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

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P R O C E E D I N G S

THE HEARING OFFICER: Good morning. It is 9:00 a.m. on December 5th. These are the hearings of the Oil Conservation Division. This is the regular docket here, hearings by affidavit today, but we are going to hear a few other issues as well.

And my name is Gregory Chakalian. I'm the Hearing Examiner appointed by the Director, and we are going to start. And I'm going to ask everyone who's not here in the room to please mute your microphone so we don't have interruptions. And then when it's your turn to speak, unmute your microphone. So thank you very much.

We are going to start with case number 24963. This is a Compulsory Pooling Application from Permian Resources operating. We do have an objection to it.

Entries of appearance, please.

MS. VANCE: Good morning, Mr. Hearing Examiner. Paula Vance with the Santa Fe Office of Holland and Hart on behalf of Permian. Oh. And Michael Feldewert.

THE HEARING OFFICER: Thank you. Do we have any other entries of appearance to announce themselves?

1 Do we have American Energy Resources  
2 with us?

3 MR. SAMANIEGO: Yes. Yes,  
4 Mr. Examiner. I just unmuted.

5 THE HEARING OFFICER: Okay. Thank you.

6 MR. SAMANIEGO: Jonathan Samaniego  
7 representing American Energy Resources, and my witness  
8 is here today.

9 THE HEARING OFFICER: Great. Can you  
10 spell your name, please?

11 MR. SAMANIEGO: J-O-N-A-T-H-A-N, last  
12 name S-A-M-A-N-I-E-G-O.

13 THE HEARING OFFICER: Okay. And how do  
14 you say your last name?

15 MR. SAMANIEGO: Samaniego.

16 THE HEARING OFFICER: Okay. Thank you.  
17 I want to say it properly. And did you say that you  
18 have a witness with you?

19 MR. SAMANIEGO: Yeah.

20 THE HEARING OFFICER: Okay. Very good.  
21 All right. So let's deal with this motion first, and  
22 then we'll get the witnesses sworn in.

23 And Mr. Samaniego, I know that you've  
24 been advised that your witness needs to be in front of  
25 a camera so that we can swear your witness in. We'll

1 get to that in a bit.

2 Okay. So we have a Motion to Strike.  
3 It was filed, let's see, it was filed on November 27.  
4 And the basis of the motion is that -- and it's filed  
5 by Ms. Vance. The basis of the motion is outlined in  
6 paragraph one.

7 "A party may only enter an appearance  
8 to an adjudicatory proceeding if they are entitled to  
9 Notice." And that is Rule 19.15.4.10 A. NMAC.

10 "Notice is provided to each owner of an interest in  
11 the mineral estate that an applicant seeks to pool."  
12 That's under 19.15.4.12 A. (1) (a) NMAC.

13 Now, we have testimony from a landman  
14 that we will hear from today. We also have the  
15 Landman's Exhibit A, which shows the subject acreage.  
16 We have a breakdown of interest owners that is part of  
17 Exhibit A, and we have a Self-Affirmed Statement of  
18 Mr. Collin Christian, who has previously testified  
19 before the OCD as an expert witness in petroleum land  
20 matters.

21 Mr. Christian, do we have you?

22 MR. CHRISTIAN: Yes, I'm present.

23 THE HEARING OFFICER: Okay. Very good.  
24 Thank you. We'll get to you in a little bit.

25 Then had a -- we also have an Exhibit B

1 with that motion. And this is, again, a -- this is a  
2 list of certified mailings to different interest  
3 owners. Ultimately, Mr. Christian has decided that  
4 Mr. Samaniego and American Energy Resources do not own  
5 any interest in the subject land.

6 So then I received several documents.  
7 They were not filed the way most OGRID operators file  
8 documents. They were emailed, but I have them. And  
9 and I have them in hand. And I know that they were  
10 served on Ms. Vance.

11 Ms. Vance, you got them; right?

12 MS. VANCE: That's correct.

13 THE HEARING OFFICER: All right. Very  
14 good. So we have Mr. Samaniego's -- he filed two  
15 documents; one last week, and one this week. And I'm  
16 looking at the more recent one.

17 Mr. Samaniego, why did you file a  
18 second opposed Motion to Strike?

19 MR. SAMANIEGO: Upon finding out that  
20 Permian is pooling without owning an interest.

21 THE HEARING OFFICER: Okay. Very good.  
22 And you also --

23 MR. SAMANIEGO: I'm not done. I'm not  
24 done. And then try to spoke to -- then tried to  
25 strike me stating that I have no interest. That's why

1 I opposed Motion to Strike and then a request for a  
2 dismissal of the case withstanding.

3 THE HEARING OFFICER: Okay. Very good.  
4 And part of your motion is that number one, the sworn  
5 statement by Mr. Christian was not notarized. Which  
6 you say is required under Rule 19.15.4.12 (c) NMAC; is  
7 that correct, sir?

8 MR. SAMANIEGO: I believe it's  
9 19.15.4.12 A. (1)(c). That way we're more specific.

10 THE HEARING OFFICER: A. (1)(C)? Okay.  
11 A. (1)(C). All right. Thank you, sir. A. (1)(C).

12 MR. SAMANIEGO: Applicant shall provide  
13 with all submitted sworn and -- shall be sworn and  
14 notarized statements. That way you know it's  
15 guaranteed 100 percent of them.

16 THE HEARING OFFICER: Right. I  
17 understand, sir. Okay. I'm just reviewing what I  
18 have. I'm not asking for oral argument yet, but I do  
19 understand what you're getting at. And then, of  
20 course, you --

21 MR. SAMANIEGO: And also, the strike  
22 was also on their affidavit that the landman  
23 submitted. I stricken that out. It is not notarized,  
24 and I strick it. Therefore, it could -- it is not  
25 admittable evidence at this time.

1 THE HEARING OFFICER: Okay. Thank you.  
2 I'll ask for an opening statement in just a moment;  
3 okay?

4 MR. SAMANIEGO: Okay.

5 THE HEARING OFFICER: All right. I'm  
6 just reviewing what I have here. Okay. And then I  
7 also have a notarized Self-Affirmed Statement of  
8 Lindsey Sandoval, and I've read that a few times.

9 And I asked you to have -- is it Mr. or  
10 Mrs. Sandoval?

11 MR. SAMANIEGO: Are you talking to me?

12 THE HEARING OFFICER: Well, yes, I am.  
13 Yes.

14 MR. SAMANIEGO: To Ms. Sandoval or  
15 Mr. Samaniego?

16 THE HEARING OFFICER: I'm asking so I  
17 correctly address, is it Mr. or Ms. Sandoval?

18 MS. SANDOVAL: It's Mrs. Sandoval.

19 THE HEARING OFFICER: Ah, thank you.  
20 That's what I'm asking. Thank you, Mrs. Sandoval.  
21 Okay. Very good. Okay.

22 Now, I'm going to give Ms. Vance an  
23 opportunity to reply before we begin, and a brief  
24 opening statement on your motion.

25 MS. VANCE: Thank you, Mr. Hearing

1 Examiner. So this is actually pretty straightforward.  
2 We have done -- Permian has conducted a Title  
3 Examination, and they've made the determination that  
4 American Energy does not own an interest, and neither  
5 does Mr. Samaniego.

6 And because neither American Energy nor  
7 Mr. Samaniego own an interest, and Permian is not  
8 trying to pool either party, that this case should  
9 move forward. And to delay the case would be  
10 prejudicial to Permian who is preparing to drill this  
11 well in the beginning of 2025.

12 Now, to just address some of what he  
13 has out outlined in his filing. You know, this first  
14 requirement regarding notarization, I think we all  
15 understand here that based on the rules of civil  
16 procedure for New Mexico, that the OCD does allow for  
17 Self-Affirmed Statements. So that's not at issue  
18 here.

19 THE HEARING OFFICER: Can you cite the  
20 rule for Mr. Samaniego? If you can't, I have it here.

21 MS. VANCE: I do not have it off the  
22 top of my head, but would --

23 THE HEARING OFFICER: Okay. I'm happy  
24 to cite it.

25 Mr. Samaniego, there is a rule of civil

1 procedure which allows for Self-Affirmed Statements  
2 that are not notarized. It is New Mexico rule  
3 annotated, that's NMRA 1-011, subsection B. And you  
4 can look that up, and you will see that as long as  
5 there is particular language in the Self-Affirmed  
6 Statement, and that it is signed and dated, it has  
7 same validity as a affidavit.

8 So in that part of your response, I  
9 wanted you to be clear that that does not disqualify  
10 their affidavit or their Self-Affirmed Statement.

11 MS. VANCE: And then to address his  
12 second --

13 MR. SAMANIEGO: If you can give me a  
14 moment, I don't have an examiner helping me. But if  
15 you can give me a moment to read up on that statute?

16 THE HEARING OFFICER: Okay. It's  
17 actually a rule. So if you just type in your search  
18 engine "NMRA 1-011," and then look at subsection B,  
19 you'll see the rule that I'm abiding by. Moreover,  
20 Mr. Samaniego, we're going to have Mr. Christian, and  
21 we're going to have your witness sworn in to give  
22 evidence today.

23 MR. SAMANIEGO: I object. It should be  
24 signed by the parties represented by the attorney  
25 representing the party. The fact that it wasn't

1 signed by the attorney, it again, it's invalid. It is  
2 improper. I strike it again. I Motion to Strike it.  
3 It was not signed by the party's attorney. Statute  
4 1-011 B has no ground and has no standing.

5 THE HEARING OFFICER: Okay.

6 Mr. Samaniego, your Motion to Strike is denied.

7 So would you please continue,  
8 Ms. Vance?

9 MS. VANCE: Yes. Thank you.

10 So to address Mr. Samaniego's second  
11 issue --

12 MR. SAMANIEGO: We signed least one  
13 attorney of the -- one attorney of the record. It was  
14 not signed by at least one attorney of the record.

15 THE HEARING OFFICER: Mr. Samaniego,  
16 the statement --

17 MR. SAMANIEGO: I'm looking at the  
18 statute right now. You can't -- you -- it is the  
19 statute. You're quoting the statute. Let's follow  
20 the statute; okay? "Signed by at least one attorney  
21 of the record." Ms. Vance, Mr. Rankin, nobody at  
22 Holland & Heart signed this document. It's invalid.  
23 It is improper.

24 THE HEARING OFFICER: Okay. Thank you,  
25 sir.

1 MR. SAMANIEGO: It's improper.

2 THE HEARING OFFICER: All right. Now,  
3 if we're going to have -- Mr. Samaniego, if we're  
4 going to have a hearing today, you know, you'll have  
5 your opportunity to speak. But you can't interrupt  
6 me, and you can't interrupt the other party when their  
7 turn comes to speak.

8 So now let's have Ms. Vance respond to  
9 what you just said.

10 MS. VANCE: Okay. I'm just going to go  
11 through finishing responding to what Mr. Samaniego  
12 laid out in his response motion regarding whether or  
13 not this is bias or that, you know, Permian's sworn  
14 statement was signed by their senior landman. So in  
15 his statement that was included as an attachment to  
16 our Motion to Strike, it says that "Permian conducted  
17 a Title Examination of the subject lands."

18 And if we go to the hearing packet that  
19 we also filed last -- on the 27th along with this  
20 Motion to Strike, you'll see that in that statement,  
21 Mr. Christian lays out that the exhibits that were  
22 prepared were either prepared by himself or under his  
23 direct supervision.

24 Now, Mr. Christian did not actually do  
25 the Title Examination, but Permian as a company did

1 the Title Examination. And Mr. Christian is the one  
2 who oversaw that, and he is familiar with the Title  
3 Examination; the company that completed that Title  
4 Examination. And so that should not be an issue here.

5 THE HEARING OFFICER: Are you finished?

6 MS. VANCE: That's it on that one, yes.

7 THE HEARING OFFICER: Okay. Let's call  
8 the witnesses.

9 MR. SAMANIEGO: I'm -- speak. I have  
10 to speak.

11 THE HEARING OFFICER: Not yet, sir.  
12 I'll let you know when it's your turn to speak.

13 We're going to get the witnesses sworn  
14 in.

15 So Mrs. Sandoval, Mrs. Lindsey  
16 Sandoval, would you turn on your camera, please?

17 And Mr. Collin Christian, would you  
18 turn on your camera?

19 MR. CHRISTIAN: Yes. Mine's on.

20 MS. SANDOVAL: Mine's on also.

21 THE HEARING OFFICER: I see you,  
22 Ms. Sandoval. Thank you. Okay. Would you please  
23 raise your right hands for me?

24 //

25 //

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

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

11  
12 THE HEARING OFFICER: Okay. Good.  
13 Would you state and spell your names for the record,  
14 please?

15 WITNESS SANDOVAL: Lindsey Sandoval,  
16 L-I-N-D-S-E-Y S-A-N-D-O-V-A-L.

17 THE HEARING OFFICER: Thank you.

18 WITNESS CHRISTIAN: Collin Christian.  
19 C-O-L-L-I-N C-H-R-I-S-T-I-A-N.

20 THE HEARING OFFICER: Okay. All right.  
21 Let's start with Ms. Sandoval.

22 Ms. Sandoval?

23 WITNESS SANDOVAL: Yes, sir?

24 THE HEARING OFFICER: I'm going to ask  
25 you some questions because Mr. Samaniego is not an

1 attorney. So I want to get this Self-Affirmed  
2 Statement admitted into evidence; okay? So first, let  
3 me start by -- do you have a copy of this Self-  
4 Affirmed Statement handy? Okay. Perfect. Excellent.  
5 Did you draft this yourself?

6 WITNESS SANDOVAL: Yes, sir.

7 THE HEARING OFFICER: Okay. Very good.  
8 And are there any changes that you want to make to  
9 anything in this statement before we admit it into  
10 evidence?

11 WITNESS SANDOVAL: No, sir.

12 THE HEARING OFFICER: Okay. Very good.  
13 Do you adopt this statement under oath?

14 WITNESS SANDOVAL: Yes.

15 THE HEARING OFFICER: Okay. You do.  
16 Okay.

17 I'm going to admit on Mr. Samaniego's  
18 behalf. I'm going to admit the Self-Affirmed  
19 Statement of Lindsey Sandoval as notarized on December  
20 2nd and signed by Ms. Sandoval into evidence.

21 Are there any objections?

22 MS. VANCE: No. There's no objections.

23 (Exhibit 1 was marked for  
24 identification and received into  
25 evidence.)

1 THE HEARING OFFICER: All right,  
2 thanks. Now, let's get the evidence from Mr. Collin  
3 Christian entered into evidence. Let me find it  
4 first. Okay.

5 Ms. Vance, what are you seeking to have  
6 admitted into evidence for this part of the  
7 preliminary hearing?

8 MS. VANCE: Thank you, Mr. Hearing  
9 Examiner. We would just ask that the exhibits that we  
10 filed in conjunction with our Motion to Strike be  
11 admitted as on the record or into the record.

12 THE HEARING OFFICER: Okay. Would you  
13 go over them the way I did with Mr. Christian, and  
14 we'll get them admitted?

15 MS. VANCE: Sure.

16 DIRECT EXAMINATION

17 BY MS. VANCE:

18 Q Mr. Christian, can you -- and I believe you  
19 do have a copy of the filing that we put together.  
20 Can you just go over -- did you put together this, or  
21 did you oversee the exhibit that outlines Permian's  
22 proposed Spacing Unit, and also the title that was  
23 conducted?

24 A Yes, I did.

25 Q Okay. And then did you oversee the exhibit

1 that we included as Exhibit A that was included with  
2 the filing along with in the hearing packet that we  
3 filed last week on Wednesday?

4 A Yes, I did.

5 Q Okay. And then the Self-Affirmed Statement,  
6 did you review that and then check it for correctness  
7 and sign and date that as your Self-Affirmed  
8 Statement?

9 A Yes, I did.

10 Q Okay. And you provided me with the notice  
11 list for this hearing; correct?

12 A That is correct.

13 Q And the Exhibit B is all of the notice  
14 parties that you provided me that we provided -- or is  
15 the notice list that you provided me; correct?

16 A That is correct.

17 MS. VANCE: Okay. I would move to  
18 admit Exhibits A and B into the record.

19 THE HEARING OFFICER: Okay. So I have  
20 in front of me Exhibit A is a -- it's a map of some  
21 sort; right, Mr. Christian? Can you describe what  
22 Exhibit A is?

23 WITNESS CHRISTIAN: Correct. Exhibit A  
24 is a map of the space unit for the Caveman 134H well,  
25 which is what we're proposing for -- for here.

1 THE HEARING OFFICER: Okay.

2 Mrs. Sandoval, did you receive a copy  
3 of Exhibit A?

4 WITNESS SANDOVAL: Yes, sir.

5 THE HEARING OFFICER: Okay. And at the  
6 bottom of Exhibit A, it says before the oil  
7 conservation division, it says "Santa Fe, New Mexico,  
8 Exhibit Number C-2." Do you see that?

9 WITNESS SANDOVAL: No. I have -- are  
10 you talking about the map?

11 THE HEARING OFFICER: Yes, I am.

12 WITNESS SANDOVAL: Oh. I don't have a  
13 printed copy of the map. I just have it pulled up on  
14 my computer.

15 THE HEARING OFFICER: Okay. Well,  
16 that's okay. I want to make sure that you can see  
17 their exhibits because I think it's important that you  
18 see what they're submitting because they have what --  
19 okay. Good. So how did you get a copy of this  
20 exhibit?

