
4 reservoir, and it's necessary to do so because there's
5 ownership differences between -- across that
6 severance. So all the evidence --

7 THE HEARING EXAMINER: There's a depth
8 severance.

9 MR. RANKIN: There's a depth severance.

10 THE HEARING EXAMINER: I didn't know
11 that.

12 MR. RANKIN: There's a depth severance
13 in the middle of -- whether it's two pools or one
14 pool, okay, there's a depth severance, and that depth
15 severance has not altered, negated, eliminated because
16 of the creation of a single pool. So the creation of
17 this Wolfbone pool has no bearing on the fact that
18 there's a ownership depth severance across that zone.
19 And to try to -- you know, to address that issue,
20 Cimarex wants to propose an allocation formula. The
21 problem is, they didn't put on any evidence of it at
22 the hearing.

23 THE HEARING EXAMINER: Okay. Thank
24 you. That's helpful.

25 Mr. Savage, would you like to answer

1 just the discrete issue about why the allocation table
2 was not presented in your original applications that
3 went to a contested hearing and if it's correct no
4 evidence was given to the Division?

5 MR. SAVAGE: Well, I disagree with Mr.
6 Rankin. There was evidence. It was in the geology
7 exhibit in the geology testimony, and it talked about
8 how the well would produce -- because there's open
9 communication between the third Bone Spring and the
10 upper Wolfcamp. The well would produce about 72
11 percent -- I'm trying to recall the exact numbers --
12 but about 72 percent from the primary part of the
13 reservoir, and that was the Bone Spring, and 28
14 percent from the upper Wolfcamp. Now, that was
15 clearly established. They talked about our allocation
16 is based on a high fee porosity analysis during the
17 contested hearing. The porosity was clearly discussed
18 and that high fee factor was taken into consideration.
19 Both parties agreed that it could be used to analyze.

20 So in the closing argument, we grappled
21 with this differential ratio, and we provided an
22 allocation formula that's commonly used in -- opinion
23 analysis to assign ownership to account for the
24 difference between what would be produced from the
25 third Bone Spring, what would be produced from the

1 upper Wolfcamp.

2 Now, Permian Resources' applications
3 were denied because they -- the OCD saw that they
4 would be illegally producing from another pool, so
5 their Wolfcamp, upper Wolfcamp wells would be
6 producing illegally from the Bone Spring, and their
7 Bone Spring wells would be producing from the
8 Wolfcamp. So that is still occurring under the
9 Wolfbone pool because they're going to drill two sets
10 of wells across -- one above the depth severance and
11 one below the depth severance. Now, this works if you
12 have a natural barrier at the depth severance, which
13 is usually the case.

14 But if you have open communication, you
15 have a redundant set of wells that will produce a
16 single tank when you only need one set, and then
17 you're going to intermix, you're going to be pulling
18 production from owners in the third Bone Spring,
19 across the severance by the upper Wolfcamp, and the
20 third Bone Spring, their third Bone Spring wells are
21 going to be pulling ownership from the upper Wolfcamp,
22 which is the same reason that the OCD denied their
23 applications. I think that really needs to be
24 addressed with an updated closing argument so the OCD
25 can fully understand that.

1 THE HEARING EXAMINER: So the question
2 was, Mr. Rankin represented that the allocation table
3 was not in your original application, and I asked you
4 was it in your original application. You're saying it
5 was in it.

6 MR. SAVAGE: It was not.

7 THE HEARING EXAMINER: Oh, it was not?

8 MR. SAVAGE: It was not in the original
9 application.

10 THE HEARING EXAMINER: Why did you --
11 just help me understand why you feel it's so important
12 now, but at that time, you didn't feel it was
13 important.

14 MR. SAVAGE: Because I think -- you
15 know, I believe these cases were rushed into, and I
16 think that Permian Resources really pushed the issue
17 at the time when the OCD was in transition. And I
18 think that there would have been a benefit for
19 understanding the nature of this geology, and that was
20 a single reservoir as Cimarex has been -- has started
21 from the beginning. So we're put into a position
22 where we're kind of grappling with some very novel
23 questions about how to account for the ownership, how
24 to account for the open communication. All through
25 the hearing, Permian Resources downplayed that there

1 was open communication and did not agree to that.
2 They had to admit it, you know, under oath that there
3 was open communication ultimately. So, you know, I
4 think that -- so in terms of, you know, in the
5 process, on the fly, in the process of litigating
6 this, we were, you know, brainstorming and trying to
7 develop an approach, and I think we finally came to a
8 good methodology after, you know -- towards -- within
9 -- during the contested hearing and then afterwards,
10 which was expressed in the closing argument. But that
11 closing argument is flawed because it's based on those
12 two pools, and it's based on a flawed --

13 THE HEARING EXAMINER: Okay.

14 MR. SAVAGE: Yes. Go ahead.

15 THE HEARING EXAMINER: All right. I
16 understand. Okay.

17 MR. RANKIN: Mr. Examiner, may I make a
18 brief response to --

19 THE HEARING EXAMINER: I don't think I
20 need anything further on this issue. But thank you.

21 As I mentioned before, I'm going to
22 discuss this with John later today, and we'll figure
23 out how we're going to deal with the allocation table
24 or whether it's legally permissible to have another
25 application submitted with an allocation table that

1 was not originally supplied. So we'll deal with that.
2 In your motion, you discussed notice and how you
3 wanted to re-notice the allocation table to the
4 working interest owners. Can you explain to me why
5 that is legally necessary?

6 MR. SAVAGE: Well, I think just to
7 point out again, it is a requirement that both Cimarex
8 and Pride in the other case agree that it is needed.
9 It is -- the owners have not been provided that piece
10 of information which goes to how their product, you
11 know, would be allocated. They need to understand,
12 you know, how their ownership is going to be handled.

13 THE HEARING EXAMINER: I understand why
14 notice is important to working interest owners. What
15 I don't understand is why is it legally necessary in
16 light of Mr. Rankin's response that basically said,
17 look, they had it twice now. They've had notice now
18 twice this year alone. Why do they need it a third
19 time is really what I'm asking you.

20 MR. SAVAGE: Well, they haven't had
21 notice of the allocation formula.

22 THE HEARING EXAMINER: They have not?

23 MR. SAVAGE: They have not. It was not
24 in the special application, the application for a
25 special pool. It was not in the pooling application.

1 So we have sent letters out where we have, you know,
2 reference the idea of allocating it. But we have not
3 really explained what the full implications of that
4 would be.

5 THE HEARING EXAMINER: With an
6 application, if you had included the allocation table
7 in your special pool application or even your
8 compulsory pooling application from last year, would
9 that have a more detailed explanation?

10 MR. SAVAGE: It could have. You know,
11 it would have a paragraph that would fully explain it.

12 THE HEARING EXAMINER: But the letter
13 doesn't have that?

14 MR. SAVAGE: The letter doesn't have a
15 full paragraph that explains it.

16 THE HEARING EXAMINER: But it's your
17 letter.

18 MR. SAVAGE: It's our letter. It's
19 Cimarex's letter. It was the letter talking about
20 describing the ruling, the order.

21 THE HEARING EXAMINER: I see.

22 MR. SAVAGE: And it talked about, you
23 know, Cimarex's plans were going forward.

24 THE HEARING EXAMINER: I see.

25 MR. SAVAGE: It was a very general

1 letter, but it did touch upon a little bit about the
2 difference between -- so Permian Resources, their
3 allocation formula is embodied in drilling an
4 additional set of wells above and below. Our
5 allocation formula is premised on a single set of
6 wells to develop the tank and explaining how that
7 production within those well bores would be allocated.

8 THE HEARING EXAMINER: I didn't know
9 that. Okay. I understand now why you feel you're at
10 a disadvantage without the allocation table because
11 you're only drilling one set of wells pulling from --
12 and there. Okay.

13 Yes, Mr. Rankin.

14 MR. RANKIN: Mr. Examiner, I apologize
15 that you were unavailable for this wonderful
16 experience.

17 THE HEARING EXAMINER: Yes.

18 MR. RANKIN: You would, I think,
19 understand a lot more about --

20 THE HEARING EXAMINER: Obviously, yes.

21 MR. RANKIN: Okay. Cimarex initially
22 filed one application -- set of applications, okay.
23 They came back with another set of applications with
24 an alternative scenario. One was that they would pool
25 only the Bone Spring for their -- 'cause they were

1 proposing to drill only in the Bone Spring, third --

2 THE HEARING EXAMINER: Sand.

3 MR. RANKIN: -- lower Bone Spring sand.

4 And in that set of applications, they proposed to pool
5 only the Bone Spring, okay, and prohibit anybody from
6 drilling in the upper Wolfcamp. That was one
7 alternative scenario they had noticed and provided,
8 you know, information on. The second set that they
9 proposed and presented evidence at the hearing was
10 that they would -- instead, an alternative would be to
11 pool both the Bone Spring and the Wolfcamp, okay, but
12 using only wells that penetrated the Bone Spring,
13 okay. That was the other option.

14 Now, it's important to understand that
15 that's essentially what the Division is going with
16 here because they want a Wolfbone pool, okay. That
17 option is essentially what Cimarex is limited to here
18 because the Division is saying no, you need to --
19 you're going to be developing both Wolfcamp and the
20 Bone Spring, so that's going to be under one pool. So
21 Cimarex went into this hearing back in August of 2023
22 with a proposal to do just that, okay. But they --
23 and Mr. Savage is correct. They presented evidence on
24 what they understood the porosity and density to be
25 between -- the differential to be between the Wolfcamp

1 and the Bone Spring, and that is their basis for their
2 formula. What I'm saying is that, number 1, the
3 expressed -- and what Mr. Savage is saying is that
4 their expressed proposal for a allocation formula was
5 not in the application, that's correct. There was no
6 evidence at the hearing of what that allocation
7 formula would be, nor was there any evidence that it
8 would protect correlative rights. That's my point.

9 And I think it would be -- it's vastly
10 prejudicial at this point, well more than a year since
11 the evidence was presented, to give them an
12 opportunity to completely undo what was done over
13 three days, three-day hearing, okay, where all this
14 evidence was presented, for them to now realize that
15 they have a problem and they need to get this
16 allocation formula and they need to try to present
17 evidence that it protects correlative rights, that
18 it's not going to result in waste. We made that
19 argument in our closing expressly that they didn't do
20 it, and it's more than a year now for them to try to
21 undo all that and have a new application. It's
22 completely prejudicial to us, I feel. And I think
23 that Mr. Savage understands that, but nevertheless, is
24 pushing to have this opportunity to do an application.
25 So I just want to be very clear that I think Permian

1 Resources and Read & Stevens is drilling actively
2 offsetting acreage. They are ready to go and drill
3 these wells, and it's a severe prejudice at this
4 point. We've been waiting this long for the Division
5 to issue a ruling on Wolfbone pool and for us to get a
6 decision on our competing pooling cases.

7 THE HEARING EXAMINER: Back to the
8 question I asked earlier about notice because
9 ultimately, you were arguing in your response that a
10 third notice is unnecessary or just confusing or
11 redundant, at least. Why are the letters that went
12 out in June and July, why are those sufficient notices
13 of the allocation formula that isn't even necessarily
14 part of this case -- by the way you explain it, the
15 allocation formula is not even part of this case. I
16 know that Mr. Savage would like it to be and that's a
17 different issue. But why is -- if -- so why is the
18 notice, a third notice unnecessary?

19 MR. RANKIN: My position, Mr. Hearing
20 Examiner, is that because there was no -- it wasn't in
21 their application, okay, although they did propose to
22 develop with one set of wells in the Bone Spring, both
23 Wolfcamp and the lower Bone Spring. That was the
24 proposal. Because that was their proposal, they
25 adequately noticed how they intended to produce under

1 their application, okay, number 1. Now, that's number
2 1.

3 Number 2, I believe Mr. Savage was
4 saying that he thinks there's enough in the record
5 based on what they presented. And if that's the case,
6 you know, great. Then I don't think there's any
7 reason to re-notice or have additional closing
8 arguments because that was their intention all along
9 'cause that was their application was to produce only
10 from the Bone Spring and to have that production be
11 shared between -- I mean, that was the whole -- that
12 was what they argued throughout the entire case, that
13 they were going to share production between these two
14 sets of owners. So I just don't think -- and the
15 Division was very clear that there was no additional
16 need for any further evidence, testimony, submissions
17 by the parties, and I think that is true today.

18 THE HEARING EXAMINER: I saw that in
19 the order.

20 So, Mr. Savage, what do you make of
21 that language in Mr. Garcia's order that no additional
22 evidence was needed to make a decision on the
23 compulsory pooling applications once the special pool
24 was created?

25 MR. SAVAGE: Well, a couple of things

1 on that. The order clearly shows that Permian
2 Resources' application was denied because it was
3 illegal under the conditions of the two pools. Their
4 development plan has not changed, and we believe it is
5 still illegal under the way it would redundantly
6 produce, not only \$80 million worth of waste, but also
7 illegal under the rules and the statute.

8 THE HEARING EXAMINER: So let me
9 understand something. You're saying that their
10 proposal which has a set of wells above the depth
11 severance and a set of wells below the depth severance
12 -- I hope I said that right -- is somehow illegal.
13 Why is it illegal?

14 MR. SAVAGE: It's illegal because the
15 well bores -- because there's open communication
16 between the two formations, a single pool, a single --
17 and there's open communication between the two
18 formations. So their upper Wolfcamp well bores -- so
19 the ownership is different between the two. So the
20 Wolfcamp well, upper Bone Spring -- Wolfcamp wells are
21 going to illegally produce --

22 THE HEARING EXAMINER: I understand.

23 MR. SAVAGE: -- pooling and -- vice
24 versa.

25 THE HEARING EXAMINER: But the Division

1 creates a special pool, thereby undoing that
2 communication problem. Why is -- do you still feel
3 like they're -- why would it be illegal at that point?

4 MR. SAVAGE: Because the ownership is
5 still different.

6 THE HEARING EXAMINER: Okay.

7 MR. SAVAGE: So even though it's a
8 single reservoir, they are producing the single
9 reservoir with two sets of wells redundantly, and the
10 upper Wolfcamp wells are going to illegally produce
11 from the Bone Spring formation, which has a different
12 set of ownership, and vice versa. So they're
13 violating the same rules and statutes.

14 THE HEARING EXAMINER: Okay. And is
15 that why Cimarex proposed to drill one set of wells --
16 so what you're saying is once a special pool is
17 created, that one set of wells will pool from above
18 the depth severance and below the depth severance.

19 MR. SAVAGE: That is exactly right.

20 THE HEARING EXAMINER: And your
21 allocation table will then come into play at that
22 point. Okay. I understand. I understand your
23 argument. I understand Mr. Rankin's argument. I
24 understand the evidentiary issues here. I understand
25 that you basically had a bite at the apple. They had

1 a bite at the apple. It was only afterward that you
2 felt as though the allocation table would, I guess,
3 help your client's position. I will have this
4 discussion with Mr. Garcia. I don't feel like I need
5 any more information at this point. I feel like I've
6 heard enough to at least have a reasonable discussion
7 on cases that I was not involved with, but now I am
8 involved with them. So that's why I called these
9 cases.

10 I'll give you one last shot, Mr. Savage
11 after Mr. Rankin. This is the last of it.

12 Yes, Mr. Rankin.

13 MR. RANKIN: I think it's -- as you go
14 to speak with --

15 THE HEARING EXAMINER: Yes.

16 MR. RANKIN: -- Mr. Garcia -- and Mr.
17 Garcia's very well aware of this.

18 THE HEARING EXAMINER: Right.

19 MR. RANKIN: I want to make sure you
20 are too.

21 THE HEARING EXAMINER: Okay.

22 MR. RANKIN: But Mr. Savage is saying
23 that would suggest that what the Division has been
24 doing for more than a decade since the advent of
25 horizontal well drilling and the creation of depth

1 severance is based on ownership differences, okay,
2 because this is not an uncommon instance in Bone
3 Spring, the Yeso, many other formations. And the
4 reason that it's not uncommon to have wells above and
5 below a depth severance is because under the pooling
6 statute, the only way to pool is by strict -- is to
7 allocate production and cost is through a strict
8 surface acreage allocation under the statute. So that
9 is the Division's understanding going back since the
10 advent of horizontal well drilling. And, again, I
11 would be curious to have Mr. Savage cite to us a
12 provision that qualifies that as illegal or legal
13 production. But I just want to make that very clear
14 that this would be undoing more than a decade of
15 pooling orders and approaches to horizontal well
16 drilling in a single pool.

17 THE HEARING EXAMINER: So what you're
18 saying, Mr. Rankin, is that there's already an
19 allocation table built in through this surface acreage
20 ownership?

21 MR. RANKIN: I wouldn't call it --
22 well, yeah. I mean, I do -- it is an allocation.
23 It's dictated by statute, and it's on a surface
24 acreage basis.

25 THE HEARING EXAMINER: That's what

1 you're saying.

2 MR. RANKIN: That's what I'm saying.

3 Now, the other --

4 THE HEARING EXAMINER: Oh, there's
5 more?

6 MR. RANKIN: This is the last thing I
7 want to be a hundred percent clear as well is that
8 from the beginning, Read & Stevens and Permian
9 Resources always understood that there would be
10 communication between these zones, and that is why
11 they proposed to codevelop these zones, because the
12 codevelopment is absolutely necessary to maximize
13 production, prevent injury to correlative rights.

14 THE HEARING EXAMINER: And when you say
15 "codevelopment," you mean between Read Stevens and
16 Permian?

17 MR. RANKIN: I mean that they were --
18 there's a wine rack pattern --

19 THE HEARING EXAMINER: Got it.

20 MR. RANKIN: -- offsetting between the
21 third Bone Spring and the upper Wolfcamp, and that
22 that pattern is codeveloping those two zones. It's
23 absolutely necessary, and there's evidence in the
24 record at offsetting wells that shows that it's
25 necessary to prevent waste and will increase

1 production between both sets of owners.

2 THE HEARING EXAMINER: And when you say
3 "both," you mean the depth severance issue?

4 MR. RANKIN: I do.

5 THE HEARING EXAMINER: Okay. Mr.
6 Savage, can we go first to the issue that was raised?
7 I'm not trying to restrict you, but let's just -- let
8 me understand your perspective on this idea of -- so
9 in a very simple, like you were speaking to a child,
10 why is this allocation table necessary? How does it
11 help your case?

12 MR. SAVAGE: Let's continue that
13 discussion we had at the tail end of -- okay. So we
14 have one set of wells. It is -- the pool for about 30
15 percent in the Wolfcamp, 70 percent for the Bone
16 Spring. We know that, based on physical, geological
17 evidence -- geology is the number 1 factor in this --
18 we know what the percentages in that well --
19 therefore, we know exactly how to account for all --
20 everybody's correlative rights and -- ownership within
21 that.

22 THE HEARING EXAMINER: Okay.

23 MR. SAVAGE: Okay.

24 THE HEARING EXAMINER: So you're saying
25 that the surface acreage ownership would not help in

1 that?

2 MR. SAVAGE: So let me talk a little
3 bit about that pooling statute that allocates based on
4 surface acreage. And this is really -- it gets really
5 complicated, the analysis in relation to that pooling,
6 and that's why I really feel like an updated closing
7 argument would benefit the OCD so it's all there and
8 it's fully explained. You can refer to the paragraphs
9 and the descriptions.

10 So the pooling statute, it allocates
11 only to the tracts, not to the individuals. It
12 allocates from surface to the tracts within the
13 minerals. Then you got this whole unspoken implicit
14 process where you go from the tracts to the individual
15 owners not addressed by the pooling statute. That's
16 something that is more within the customs and
17 understanding of how allocation to individuals and
18 Division orders work within the industry. Okay. So
19 we have that.

20 Now, if you look at the case log in New
21 Mexico, there are a number of cases that they vary
22 that pooling statute, and they actually made
23 allowances because it didn't account for correlative
24 rights. So for example -- and I'm sorry, I don't
25 recall the specific name of the case, I refer it in

1 pleadings -- Rudder [ph]. So in Rudder [ph], there
2 was certain tracts, okay, there was certain tracts
3 that did not get production within the unit. Under
4 the pooling statute, a strict appliance of the pooling
5 statute, those owners and those tracts would not
6 receive anything because you have to correspond -- it
7 allocates to the tract, and that tract did not produce
8 anything.

9 THE HEARING EXAMINER: So hold on, I
10 want to make sure I'm following you.

11 MR. SAVAGE: Okay.

12 THE HEARING EXAMINER: So you're saying
13 that the statute doesn't apply in this case because of
14 the depth severance?

15 MR. SAVAGE: No. I think it applies,
16 but it applies with a certain interpretation. I think
17 it applies with a certain interpretation.

18 THE HEARING EXAMINER: Then why do you
19 need it -- why do you feel that your allocation table
20 will help your case?

21 MR. SAVAGE: Because it shows how the
22 pooling application would apply to above the depth
23 severance and would apply to below the depth severance
24 the same way Permian Resources arguing that their
25 wells above the depth severance is going to account

1 for all the ownership of the Bone Spring and their
2 wells below the depth severance is going to account
3 for -- we're saying that the allocation formula is --
4 more precisely accounts for that, and what they're
5 doing is creating this giant blender, just pulling
6 from everywhere.

7 THE HEARING EXAMINER: And what factor
8 that the Division considers in the compulsory pooling
9 competing applications does that help you with?

10 MR. SAVAGE: So it's in the protection
11 of correlative rights because those owners would be
12 getting a more precise allocation, okay. That's a
13 primary consideration. It also goes to prevention of
14 waste because they are drilling a second set of wells
15 at a cost of about \$80 million, which is huge, and
16 that is economic waste, and that is protected by the
17 oil and gas.

18 THE HEARING EXAMINER: But it seems
19 like Mr. Garcia would know -- would see that second
20 set of wells is expensive, and he would consider that
21 when it comes to preventing waste. I guess my
22 question to you ultimately is, did you know that there
23 was a depth severance in this area when you proposed
24 your applications?

25 MR. SAVAGE: So can I get through --

1 THE HEARING EXAMINER: No. No, that
2 would take way too long, and we have a whole bunch of
3 cases here. I just -- just a yes or no would --

4 MR. SAVAGE: Well, when I drafted and
5 applied to file the initial applications with my
6 client, they were -- and historically, the Bone Spring
7 has been developed.

8 THE HEARING EXAMINER: Okay.

9 MR. SAVAGE: Okay. So they said, hey,
10 we want to pool the Bone Spring. So I said, okay. I
11 did the standard conventional application for the Bone
12 Spring and then discussions -- you know, then we saw
13 their application. Then we start having these
14 discussions, start looking at the nitty gritty details
15 of the geology, and it's like, wow, there are some
16 novel issues that really need to be addressed, and
17 that led to this whole snowball of a situation.

18 THE HEARING EXAMINER: But the question
19 I asked I still don't feel like I have an answer to,
20 did you know that there was a depth severance in this
21 area?

