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

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

Case Nos. 24185, 24517, 24831	Docket No.
24832, 24886, 24888, 24932	06-25
24934, 24935, 24936, 24937	
24938, 24991, 24997, 24998	
24999, 25000, 25001, 25011	
25013, 25014, 25015, 25018	
25019, 25027, 25028, 25029	
25030, 25047, 25048, 25049	
25055, 25056, 25057, 25059	
25060, 25061, 25062, 25063	
25064, 25065, 25066, 25067	
25070, 25072, 25076, 25077	
25078, 25081, 25082, 25083	
25084, 25085, 25092, 25115	
25118, 25119, 25120, 25126	
25166	

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HEARING

DATE: Thursday, February 13, 2025
TIME: 9:02 a.m.
BEFORE: Gregory A. Chakalian, Hearing Examiner
LOCATION: Pecos Hall, Wendell Chino Building
1220 South Saint Francis Drive
Santa Fe, NM 87505
REPORTED BY: James Cogswell
JOB NO.: 6972970

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11 ALSO PRESENT:

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14 Million Gebremichael, Technical Examiner

15 Phillip Goetze, Technical Examiner (by

16 videoconference)

17 Freya Tschantz, Law Clerk

18 Jonathan Samaniego, American Energy Resources,

19 LLC (by videoconference)

20 Ruth Pelzel, Witness (by videoconference)

21 Ethan Frasier, Witness (by videoconference)

22 Brock Dixon, Witness (by videoconference)

23 Caroline Frederick, Witness (by videoconference)

24 Tyler Patrick, Witness (by videoconference)

25 Rett Dalton, Witness (by videoconference)

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

ALSO PRESENT (Cont'd):

Douglas Crawford, Witness (by videoconference)
Reed Davis, Witness (by videoconference)
Thomas E. Tomastik, Witness (by videoconference)
Joshua Ticknor, Witness (by videoconference)
Doug Standart, Witness (by videoconference)
Mark Smith, Witness (by videoconference)
Warren Anderson, Witness (by videoconference)

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I N D E X

WITNESSES:	DX	CX	RDX	RCX
BROCK DIXON				
By Mr. McClure	111			
RETT DALTON				
By Mr. McClure	137			
DOUGLAS CRAWFORD				
By Mr. McClure	154		240	
By Ms. Vance	237			
THOMAS E. TOMASTIK				
By Mr. Gebremichael	192		215	
By Mr. Rankin		210		
By Ms. Bennett	213			
JOSHUA TICKNOR				
By Mr. Gebremichael	189		197	
By Mr. Rankin		209		
REED DAVIS				
By Mr. Gebremichael	199			
By Mr. Rankin		212		
MARK SMITH				
By Mr. McClure	227			

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E X H I B I T S

NO.	DESCRIPTION	ID/EVD
Case Number 24185:		
Exhibit A	EGL Compulsory Pooling Application Checklist	62/63
Exhibit B	EGL Application for Compulsory Pooling	62/63
Exhibit C	EGL Self-Affirmed Statement of Ruth Pelzel, Landman	62/63
Exhibit D	EGL Self-Affirmed Statement of Matthew Pardee, Geologist	62/63
Exhibit E	EGL Self-Affirmed Statement of Notice	62/63
Exhibit F	EGL Affidavit of Publication for the Case	
Case Number 24886:		
Exhibit A	EGL Compulsory Pooling Application Checklist	62/63
Exhibit B	EGL Application for Compulsory Pooling	62/63
Exhibit C	EGL Self-Affirmed Statement of Ruth Pelzel, Landman	62/63
Exhibit D	EGL Self-Affirmed Statement of Matthew Pardee, Geologist	62/63