21 WITNESS SANDOVAL: It was emailed to  
22 me.

23 THE HEARING OFFICER: Okay. By who?

24 WITNESS SANDOVAL: By Mr. Samaniego.

25 THE HEARING OFFICER: Okay. Perfect.

1     Excellent.  And so do you see a map that is labeled  
2     "Exhibit A," and it's yellow and it's horizontal?

3                     WITNESS SANDOVAL:  Give me just a  
4     second to get that up on my screen.

5                     THE HEARING OFFICER:  Okay.  Okay.  
6     Because I'd like you to see it.  Ms. Sandoval, your  
7     camera's off and you're muted.

8                     WITNESS SANDOVAL:  I am not in front of  
9     my computer.  I'm pulling up the document real quick.

10                    THE HEARING OFFICER:  That's okay.  
11    Thank you.

12                    WITNESS SANDOVAL:  Okay.

13                    THE HEARING OFFICER:  And  
14    Mr. Samaniego, did you receive -- I know you received  
15    the Motion to Strike, and you have a copy of Exhibit A  
16    and Exhibit B?

17                    WITNESS CHRISTIAN:  Let me double  
18    check.

19                    THE HEARING OFFICER:  Thank you.  Okay.  
20    I can see you.

21                    WITNESS SANDOVAL:  I know.  Okay.  I  
22    have the map pulled up.

23                    THE HEARING OFFICER:  Okay.  Good.  And  
24    you see how it's marked "Exhibit A"?

25                    WITNESS SANDOVAL:  Yes, sir.

1 THE HEARING OFFICER: Okay. Very good.  
2 And then do you see on the next page of the --

3 WITNESS SANDOVAL: No. It's marked  
4 Exhibit Number C2; correct?

5 THE HEARING OFFICER: That's down  
6 below. That's for -- the reason that there's two  
7 exhibits on it is that, and I'm assuming --

8 WITNESS SANDOVAL: Oh, I see.

9 THE HEARING OFFICER: -- is that there  
10 is a packet for the -- the applicant put a packet  
11 together of exhibits for the Hearing by Affidavit.  
12 But once there was an objection, they were responding  
13 to the objection.

14 WITNESS SANDOVAL: Okay. That's fine.  
15 I see it. I see the exhibit.

16 THE HEARING OFFICER: Okay. Good. And  
17 then do you see the second page of Exhibit A? It  
18 starts out with the -- it looks like a spreadsheet,  
19 and it says "Unit summary" on top?

20 WITNESS SANDOVAL: Yes.

21 THE HEARING OFFICER: Okay. Very good.  
22 All right. I want to make sure that you have  
23 everything that I have. Okay. And then a few pages  
24 later, we have a Self-Affirmed Statement of Mr. Collin  
25 Christian. Do you see that? Oh, you have that?

1 Well, is that yours, or is that his?

2 WITNESS SANDOVAL: That's his.

3 THE HEARING OFFICER: That's his. Very  
4 good. Okay. Then, if you go to the next page, we  
5 have Exhibit B. Okay. You have that too? Okay.  
6 Excellent. Okay. Very good.

7 Mr. Samaniego, your witness has these  
8 exhibits, and I'm assuming you have them as well?

9 MR. SAMANIEGO: Yes, I believe I do.

10 THE HEARING OFFICER: Okay. Wonderful.  
11 So Mr. Samaniego, I'm going to give you an  
12 opportunity. Are there any objections to Exhibit A or  
13 Exhibit B being entered into evidence?

14 MR. SAMANIEGO: Yes. I object to all.

15 THE HEARING OFFICER: Okay. Can you  
16 state your grounds, please?

17 MR. SAMANIEGO: Yes. Yes. Back to the  
18 statute, Rule 1-011, that sworn affidavit was not  
19 signed by an attorney, therefore, it is invalid. It  
20 also goes on to say "If a pleading, motion, or other  
21 paper is signed with intent to defeat the purpose of  
22 this rule, it may be stricken as sham and false, and  
23 the action may proceed as though the pleading or other  
24 paper had not been served.

25 If a pleading, motion, other paperwork

1 is not signed," which at this case would be the  
2 attorney, which is basically the notary for the  
3 document being sworn, "it shall be stricken unless it  
4 is signed promptly after the omission is called to the  
5 attention of the pleader or movant. For a willful  
6 violation of this rule an attorney or party may be  
7 subjected to appropriate disciplinary or other  
8 action."

9 It's invalid because it's improper.  
10 It's improper because they don't own an interest.  
11 Mrs. Vance, she's a hired party. She did not do that  
12 title research. She's going to say whatever they're  
13 paying her to say. The same with the thing with  
14 Collin Christian.

15 He's their employee. He didn't even do  
16 the -- work. He had the other -- his other lower  
17 employees do the work, and he signed an affidavit  
18 saying that -- that it's proper. He don't even know  
19 what he's signing up on. These are all employees of  
20 Permian. It is bias.

21 It should be eye opening that today's  
22 hearing, 90 percent of this hearing is all Permian.  
23 Ninety percent of it is Permian. You know, I'm here  
24 without an attorney, not because I didn't look for  
25 one. Everybody -- everybody has conflict of interest

1 all working for Permian, you know?

2 So back to the statute of Rule 1-011,  
3 it is improper. To move forward with this is  
4 improper. And under Oil and Gas Act 70-2-11, The  
5 Division is obligated with the duty to prevent and  
6 protect correlative rights. America's Energy rights  
7 are not being protected -- are not being protected.

8 They're actually being fraudulently  
9 stolen, and The Division is not doing their duty and  
10 obligation to protect correlative rights. And right  
11 now, those are American Energy correlative rights that  
12 The Division is obligated to protect. 1962 comes to  
13 Oil versus Oil Conservation Commission. 1962.

14 THE HEARING OFFICER: Okay. Thank you,  
15 sir. I understand your objection.

16 MR. SAMANIEGO: The power -- the -- of  
17 a duty to prevent --

18 THE HEARING OFFICER: Mr. Samaniego,  
19 I've heard your objection. Thank you, sir. If I  
20 start talking, Mr. Samaniego, I advise you to stop  
21 talking if I start talking; okay? You'll have your  
22 opportunities throughout the hearing. But if I start  
23 speaking, you stop.

24 So, Mr. Samaniego, the point here today  
25 is whether or not you own an interest in this land,

1 and that's the crux of the issue. I'm overruling your  
2 objection to these exhibits. These exhibits will come  
3 in, and you can cross examine Mr. Christian to find  
4 out whether or not the data is reliable and relevant.  
5 But that's your opportunity at this point.

6 So I'm going to now start --  
7 (Exhibit 2 and Exhibit 3 were marked  
8 for identification and received into  
9 evidence.)

10 MR. SAMANIEGO: If I may, I want it on  
11 record that is being entered by the examiner -- being  
12 entered improperly because it is not properly --  
13 the -- the document is not -- is not proper with the  
14 law of the proceedings.

15 THE HEARING OFFICER: Thank you. Your  
16 objection was noted.

17 MR. SAMANIEGO: One that --

18 THE HEARING OFFICER: Mr. Samaniego,  
19 your objection was noted. It's been overruled. I'm  
20 not going to go into all the reasons why I'm  
21 overruling it. It would take too long. However, we  
22 have your witness, Ms. Sandoval, ready to testify on  
23 your behalf.

24 //

25 //

1 DIRECT EXAMINATION

2 BY THE HEARING OFFICER:

3 Q Ms. Sandoval, I wanted to first discuss your  
4 Self-Affirmed Statement. First, you don't need to be  
5 an expert as a landman to testify. However, if you  
6 want to try to qualify as an expert, we can do that.  
7 You're under oath, and I can ask you questions.

8 But I don't know that you need to be an  
9 expert for your evidence to have a certain amount of  
10 weight. Do you want to be qualified as an expert as a  
11 landman?

12 A Just a witness is fine.

13 Q Okay. Very good. All right. All right.  
14 So that was paragraph two of your statement that I  
15 wanted to discuss. Okay. You said here that you  
16 conducted a Title Examination of the interest owned by  
17 Mr. Jonathan Samaniego in the subject lands where  
18 Permian Resources Operating seeks to pool.

19 Can you tell me a little bit about your  
20 Title Examination and exactly what are the subject  
21 lands that you searched?

22 A The subject line -- lands that I searched  
23 are defined in the deed per -- that is into  
24 Mr. Samaniego. It was purchased through the state on  
25 tax sale, basically, for failure to pay taxes for the

1 previous party. And so he purchased that interest.  
2 And so I took that information and began doing Title  
3 Examination of that land, and found that minerals had  
4 never been severed, and that the interest that he owns  
5 is -- is there.

6 Q Okay. Now, what you left out of this  
7 sentence here was a legal description of the lands  
8 that you searched. So do you have that?

9 A It's a 0.1 acre in 22, 27, Section 7 in the  
10 southeast quarter of the southeast quarter.

11 Q Okay. Okay. Now, you just said 22 27, what  
12 is that?

13 A Township 22, Range 27, Section 7.

14 Q Okay. So is it Township 22, is that north  
15 or south?

16 A Oh, south. Sorry.

17 Q Thank you. I'm trying to be specific so  
18 that --

19 A No, you're fine. You're fine. 22 south.

20 Q and the range is 27 east?

21 A Yes, sir.

22 Q And then you said Section 7?

23 A Yes, sir.

24 Q Okay. Very good. And then you said the  
25 southeast quarter of the southeast quarter?

1 A Yes, sir.

2 Q Okay. Very good. Okay. That was my first  
3 question because you left out the legal description of  
4 the lands that you said he owns an interest. Okay.

5 A Yes.

6 Q And then you said that it is your sworn  
7 testimony that based on Title Examination,  
8 Mr. Samaniego owns an interest in the subject lands  
9 that Permian seeks to pool. What type of interest  
10 does he own?

11 A He owns a surface and mineral interest.

12 Q Surface and mineral interest?

13 A Yeah.

14 THE HEARING OFFICER: Okay. Very good.  
15 Okay. Those were some questions that I had.

16 I'm now going to ask Ms. Vance if she  
17 has any cross-examination questions for you.

18 MS. VANCE: Yes, I do have a few. And  
19 that was definitely helpful to clarify for us.

20 CROSS-EXAMINATION

21 BY MS. VANCE:

22 Q But I did kind of want to start with, let me  
23 see here, what is the effective date of this  
24 instrument?

25 A Let me pull that up. It is effective

1 January 1, 2019.

2 Q And you are testifying that it's still valid  
3 then?

4 A I don't understand your question.

5 Q Whether or not the instrument itself is  
6 still a valid instrument? Whether or not there's been  
7 any kind of expiration or break in title or anything  
8 like that. You're saying it's still valid?

9 A Yes.

10 THE HEARING OFFICER: I have a  
11 question. I'm going to interrupt for a second.

12 Ms. Sandoval, when you look at Exhibit  
13 A, that's the map that I asked if you had. Do you  
14 still have it there? I see that this map seems to  
15 cover two township ranges. So I'm assuming that it's  
16 the area on the right side, which is the Township 22  
17 South, Range 27 East? That's what you said  
18 Mr. Samaniego owns an interest in?

19 WITNESS SANDOVAL: Yes. In Section 7.

20 THE HEARING OFFICER: Okay. Very good.  
21 In Section 7. And I see a number seven above the red  
22 line?

23 WITNESS SANDOVAL: Yes.

24 THE HEARING OFFICER: And what I'm  
25 wondering is, is Section 7 even in this subject lands?

1 WITNESS SANDOVAL: I didn't create this  
2 map.

3 THE HEARING OFFICER: Right.

4 WITNESS SANDOVAL: And if I did, I  
5 would've done it a little bit different so it would be  
6 quite a bit clearer. However, you'd have to ask Mr.  
7 Christian that question since he's the one who  
8 prepared the document.

9 THE HEARING OFFICER: Okay. Perfect.  
10 Mr. Christian?

11 WITNESS CHRISTIAN: Yes. Section 7  
12 is -- this would just be the south half of Section 7.

13 THE HEARING OFFICER: Okay. Because it  
14 doesn't say that here.

15 WITNESS CHRISTIAN: Identify the whole  
16 section and labeled it, but just the south half there.

17 THE HEARING OFFICER: Okay. Very good.  
18 So Section 7 has a north half and a south half, and  
19 sure would be -- it sure would've been better if you  
20 had indicated the sections in here because the seven  
21 is above the red line. So you're saying the north  
22 half of seven is above the red line, and the south  
23 half of seven is below the red line?

24 WITNESS CHRISTIAN: That's correct.

25 THE HEARING OFFICER: Okay. All right.

1 And then Mrs. Sandoval, you said that the southeast  
2 quarter of the southeast quarter, your client has an  
3 interest in.

4 And so Mr. Christian, that would be in  
5 the subject lands; would it not?

6 WITNESS CHRISTIAN: Yes, that would be.

7 THE HEARING OFFICER: Okay. Very good.  
8 Okay. Ms. Vance, can you please continue?

9 MS. VANCE: Thank you. I just have a  
10 couple of more questions here.

11 BY MS. VANCE:

12 Q So I did want to confirm. You said that  
13 this interest was from a tax sale purchased through a  
14 tax sale. And what you're saying is that it was for a  
15 surface estate, and that the mineral estate was not  
16 severed; is that correct?

17 A The document specifically states that it was  
18 for all of the interest owned by the former person  
19 who -- who owned the land prior to the tax issue. And  
20 the interest that he owned was Surface and Minerals.  
21 So based on that examination, I'm going to say he owns  
22 Surface and Minerals.

23 Q Okay. And then was this instrument  
24 recorded? Has it been recorded?

25 A It has been recorded, yes. And it's easily

1 found through a search of the Eddy County Clerk's  
2 office online or in the county.

3 Q Can you describe the instrument, please?

4 THE HEARING OFFICER: Or better yet,  
5 can you email a copy of the instrument?

6 Mr. Samaniego, do you have a problem  
7 with that?

8 MR. SAMANIEGO: I do not.

9 THE HEARING OFFICER: Okay.  
10 Mrs. Sandoval, if I give you an email address, could  
11 you send that document to us?

12 WITNESS SANDOVAL: Yes, sir.

13 THE HEARING OFFICER: Okay. Let me  
14 know when you're ready.

15 Ms. Vance. I'm going to have --

16 WITNESS SANDOVAL: Okay. What is the  
17 email?

18 THE HEARING OFFICER: It is "P" as in  
19 Paula, "M" as in Mary, Vance, V-A-N-C-E  
20 @hollandhart.com. That's H-O-L-L-A-N-D-H-A-R-T.com.

21 WITNESS SANDOVAL: Okay.

22 THE HEARING OFFICER: As soon as you  
23 get it, would you forward a copy to me and to  
24 Mr. Christian?

25 WITNESS SANDOVAL: Absolutely.

1 THE HEARING OFFICER: And then what I'd  
2 like to do is, I'd like to take a break on this case.  
3 Let Mr. Christian -- let's have him look at this and  
4 see if he can figure out whatever he needs to figure  
5 out. Because I think this should have been filed as  
6 well. This would've been helpful to this hearing  
7 today.

8 MS. VANCE: Absolutely. And you asked  
9 the question that I was going to ask, which is great.  
10 I only have one other question for Ms. Sandoval  
11 whenever she's ready.

12 THE HEARING OFFICER: Sure. Let's wait  
13 for the emails.

14 WITNESS SANDOVAL: Okay. That email  
15 was -- is sending.

16 THE HEARING OFFICER: Thank you.

17 WITNESS SANDOVAL: Oh. Maybe I didn't  
18 attach the document. Oh, I did. It's there. Okay.

19 THE HEARING OFFICER: Mr. Samaniego, do  
20 you have a copy of this document?

21 MR. SAMANIEGO: Of my file D?

22 THE HEARING OFFICER: Ms. Sandoval,  
23 does your --

24 WITNESS SANDOVAL: Yes, sir?

25 THE HEARING OFFICER: Does he have a

1 copy of this document?

2 WITNESS SANDOVAL: He should. He  
3 provided it to me.

4 THE HEARING OFFICER: Perfect. Okay.  
5 Okay. Mrs. Sandoval, we're waiting for the document  
6 to come through and I think Ms. Vance has another  
7 question for you in the meantime.

8 WITNESS SANDOVAL: Yes, sir.

9 BY MS. VANCE:

10 Q Yes. So you said that you came to the  
11 conclusion that there was no severance between the  
12 surface and the mineral estate. How did you come to  
13 that conclusion?

14 A I went back to the patent reported at A 202  
15 patent, Eddy County, New Mexico changed forward mapped  
16 lands.

17 Q And then just one last question. To confirm  
18 on this instrument, who is the instrument -- or who  
19 was the interest conveyed to?

20 A This interest was conveyed to Jonathan R.  
21 Samaniego from -- well, there you go.

22 Q So it was Mr. Samaniego and not American  
23 Energy?

24 A Correct.

25 MS. VANCE: Okay. That's all the

1 questions I have.

2 THE HEARING OFFICER: Did you get a  
3 document yet?

4 MS. VANCE: I did. I did.

5 THE HEARING OFFICER: Okay. Very good.  
6 So we're going to take a break on this case. We're  
7 going to go into recess on this case, Mrs. Sandoval  
8 and Mr. Samaniego. That way we will give  
9 Mr. Christian and Ms. Vance some time to review the  
10 document, and then we'll come back on the record in a  
11 little bit.

12 We're going to do a few other hearings  
13 in the meantime, which won't take very long. I do  
14 want to call -- do we have Mr. Rodriguez with us? Is  
15 he on this?

16 MS. VANCE: I don't think he's on the  
17 docket today.

18 MR. RODRIGUEZ: Good morning.

19 MS. VANCE: Oh, is he?

20 THE HEARING OFFICER: Good morning,  
21 Mr. Rodriguez. I was hoping you'd be there with us.  
22 I want to discuss some Motion to Consolidate, and I  
23 think Ms. Vance is going to handle this one as well.