22 MR. SAVAGE: I did not at first.

23 THE HEARING EXAMINER: Not at first.
24 Okay. That's what I was really asking. Okay.

25 MR. SAVAGE: Because it wasn't in the

1 Bone -- there was no depth severance in the Bone
2 Spring.

3 THE HEARING EXAMINER: I understand.

4 MR. SAVAGE: So I would not have been
5 aware of that.

6 THE HEARING EXAMINER: I understand.

7 MR. SAVAGE: It's only when you start
8 looking at the Wolfcamp --

9 THE HEARING EXAMINER: And you have
10 ownership in both?

11 MR. SAVAGE: Yes.

12 THE HEARING EXAMINER: You do?

13 MR. SAVAGE: Cimarex does.

14 THE HEARING EXAMINER: That's what I'm
15 asking you. They have ownership above and below the
16 depth severance. But they chose not to propose to
17 compulsory pool the Wolfcamp when they first applied
18 to the Division.

19 MR. SAVAGE: So we have a 20-page brief
20 that we filed where we talked about the two options.
21 Historically, there are a lot of -- have pooled only
22 the Bone Spring when they had the same geology. They
23 viewed -- you know, the view is is that drainage from
24 an adjacent pool potentially could be viewed as
25 incidental drainage.

1 THE HEARING EXAMINER: I see.

2 MR. SAVAGE: And not production. In
3 our view, legally, it's only when you pool an adjacent
4 pool that you get -- I mean, it goes into the --

5 THE HEARING EXAMINER: Okay.

6 MR. SAVAGE: Yes.

7 THE HEARING EXAMINER: I understand
8 that. That's helpful. I think I'm understanding more
9 about why you did what you did at least at first.
10 Okay. Very good. We are off the record in those
11 cases. We're going to back to our docket. Our docket
12 line number 2 is several cases. It is Avant Operating
13 cases 24585, 24586, 24828, 24829, 24843 and -44, which
14 I'm not sure are on today's docket. I'm not sure why,
15 but they are all joined together.

16 Entries of appearance, please.

17 MS. VANCE: My --

18 THE HEARING EXAMINER: I can't hear
19 you.

20 MS. VANCE: Sorry. My colleague Mr.
21 Rankin was supposed to take these cases, and he just
22 walked out.

23 THE HEARING EXAMINER: I saw that, yes.

24 MS. VANCE: Paula Vance on behalf of, I
25 think it is -- okay. Sorry, one moment, please.

1 MS. BENNETT: Good morning, Mr.
2 Examiner. Deana Bennett on behalf of Avant Operating,
3 LLC.

4 THE HEARING EXAMINER: Thank you. And
5 we have two of your cases here.

6 MS. BENNETT: That's right.

7 THE HEARING EXAMINER: What about 24843
8 and -44? Whose cases are those?

9 MR. RANKIN: Those, I believe, are Mr.
10 Bruce's cases.

11 MS. BENNETT: Yes. There's three sets
12 of competing applications, which are the Avant Wolf
13 Tank, Oxy, Stressed Desserts, and then the newborn,
14 which I can't remember the name of the wells right
15 now.

16 THE HEARING EXAMINER: Okay. Thank
17 you. That's helpful. I appreciate it.

18 MS. BRADFUTE: Mr. Examiner?

19 THE HEARING EXAMINER: Yes?

20 MS. BRADFUTE: Apologies. I think that
21 24632 and 24633 are with the next group of cases that
22 we're going to call together on the docket.

23 THE HEARING EXAMINER: Okay. I don't
24 remember -- I didn't call 246- at all. I called
25 24585, -86, 24828, -29, 24843, and -44.

1 MS. BRADFUTE: Okay. Apologies.

2 THE HEARING EXAMINER: Sure. Have you
3 entered an appearance on these cases?

4 MS. BRADFUTE: No.

5 THE HEARING EXAMINER: All right.
6 Thank you.

7 MS. BRADFUTE: Thank you.

8 THE HEARING EXAMINER: Yes, thank you.

9 MS. KESSLER: Good morning, Mr.
10 Examiner. Jordan Kessler on behalf of EOG Resources,
11 Inc. Like Mr. Bruce, I will not be taking --

12 THE HEARING EXAMINER: Thank you.

13 MR. RANKIN: Mr. Examiner, Adam Rankin
14 for the office of Holland & Hart appearing on behalf
15 of Oxy.

16 THE HEARING EXAMINER: Oxy, thank you.
17 And you have a set of competing applications here?

18 MR. RANKIN: We do, Mr. Examiner.
19 Cases 24828 and -29.

20 THE HEARING EXAMINER: -28 and -29 are
21 your cases?

22 MR. RANKIN: Correct.

23 THE HEARING EXAMINER: Very good.
24 Okay. And we got Mr. Bruce, and then we have Ms.
25 Hardy.

1 MS. KESSLER: Mr. Examiner, I had
2 entered an appearance on behalf of -- in case numbers
3 24828 and -29, which are the Oxy, Stressed Desserts
4 cases. But yesterday, I filed a notice of withdrawal.

5 THE HEARING EXAMINER: Very good.
6 Thank you.

7 Okay. I don't hear anyone else. Mr.
8 Bruce, I'm a little confused. It sounds --

9 MR. SAMANIEGO: Mr. Examiner, can you
10 hear me?

11 THE HEARING EXAMINER: Yeah, hold on
12 one second. I don't know who you are or anything, but
13 I'm speaking to Mr. Bruce right now.

14 Mr. Bruce, you say that you're not --
15 you're just here to, I guess, observe, and yet I
16 thought -- do you have competing applications in case
17 numbers 24843 and -44?

18 MR. BRUCE: Yeah, those are the cases.

19 THE HEARING EXAMINER: Okay. But that
20 doesn't answer my question. Thanks for identifying
21 them. But you have competing cases.

22 MR. BRUCE: Yes, I do. Yeah, and I'm
23 entering an appearance, and I'm not taking an active
24 role here today. But yeah.

25 THE HEARING EXAMINER: Okay.

1 MR. BRUCE: The parties have been
2 trying to work things out.

3 THE HEARING EXAMINER: Okay. Thank
4 you, Mr. Bruce.

5 Mr. Rankin?

6 MR. RANKIN: Thank you, Mr. Examiner.
7 Yeah, there were these three sets of competing pooling
8 cases the parties have been actively discussing and
9 working towards a resolution. We are -- we expect to
10 get these all resolved, and that's what we're working
11 towards right now, and I think the discussions are
12 progressing very favorably with EGO and with Avant.
13 And so we -- I conferred with counsel, and we, given
14 the progress and the timing, we believe we should be
15 complete with wrapping up all agreements and
16 resolution of these competing cases hopefully in early
17 December.

18 THE HEARING EXAMINER: Okay.

19 MR. RANKIN: So we were going to ask
20 you, Mr. Examiner, if we could set these for a status
21 conference on the December 19th docket. Our
22 expectation would be if all goes well, that we should
23 be able to move forward with either an uncontested
24 case or be able to dismiss all the cases at that time.

25 THE HEARING EXAMINER: Okay. And if

1 the parties do settle their differences, which are the
2 cases, if any, that would go forward?

3 MR. RANKIN: I would believe it would
4 be Oxy's cases.

5 THE HEARING EXAMINER: Oxy's. Yours?
6 Your cases?

7 MR. RANKIN: Mm-hmm. I believe.

8 THE HEARING EXAMINER: Okay.

9 Ms. Bennett?

10 MS. BENNETT: Thank you. Avant is
11 agreeable with the schedule that Mr. Rankin laid out,
12 December 19th status conference to assess the current
13 situation between the parties and hopefully be able to
14 dismiss some set of the applications.

15 THE HEARING EXAMINER: Okay. You have
16 the oldest cases. When were they filed?

17 MS. BENNETT: I'll have to take a look
18 and see.

19 THE HEARING EXAMINER: Sure.

20 Mr. Bruce, why didn't you continue
21 24843 and -44 to today's docket?

22 MR. BRUCE: Sorry, Mr. Examiner.

23 THE HEARING EXAMINER: It's okay, Mr.
24 Bruce.

25 MR. BRUCE: Really, I think they were

1 -- I think the snowstorm took care of --

2 THE HEARING EXAMINER: Okay. So if we
3 do continue these to December 19, I expect that you'll
4 move these cases to December 19th docket?

5 MR. BRUCE: Absolutely, sir.

6 THE HEARING EXAMINER: Okay.

7 Ms. Bennett?

8 MS. BENNETT: Thank you. Yes, we filed
9 these cases on May 14th.

10 THE HEARING EXAMINER: Okay. These
11 cases are getting old, Mr. Rankin. And I know that
12 you're close. I sense from you that you're close.
13 You agree that you're close?

14 MS. BENNETT: Yes, I agree that we are
15 close.

16 THE HEARING EXAMINER: Okay. Couldn't
17 tell by your reactions before that you felt the same
18 way. Okay. Oh, maybe it was when I asked which cases
19 would go forward, if any. Mr. Rankin said Oxy, but
20 are you saying you think it would be Avant that would
21 go forward?

22 MS. BENNETT: I just haven't had that
23 level of communication --

24 THE HEARING EXAMINER: Oh, I see.

25 MS. BENNETT: -- with Avant, so I'm not

1 in a position to say one way or the other.

2 THE HEARING EXAMINER: Okay. Well, I
3 hope it doesn't come as a surprise to the parties that
4 this will be the final status conference. If the
5 parties can't work out their differences by December
6 19 at the status conference, then we will either set
7 these for a contested hearing and it won't be long
8 down the road where the parties will have to dismiss
9 their cases and refile them after negotiations are
10 finished.

11 Is there anything else, Mr. Bruce?

12 MR. BRUCE: Not from me, sir.

13 THE HEARING EXAMINER: All right. Ms.
14 Bennett?

15 MS. BENNETT: Nothing from me. Thank
16 you.

17 THE HEARING EXAMINER: And Mr. Rankin?

18 MR. RANKIN: Thank you very much.

19 THE HEARING EXAMINER: Okay. Well,
20 good luck on negotiations.

21 Let's move on. We are now on line
22 number 6, which is many cases, and I believe these
23 were grouped together to hear today to cure a notice
24 deficiency. These are case numbers 24632, -33, then
25 we have 24756 through -67, then we have 24913 through

1 -16.

2 Entries of appearance, please.

3 MS. VANCE: Good morning, Mr. Hearing
4 Examiner. Paula Vance on behalf of Matador Production
5 Company.

6 THE HEARING EXAMINER: Thank you.

7 MS. BRADFUTE: Good morning, Mr.
8 Examiner. Jennifer Bradfute on behalf of Magnum
9 Hunter Production Company.

10 THE HEARING EXAMINER: Good morning.

11 MR. BRUCE: Mr. Examiner, Jim Bruce on
12 behalf of Mewbourne Oil Company. I am not taking an
13 active part in these cases.

14 THE HEARING EXAMINER: Thank you.

15 MR. HOLLIDAY: Good morning, Mr.
16 Examiner.

17 THE HEARING EXAMINER: Mr. Holliday?

18 MR. HOLLIDAY: Yes, sir. Ben Holliday
19 on behalf of Avant Operating.

20 THE HEARING EXAMINER: Avant. Thank
21 you.

22 MS. HATLEY: Good morning, Mr.
23 Examiner. Keri Hatley on behalf of ConocoPhillips
24 Company.

25 THE HEARING EXAMINER: Good morning.

1 MS. HARDY: Mr. Examiner, Dana Hardy on
2 behalf of NextGen Energy.

3 THE HEARING EXAMINER: Good morning.

4 MS. BENNETT: Good morning, Mr.
5 Examiner. Deana Bennett on behalf of Franklin
6 Mountain Energy 3 in the Matador, Bobby Pickard cases
7 only.

8 THE HEARING EXAMINER: Thank you.

9 MR. ANDERSON: Good morning, Mr.
10 Examiner. I'm -- my name is Warren Anderson,
11 landowner. An opponent pooling application has been
12 filed against us against -- by Alpha Energy Partners.
13 I don't know if I'm at the right case.

14 THE HEARING EXAMINER: You're not at
15 the right case. I know who you are. Your case is
16 number 45 on our docket, I believe, so you can wait
17 until I call that case, and then we can talk about
18 your entries of appearance.

19 MR. ANDERSON: Okay. Thank you, sir.

20 THE HEARING EXAMINER: I think you're
21 talking about case number 24944?

22 MR. ANDERSON: Yes, sir.

23 THE HEARING EXAMINER: Okay. It's
24 number 45 on the docket. Thank you. Okay. Thank
25 you, sir. Would you mute your microphone, please,

1 sir?

2 Back to the parties who are here now.
3 Mr. Holliday, I believe this was a hearing that we
4 conducted maybe in October. We had three competing
5 compulsory pooling applications; is that right?

6 MR. HOLLIDAY: Close. Yes, sir. This
7 hearing was conducted on the 5th and 6th of this
8 month.

9 THE HEARING EXAMINER: Okay. And then
10 we had -- okay. So I'm glad we're all talking about
11 this because we had an issue with our recording being
12 sent off to Veritext, so I'll address that in just a
13 moment. But as I remember, the parties were
14 reconvening today at a status conference to deal with
15 notice issues. Has that been cured? I need to hear
16 from each party, so Mr. Holliday, we'll start with
17 you.

18 MR. HOLLIDAY: The notice issue, I
19 believe it's been cured, but I'm not sure. It was
20 Matador's notice, one of Matador's notices that need
21 to be cured, and I haven't spoken with them. I'm
22 unsure.

23 THE HEARING EXAMINER: Okay. All
24 right. So I'll just go to Ms. Vance.

25 MS. VANCE: Yes, it has been cured.

1 THE HEARING EXAMINER: And how has it
2 been cured?

3 MS. VANCE: Because the time
4 requirement has been met at this point.

5 THE HEARING EXAMINER: The time
6 requirement of what? Was it the publication, or was
7 it the letter?

8 MS. VANCE: I believe it was the
9 publication.

10 THE HEARING EXAMINER: Okay. All
11 right. So publication notice. So you're representing
12 to the Division that that's now cured. Was there
13 anything else about notice that we should talk about
14 now?

15 MS. VANCE: No.

16 THE HEARING EXAMINER: No.

17 Ms. Bennett?

18 MS. BRADFUTE: Mr. Examiner?

19 THE HEARING EXAMINER: Okay. Hold on
20 one second, Ms. Bradfute.

21 Ms. Bennett, was there anything else
22 about notice that you know of?

23 MS. BENNETT: Not that I know of.

24 THE HEARING EXAMINER: Not that you
25 know of.

1 Ms. Bradfute?

2 MS. BRADFUTE: Mr. Examiner, I believe
3 the notice issue was the date on the notice letter
4 sent by Matador at the hearing. It was, I think, two
5 days past the 20-day timeline for the letters to be
6 sent. We did --

7 THE HEARING EXAMINER: I believe you're
8 right.

9 MS. BRADFUTE: We did continue this
10 hearing to -- it was supposed to be the docket on the
11 7th, and it got moved for the snowstorm so that the
12 time could extend for the letters.

13 THE HEARING EXAMINER: You're correct.
14 Thank you.

15 Ms. Vance, does that comport with your
16 knowledge?

17 MS. VANCE: Yes.

18 THE HEARING EXAMINER: Okay. Good.
19 All right.

20 Thank you, Ms. Bradfute.

21 Okay. Let's talk for a moment about
22 the amended exhibit deadline. Do the parties agree
23 that it is November 25th, or do the parties think it's
24 November 21st?

25 MS. BRADFUTE: I had written November

1 25th, Mr. Examiner, for the --

2 THE HEARING EXAMINER: You wrote
3 November 21st. Okay. Perfect. Thank you.

4 MS. BRADFUTE: 25th.

5 THE HEARING EXAMINER: Thank you, Ms.
6 Bradfute.

7 MS. BRADFUTE: Yeah.

8 THE HEARING EXAMINER: Is there any --
9 does anyone disagree with that, November 25th? Okay.

10 MR. HOLLIDAY: I do not.

11 THE HEARING EXAMINER: Okay. Thank
12 you, Mr. Holliday. November 25th it is for the
13 amended exhibit packets that all will include cover
14 letters to explain the changes so that the hearing
15 clerk Madai Corral can take out the old exhibits that
16 were filed. In some cases, there are three or four
17 packets already in each folder. Ms. Freya Tschantz is
18 out for about six to eight weeks, so anyone who wants
19 to communicate with the hearing division should
20 communicate with Ms. Corral and copy Ms. Apodaca.

21 Okay. That was another issue. And
22 then we finally have the transcript. Now, we have a
23 deadline of December 23rd, if I'm not mistaken.

24 Ms. Bradfute, you want to confirm that
25 for final closing arguments and proposed findings and

1 conclusions?

2 MS. BRADFUTE: That is correct.

3 THE HEARING EXAMINER: All right.

4 Good. So the December 23rd deadline was predicated on
5 the transcript availability at least two weeks in
6 advance so that the parties could refer to it. Now, I
7 believe we're on schedule to get the transcript from
8 the November 5th hearing in two weeks. So I guess we
9 should already have that, shouldn't we?

10 THE REPORTER: Do you know if we have
11 that?

12 THE HEARING EXAMINER: Would you check
13 for me, Mr. Cogswell? Thank you.

14 While Mr. Cogswell is checking to see
15 if that transcript from the 5th is available, I want
16 to let the parties know that the recording that we
17 made for the second day of the hearing, we had trouble
18 getting it to Veritext, and it was yesterday that it
19 finally was sent to Veritext actually by Mr. Cogswell.
20 That should still put it in our hands by December 6th,
21 and if you add 14 days to December 6th, it's still
22 well within the two-week timeframe for closing and
23 post-hearing submissions of December 23rd.

24 THE REPORTER: Transcript is available.

25 THE HEARING EXAMINER: It is? Okay,

1 great.

2 So the parties, we do have the
3 transcript from the 5th available, if you want to
4 start working on that. But I wanted to give everyone
5 an update as to the transcript from the 6th. Now,
6 that is also recorded, so if there's something that
7 you need to see on that, it was recorded on Teams, and
8 that recording was posted to our YouTube channel. I
9 believe you could also get it from Ms. Corral if you
10 need it that way as well. Is there any questions
11 before we get off -- before we close the record on
12 this case? I'm not hearing anything.

13 MR. HOLLIDAY: None from Avant.

14 THE HEARING EXAMINER: All right.

15 Thank you.

16 So the hearing record is now closed.
17 The actual notice, the letter notice has been cured.
18 We have reviewed our dates for deadlines, and if
19 there's nothing else, we'll go off the record in these
20 cases. Okay. Let's move on. So I'm now going to go
21 to case number -- okay. I believe we are on case
22 number 24 on our docket, and that would be Flat Creek
23 Resources. It is case 24807 joined with -808, -809,
24 and -810.

25 Entries of appearance, please.

1 MR. SAVAGE: Thank you, Mr. Hearing
2 Examiner. Darin Savage with Abadie & Schill appearing
3 on behalf of Flat Creek Resources.

4 THE HEARING EXAMINER: Thank you.

5 MS. HARDY: Mr. Examiner, Dana Hardy
6 appearing on behalf of Permian Resources Operating.

7 THE HEARING EXAMINER: Thank you.

8 Mr. Savage, these are your cases, are
9 they not?

10 MR. SAVAGE: They are.

11 THE HEARING EXAMINER: Okay. When were
12 they filed?

13 MR. SAVAGE: I inherited these from a
14 previous -- from a conflict, so --

15 THE HEARING EXAMINER: I can look.

16 MR. SAVAGE: So yeah, I don't know the
17 exact date. I think they're relatively new cases.

18 THE HEARING EXAMINER: I'll take a
19 look. Thank you. Okay. So, Mr. Savage, how do you
20 want to proceed with your cases?

21 MR. SAVAGE: So as I understand, the
22 parties, Permian Resources and Flat Creek Resources,
23 are in fruitful and strong communications and
24 negotiations, and I think they see a pathway forward.
25 I think we should set a contested hearing as soon as

1 possible, and I think that with that setting, the
2 negotiations would see fruition.

3 THE HEARING EXAMINER: All right. Let
4 me take a look. I have the case pulled up in front of
5 me so I can tell you. It looks like the case was
6 originally filed August 13th, so we're about three
7 months in now. It looks like it was contested. It
8 looks like contested by Franklin Mountain Energy 3.

9 Ms. Bennett, did you file something for
10 Franklin? Usually, you're the one filing for
11 Franklin, or that's what it says here. Not
12 necessarily the case, but that's what it says here.
13 You did not file anything?

14 MS. BENNETT: Not that I'm aware of.

15 THE HEARING EXAMINER: Hope not. I'm
16 sure you would know.

17 MS. BENNETT: Are you looking at the
18 Flat Creek Resources docket sheet?

19 THE HEARING EXAMINER: Docket sheet?
20 No, I'm not looking at that. I was looking at the
21 actual case file in our system, so let me see what I
22 see here.

23 MS. BENNETT: Okay. And I'll take a
24 quick look while you're reviewing, but this doesn't
25 ring a bell with me.

1 THE HEARING EXAMINER: I do see Hinkle
2 Shanor, Ms. Hardy's objection filed in late August.
3 Let's see what else I see here. I have a pre-hearing
4 statement filed.

5 I have exhibits filed by you, Mr.
6 Savage, or is that by the previous --

7 MR. SAVAGE: Believe that was Shaheen,
8 Ms. Shaheen.

9 THE HEARING EXAMINER: Oh, Ms. Shaheen.
10 Okay. Okay. I have one motion to continue from
11 middle of September. That was filed by Ms. Hardy,
12 actually.

13 MS. HARDY: Yes.

14 THE HEARING EXAMINER: And that was
15 when Ms. Shaheen was part of this case.

16 MS. HARDY: Correct.

17 THE HEARING EXAMINER: I see that.

18 MS. HARDY: I had filed that motion at
19 her request.

20 THE HEARING EXAMINER: Of course. I
21 understand. I figured you had.

22 I have another motion, this time from
23 Ms. Shaheen as well, and this was in mid-October, so
24 we've had at least two continuances so far.

25 And I have your entry of appearance in

1 late October, Mr. Savage.

2 MR. SAVAGE: Mm-hmm.

3 THE HEARING EXAMINER: Okay. So now
4 that I have some lay of the land here and the notice
5 of withdrawal from Ms. Shaheen.

6 And nothing from Ms. Bennett, so I
7 don't know why our database says that you -- so our
8 mistake. Not sure how to correct that.

9 But anyway, Mr. Savage, I would like to
10 set this because we have already continued it twice,
11 and I don't want to keep continuing it. What month do
12 you want me to set a contested hearing for?