E X H I B I T S (Cont'd)		
NO.	DESCRIPTION	ID/EVD
Case Number 24886 (Cont'd):		
Exhibit E	EGL Self-Affirmed Statement of Notice	62/63
Exhibit F	EGL Affidavit of Publication for the Case	
Case Number 24831:		
Exhibit A	Self-Affirmed Statement of Michael Monju	66/67
Exhibit B	Self-Affirmed Statement of William Schellenbach	66/67
Exhibit C	Self-Affirmed Statement of Dana S. Hardy	66/67
Case Number 24832:		
Exhibit A	Self-Affirmed Statement of Michael Monju	67/67
Exhibit B	Self-Affirmed Statement of William Schellenbach	67/67
Exhibit C	Self-Affirmed Statement of Dana S. Hardy	67/67

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case Number 24888:		
4	Exhibit A	Self-Affirmed Statement	
5		of Michael Monju	69/70
6	Exhibit B	Self-Affirmed Statement	
7		of William Schellenbach	69/70
8	Exhibit C	Self-Affirmed Statement	
9		of Dana S. Hardy	69/70
10			
11	Case Number 24932:		
12	Exhibit A	Self-Affirmed Statement	
13		of Mark Hajdik	73/74
14	Exhibit B	Self-Affirmed Statement	
15		of Cole Hendrickson	73/74
16	Exhibit C	Self-Affirmed Statement	
17		of Dana S. Hardy	73/74
18			
19	Case Number 24934:		
20	Exhibit A	Self-Affirmed Statement	
21		of Mark Hajdik	73/74
22	Exhibit B	Self-Affirmed Statement	
23		of Cole Hendrickson	73/74
24	Exhibit C	Self-Affirmed Statement	
25		of Dana S. Hardy	73/74

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case Number 24935:		
4	Exhibit A	Self-Affirmed Statement	
5		of Mark Hajdik	73/74
6	Exhibit B	Self-Affirmed Statement	
7		of Cole Hendrickson	73/74
8	Exhibit C	Self-Affirmed Statement	
9		of Dana S. Hardy	73/74
10			
11	Case Number 24936:		
12	Exhibit A	Self-Affirmed Statement	
13		of Mark Hajdik	73/75
14	Exhibit B	Self-Affirmed Statement	
15		of Cole Hendrickson	73/75
16	Exhibit C	Self-Affirmed Statement	
17		of Dana S. Hardy	73/75
18			
19	Case Number 24937:		
20	Exhibit A	Self-Affirmed Statement	
21		of Mark Hajdik	73/75
22	Exhibit B	Self-Affirmed Statement	
23		of Cole Hendrickson	73/75
24	Exhibit C	Self-Affirmed Statement	
25		of Dana S. Hardy	73/75

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case Number 24938:		
4	Exhibit A	Self-Affirmed Statement	
5		of Mark Hajdik	74/75
6	Exhibit B	Self-Affirmed Statement	
7		of Cole Hendrickson	74/75
8	Exhibit C	Self-Affirmed Statement	
9		of Dana S. Hardy	74/75
10			
11	Case Number 24997:		
12	Exhibit A	Self-Affirmed Statement	
13		of Travis Macha	83/84
14	Exhibit B	Self-Affirmed Statement	
15		of Chris Cantin	83/84
16	Exhibit C	Self-Affirmed Statement	
17		of Dana S. Hardy	83/84
18			
19	Case Number 24998:		
20	Exhibit A	Self-Affirmed Statement	
21		of Travis Macha	84/85
22	Exhibit B	Self-Affirmed Statement	
23		of Chris Cantin	84/85
24	Exhibit C	Self-Affirmed Statement	
25		of Dana S. Hardy	84/85

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case Number 24999:		
4	Exhibit A	Self-Affirmed Statement	
5		of Travis Macha	84/85
6	Exhibit B	Self-Affirmed Statement	
7		of Chris Cantin	84/85
8	Exhibit C	Self-Affirmed Statement	
9		of Dana S. Hardy	84/85
10			
11	Case Number 25000:		
12	Exhibit A	Self-Affirmed Statement	
13		of Travis Macha	86/87
14	Exhibit B	Self-Affirmed Statement	
15		of Chris Cantin	86/87
16	Exhibit C	Self-Affirmed Statement	
17		of Dana S. Hardy	86/87
18			
19	Case Number 25001:		
20	Exhibit A	Self-Affirmed Statement	
21		of Travis Macha	87/87
22	Exhibit B	Self-Affirmed Statement	
23		of Chris Cantin	87/87
24	Exhibit C	Self-Affirmed Statement	
25		of Dana S. Hardy	87/87