24 MS. VANCE: I am.

25 THE HEARING OFFICER: Okay. Very good.

1 Okay. So let's -- oh, and Ms. Vance, you also --  
2 you're sending that document to both me and to  
3 Mr. Christian; right?

4 MS. VANCE: Correct. I'm multitasking.

5 THE HEARING OFFICER: I'm glad you are.  
6 So let's wait until you've done that; okay?

7 MS. VANCE: Thank you.

8 WITNESS SANDOVAL: May I ask a  
9 question?

10 THE HEARING OFFICER: Yes, please. Go  
11 ahead.

12 WITNESS SANDOVAL: About how long is  
13 this recess going to last? Because I have other  
14 arrangements going on in -- in my office today.

15 THE HEARING OFFICER: Very good.  
16 Anywhere between 15 and 30 minutes.

17 WITNESS SANDOVAL: Okay. Thank you.

18 THE HEARING OFFICER: I just want to  
19 give Mr. Christian and Ms. Vance time to examine. It  
20 would've been preferable for Mr. Samaniego to have  
21 filed this document along with his Motion to Strike,  
22 sorry, his Response to the Motion to Strike.

23 So we're just learning about it now,  
24 and I want to give it thorough vetting before we  
25 continue. I think it's only fair to Mr. Samaniego to

1 give him a fair hearing.

2 WITNESS SANDOVAL: Yes, sir.

3 MR. SAMANIEGO: On the record. For me  
4 to provide evidence while The Division Examiner was  
5 assisting Permian to strike me to provide that  
6 would've been premature. I needed the third-party  
7 opinion, that way my opinion wasn't divided.

8 THE HEARING OFFICER: Okay. We're in  
9 recess on case number 24963 for a few minutes while we  
10 examine the document that Mrs. Sandoval just sent us.  
11 And I'm going to call three cases that are not on  
12 today's docket. They are case numbers 24930, 24931,  
13 and 24933.

14 Entries of appearance, please.

15 MS. VANCE: Oh, I'm sorry.

16 MR. RODRIGUEZ: Michael Rodriguez with  
17 Civitas Permian Operating, LLC.

18 THE HEARING OFFICER: Thank you.

19 MS. VANCE: Sorry. Paula Vance with  
20 the Santa Fe office of Holland and Hart on behalf of  
21 Matador.

22 THE HEARING OFFICER: Matador. Thank  
23 you.

24 MS. HARDY: And Mr. Examiner?

25 THE HEARING OFFICER: Yes.

1 MS. HARDY: Dana Hardy with Hinkle  
2 Shanor. I'm entering an appearance in these cases on  
3 behalf of COG operating.

4 THE HEARING OFFICER: COG. Thank you  
5 Ms. Hardy. Your entry of appearances, does that  
6 include an objection?

7 MS. VANCE: We will be objecting to  
8 Civitas's new applications that I understand will be  
9 filed.

10 THE HEARING OFFICER: Okay. Will you  
11 be filing competing applications as well?

12 MS. VANCE: I don't believe so.

13 THE HEARING OFFICER: Okay. All right.

14 So Mr. Rodriguez, you had filed a Joint  
15 Motion to Vacate at the end of November. Your Joint  
16 Motion to Vacate the second pre-hearing order and  
17 dismiss your case is 24839, 24840, and 24841. It did  
18 not include 24929. Why was that?

19 MR. RODRIGUEZ: Well, at the time,  
20 Bill's case, that case was adjacent to was in the east  
21 half of the sections that are involved in the cases  
22 that you just referenced. And I did not include that  
23 in the proposed order, or in the motion, because it  
24 had not been -- it was not included.

25 It won't directly compete with

1 Matador's cases. At the time, I was under the belief  
2 that COG would also be filing competing applications  
3 that may overlap with all of the cases. So I kept  
4 them separate in school. I understood where COG's  
5 position in their cases would be.

6 THE HEARING OFFICER: Your cases, the  
7 three cases I just mentioned that start with 248, they  
8 were filed on September 3rd. We then had competing  
9 applications filed by Matador on October 9. We've had  
10 a status conference where we discussed how we were  
11 going to proceed forward, and you filed a motion to  
12 dismiss your three cases and then 24929; all of those  
13 have received endorsed orders, so those cases are  
14 dismissed.

15 I anticipate you are ready to file  
16 your, I don't want to call them "Amended  
17 Applications," but your -- what do you want to call  
18 them?

19 MR. RODRIGUEZ: Superseding  
20 applications.

21 THE HEARING OFFICER: Superseding.  
22 Superseding. That's the word. Okay. And are you  
23 filing them now?

24 MR. RODRIGUEZ: I have them ready to  
25 file, yes. Once we determined that that board, I

1 didn't want to confuse, you know, kind of muddy up the  
2 case file with filing my applications before we kind  
3 of discussed this. But I am ready to file.

4 THE HEARING OFFICER: How many cases  
5 are there?

6 MR. RODRIGUEZ: There'll be three  
7 cases.

8 THE HEARING OFFICER: Okay. Three  
9 cases. Not four anymore?

10 MR. RODRIGUEZ: Correct.

11 THE HEARING OFFICER: Because there  
12 were four, and now there's three.

13 MR. RODRIGUEZ: That's correct.

14 THE HEARING OFFICER: Okay. Very good.  
15 And you can file them immediately? Is that the idea?

16 MR. RODRIGUEZ: Yes, I can.

17 THE HEARING OFFICER: Okay. Very good.  
18 So what I want to do is, I know that you were asking  
19 whether or not, in an email to the hearing clerk,  
20 whether we should add those to the December 19 docket  
21 for a status conference since they will be joined with  
22 Matador's 24930, 31, and 33; is that correct?

23 MR. RODRIGUEZ: That's correct. I  
24 believe at the status conference on November 21st, you  
25 directed -- provide a superseding applications to

1 request a status conference in 1219. And so I just  
2 wanted to get clarity from the vision as to what the  
3 best route would be to do so.

4 But thinking about it more, maybe just  
5 treat these as, you know, I can provide the case  
6 numbers at that status conference, and then we can  
7 consolidate at that point.

8 THE HEARING OFFICER: That sounds good  
9 to me. And what I want to do today is I want to set a  
10 contested hearing date for these six cases.

11 So Ms. Vance, when is the earliest that  
12 your cases will be ready for a hearing?

13 MS. VANCE: I believe that they're ripe  
14 right now, but I would have to confer with my client  
15 to check to see when we would want to try and schedule  
16 a contested case.

17 THE HEARING OFFICER: Well, I'm going  
18 to offer you a date.

19 MS. VANCE: Okay.

20 THE HEARING OFFICER: And that would be  
21 March the 4th. That gives you plenty of time; right?

22 MS. VANCE: Correct. And I can try and  
23 see if I can get a confirmation on that right now.

24 THE HEARING OFFICER: That sounds  
25 wonderful.

1 Mr. Rodriguez, March 4?

2 MR. RODRIGUEZ: That works. And to --  
3 now that I understand where COG'S position is in these  
4 cases, the case that will be replacing 24929 doesn't  
5 seem like that will be involved in these since it's  
6 adjacent to the overlapping MRC and Civitas cases.

7 THE HEARING OFFICER: Okay. So we will  
8 issue --

9 And Ms. Hardy, are you going to  
10 participate in the contested hearing?

11 MS. HARDY: Yes. COG does have a  
12 competing development plan, but it doesn't need to  
13 pool acreage because it owns -- it controls 100  
14 percent. That's my understanding. So we will have  
15 opposing testimony. And I need to confirm that date  
16 with COG.

17 THE HEARING OFFICER: Okay. Okay. Of  
18 course. But we'll issue a pre-hearing order from  
19 March the 3rd for case numbers 24930, 31, 33, plus the  
20 new Civitas filings.

21 And you'll file those today; right,  
22 Mr. Rodriguez?

23 MR. SAMANIEGO: Yes, sir.

24 THE HEARING OFFICER: Okay. We won't  
25 need a Motion to Consolidate because I've already

1 granted it verbally here today.

2 MS. VANCE: Mr. Hearing Examiner?

3 THE HEARING OFFICER: Yes?

4 MS. VANCE: Could you confirm that date  
5 contested hearing?

6 THE HEARING OFFICER: March 4.

7 MS. VANCE: March 4. Thank you.

8 THE HEARING OFFICER: March 4. It's  
9 the first date we have. And since these cases were  
10 originally filed in September, I realize that they've  
11 now been dismissed and they're being superseded, but  
12 still. These issues have been going on quite long  
13 enough. And by March, there'll be six months of time  
14 for the parties to negotiate a way out of this.

15 So now, Ms. Vance, your case is 24930,  
16 31, and 33. They are on the docket for December 19.  
17 I wonder whether we even need to leave them there  
18 anymore?

19 MS. VANCE: Perhaps just to confirm  
20 that contested hearing date.

21 THE HEARING OFFICER: Okay. That's  
22 fine. Makes sense to me. Thank you. Okay. We're  
23 off the -- is there anything further on these cases,  
24 Mr. Rodriguez?

25 MR. RODRIGUEZ: No, thank you. Thank

1 you for taking consideration on these.

2 THE HEARING OFFICER: Definitely.

3 Ms. Vance?

4 MS. VANCE: Nothing from Matador.

5 THE HEARING OFFICER: Ms. Hardy?

6 MS. HARDY: No, thank you.

7 THE HEARING OFFICER: Okay. Very good.

8 And Ms. Vance, you'll let me know when you're ready to  
9 go back on the record in the first case? That you've  
10 had time to look at the instrument, and that your  
11 landman has also had time?

12 MS. VANCE: Correct.

13 THE HEARING OFFICER: All right.

14 Sounds good. All right. Let's go on to our number  
15 two on the docket. It is case number 24366. It is  
16 Matador's hearing by affidavit.

17 Entries of appearance, please.

18 MR. FELDEWERT: Good morning,  
19 Mr. Examiner. Michael Feldewert from the Santa Fe  
20 Office of Holland and Hart appearing on behalf of the  
21 applicant, MRC Permian.

22 THE HEARING OFFICER: Are there any  
23 other parties that you know of?

24 MR. FELDEWERT: Not that I'm aware of.

25 THE HEARING OFFICER: Okay. Very good.

1 Please proceed.

2 MR. FELDEWERT: Well, let me step back.  
3 E.G.L. Resources was involved. They had competing  
4 cases, but they have dismissed those cases and  
5 withdrew their objection. So technically, I guess,  
6 there's still a party in the case?

7 MS. HARDY: Yes, that's correct. Dana  
8 Hardy on behalf of E.G.L. Resources and PBEX, but we  
9 don't object.

10 THE HEARING OFFICER: Thank you. And  
11 have you reviewed -- excuse me. Have you reviewed the  
12 exhibits in this case, Ms. Hardy?

13 MS. HARDY: Yes, I have, and I don't  
14 have any objection.

15 THE HEARING OFFICER: There's no  
16 objections to them?

17 MS. HARDY: No.

18 THE HEARING OFFICER: Okay. And our  
19 technical examiner, is it Mr. McClure?

20 MR. MCCLURE: Yes, sir. Mr. Hearing  
21 Examiner.

22 THE HEARING OFFICER: Very good. Are  
23 you ready to proceed on this case?

24 MR. MCCLURE: I am.

25 THE HEARING OFFICER: Okay. Very good

1 Mr. Feldewert?

2 MR. FELDEWERT: Sure. So the company  
3 here seeks to pool a standard 320 acre overlapping  
4 horizontal well spacing unit in the Bone Spring  
5 formation under the east half of Section 16 in  
6 Township 19 south, Range 34 east in Lea County.

7 It's going to be dedicated to two of  
8 their Cimarron State wells, which are actually U-turn  
9 wells where they will have the horizontally drills  
10 such that you have a first take point in, for example,  
11 the north -- in the northeast quarter of the northeast  
12 quarter of the section in Unit A. And then they'll  
13 curve and have a last take point in the northwest  
14 quarter of the northeast quarter in Unit B.

15 It'll overlap the existing spacing  
16 units, one-mile spacing units, in the east half of the  
17 east half, and then the west half of the east half of  
18 this section involving wells that are completed in  
19 different intervals of the Bone Spring formation. So  
20 this is more of an infill type development.

21 The hearing in this matter, as you  
22 know, was late because we had competing applications,  
23 but we were able to get things resolved, and E.G.L. is  
24 now the only working interest owner that MRC seeks to  
25 pool. We provided in our packet the compulsory

1 pooling checklist along with a copy of our  
2 application.

3 Exhibit A is the Self-Affirmed  
4 Statement of Hawks Holder. He's a landman with the  
5 company who has previously testified as an expert with  
6 The Division, and he provides with his hearing package  
7 the land exhibits involving a, first off is a map  
8 showing the proposed spacing unit and the existing  
9 horizontal wells in relationship to the proposed  
10 U-turn wells.

11 Then, A2 is the C102s for each of those  
12 wells that's being proposed. Exhibit A3, then, is the  
13 track map along with the ownership breakdown. And  
14 you'll see that MRC owns an interest in all the  
15 interest in one track, and then it's a second track  
16 where there's some additional owners including E.G.L.  
17 that are being pooled. And those additional owners  
18 include some overriding royalty interest owners.

19 Exhibit A5, then, is the Well Proposal  
20 Letter along with the proposed AFE for the two wells.  
21 And then Exhibit A6 is a Chronology of Contacts.  
22 Exhibit B is a Self-Affirmed Statement of Anna  
23 Thorson. She's a geologist with the company. This is  
24 her first time testifying before The Division. She  
25 provides her credentials in paragraph two of her

1 statement. We believe that that qualifies her to  
2 testify as an expert before this division.

3 (Exhibits 4 through 7 were marked for  
4 identification.)

5 THE HEARING OFFICER: Is she with us  
6 now?

7 MR. FELDEWERT: She is, sir.

8 THE HEARING OFFICER: Okay, can you  
9 turn on your camera?

10 MS. THORSON: Hello.

11 THE HEARING OFFICER: Hello. Would you  
12 state and spell your name for the record?

13 MS. THORSON: Anna Thorson. A-N-N-A  
14 T-H-O-R-S-O-N.

15 THE HEARING OFFICER: Ms. Thorson,  
16 would you raise your right hand, please?  
17 WHEREUPON,

18 ANNA THORSON,  
19 called as a witness and having been first duly sworn  
20 to tell the truth, the whole truth, and nothing but  
21 the truth, was examined and testified as follows:

22 THE HEARING OFFICER: Thank you.

23 DIRECT EXAMINATION

24 BY THE HEARING OFFICER:

25 Q You want to be qualified as an expert in

1 geology?

2 A Yes, sir.

3 Q Okay. Is it petroleum geology, or just  
4 geology in general?

5 A I believe geology in general.

6 Q Perfect. Can you tell me your education  
7 that goes toward that expert field?

8 A Absolutely. I graduated with my Bachelor of  
9 Science degree in 2016 from the University of the  
10 South, which is in Suwanee, Tennessee. I took a year,  
11 took some classes at Louisiana State University in  
12 2017, end of 2016, and then I received my master's  
13 degree from Baylor University of Waco, Texas in August  
14 2019.

15 And then after that, I interned for Anadarko  
16 Petroleum Corporation in Denver, Colorado for one  
17 summer. And then I was hired on by Matador in  
18 November of 2019, and I've been working the Permian  
19 Basin in Eddy and Lea County, New Mexico for the last  
20 five years.

21 Q Your Master's is in what? In what --

22 A Geology.

23 Q Geology. Thank you. Okay. And then you  
24 said you've been working since 2019 with Matador?

25 A Correct.

1 Q Okay. And what have you been doing for  
2 Matador?

3 A I started out doing operations, so I was geo  
4 steering wells in Eddy and Lea County, and for the  
5 last two plus years, I've been an asset geologist in  
6 Lea County specifically.

7 Q Okay. You're hereby qualified as an expert  
8 in geology before this division.

9 THE HEARING OFFICER: So Mr. Feldewert,  
10 I have a list of the exhibits. So instead of -- you  
11 don't have to run through them one by one. If there's  
12 anything in particular that you want to highlight for  
13 me, that's fine. Otherwise, if we could get to your  
14 Notice?

15 MR. FELDEWERT: Sure.

16 THE HEARING OFFICER: Is the Notice  
17 timely?

18 MR. FELDEWERT: The first thing I want  
19 to do, though, if I may, Ms. Thorson, based on your  
20 qualifications and experience, do you also consider  
21 yourself, more specifically, to be an expert in  
22 petroleum geology?

23 THE WITNESS: Yes, I do.

24 MR. FELDEWERT: Okay.

25 And in that case then, Mr. Examiner,

1 Exhibit C is our Notice Materials, which includes my  
2 Affidavit along with the Notice Letter that went out  
3 to the parties on April 12th because we thought the  
4 case was going to be presented earlier. And it then  
5 includes an Affidavit of Publication in a local  
6 newspaper, which occurred on April 17th. So we should  
7 be timely.

8 We ask that this matter be taken under  
9 advisement and that Exhibits A, B, C, and D along with  
10 the sub-exhibits be accepted into the record.

11 THE HEARING OFFICER: Okay. I'm going  
12 to ask the public.

13 Are there any objections to these  
14 exhibits?

15 Hearing none, the exhibits are admitted  
16 into evidence.

17 (Exhibits 4 through 7 were received  
18 into evidence.)

19 Mr. McClure, do you have any questions  
20 for the witnesses?

21 MR. MCCLURE: Mr. Hearing Examiner,  
22 potentially, I might have a question for the landman,  
23 but Mr. Feldewert might be able to address it for me.