13 MR. SAVAGE: We're talking with Flat
14 Creek. Any day after January 13th would be good and
15 --

16 THE HEARING EXAMINER: February 4?

17 MR. SAVAGE: Any day in February except
18 13th and 14th.

19 THE HEARING EXAMINER: I can do
20 February 4.

21 MR. SAVAGE: Yes, thank you.

22 THE HEARING EXAMINER: Okay. All
23 right. So let me ask Ms. Hardy.

24 Ms. Hardy, does February 4 work for
25 you?

1 MS. HARDY: Yes. I believe that will
2 work. I'll need to confirm with my witnesses. I
3 think we were preferring a date in later February, if
4 possible, but I know we have the Commission hearing
5 starting on February 20th, so --

6 THE HEARING EXAMINER: I don't have
7 anything later in --

8 MS. HARDY: Okay. Then February 4th
9 will work subject to my witnesses' availability.

10 THE HEARING EXAMINER: Okay. Very
11 good. Then we will issue a pre-hearing order for
12 February 4, a contested hearing. Now, these four
13 cases are all Flat Creek's. Ms. Hardy, are you
14 thinking that you're going to send out proposals and
15 file competing applications?

16 MS. HARDY: I think that's still a
17 possibility. I need to confirm with my client. I
18 don't know that a determination has been made on that
19 issue, but if it was going to occur, it would occur
20 quickly, so --

21 THE HEARING EXAMINER: Yes. So what I
22 hear from you is that the parties really are focused
23 on negotiating?

24 MS. HARDY: That's correct.

25 THE HEARING EXAMINER: Okay. All

1 right. I understand. So we won't set -- well, should
2 we --

3 Mr. Savage, should we also set these
4 for another status conference before February 4?

5 MR. SAVAGE: That's fine with us, if
6 you want to do that. I mean, having a contested
7 hearing puts a little bit of incentive on the
8 negotiations.

9 THE HEARING EXAMINER: Are you saying
10 it's not necessary?

11 MR. SAVAGE: I think it's not
12 necessary.

13 THE HEARING EXAMINER: Okay. Not
14 necessary. Okay. Then we'll just set this for a
15 contested hearing February 4, and if the parties reach
16 an agreement, they can advise and dismiss, I suspect,
17 Mr. Savage?

18 MR. SAVAGE: Yes, sir.

19 THE HEARING EXAMINER: Or your cases
20 will go forward maybe unopposed by --

21 MR. SAVAGE: By affidavit under those
22 circumstances.

23 THE HEARING EXAMINER: Yeah. However,
24 I don't know if the February --

25 Madai, is February on a regular docket

1 day? I don't have the February calendar here.

2 MR. SAVAGE: That's a good point.

3 That's a good point.

4 THE HEARING EXAMINER: No, Madai?

5 THE CLERK: Mr. Hearing Examiner,
6 February 4th is possible -- special hearings.

7 THE HEARING EXAMINER: Okay.

8 THE CLERK: Yeah. So special dates.

9 THE HEARING EXAMINER: So then, Mr.
10 Savage, if the parties settle and your cases go
11 forward by affidavit, it would have to be moved to the
12 second docket, so that, you would have to do yourself.
13 So some sort of a notice to the Division that we don't
14 need to have a contested hearing, and that you move
15 them yourself to the later February docket --

16 MR. SAVAGE: Yes, sir.

17 THE HEARING EXAMINER: -- hearings.
18 Okay.

19 Anything further on these cases?

20 MS. BENNETT: No. Thank you.

21 THE HEARING EXAMINER: We're off the
22 record in those four cases.

23 We're moving now to line number 28 on
24 our docket. It is two cases joined together, 24826,
25 24827, Alpha Energy.

1 Entries of appearance, please.

2 MR. SAVAGE: Good morning, Mr.
3 Examiner. Darin Savage with Abadie & Schill appearing
4 on behalf of Alpha Energy Partners, LLC.

5 THE HEARING EXAMINER: Thank you.

6 MR. RANKIN: Good morning, Mr.
7 Examiner. Adam Rankin, office of Holland & Hart,
8 appearing on behalf of Permian Resources in case 24826
9 only.

10 THE HEARING EXAMINER: Did you file an
11 objection in that case?

12 MR. RANKIN: I believe we did.

13 THE HEARING EXAMINER: But you're not
14 sure?

15 MR. RANKIN: I'm fairly certain we did.
16 I haven't looked at it for a long time, but I'm fairly
17 certain that we did.

18 THE HEARING EXAMINER: Okay. Any other
19 entries of appearance?

20 MS. SHAHEEN: Good morning, Mr. Hearing
21 Examiner. Sharon Shaheen, Santa Fe offices of Spencer
22 Fane on behalf of Eagle Natural Resources in both
23 matters.

24 THE HEARING EXAMINER: And did you file
25 an objection?

1 MS. SHAHEEN: I believe I did. I will
2 double-check that.

3 THE HEARING EXAMINER: Let's save time
4 to the parties --

5 MR. RANKIN: Mr. Examiner, we did.
6 We're filing a competing pooling application. We did,
7 yeah.

8 THE HEARING EXAMINER: So Permian has
9 sent out proposals?

10 MR. RANKIN: We have sent out proposals
11 this month, Mr. Examiner. We are preparing -- after
12 everyone enters their appearance, I can give you an
13 update on where we are.

14 THE HEARING EXAMINER: Do we have more
15 entries of appearance? I thought we were done.

16 MR. RANKIN: Okay. If it's okay, I can
17 explain.

18 THE HEARING EXAMINER: Yes.

19 MR. RANKIN: Yeah, we did file -- sent
20 out well proposals that are competing at the end of
21 October. There is, in this particular acreage, a
22 large number of potential owners, and so we think it's
23 appropriate to for the time to pass, 30 days, prior to
24 filing an application. That would mean that the
25 application that we're proposing wouldn't be ripe to

1 file until December for -- early as January. So that
2 would be the earliest our application, competing
3 application would be ripe.

4 THE HEARING EXAMINER: Now, taking that
5 at your word, that would then go into the first docket
6 in January for status conference.

7 MR. RANKIN: Correct.

8 THE HEARING EXAMINER: Okay. And it
9 would be joined with these cases?

10 MR. RANKIN: It would be directly
11 competing case number 24826, correct.

12 THE HEARING EXAMINER: So it would
13 compete with -26, not with -27. But you're -- so you
14 didn't object to -27. You only objected to -26?

15 MR. RANKIN: Mr. Examiner, Permian
16 Resources does not own an interest in that southern
17 portion of the proposal.

18 THE HEARING EXAMINER: I see. Okay.

19 Ms. Shaheen, are you sending out
20 proposals, or have you?

21 MS. SHAHEEN: We do not have competing
22 proposals. Eagle wants to sign a JOA, and is looking
23 forward to getting some contact information from both
24 Permian and from Alpha as to who we should be
25 contacting to get a copy of their proposed JOAs.

1 THE HEARING EXAMINER: Okay. Thank
2 you.

3 Mr. Savage?

4 MR. SAVAGE: As I understand, the
5 24826, which is the north half of Sections 19 and 20,
6 those are ripe to go forward. I believe that the well
7 proposals have already been sent, and I believe the
8 30-day grace period has already been accounted for, as
9 I understand this. I believe they could be set as
10 soon as possible.

11 THE HEARING EXAMINER: Mr. Rankin said
12 that they sent out well proposals in late October,
13 which would mean they couldn't file their applications
14 'til late November.

15 MR. SAVAGE: November.

16 THE HEARING EXAMINER: Yeah. So I
17 don't think they --

18 MR. SAVAGE: That's correct. December
19 is the earliest, yes.

20 THE HEARING EXAMINER: So does that
21 change your --

22 MR. SAVAGE: No. I think that --
23 December would be a good time to do a contested
24 hearing date, if that's --

25 THE HEARING EXAMINER: Okay. So these

1 are not particularly old cases. 24826, you wouldn't
2 know when they were filed, would you?

3 MR. SAVAGE: There's a long history of
4 these cases. They're over three years old.

5 THE HEARING EXAMINER: Oh, they are?

6 MR. SAVAGE: Yes, they are.

7 THE HEARING EXAMINER: Can you give me
8 a brief --

9 MR. SAVAGE: I can.

10 THE HEARING EXAMINER: -- history?

11 MR. SAVAGE: So these cases were
12 originally filed as 22171 for the north half and 22172
13 for the south half, and they were filed on 9/1/2021.
14 And it was -- the city of Carlsbad is where they're
15 located. They ran into -- there were some
16 restrictions that were issued by the OCD regarding
17 ground stability, and so there was a moratorium on
18 drilling. That was finally lifted in July, what,
19 2023, I believe. That allowed the cases to move
20 forward. There were orders issued in favor of Alpha
21 Energy Partners, both in 24826 and 24827, granting
22 them operatorship.

23 Now, Mr. Rankin is correct that the
24 title is very challenging in these areas, and
25 particularly in the north half. There's over 104 well

1 proposals, over a hundred owners. So we're here today
2 because, in addition to our due diligence initially,
3 we continued due diligence and discovered new working
4 interest owners, and that's why we had to reopen this
5 to account for the new working interest owners.
6 Permian Resources was not part of that new discovery.
7 They -- I don't know if you want me to continue with
8 the history of this.

9 THE HEARING EXAMINER: I just wanted a
10 very brief overview of how -- you said these were
11 three years old, so why are they three years old?

12 MR. SAVAGE: Over three years old
13 because of that moratorium on the drilling. And we've
14 been able to go forward after July 2023, resumption of
15 drilling. And now we're here because of having to
16 account for some title issues.

17 THE HEARING EXAMINER: I see from the
18 transcript from a few months ago that you said the
19 same thing. So they're your cases, but you know that
20 Mr. Rankin's client has filed -- or has sent out
21 proposals. Have you received those proposals yet?

22 MR. SAVAGE: I don't know if Alpha has
23 received the proposal on that. I'm not informed on
24 that.

25 THE HEARING EXAMINER: So you didn't

1 know that. Okay. So you want to proceed to a
2 contested hearing, I'm gathering?

3 MR. SAVAGE: On the north half,
4 correct.

5 THE HEARING EXAMINER: On -26?

6 MR. SAVAGE: 24826.

7 THE HEARING EXAMINER: Okay. That's --
8 now, is -27 -- well, there is the proposals on -26
9 competing for Mr. Rankin's client, but we don't have
10 competing proposals on -27.

11 MR. SAVAGE: That is correct. There
12 are no competing applications. The only party that
13 has lodged an objection is Eagle Natural Resources,
14 and they are in the process of resolving that and
15 looks like they'll be signing a JOA. There has been
16 in the past, as I understand, exchange of information
17 along those lines, but we'll make sure that Eagle is
18 provided all the information they need to finalize
19 that matter. So I believe that case, the south half,
20 can go forward. We'll be able at some point here in
21 the very near future be able to go forward by
22 affidavit.

23 THE HEARING EXAMINER: It sounds to me
24 like Ms. Shaheen was asking for contact information at
25 Alpha and Permian, so I'm not sure how far

1 negotiations have gone since she doesn't have contact
2 info.

3 MR. SAVAGE: I looked at the threads of
4 the email, and I took this case over because of a
5 conflict. I looked at the threads of the email. It
6 looks to me like there has been communication, so, you
7 know, I don't know all the details, but I was informed
8 by meeting the past couple days that Eagle and Alpha
9 are on the verge of signing a JOA, so that's what I
10 understand.

11 THE HEARING EXAMINER: Okay. Ms.
12 Shaheen, did you hear that?

13 MS. SHAHEEN: I did, Mr. Examiner. I
14 am not aware of Alpha having received a JOA from --
15 excuse me, of Eagle having received a JOA from Alpha,
16 but I believe I spoke with Mr. Savage this morning,
17 and we will make sure that Eagle does have the JOA
18 that they need to negotiate mutually acceptable terms.

19 THE HEARING EXAMINER: Okay. Mr.
20 Rankin?

21 MR. RANKIN: Mr. Hearing Examiner, I
22 meant to raise this earlier with Mr. Savage, but we
23 had been otherwise engaged with other discussions this
24 morning. But there is another case that Alpha has on
25 the docket. It's case number 24944, and it's

1 offsetting this acreage in Sections 17 and 18.
2 Permian Resources is also objecting to that case going
3 forward, and we are in the process of sending out well
4 proposals for that acreage as well to compete with
5 Alpha.

6 And I was going to ask Mr. Savage if he
7 would agree to combine these cases because they're
8 immediately offsetting the tracts and acreage are
9 offsetting. And for many reasons, it would make sense
10 for that purpose to combine case 24826 with 24944
11 'cause they're immediately offsetting, and they're
12 going to be the same parties and the same issues here,
13 Mr. Examiner. Alpha has never drilled a well in New
14 Mexico, and this is immediately within offsetting
15 underneath almost this Carlsbad brine well and Permian
16 has grave concerns about an operator that hasn't
17 drilled a well in New Mexico operating in that
18 location.

19 THE HEARING EXAMINER: Okay. All
20 right. So, Mr. Savage, we have two cases. How do you
21 want to proceed on -26?

22 MR. SAVAGE: So we would very much
23 object to the consolidation of those cases, and I'll
24 be glad to go through the reasons --

25 THE HEARING EXAMINER: No. I'm just

1 asking you how you want to proceed on -26.

2 MR. SAVAGE: Okay. So on -26, I would
3 like to set a contested hearing date.

4 THE HEARING EXAMINER: Okay. So if I'm
5 not mistaken, based on what Mr. Rankin said and his
6 competing application appearing in the January month,
7 why don't we put it on a trailing docket for February
8 4 so that way, we can hear it at our earliest
9 convenience? Okay. So I'm going to issue a
10 pre-hearing order in 24826. Now, right now, it's
11 joined with -27. Should we leave it joined, or should
12 we separate it for the hearing?

13 MR. SAVAGE: Would it be possible to,
14 assuming that it's resolved, that we could have it on
15 that day and do it by affidavit?

16 THE HEARING EXAMINER: Sure.

17 MR. SAVAGE: Yeah, that'd be great.
18 Thank you.

19 THE HEARING EXAMINER: Yes. Yes. And
20 -27. Okay. We're going to issue a pre-hearing order
21 for February 4. It'll be the second set of cases
22 heard on that day.

23 So, Mr. Rankin, based on Mr. Savage's
24 strenuous objection to joining 24944, I'm not going to
25 join them at this time. If the parties want to work

1 that out, we may join them. But at this time, it's
2 not joined.

3 Is there anything further? I don't
4 hear anything further. Okay. We are off the record
5 in those two cases. Let's move onto COG Operating.
6 It's item number 30 and 31 in our docket. It is 24831
7 and -32.

8 MS. HARDY: Good morning, Mr. Examiner.
9 Dana Hardy with Hinkle Shanor on behalf of COG
10 Operating.

11 THE HEARING EXAMINER: Thank you.

12 MS. BENNETT: Good morning, Mr.
13 Examiner. Deana Bennett on behalf of Avant Operating.

14 THE HEARING EXAMINER: Thank you. I
15 don't believe there's anyone else.

16 Ms. Hardy, these are your cases. How
17 old are they?

18 MS. HARDY: They were filed on August
19 30th.

20 THE HEARING EXAMINER: Perfect. So
21 they're from August. Okay. And have there been
22 continuances?

23 MS. HARDY: We had one continuance.
24 Avant had objected to the cases proceeding by
25 affidavit, and it's my understanding that they are

1 sending out competing proposals in the next day or two
2 and will then file competing applications. And so we
3 would request that these cases be set for a contested
4 hearing. And I'd spoken with Ms. Bennett earlier, and
5 I think a date in late January or early February would
6 be acceptable. We would like a date sooner rather
7 than later.

8 THE HEARING EXAMINER: I understand
9 perfectly. The dates that I've been given by the
10 hearing clerk, we have February 4, and then we have
11 March 4. Now, I have no problem putting them on a
12 trailing docket on February 4, if that is what the
13 parties would prefer. You're nodding, Ms. Hardy, so
14 that's a yes.

15 MS. HARDY: Yes.

16 THE HEARING EXAMINER: Ms. Bennett?

17 MS. BENNETT: That sounds good.

18 THE HEARING EXAMINER: Oh, good.

19 MS. BENNETT: I haven't had a chance to
20 vet that date with Avant, obviously, but --

21 THE HEARING EXAMINER: Obviously.

22 MS. BENNETT: -- that's in between the
23 two dates that I had with them, so --

24 THE HEARING EXAMINER: Good.

25 MS. BENNETT: -- seems like it should

1 be workable.

2 THE HEARING EXAMINER: Okay. So
3 February 4. And, Ms. Bennett, why did Avant object?

4 MS. BENNETT: Avant is sending out
5 competing proposals.

6 THE HEARING EXAMINER: Based on
7 ownership? What's it based on?

8 MS. BENNETT: A competing development
9 plan. So they have different ideas about how the
10 acreage should be developed.

11 THE HEARING EXAMINER: Okay. Ms.
12 Hardy, how much of an interest does COG have in this
13 land?

14 MS. HARDY: I actually don't have that
15 in front of me, but I believe it's significant.

16 THE HEARING EXAMINER: Does it normally
17 -- do you normally put it in an application or you
18 don't normally put it in --

19 MS. HARDY: No. Normally, that just
20 goes in our hearing exhibits.

21 THE HEARING EXAMINER: It does? Okay.
22 I wasn't sure if it would be somewhere that I could
23 see it.

24 Ms. Bennett, are you thinking that
25 Avant has more interest, more ownership interest in

1 this land than COG does?

2 MS. BENNETT: I don't know the answer
3 to that.

4 THE HEARING EXAMINER: Okay. So
5 really, there's no idea about ownership whatsoever.

6 MS. BENNETT: Not at this time.

7 MS. HARDY: I believe COG exceeds
8 Avant's percentage, but --

9 THE HEARING EXAMINER: Okay. 'Cause I
10 know that that's a major factor. We have some more
11 information from Ms. McLean.

12 MS. BENNETT: And, Mr. Hearing
13 Examiner, if I may, while ownership is a factor, it's
14 not dispositive.

15 THE HEARING EXAMINER: I knew that. I
16 just know it's a substantial factor in the Division's
17 consideration when it comes to competing pooling
18 applications based on the Commission's order everyone
19 knows about --

20 MS. HARDY: Mr. Examiner --

21 MS. BENNETT: Sorry, I just wouldn't
22 want there to be any sort of prejudgment about the
23 relative merits or demerits of anyone's case at this
24 particular juncture based on ownership alone.

25 THE HEARING EXAMINER: Thank you.

1 MS. HARDY: And I did obtain that
2 information from my client, actually, right now, and
3 it is about 98 percent of the interest that they
4 control in this acreage.

5 THE HEARING EXAMINER: COG controls 90
6 percent?

7 MS. HARDY: 98 percent.

8 THE HEARING EXAMINER: 98? Thank you.
9 That's helpful.

10 MS. BENNETT: Mr. Examiner?

11 THE HEARING EXAMINER: Yes?

12 MS. BENNETT: It could be -- I haven't
13 seen Avant's competing proposals, but it could be that
14 their proposals overlap only in one section where
15 ownership could be significantly different.

16 THE HEARING EXAMINER: I see. That
17 makes sense. I understand.

18 What acreage is COG seeking to pool
19 here, Ms. Hardy? Is it multiple sections, or?

20 MS. HARDY: It is because it is a
21 multi-mile development, and I believe it included
22 complete sections. I don't remember if it's two or
23 three.

24 THE HEARING EXAMINER: That's in your
25 application, is it not?

1 MS. HARDY: That is in our application.
2 THE HEARING EXAMINER: I thought it
3 would be.
4 MS. HARDY: I don't have it in front of
5 me right now, but I can --
6 THE HEARING EXAMINER: Okay. We have
7 more --
8 MS. HARDY: Oh, Ms. McLean has it, yes.
9 So it is. It's a three-section development, 1,920
10 acres.
11 THE HEARING EXAMINER: Thank you. How
12 many?
13 MS. HARDY: 1,920.
14 THE HEARING EXAMINER: Thank you.
15 Yeah, that's three sections.
16 MS. HARDY: Yes.
17 THE HEARING EXAMINER: And, Ms.
18 Bennett, your client's competing proposal would
19 overlap, but not -- but it would go outside that 1920
20 acres?
21 MS. BENNETT: I haven't seen their
22 competing proposals. I am just suggesting that it
23 might be premature to get into this level of detail
24 today --
25 THE HEARING EXAMINER: I see.

1 MS. BENNETT: -- without having more
2 information.

3 THE HEARING EXAMINER: All right.
4 We'll save it for February 4 contested hearing on a
5 trailing docket.

6 Okay. If there's nothing else from the
7 parties, we'll move on. Thank you.

8 MS. HARDY: Thank you.

9 MS. BENNETT: Thank you.

10 THE HEARING EXAMINER: All right.
11 Thank you.

12 Okay. Let's go on now to line 32. We
13 have four cases that are joined. They are Mewbourne
14 Oil cases. 24845 through -48.

15 Entries of appearance, please.

16 MS. VANCE: Good morning, Mr. Hearing
17 Examiner. Paula Vance with the Santa Fe office of
18 Hollard & Hart on behalf of Mewbourne.

19 THE HEARING EXAMINER: Thank you.

20 MS. BENNETT: Good morning, Mr.
21 Examiner. Deana Bennett on behalf of Franklin
22 Mountain Energy.

23 THE HEARING EXAMINER: Thank you. And
24 I think those are all.

25 Ms. Vance, these are your cases. Looks

1 like maybe a late August filing, by the numbers.

2 MS. VANCE: I believe they were filed
3 in September.

4 THE HEARING EXAMINER: Okay.

5 MS. VANCE: And yes.

6 THE HEARING EXAMINER: We'll go with
7 September. What is your plan for these cases?

8 MS. VANCE: Well, at the last hearing,
9 which was October 3rd, there was an entry of
10 appearance and objection by Franklin Mountain. And I
11 was looking over the transcript earlier, and it looked
12 like from what was discussed, that Franklin Mountain
13 would be sending out proposals that week and then
14 possibly filing applications. However, it's my
15 understanding that Mewbourne has yet to receive any
16 proposals.

17 THE HEARING EXAMINER: Okay. But --
18 okay. Thank you. But how do you want to proceed with
19 your cases?

20 MS. VANCE: So right now, I believe
21 there's a pre-hearing order, and there is a contested
22 case set for December 17th. And Mewbourne would like
23 to move forward as soon as possible.

24 THE HEARING EXAMINER: Right. So
25 you're saying there is a pre-hearing order in these

1 four cases. And are there any other cases joined with
2 these four on the pre-hearing order?

3 MS. VANCE: As far as I know, there are
4 not.

5 THE HEARING EXAMINER: Okay. And we
6 have a December 17 contested hearing set.

7 MS. VANCE: That's correct.

8 THE HEARING EXAMINER: Perfect.

9 Ms. Bennett?

10 MS. BENNETT: Thank you. I, too,
11 reviewed the transcript this morning, and I agree that
12 there is a December 17th contested hearing set. And
13 Franklin Mountain Energy has not sent out competing
14 proposals, but they are still objecting to Mewbourne's
15 development plans. Franklin Mountain Energy is a
16 working interest owner in the units that Mewbourne is
17 seeking to pool, and Franklin Mountain Energy has
18 concerns with Mewbourne's development plans, which
19 they will -- I don't have the details of those
20 concerns, but those concerns will be addressed at the
21 December 17th hearing.

22 THE HEARING EXAMINER: Perfect. Let me
23 take a look. Yes, I have a pre-hearing order here.
24 October 3rd, it was filed. Okay. Very good. Okay.
25 Then we're on track.