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case Number 25011:		
4	Exhibit A	Self-Affirmed Statement	
5		of Ryan Curry	89/91
6	Exhibit B	Self-Affirmed Statement	
7		of Christopher Cantin	89/91
8	Exhibit C	Self-Affirmed Statement	
9		of Dana S. Hardy	89/91
10			
11	Case Number 25013:		
12	Exhibit A	Self-Affirmed Statement	
13		of Ryan Curry	89/91
14	Exhibit B	Self-Affirmed Statement	
15		of Christopher Cantin	89/91
16	Exhibit C	Self-Affirmed Statement	
17		of Dana S. Hardy	89/91
18			
19	Case Number 25014:		
20	Exhibit A	Self-Affirmed Statement	
21		of Ryan Curry	89/91
22	Exhibit B	Self-Affirmed Statement	
23		of Christopher Cantin	89/91
24	Exhibit C	Self-Affirmed Statement	
25		of Dana S. Hardy	89/91

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case Number 25015:		
4	Exhibit A	Self-Affirmed Statement	
5		of Ryan Curry	89/91
6	Exhibit B	Self-Affirmed Statement	
7		of Christopher Cantin	89/91
8	Exhibit C	Self-Affirmed Statement	
9		of Dana S. Hardy	89/91
10			
11	Case Number 25018:		
12	Exhibit A	Self-Affirmed Statement	
13		of Ryan Curry	90/92
14	Exhibit B	Self-Affirmed Statement	
15		of Christopher Cantin	90/92
16	Exhibit C	Self-Affirmed Statement	
17		of Dana S. Hardy	90/92
18			
19	Case Number 25019:		
20	Exhibit A	Self-Affirmed	
21		Statement of Ryan Curry	90/92
22	Exhibit B	Self-Affirmed Statement	
23		of Christopher Cantin	90/92
24	Exhibit C	Self-Affirmed Statement	
25		of Dana S. Hardy	90/92

E X H I B I T S (Cont'd)		
NO.	DESCRIPTION	ID/EVD
Case Number 25027:		
Exhibit A	Matador Self-Affirmed Statement of Ethan Frasier, Landman	98/99
Exhibit B	Matador Self-Affirmed Statement of Anna Thorson, Geologist	98/99
Exhibit C	Matador Self-Affirmed Statement of Notice	98/99
Exhibit D	Matador Affidavit of Publication	98/99
Case Number 25028:		
Exhibit A	Matador Self-Affirmed Statement of Ethan Frasier, Landman	98/100
Exhibit B	Matador Self-Affirmed Statement of Anna Thorson, Geologist	98/100
Exhibit C	Matador Self-Affirmed Statement of Notice	98/100
Exhibit D	Matador Affidavit of Publication	98/100

E X H I B I T S (Cont'd)		
NO.	DESCRIPTION	ID/EVD
Case Number 25029:		
Exhibit A	Matador Self-Affirmed Statement of Ethan Frasier, Landman	98/100
Exhibit B	Matador Self-Affirmed Statement of Anna Thorson, Geologist	98/100
Exhibit C	Matador Self-Affirmed Statement of Notice	98/100
Exhibit D	Matador Affidavit of Publication	98/100
Case Number 25030:		
Exhibit A	Matador Self-Affirmed Statement of Ethan Frasier, Landman	98/100
Exhibit B	Matador Self-Affirmed Statement of Anna Thorson, Geologist	98/100
Exhibit C	Matador Self-Affirmed Statement of Notice	98/100
Exhibit D	Matador Affidavit of Publication	98/100