24 THE HEARING OFFICER: Okay. Let's try  
25 Mr. Feldewert first.

1 MR. MCCLURE: Thanks, sir.

2 Mr. Feldewert, on your Exhibit A4, do you think we're  
3 missing a page of the application?

4 MR. FELDEWERT: Of the exhibits you  
5 mean?

6 MR. MCCLURE: Yeah, excuse me. I  
7 apologize. The exhibits. Not the application. The  
8 exhibits.

9 MR. FELDEWERT: Let me look real quick.  
10 So we have a three.

11 THE HEARING OFFICER: Okay.

12 MR. MCCLURE: So I guess let me give  
13 you some context.

14 MR. FELDEWERT: Yeah.

15 MR. MCCLURE: I guess I see where we  
16 have track two listed; the ownership of track two. I  
17 guess I'm not sure if the track one ownership is  
18 somewhere else here, or if maybe I'm misunderstanding,  
19 I guess, what you have on page 24 of 45?

20 MR. FELDEWERT: A good clarification.  
21 I think probably Mr. Holder should answer that  
22 question because I'm not familiar with the particular  
23 ownership breakdown that may or may not exist in track  
24 one.

25 THE HEARING OFFICER: Okay. Let's get

1 the landman on the camera, please.

2 MR. FELDEWERT: He may be traveling. I  
3 know he was -- I got a word that he was traveling, but  
4 he was going to be available over time.

5 THE HEARING OFFICER: Okay. That's  
6 fine. As long as he's here. What's his name?

7 MR. FELDEWERT: Hawks Holder.

8 THE HEARING OFFICER: Hawks Holder.

9 Mr. Holder, we can go to recess on this  
10 case until we can get Mr. Hawks Holder on camera.

11 MR. HOLDER: I'm here.

12 THE HEARING OFFICER: Oh, excellent.  
13 Would you turn on your camera please?

14 MR. HOLDER: I do not have access to  
15 a -- a video conference that is --

16 THE HEARING OFFICER: I see. Okay.

17 MR. FELDEWERT: I think he's driving.

18 MR. HOLDER: I can clarify this  
19 question.

20 THE HEARING OFFICER: Well, we haven't  
21 asked the question to you yet, sir. Would you raise  
22 your right hand?

23 MR. HOLDER: Yes.

24 //

25 //

1 WHEREUPON,

2 HAWKS HOLDER,

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

6 THE HEARING OFFICER: Okay. I don't  
7 like doing this without seeing you, but in this case  
8 we'll make an exception.

9 Mr. McClure?

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

12 DIRECT EXAMINATION

13 BY MR. MCCLURE:

14 Q Mr. Holder, are you familiar with the  
15 exhibit that I'm referring to? That being A4?

16 A I am.

17 Q Okay. And I see on page -- I guess, maybe,  
18 you probably don't have in front of you, but page 24  
19 of 45, I see reference to, like, track two ownership.  
20 Should there be a table for track one ownership, or is  
21 this the overall ownership? Or can you please, I  
22 guess, describe for me what we're looking at here?

23 A Absolutely. So CEX plus E.G.L. 100 percent  
24 of track two, which is 50 percent of the 320 acres  
25 stationing unit. Track one is comprised of the other

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1 remaining 50 percent, which is owned wholly by Matador  
2 for MRC Permian.

3 Q Okay. So then would it be accurate to say  
4 that this is the overall summary of ownership for the  
5 entirety of the proposed unit?

6 A That's accurate.

7 MR. MCCLURE: Okay. Thank you, sir.  
8 No more questions for this witness,  
9 Mr. Hearing Examiner.

10 THE HEARING OFFICER: And when you say,  
11 "No more questions for this witness," are there any  
12 more questions for this case?

13 MR. MCCLURE: I have no more questions  
14 for the case, although I would like to request a  
15 amended exhibit for Mr. Feldewert.

16 THE HEARING OFFICER: Please.

17 MR. MCCLURE: Mr. Feldewert, exhibit,  
18 let me get scrolled down to it. On Exhibit B3, page  
19 40 of 45, I don't see where there's API numbers  
20 associated with these wells here. I was wondering if  
21 we get an amended exhibit that displays it or  
22 describes API number for each of those wells in the  
23 cross section?

24 MR. FELDEWERT: You're talking about  
25 the -- oh I see. The API numbers for the wells for

1 which the logs are shown?

2 MR. MCCLURE: Yes, sir. That is  
3 correct. Unless I'm missing it somewhere here, but  
4 I'm just not seeing it I guess.

5 MR. FELDEWERT: We can. We'll provide  
6 that. Yeah.

7 THE HEARING OFFICER: Thank you,  
8 Mr. McClure.

9 Mr. Feldewert, how long do you need to  
10 do that?

11 MR. FELDEWERT: I suspect we'll be able  
12 to do it today or tomorrow.

13 THE HEARING OFFICER: You want to say  
14 tomorrow close of business?

15 MR. FELDEWERT: Yeah.

16 THE HEARING OFFICER: All right.

17 So Madai, would you do a calendar  
18 reminder for close of business tomorrow for an Amended  
19 Exhibit packet? It'll have a cover letter to explain  
20 what's going on, and then you can remove the original  
21 exhibit packet filed -- gosh. Is it filed way back in  
22 April?

23 MR. FELDEWERT: Yes.

24 THE HEARING OFFICER: It was? Filed  
25 way back in April, Madai. All right. Very good. So

1 thank you very much. We're off the record in that  
2 case.

3 And now, is Ms. Vance still with us?  
4 She's outside. I'm just wondering if she's had enough  
5 time to look at -- thank you. Let's go on to the next  
6 case. I'm trying to be considerate to Mrs. Sandoval  
7 because she has things later this afternoon not to  
8 delay her too, too much longer.

9 We're going to move now to case number  
10 24943; Mewbourne Oil.

11 Entries of appearance, please.

12 MS. BENNETT: Mr. Examiner, this is  
13 Deana Bennett from Modrall Sperlring, and I entered the  
14 appearance in this case last night on behalf of  
15 Cimarex Energy.

16 THE HEARING OFFICER: Oh, I see. Okay.  
17 Thank you.

18 MR. BRUCE: Mr. Examiner, Jim Bruce  
19 representing Applicant for the Applicant. There's  
20 actually MRC Permian in this matter, and I can explain  
21 that.

22 THE HEARING OFFICER: Okay. And that's  
23 fine. You don't need to. So we have two entries of  
24 appearance right now.

25 And Ms. Bennett, do you have an

1 objection to proceeding by affidavit?

2 MS. BENNETT: Yes. I filed an Entry of  
3 Appearance and an Objection last night.

4 THE HEARING OFFICER: I didn't know  
5 that.

6 MS. BENNETT: It was after hours, so I  
7 apologize for that.

8 THE HEARING OFFICER: Okay. Now I  
9 understand. Thank you.

10 Mr. Bruce, are you aware of that?

11 MR. BRUCE: I was not aware of that.  
12 Just I would like after this about two minutes to  
13 finish up my business today. Mr. Examiner, I'm at  
14 Presbyterian Hospital lying in bed. I need two  
15 minutes to take care of everything I need to do. So I  
16 do not have access to the computer.

17 THE HEARING OFFICER: Okay.

18 MR. BRUCE: Not exactly living large.

19 THE HEARING OFFICER: I understand  
20 perfectly. But it sounds like we're not going to be  
21 having a Hearing by Affidavit today based on the  
22 objection that Ms. --

23 MR. BRUCE: Absolutely. What I wanted  
24 to do is request a hearing to the second January  
25 hearing, and I would follow up once I get both. It

1 should be this afternoon.

2 THE HEARING OFFICER: Okay.

3 MR. BRUCE: With a Regulation Motion  
4 for Continuance, which to confuse things, also applies  
5 to a case which doesn't appear on this docket. I  
6 thought it would. It is 24982, which is an almost  
7 identical case for MRC Permian. So they should both  
8 go to the end of January. I can get together with  
9 opposing counsel and discuss matters about that.

10 THE HEARING OFFICER: Okay. Now, let  
11 me ask you something before I go to Ms. Bennett.  
12 24982 you said? When was that filed?

13 MR. BRUCE: Oh. It was filed in  
14 September, October. I don't remember exactly. It was  
15 one of the cases that was wiped up by the smoke  
16 storms.

17 THE HEARING OFFICER: Okay. All right.  
18 And so what you're going to do is you're going to  
19 continue this case and 24982, which we haven't called  
20 today, to the second January regular docket?

21 MR. BRUCE: That is correct, sir.

22 THE HEARING OFFICER: Okay.

23 Ms. Bennett, anything further on this  
24 case?

25 MS. BENNETT: No. I did enter an

1 appearance and object to 24982 as well, which is why  
2 it doesn't appear on today's docket.

3 THE HEARING OFFICER: Oh, okay. When  
4 did you do that?

5 MS. BENNETT: November 25th-ish I want  
6 to say.

7 THE HEARING OFFICER: Okay. Now that  
8 makes -- now I understand.

9 MS. BENNETT: Yeah. And just to  
10 clarify, there was an email, I believe, from Mr. Bruce  
11 to the Hearing Examiner that you then CC'd myself and  
12 Mr. Holliday on about two cases that Mr. Bruce wanted  
13 to continue?

14 THE HEARING OFFICER: Yes.

15 MS. BENNETT: And I think he just had  
16 the case numbers wrong. It's the two cases we're  
17 discussing right now that were the subject of that  
18 email.

19 THE HEARING OFFICER: Okay. So then  
20 you saw my reply to Mr. Bruce?

21 MS. BENNETT: I did.

22 THE HEARING OFFICER: Okay. Very good.  
23 I did not get a response to that reply, so I didn't  
24 know that he was talking about different --

25 MR. BRUCE: Yeah.

1 THE HEARING OFFICER: Okay. It's okay,  
2 Mr. Bruce.

3 MR. BRUCE: I'm sorry. I'm sorry  
4 Mr. Examiner, but operating out of a bed --

5 THE HEARING OFFICER: I got that.  
6 Don't worry about it, Mr. Bruce. I understand what's  
7 going on.

8 Okay. So then does that mean, Ms.  
9 Bennett, that 24982 is automatically on our December  
10 19th docket for a status conference then?

11 MS. BENNETT: That's right. Cimarex is  
12 comparing competing applications. So it might be, I'm  
13 happy to confer with Mr. Bruce right after the  
14 hearing. We'll talk about next steps, but 24982 has  
15 been automatically continued to December 19th.

16 THE HEARING OFFICER: I thought so.  
17 Okay. Thank you.

18 MR. BRUCE: I will speak with  
19 Ms. Bennett next week early. That's it.

20 THE HEARING OFFICER: Okay. All right.  
21 I wonder whether or not we should just move 24982 to  
22 the second docket in January instead of having it on  
23 the December 19th docket.

24 Madai, would you move case 24982, which  
25 is not on our docket today, to the second docket in

1 January? Which will relieve Mr. Bruce of the expense  
2 of moving that one case.

3 And then Mr. Bruce, the only case  
4 you'll have to move is 24943 to the second docket in  
5 January.

6 MR. BRUCE: Thank you.

7 THE HEARING OFFICER: Of course.

8 And then Madai, will you join the two  
9 cases, please?

10 MS. CORRAL: Yes, Mr. Hearing Examiner.

11 THE HEARING OFFICER: Okay. So to be  
12 clear, we're going to join 24943 with 24982 in our  
13 system.

14 And then Ms. Bennett, if you file  
15 competing applications, we'll join those as well. All  
16 right.

17 MS. BENNETT: That sounds good.

18 THE HEARING OFFICER: Anything further,  
19 Mr. Bruce?

20 MR. BRUCE: Yeah. Very briefly. At  
21 the end of the docket, there's also an objection to  
22 this one. It is listed as the Mewbourne case 24985.  
23 It is actually a Texas Standard case. I filed the  
24 application. I believe Ms. Hardy filed an objection  
25 to Hearing by Affidavit.

1           Mr. Rankin is taking over this case,  
2 and I just don't want to do anything that would impair  
3 Mr. Rankin's ability to handle this matter. That's  
4 all. And that --

5           THE HEARING OFFICER: Okay. Mr. Bruce,  
6 did Mr. Rankin file an Entry of Appearance in this  
7 24985?

8           MR. BRUCE: Yes. He informed me that  
9 he is doing a deposition yesterday and today, and that  
10 he'll do so as he possibly can.

11          THE HEARING OFFICER: Okay. Well, he  
12 can do it verbally today when we call the case, and  
13 you can file a withdrawal appearance as well.

14          MR. BRUCE: All right. I will do so.

15          THE HEARING OFFICER: All right.

16          MR. BRUCE: Twenty more seconds,  
17 please?

18          THE HEARING OFFICER: Go ahead.

19          MR. BRUCE: Cases 24959 and 2496  
20 through 496 -- are premier pooling cases. I will  
21 enter an appearance on those. I'm happy to -- no  
22 objection to exhibits, your testimony, anything else.  
23 I would just like to note my appearance, and I --  
24 from --

25          THE HEARING OFFICER: And can I get

1 those case numbers one more time?

2 MR. BRUCE: 24959 through 24962.

3 THE HEARING OFFICER: Okay. So you're  
4 entering an appearance, but you have no objection to  
5 them proceeding by affidavit? And you're entering an  
6 appearance on behalf of who?

7 MR. BRUCE: Mewbourne Oil.

8 THE HEARING OFFICER: Okay. Thank you.  
9 All right, Mr. Bruce. Thank you.

10 MR. BRUCE: Thank you.

11 THE HEARING OFFICER: Okay. Feel  
12 better. Bye-bye.

13 Okay. So he took us on quite a  
14 journey. I'm not sure what case I called. Do you  
15 know what case I called?

16 MS. VANCE: You had called the third  
17 one on the docket.

18 THE HEARING OFFICER: The third one?  
19 Okay.

20 MS. VANCE: 34943. Yes. And I think  
21 it's continued to the second docket in January.

22 THE HEARING OFFICER: Unless it's been  
23 objected to by Ms. Bennett?

24 MS. VANCE: Yes.

25 THE HEARING OFFICER: Are we back? All

1 right. Excellent. All right.

2 MS. VANCE: Now we're back to one.

3 MR. BRUCE: We're going backwards.

4 THE HEARING OFFICER: Thank you. Yeah.  
5 We are going backwards. Okay. So we're in recess on  
6 24943, and we are recalling case 24963.

7 Mr. Samaniego and Mrs. Sandoval, I'm  
8 recalling the case now. Ms. Vance and Mr. Christian  
9 have had time to look at the instrument.

10 Ms. Vance?

11 MS. VANCE: Yes. Thank you. So what  
12 we are going to ask for is a continuance to the  
13 December 19th docket. We are looking at the  
14 instrument that was provided. And from our end, it  
15 looks like it might have been previously leased, but  
16 we need to look at that and make that determination.

17 So we would ask that this be set for a  
18 uncontested case at the 12/19 docket. And hopefully,  
19 we're, by that point, I mean, I believe we should be  
20 able to produce that instrument and run this to --  
21 yeah. Sorry. That we'll be able to produce that  
22 instrument and move forward.

23 THE HEARING OFFICER: Okay.

24 Mr. Samaniego, your response? Mrs. Sandoval, I don't  
25 know if you have communication with Mr. Samaniego, but

1 we can't hear him.

2 WITNESS SANDOVAL: Yes, sir. Let me  
3 text him real quick; okay?

4 THE HEARING OFFICER: Please.

5 Ms. Vance, I'm going to give you a  
6 deadline to file a motion depending on the outcome of  
7 your investigation so that I know what's happening  
8 before we get to December 19th. So I want you to  
9 provide The Division and Mr. Samaniego the benefit of  
10 your investigation with Mr. Christian on this  
11 instrument. You also mentioned --

12 MR. SAMANIEGO: Mr. Examiner, I just  
13 unmuted. The phone -- the phone was muted.

14 THE HEARING OFFICER: Yes, sir. I  
15 understand. But hold on, sir. I was speaking to  
16 Ms. Vance and I'm glad you can hear me. I'm going to  
17 give you an opportunity in just a minute, but let me  
18 finish my thought, please. So I am directing  
19 Ms. Vance to provide The Division and you both the  
20 benefits of their investigation on this instrument one  
21 week from today. So that will be --

22 MR. SAMANIEGO: I -- I didn't get to  
23 respond. I object to the motion to continue it on the  
24 ground that their application is improper and that  
25 they own no interest to be able to pull. American

1 Energy have competing development plans for this area  
2 and are acting in good faith. And so I -- I object to  
3 the continuance, and -- and request for the motion of  
4 dismissal to be approved.

5 THE HEARING OFFICER: Okay. Thank you,  
6 Mr. Samaniego. Your objection is overruled.  
7 Continuances are liberally granted to applicants. At  
8 first --

9 MR. SAMANIEGO: Yours -- yours wasn't  
10 to me. Yours wasn't, and -- and I'm rushing through  
11 your really tight schedule, barely meeting them,  
12 and -- and no. I object to that continuance on the  
13 ground that other NRA 1-011, it was not signed by an  
14 attorney. It's improper, and they cannot proceed  
15 without owning an interest in the pool. This is  
16 creating great burden to American Energy and their  
17 development plans. This is becoming gross negligence.

18 THE HEARING OFFICER: Okay. Thank you,  
19 sir.

20 MR. SAMANIEGO: I still haven't been  
21 able to question -- that I haven't been able to answer  
22 my questions.

23 THE HEARING OFFICER: That's right,  
24 sir. Because we are continuing this, we are not  
25 moving forward with the hearing --

1 MR. SAMANIEGO: No. No. I -- I  
2 object. We're here to present evidence, and -- and  
3 I -- I presented -- I own ownership. My mineral  
4 interest is un unleashed, is un unleashed. And not  
5 only that, but I'm -- I'm going to put on record that  
6 Permian owns nothing in the south half of 12 and  
7 nothing in the south half of 7; okay?