1 So, Ms. Vance, will you please move
2 these cases to the December 17th docket?

3 MS. VANCE: Yes.

4 THE HEARING EXAMINER: Okay. Thank you
5 very much.

6 Anything further?

7 MS. BENNETT: No, thank you.

8 THE HEARING EXAMINER: Thank you.

9 We're off the record in those cases.
10 We're going to move onto line 36 and 37. These are
11 case numbers 24882, 24883, EGL Resources.

12 Entries of appearance, please.

13 MR. RANKIN: Good morning, Mr.
14 Examiner. Adam Rankin appearing on behalf of the
15 applicant in these cases with the Sante Fe office of
16 Holland & Hart.

17 THE HEARING EXAMINER: Okay. Mr.
18 Rankin, I don't see anyone else entered on these
19 cases.

20 MS. BENNETT: Good morning, Mr.
21 Examiner. But I did not enter an appearance in these
22 cases. I will immediately.

23 THE HEARING EXAMINER: Okay.

24 MS. BENNETT: And this is Deana Bennett
25 on behalf of Avant Operating.

1 THE HEARING EXAMINER: Okay. Very
2 good. So Deana Bennett, Avant. Let me look here. We
3 don't have anything entered, but that doesn't mean
4 it's not the case, so I want to look before we
5 continue.

6 And then, Mr. Rankin, since they're
7 your cases, I'll be asking you how you want to
8 proceed. Okay. It looks like we do have just an
9 unopposed motion to continue filed by PBEX. Is that
10 you, Mr. Rankin?

11 MR. RANKIN: That's correct, Mr.
12 Examiner.

13 THE HEARING EXAMINER: Okay. And why
14 did you continue when there was no opposition?

15 MR. RANKIN: Because the parties have
16 been in a discussion, Mr. Examiner. This particular
17 set of cases are related to another set of cases that
18 are before the Commission.

19 THE HEARING EXAMINER: I see.

20 MR. RANKIN: And PBEX and EGL are in
21 discussions with Avant and making substantial progress
22 towards a global resolution, which we all like.

23 THE HEARING EXAMINER: Yes, of course.

24 Ms. Bennett, there is no entry of
25 appearance, just so you know.

1 MS. BENNETT: I see that now.

2 THE HEARING EXAMINER: Oh, you see it?

3 MS. BENNETT: I believe the reason why
4 I haven't entered an appearance yet is because we were
5 working collaboratively on the timing for these
6 hearings, and if I need to enter an appearance, I
7 will. But as Mr. Rankin said, the parties are working
8 well together, and I don't have in my notes exactly
9 what we discussed. I know Mr. Rankin has that in his
10 notes, and I'll defer to him on what our clients are
11 hoping to achieve.

12 THE HEARING EXAMINER: So even though
13 you've entered an appearance today on behalf of Avant,
14 you've not objected to the case going forward by
15 affidavit?

16 MS. BENNETT: Avant does object to
17 these cases going --

18 THE HEARING EXAMINER: You do object?

19 MS. BENNETT: -- forward by affidavit.
20 These are cases that compete with Avant cases for
21 which orders have been issued and are pending before
22 the Oil Conservation Commission based on a de novo
23 application filed by PBEX and EGL. So Avant does
24 object to these cases moving forward by affidavit.
25 I'm hopeful that we don't have to get to that point,

1 but to clean up the record, I'll file an objection
2 today.

3 THE HEARING EXAMINER: Okay. Good.
4 And objection with -- okay. Fine.

5 MS. BENNETT: Yes. And entry of
6 appearance and objection to the cases --

7 THE HEARING EXAMINER: So what I
8 understand is that you have applications that were
9 approved, but they're being appealed basically de novo
10 by Mr. Rankin's client. On what basis?

11 MR. RANKIN: Mr. Examiner, I don't
12 recall because I haven't been working directly on
13 that, but I believe it's on the basis of competing
14 plans essentially. But I don't know exactly, you
15 know, the nature of the competition there.

16 THE HEARING EXAMINER: When your
17 applications were approved, did you go through a
18 hearing by affidavit or a contested hearing?

19 MS. BENNETT: We went through a hearing
20 by affidavit. PBEX and EGL had originally filed
21 competing applications, and they dismissed those
22 competing applications, and so Avant went forward
23 unopposed. And after the orders were entered, PBEX
24 appealed to the Commission.

25 THE HEARING EXAMINER: And you have

1 standing to appeal?

2 MR. RANKIN: Mr. Examiner, I believe we
3 do -- parties. I don't -- I'm sorry to say I don't
4 know the full background on this. What I can tell you
5 is that the parties are working collaboratively. They
6 have an agreement in principle, okay, and they're
7 working towards getting that resolved. And in order
8 to do so, they need -- and with the holidays and so
9 forth, they're asking for additional time.

10 THE HEARING EXAMINER: Okay.

11 MR. RANKIN: But they would like to set
12 a status conference on January 23rd to report to the
13 Division on their efforts to resolve the whole
14 enchilada.

15 THE HEARING EXAMINER: I got it. Thank
16 you.

17 And, Ms. Bennett, are you -- well,
18 these are not your cases, so we'll set them for
19 January 23rd status conference. Of course, that will
20 be up to Mr. Rankin to move the cases to that docket
21 for a status conference.

22 Anything further, Ms. Bennett?

23 MS. BENNETT: No, thank you.

24 THE HEARING EXAMINER: Thank you.

25 All right. Okay. Moving onto, it

1 looks like line 38. It's by itself. 24888, COG
2 Operating.

3 MS. HARDY: Mr. Examiner, Dana Hardy
4 with Hinkle Shanor on behalf of COG Operating.

5 THE HEARING EXAMINER: Thank you.

6 MS. BENNETT: Good morning, Mr.
7 Examiner. Deana Bennett on behalf of Avant Operating.

8 THE HEARING EXAMINER: Thank you.

9 Ms. Hardy, these cases are, what, a
10 couple months old?

11 MS. HARDY: That's correct. They were
12 filed on October 1st, and Avant objected -- I'm sorry,
13 they were filed -- yes, October 1st, and Avant
14 objected on October 21st. Avant has proposed
15 competing wells for this acreage, and it's my
16 understanding they're filing competing applications.
17 So similar to the prior case, we would ask that these
18 be set for contested hearing, and I think they could
19 also be set on that trailing docket on February 4th,
20 if that's --

21 THE HEARING EXAMINER: Then we would
22 have four sets of cases. I'm a little concerned about
23 four sets of cases for one day.

24 MS. HARDY: Would it be three sets of
25 cases?

1 THE HEARING EXAMINER: No. We already
2 have three set already.

3 MS. HARDY: Okay.

4 THE HEARING EXAMINER: I've been
5 keeping track. So the soonest I can set that case
6 would be March the 4th.

7 MS. HARDY: If that's the soonest date
8 available, then I think that we would take it.

9 THE HEARING EXAMINER: Okay. Good.

10 MS. HARDY: We certainly prefer an
11 earlier date, but --

12 THE HEARING EXAMINER: I understand.
13 However, unless I'm given other dates --

14 Madai, have you spoken with John Garcia
15 to see whether there are any other dates in February
16 that are available for a contested hearing?

17 THE CLERK: Mr. Hearing Examiner, I
18 have not because these are the dates that I was
19 provided with.

20 THE HEARING EXAMINER: I see. Did you
21 send -- would you do me a favor because if I'm not
22 mistaken, we have, unless there's vacations, we should
23 have capacity for three technical examiner dates each
24 month, and this would mean that we only have March --
25 sorry, February 4 and then February something, early

1 February for our regular docket of hearings by
2 affidavit, but I would think that we might have
3 another date in February. So can you check with Mr.
4 Garcia through Teams and when you hear back, will you
5 let me know so I can change that if there's something?
6 But otherwise, I'll put it on for March 4. If we hear
7 another date in February, I'll announce it. I'll come
8 back on the record when I hear it from --

9 MS. HARDY: Thank you.

10 THE HEARING EXAMINER: Yes.

11 MS. BENNETT: Mr. Examiner?

12 THE HEARING EXAMINER: Yes?

13 MS. BENNETT: If it's helpful, there is
14 another February contested hearing docket date.

15 THE HEARING EXAMINER: There is?

16 MS. BENNETT: February 18th. And I
17 know that because I have a contested hearing that day.
18 So it's not ideal for me, but there is another docket
19 date. I'm sort of, you know, negotiating against
20 myself right now, but in the --

21 THE HEARING EXAMINER: Okay. Thank
22 you.

23 Madai, you don't have to communicate
24 with John because we already do have three dates for
25 technical examiners in February.

1 Ms. Bennett, I know that we're not
2 talking about those cases right now on the February 18
3 docket, but what is the likelihood of settlement in
4 those cases?

5 MS. BENNETT: I don't know the answer
6 to that. I wasn't prepared to talk about them today.

7 THE HEARING EXAMINER: That's okay. I
8 understand. You brought it up, so that's why I'm --

9 MS. BENNETT: Yeah. And I was only
10 bringing it up hopefully to help the understanding
11 about what dates are available. And that's with
12 Mewbourne, and I'm not sure who's representing
13 Mewbourne.

14 THE HEARING EXAMINER: I'm looking here
15 since -- yeah, I'm looking here. So we do have --
16 you're right. Mewbourne and Avant. Yes, okay.

17 MS. BENNETT: Oh, it's Hollard & Hart
18 that's representing Mewbourne in those cases. It's
19 the Choctaw Bingo cases.

20 THE HEARING EXAMINER: Yes. Okay.

21 Anyway, Ms. Hardy, I mean, I can put it
22 on the February 18 as a trailing item. I know it's
23 not optimal for Ms. Bennett, but she volunteered it,
24 and I appreciate her candid -- so would you like us to
25 put it on the February 18 docket?

1 MS. HARDY: That would be our
2 preference, yes.

3 THE HEARING EXAMINER: It would? Okay.
4 Now, Avant, your witnesses might already be here;
5 right, Ms. Bennett?

6 MS. BENNETT: They will -- they might.

7 THE HEARING EXAMINER: Right.

8 MS. BENNETT: Yeah. I mean, I
9 apologize for maybe what sounds a little snappy, but I
10 have made that same pitch before that it would make
11 sense to have combined hearings when witnesses would
12 already be in the building, and that did not receive
13 any solicitude, I guess I would say, because of the
14 fact that other counsel had competing obligations for
15 hearings, and so I would just ask for the same
16 courtesy that -- and I understand for this one, I did
17 raise the February 18th docket to help move things
18 along, and so --

19 THE HEARING EXAMINER: Are you saying
20 you prefer not to have it on February 18? Let's cut
21 to the chase.

22 MS. BENNETT: Yeah. I think I would
23 prefer not to have it on February 18th.

24 THE HEARING EXAMINER: Okay. Fine.
25 We'll go back to March 4. We'll go back to March 4,

1 and we'll leave it at that.

2 MS. BENNETT: Thank you.

3 THE HEARING EXAMINER: So thank you
4 very much.

5 MS. BENNETT: If there are other cases
6 that I'm not involved in, though, I'm happy to have
7 those set on February 18th.

8 THE HEARING EXAMINER: Okay. I
9 understand. So that answers the question of that we
10 already do have three technical examiner hearings in
11 February, and that's all I'll take that for.

12 Okay. Is there anything else, Ms.
13 Hardy?

14 MS. HARDY: No, thank you.

15 THE HEARING EXAMINER: Okay. Thank you
16 for being flexible, Ms. Hardy.

17 Okay. So let's now go to Civitas in
18 case number 24929. This is item 39 on our docket.
19 We're here for status conference.

20 MR. RODRIGUEZ: Good morning. Michael
21 Rodriguez on behalf of Civitas Permian Operating, LLC.

22 THE HEARING EXAMINER: Mr. Rodriguez,
23 good morning.

24 MS. VANCE: Good morning, Mr. Hearing
25 Examiner. Paula Vance with the Sante Fe office of

1 Holland & Hart on behalf of COG Operating. And then
2 also following that on behalf of Matador Production
3 Company in the Tony La Russa cases.

4 THE HEARING EXAMINER: So you're
5 representing two clients here?

6 MS. VANCE: That is correct.

7 THE HEARING EXAMINER: Thank you. I
8 just want to make sure I understand you. Okay. Very
9 good.

10 I see those are the only entries that I
11 think we have. Okay. Good.

12 Mr. Rodriguez, it's your case. It's
13 not old. What are we doing?

14 MR. RODRIGUEZ: So this case is
15 objected to by COG, and my understanding is that COG
16 intends to file competing applications that also
17 involve Matador's Tony La Russa cases, which are items
18 40 through 42 on today's docket. And they also
19 implicate Civitas's Silver Bullet cases, which aren't
20 on today's docket, but are set for contested hearing
21 on December 10th, along with the Tony La Russa cases.

22 THE HEARING EXAMINER: So, Mr.
23 Rodriguez, are you suggesting that we join case
24 numbers 24930, -31, and -33 with 24929?

25 MR. RODRIGUEZ: Well, I'm going to

1 issue an apology in advance for what I'm about to do.
2 I'm going to essentially deconstruct what the plan was
3 originally, and in short, Civitas revise its
4 development plans in these sections in the Bone Spring
5 to fully optimize how they were just developed and the
6 overall effect of that is Civitas's competing
7 applications will now be replaced to include
8 additional wells for increased lateral lengths. So
9 what has been filed currently in these cases will be
10 dismissed and refiled shortly.

11 So well proposals have gone out and
12 earliest that Civitas can file revised applications
13 would be in February, and I believe that also
14 coincides with COG being -- I'm not sure if they've
15 sent out well proposals yet, but I think we're on a
16 similar track to file competing applications at least
17 for Civitas would be final competing applications
18 against Matador's Tony La Russa applications. And if
19 you'd like me to go into further details as to what's
20 happening with all the applications, I can do that.
21 But it definitely can get pretty convoluted.

22 THE HEARING EXAMINER: Sure. I just
23 would like an answer to the question. Do you -- are
24 you asking for the Division to join these five cases?

25 MR. RODRIGUEZ: At this point, I spoke

1 with Matador's counsel yesterday, and I think we would
2 like to offer a status conference for December 19th to
3 update the Division as to the status of all these
4 cases and kind of formalize a plan moving forward, if
5 possible.

6 THE HEARING EXAMINER: You -- I didn't
7 call the Matador cases. I only called 24929. You
8 raised the other cases in your discussion with me and
9 said that they were related. They're competing
10 applications. Did you not?

11 MR. RODRIGUEZ: That's correct. All of
12 them -- my understanding is all of them, at this
13 point, will be competing.

14 THE HEARING EXAMINER: So then --

15 MR. RODRIGUEZ: Tony La Russa, Silver
16 Bullet, and -- Operators.

17 THE HEARING EXAMINER: Right. So is
18 there any reason why they shouldn't be joined?

19 MR. RODRIGUEZ: Sure. Yes, you're
20 right. They should be. They should all be
21 consolidated.

22 THE HEARING EXAMINER: Okay. Thank
23 you.

24 Ms. Vance, you heard that Mr.
25 Rodriguez's clients, Civitas, is, I guess, revamping

1 their application to increase the acreage and change
2 the plan. He's talking about early February. I'm not
3 sure why it would take that long to get these revised
4 applications in since he said that they were sent now
5 or before now. So what do you want to do?

6 MS. VANCE: Thank you, Mr. Hearing
7 Examiner.

8 THE HEARING EXAMINER: Is your
9 microphone on?

10 MS. VANCE: It is.

11 THE HEARING EXAMINER: It is? Okay.

12 MS. VANCE: Yeah. I concur with what
13 Mr. Rodriguez said. We spoke yesterday, and it would
14 be our preference to go ahead and set these for a
15 status conference at the December 19th hearing because
16 we, Holland & Hart, would have a conflict at that
17 point. And so it allows the parties to go ahead and
18 get new counsel and also for kind of the dust to
19 settle, so to speak, with what all of the -- with the
20 new applications being filed. So we would just
21 request that there's a status conference at that
22 December 19th docket.

23 THE HEARING EXAMINER: And when you are
24 talking about a December 19 status conference, you're
25 talking about your Matador case numbers, which I

1 haven't called yet.

2 MS. VANCE: That's correct.

3 THE HEARING EXAMINER: Okay. Do you
4 see any reason why they shouldn't -- your cases should
5 not be joined with Civitas's case?

6 MS. VANCE: No, not at this point.

7 THE HEARING EXAMINER: Okay. Very
8 good. Then I'm going to call case numbers 24930, -31,
9 and -33, and I'm going to ask again for entries of
10 appearance.

11 MS. VANCE: Good morning, Mr. Hearing
12 Examiner. Paula Vance with the Sante Fe office of
13 Holland & Hart on behalf of Matador Production
14 Company.

15 THE HEARING EXAMINER: Thank you.

16 MR. RODRIGUEZ: Michael Rodriguez on
17 behalf of Civitas Permian Operating.

18 THE HEARING EXAMINER: Thank you.

19 Are there any other parties that you
20 know of, Ms. Vance?

21 MS. VANCE: I believe Ms. Bennett.

22 MS. BENNETT: Thank you, Mr. Examiner.
23 And actually, we filed an entry of appearance in 24933
24 in error. So we -- which I thought we had corrected,
25 but we should not be shown as entering in appearance

1 in 24933.

2 THE HEARING EXAMINER: Thank you. So
3 you're going to withdraw?

4 MS. BENNETT: I believe I tried to do
5 that already, but I'll make sure that it is in the
6 record.

7 THE HEARING EXAMINER: Okay. Do you
8 want me to check, or --

9 MS. BENNETT: No. No, thank you.

10 THE HEARING EXAMINER: You're fine?

11 MS. BENNETT: Yeah.

12 THE HEARING EXAMINER: Okay. All
13 right. So then you're not a party to any of these
14 four cases?

15 MS. BENNETT: No. It was in -- we
16 typed in the wrong case number when we were entering
17 an appearance.

18 THE HEARING EXAMINER: Okay. So we're
19 going to join these four cases.

20 Mr. Rodriguez, I guess you'll be
21 dismissing your case ending in 29 and refiling under
22 another number?

23 MR. RODRIGUEZ: That's correct.

24 THE HEARING EXAMINER: All right. And
25 why is it that it will take until February to file

1 your competing application?

2 MR. RODRIGUEZ: Sure. So the well
3 proposals require 30-day election period, and then
4 there's also a 30-day application period. So the
5 cutoff for the January -- the first January docket is
6 November 10th, which we did not meet.

7 THE HEARING EXAMINER: Right. So I
8 think -- okay. So I think what you meant to say is
9 you're going to file in January or December, and that
10 we'll hear it in February. Is that what you mean?

11 MR. RODRIGUEZ: Yes. I apologize.
12 That's correct.

13 THE HEARING EXAMINER: Okay. All
14 right. So, Mr. Rodriguez, when did you send out the
15 competing -- this new revised proposal?

16 MR. RODRIGUEZ: Well proposals went out
17 -- a set went out last week and another set, the week
18 before.

19 THE HEARING EXAMINER: Okay. So mid-
20 November. So you could file this mid-December.
21 Wouldn't that put it on the late January docket for
22 status conference?

23 MR. RODRIGUEZ: Sure. I could do that,
24 but the Division's new policy, I interpreted that as
25 new cases need to be filed on the first docket of each

1 month. But I can certainly file that for the second
2 docket of January.

3 THE HEARING EXAMINER: Okay. They're
4 noticed on the first docket of the month, unless we
5 know that they're opposed or competing. And in that
6 case, there's no point in putting it on the first
7 docket because that's only for hearings by affidavit.
8 If we know it's going to be a status conference, then
9 the hearing clerk will automatically put them on the
10 second docket joined with the other cases. So, Mr.
11 Rodriguez, when you do file your application, your
12 revised application, would you include a motion to
13 join it with 24930 through 24933?

14 MR. RODRIGUEZ: Yes, I can do that.
15 24930 --

16 THE HEARING EXAMINER: All right.

17 MR. RODRIGUEZ: Yes.

18 THE HEARING EXAMINER: Okay. Ms.
19 Vance, is there anything further on your three cases?

20 MS. VANCE: No, Mr. Hearing Examiner.

21 THE HEARING EXAMINER: So you'll move
22 yours to December 19 docket?

23 MS. VANCE: Correct.

24 THE HEARING EXAMINER: For a status
25 conference?

1 MS. VANCE: Correct.

2 THE HEARING EXAMINER: Okay. And
3 temporarily, it'll be joined with 24929 until that
4 case is dismissed?

5 MS. VANCE: Yes, Mr. Hearing Examiner.

6 THE HEARING EXAMINER: Okay. Anything
7 further, Mr. Rodriguez?

8 MR. RODRIGUEZ: To be clear, these
9 cases all also involve Civitas's cases 24841 -- I'm
10 sorry, 24839 through -41, which are already set for a
11 contested hearing on December 10th for a pre-hearing
12 order that was established, I believe, in October, the
13 first October docket. And so those cases will also be
14 dismissed and refiled.

15 THE HEARING EXAMINER: Hold on, Mr.
16 Rodriguez. Would you give me that case number you
17 gave just a moment ago? 'Cause I have not called it.

18 MR. RODRIGUEZ: Sure. It's not in
19 today's docket, but it is case number 24839 through -
20 41. And those cases were originally opposed by --
21 objected to by Matador in anticipation of a contested
22 hearing with Tony La Russa cases that are on today's
23 docket. And since then, all these other cases are now
24 being filed and attached to it.

25 THE HEARING EXAMINER: Okay. So I have

1 a second pre-hearing order issued on October 3rd after
2 we had a status conference. The parties asked the
3 Division to set the cases for December 10. Now, why
4 have you brought up these case numbers?

5 MR. RODRIGUEZ: They relate to the Tony
6 La Russa cases that we're talking about today along
7 with the Civitas case 24929. So essentially, all of
8 these cases are going to be competing, the
9 soon-to-be-filed COG cases, the Civitas case 24929,
10 and the revised Civitas cases that are going to
11 replace 24839 through -41 along with Matador's Tony La
12 Russa cases.

13 THE HEARING EXAMINER: Okay. Well,
14 they won't be heard on December 10 unless the parties
15 file a motion to have me amend this pre-hearing order.

16 Ms. Vance?

17 MS. VANCE: That sounds right, Mr.
18 Hearing Examiner. And I agree with what Mr. Rodriguez
19 said. I understand that the Silver Bullet cases that
20 he just outlined, they overlap with the Tony La Russa.
21 We were set to have a contested case on December 10th,
22 but these cases are all going to need to come
23 together, and that contested case will not be moving
24 forward on that date.

25 THE HEARING EXAMINER: Which contested

1 case will not be --

2 MS. VANCE: The December 10th contested
3 hearing that Mr. Rodriguez was just speaking to.

4 THE HEARING EXAMINER: Mr. Rodriguez,
5 are you suggesting that the case numbers that I have
6 called today should be heard on December 10, or are
7 you not saying that?