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case Number 25055:		
4	Exhibit A	Mewbourne Compulsory Pooling	
5		Application Checklist	109/110
6	Exhibit B	Mewbourne Application for	
7		Compulsory Pooling	109/110
8	Exhibit C	Mewbourne Self-Affirmed	
9		Statement of Brock Dixon,	
10		Landman	109/110
11	Exhibit D	Mewbourne Self-Affirmed	
12		Statement of Charles Crosby,	
13		Geologist	109/110
14	Exhibit E	Mewbourne Self-Affirmed	
15		Statement of Notice	109/110
16	Exhibit F	Mewbourne Affidavit of	
17		Publication for the Case	109/110
18			
19	Case Number 25056:		
20	Exhibit A	Mewbourne Compulsory Pooling	
21		Application Checklist	109/110
22	Exhibit B	Mewbourne Application for	
23		Compulsory Pooling	109/110
24			
25			

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case Number 25056 (Cont'd):		
4	Exhibit C	Mewbourne Self-Affirmed	
5		Statement of Brock Dixon,	
6		Landman	109/110
7	Exhibit D	Mewbourne Self-Affirmed	
8		Statement of Charles Crosby,	
9		Geologist	109/110
10	Exhibit E	Mewbourne Self-Affirmed	
11		Statement of Notice	109/110
12	Exhibit F	Mewbourne Affidavit of	
13		Publication for the Case	109/110
14			
15	Case Number 25057:		
16	Exhibit A	Mewbourne Compulsory Pooling	
17		Application Checklist	109/110
18	Exhibit B	Mewbourne Application for	
19		Compulsory Pooling	109/110
20	Exhibit C	Mewbourne Self-Affirmed	
21		Statement of Brock Dixon,	
22		Landman	109/110
23	Exhibit D	Mewbourne Self-Affirmed	
24		Statement of Charles Crosby,	
25		Geologist	109/110

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case Number 25057 (Cont'd):		
4	Exhibit E	Mewbourne Self-Affirmed	
5		Statement of Notice	109/110
6	Exhibit F	Mewbourne Affidavit of	
7		Publication for the Case	109/110
8			
9	Case Number 25059:		
10	Exhibit A	Mewbourne Compulsory Pooling	
11		Application Checklist	109/110
12	Exhibit B	Mewbourne Application for	
13		Compulsory Pooling	109/110
14	Exhibit C	Mewbourne Self-Affirmed	
15		Statement of Brock Dixon,	
16		Landman	109/110
17	Exhibit D	Mewbourne Self-Affirmed	
18		Statement of Charles Crosby,	
19		Geologist	109/110
20	Exhibit E	Mewbourne Self-Affirmed	
21		Statement of Notice	109/110
22	Exhibit F	Mewbourne Affidavit of	
23		Publication for the Case	109/110
24			
25			

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case Number 25060:		
4	Exhibit A	Self-Affirmed Statement	
5		of Ryan Curry	115/117
6	Exhibit B	Self-Affirmed Statement	
7		of Christopher Cantin	115/117
8	Exhibit C	Self-Affirmed Statement	
9		of Dana S. Hardy	115/117
10			
11	Case Number 25061:		
12	Exhibit A	Self-Affirmed Statement	
13		of Ryan Curry	115/118
14	Exhibit B	Self-Affirmed Statement	
15		of Christopher Cantin	115/118
16	Exhibit C	Self-Affirmed Statement	
17		of Dana S. Hardy	115/118
18			
19	Case Number 25062:		
20	Exhibit A	Self-Affirmed Statement	
21		of Ryan Curry	115/118
22	Exhibit B	Self-Affirmed Statement	
23		of Christopher Cantin	115/118
24	Exhibit C	Self-Affirmed Statement	
25		of Dana S. Hardy	115/118