8 They got -- okay? If there is a slight  
9 of hand by Santos to Permian, that -- that's on FTC  
10 [ph]. That has nothing to do with me; okay? But  
11 they're quoting without owning an interest. They own  
12 well boards at 7, and they're fraudulent deed filed in  
13 the south half of 12 as I got documents to prove it.

14 And I'm trying to present them to you,  
15 and you're trying to -- to evade the evidence being  
16 provided. No. The continuous today is gross  
17 negligent upon that -- the development -- of  
18 development of American No -- under -- under a --  
19 it's a violation of the Oil and Gas Act.

20 THE HEARING OFFICER: Okay. Thank you,  
21 sir. Thank you, sir. What I'm doing is  
22 partially -- okay.

23 Madai, would you please mute  
24 Mr. Samaniego and keep him muted until I'm done?

25 Mr. Samaniego, I warned you that if you

1       conduct yourself like this, that you will not have a  
2       hearing on your issues. Now, Mrs. Sandoval here as  
3       your agent, so I'm going to speak directly to her.

4                       Mrs. Sandoval, you've given us  
5       something to think about, and I appreciate it, so  
6       thank you. We're now going to look into this document  
7       so that we can fully make sure that Mr. Samaniego  
8       either owns an interest or doesn't own an interest.  
9       So I appreciate your participation today.

10                      What we're going to do is we're going  
11       to continue this preliminary hearing. This is a  
12       preliminary hearing to determine whether or not  
13       Mr. Samaniego owns any interest in this land; okay?  
14       And if he does, then the Hearing by Affidavit will not  
15       move forward, and we'll have to have a contested  
16       hearing.

17                      If he doesn't, that's a different  
18       story. But what we're going to do is, we're going to  
19       continue this.

20                      So are you available on December 19th  
21       at 9:00 a.m.?

22                      WITNESS SANDOVAL: Hold on just a  
23       second.

24                      THE HEARING OFFICER: Of course. By  
25       all means.

1                   WITNESS SANDOVAL: I -- I do have a  
2 previous engagement that day, but I'm going to check  
3 the time on it. So if you're talking 9:00 a.m., I --  
4 I can be available. I just won't be able to hold on  
5 for like a -- a recess or anything.

6                   THE HEARING OFFICER: Sounds good.  
7 Okay. That's good. Thank you, Mrs. Sandoval.

8                   And so what I'm directing Ms. Vance to  
9 do is to provide to Mr. Samaniego and myself and any  
10 other parties in this case the results of your  
11 investigation on this instrument; the validity of this  
12 instrument.

13                   I also want to understand, legally, a  
14 statement that you made in your opening remarks, which  
15 is "We're not even seeking to pool this interest and  
16 therefore, you should be allowed to move forward  
17 without force pooling Mr. Samaniego."

18                   So please provide that one week from  
19 today, that will be the 12th of December by close of  
20 business, which will give Mr. Samaniego and myself a  
21 week before the December 19 continuation of this  
22 preliminary hearing to review the instrument and to  
23 review your investigation and your legal argument.

24                   And that way, he can file a response to  
25 that before the date of the next hearing, which is

1 December 19; okay?

2 So Mrs. Sandoval, thank you again for  
3 your participation, and if you --

4 WITNESS SANDOVAL: Thank you.

5 THE HEARING OFFICER: Thank you.

6 And I'm sorry that we had to mute you,  
7 Mr. Samaniego, but you have to abide by the rules in  
8 this forum or else you will be muted unfortunately.  
9 Okay. We're in recess.

10 MS. VANCE: Mr. Examiner -- oh. I just  
11 wanted -- I understand that we're going to continue  
12 for a preliminary, you know, this preliminary hearing?

13 THE HEARING OFFICER: Yes.

14 MS. VANCE: But should everything be  
15 cleared up at that point? We would just want to of  
16 course have the opportunity to present by affidavit at  
17 that point.

18 THE HEARING OFFICER: So just if you're  
19 able to prove your point and I find by a preponderance  
20 of evidence that Mr. Samaniego does not own an  
21 interest in this land, then of course then you'll  
22 proceed by Hearing by Affidavit on the 19th.

23 MS. VANCE: Thank you.

24 THE HEARING OFFICER: But first, we  
25 have to vet his interest and make sure that he doesn't

1 own an interest. And I want to understand the legal  
2 argument regarding not pooling Mr. Samaniego. Okay.

3 So Mr. Christian, Mrs. Sandoval, thank  
4 you for your participation.

5 Mr. Samaniego, we're in recess on your  
6 case, or on Ms. Vance's case, and we look forward to  
7 seeing you again in two weeks. Okay. I'm now moving  
8 on the docket to case number 24949. It is COG  
9 Operating.

10 Entries of appearance, please.

11 MS. HARDY: Good morning. Dana Hardy  
12 with Hinkle Shanor on behalf of COG Operating. And  
13 there are no other parties in this case.

14 THE HEARING OFFICER: Please proceed.

15 MS. HARDY: Thank you. COG seeks an  
16 order pooling uncommitted interest in the Wolfcamp  
17 formation underlying a 1,268.12 acre, more or less  
18 non-standard spacing unit comprised of all of  
19 irregular Section six and seven, Township 24 south  
20 Range 33 East in Lea County.

21 COG seeks to dedicate the unit to the  
22 Macho Nacho State Com 602H, 604H, 606H, and 608H  
23 wells. And in this case, COG is only seeking to pull  
24 overriding royalty interest because all working  
25 interests are committed to the wells.

1                   We filed amended exhibits yesterday  
2 that include the new C102 forms. Our exhibits include  
3 the Self-Affirmed statements of landman Michael Potts  
4 and geologist Ben Breyman, both of whom have  
5 previously testified before The Division and been  
6 recognized as experts in their fields.

7                   As set out in Exhibit C, we timely sent  
8 our Notice letters on November 8, 2024, and timely  
9 published Notice on November 14, 2024. So with that,  
10 I requested the exhibits be admitted, and that the  
11 case be taken under advisement.

12                   THE HEARING OFFICER: Thank you. Are  
13 there any objections?

14                   Your exhibits are admitted into  
15 evidence.

16                   (Exhibit 8 and Exhibit 9 were marked  
17 for identification and received into  
18 evidence.)

19                   Mr. McClure, any questions?

20                   MR. MCCLURE: Mr. Hearing Examiner, I  
21 have no questions for this case.

22                   THE HEARING OFFICER: This case is  
23 taken under advisement. Thank you, Ms. Hardy.

24                   MS. HARDY: Thank you.

25                   THE HEARING OFFICER: Moving on to

1 number five on the docket. 24950 Permian Resource  
2 Operating.

3 MS. HARDY: Dana Hardy with Hinkle  
4 Shanor on behalf of Permian Resources Operating.

5 THE HEARING OFFICER: Please proceed.

6 MS. HARDY: We do have one entry of  
7 appearance for Northern Oil and Gas I believe.

8 THE HEARING OFFICER: Do we have --

9 MR. DISHONG: Yes, ma'am. Hello.  
10 Hello, everyone. Hello Mr. Hearing Examiner. Matt  
11 Dishong on behalf of Northern Oil Gas for our recent  
12 associates, and we are just monitoring.

13 THE HEARING OFFICER: Okay. Have you  
14 had a chance to review the exhibits?

15 MR. DISHONG: Yes, Mr. Hearing  
16 Examiner. No objections.

17 THE HEARING OFFICER: No objections.  
18 Okay. Thank you, sir.

19 MS. HARDY: Thank you. Permian  
20 Resources seeks a one-year extension of time until  
21 November 15, 2025, to commence drilling the wells  
22 authorized by order number R22959. The extension is  
23 requested due to the need to adjust rig scheduling to  
24 accommodate lease drilling obligations in this area.

25 Our exhibits include the Self-Affirmed

1 Statement of landman Ryan Curry, who has previously  
2 testified and been recognized as an expert by The  
3 Division. As set out in Exhibit C, we timely sent our  
4 Notice letters on November 11, 2024, and timely  
5 published Notice on November 14, 2024. So I would  
6 request that the exhibits be admitted, and that the  
7 case be taken under advisement.

8 THE HEARING OFFICER: Are there any  
9 objections?

10 Your exhibits are entered into  
11 evidence.

12 (Exhibit 10 was marked for  
13 identification and received into  
14 evidence.)

15 Mr. McClure?

16 MR. MCCLURE: Mr. Hearing Examiner, per  
17 the exhibit packets provided to me by email by the  
18 party, I have no questions. However, I see that it's  
19 still not in the case file, and we may want to ensure  
20 that it's in the case file before we take it under  
21 advisement.

22 THE HEARING OFFICER: Ms. Hardy?

23 MS. HARDY: We had some sort of a  
24 technical glitch, I believe, submitting these exhibits  
25 last week that I wasn't aware of until Mr. McClure

1 reached out to me yesterday. So I emailed him the  
2 exhibits, and we did submit them through the portal  
3 yesterday. But apparently, they haven't been posted  
4 to the case file yet.

5 THE HEARING OFFICER: First of all,  
6 Ms. Corral, were you aware that a week ago the  
7 exhibits couldn't be filed in this case?

8 MS. CORRAL: Mr. Hearing Examiner, I  
9 was not aware -- the two that I still have to approve  
10 to date, so they should be in by the end of the day.

11 THE HEARING OFFICER: Okay. I didn't  
12 hear your answer to the question. When I asked were  
13 you aware a week ago that Ms. Hardy was having  
14 technical difficulty submitting her exhibit, what did  
15 you say?

16 MS. CORRAL: I don't know Mr. Hearing  
17 Examiner.

18 THE HEARING OFFICER: So why don't we  
19 find out about that? I don't understand.

20 MS. HARDY: I wasn't aware either. We  
21 thought we had filed them, and that they had gone  
22 through. And I'm not sure -- I don't know where the  
23 glitch was. I don't know if it was on our end or  
24 what. But I wasn't aware of it until yesterday.

25 THE HEARING OFFICER: Well, that's

1 disturbing that -- so I don't know how you file  
2 exhibits because I've never done it myself, but do you  
3 get some sort of confirmation when a file is accepted?

4 MS. HARDY: Yes, we do.

5 THE HEARING OFFICER: Oh, you do?

6 MS. HARDY: We do.

7 THE HEARING OFFICER: So are you saying  
8 you didn't see the acceptance, or are you saying that  
9 there was no acceptance?

10 MS. HARDY: I don't know if we -- I'm  
11 suspecting we didn't receive an acceptance on these.

12 THE HEARING OFFICER: I see. I see.

13 MS. HARDY: Because I think if we would  
14 have, it would be in the file so --

15 THE HEARING OFFICER: Okay. Well,  
16 there's no one to object. So in that case, you're in  
17 good shape.

18 And Ms. Corral, could you look at the  
19 queue now, and let's get this exhibit identified and  
20 admitted before I say that this case is taken under  
21 advisement?

22 MS. CORRAL: Yes. Give me one second.  
23 So it's a couple exhibits, and it's going to be for  
24 case 24949.

25 THE HEARING OFFICER: Wait a second. I

1 thought we were on 24950?

2 MS. CORRAL: I'm sorry. I -- I do  
3 apologize.

4 THE HEARING OFFICER: So does that mean  
5 we also have exhibits for 24949 as well?

6 MS. CORRAL: No. I'm -- I apologize.

7 THE HEARING OFFICER: Okay. All right.

8 MS. CORRAL: Okay. So I'm here, and  
9 I'm accepting the exhibits for case 24950.

10 THE HEARING OFFICER: Okay. Thank you.  
11 Okay. Thank you, Ms. Hardy.

12 MS. HARDY: Thank you.

13 THE HEARING OFFICER: We're now calling  
14 number six on our docket 24957 Permian Resources.

15 MS. MCLEAN: Jackie McLean with Hinkle  
16 Shanor on behalf of Permian Resources, and there are  
17 two entries of appearance in this case. Thank you EOG  
18 resources Jordan Kessler emailed us letting us know  
19 she was not going to be on, but she's reviewed  
20 everything and no objections.

21 THE HEARING OFFICER: And there was  
22 another one too?

23 MS. VANCE: Yes. Northern has entered  
24 appearance in this as well.

25 MR. DISHONG: Yes, Mr. Hearing

1 Examiner. That's me again. Matt Dishong. R. Reese  
2 and Associates for Northern. And again, we've  
3 reviewed the exhibits with no objection. We're just  
4 monitoring.

5 THE HEARING OFFICER: Perfect. Thank  
6 you, sir.

7 Ms. McLean?

8 MS. MCLEAN: Yes. Thank you. In case  
9 numbers 24957 and 24958, Permian Resources seeks to  
10 pull all uncommitted interest in the Bone Spring  
11 formation in all of Sections nine and 16, and in the  
12 north half of Section 21, Township 19 south, Range 30  
13 East in Eddy County, and to dedicate these units to  
14 the Star Fox Wells.

15 Our landman Ryan Curry and geologist  
16 Chris Cantin have both previously been admitted to  
17 testify as experts before The Division, and the  
18 exhibit packets that were submitted to The Division  
19 contain the compulsory pooling checklist, land  
20 exhibits, geology exhibits, and notice exhibits for  
21 both cases.

22 The Notice Letter, Exhibit C1, was  
23 timely sent out on November 11, 2024, and a Notice was  
24 published in the Carlsbad newspaper on November 14.  
25 And I ask that the exhibits be admitted in the case

1 numbers 24957 and 24958, and that the cases be taken  
2 under advisement.

3 THE HEARING OFFICER: Are there any  
4 objections?

5 Your exhibits in both cases 24957 and  
6 24958, which I neglected to call, are entered into  
7 evidence.

8 (Exhibits 11 through 15 were marked for  
9 identification and received into  
10 evidence.)

11 Mr. McClure, questions on either case?

12 MR. MCCLURE: No, Mr. Hearing Examiner.  
13 No questions for either case.

14 THE HEARING OFFICER: All right. Thank  
15 you.

16 They're both taking under advisement,  
17 Ms. McLean.

18 MS. MCLEAN: Thank you.

19 THE HEARING OFFICER: I'm on number  
20 eight now. 24959, which is joined with 60, 61 and 62.  
21 Entries of appearance, please.

22 MS. HARDY: Dana Hardy with Hinkle  
23 Shanor on behalf of Permian Resources Operating.

24 THE HEARING OFFICER: Thank you. I  
25 don't see any other entries of appearance. Do you

1 know of any?

2 MS. HARDY: Only Mr. Bruce from earlier  
3 this morning.

4 THE HEARING OFFICER: Ah. Thank you.  
5 And you already took care of that. Okay.

6 Okay, Ms. Hardy?

7 MS. HARDY: Thank you. In these four  
8 cases, Permian Resources seeks to pool collectively  
9 the top of the Bone Spring to the base of the Second  
10 Bone Spring underlying all of Sections 24 and 23,  
11 Township 20 south, Range 28 east in Eddy County.

12 There are four spacing units, and each  
13 unit is dedicated to one of the Bondi 24 Fed Com  
14 wells. Our exhibits include the Self-Affirmed  
15 Statements of landman Ryan Curry and geologist Chris  
16 Cantin, both of whom have previously testified and  
17 been recognized by The Division as experts in their  
18 fields.

19 As set out in Exhibit C, for each case,  
20 we timely sent our Notice letters on November 12,  
21 2024, and timely publish Notice on November 14, 2024.  
22 With that, I request that the exhibits be admitted,  
23 and that these cases be taken under advisement.

24 THE HEARING OFFICER: Are there any  
25 objections?

1 Not hearing any. Your exhibits in  
2 these four cases are admitted into evidence.

3 (Exhibits 17 through 29 were marked for  
4 identification and received into  
5 evidence.)

6 Mr. McClure?

7 MR. MCCLURE: Mr. Hearing Examiner, one  
8 of these four cases is another one in which Ms. Hardy  
9 needed to -- or provided me the exhibit packet by an  
10 email. Based upon that exhibit packet and the exhibit  
11 packets for the other three cases, I have no questions  
12 for any of these cases.

13 Although, case 24961, we may want to  
14 confirm we have something submitted to us for that  
15 one.

16 THE HEARING OFFICER: Thank you,  
17 Mr. McClure.

18 Ms. Corral?

19 MS. CORRAL: Mr. Hearing Examiner, yes.  
20 I just accepted the exhibits for 24961, so they are  
21 in --

22 THE HEARING OFFICER: Perfect. Very  
23 good. Thank you.

24 We're taking these under advisement,  
25 Ms. Hardy. Thank you.

1 MS. HARDY: Thank you.

2 THE HEARING OFFICER: I'm calling line  
3 12 through -- well, there's a bunch of them. Let's  
4 see. Through 19 it looks like these are Permian  
5 Resource Operating cases. They are case numbers  
6 24964, 65, 66, 67, 68, 69, 70, and 71.

7 Entries of appearance, please?

8 MS. MCLEAN: Yes. Jackie McLean on  
9 behalf of Permian Resources, and there are no other  
10 entries of appearance.

11 THE HEARING OFFICER: Perfect. Please  
12 proceed.

13 MS. MCLEAN: Thank you. In these  
14 cases, Permian Resources seeks to pull uncommitted  
15 interest within certain intervals of the Bone Spring  
16 formation, in all of Sections 15 and 16, in the west  
17 top of Section 14, Township 20 south, Range 27 east in  
18 Eddy County. And these eight spacing units will be  
19 dedicated to the Bonneville wells, and in case numbers  
20 2496465, 66, and 67.