8 MR. RODRIGUEZ: No. So just to provide
9 a little background, I know that there's a lot of
10 moving parts here. Originally, the Silver Bullet
11 cases, which are the ones that are already on the
12 pre-hearing order, those were set for a contested
13 hearing date in anticipation of Matador filing its
14 Tony La Russa cases, which are now on today's docket
15 that we're discussing. They were originally -- the
16 plan was to file a motion to consolidate those cases
17 to this pre-hearing order, but prior to doing so,
18 counsel for Matador and myself discussed moving the
19 Tony La Russa cases into a status conference today to
20 discuss all the moving parts that we're bringing up
21 now. And so that's what essentially happened. And so
22 I think what we're asking for here is maybe to vacate
23 the pre-hearing order as it stands and then just set
24 the Tony La Russa cases for a status conference, and
25 at that point, maybe we can establish a pre-hearing

1 order with all of the cases that have been filed.

2 THE HEARING EXAMINER: Mr. Rodriguez,
3 based on what you've just told me, we set a
4 pre-hearing order with the understanding that Matador
5 would be consolidating the Tony La Russa cases with
6 the cases already on the December 10 docket. Is that
7 not what you just said?

8 MR. RODRIGUEZ: That's correct. That
9 was the original plan until it seemed like Choctaw is
10 going to also be filing competing applications that'll
11 overlap with the Tony La Russa's and I understand the
12 Silver Bullet's as well.

13 THE HEARING EXAMINER: Ms. Vance, do
14 you need a minute to talk about this? 'Cause we can
15 take a five-minute break.

16 MS. VANCE: I mean, if that's the
17 Division's preference. That's totally --

18 THE HEARING EXAMINER: And you can talk
19 to Mr. Rodriguez and -- because this is getting --
20 yeah. So it's now 10:57. Let's come back at 11:05.
21 Thank you.

22 (Off the record.)

23 THE HEARING EXAMINER: It is 11:10 a.m.
24 We are back on the record. We took a break.

25 Mr. Rodriguez, I've been reading

1 through the transcript where you asked me for
2 contested hearing dates in November -- actually, it
3 was October first, then it was November, and I gave
4 you December 10. You knew that we'd be here today to
5 deal with these Tony La Russa applications, that they
6 would be overlapping in Section 10. Now you're
7 telling me -- what is it you're telling me now?

8 MR. RODRIGUEZ: So essentially, Civitas
9 revised its development plan, which the overall effect
10 would be to either include additional wells or
11 increase the lateral lengths in the applications that
12 are currently filed.

13 THE HEARING EXAMINER: Okay. So why
14 can't we have a hearing on December 10?

15 MR. RODRIGUEZ: Well, there's an issue
16 of notice. There's obviously material changes with
17 adding wells, so that would still require 60 days
18 minimum from the point well proposals are out to a
19 hearing, and COG is also planning to file competing
20 applications. And I'm not sure where they're at in
21 that process, but I imagine that'll take at least
22 another 60 days.

23 THE HEARING EXAMINER: Okay. I'm not
24 sure -- why did you ask me to set this for a contested
25 hearing in October or November then?

1 MR. RODRIGUEZ: Well, at that time, the
2 plan was to move forward just between the Tony La
3 Russa's and Civitas's Silver Bullet, which are
4 currently under the pre-hearing order. But things
5 have changed both on the Civitas side and with COG
6 objecting to a case that was adjacent to these. These
7 -- everything between Matador and Civitas were in the
8 west half of the applicable sections, 34, 3, and 10,
9 and COG had filed an objection in the east half
10 application that we filed, and we were notified that
11 they would be filing competing applications that
12 should pull in the east and the west half acreage.

13 THE HEARING EXAMINER: So are you
14 saying that you're going to be dismissing cases 24839,
15 -40, and -41?

16 MR. RODRIGUEZ: Correct. And 24929.

17 THE HEARING EXAMINER: Oh, so you're
18 dismissing all four cases. Great. Excellent. We'll
19 vacate the pre-hearing order. When you ask me for a
20 contested hearing in the future, if you then plan on
21 revising your applications, yeah, I'm going to take
22 that into consideration. Okay. So thank you for your
23 participation today, Mr. Rodriguez.

24 Ms. Vance, is there anything further on
25 your three cases?

1 MS. VANCE: I believe the only
2 outstanding thing is we'd like to set them for a
3 status conference on the 21st.

4 THE HEARING EXAMINER: December 19th?

5 MS. VANCE: I'm sorry, December 19th,
6 and at that point, you know, hopefully, everything is
7 a little bit more settled.

8 THE HEARING EXAMINER: Okay. All
9 right. Mr. Rodriguez, would you please file that
10 motion to dismiss these four cases immediately?

11 MR. RODRIGUEZ: Yes, I can do that.

12 THE HEARING EXAMINER: And we'll issue
13 that order immediately as well. Thank you.

14 Is there anything further on these four
15 cases?

16 MR. RODRIGUEZ: No, sir, thank you.

17 MS. VANCE: No.

18 THE HEARING EXAMINER: All right.
19 Thank you.

20 All right. We are now moving to line
21 43 on our docket. It is Permian Resource case 24941.

22 Entries of appearance, please. Mr.
23 Savage?

24 MR. SAVAGE: We made an appearance in
25 this and objected, so good morning, Mr. Examiner.

1 Darin Savage with Abadie & Schill appearing on behalf
2 of VF Petroleum Incorporated.

3 THE HEARING EXAMINER: Okay.

4 MS. VANCE: Good morning, Mr. Hearing
5 Examiner. Paula Vance with the Sante Fe office of
6 Holland & Hart on behalf of Permian Resources.

7 THE HEARING EXAMINER: Okay. Mr.
8 Savage, why did you object?

9 MR. SAVAGE: We filed last week
10 competing applications that compete with the south
11 half of the lands, and that's case 24942, and we sent
12 out well proposals on November 6th for competing
13 applications for the other case 24941. But we have
14 the 30-day wait period before we file.

15 THE HEARING EXAMINER: So, Ms. Vance,
16 should these two cases be joined?

17 MS. VANCE: Yes, I believe so.

18 THE HEARING EXAMINER: So -41 should be
19 joined with -42? Okay. All right.

20 So, Ms. Vance, they are your cases.
21 How do you want to proceed?

22 MS. VANCE: We would like to set a
23 contested hearing as soon as possible.

24 THE HEARING EXAMINER: Okay. Well, it
25 seems that December 10 has opened up, but that's

1 obviously too soon. So -- oh, and please let Mr.
2 Feldewert know that he won't have to be here on
3 December 10. He was groaning about that yesterday.

4 MS. VANCE: Got it.

5 THE HEARING EXAMINER: I think the next
6 time would be March 4.

7 MS. VANCE: We will take the earliest
8 date you have available, and I will confer with my
9 client to make sure that that date works.

10 THE HEARING EXAMINER: Sure.

11 Mr. Savage, would you please file a
12 motion when you do file your competing application
13 with -41 and -42 to join them in the pre-hearing order
14 that's going to go out?

15 MR. SAVAGE: Yes, sir. And we'd like
16 to confer also just to confirm that. Thank you.

17 THE HEARING EXAMINER: Okay. We'll
18 have this set for March 4 unless the parties tell us
19 that that's not going to work.

20 Anything more, Mr. Savage?

21 MR. SAVAGE: Nothing more. Thank you.

22 THE HEARING EXAMINER: Ms. Vance?

23 MS. VANCE: No.

24 THE HEARING EXAMINER: Okay. So I've
25 just dealt with 24942, even though I didn't call it

1 originally. The parties -- well, I think we might
2 have a different attorney entering an appearance on
3 24942. Do we have Ms. Luck?

4 MS. LUCK: No, I think that's an error,
5 actually. Sorry.

6 THE HEARING EXAMINER: That's an error?

7 MS. LUCK: Yes. I'm on the next --

8 THE HEARING EXAMINER: Okay. But
9 you're also on 44, so you're saying you didn't file an
10 entry of appearance there?

11 MS. LUCK: No. I think that's an error
12 on the worksheet.

13 THE HEARING EXAMINER: On the
14 worksheet. Okay. We'll remove this entry of
15 appearance. Okay. I'm now calling number 45. This
16 is Alpha Energy PA. It is case number 24944 and we
17 have many entries of appearance. Let's start with
18 Alpha Energy themselves.

19 MR. SAVAGE: Mr. Hearing Examiner,
20 Darin Savage with Abadie & Schill on behalf of Alpha
21 Energy.

22 THE HEARING EXAMINER: Okay. Thank
23 you. Who else do we have?

24 MR. RANKIN: Mr. Examiner, Adam Rankin
25 with Sante Fe office of Holland & Hart appearing on

1 behalf of Permian Resources.

2 THE HEARING EXAMINER: Permian. Thank
3 you. Who else do we have?

4 MR. ANDERSON: Mr. Examiner, Warren
5 Anderson, landowner in Eddy County, New Mexico.

6 THE HEARING EXAMINER: Okay. Thank
7 you. And you're representing yourself?

8 MR. ANDERSON: I'm representing myself
9 and Ms. Anderson.

10 THE HEARING EXAMINER: Okay. I see
11 that. And we're going to deal with these one at a
12 time, the pro se, because we have several.

13 But Ms. Luck?

14 MS. LUCK: Yes. Kaitlyn Luck appearing
15 for Chief Capital O&G II, LLC as well as Covenant
16 Hercules, LLC; Christian Capstone, LLC; and Crusader
17 Royalties, LLC.

18 THE HEARING EXAMINER: Okay. Ms. Luck,
19 let me start with you then before I go back to Mr.
20 Anderson. Are you saying that all of your clients
21 have a ownership interest, have a mineral ownership
22 interest in this land?

23 MS. LUCK: That's correct.

24 THE HEARING EXAMINER: That is correct?

25 MS. LUCK: Yes.

1 THE HEARING EXAMINER: Okay. And, Mr.
2 Savage, this is your case, is it not?

3 MR. SAVAGE: It is.

4 THE HEARING EXAMINER: All right. And
5 you can verify that?

6 MR. SAVAGE: That's my case.

7 THE HEARING EXAMINER: Not this.

8 MR. SAVAGE: I'm sorry.

9 THE HEARING EXAMINER: Dealing with the
10 ownership interest.

11 MR. SAVAGE: They do have an interest
12 in the unit.

13 THE HEARING EXAMINER: They all do?

14 MR. SAVAGE: Chief Capital and I assume
15 all -- they're related. I assume that they all have
16 an interest.

17 THE HEARING EXAMINER: Okay. What
18 about Mr. and Mrs. Anderson?

19 MR. SAVAGE: Yes. Warren Anderson has
20 an interest and --

21 THE HEARING EXAMINER: Ownership
22 interest.

23 MR. SAVAGE: An ownership interest, and
24 they're being negotiated with regarding a lease.

25 THE HEARING EXAMINER: That's fine.

1 Do we have any other entries of
2 appearance?

3 MR. RANKIN: Mr. Examiner, I apologize.
4 I neglected to announce additional entries that we're
5 also representing in this case. Sarvis Permian Land
6 Fund I, LLC. We filed it yesterday.

7 THE HEARING EXAMINER: Okay. Can you
8 spell that?

9 MR. RANKIN: Yeah. S-A-R-V-I-S.

10 THE HEARING EXAMINER: Sarvis. Thank
11 you.

12 MR. RANKIN: And then US Energy
13 Development Corporation.

14 THE HEARING EXAMINER: Okay.

15 MR. RANKIN: And Sarvis Rockmont
16 Permian Land Fund, LLC.

17 THE HEARING EXAMINER: Okay. And are
18 you representing that all of them have ownership
19 interests as well?

20 MR. RANKIN: Correct.

21 THE HEARING EXAMINER: Correct. So
22 they're all parties to this --

23 MR. RANKIN: Correct.

24 THE HEARING EXAMINER: -- adjudication?
25 Okay. Do we have any other entries of

1 appearance?

2 MR. SAMANIEGO: Yes, Mr. Examiner.
3 Jonathan Samaniego representing American Energy
4 Resources.

5 THE HEARING EXAMINER: Okay. And what
6 is your interest?

7 MR. SAMANIEGO: I am a working interest
8 owner in the -- area.

9 THE HEARING EXAMINER: Okay. Mr.
10 Savage?

11 MR. BRUCE: Mr. Examiner, Bruce
12 representing Mewbourne Oil Company.

13 THE HEARING EXAMINER: Okay. Did you
14 file an entry of appearance, Mr. Bruce?

15 MR. BRUCE: No, sir. My computer is
16 down for the count, so I was not able to.

17 THE HEARING EXAMINER: Will you file
18 one as soon as possible?

19 MR. BRUCE: Yes, sir.

20 THE HEARING EXAMINER: Mr. Savage, have
21 you verified Mr. Samaniego's working interest?

22 MR. SAVAGE: Mr. Examiner, that's a
23 difficult question, and I think the ownership is
24 subject to debate. There is an Elizabeth Samaniego
25 who's deceased, and that's .0625 net mineral acres.

1 There's also an old vertical well in there from 2008.
2 It's wellbore only, and I believe American Energy may
3 be the operator on that. So those are two points in
4 which Mr. Samaniego may have some standing, but that's
5 the full extent that we can determine.

6 THE HEARING EXAMINER: Okay. Okay.
7 So, Mr. Savage, this is your case. How do you want to
8 proceed?

9 MR. SAVAGE: We would like to set a
10 contested hearing date.

11 THE HEARING EXAMINER: What is it
12 you're seeking?

13 MR. SAVAGE: We're seeking a pooling
14 order that grants Alpha operatorship and pooling the
15 interests of the unit, which is Section 17 and 18.

16 THE HEARING EXAMINER: Okay. And you
17 have many people who seem to be objecting to it.

18 MR. SAVAGE: It's a unique case.

19 THE HEARING EXAMINER: Do you know why
20 people are objecting to it?

21 MR. SAVAGE: Well, given the extent of
22 owners in this, it's actually very few. There's 929
23 tracts, and there's over 725, about, approximately
24 owners. It encroaches more toward the city, I believe
25 more toward the city of Carlsbad, and it's very

1 fragmented.

2 THE HEARING EXAMINER: I see. Okay.
3 We can set it for March 4. That'd be the earliest,
4 besides December 10, but I don't think you want -- do
5 you want December 10, Mr. Savage?

6 MR. SAVAGE: Yes.

7 MR. SAVAGE: You'd like December 10?

8 MR. SAVAGE: Yes.

9 THE HEARING EXAMINER: Mr. --

10 MR. SAMANIEGO: I object.

11 THE HEARING EXAMINER: Okay. I'm not
12 asking you. I'm not asking for your opinion right
13 now.

14 Madai, do you know how to mute people?
15 Thanks.

16 I'll get to you. I'll call you
17 individually to get your position, but I'm not asking
18 for you just to chime in when you feel like it.

19 Mr. Rankin?

20 MR. RANKIN: Thank you, Mr. Examiner.
21 Permian Resources is preparing competing pool
22 proposals, well proposals for this acreage and will be
23 sending out those in the next few days. And then
24 within 30 days, we'll be able to file a competing
25 pooling application. So it'll be on a similar

1 timeline as the other ones we were discussing with --
2 so probably won't be able to be ready for hearing, for
3 status conference until January. And then we can look
4 at a contested case subsequent to that. So I think
5 March actually is a reasonable timeframe to allow for
6 the well proposals to go out, the competing pooling
7 application to become ripe, and then we can look at
8 contested hearing in the March timeframe.

9 THE HEARING EXAMINER: Okay. Mr.
10 Savage, you hear that there's a competing application,
11 etcetera, so that means we won't be able to have it on
12 December 10th.

13 MR. SAVAGE: I do hear it now. But
14 could I point at some additional points on this?

15 THE HEARING EXAMINER: Sure.

16 MR. SAVAGE: So Alpha Energy has
17 control and 70 percent working interest. Permian
18 Resources has what looks like approximately 5 percent
19 working interest, very small working interest. The
20 title on this was a monster. It took Alpha Energy
21 over four months to end substantial costs. It's my
22 understanding that Permian Resources does not have
23 title at this time, and they would have to do that
24 before they send out the well proposals. We would
25 like a confirmation on that if they do have title

1 'cause we're looking at something that -- it seems
2 somewhat inconceivable that a party would invest that
3 amount of time and resources for title and then do
4 competing applications based on 5 percent working
5 interest compared to the number of months that Alpha
6 has invested and has gained 70 percent working
7 interest. So I think that should be considered and
8 addressed.

9 THE HEARING EXAMINER: Now, when you
10 say "considered," if they do have a working interest
11 in the lands, then are you debating whether they have
12 the right to send out a competing proposal?

13 MR. SAVAGE: They can send out a
14 competing well proposal. They have a right. But in
15 practical terms and in terms of using the OCD
16 resources to litigate a case, these competing cases
17 that are this imbalanced in which Alpha has been
18 working on this for a substantially long time, and
19 Permian Resources gets a very small interest and then
20 comes in and tries to -- I mean, that seems an issue
21 that needs to be considered.

22 THE HEARING EXAMINER: It's not the
23 first time it's happened.

24 MR. SAVAGE: Yes, sir.

25 THE HEARING EXAMINER: And I have to

1 follow the rules, and I believe that they have the
2 ability to file a competing application if they have
3 any ownership interest at all.

4 Is that right, Mr. Rankin?

5 MR. RANKIN: That's correct, Mr.
6 Examiner. It sounds like we're getting into merits,
7 which I'm happy to address.

8 THE HEARING EXAMINER: No thanks. No
9 thanks. All right. We'll set this -- okay. Let me
10 go through the different parties. We're now
11 considering a March 4 contested hearing to give time
12 to Permian and Sarvis. Is this competing application
13 going to be Permian plus Mr. Rankin or not?

14 MR. RANKIN: Sarvis at this point is
15 not opposing either -- they've entered appearance
16 merely to track cases.

17 THE HEARING EXAMINER: Okay. So then
18 the competing application would come solely from
19 Permian?

20 MR. RANKIN: Correct.

21 THE HEARING EXAMINER: Okay. All
22 right. So for everyone who's involved here, so I'll
23 go now in order that people entered an appearance.

24 Mr. Anderson, we're considering a March
25 4 contested hearing. Let me hear from you.

1 MR. ANDERSON: Yes, that's fine with
2 me, Mr. Examiner.

3 THE HEARING EXAMINER: Okay. I'll next
4 go to Ms. Luck.

5 MS. LUCK: Yes, Mr. Hearing Examiner.
6 March 4th works for us.

7 THE HEARING EXAMINER: Okay.
8 Wonderful.

9 MS. LUCK: And just to mention on
10 behalf of my clients because they would like for me to
11 mention it is that there's dispute amongst the parties
12 as to title in this area, and so I think that we'll
13 get into the meat of that if there's contesting
14 hearing.

15 THE HEARING EXAMINER: But if I'm not
16 mistaken, Ms. Luck, the Division doesn't get involved
17 in title disputes.

18 MS. LUCK: That's correct. But we just
19 dispute the statements that Mr. Savage made regarding
20 Alpha's ownership in this acreage.

21 THE HEARING EXAMINER: Okay. That's
22 fine. You know that's not evidence. We take
23 attorneys at their word because they have a duty under
24 the ethical obligations to be candid with the
25 tribunal, but I wouldn't hang my hat on it. Okay.

1 So then we go to Mr. Samaniego. Mr.
2 Samaniego, we're talking about a March 4 contested
3 hearing here in Santa Fe. This is your opportunity to
4 say something, Mr. Samaniego.

5 MR. SAMANIEGO: Mr. Samaniego here. I
6 just unmuted. I agree to the March 4th status
7 conference, and I want it on record that American is
8 also filing competing permits, and I believe by March,
9 we should have it handled and completed by then.

10 THE HEARING EXAMINER: Okay. So, Mr.
11 Samaniego, I didn't say a status conference on March
12 4. I said a contested hearing on March 4.

13 MR. SAMANIEGO: Oh, let me change it.

14 THE HEARING EXAMINER: Sorry?

15 MR. SAMANIEGO: Okay. I was writing it
16 down. I agree.

17 THE HEARING EXAMINER: Okay. And one
18 last thing I would like to mention is I'm looking at
19 your entry of appearance, Mr. Samaniego. Let me get
20 to it. It's filed here. Okay. Mr. Samaniego, in
21 your -- what's the date of this? Well, I guess there
22 is -- you didn't date this entry of -- yes, you did.
23 On October 30, you certified service at that time the
24 two other parties with your entry of appearance and
25 your objection to presentation by affidavit. And in

1 the second paragraph, you said, "American Energy
2 Resources further provides notice that it objects to
3 proceeding of this case by affidavit and that American
4 Energy Resources has filed competing applications that
5 should be considered with the hearing in this case."
6 Today, you've told me that you have not filed
7 competing applications, which is true.

8 MR. SAMANIEGO: It's a typo. Roswell
9 had a flood down here. We're just picking up the
10 pieces. If you don't mind the typo and the
11 devastation that's happened in our town, we'll refile
12 it, and we'd like to --

13 THE HEARING EXAMINER: Mr. Samaniego,
14 we're all aware of the unfortunate situation in
15 Roswell. That has nothing to do with the document
16 that you filed. There is an obligation of
17 truthfulness in anything that you file, and if you
18 tell me that you have filed something and now you're
19 telling me you haven't filed something, that reduces
20 your credibility --

21 MR. SAMANIEGO: I'll --

22 THE HEARING EXAMINER: Would you please
23 mute him, please? Madai, please mute him.

24 Mr. Samaniego, I'm not going to hear
25 any more from you today. I'm just letting you know

1 that you jeopardize your credibility with me when you
2 tell me one thing in writing and then you tell me
3 something else verbally at these hearings. So I'm
4 just putting you on notice of that fact.

5 We don't need to hear anything further,
6 so your participation will be expected on March 4.
7 You can participate if you want virtually. You don't
8 have to come to Santa Fe. Obviously, it's better if
9 you do. But if you don't want to, you can -- but if
10 you do want to present witnesses and if you do file
11 competing applications, then I expect you will be here
12 in person with your witnesses to put on evidence and
13 that you follow all the rules that everyone else
14 files. You can find those rules online in the New
15 Mexico Administrative Code.

16 So is there anything further in this
17 case?

18 MR. SAVAGE: No, sir.

19 MS. LUCK: Nothing further.

20 MR. SAMANIEGO: I'd like to ask, Mr.
21 Examiner, are you denying me my ability to amend my
22 filed document?

23 THE HEARING EXAMINER: I didn't say
24 that, so I don't know where you get that from.

25 MR. SAMANIEGO: Your aggression toward

1 me kind of pushed toward that direction. Like I said,
2 I'm going to go ahead and file an amended -- I'm going
3 to amend it and submit it. On top of that, you stated
4 that you, the Division, does not deal with title
5 issues. I got an email from you and your department
6 requesting that I prove ownership of interest, and
7 that's bias. I'm going to request that in this court
8 case that you go ahead and request everybody to admit
9 ownership of their titles and prove their ownership
10 right away. You've been biased towards me, and I'm
11 going to request for another hearing examiner to take
12 over this case.