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case Number 25063:		
4	Exhibit A	Self-Affirmed Statement	
5		of Ryan Curry	115/118
6	Exhibit B	Self-Affirmed Statement	
7		of Christopher Cantin	115/118
8	Exhibit C	Self-Affirmed Statement	
9		of Dana S. Hardy	115/118
10			
11	Case Number 25064:		
12	Exhibit A	Self-Affirmed Statement	
13		of Ryan Curry	116/118
14	Exhibit B	Self-Affirmed Statement	
15		of Christopher Cantin	116/118
16	Exhibit C	Self-Affirmed Statement	
17		of Dana S. Hardy	116/118
18			
19	Case Number 25065:		
20	Exhibit A	Self-Affirmed Statement	
21		of Ryan Curry	116/118
22	Exhibit B	Self-Affirmed Statement	
23		of Christopher Cantin	116/118
24	Exhibit C	Self-Affirmed Statement	
25		of Dana S. Hardy	116/118

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case Number 25066:		
4	Exhibit A	Self-Affirmed Statement	
5		of Ryan Curry	116/118
6	Exhibit B	Self-Affirmed Statement	
7		of Christopher Cantin	116/118
8	Exhibit C	Self-Affirmed Statement	
9		of Dana S. Hardy	116/118
10			
11	Case Number 25067:		
12	Exhibit A	Self-Affirmed Statement	
13		of Ryan Curry	116/118
14	Exhibit B	Self-Affirmed Statement	
15		of Christopher Cantin	116/118
16	Exhibit C	Self-Affirmed Statement	
17		of Dana S. Hardy	116/118
18			
19	Case Number 25070:		
20	Exhibit A	COG Compulsory Pooling	
21		Application Checklist	125/126
22	Exhibit B	COG Application for	
23		Compulsory Pooling	125/126
24			
25			

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case Number 25070 (Cont'd):		
4	Exhibit C	COG Self-Affirmed	
5		Statement of Caroline	
6		Frederick, Landman	125/126
7	Exhibit D	COG Self-Affirmed Statement	
8		of Tyler Patrick, Geologist	125/126
9	Exhibit E	COG Self- Affirmed Statement	
10		of Notice	125/126
11	Exhibit F	COG Affidavit of Publication	
12		for the Case	125/126
13			
14	Case Number 25072:		
15	Exhibit A	COG Compulsory Pooling	
16		Application Checklist	125/126
17	Exhibit B	COG Application for	
18		Compulsory Pooling	125/126
19	Exhibit C	COG Self-Affirmed Statement	
20		of Caroline Frederick,	
21		Landman	125/126
22	Exhibit D	COG Self-Affirmed Statement	
23		of Tyler Patrick, Geologist	125/126
24	Exhibit E	COG Self- Affirmed Statement	
25		of Notice	125/126

E X H I B I T S (Cont'd)		
NO.	DESCRIPTION	ID/EVD
Case Number 25072 (Cont'd):		
Exhibit F	COG Affidavit of Publication for the Case	125/126
Case Number 25076:		
Exhibit A	Self-Affirmed Statement of Ryan Curry	127/128
Exhibit B	Self-Affirmed Statement of Christopher Cantin	127/128
Exhibit C	Self-Affirmed Statement of Dana S. Hardy	127/128
Case Number 25077:		
Exhibit A	Self-Affirmed Statement of Ryan Curry	127/128
Exhibit B	Self-Affirmed Statement of Christopher Cantin	127/128
Exhibit C	Self-Affirmed Statement of Dana S. Hardy	127/128
Case Number 25078:		
Exhibit A	Self-Affirmed Statement of Ryan Curry	127/128