21 Permian Resources is specifically  
22 requesting that uncommitted interests be pooled from  
23 the top of the Bone Spring formation to the base of  
24 the Second Bone Spring interval while in cases 24968,  
25 69, 70, and 71, we're seeking to pull uncommitted

1 interest in the third Bone Spring interval only.

2 Case numbers 24964, 65, and 66 also  
3 separately request approval of an overlapping spacing  
4 unit. The exhibit packet submitted in this case, or  
5 in these eight cases, contain the compulsory pooling  
6 checklist, the land testimony, and exhibits of Ryan  
7 Curry who has previously been accepted as an expert,  
8 and geology exhibits of Chris Cantin; the same  
9 previously accepted as an expert in geology as well as  
10 the Notice exhibits.

11 And I did want to say, we did file an  
12 admitted exhibit packet yesterday for case number  
13 24966 at the request of Mr. McClure to correct the  
14 pool and pool code that was on the first set of  
15 exhibits filed.

16 THE HEARING OFFICER: And Ms. Corral,  
17 do we still have that in the queue, or has that been  
18 filed?

19 MS. CORRAL: That has been processed.

20 THE HEARING OFFICER: Thank you.

21 MS. VANCE: Thank you. The Notice  
22 letter for all of these cases was timely sent on  
23 November 12, 2024, and Notice was published in the  
24 Carlsbad newspaper on November 14, 2024. With that, I  
25 ask that the exhibits be admitted in case numbers

1 24964 through 24971, and that the cases be taken under  
2 advisement.

3 THE HEARING OFFICER: Are there any  
4 objections?

5 The exhibits are admitted into evidence  
6 in all eight cases.

7 (Exhibits 30 through 53 were marked for  
8 identification and received into  
9 evidence.)

10 Mr. McClure?

11 MR. MCCLURE: Mr. Hearing Examiner, no  
12 questions for any of these eight cases.

13 THE HEARING OFFICER: Ms. McLean, all  
14 of your cases are taken under advisement. Thank you.

15 MS. MCLEAN: Thank you.

16 THE HEARING OFFICER: Moving to line 20  
17 through line 24, these are also Permian Resource  
18 Operating cases 24972, 73, 74, 75 and 76.

19 Entries of appearance, please.

20 MS. MCLEAN: Jackie McLean with Hinkle  
21 and Shanor on behalf of Permian Resources and

22 THE HEARING OFFICER: Jordan?

23 MS. MCLEAN: Ms. Kessler, yes. EOG  
24 entered in appearance, and she has stated she has no  
25 objection.

1 THE HEARING OFFICER: Perfect. Thank  
2 you. Please proceed.

3 MS. MCLEAN: Thank you. In case  
4 numbers 24972 through 75, Permian Resources seeks an  
5 order pooling all uncommitted interest within certain  
6 intervals of the Bone Spring formation. And in case  
7 number 24976, they seek to pull interest within the  
8 Wolfcamp formation in the south half of Section 13, in  
9 the southeast quarter of Section 14, in Township 20  
10 south, Range 27 east, and Eddy County.

11 And these five spacing units will be  
12 dedicated to the drop set wells. And with regard to  
13 the Bone Spring formation cases, case numbers 24972  
14 and 73 seek to pool interest from the top of the Bone  
15 Spring to the base of the second Bone Spring interval.

16 And case numbers 24974 and 24975 seek  
17 to pull uncommitted interest in the third Bone Spring  
18 interval. The exhibit packets were timely submitted  
19 and contain the compulsory pooling checklist, land  
20 exhibits, and testimony from landman Ryan Curry,  
21 geology exhibits and testimony from geologist Chris  
22 Cantin, and the Notice exhibits.

23 The Notice letter, Exhibit C1, was  
24 timely sent out on November 13, 2024, and Notice was  
25 published in the Carlsbad paper on November 19.

1           This case we also filed an amended  
2 exhibit packet for at the request of Mr. McClure in  
3 case 24976 which is the WolfCamp case, again  
4 concerning the pool and pool code. And so I ask that  
5 the exhibits be admitted, and case numbers 24964  
6 through 24971, and that the case be taken under  
7 advisement.

8           THE HEARING OFFICER: Are there any  
9 objections? Your exhibits are admitted into evidence.

10           (Exhibits 54 through 68 were marked for  
11 identification and received into  
12 evidence.)

13           Madai, have we already accepted the  
14 amended exhibit packet in 24976?

15           MS. CORRAL: Yes, I did.

16           THE HEARING OFFICER: Okay. Wonderful.  
17 I have a question, Ms. McLean. This is, like, a theme  
18 that I noticed. And you file separate applications  
19 for different formations it sounds like. Is that  
20 because these are separate pool codes, or is it  
21 because there's depth servers in the area?

22           MS. MCLEAN: Well, so I guess it  
23 depends. In these particular cases, it's separate  
24 intervals within the Bone Spring formation. And  
25 that's due, primarily, to OCDs guidance on the need to

1 drill the wells or spread the wells within a year of  
2 the issuance of the order or else the whole order is  
3 vacated and expires.

4 So people are choosing to do just one  
5 application with one well; the one that they, you  
6 know, intend to drill. Instead of, we used to do a  
7 lot with, like, eight wells so that we don't have to  
8 worry about that, that new guidance.

9 THE HEARING OFFICER: That's helpful.  
10 Thank you very much.

11 Mr. McClure, any questions?

12 MR. MCCLURE: Mr. Hearing Examiner, no  
13 questions for any of these five cases.

14 THE HEARING OFFICER: Thank you.  
15 They're all taken under advisement, Ms. McLean. Thank  
16 you.

17 MS. MCLEAN: Thank you.

18 THE HEARING OFFICER: Moving to line  
19 25, and it looks like 26 and 27. These are case  
20 numbers 24979, 80, and 81 Mewbourne Oil.

21 Entries of appearance, please.

22 MS. HARDY: Mr. Examiner, Dana Hardy  
23 with Hinkle Shanor on behalf of Mewbourne Oil Company.

24 MS. VANCE: Paula Vance on behalf of  
25 Matador.

1 THE HEARING OFFICER: Any objections to  
2 the exhibits in these cases?

3 MS. VANCE: No.

4 THE HEARING OFFICER: Thank you.

5 Ms. Hardy?

6 MS. HARDY: Thank you. In these three  
7 cases, Mewbourne seeks to pool the Wolfcamp formation  
8 underlying Sections 27 and 34, Township 23 south,  
9 Range 28 east, and Section 3, Township 24 south, Range  
10 28 east. Mewbourne will dedicate the units to the  
11 Yardbirds 27 3 fee, 711, 713, 715, and 716H wells.

12 These wells are in the Purple  
13 Sage Wolfcamp Gas Pool, and these are standard spacing  
14 units. Our exhibits include the Self-Affirmed  
15 statements of landman Mitch Roth -- virtual  
16 connectivity interruption -- as experts in their  
17 fields.

18 Exhibit C provides the notice  
19 information for each case. We did timely send our  
20 Notice letters on November 14, 2024, and timely  
21 published Notice on November 16, 2024. With that, I  
22 request that the exhibits be admitted, and that the  
23 case be taken under advisement.

24 THE HEARING OFFICER: Are there any  
25 objections? Your exhibits are admitted into evidence.

1 (Exhibits 69 through 77 were marked for  
2 identification and received into  
3 evidence.)

4 Mr. McClure?

5 MR. MCCLURE: Mr. Hearing Examiner, I  
6 have a quick question for Ms. Hardy in regards to the  
7 exhibits.

8 THE HEARING OFFICER: To all three  
9 cases, or specifically one case?

10 MR. MCCLURE: Two of the cases. The  
11 third case looks like it's been resolved. It's the  
12 exact same issue that Ms. Hardy's already aware of I  
13 guess.

14 THE HEARING OFFICER: Well, okay.  
15 Which case numbers are you asking questions about?

16 MR. MCCLURE: It'll be 24980 and 24981.

17 THE HEARING OFFICER: Okay. Please.

18 MR. MCCLURE: Ms. Hardy, for those two  
19 cases I just referenced, the 80 and the 81, had you  
20 resubmitted a exhibit packet with a little map that  
21 was overlaying the cross section? Was it removed and  
22 the exhibit packets resubmitted?

23 MS. HARDY: We did submit it in all  
24 three cases.

25 MR. MCCLURE: Okay. I was going to say

1 I see where there's the new one in the file for the  
2 first case; that being 24979. I didn't see it for the  
3 second cases, though, or the second two cases.

4 THE HEARING OFFICER: Should we check  
5 with Ms. Corral to see if they're in the queue?

6 MS. HARDY: Yes, please.

7 THE HEARING OFFICER: Ms. Corral, would  
8 you check case number 24980 and 81 to see if you have  
9 amended exhibit packets in there?

10 MS. CORRAL: Yes.

11 MR. MCCLURE: Ms. Hardy, those amended  
12 exhibit packet you submitted with the change, it is in  
13 there, it's just you took off that map; is that  
14 correct?

15 MS. HARDY: That's correct. We just  
16 removed the map that was overlapping part of the cross  
17 section.

18 MR. MCCLURE: Okay. Thank you,  
19 Ms. Hardy.

20 Mr. Hearing Examiner, I have no other  
21 questions just beyond checking on the status of those  
22 amended exhibit packet.

23 MS. CORRAL: Mr. Hearing Examiner, I  
24 see them in the queue, and I'm accepting them now.

25 THE HEARING OFFICER: For both cases?

1 MS. CORRAL: Yes. For 24980 and then  
2 24981.

3 THE HEARING OFFICER: Okay. Thank you  
4 very much.

5 With that, these three cases will be  
6 taken under advisement.

7 Thank you, Ms. Hardy.

8 MS. VANCE: Thank you.

9 THE HEARING OFFICER: We're down to our  
10 last three cases of the day. We are calling case  
11 number 24983, OXY USA.

12 MS. VANCE: Good morning Mr. Hearing  
13 Examiner. Paula Vance on behalf of OXY USA.

14 THE HEARING OFFICER: Please proceed.

15 MS. VANCE: Thank you.

16 THE HEARING OFFICER: It looks like --  
17 well, I'm sorry. We have a entry of appearance from  
18 Mr. Parrot.

19 Are you there, sir?

20 MR. SUAZO: Good morning, Mr. Examiner.  
21 This is Miguel Suazo with the Santa Fe Office of  
22 Beatty and Wozniak entry on behalf of XTO Energy.

23 THE HEARING OFFICER: Ah, okay. Is  
24 your entry of appearance also an objection?

25 MR. SUAZO: Yes, it is.

1 THE HEARING OFFICER: Ah, okay. When  
2 did you enter your objection?

3 MR. SUAZO: I'm sorry? We're on 24985  
4 or 28 -- 2498 --

5 THE HEARING OFFICER: We're at 24983.

6 MR. SUAZO: Okay. Sorry. I heard "two  
7 four." I entered in and objected into 24985.

8 THE HEARING OFFICER: Okay. We'll get  
9 to that in just --

10 MR. SUAZO: So the next one.

11 THE HEARING OFFICER: Thank you, sir.  
12 We'll get to that in just a minute. So thank you.

13 But it looks like we have Mr. -- aha.  
14 Maybe because I -- you know what? I think I confused  
15 you, Mr. Suazo, because I asked about James Parrot.  
16 Even though I called 24983, I show him entered on  
17 24985. So I think that may have confused you. So we  
18 are dealing with 24983, and I don't see any other  
19 entries of appearance.

20 Ms. Vance?

21 MS. VANCE: Yes, that's correct. I'm  
22 not aware of any. That took me off guard for a second  
23 there. Okay. So we are here today for a closed loop  
24 gas capture case on behalf of OXY. And what I'm going  
25 to do is just kind of generally walk through the

1 exhibits that we filed as a part of our hearing  
2 packet, and then we have each of our technical experts  
3 available for questions from the hearing examiner as  
4 well as Mr. McClure.

5 THE HEARING OFFICER: Let's take a  
6 five-minute break before you do that.

7 MS. VANCE: Okay.

8 THE HEARING OFFICER: We'll come back  
9 on the record at 10:49 a.m. Thank you.

10 (Off the record.)

11 THE HEARING OFFICER: It is 10:50 a.m.  
12 on December 5th. We're back on the record.

13 And Ms. Vance, you were about to go  
14 through your exhibits?

15 MS. VANCE: Correct. And we have all  
16 of our witnesses ready to go.

17 THE HEARING OFFICER: Excellent.

18 MS. VANCE: So again, I'm just going to  
19 walk through what we filed with our hearing packet,  
20 and then we have our witnesses available for  
21 questioning. So in our hearing packet, you will find  
22 we've got Exhibit A, which is a copy of the  
23 application.

24 Now, I will say, because the  
25 application itself is a really large file, what I did

1 with in talking with Madai, and I apologize if I said  
2 that incorrectly, but I went ahead and filed without  
3 the Exhibit A, but just have a sheet in there pointing  
4 to that's previously been filed.

5 I did provide a shared copy to  
6 Mr. McClure, so he has the full hearing packet to look  
7 through. In addition, we've included Exhibit B, and  
8 these are just some additional exhibits and slides  
9 that we have included to go along with our  
10 application. So Exhibit B1, what you're going to find  
11 in there is a draft of the OCD exhibits, which is the  
12 attachment that goes along with the order.

13 So we've already provided a, basically,  
14 write-up to make it, hopefully, easier for Mr. McClure  
15 to put together an order. And then we've also  
16 provided some gun barrel diagrams as well as one slide  
17 that does a overview of the summary of pilot projects  
18 that some of the other pilot projects of that OXY has  
19 done.

20 In that slide, it talks to, about,  
21 three of those summary reports that were previously  
22 submitted. Now, I will say yesterday Mr. Janacek did  
23 provide three additional summary reports. So at this  
24 point, The Division has six summary reports regarding  
25 these pilot projects that OXY has been engaged with.

1                   And I do want to put a pin in that  
2 because I am going to just talk about that related to  
3 one of the requested release that OXY is asking for.  
4 And then we also have Exhibit B2, which is a resume  
5 for Mr. Charles or "Chuck" Polgar who is with us. He  
6 has not previously testified before The Division.

7                   (Exhibits 78 to 82 were marked for  
8 identification.)

9                   THE HEARING OFFICER: Let's get him  
10 qualified while he's here with us.

11                   Are you on camera, sir?

12                   MR. POLGAR: Yes, Mr. Hearing Examiner.

13                   THE HEARING OFFICER: Okay. I'm going  
14 to wait for the Hearing Clerk to enlarge your picture.  
15 Thank you, Ms. Corral. Okay.

16                   Mr. Polgar, would you state and spell  
17 your name for the record?

18                   MR. POLGAR: Yes, sir. My name is  
19 Charles Polgar. C-H-A-R-L-E-S P-O-L-G-A-R.

20 WHEREUPON,

21                   CHARLES POLGAR,  
22 called as a witness and having been first duly sworn  
23 to tell the truth, the whole truth, and nothing but  
24 the truth, was examined and testified as follows:

25 //

1 DIRECT EXAMINATION

2 BY THE HEARING OFFICER:

3 Q Okay. Thank you, sir. Okay. Tell me a  
4 little bit about the field you seek to become or  
5 recognized as an expert before this Division.

6 A Yes, sir. I worked over the -- in the  
7 Permian Basin, Delaware Basin. I worked for  
8 approximately six years in the Delaware Basin; about a  
9 year in the Mexico division.

10 Q Sir, hold on. Hold on. Mr. Polgar, hold  
11 on. I just asked a different question. Maybe you  
12 didn't hear me. What I asked is what field of  
13 expertise are you seeking to be qualified as an  
14 expert?

15 A Sorry, sir. Yes. I'm a petroleum  
16 geologist.

17 Q Petroleum geology? Perfect. Briefly, what  
18 is your education that goes toward petroleum geology?

19 A Yes, sir. I have a Bachelor's of Science in  
20 geophysics, and a Master's of Science in geology.

21 Q Okay. And when did you earn that?

22 A My bachelor's of science was earned in 2008,  
23 and my master's was earned in 2018.

24 Q Okay. In 2000 when?

25 A I'm sorry. 2018.

1 Q '18. Thank you. And what work experience  
2 do you have that goes toward that?

3 A Yes, sir. I've worked in the field for  
4 approximately four years on -- on drill notations as  
5 a -- as a well site geologist and a supervisor of well  
6 site geologists as well as after that I was a  
7 operations geologist specialist for several companies.

8 And at Occidental [ph], I'm now a  
9 development geologist and primarily working on the  
10 development and exploitation of our resources across  
11 the Delaware Basin.

12 Q Okay. Thank you.

13 A And planning and production.

14 THE HEARING OFFICER: Okay. Thank you.  
15 You are recognized as a petroleum geologist before  
16 this Division from here on in.

17 Ms. Vance, would you like to continue?

18 MS. VANCE: Yes. Thank you,  
19 Mr. Hearing Examiner.

20 So then B3 is an additional exhibit  
21 that Mr. Joshi provided, who is the reservoir  
22 engineer, and that is a estimated SRV size, which is  
23 Simulated Rock Volume.

24 THE HEARING OFFICER: Has he been  
25 qualified as an expert?

1 MS. VANCE: He has.

2 THE HEARING OFFICER: Thank you.

3 MS. VANCE: Okay. And then we have our  
4 expert's testimony, which is all under Exhibit C,  
5 which includes Mr. Stephen Janacek, who is the  
6 petroleum engineer who has previously testified, and  
7 his credentials have been accepted as a matter of  
8 record; Mr. Polgar who has just been accepted as an  
9 expert in petroleum geology matters; and Mr. Rahul  
10 Joshi, who is the reservoir engineer. And again, his  
11 credentials have been accepted as a matter of record.