13 THE HEARING EXAMINER: You're free to
14 request anything you like, Mr. Samaniego. Thank you.

15 We're off the record in this case.

16 Okay. Let's move onto number 46 on our
17 docket. Number 46 on our docket is Matador. This is
18 our first hearing by affidavit. It is cases 24289,
19 9096, and -97.

20 Entries of appearance, please.

21 MS. VANCE: Good morning, Mr. Hearing
22 Examiner. Paula Vance with the Santa Fe office of
23 Holland & Hart on behalf of Matador Production Company
24 or MRC Permian Company.

25 THE HEARING EXAMINER: Thank you.

1 MS. HARDY: Mr. Examiner, Dana Hardy
2 with Hinkle Shanor on behalf of EGL Resources. And I
3 believe Mr. Bruce had also entered previously on
4 behalf of EGL.

5 THE HEARING EXAMINER: Okay. So are
6 you saying that Mr. Bruce is no longer representing a
7 party here?

8 MS. HARDY: He hasn't withdrawn, so I
9 don't know if he's planning to appear today or not,
10 but I am here.

11 THE HEARING EXAMINER: Mr. Bruce?

12 MS. HARDY: So I will appear for sure.

13 THE HEARING EXAMINER: Mr. Bruce?

14 MR. BRUCE: Yeah, Mr. Examiner, I was
15 muted. I am letting Hinkle law firm handle this
16 matter.

17 THE HEARING EXAMINER: Okay. Thank
18 you, sir. And I see someone, Scott Morgan, Strategic
19 Energy. Is there someone representing Strategic
20 Energy?

21 MS. HARDY: I believe Mr. Morgan had
22 entered an appearance for Strategic Energy.

23 THE HEARING EXAMINER: Okay. Are you
24 aware of any objections?

25 MS. HARDY: I am not, but it is Ms.

1 Vance's application, I believe.

2 MS. VANCE: I'm not aware of any
3 objection.

4 THE HEARING EXAMINER: Would you like
5 to proceed?

6 MS. VANCE: I would.

7 THE HEARING EXAMINER: Go ahead.

8 MS. VANCE: Thank you, Mr. Hearing
9 Examiner. So I will present these obviously as
10 consolidated cases. And this pertains to acreage that
11 is all in the east half of Section 34, Township 18
12 South, Range 34 East, and also in the east half of
13 Section 3, Township 19 South and Range 34 East, and
14 that's all in Lee County. And the first two cases are
15 in the Bone Spring, and that would be case 24289 and
16 then 24290, and there's two different Bone Spring
17 pools in those cases, the Airstrip Bone Spring pool
18 code 960 in Section 34 and the -- Bone Spring pool,
19 and the pool code is 55610, and that's in Section 3.

20 And then in case 24289, that is Matador
21 is seeking to pool a 320 acre more or less horizontal
22 well spacing unit, and that's in the west half of the
23 east half and dedicate that to the Art Smith Com
24 127-H, which is in the second Bone Spring. And then
25 in case 24290, that would be another 320 acre more or

1 less horizontal well spacing unit, and that would be
2 comprised of the east half of the east half and
3 dedicate that to the Art Smith State Com 128-H well,
4 and that is in the second Bone Spring. And I'll just
5 point out in both of those cases, the application had
6 three initial wells, but we've dropped two of them,
7 and so in the hearing packets for those two cases,
8 you'll see in the compulsory pooling checklist that
9 the wells that I have identified are the initial wells
10 for the pooling cases.

11 THE HEARING EXAMINER: And the hearing
12 packet was filed when?

13 MS. VANCE: I do not know off the top
14 of my head.

15 THE HEARING EXAMINER: I have a -- the
16 only exhibits I can find were filed August 15. Does
17 that seem fair?

18 MS. VANCE: That seems correct because
19 I believe they were originally supposed to be heard on
20 the August 22nd docket.

21 THE HEARING EXAMINER: Perfect. So I
22 have -- let me just cut to the chase and ask you some
23 questions here.

24 MS. VANCE: Sure.

25 THE HEARING EXAMINER: I have in that

1 table of contents, I have a compulsory pooling
2 application checklist. I have the application itself.
3 I have Matador Exhibit A, the self-affirm statement of
4 Isaac Evans, who I believe was here yesterday.

5 MS. VANCE: Correct.

6 THE HEARING EXAMINER: So I know he's
7 been qualified as a landman expert. I see the typical
8 exhibits for landman. I then have Andrew Parker.
9 Also he was here yesterday --

10 MS. VANCE: Correct.

11 THE HEARING EXAMINER: -- for our
12 hearing, and I see his typical exhibits. And then I
13 see yours. Were your letters and your affidavit
14 publication timely?

15 MS. VANCE: Yes.

16 THE HEARING EXAMINER: Okay. Very
17 good. So you're asking me to admit these?

18 MS. VANCE: Yes.

19 THE HEARING EXAMINER: Okay. Very
20 good. So these are now --

21 Are there any objections? Ms. Hardy?

22 MS. HARDY: No, thank you. Sorry.

23 THE HEARING EXAMINER: No, it's fine.
24 I just want to make sure that you're here, and I want
25 to take your position into consideration.

1 Okay. These are all admitted into
2 evidence.

3 (24289 Exhibit A through Exhibit D were
4 marked for identification and received
5 into evidence.)

6 THE HEARING EXAMINER: Mr. McClure, do
7 you have any questions in case number 24289?

8 THE TECHNICAL EXAMINER: I have no
9 questions in that case, nor in any of the following
10 three cases.

11 THE HEARING EXAMINER: Perfect. Thank
12 you.

13 Ms. Vance, let's go to case number -90.
14 Are you using the same two experts in that case?

15 MS. VANCE: That's correct.

16 THE HEARING EXAMINER: Okay. So are
17 there any objections to admitting the exhibits in case
18 24290 into evidence? Not hearing any, they are
19 admitted. We know Mr. McClure has no questions there.

20 24296, the same two witnesses, Ms.
21 Vance?

22 (24290 Exhibit A through Exhibit D were
23 marked for identification and received
24 into evidence.)

25 MS. VANCE: That's correct.

1 THE HEARING EXAMINER: Okay. And
2 24297, the same two witnesses?

3 MS. VANCE: That's correct.

4 THE HEARING EXAMINER: Any objections
5 in the objections in the exhibits in those two cases?

6 MS. HARDY: No, thank you.

7 (24296 Exhibit A through Exhibit D were
8 marked for identification and received
9 into evidence.)

10 (24297 Exhibit A through Exhibit D were
11 marked for identification and received
12 into evidence.)

13 THE HEARING EXAMINER: Thank you.

14 The exhibits in all four of your cases
15 have been admitted into evidence, and all four cases
16 are taken under advisement.

17 MS. VANCE: Perfect. Thank you, Mr.
18 Hearing Examiner.

19 THE HEARING EXAMINER: Okay. Thank
20 you. Now we're moving onto line 50. This is Permian
21 Resources. This is 24751 and 24752.

22 Entries of appearance, please.

23 MS. MCLEAN: Yes. Good morning.
24 Jackie McLean from Hinkle Shanor on behalf of Permian
25 Resources.

1 THE HEARING EXAMINER: Ms. Kessler?

2 MS. MCLEAN: She was here, but she
3 left.

4 THE HEARING EXAMINER: I saw. Okay.

5 MS. MCLEAN: There was no objection.

6 THE HEARING EXAMINER: There was no
7 objection. Okay. Please proceed.

8 MS. MCLEAN: Thank you. In case
9 numbers 24751 and 24752, Permian Resources is seeking
10 to pool uncommitted interests in the Bone Spring
11 formation in Section 25 and 26, Township 19 South,
12 Ranch 30 East in Eddy County, and dedicate these to
13 the Morbucks wells. We have submitted exhibit packets
14 for both cases that contain the compulsory pooling
15 checklist, self-affirm statement of Travis Macha, who
16 has been admitted to testify before. Exhibit B, Chris
17 Cantin, geologist also, an expert admitted before the
18 Division. And then the notice Exhibit C. Our notice
19 letters were timely sent July 31, 2024, and affidavit
20 of publication ran August 28, 2024, for both cases.
21 And I ask that these exhibits be admitted into the
22 record in case numbers 24751 and 24752 and that the
23 cases be taken under advisement.

24 THE HEARING EXAMINER: Are there any
25 objections to these exhibits in these two cases? Not

1 hearing any, your exhibits are admitted into evidence.
2 Let's go to Mr. McClure for questions.

3 (24751 Exhibit A through Exhibit C were
4 marked for identification and received
5 into evidence.)

6 (24752 Exhibit A through Exhibit C were
7 marked for identification and received
8 into evidence.)

9 THE TECHNICAL EXAMINER: Mr. Hearing
10 Examiner, I do have questions for the landman in these
11 two cases.

12 THE HEARING EXAMINER: And, Ms. McLean,
13 who is the landman?

14 MS. MCLEAN: Travis Macha. He should
15 be available. I saw his name.

16 THE TECHNICAL EXAMINER: Yeah.

17 THE HEARING EXAMINER: Mr. Macha, would
18 you turn on your camera?

19 MR. MACHA: Yeah.

20 THE HEARING EXAMINER: Before I deal
21 with this witness, Ms. McLean, I see a notice of
22 amended exhibits that was filed.

23 MS. MCLEAN: Yes. We had filed amended
24 exhibits on November 4th to update the C-102.

25 THE HEARING EXAMINER: Okay. Sounds

1 good. So does this -- this is 50 pages here. Let me
2 look at the other document. It's 47 in the other
3 document. Okay. So I just want to hear you put on
4 the record that we can remove the older submission on
5 November 1st.

6 MS. MCLEAN: Yes, please remove the
7 older submission.

8 THE HEARING EXAMINER: Madai, did you
9 hear that? Okay. So, Madai, in case numbers 24751
10 and 24752, Ms. McLean, you've submitted amended
11 exhibit packets in both cases?

12 MS. MCLEAN: That's correct.

13 THE HEARING EXAMINER: Okay. Very
14 good.

15 So, Madai, would you remove the older
16 one? I think it's dated November 1st.

17 Okay. Mr. Macha -- there you are. I
18 see you. Would you raise your right hand, please?
19 //

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

24 THE HEARING EXAMINER: Thank you. Mr.
25 McClure?

1 THE TECHNICAL EXAMINER: Thank you, Mr.
2 Hearing Examiner.

3 Mr. Macha, it appears that the east
4 half of the southeast quarter of Section 25 of
5 Township 19 South and Range 30 East is being left off
6 of these proposed spacing units. Is that acreage
7 going to be stranded, or is it being accessed from
8 somewhere else?

9 THE WITNESS: Now, so this is -- this
10 is in -- that drill island that we're centered on as
11 kind of right there in the middle of it. So that's --
12 that's why we're doing a mile and three quarter on
13 Morbucks, and then what we're -- we own a mile and a
14 quarter to the east as well. So we're drilling a mile
15 and a quarter to the east, but that is fully under
16 JOA. It does not require pooling, so that's why you
17 don't see that here. That will -- off with Morbucks,
18 those -- May 2025.

19 THE TECHNICAL EXAMINER: Okay. So then
20 it is your intent or Permian's intent to drill that
21 acreage?

22 THE WITNESS: Yeah. Yeah, we have a
23 full three-mile strip there we're going to codevelop
24 all together. Morbucks is just a mile and three
25 quarters of it, and then we have another project

1 called Ace. It's a mile and a quarter.

2 THE TECHNICAL EXAMINER: Thank you,
3 sir. If I can draw your attention to page 22 -- or
4 let me make sure I'm on the right exhibit packet so
5 I'm giving you the right page number. Yeah, this is
6 the new one. Page 22 of 50 -- oh, I guess nobody's
7 sharing at the moment, are they?

8 MS. MCLEAN: We can share. We just
9 need to --

10 THE TECHNICAL EXAMINER: Yes, please.

11 MS. MCLEAN: 24751.

12 THE WITNESS: Is it the contact
13 chronology that you're looking --

14 THE TECHNICAL EXAMINER: Yes. That is
15 correct. I guess the initial question I have for you,
16 Mr. Macha, do you believe that Permian conducted
17 negotiations in good faith?

18 THE WITNESS: Yes, absolutely. We kind
19 of had -- so this is in a project -- into this unit,
20 and that was January of 2022 from Devon. And we kind
21 of poked around. We established those -- and
22 everything. And there's -- there's been communication
23 kind of outside of what you kind of see here, but it's
24 been by multiple landmen outside of myself as well
25 some are brokers. So yeah, absolutely. We've been --

1 we've been pretty abundant in our communication.

2 THE TECHNICAL EXAMINER: Now, in
3 regards to having a brief summary of some of these
4 other communications, I assume that's something that
5 Permian would be able to produce?

6 THE WITNESS: Yeah. I mean, so I would
7 say one of the landmen that he didn't actively propose
8 and work on the project, but he's no longer with the
9 company. He did some of this stuff, so I can't get
10 specifics from him, obviously. But if needed,
11 absolutely, we can drum up some more stuff, if needed.

12 THE TECHNICAL EXAMINER: Yeah. For
13 both of these cases, we're going to request that
14 Permian submit an amended, I guess, Exhibit 85 to -- I
15 guess -- I guess description of those summary of
16 contacts.

17 THE WITNESS: Sounds good.

18 THE TECHNICAL EXAMINER: Okay. Thank
19 you, Mr. Macha.

20 Thank you, Mr. Hearing Examiner. I
21 have no further questions for either of these cases.

22 THE HEARING EXAMINER: Okay. Mr.
23 McClure, does that ask go to both cases?

24 THE TECHNICAL EXAMINER: Yes, sir, it
25 does. I believe they're both very similar to what

1 we're seeing on our screen here.

2 THE HEARING EXAMINER: Okay. Perfect.
3 Thank you.

4 Ms. McLean, do you understand what Mr.
5 McClure was asking?

6 MS. MCLEAN: I do. I do.

7 THE HEARING EXAMINER: All right.
8 Thank you.

9 So then -- and there's no other
10 questions, Mr. McClure; right?

11 THE TECHNICAL EXAMINER: That is
12 correct, Mr. Hearing Examiner. No further questions
13 for either of these cases.

14 THE HEARING EXAMINER: Okay. So we're
15 not going to close the record yet. We're not going to
16 take these cases under advisement yet. We will wait
17 for the amended exhibit packet with cover letter to be
18 filed.

19 And then, Madai, when you do get that
20 amended packet, please remove the old one.

21 When do you anticipate filing it, Ms.
22 McLean?

23 MS. MCLEAN: I think I would need input
24 from my client on how long it will take to assemble
25 that because it's my understanding that the main

1 landman, he's no longer with the company that had been
2 spearheading these cases. So I'd need to get some
3 direction on --

4 THE HEARING EXAMINER: Is he still with
5 us?

6 MS. MCLEAN: I think yeah, he's still
7 on.

8 THE HEARING EXAMINER: Mr. Macha?

9 THE WITNESS: Yeah. I got -- candidly,
10 I've got a ton of stuff to do this week. I'll
11 probably be able to do it this weekend and get it over
12 by Monday.

13 THE HEARING EXAMINER: Okay. And, Mr.
14 Macha, we're flexible here. We don't need to take
15 this case under advisement until we have the
16 information we need, so when do you want our deadline
17 to be?

18 THE WITNESS: I think next Wednesday is
19 fine, before Thanksgiving.

20 THE HEARING EXAMINER: Fine.

21 Is that okay with you, Ms. McLean?

22 MS. MCLEAN: That's fine.

23 THE HEARING EXAMINER: And if you need
24 more time, just let us know.

25 MS. MCLEAN: Okay.

1 THE HEARING EXAMINER: Okay. It's not
2 like it's a hard deadline. So then we're talking
3 about the 27th of November.

4 MS. MCLEAN: Okay.

5 THE HEARING EXAMINER: Okay. Okay.
6 We're off the record in those cases. I'm now calling
7 Mewbourne cases 24894, 24895, and 24896.

8 Entries of appearance, please.

9 MS. HARDY: Dana Hardy with Hinkle
10 Shanor on behalf of Mewbourne Oil Company.

11 THE HEARING EXAMINER: Are there any
12 other parties, Ms. Hardy?

13 MS. HARDY: There are not.

14 THE HEARING EXAMINER: Okay. Perfect.
15 Go right ahead.

16 MS. HARDY: Thank you. In these cases,
17 Mewbourne seeks to pool interests in the Bone Spring
18 formation underlying collectively Section 16 and the
19 south half of Section 9, Township 18 South, Range 35
20 East. There are three separate spacing units, each of
21 which is dedicated to one well. Our land and geology
22 witnesses, Brad Dunn and Charles Crosby, have
23 previously testified before the Division and been
24 recognized as experts in their fields. Exhibit A-3
25 included the ownership information and identifies the

1 pooled parties. And since our exhibits were filed, I
2 just wanted to state on the record that PBEX and PGC
3 Gas Company have reached agreements with Mewbourne,
4 and so they are no longer being pooled. Our notice
5 letters were timely sent on October 9th and October
6 14th. And then we timely published twice on October
7 11th and October 18th. So with that, unless there are
8 questions, I request that the exhibits be admitted,
9 and that these cases be taken under advisement.

10 THE HEARING EXAMINER: Are there any
11 objections? Not hearing any, your exhibits are
12 admitted into evidence in all three cases.

13 Mr. McClure, any questions on these
14 cases?

15 (24894 Exhibit A through Exhibit C were
16 marked for identification and received
17 into evidence.)

18 (24896 Exhibit A through Exhibit C were
19 marked for identification and received
20 into evidence.)

21 THE TECHNICAL EXAMINER: Mr. Hearing
22 Examiner, I do not have any questions. However, I
23 would like for a amended compulsory pooling checklist
24 to be submitted to us with a corrected pool.

25 THE HEARING EXAMINER: Okay. Is there

1 an exhibit number to that, or did you not assign
2 exhibit to the checklist, Ms. Hardy?

3 MS. HARDY: The checklist does not have
4 an exhibit designation. It's just attached.

5 THE HEARING EXAMINER: Mr. McClure, do
6 you have information that you want to be amended?

7 THE TECHNICAL EXAMINER: Yes, sir.
8 That is correct.

9 THE HEARING EXAMINER: What is it?

10 THE TECHNICAL EXAMINER: On the pooling
11 checklist, currently, it's listed as being in the Swab
12 Bone Spring pool code 55610. That designation is
13 incorrect, and if -- I think I heard -- it was Ms.
14 Hardy that was representing this one; is that correct?

15 THE HEARING EXAMINER: Yes.

16 MS. HARDY: Yes.

17 THE TECHNICAL EXAMINER: Okay. And,
18 Ms. Hardy, the correct pool code, if you have
19 something there handy, I'll give that to you.

20 MS. HARDY: Yes, please. Thank you.

21 THE TECHNICAL EXAMINER: Okay. The
22 correct pool would be the Vacuum: Bone Spring, Mid,
23 and that pool code is 46195.

24 MS. HARDY: So Vacuum: Bone Spring,
25 Mid?

1 THE TECHNICAL EXAMINER: That is
2 correct.

3 MS. HARDY: Okay. 46195.

4 THE TECHNICAL EXAMINER: That is also
5 correct.

6 MS. HARDY: Okay. Thank you.

7 THE HEARING EXAMINER: And, Mr.
8 McClure, does that go on all three cases, the
9 checklist?

10 THE TECHNICAL EXAMINER: Yes. Let me
11 look at my notes. Yes, sir, Mr. Hearing Examiner.
12 That is all three of these cases has the exact same
13 issue and same correction.

14 THE HEARING EXAMINER: Perfect. Thank
15 you.

16 Ms. Hardy, how long will it take for
17 you to amend the checklist in these three cases?

18 MS. HARDY: We could submit that on
19 Monday.

20 THE HEARING EXAMINER: Okay. Monday.
21 So that'd be November 25th.

22 MS. HARDY: Yes. Thank you.

23 THE HEARING EXAMINER: With a cover
24 letter, please, to explain --

25 MS. HARDY: Yes.

1 THE HEARING EXAMINER: -- what's
2 happening. Okay. Okay. Thank you. So we're not
3 taking them under advisement yet, but we will after we
4 get the amended exhibit packet in correcting the pool
5 code. Okay.

6 MS. HARDY: Thank you.

7 THE HEARING EXAMINER: We're now moving
8 onto Matador 24921 to -2. Those two cases are joined.
9 Entries of appearance.

10 MS. VANCE: Good morning, Mr. Hearing
11 Examiner. Paula Vance with the Sante Fe office of
12 Holland & Hart on behalf of Matador Production
13 Company.

14 THE HEARING EXAMINER: Please proceed.

15 MS. VANCE: Thank you. So in these
16 cases, we are opening the original orders to add
17 additional pool parties under the -- in these two
18 cases, and I will just walk through very briefly what
19 we have in here with our hearing packet, which is a
20 copy of the applications, a copy of the original
21 pooling order, as well as a self-affirm or an
22 affidavit from Landman Hanna Rhoades.

23 We have included three exhibits, which
24 include an updated pooling exhibit. And just to break
25 it down to explain what's in there is there is a total

1 for MRC's interest. There is a total percentage for
2 what interests have volunteered their interests to the
3 development plus the interest that was previously
4 pooled. And then we have broken down the interests of
5 the new parties that Matador is seeking to pool so you
6 can see the parties listed there. We've included a
7 sample copy of the well proposal letters that went out
8 along with the AFEs and then a chronology of contacts.
9 There's also self-affirm statement of notice from
10 myself and an affidavit of publication, and notice was
11 timely in both cases. Unless there are any questions,
12 I would ask that the two cases be taken under
13 advisement at this time.

14 THE HEARING EXAMINER: And it may be
15 obvious, but what is the good cause for an amendment?

16 MS. VANCE: So yes. And that's
17 actually addressed in the landman's statement,
18 paragraph 5. Matador, out of an abundance of caution,
19 did additional updated title and found that there were
20 some additional parties to be pooled. When you look
21 at that breakdown of those interests, you'll see that
22 it's a very small percentage of the interests. But,
23 again, out of an abundance of caution, Matador ran
24 that title and that's why we are here.

25 THE HEARING EXAMINER: I'm just reading

1 paragraph 5. Okay. Are there any objections to the
2 exhibits in these two cases? Not hearing any, the
3 exhibits are admitted in both cases.

4 Mr. McClure?

5 (24921 Exhibit A through Exhibit E were
6 marked for identification and received
7 into evidence.)

8 (24922 Exhibit A through Exhibit E were
9 marked for identification and received
10 into evidence.)

11 THE TECHNICAL EXAMINER: Mr. Hearing
12 Examiner, no questions for either of these cases.

13 THE HEARING EXAMINER: Okay. Thank
14 you, sir.

15 Moving onto line 57, 24923. Matador.

16 MS. VANCE: Again, Paula Vance with the
17 Sante Fe office of Holland & Hart on behalf of Matador
18 Production Company. And yeah. If you want me to go
19 ahead and proceed, I don't think there's any other
20 parties in this case.