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case Number 25078 (Cont'd):		
4	Exhibit B	Self-Affirmed Statement	
5		of Christopher Cantin	127/128
6	Exhibit C	Self-Affirmed Statement	
7		of Dana S. Hardy	127/128
8			
9	Case Number 25082 Tab:		
10	Exhibit A	Declaration of Blake	
11		Johnson, Land Professional	130/132
12	Exhibit B	Declaration of	
13		Deana M. Bennett	130/132
14			
15	Case Number 25083 Tab:		
16	Exhibit A	Declaration of Blake	
17		Johnson, Land Professional	130/132
18	Exhibit B	Declaration of	
19		Deana M. Bennett	131/132
20			
21	Case Number 25084 Tab:		
22	Exhibit A	Declaration of Blake	
23		Johnson, Land Professional	130/132
24	Exhibit B	Declaration of	
25		Deana M. Bennett	131/132

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case Number 25085 Tab:		
4	Exhibit A	Declaration of Blake	
5		Johnson, Land Professional	130/132
6	Exhibit B	Declaration of	
7		Deana M. Bennett	131/132
8			
9	Case Number 25092:		
10	Exhibit A	Self-Affirmed Statement	
11		of Rett Dalton	134/135
12	Exhibit B	Self-Affirmed Statement	
13		of Matthew Van Wie	134/135
14	Exhibit C	Self-Affirmed Statement	
15		of Dana S. Hardy	134/135
16			
17	Case Number 25120:		
18	Exhibit A	Self-Affirmed Statement	
19		of Travis Macha	157/158
20	Exhibit B	Self-Affirmed Statement	
21		of Dana S. Hardy	157/158
22	Exhibit C	Notice Affidavit	157/158
23			
24			
25			

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case Number 25119:		
4	Exhibit A	Chevron Compulsory Pooling	
5		Application Checklist	160/161
6	Exhibit B	Chevron Application for	
7		Compulsory Pooling	160/161
8	Exhibit C	Chevron Self-Affirmed	
9		Statement of Douglas C.	
10		Crawford, Landman	160/161
11	Exhibit D	Chevron Self-Affirmed	
12		Statement of Leah Johnson,	
13		Geologist	160/161
14	Exhibit E	Chevron Self-Affirmed	
15		Statement of Notice	161/161
16	Exhibit F	Chevron Affidavit of	
17		Publication for the Case	161/161
18			
19	Case Number 25126:		
20	Exhibit A	Self-Affirmed Declaration	
21		of Matt Roberson	166/167
22	Exhibit B	Self-Affirmed Declaration	
23		of David Entzminger	166/167
24	Exhibit C	Self-Affirmed Declaration	
25		of Deana M. Bennett	166/167

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case Number 25081:		
4	Exhibit A	Self-Affirmed Declaration	
5		of Joshua Ticknor	186/188
6	Exhibit B	Self-Affirmed Declaration	
7		of Thomas E. Tomastik	187/188
8	Exhibit C	Self-Affirmed	
9		Declaration of Reed Davis	187/188
10	Exhibit D	Self-Affirmed Declaration	
11		of Deana M. Bennett	188/188
12			
13	Case Number 25047:		
14	Exhibit A	Compulsory Pooling	
15		Application Checklist	222/223
16	Exhibit B	Application and Proposed	
17		Notice of Hearing	222/223
18	Exhibit C	Affidavit of Landman	
19		Mark Smith	222/223
20	Exhibit D	Affidavit of Geologist	
21		Doug Standart	222/223
22			
23	Case Number 25048:		
24	Exhibit A	Compulsory Pooling	
25		Application Checklist	222/223

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case Number 25048 (Cont'd):		
4	Exhibit B	Application and Proposed	
5		Notice of Hearing	222/223
6	Exhibit C	Affidavit of Landman	
7		Mark Smith	222/223
8	Exhibit D	Affidavit of Geologist	
9		Doug Standart	222/223
10			
11	Case Number 25049:		
12	Exhibit A	Compulsory Pooling	
13		Application Checklist	222/223
14	Exhibit B	Application and Proposed	
15		Notice of Hearing	222/223
16	Exhibit C	Affidavit of Landman	
17		Mark Smith	222/223
18	Exhibit D	Affidavit of Geologist	
19		Doug Standart	222/223
20			
21	Case Number 25118:		
22	Exhibit A	Chevron Compulsory Pooling	
23		Application Checklist	239/239
24	Exhibit B	Chevron Application for	
25		Compulsory Pooling	239/239