12 And then the last two exhibits are  
13 Exhibit D, which is my Self-Affirmed Statement related  
14 to the Notice, which was timely. The letter Notice  
15 went out on November 15, 2024, and then the last  
16 exhibit there is the Affidavit of Notice of  
17 Publication, which was timely published on November  
18 19, 2024. I did my date calculator, and I can confirm  
19 it is timely. So --

20 THE HEARING OFFICER: Cutting that one  
21 close.

22 MS. VANCE: I think they always are a  
23 little close.

24 THE HEARING OFFICER: They always are.

25 MS. VANCE: So I mentioned we have some

1 requested relief with the application, and there are  
2 two specific requested reliefs that we are asking for  
3 to be included in the order. And one is related to  
4 the requirement for dedicated test separators for the  
5 injection wells. I believe Mr. McClure is probably  
6 familiar with this request.

7 I think that there may have been prior  
8 conversations about this, but basically, because OXY  
9 is set up and utilizes at their facilities bulk  
10 separators, the request is that rather than having  
11 dedicated test separators for each of the injection  
12 wells, that there is 12-hour testing done in  
13 accordance with the provisions laid out.

14 Specifically, in the orders and the  
15 order provision, they're pretty much all the same. It  
16 would be provision 10A and 10B that, again, it talks  
17 about the testing requirements for after an injection  
18 event. And related to that, I will say Mr. Janacek is  
19 available for questions related to that request. And  
20 then lastly, the other request is related to those  
21 summary reports.

22 These summary reports are comprised of  
23 hundreds of pages and include a tremendous amount of  
24 data. And we recognize these are pilot programs;  
25 pilot projects. And so one of the reasons that these

1 are provided is to provide insight and information to  
2 The Division. And as I said, OXY has previously filed  
3 three of these reports, and now has just filed an  
4 additional three.

5 And so the request is that The Division  
6 take the time to review those reports, those summary  
7 reports, and then if The Division requires additional  
8 summary reports related to this specific application,  
9 then at that time, OXY could put that together and  
10 furnish that to The Division.

11 But rather than making it a  
12 requirement, make it to where if The Division needs  
13 it, OXY would then be able to put that together. So  
14 those are, again, Mr. Janacek can also talk to that.  
15 But again, it does take quite a bit of time to put  
16 those together. And what you'll see from his  
17 overview, there have not been any substantial impacts,  
18 and so we look forward to any questions that the  
19 examiner has regarding that.

20 With that said, our witnesses are  
21 available for questioning.

22 THE HEARING OFFICER: May you seek to  
23 admit the exhibits into evidence?

24 MS. VANCE: I do. Sorry.

25 THE HEARING OFFICER: Any objections?

1 Your exhibits are admitted into evidence.

2 (Exhibits 78 through 82 were received  
3 into evidence.)

4 Mr. McClure?

5 MR. MCCLURE: Thank you, Mr. Hearing  
6 Examiner. I do have questions for the witnesses.  
7 Mr. Janacek and then your geologist, so Mr. Polgar.

8 THE HEARING OFFICER: Okay. Well,  
9 Mr. Polgar is --

10 MR. MCCLURE: Have a very brief  
11 question for him.

12 THE HEARING OFFICER: Mr. Polgar has  
13 already been sworn in. Why don't you start with him,  
14 and then we can get the other sworn in?

15 MR. MCCLURE: Sure thing, Mr. Hearing  
16 Examiner.

17 DIRECT EXAMINATION

18 BY MR. MCCLURE:

19 Q Mr. Polgar, I'm going to say page citations  
20 is going to be somewhat difficult because how the  
21 exhibit is kind of split up, but I guess, in general,  
22 is it correct that the primary upper confining layer  
23 is going to be the Second Bone Spring line?

24 A Yes, that's correct.

25 Q Within the exhibit packets, do you include

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1 the actual picks for the top and face of that upper  
2 confining layer?

3 A I believe they are marked on the type well.  
4 Would you require something else, or actual vets as  
5 well?

6 Q Yeah. What I'll request of you is if you  
7 could provide those to me in writing, so I don't need  
8 to try to zoom in on it and get exact depth. That's  
9 essentially the only real thing, I guess, I'm looking  
10 at there.

11 A Yes, sir.

12 Q Okay. Thank you, sir.

13 MR. MCCLURE: I have no further  
14 questions for this witness.

15 THE HEARING OFFICER: Mr. Janacek?

16 MR. JANACEK: Hello. Can you hear me  
17 Mr. Examiner?

18 THE HEARING OFFICER: Yeah. I can't  
19 see you, though, so let's wait until we can see you.

20 MR. JANACEK: Okay. One second. Let  
21 me try some on my end.

22 MR. MCCLURE: So your camera feed's  
23 coming through, it's just probably not up on the  
24 screen, Mr. Janacek. Check for -- never mind. It was  
25 coming through, now it's gone.

1 MR. JANACEK: Let me try again here.  
2 I'm sorry.

3 THE HEARING OFFICER: I can see you.  
4 Would you raise your right hand?

5 WHEREUPON,

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

10 THE HEARING OFFICER: Would you state  
11 and spell your name for the record?

12 THE WITNESS: My name is Stephen  
13 Janacek. And how to spell S-T-E-P-H-E-N Janacek,  
14 J-A-N-A-C-E-K.

15 THE HEARING OFFICER: Okay.

16 Mr. McClure?

17 MR. MCCLURE: Thank you, Mr. Examiner.

18 DIRECT EXAMINATION

19 BY MR. MCCLURE:

20 Q Mr. Janacek, I'm looking at your paragraph  
21 36 of your affidavit. This is the paragraph that  
22 refers to the DOR gas allocation method and talking  
23 about the purchasing of gas. Are you familiar with  
24 the paragraph I'm referring to?

25 A Yes. And I have that pulled up in front of

1 me now, Mr. Examiner McClure

2 Q And it looks like Ms. Vance is sharing her  
3 screen to bring it up. Now, reference is made here to  
4 OXY purchasing the gas. Is it accurate to say that  
5 OXY would be purchasing 100 percent of the working  
6 interest as well in that gas, and that you'd be paying  
7 all of the working interest other than OXY?

8 A Yes.

9 Q Okay. And you'd be, essentially, just  
10 buying a market grade; is that correct?

11 A That's correct.

12 Q And this measurement, it would take place at  
13 the, I guess, at the well head or at whatever the  
14 compression station is that you're injecting the gas  
15 down the well; is that correct?

16 A Yes. It is at the well head at our  
17 injection meter that is utilized for that sales meter  
18 or a buyback meter so to speak.

19 Q And then all royalties and then, of course,  
20 the working interest that's going to be covered at  
21 that point; is that correct?

22 A Correct.

23 Q Now, when that gas is reproduced or when  
24 that gas is recovered, is it going to be treated as --  
25 for purposes of allocation and purposes of payout, is

1 that recovered gas would be treated as if it's native  
2 production?

3 A Yes, it is.

4 Q Okay. Thank you, sir. Within the exhibits,  
5 and maybe I missed it, I'm not sure, is OXY also  
6 asking to -- within the summary reports and within the  
7 reporting, is OXY asking to not produce gas recovery  
8 profiles?

9 A So what OXY is requesting there with the  
10 project summary report is for all of the, specific to  
11 this case and specific to this project, that we will  
12 hold on to all the data that is utilized to create the  
13 project summary reports. But we won't put together a  
14 project summary report unless requested by the OCD at  
15 a given date.

16 So what we would -- what we're requesting is  
17 that for this case, we not submit a project summary  
18 report as stated in the order and instead, we will  
19 submit a project summary report if requested at a  
20 later date by the OCD.

21 Q Now, considering the proposed allocation  
22 method where GOR would not have to be considered for  
23 allocation, would OXY still be putting together --  
24 under this proposal, would OXY still be putting  
25 together a GOR recovery profile to determine how much

1 gas was actually recovered regardless of how it's  
2 going to be allocated?

3 A Yes. OXY could supply that data and  
4 information if the OCD is interested in the calculated  
5 GOR recovery. That is something we could definitely  
6 still do even though like you're -- like you're  
7 stating here, it's going to be different in the actual  
8 way that gas is accounted for.

9 Q Now, with considering the extra relief that  
10 is being requested by OXY, that being the shorter --  
11 what's the word I'm looking for? The test separator  
12 being allocated specifically for the injection wells  
13 as your recovery gas.

14 Currently, the requirements is, I want to  
15 say, it's 24 hours for one, and I think goes up to 48  
16 hours, perhaps, for the other bracket. I don't recall  
17 off the top of my head. But regardless, your ask for  
18 relief is that that be shortened 12 hours regardless  
19 of the amount of injection; is that correct?

20 A If I may, I'd like to clarify. Yes. Yes.  
21 So Examiner McClure, what we're requesting is not a  
22 change to the total tested time. If we're talking  
23 about the first bracket, that being a gas arrangement  
24 less than 24 hours, we will still test the well for  
25 two days straight. However, it will only be a test

1 for 12 hours a day.

2 So that's what we're requesting is that the  
3 testing that is done, the well is only in test  
4 duration for 12 hours instead of it being in test  
5 duration for a total 24 hours. And so the same thing  
6 will go for the second bracket that we have where  
7 there is a storage vent longer than 24 hours. Per the  
8 order, there's a seven-day testing period, which OXY  
9 does not -- does not take issue with.

10 Again, here it would just be dedicating 12  
11 hours of the testing each day to the well, and then  
12 that would be seven days in a row. So I hope that  
13 provides a little bit more clarity to OXY's request  
14 for use for 12-hour testing durations.

15 Q Yes. That definitely does. And that does  
16 solve where the 24 hours is coming in. Do you believe  
17 that 12 hours of every 24 hours would provide you with  
18 sufficient data points to properly determine how much  
19 gas is being recovered?

20 A I believe so.

21 Q Okay. Thank you, sir. Let me see if I can  
22 find --

23 MR. MCCLURE: Ms. Vance, I guess I'm  
24 not sure what part it might be in. I'm looking for --  
25 actually, I think it's part of the original

1 application. I'm looking for the AR data at the  
2 table. Do you know what page that might be in?

3 MS. VANCE: Yes. Give me one second.

4 MR. MCCLURE: Yeah. It should have,  
5 like, all the casing decks and stuff on that table.

6 MS. VANCE: Yeah. So my computer sort  
7 of freezes when I get to those large maps.

8 MR. MCCLURE: Actually, my -- oh. My  
9 PDF does, I mean, my computer was on that too as well.

10 MS. VANCE: Let me get there. Sorry.  
11 It's easier to go backwards on these. This should be  
12 what you're looking at.

13 MR. MCCLURE: Yeah.

14 MS. VANCE: Let me get to that.

15 MR. MCCLURE: That is correct. Yep.  
16 And that's exactly what I'm looking at. If you could  
17 zoom in on --

18 MS. VANCE: Yeah. My computer froze.

19 MR. MCCLURE: Actually, it's rule  
20 number one is the one I'm interested in. Yeah. It's  
21 the map above it. My computer don't like those  
22 either.

23 MS. VANCE: Is it showing?

24 MR. MCCLURE: It isn't now. It was,  
25 but it's not any longer.

1 MS. VANCE: I'm not sure if it's going  
2 to let me scroll in. Every time I try and scroll in  
3 it. That might be the --

4 BY MR. MCCLURE:

5 Q Mr. Janacek, can you see? Is it big enough  
6 you can read everything on that?

7 A I cannot read the screen, but I do have it  
8 pulled up on my desktop here in front of me.

9 Q Okay. You see the role for Morgan Fee Com  
10 #1H?

11 A Yes, I do.

12 Q Okay. It disappeared off the shared screen.  
13 But regardless -- yeah. There it is again. Based  
14 upon this, OXY's determination from that CBL is that  
15 the top of cement is 5,400 for the production casing;  
16 is that correct?

17 A That's correct.

18 Q And is it also correct that the intermediate  
19 casing is set at 3,037 based on this table?

20 A Based off of this table, yes. That looks to  
21 be correct.

22 Q So then is it a accurate statement to say  
23 that the cement is not tied back into the prior casing  
24 stream?

25 A Based off of this a OR table, hat is a true

1 statement.

2 Q Okay. So does OXY understand that before  
3 they could bring this well into operational status,  
4 and what I mean by that is have it prepared to accept  
5 injection, that OXY would need to correct that and tie  
6 that cement back?

7 A Yes. OXY does understand that. And I think  
8 I would also -- I do understand that, and what I would  
9 like to do is verify all that casing information is --  
10 is accurate, too, just to make sure it's all correct.

11 Q Yes, sir. And I have looked back at it. I  
12 looked into the files myself at this point, so your  
13 table could be incorrect. I'm not sure on that. In  
14 relation to this, though, and -- oh. I'm not sure  
15 what page it is again, but there's a wellbore diagram  
16 that's for this well, and that wellbore diagram seems  
17 to indicate that the cement is tied back yet.

18 Do you think it's possible that the table's  
19 wrong? Well, I guess, would you agree that either the  
20 wellbore diagram or the table is incorrect there?

21 A It seems that there might be some  
22 discrepancies that we need to look into, yes.

23 Q Okay. Well, regardless, before we put in  
24 operational status, OXY would have to get approval --  
25 separate approval from The Division for that case. So

1 with using the Notice of Intent that they'd be  
2 submitting. So at this point, I think we should be  
3 fine on that side.

4 A I understand.

5 Q Mr. Janacek, are you familiar with the  
6 pressure maintenance project that was approved under  
7 the order R21832? Said it's designated as Cedar  
8 Canyon State 16 Pressure Maintenance project?

9 MS. VANCE: Can you repeat that order  
10 number?

11 MR. MCCLURE: Yes, ma'am. Order number  
12 R21832.

13 MS. VANCE: Thank you.

14 A Mr. Examiner, I'm vaguely aware of  
15 that -- that project, yes.

16 Q Are you the one that's overseeing OXY's  
17 operations for this project, Mr. Janacek?

18 A No, sir. I'm not.

19 Q Okay. But you are aware of the project  
20 area? Or I see you are aware of the project though?

21 A Yes.

22 Q Are you aware if this project is still  
23 ongoing?

24 A I do not know for certain, but that is  
25 something I can look into and provide you with the

1 status state -- status update for the project.

2 Q Assuming that it is ongoing and OXY was  
3 presented with the option of either removing one of  
4 the proposed closed loop gas capture injection wells  
5 or ceasing operations of this pressure maintenance,  
6 are you at this point aware of which preference OXY  
7 would have?

8 A No. I don't know what the preference would  
9 be.

10 Q If given that option, would OXY be fine  
11 choosing one or the other? That being either cease  
12 operations of pressure maintenance or else remove one  
13 of the closed loop gas capture wells being proposed  
14 here?

15 A I think OXY would like to -- can -- if the  
16 Section 16 project is ongoing, we would like to  
17 continue that project. And if we did need to remove a  
18 CLGC well due to its proximity, we would be open to  
19 discussing that removal. And --

20 Q Would you say -- go ahead, sir.

21 A And if I may ask, are we were -- are you  
22 potentially considering removing well number -- it's  
23 number 11 on the map on page 21?

24 THE HEARING OFFICER: Ms. Vance, I'm  
25 not going to allow questions from the witness to

1 Mr. McClure.

2 THE WITNESS: Oh, I'm sorry.

3 MS. VANCE: Understood. Sorry. I  
4 think we were just trying to find clarification. I'm  
5 happy to go to that page.

6 What was it, Mr. Janacek?

7 THE WITNESS: Yes. I was just asking  
8 for clarification with Mr. Examiner McClure if the  
9 well he would -- if the well he was considering  
10 removing from the potential order issued for this  
11 project would be well AOR ID 11 as seen on the map on  
12 page 21 of 204.

13 MS. VANCE: And I'm going to go there  
14 really quick if you give me just one second. I  
15 believe it's this well.

16 THE WITNESS: That's correct.

17 MS. VANCE: Yeah.

18 BY MR. MCCLURE:

19 Q Mr. Janacek, earlier you mentioned that OXY  
20 would be open to a discussion. Do you mean that OXY,  
21 I mean, exactly as you said. Would you believe that  
22 OXY would be able for discussion, or do you mean that  
23 OXY would be fine with that removal if The Division  
24 were to make that in stipulation?

25 A I think we would be open for a discussion

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1 first because I don't know what the operational need  
2 is for all these gas storage wells. So I think we  
3 would want to have a discussion first. And it might  
4 be a very brief discussion after I confer with my  
5 colleagues.

6 MR. MCCLURE: Mr. Hearing examiner,  
7 would it be possible for us to take a break to give  
8 Mr. Janacek that ability to do so? Otherwise, I think  
9 we may want to continue the case until we have more  
10 word on what they want to do with that pressure  
11 maintenance project.

12 THE HEARING OFFICER: I see.

13 Ms. Vance?

14 MS. VANCE: Well, I think we'd want to  
15 make sure that we can, you know, complete our  
16 presentation here today rather than having to continue  
17 it. If we can take, maybe, just a brief break so I  
18 can confer with my client? I'm, you know, I'm  
19 assuming -- will that --

20 THE HEARING OFFICER: Okay. I  
21 understand. All right. Let's do this. It's 11:20  
22 now. I think it's time to take a little lunch break,  
23 so that'll give you plenty of time to confer with your  
24 client. I just don't want the witnesses asking the  
25 examiners questions. It's not appropriate.