21 THE HEARING EXAMINER: Please.

22 MS. VANCE: Okay. Very similar to the
23 last two cases that I just did. We're, again, doing
24 additional pooling of parties and essentially, it's
25 the same exact breakdown. So we have a copy of the

1 application as well as the original order. And then
2 we have a statement from the landman, David Johns, and
3 then the same exact three exhibits, which would be an
4 updated pooling exhibit broken out exactly the same
5 with the previous two cases. We've got Matador's
6 interest. We have a combined percentage of what
7 interests have volunteered their interests plus what
8 was previously pooled. And then we've broken out the
9 interests for the new parties being pooled under in
10 this case. And then a sample copy of the well
11 proposal letters, AFEs, and then a chronology of
12 contacts. And following that is my self-affirm
13 statement of notice and a copy of the affidavit of
14 notice of publication, and notice was timely. And
15 unless there are any questions, I would ask that the
16 Division take this case under advisement.

17 THE HEARING EXAMINER: Thank you.

18 Are there any objections? Not hearing
19 any, your exhibits are admitted. In this case, I see
20 that this landman was also admitted previously as an
21 expert in land matters before this division.

22 Mr. McClure, any questions on this
23 case?

24 (24923 Exhibit A through Exhibit E were
25 marked for identification and received

1 into evidence.)

2 THE TECHNICAL EXAMINER: Mr. Hearing
3 Examiner, I do have a question for the landman.

4 THE HEARING EXAMINER: Okay. Mr.
5 Johns; is that right?

6 MS. VANCE: That's correct, and I
7 believe he should be on the line.

8 THE HEARING EXAMINER: Would you turn
9 on your camera?

10 MR. JOHNS: Can you hear me?

11 THE HEARING EXAMINER: We can hear you,
12 but you need to turn on your camera, sir. There you
13 go. Okay. Would you raise your right hand, please?

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

18 THE HEARING EXAMINER: Okay. Mr.
19 McClure?

20 THE TECHNICAL EXAMINER: Mr. Johns, if
21 I can direct your attention to page 17 of 29. Do you
22 have it printed out in front of you there, sir?

23 THE WITNESS: Yes, sir. I'm there.

24 THE TECHNICAL EXAMINER: Okay. So the
25 interest owners that's listed on this table starting

1 with Devon going down through Robert Landreth. Are
2 those the new previously unidentified working interest
3 owners?

4 THE WITNESS: Yes, sir.

5 THE TECHNICAL EXAMINER: Considering
6 the significant amount of percentage that we're
7 talking about, is it safe to assume that the original
8 breakdown of ownership submitted in the original
9 packet is now incorrect?

10 THE WITNESS: Yeah, that's correct.
11 When we -- when we initially filed for pooling, these
12 parties weren't listed. We found out there was an
13 active operating agreement, and these parties that are
14 listed here owned an interest, so that's why we were
15 seeking to reopen the pooling order.

16 THE TECHNICAL EXAMINER: Okay. So
17 originally, this percent was identified as belonging
18 to somebody else within your initial list; is that
19 correct?

20 THE WITNESS: That's correct.

21 THE TECHNICAL EXAMINER: Okay. Thank
22 you, sir. I think what we'll ask for is if you can
23 provide us with a copy of the entirety of the interest
24 breakdown here with this now taken into consideration.

25 THE WITNESS: Yes, sir. We can do

1 that.

2 THE TECHNICAL EXAMINER: Okay. Thank
3 you, sir.

4 No further questions, Mr. Hearing
5 Examiner.

6 THE HEARING EXAMINER: Mr. Johns, when
7 can you provide that to your counsel?

8 THE WITNESS: Does middle of next week
9 work for y'all?

10 THE HEARING EXAMINER: Sure, and that's
11 November 27.

12 THE WITNESS: Yes, sir, that works for
13 us.

14 THE HEARING EXAMINER: Okay. So, Ms.
15 Vance, will you file that amended exhibit packet by
16 the close of business November 27?

17 MS. VANCE: No problem, and I will add
18 a cover page.

19 THE HEARING EXAMINER: Perfect. And,
20 Madai, would you -- yes, I see you're nodding your
21 head, so thank you. Got the gist of it.

22 Okay. So we will leave the record open
23 until November 27, and at that time, hopefully, we'll
24 take this case under advisement.

25 Thank you, Mr. Johns.

1 Okay. We're moving on. 58. 24924,
2 Spur Energy.

3 MS. MCLEAN: Jackie McLean from Hinkle
4 Shanor on behalf of Spur. That's it. Spur Energy
5 Partners.

6 THE HEARING EXAMINER: Okay. Take it
7 away, Ms. McLean.

8 MS. MCLEAN: Thank you. In case number
9 24924, Spur is seeking an order extending the time to
10 commence drilling operations and to pool additional
11 interests under order numbers R-22418 and R-22418-A.
12 And we have submitted an exhibit packet, which
13 includes self-affirm statement of Landman Rett Dalton,
14 who has previously been admitted to testify before the
15 Division, as well as Exhibit B, the notice testimony
16 that includes the notice letter that was sent to
17 interested parties on October 10, 2024, and an
18 affidavit of publication that ran on October 17, 2024.

19 THE HEARING EXAMINER: Are those
20 timely?

21 MS. MCLEAN: Yes, they are timely.

22 THE HEARING EXAMINER: And this is a
23 second request for an amendment, is it not?

24 MS. MCLEAN: This is a second request
25 for an extension to drill because unfortunately,

1 Spur's ability to commence drilling the wells has been
2 delayed due to lack of water takeaway capacity, and
3 they're currently in the process of building those
4 facilities, and they do expect that the wells will
5 spud in August of 2025.

6 THE HEARING EXAMINER: Okay. Are you
7 seeking to have your exhibits admitted into evidence?

8 MS. MCLEAN: Yes, I am, please.
9 Exhibits A and B and all the sub-parts.

10 THE HEARING EXAMINER: All right.
11 Thank you.

12 Are there any objections? Not hearing
13 any, your exhibits are admitted into evidence.

14 Mr. McClure?
15 (24924 Exhibit A and Exhibit B were
16 marked for identification and received
17 into evidence.)

18 THE TECHNICAL EXAMINER: Thank you, Mr.
19 Hearing Examiner. I do have a quick question for the
20 landman, I assume.

21 THE HEARING EXAMINER: Very good. Let
22 me get the landman. Let's see. And it looks like
23 it's Mr. Rett Dalton.

24 Would you turn on your camera, please?

25 MR. DALTON: This is Rett Dalton. The

1 computer does not have a camera, sorry.

2 THE HEARING EXAMINER: Well, Mr.
3 Dalton, we'd like to see you, so when you take --
4 sorry?

5 MR. DALTON: Let me try something.

6 THE TECHNICAL EXAMINER: Mr. Hearing
7 Examiner, it may also be that their attorney might be
8 able to represent the --

9 MR. DALTON: I'm sorry, it's still not
10 working.

11 THE TECHNICAL EXAMINER: It's mostly in
12 regards to how the packet is put together regardless
13 and notice.

14 THE HEARING EXAMINER: Let's go with --

15 THE TECHNICAL EXAMINER: I'm sorry,
16 your mic is -- Mr. Hearing Examiner, you said to go
17 with Ms. McLean?

18 THE HEARING EXAMINER: You're right.

19 Mr. Dalton, just hang in there. We'll
20 see if we need to ask you any questions, but we're
21 going to pose the questions to your counsel.

22 Go ahead..

23 THE TECHNICAL EXAMINER: Ms. McLean --

24 Thank you, Mr. Hearing Examiner.

25 Ms. McLean, if I can direct your

1 attention to page 18 of 36 of the exhibit packet.

2 MS. MCLEAN: Yes. Exhibit A-4.

3 THE TECHNICAL EXAMINER: Yes, ma'am.

4 Yeah. On this list of the overriding royalty interest
5 owners, there's a number of them that's highlighted in
6 yellow. Are those the ones that is being requested to
7 be -- that Spur's requesting to compulsory pool?

8 MS. MCLEAN: That is correct.

9 THE TECHNICAL EXAMINER: Okay. I also
10 have a question in regards to notice. I guess it has
11 Ms. Hardy on here, but I'm assuming you're familiar
12 with notice, Ms. McLean?

13 MS. MCLEAN: Yes, that's correct.

14 THE TECHNICAL EXAMINER: Did every
15 person that was required to be noticed, did they
16 receive the direct written notice?

17 MS. MCLEAN: I believe that -- I'm just
18 looking here. I believe that we might not have had an
19 address. Let me double-check. Everyone on the
20 Exhibit B-2 is who received notice. I would need to
21 double-check that against -- it does look like
22 everyone got notice here that's on -- that we're
23 seeking to pool. I believe we also noticed the
24 working interest owners that we had previously pooled
25 as well since we're requesting the extension of time.

1 THE TECHNICAL EXAMINER: Now, you
2 believe so or you know so, Ms. McLean?

3 MS. MCLEAN: I'm looking at our list.
4 So Exhibit B-2, which is page 22 of 36, shows who we
5 sent the notice letter to.

6 MR. DALTON: I'm sorry, I'm now --

7 MS. MCLEAN: So on Exhibit A-4, we have
8 the working interest owners and the overriding royalty
9 interest owners. And then Exhibit B-2, we have the
10 list of everyone who received notice. I know -- so
11 Santo Legato, they are related to -- they're a working
12 interest owner, and they had already been pooled. But
13 they received notice. So that's just an example of,
14 you know, the parties, same with Spiral Heyco. They
15 received notice. So I believe, you know, based on
16 what we've submitted that yes, they have received
17 notice.

18 THE TECHNICAL EXAMINER: Okay. Thank
19 you, Ms. McLean. I guess just to give you reason I'm
20 asking is when I look at your public notice, it
21 appears that the case number is missing here.

22 MS. MCLEAN: Let me look at --

23 THE TECHNICAL EXAMINER: And that's on
24 page 36 of 36.

25 MS. MCLEAN: Let me see. Yeah, I'm

1 looking at that page. Yeah, I think you're correct,
2 that the case number isn't in there. But, you know,
3 since it was just done as a precaution just in case we
4 do have confirmation that, you know, the letters were
5 received, so that shouldn't be an issue.

6 THE TECHNICAL EXAMINER: Okay. Thank
7 you, Ms. McLean.

8 Thank you, Mr. Hearing Examiner. I
9 have no further questions for this case, nor am I
10 requesting anything additional to be submitted.

11 THE HEARING EXAMINER: Perfect. Then
12 we'll take this case under advisement. We're now
13 moving to our second-to-last case. It is 24927.
14 Manzano, LLC.

15 Entries of appearance, please.

16 MS. HARDY: Dana Hardy on behalf of
17 Manzano, LLC.

18 THE HEARING EXAMINER: Thank you. And
19 for this case, we have a different technical examiner.
20 Would you announce yourself?

21 THE TECHNICAL EXAMINER: Yes. Million
22 Gebremichael from the UIC.

23 THE HEARING EXAMINER: Thank you.
24 Would you present your case?

25 MS. HARDY: Yes. Thank you.

1 In this case, Manzano requests that the
2 Division issue an order approving the Jenkins San
3 Andreas pressure maintenance project as a permanent
4 pressure maintenance project for the injection of
5 produced gas through the vents BGH Number 1 Well into
6 the San Andreas formation in Section 30, Township 19
7 South, Range 35 East in Lee County.

8 The Division previously entered
9 regarding this matter order number R-22076 in March of
10 2022, which approved the project. That order
11 authorized Manzano to inject produced gas into the
12 well, approved the project area, and approved
13 Manzano's request to convert the vent's well from a
14 vertical producing well to an injection well and
15 finally, that order approved the Sodbuster 21 Fee
16 Number 4 and Rag Mama 30-19 Fee Number 1 wells as the
17 sources of the produced gas. The order required
18 Manzano to reapply for permanent approval of the
19 project within three years, and so that is what we are
20 doing here. And the order states that Manzano needed
21 to provide in the reapproval application observed
22 benefits to production or the prevention of waste and
23 evidence that the injected fluid has not migrated
24 beyond the horizontal and vertical boundaries of the
25 project area.

1 Since the order was entered, Manzano
2 has operated the project and has observed benefits to
3 production in the prevention of waste, and the fluid
4 has not migrated beyond the horizontal and vertical
5 boundaries of the project area.

6 We've provided in support of the
7 application the self-affirm statement of geologist,
8 John Worrall. Mr. Worrall has previously testified
9 before the Division and been recognized as an expert.
10 His exhibits include the original order and area of
11 review map, list of interest owners, wellbore diagram,
12 gas injection data, production curve for the Rag Mama
13 well, and a production curve for the Sodbuster well.
14 Mr. Worrall testifies that the project has provided
15 benefits to production and prevented waste and that
16 gas has not migrated out of the injection zone.
17 Exhibit B is my notice affidavit and attachments. The
18 notice letter was timely sent on October 14th of 2024,
19 and notice was timely published on October 18, 2024.
20 I expect that there may be questions for Mr. Worrall,
21 and he should be available. But I would request that
22 the exhibits be admitted and that the case be taken
23 under advisement.

24 THE HEARING EXAMINER: Thank you. Are
25 there any objections? Not hearing any, your exhibits

1 are admitted into evidence in case number 24927. Mr.
2 Gebremichael?

3 (24927 Exhibit A and Exhibit B were
4 marked for identification and received
5 into evidence.)

6 THE TECHNICAL EXAMINER: Yes, I have a
7 few questions, Mr. Examiner, for Mr. Worrall. May I
8 proceed?

9 THE HEARING EXAMINER: Not yet.

10 THE TECHNICAL EXAMINER: Okay.

11 THE HEARING EXAMINER: Let's get you on
12 camera. I can see you. Would you raise your right
13 hand, please?

14 MR. WORRALL: I'm sorry, are you
15 referring to me, Mr. Examiner?

16 THE HEARING EXAMINER: Of course.

17 MS. HARDY: Yes.

18 THE HEARING EXAMINER: You're the
19 witness.

20 MR. WORRALL: I'm sorry. I apologize.

21 THE HEARING EXAMINER: That's fine.

22 JOHN WORRALL,
23 called as a witness and having been first duly sworn
24 to tell the truth, the whole truth, and nothing but
25 the truth, was examined and testified as follows:

1 THE HEARING EXAMINER: Okay. Mr.
2 Gebremichael?

3 THE TECHNICAL EXAMINER: Thank you, Mr.
4 Examiner.

5 May I direct your attention, Mr.
6 Worrall, to it's Exhibit A, item number 22, page 6 of
7 your exhibit.

8 THE WITNESS: Page -- I'm sorry, which
9 page?

10 THE TECHNICAL EXAMINER: Page 6 of 139.

11 THE WITNESS: Okay. Yes.

12 THE TECHNICAL EXAMINER: Item -- yeah.
13 So in your self-affirm statement, you stated that the
14 injected gas hasn't migrated beyond the horizontal and
15 vertical boundaries of the project area. How did you
16 determine that the gas is still confined within the
17 boundaries of the project area, i.e. have you
18 conducted a reservoir simulation or applied any other
19 methods to confirm this?

20 THE WITNESS: We've injected the gas
21 back into the formation, and the produced gas that
22 we're seeing, we're seeing less gas coming out of the
23 two producers 'cause we believe we're increasing the
24 reservoir pressure a little bit to put it back into
25 solution. These are the only two wells that are out

1 there that allow us to have any data at all, and so
2 what we're seeing on the production is definitely a
3 lowering of gas -- ratio and an increase of the oil
4 decline -- or decrease in oil decline. In other
5 words, it's flattening.

6 THE TECHNICAL EXAMINER: So that means
7 you've done some material balance calculation?

8 THE WITNESS: Material balance
9 calculations? No, sir. No, we just noticed that it's
10 working, that the pressures are -- that the gas is
11 going back in solution and we're lowering the gas --
12 ratio. We've not done a material balance on these two
13 wells. It's not a lot of data to really --

14 THE TECHNICAL EXAMINER: All right.
15 Thank you. All right. I'll press you to the next
16 question. If I may direct your attention to page 17
17 of 139. Yeah. In this exhibit, you name the
18 Sodbuster 21 Fee Number 4-H, which is about 1.8 miles
19 from the injector well. My question is, is this well
20 within the approved 320 acres of the pressure
21 maintenance project area?

22 THE WITNESS: You're referring to the
23 Sodbuster one, sir?

24 THE TECHNICAL EXAMINER: Yes. If it
25 was in that 320 acres approved pressure maintenance

1 project area.

2 THE WITNESS: It is a source well. It
3 is not a part of the 320-acre injection well. It is
4 the source --

5 THE TECHNICAL EXAMINER: It's a source
6 --

7 THE WITNESS: -- well.

8 THE TECHNICAL EXAMINER: Okay. Well,
9 you stated that this well will not be impacted by the
10 injected gas for at least four years. But are you
11 expecting maybe after four years, you might see some
12 benefit, maybe production uplift?

13 THE WITNESS: Yeah, exactly. So so
14 far, we've seen benefit from a well that's much closer
15 than Rag Mama. This well's four times further away,
16 so it's probably going to take four times longer to
17 see that effect. So that's just basic common sense
18 engineering, I would say.

19 THE TECHNICAL EXAMINER: Okay. Thank
20 you. The next question is, if I may direct your
21 attention to page 32 of 139. I think it's Exhibit A-
22 7.

23 THE WITNESS: Yes, sir.

24 THE TECHNICAL EXAMINER: Yeah. You
25 stated that you gave us some figures, you know, the

1 well has produced 140 -- what is it, 140,000 of
2 barrels of oil and then 146,000 of cubic feet. Have
3 you calculated the initial oil in place and then the
4 remaining oil in that pool? And then also, how much
5 of that remaining oil are you expecting to be
6 recovered by continuously injecting the gas?

7 THE WITNESS: I have not done that
8 calculation yet, sir. I generally assume you're going
9 to make about 10 percent with the dissolved gas -- of
10 the oil in place. What I do know is the two red lines
11 that show the -- areas, before we start injecting, you
12 can see that the gas -- gas -- ratio was going up, and
13 now it's going down. So that was what we were hoping
14 to see. But to answer your question correctly, no, I
15 have not done an oil in place study.

16 THE TECHNICAL EXAMINER: Okay. All
17 right. I'll proceed to the next question. Are these
18 two producing wells assisted by any artificial lift
19 method, or they are just merely depending on the
20 solution gas expungement drive supplemented by this
21 gas injection?

22 THE WITNESS: Could you repeat the
23 question, the first part of the question? I didn't
24 quite --

25 THE TECHNICAL EXAMINER: Yeah. If

1 there is any artificial lift method is deployed in
2 these two producing wells, or they are just merely
3 depending on the gas injected.

4 THE WITNESS: Well, they're both
5 pumped.

6 THE TECHNICAL EXAMINER: Pumped, yes.

7 THE WITNESS: They're -- yeah, they're
8 pumping wells.

9 THE TECHNICAL EXAMINER: So pumping
10 wells, yeah.

11 THE WITNESS: Yes.

12 THE TECHNICAL EXAMINER: All right.

13 May I direct your attention to page 32 of 139. I
14 think it's Exhibit A-7. You stated that for the Rag
15 Mama 3019 Fee Number 1-H well, you stated that the oil
16 production flattened around 18 percent.

17 THE WITNESS: Yes, sir.

18 THE TECHNICAL EXAMINER: What does it
19 mean in terms of incremental increase in oil
20 production due to this gas injection, I mean in terms
21 of barrels?

22 THE WITNESS: In terms of barrels?

23 THE TECHNICAL EXAMINER: Yeah.

24 THE WITNESS: Okay. So 23.5 percent
25 decline after a year, you're going to have 6.5 percent

1 of what you had at the beginning of the year. As
2 opposed to 18 percent, you'll have 82 percent of what
3 you had in the beginning of the year. Is that what --
4 does that answer your question?

5 THE TECHNICAL EXAMINER: Yeah.

6 THE WITNESS: Or are you asking for
7 actual numbers with barrels?

8 THE TECHNICAL EXAMINER: Yes because we
9 want to see -- the issue with these graphs are in --
10 it would have been beneficial if it was in a Cartesian
11 so we could clearly see those incremental increases
12 and stabilizations. It's very hard to see what those
13 percentages represent.

14 THE WITNESS: I'd be happy to put that
15 together and re-present it for you.

16 THE TECHNICAL EXAMINER: Thank you.
17 I'm almost done. Yes. If I may direct you to page 14
18 of 139. You stated that the injection well -- part of
19 the order stipulates that the injection well shall be
20 -- with pressure control devices or any acceptable
21 substitute that will limit the maximum surface
22 injection pressure to not more than 900 PSI. Could
23 you describe the pressure-limiting devices deployed in
24 this well? What are they?

25 THE WITNESS: Sorry. Somehow, I got

1 muted. I'm not sure if you heard my answer, but --

2 THE TECHNICAL EXAMINER: No, we didn't.

3 THE WITNESS: I'd feel more comfortable
4 passing that question onto Mike Hannigan and allowing
5 him to answer that better than I could.

6 MS. HARDY: Is that acceptable, Mr.
7 Examiner? He's the engineer on the project.

8 THE HEARING EXAMINER: Get him on the
9 screen. Can we stop sharing this document?

10 MS. HARDY: Oh, sure.

11 THE HEARING EXAMINER: And where is
12 this other person?

13 MS. HARDY: Mr. Worrall, is Mr.
14 Hannigan --

15 THE WITNESS: He is not available.

16 MS. HARDY: -- with you? Oh, he's not
17 available?

18 THE WITNESS: No, he is not.

19 MS. HARDY: He's not with you.

20 THE WITNESS: He's not available. I
21 apologize. I didn't anticipate that question.

22 THE HEARING EXAMINER: Can you give us
23 a minute? Let's take a five-minute break. We're
24 going to go off the record for five minutes. We'll
25 come back on at 12:25.

1 (Off the record.)

2 THE HEARING EXAMINER: It's 12:21.

3 We're back on the record sooner than we expected, but
4 I think we have a resolution possible for you, Ms.
5 Hardy. We don't have the proper witness to answer
6 this question with us right now. If Mr. Gebremichael
7 gives you the question now -- what is the name of the
8 expert who -- and I don't know if he's an expert. I
9 don't even know if he's been qualified as an expert,
10 but that being said, what is the name of the witness
11 who would have the answer?

12 MS. HARDY: Mr. Mike Hannigan, and he
13 has been recognized as --

14 THE HEARING EXAMINER: Perfect. So you
15 know. Excellent. Why don't you submit the answer and
16 affidavit for him?

17 MS. HARDY: Sure. We'd be happy to do
18 that.

19 THE HEARING EXAMINER: Perfect. We'll
20 give you a deadline. Now, Mr. Gebremichael has other
21 asks for the client before he will consider the
22 application.

23 But, Mr. Gebremichael, would you ask
24 the question again so Ms. Hardy can write it down for
25 Mr. Hanna?

1 MS. HARDY: Hannigan.

2 THE HEARING EXAMINER: Hannigan. Thank
3 you.

4 THE TECHNICAL EXAMINER: Yeah. I'll
5 just make it brief. Just we want a description of all
6 the pressure-limited devices deployed in the well.