1 MS. VANCE: Understood. Thank you.

2 THE HEARING OFFICER: Okay. This is an  
3 evidentiary hearing, Mr. Janacek, where The Division  
4 gathers evidence, and that's all we do here at this  
5 time.

6 So why don't we take a, what, 45  
7 minutes? How long would you like, Ms. Vance?

8 MS. VANCE: I think that that would be  
9 fine. I believe, you know, each of our witnesses  
10 would be available to come back at that time.

11 THE HEARING OFFICER: Okay. And  
12 Mr. McClure, how do you feel about that?

13 MR. MCCLURE: It works for me,  
14 Mr. Hearing Examiner.

15 THE HEARING OFFICER: All right. Very  
16 good.

17 MS. HARDY: Mr. Examiner?

18 THE HEARING OFFICER: Yes.

19 MS. HARDY: I have the last case on the  
20 docket, which is an extension case for BTA.

21 THE HEARING OFFICER: Be quick.

22 MS. HARDY: I think it should be quick.  
23 If I might present that before the break, that would  
24 be fantastic.

25 THE HEARING OFFICER: That sounds fine.

1 So let me -- but it seems like we have two cases left  
2 on the docket. We have 30 and 31.

3 MS. HARDY: I believe 31 was  
4 Mr. Bruce's

5 THE HEARING OFFICER: Thirty was  
6 Mr. Bruce's, yes. I'm not sure what we're doing with  
7 that case.

8 But that's the only other case you have  
9 Ms. Hardy?

10 MS. HARDY: It is.

11 THE HEARING OFFICER: All right. Let  
12 me call 24948.

13 Entries of appearance, please.

14 MS. HARDY: Thank you. Dana Hardy with  
15 Hinkle Shanor on behalf of BTA Oil Producers, LLC.

16 THE HEARING OFFICER: Okay. And this  
17 is an amendment case?

18 MS. HARDY: Yes. An extension of a  
19 polling.

20 THE HEARING OFFICER: Were your  
21 witnesses, have they been qualified previously?

22 MS. HARDY: Yes. Landman Rex Barker  
23 has been qualified previously.

24 THE HEARING OFFICER: Is your Notice  
25 timely?

1 MS. HARDY: It is.

2 THE HEARING OFFICER: Mr. McClure, do  
3 you have any questions in case number 24948?

4 MR. MCCLURE: Mr. Hearing Examiner, you  
5 don't know what the docket number is on that?

6 THE HEARING OFFICER: Yes. Number 31.  
7 It's the last one of the day.

8 MR. MCCLURE: Now, I'm looking at the  
9 online version, and the ordering different here.

10 THE HEARING OFFICER: This is BTA Oil  
11 Producers. It's a amendment case.

12 MS. HARDY: It was initially left off  
13 of the docket and then was added when the second  
14 worksheet was sent out.

15 THE HEARING OFFICER: That's right.  
16 You may not have gotten that.

17 MR. MCCLURE: xI may -- yeah. I was  
18 going to say, I'm not sure if I have reviewed this  
19 case.

20 THE HEARING OFFICER: Okay. Very good  
21 Ms. Hardy, it's not going to be  
22 possible. I know what happened. Ms. Corral came to  
23 me today and said, "This case was put on at the last  
24 minute."

25 Ms. Corral, why was this case added to

1 the docket at the last minute?

2 MS. CORRAL: Mr. Hearing Examiner, it  
3 fell out of the docket. They had the wrong date, and  
4 I had to put it back.

5 THE HEARING OFFICER: So Ms. Hardy,  
6 it's our error and I apologize, but it's not been  
7 reviewed.

8 MS. HARDY: Okay.

9 THE HEARING OFFICER: So what we can do  
10 is, and I don't want to give Mr. McClure more work  
11 over the lunch break.

12 MS. HARDY: Sure.

13 THE HEARING OFFICER: What we can do  
14 is, I don't know any other way of doing this besides  
15 putting it on the December 19th docket because  
16 Mr. McClure hasn't had time to review this case.

17 Mr. McClure would, you be able to  
18 review it later and handle it at the end of the day,  
19 or not?

20 MR. MCCLURE: Mr. Hearing Examiner,  
21 just based on what was said here, it is an amendment  
22 for extension time; is that correct?

23 THE HEARING OFFICER: Ms. Hardy?

24 MS. HARDY: That's correct. It's the  
25 first extension. One year.

1 MR. MCCLURE: Okay. Mr. Hearing --

2 THE HEARING OFFICER: Yes?

3 MR. MCCLURE: Go ahead. Sorry.

4 MS. HARDY: Oh. I was going to say due  
5 to a limitation on sour gas takeaway that should  
6 resolve in the first quarter.

7 MR. MCCLURE: Mr. Hearing Examiner, it  
8 should be relatively fast reviewed, so we should  
9 potentially be able to hear it today.

10 THE HEARING OFFICER: Right. Okay.  
11 Very good. So I'm going to recess case 24948.

12 You know, Ms. Hardy, you can appear  
13 from your office if you prefer.

14 MS. HARDY: I think I will do that.  
15 Thank you.

16 THE HEARING OFFICER: And in case  
17 number two -- let's resolve case number 24958. It's  
18 Mewbourne Oil. That's number 30 on our revised  
19 docket.

20 Do we have an entry of appearance?

21 MR. SUAZO: Yes, Mr. Examiner. This is  
22 Miguel Suazo with Beatty & Wozniak on behalf of XTO  
23 Energy.

24 THE HEARING OFFICER: Yes, sir. And  
25 you entered an objection in this case?

1 MR. SUAZO: Yes.

2 THE HEARING OFFICER: Okay. And do we  
3 have an attorney for the applicant?

4 Ms. Hardy, I understand that was  
5 Mr. Bruce, but I'm not sure what happened.

6 MS. HARDY: I thought he had asked to  
7 continue this case.

8 THE HEARING OFFICER: Okay. That's  
9 fine. He may -- oh. You do know that, Mr. Suazo?  
10 Okay. Very good. I guess based on your objection?

11 MR. SUAZO: Yes.

12 THE HEARING OFFICER: All right.  
13 Sounds good. All right. So then, well, I don't  
14 remember. Will that be continued to the second docket  
15 in December?

16 MR. SUAZO: Well, I think was it  
17 automatically continued there, and then I think he  
18 asked for the second docket in January.

19 THE HEARING OFFICER: Did he? Okay.  
20 So I don't remember that now. Okay. I think he said  
21 he was going to file for a continuance. There were  
22 two cases. One was 24982, the other was 24943. So I  
23 don't remember 24985 being discussed earlier.

24 MR. SUAZO: It wasn't.

25 THE HEARING OFFICER: It was not?

1 Okay. Then that'll be up to Mr. Bruce to file a  
2 continuance. This case was on the docket for Hearing  
3 by Affidavit. When did you enter your appearance?

4 MR. SUAZO: December 3rd, Mr. Examiner.

5 THE HEARING OFFICER: So two days ago?  
6 Okay. All right. Very good. So Mr. Suazo, would you  
7 communicate with Mr. Bruce and let him know what  
8 happened? If this case was heard, we obviously can't  
9 move forward. It needs to be continued to a status  
10 conference on another docket.

11 MR. SUAZO: Yes. I can do that.

12 THE HEARING OFFICER: Are you planning  
13 on filing competing application with this?

14 MR. SUAZO: It's possible. The real  
15 issue, Your Honor, for my client is that they didn't  
16 get the AFE in this case until November 15th. And  
17 since this is such a large area, they just need more  
18 time to evaluate the economics among other things.

19 THE HEARING OFFICER: Okay. Makes  
20 sense. Makes sense. I wonder whether we shouldn't --  
21 whether you might suggest to Mr. Bruce to move this  
22 case to December 19 since it sounds like that would  
23 give your client some time to review?

24 MR. SUAZO: Yes. I'll get with  
25 Mr. Bruce and see what he's comfortable with, and

1 we'll go from there.

2 THE HEARING OFFICER: Perfect. Okay.  
3 We're in recess on that case.

4 So when we come back after lunch, which  
5 will now be at 12:15, 45-minute lunch, we will hear  
6 the rest of this case from Ms. Vance, and then we will  
7 take your case, Ms. Hardy, after that.

8 MS. HARDY: Thank you.

9 THE HEARING OFFICER: Thank you.

10 MR. SUAZO: Thank you.

11 THE HEARING OFFICER: We're in recess.

12 (Off the record.)

13 THE HEARING OFFICER: Okay. Very good.  
14 It is 12:16 in the afternoon of December 5th. We are  
15 back on the record.

16 We were hearing cross-examination of  
17 Ms. Vance's witnesses by Mr. McClure, and we took a  
18 break so that the witness could consult with counsel.  
19 Ms. Vance, where are we?

20 MS. VANCE: Yes. I believe our witness  
21 is prepared to answer Mr. McClure's question regarding  
22 the Morgan well.

23 THE HEARING OFFICER: Thank you.

24 Mr. McClure, would you repeat your  
25 question that you asked before we went on break?

1 MR. MCCLURE: Yes, I will, Mr. Hearing  
2 Examiner.

3 BY MR. MCCLURE:

4 Q Mr. Janacek, in regards to the, I guess, I'm  
5 not sure what the thought process was on Morgan Fee  
6 well.

7 But I guess what my question is, in regards  
8 to the pressure maintenance project, which is  
9 designated as Cedar Canyon State 16 Pressure  
10 Maintenance Project, would OXY like the chance to  
11 provide further discussion in regards to maintaining  
12 both that pressure maintenance project and injection  
13 under the closed loop gas capture project into the  
14 Cedar Canyon 21, federal number 21H, or as designated  
15 as number 11 on your AOR map?

16 A Yes. I was able to speak with some folks,  
17 and can answer your question, Mr. Examiner McClure.  
18 We are currently injecting into the Cedar Canyon 16  
19 7H, which is a part of that pressure maintenance  
20 project that you referred to.

21 I was able to verify that. So that being  
22 said, what we would like to do, excuse me, what we  
23 would like to do is move forward with maintaining that  
24 injection permit and then removing the well that you  
25 specifically stated from the CLGC project if if

1 necessary. I hope that answers your question.

2 Q Yes, it does, Mr. Janacek.

3 MR. MCCLURE: Mr. Hearing Examiner, I  
4 have no further questions for this case, but there was  
5 one request that I had. I mentioned to Mr. Polgar,  
6 the geologist, just so that we're remembering, I  
7 guess, that I was requesting one additional  
8 supplemental exhibit.

9 THE HEARING OFFICER: Would you put  
10 that on the record with Ms. Vance?

11 MR. MCCLURE: Ms. Vance, my request was  
12 to have a supplemental exhibit, which just, basically,  
13 set the depth of what the top and base is of the  
14 Second Bone Spring line stone within that type lock.  
15 Do you know what I'm asking for Ms. Vance?

16 MS. VANCE: Yes.

17 THE HEARING OFFICER: Okay. So  
18 Mr. McClure, you don't have any additional questions.  
19 And once we receive that additional exhibit from  
20 Ms. Vance, will that allow this case to be taken under  
21 advisement?

22 MR. MCCLURE: Yes, it will,  
23 Mr. Examiner.

24 THE HEARING OFFICER: Okay.

25 MS. VANCE: And I did want to add one

1 other thing. I believe there was one other  
2 supplemental that Mr. McClure and I talked about the  
3 other day in preparing for this hearing, and OXY is  
4 working on that. We plan to file a supplement next  
5 week regarding that request. And at the same time,  
6 we'll include this information that Mr. McClure has  
7 asked for at the hearing.

8 THE HEARING OFFICER: Will you put it  
9 on the record? What is that supplement that was asked  
10 for last week?

11 MS. VANCE: You know, I think it's best  
12 to for, maybe, can Mr. McClure say it?

13 THE HEARING OFFICER: Of course. Yeah.  
14 Mr. McClure, what did you ask for?

15 MR. MCCLURE: Yeah. I'm actually glad  
16 that Ms. Vance brought it up because I was completely  
17 forgetting, and it would be preferable to have on  
18 record. Let me find my exact email so I can see  
19 exactly how I wrote it out.

20 Essentially, what I'm asking of OXY is  
21 to provide a supplemental exhibit that is the  
22 conclusion of a review of all the closed loop gas  
23 capture wells and all of the wells within the half  
24 mile AOR radius.

25 And in this review, they should be

1 looking for any EOR projects which any of those wells  
2 may have been part of, are currently part of, or are  
3 currently proposed to be part of as a submitted  
4 application that does not have an order issued for  
5 yet. And you understand what I'm asking for here,  
6 Ms. Vance; is that correct?

7 MS. VANCE: Yes. I mean, I got your  
8 email, but just to have it on the record from yourself  
9 is perfect. Appreciate it.

10 THE HEARING OFFICER: All right. So we  
11 will be in recess on this case. We will not take it  
12 under advisement until we get a single amended exhibit  
13 packet from you, Ms. Vance, with a cover letter  
14 explaining what's going on.

15 Now, you said, if I'm not mistaken, is  
16 this the case where the application was so large that  
17 you couldn't fit it in with the rest of the exhibits?

18 MS. VANCE: That's correct. Exhibit A  
19 we did not include.

20 THE HEARING OFFICER: But exhibit A is  
21 already part of the administrative record; right?

22 MS. VANCE: Correct. It was the  
23 application that we filed.

24 THE HEARING OFFICER: So it doesn't  
25 necessarily need to be part of the exhibit packet?

1 Okay.

2 MS. VANCE: No. And I plan to file  
3 exactly like I did with the hearing packet if that  
4 works.

5 THE HEARING OFFICER: All right.

6 Madai, once you get -- and we'll set a  
7 deadline so that you have a calendar reminder, and so,  
8 Ms. Vance, please think of a reasonable deadline to  
9 file this amended exhibit packet.

10 But Madai, once you get it, please  
11 remove the old exhibit packet.

12 MS. VANCE: I believe we could probably  
13 get that done by the end of next week, but would  
14 appreciate confirming with OXY. I see Mr. Janacek  
15 nodding his head, so I think by the end of next week  
16 would be perfect.

17 THE HEARING OFFICER: Okay. So we will  
18 set a deadline for the 13th of December by 5:00 p.m.  
19 And if you need more time, just let us know.

20 MS. VANCE: Perfect. We appreciate it.

21 THE HEARING OFFICER: There's no one  
22 opposing it.

23 Okay. Mr. McClure, have you had a  
24 chance to review Ms. Hardy's exhibits in the final  
25 case of the day?

1 MR. MCCLURE: Yes, I have, Mr. Hearing  
2 Examiner. Case 24948; correct?

3 THE HEARING OFFICER: 24948.

4 MR. MCCLURE: Yes, sir. I have.

5 THE HEARING OFFICER: 24948. Thank  
6 you. And thank you to the folks at Holland and Hart.  
7 We will see you December 19th. All right. Okay.

8 Ms. Hardy, are you with us?

9 MS. HARDY: Yes, I am. Can you hear  
10 me?

11 THE HEARING OFFICER: I can hear you,  
12 and I can't see you. Now I can see you. And  
13 Ms. Hardy, do you have your witnesses available?

14 MS. HARDY: I do.

15 THE HEARING OFFICER: Okay. Excellent.  
16 Let's call case 24948.

17 Entries of appearance, please.

18 MS. HARDY: Dana Hardy with Hinkle  
19 Shanor on behalf of BTA Oil Producers, LLC.

20 THE HEARING OFFICER: Thank you. And  
21 you are seeking an amendment?

22 MS. HARDY: That's correct. The  
23 one-year extension of time to commit drilling the  
24 wells authorized by order R23119.

25 THE HEARING OFFICER: And what is the

1 good cause?

2 MS. HARDY: The good cause is a  
3 limitation on sour gas takeaway in the area, and BTA  
4 expects that to be relieved by mid 2025. And BTA has  
5 already spudded several of the wells under the order,  
6 but is not able to spud, I believe, two of them. That  
7 needs additional time.

8 THE HEARING OFFICER: Okay. Are there  
9 any other parties that entered an appearance that you  
10 know of?

11 MS. HARDY: There are not.

12 THE HEARING OFFICER: Okay. Very good.  
13 Why don't you proceed?

14 MS. HARDY: Sure. So BTA seeks this  
15 one-year extension of time to commence drilling the  
16 Bobwhite 22304 4-3 Fed Com 4H and 5H wells under order  
17 R23119. And the reason that I mentioned is due to a  
18 limitation on sour gas takeaway in the area.

19 Our exhibits include the Self-Affirmed  
20 Statement of landman Rex Barker, who has previously  
21 testified and been recognized as an expert in his  
22 field before The Division. Our Notice information is  
23 included in Exhibit C. We timely sent out our Notice  
24 letters on November 8, 2024, and timely publish Notice  
25 on November 13, 2024.

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So unless there are questions, I request that the exhibits be admitted, and that the case be taken under advisement.

THE HEARING OFFICER: Are there any objections? Your exhibits are admitted in this case.

(Exhibit 83 and Exhibit 84 were marked for identification and received into evidence.)

Mr. McClure?

MR. MCCLURE: No questions, Mr. Hearing Examiner.

THE HEARING OFFICER: Perfect.

Ms. Hardy, thank you for being understanding.

And Mr. McClure, thank you for all your hard work.

And Ms. Corral, we're off the record.

MS. HARDY: Thank you.

THE HEARING OFFICER: Bye.

(Whereupon, at 12:25 p.m., the 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.



JAMES COGSWELL  
Notary Public in and for the  
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

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LOUISE CROSSAN

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[division - engagement]

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[possibly - provide]

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[rdx - repeat]

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[replacing - rodriguez]

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[rodriquez - second]

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[severed - sperling]

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