7 THE HEARING EXAMINER: So you got it,
8 Ms. Hardy?

9 MS. HARDY: Yes.

10 THE HEARING EXAMINER: Perfect. Okay.
11 What else do you want from the client?

12 THE TECHNICAL EXAMINER: Thank you, Mr.
13 Hearing Examiner. If I may direct your attention to
14 page 17. That was question that I asked earlier in
15 regard to the Sodbuster 21 Fee Number 4-H. The
16 Division would like you to amend the project area in
17 case this well becomes part of the project. As you
18 predicted, in four years, it might benefit from this
19 injection, so it seems to add a small part of that 320
20 acres. So it should be amended in the future if you
21 want that well to be part of this project.

22 MS. HARDY: Mr. Gebremichael, can I ask
23 a clarification question?

24 THE TECHNICAL EXAMINER: Yes, of
25 course.

1 MS. HARDY: So at this point, that well
2 is not included in the project area, right, and so
3 it's not included in what we're asking for to be
4 reauthorized. So if we want that to be included in
5 the future, we can do that; is that correct?

6 THE TECHNICAL EXAMINER: Yes, ma'am.

7 MS. HARDY: Okay. Thank you. I just
8 want to make sure I understood.

9 THE TECHNICAL EXAMINER: The next --
10 the Division would like you to provide is in regard to
11 question number 3, which is page 32 of 139. Just
12 Manzano needs to calculate, do some reservoir
13 analysis, calculate the initial oil in place,
14 cumulative oil production, and then the remaining oil
15 in place, and then the amount of oil that it hopes to
16 recover through this continuous gas injection.

17 MS. HARDY: Understood.

18 THE TECHNICAL EXAMINER: All right.
19 I'll proceed with the next one. What we'd like to see
20 is -- that's in regard to the page 32 of 139. If you
21 could provide the Division with a
22 Cartesian-coordinated graph on a linear scale rather
23 than -- mixed scale.

24 THE WITNESS: Yes, sir.

25 THE TECHNICAL EXAMINER: I think that's

1 all I have, Mr. Hearing Examiner.

2 THE HEARING EXAMINER: Okay.

3 Wonderful.

4 Do you have any questions about what we
5 need?

6 MS. HARDY: Mr. Worrall, do you
7 understand the requests?

8 THE WITNESS: I do. I can get those to
9 you by Monday.

10 MS. HARDY: Great. Thank you.

11 THE HEARING EXAMINER: So why don't we
12 give you a deadline of November 27, which is
13 Wednesday, just so that you make sure you have
14 everything.

15 MS. HARDY: That's perfect. Thank you.

16 THE HEARING EXAMINER: November 27. So
17 that'll be amended exhibit packet?

18 MS. HARDY: Correct.

19 THE HEARING EXAMINER: All right. With
20 a cover letter?

21 MS. HARDY: Yes.

22 THE HEARING EXAMINER: All right. And
23 that'll include the affidavit from Mr. Hannigan to
24 answer the question that he wasn't able to ask today.
25 Okay.

1 MS. HARDY: Yes. Thank you.

2 THE HEARING EXAMINER: We have one --
3 so then we will take this under advisement after we
4 get your amended exhibit packet. But we're off the
5 record at this point.

6 MS. HARDY: Thank you.

7 THE HEARING EXAMINER: Now, going to
8 the last case of the day, this is number 60. Permian
9 Resources, 24939.

10 Entries of appearance, please.

11 MS. VANCE: Good afternoon, Mr. Hearing
12 Examiner. Paula Vance with the Sante Fe office of
13 Holland & Hart on behalf of Permian Resources. And I
14 do have something to discuss before we get to my
15 presentation of this case. So with the other two
16 related cases that we had a status conference on --

17 THE HEARING EXAMINER: Do you have case
18 numbers?

19 MS. VANCE: Yes. Absolutely. So it
20 would be 24941 and 24942.

21 THE HEARING EXAMINER: You said 24921?

22 MS. VANCE: 24941 and 24942.

23 THE HEARING EXAMINER: What numbers in
24 the docket were they?

25 MS. VANCE: I am trying to get to those

1 really quick. They are 43 and 44.

2 THE HEARING EXAMINER: Okay. 43 and
3 44. I have it here, yes.

4 MS. VANCE: So previously, we discussed
5 and set a tentative date of March 4th for a contested
6 hearing. However, the next case, which is 24944, was
7 also set for a March 4th contested hearing that Mr. --

8 THE HEARING EXAMINER: Yes.

9 MS. VANCE: -- Savage will be a part of
10 as well as Permian, both of our clients, and so he and
11 I discussed, is it possible for the contested hearing
12 we set for the other two Slim Jim cases, the case
13 numbers I just gave you, which was 24941 and 24942, if
14 we could possibly try to set a contested hearing
15 earlier possibly in January because they should be
16 ripe, I believe, by then.

17 THE HEARING EXAMINER: Okay. Madai, do
18 we have any dates in -- I know we have no new dates in
19 January, but what dates do we have for special
20 hearings in January?

21 THE CLERK: Mr. Hearing Examiner, that
22 I'm aware, we have no special dates for January.
23 February, I guess, is the next --

24 THE HEARING EXAMINER: All right. Hold
25 on. Let me go to our hearings module. It might tell

1 me something additional. I'm looking now at the
2 hearings module. In January, we have our regular
3 docket, which is on the 9th. We do have a special
4 examiner hearing for the 14th. Then we have the
5 Commission on the 16th. We also have a special
6 examiner hearing on the 28th. We have the 14th and we
7 have the 28th. On the 14th, we have -- let's see how
8 many cases we have. It is Permian Operating vs.
9 Avant. I'm assuming Permian would be represented by
10 your firm.

11 MS. VANCE: I don't -- I would have to
12 know the case numbers.

13 THE HEARING EXAMINER: 2480 -- well, 24
14 -- let me start. 24798, 24800, and then they just go
15 on from there. And then Avant cases, I don't know
16 who's representing -- maybe it's Ms. Bennett is
17 representing -- yeah. These cases deal with the
18 outlaw wells.

19 MS. VANCE: Yes. That would be us.

20 THE HEARING EXAMINER: Okay. I thought
21 it was. I thought so. So we could set it as a
22 trailing on that docket, if you like.

23 MS. VANCE: That would work for us.

24 THE HEARING EXAMINER: Excellent. All
25 right.

1 So, Madai, we're going to change -- all
2 right. So I'm going to recall the two cases, first of
3 all. Let's do this properly. Okay. I'm recalling
4 case 24941 and 24942. We have both parties' counsel
5 here. We have Mr. Savage and Ms. Vance. They have
6 requested a alternate hearing date instead of March 4,
7 and I have -- I am now offering them January 14 on a
8 trailing docket. That's 2025. It will trail the
9 first cases that I've already announced.

10 Is there anything further?

11 MR. SAVAGE: If I could ask a question.

12 THE HEARING EXAMINER: Yes.

13 MR. SAVAGE: So on a trailing docket --
14 I haven't done a trailing docket, so if the first set
15 of cases go for the whole day, it would carry over to
16 the next day.

17 THE HEARING EXAMINER: It would. It
18 would.

19 MR. SAVAGE: Okay. Yes.

20 THE HEARING EXAMINER: We generally set
21 these on a Tuesday so that we don't land into any
22 trouble because we have our dockets on Thursdays
23 generally. So we would have at least Tuesday and
24 Wednesday to hear the cases. If we go past Wednesday,
25 we might have to set it down the road.

1 MR. SAVAGE: All right.

2 THE HEARING EXAMINER: But we'll get it
3 done.

4 MR. SAVAGE: Yeah. Thank you.

5 THE HEARING EXAMINER: So is that
6 satisfactory to the parties, January 14?

7 MS. VANCE: I believe so, yes.

8 MR. SAVAGE: I would have to check. I
9 would have to confer with the client, the witness
10 availability, and I believe that Ms. Vance would also
11 --

12 MS. VANCE: Yes, and I just sent an
13 email, so --

14 THE HEARING EXAMINER: Perfect. Okay.
15 So we will issue a pre-hearing order in those two
16 cases for January 14 as a trailing.

17 Okay. So we've talked about that case,
18 Ms. Vance. Is there anything else on those before we
19 go back to your case?

20 MS. VANCE: No, that's it.

21 THE HEARING EXAMINER: Okay. Thank
22 you, Mr. Savage.

23 Ms. Vance, 24939.

24 MS. VANCE: Yes. So in case 24939,
25 Read & Stevens, Permian Resources Operating seeks to

1 pool a portion of the Bone Spring formation, and that
2 would be from the top of the Bone Spring formation to
3 the base of the second Bone Spring formation. And
4 that's underlying a 160-acre more or less horizontal
5 well spacing unit comprised at the north half, north
6 half of Section 14, Township 18 South, Range 31 East,
7 and that's in Eddy County, New Mexico.

8 In this case, we have included a copy
9 of the application or the compulsory pooling
10 checklist, as well as the self-affirm statements of
11 Landman Travis Macha and Geologist Chris Cantin, both
12 of whom have previously testified, and their
13 credentials have been accepted as a matter of record.
14 We have Mr. Macha's statement along with the land
15 exhibits and then Mr. Cantin's statement along with
16 the geology exhibits. And then lastly is Exhibit E,
17 which is a self-affirm statement of notice, and the
18 notice letter was timely. It went out on October
19 18th, and then the affidavit of notice of publication,
20 which was timely, and that published on October 24,
21 2024. And unless there are any questions, I would ask
22 that the exhibits and sub-exhibits be admitted in the
23 record and that this case be taken under advisement.

24 THE HEARING EXAMINER: Are there any
25 objections? Not hearing any, your exhibits are

1 admitted into evidence.

2 Mr. McClure, any questions?

3 (24939 Exhibit A through Exhibit F were
4 marked for identification and received
5 into evidence.)

6 THE TECHNICAL EXAMINER: Mr. Hearing
7 Examiner, I do have a question for each of the
8 experts.

9 THE HEARING EXAMINER: Okay. Let's get
10 Mr. Macha and Mr. Cantin on camera. I believe Mr.
11 Macha's already under oath. I'll start with him while
12 we wait for Mr. Cantin to sign in.

13 Mr. McClure, would you ask your
14 question to the landman?

15 THE TECHNICAL EXAMINER: Yes, sir.

16 Mr. Macha, if I can direct your
17 attention to the contact chronological exhibit. You
18 have it referenced as Exhibit C-4. I guess
19 essentially, I have the exact same questions that I
20 did on those prior two cases. First off, do you
21 believe that Permian had negotiated in good faith?

22 THE WITNESS: Yes, I do.

23 THE TECHNICAL EXAMINER: Okay. In
24 regards to additional information on the contacts, is
25 that material that Permian has available to it?

1 THE WITNESS: Yes, we can. I think
2 there is with the Slim Jim north half, north half unit
3 -- let me pull up these exhibits. I want to have them
4 in front of me real quick. I think this is one where
5 we did not have a lot of engagement by some of the
6 non-parties. It's us and Oxy as the majority working
7 interest owners, and most of the other working
8 interest owners are pretty small and did not reach
9 out, and we did not have great contact information
10 outside of their mailing addresses, as they are mostly
11 individuals. So there wasn't very much engagement on
12 their behalf. They are -- go ahead.

13 THE TECHNICAL EXAMINER: Oh. The only
14 thing I was going to ask is, in regards to knowing
15 which ones did respond and which ones did not, though,
16 that sort of material, you have available to you?

17 THE WITNESS: Yes, absolutely.

18 THE TECHNICAL EXAMINER: Okay. If I
19 can then request that you go ahead and amend this
20 Exhibit C-4 to include some of those additional
21 details on it.

22 THE WITNESS: Yeah, I can do that.

23 THE TECHNICAL EXAMINER: Okay. Thank
24 you, sir.

25 And that was the only question I had

1 for Mr. Macha, Mr. Hearing Examiner.

2 THE HEARING EXAMINER: Ms. Vance, do we
3 have the other witness?

4 MS. VANCE: Let me check. I thought
5 that Mr. Cantin was on. I provided him --

6 THE WITNESS: What's the question? I
7 don't know if he's on right now. I'm trying to get
8 ahold of him internally over here, but what's the
9 question? I might be able to at least give you an
10 answer from the land side, but.

11 THE TECHNICAL EXAMINER: I can go --
12 the question. I'm guessing it's kind of a more
13 geologist question. But if I can direct your
14 attention to page -- Mr. Macha, if I can direct your
15 attention to page 25 of 32.

16 THE WITNESS: I don't have the exhibits
17 in front of me.

18 THE TECHNICAL EXAMINER: Is that
19 something you can share, Ms. Vance?

20 MS. VANCE: I am working on that right
21 this second.

22 THE TECHNICAL EXAMINER: Do you see the
23 exhibit I'm referring to, Mr. Macha?

24 THE WITNESS: I do.

25 THE TECHNICAL EXAMINER: Looks like Ms.

1 Vance has it shared. Were these put together either
2 under your direction or by yourself?

3 THE WITNESS: No, they were not. They
4 were put together by -- geologists.

5 THE TECHNICAL EXAMINER: Do you have
6 familiarity with this exhibit?

7 THE WITNESS: Yes, I do.

8 THE TECHNICAL EXAMINER: Do you want me
9 to go ahead and direct my question to him, Mr. Hearing
10 Examiner, or just wait for the geologist?

11 THE HEARING EXAMINER: You need to ask
12 the person who's qualified to answer, and that would
13 not be the landman, so --

14 THE TECHNICAL EXAMINER: Okay.

15 THE HEARING EXAMINER: We can do this
16 the same way. If we don't have Mr. Cantin with us
17 now, we can do this by affidavit, Ms. Vance.

18 Mr. McClure, do you want to tell
19 Counsel what your question is, and we can get an
20 affidavit? We won't obviously take the case under
21 advisement until we get the affidavit.

22 THE TECHNICAL EXAMINER: Okay, Mr.
23 Hearing Examiner. I think the nature of the question,
24 they should be able to address to such a manner. I
25 don't think this would be something that would have to

1 continue on. That'd be my only concern is if I needed
2 to conduct additional review based upon the answer. I
3 do not think that would be the case here. I think
4 it's a simple clarifying question.

5 So, Ms. Vance, are you ready for what
6 we're looking at here?

7 MS. VANCE: I am.

8 THE TECHNICAL EXAMINER: Okay. I guess
9 my question here is, there seems to be only a single
10 well included in this application packet, and yet,
11 there seems to be two different target intervals
12 depicted upon this cross-section that we're looking
13 at. Do you see what I'm referring to?

14 MS. VANCE: Yes, and I think I can
15 probably answer that, actually, and maybe hearing it
16 now, Mr. Macha may know as well. But I believe that
17 the way that these were prepared was for all of the
18 cases, so including case numbers 24941 and 24942, we
19 had actually, I believe, filed this hearing packet
20 before VF had entered an appearance and objected. And
21 so this basically outlines the development for all
22 three of those cases. You can also see up there, it
23 says in the upper lefthand corner, the Slim Jim 1415.
24 So this is, I believe, kind of covering all of the
25 targets for the broader development between all of

1 those cases. So if you're asking to just single out
2 this one case, which I suspect is what you might want,
3 I believe we can probably do that.

4 THE TECHNICAL EXAMINER: Based upon
5 that explanation, then yes, I guess that will be what
6 I would want rather than maybe -- I mean, assuming
7 that that is correct, I assume you're correct based
8 upon what you just laid out there, then yeah, if we
9 could just identify which one of these targets is for
10 this actual case 'cause I think in the bottom left,
11 you have it as case number 24939, which is the correct
12 case number here.

13 MS. VANCE: Yes, that's correct.

14 THE TECHNICAL EXAMINER: Okay. So do
15 you know what I'm asking of you? Just essentially get
16 rid of one of those or else identify it directly as to
17 which one's being asked for here.

18 MS. VANCE: Absolutely. I believe we
19 can get that done or we will get it done.

20 THE TECHNICAL EXAMINER: And in
21 addition to that, Ms. Vance, on the pooling checklist,
22 the -- Bone Spring north pool is identified, and
23 that's incorrect. Do you have a -- are you ready for
24 the --

25 MS. VANCE: Can you provide the

1 correct --

2 THE TECHNICAL EXAMINER: Yes. I was
3 just wondering if you were ready for it yet.

4 MS. VANCE: I am ready.

5 THE TECHNICAL EXAMINER: All right.
6 The correct pool is -- however you pronounce it. It's
7 the same as, like, the well name. Bone Spring, pool
8 code 58040. Do you want me to spell out the pool name
9 for you, or are you comfortable getting it from that
10 pool code?

11 MS. VANCE: As long as the pool code is
12 correct, I can look up the pool names. 58040;
13 correct?

14 THE TECHNICAL EXAMINER: That is
15 correct, Ms. Vance.

16 MS. VANCE: Okay. I can do that.

17 THE TECHNICAL EXAMINER: And do you
18 have a list of the three different things that I'm
19 requesting from you?

20 MS. VANCE: It would be the chronology
21 of contacts, and then the geology exhibits should be
22 specific for this particular case, which is 24939, and
23 then update the compulsory pooling checklist with the
24 correct pool and pool name and pool code.

25 THE TECHNICAL EXAMINER: Yes, ma'am.

1 Mr. Hearing Examiner, were you fine
2 with the resolution that we were just discussing for
3 that geology exhibit, or do you think we should do
4 something different there?

5 THE HEARING EXAMINER: Let me ask Ms.
6 Vance.

7 Ms. Vance, what do you understand that
8 we need? And let's start with that.

9 MS. VANCE: Mr. Hearing Examiner, what
10 I understand that we need is to provide an updated
11 chronology of contacts with a little bit more detail,
12 and then the geology, I will speak with the geologist,
13 and we will make sure that the exhibits specifically
14 address this particular case, not including the other
15 two cases, which are now separated out. And then I'm
16 going to update the compulsory pooling checklist with
17 the correct pool code. Pool name and pool code.

18 THE HEARING EXAMINER: Okay. And, Mr.
19 McClure, what is your question to me?

20 THE TECHNICAL EXAMINER: My question to
21 you is just to make sure that you're comfortable with
22 the resolution and just having that new exhibit laid
23 out and that we can take Ms. Vance's description of
24 the issue, being that the exhibit was originally
25 prepared for multiple cases instead of a single or

1 one.

2 MS. VANCE: Well, let me -- may I? So
3 the -- everything, I believe, except for possibly that
4 land -- or that geology exhibit is combined, but
5 everything else, land should be good, the compulsory
6 pooling checklist is specific for this case, and so
7 are the notice exhibits. So I believe the only thing
8 that may have some crossover with the other two cases
9 is just the geology exhibits and not the statement
10 either.

11 THE HEARING EXAMINER: And when you say
12 "the other two cases," I thought I just called this
13 last case by itself. What am I missing?

14 MS. VANCE: It's the other two Slim Jim
15 cases, the 24941 and 24942.

16 THE HEARING EXAMINER: Oh. Why are we
17 talking about those cases now?

18 MS. VANCE: Because when originally, we
19 filed these hearing packets, that was, I believe,
20 prior to VF entering in appearance and objecting, and
21 the way that the geology was presented in these
22 hearing packets was as a full development. And so
23 what Mr. McClure is asking is now that we're moving
24 forward with the one case, that those exhibits are
25 specific to just this one case.

1 THE HEARING EXAMINER: So you're saying
2 at one time, 24939 was filed at the same time and is
3 related to 24941 and 24942?

4 MS. VANCE: That's correct.

5 THE HEARING EXAMINER: That is correct?
6 I didn't know that.

7 MS. VANCE: And I did just see that Mr.
8 Cantin is online, so, you know, if Mr. McClure does
9 want to ask the same question to the geologist
10 himself, he is available.

11 THE HEARING EXAMINER: Mr. McClure, if
12 you ask the geologist this question, does that satisfy
13 -- does that moot the question you just asked me, or
14 do we still have that issue?

15 THE TECHNICAL EXAMINER: It would moot
16 that original question, yes.

17 THE HEARING EXAMINER: Oh, well, then
18 let's get Mr. Cantin on the line.

19 MR. CANTIN: How are you doing?

20 THE HEARING EXAMINER: We need to see
21 you, please. Okay. Mr. Cantin, would you raise your
22 right hand, please?

23 CHRISTOPHER CANTIN,
24 called as a witness and having been first duly sworn
25 to tell the truth, the whole truth, and nothing but

1 the truth, was examined and testified as follows:

2 THE HEARING EXAMINER: Okay. Mr.
3 McClure, your question?

4 THE TECHNICAL EXAMINER: Thank you, Mr.
5 Hearing Examiner.

6 Mr. Cantin -- oh, Ms. Vance already has
7 the exhibit up. If I can direct your attention to
8 this Exhibit E-4 that Ms. Vance is sharing.

9 THE WITNESS: Yes.

10 THE TECHNICAL EXAMINER: On this
11 exhibit, there's reference to two different targets,
12 presumably both within the second Bone Spring based on
13 the description here. Do you see what I'm referring
14 to?

15 THE WITNESS: Yes, sir.

16 THE TECHNICAL EXAMINER: Is it accurate
17 that only one of these targets is meant to be for this
18 particular case?

19 THE WITNESS: Yes, sir.

20 THE TECHNICAL EXAMINER: Okay. And
21 what the Division's requesting is that this exhibit be
22 amended to either only reference the target that's
23 specific to this case or else at least identify it as
24 to which one is being requested here within this case.
25 Do you understand what we're asking for?

1 THE WITNESS: Yes, sir.

2 THE TECHNICAL EXAMINER: Okay. Thank
3 you, Mr. Cantin.

4 I have no further questions, Mr.
5 Hearing Examiner.

6 THE HEARING EXAMINER: Okay. Thank
7 you, Mr. McClure. So now with that clarification from
8 your witness, are you comfortable with what the
9 Division still needs before it can take this case
10 under advisement?

11 MS. VANCE: I am comfortable.

12 THE HEARING EXAMINER: Okay. And when
13 will you be able to have that to us?

14 MS. VANCE: I would have to ask Mr.
15 Cantin regarding the geology when he can update that
16 and Mr. Macha, I think, you know, see when he can
17 update his chronology of contacts and go off of when I
18 can get those back from them.

19 THE HEARING EXAMINER: They're both
20 here.

21 So, Mr. Cantin, you want to weigh in?

22 THE WITNESS: I can get that out today
23 and just make that quick edit.

24 THE HEARING EXAMINER: Okay. And what
25 about Mr. Macha?

1 THE WITNESS: I'm good with either
2 later this week or that same 27th deadline as the
3 other ones.

4 THE HEARING EXAMINER: We'll keep the
5 November 27 deadline for this case as well, Ms. Vance.

6 MS. VANCE: Perfect.

7 THE HEARING EXAMINER: Give you some
8 time. Okay. If there's nothing else for this case,
9 then we are done with our docket today, and we are in
10 recess. Thank you.

11 (Whereupon, at 12:49 p.m., the
12 proceeding was concluded.)
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CERTIFICATE

I, JAMES COGSWELL, 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.

December 9, 2024



JAMES COGSWELL
Notary Public in and for the
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, PROMY ISLAM, 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.

December 9, 2024



PROMY ISLAM

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