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

NO.	DESCRIPTION	ID/EVD
Case Number 25118 (Cont'd):		
Exhibit C	Chevron Self-Affirmed Statement of Douglas C. Crawford, Landman	239/239
Exhibit D	Chevron Self-Affirmed Statement of Leah Johnson, Geologist	239/239
Exhibit E	Chevron Self-Affirmed Statement of Notice	239/239
Exhibit F	Chevron Affidavit of Publication for the Case	239/239

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P R O C E E D I N G S

THE HEARING EXAMINER: Good morning.
It is February the 13th. These are the hearings of
the Oil Conservation Division. This docket was
published according to the rules.

We're going to be calling one case out
of order today, and that is the second case on our
docket, which is 25081. It is in saltwater disposal.
That'll be called second to last. So anyone who's
here for that case, that's when we're going to call
it.

Okay. Let's get on the record in case
number 25166. This is a AEP Operating. Entrances of
appearance, please.

MR. SAVAGE: Good morning, Mr. Hearing
Examiner. Darin Savage with Abadie & Schill on behalf
of Alpha Energy Partners II, LLC.

THE HEARING EXAMINER: Thank you.

MS. LUCK: And Kaitlyn Luck for
Covenant Hercules, LLC, Christian Capstone, LLC,
Crusader Royalties, LLC, and Chief Capital O&G II,
LLC.

THE HEARING EXAMINER: Good morning.

MS. VANCE: Good morning, Mr. Hearing
Examiner. Paul Vance with the Santa Fe office of

1 Holland & Hart on behalf of Permian Resources
2 Operating.

3 THE HEARING EXAMINER: Thank you.

4 Okay. Mr. Savage, this is your case.

5 MR. SAMANIEGO: Good morning,
6 Mr. Examiner. Jonathan -- am I muted?

7 THE HEARING EXAMINER: Did you say
8 something?

9 Do we have any other entrances of
10 appearance?

11 MR. SAMANIEGO: Mr. Examiner, Jonathan
12 Samaniego representing American Energy Resources.

13 THE HEARING EXAMINER: Okay. Thank
14 you.

15 MR. SAMANIEGO: A representative of
16 American Energy Resources. Thank you.

17 THE HEARING EXAMINER: Yes, sir. Thank
18 you.

19 Mr. Savage, this is your case; right?

20 MR. SAVAGE: Yes, sir. In this case,
21 25166, this is a refiling of an application. It's an
22 amended application. And it was amended for the
23 purpose of acknowledging Paloma as the operator for
24 Alpha Energy Partners II, LLC.

25 The application requests in paragraphs

1 A through F pooling of uncommitted interests under the
2 subject lands, the approval of the wells, and cost and
3 risk costs as well. So the intent is to include
4 Paloma as an operator.

5 And then, as I understand, this case,
6 pursuant to the hearing examiner's order, has been
7 substituted for the March 4th contested hearing.

8 THE HEARING EXAMINER: That's correct.

9 MR. SAVAGE: So I guess this was a
10 status conference that was called because we moved
11 this case to March 4th, and that left an opening for
12 the status conference.

13 THE HEARING EXAMINER: This case was
14 noticed today because it's a new case even though it's
15 an amended case. So we needed to satisfy the notice
16 requirements.

17 But the old case, which was case number
18 24944, which was dismissed by yourself after you filed
19 the new case, was the subject of the pre-hearing order
20 that was issued November 21st. Your original case was
21 filed on October 8.

22 So March is quite a ways away from
23 October 8, which is why we amended our pre-hearing
24 order to make sure everyone knew that we were having
25 the contested hearing March 4.

1 MR. SAVAGE: Yes, sir.

2 THE HEARING EXAMINER: All right.

3 There are two cases on the March 4 docket. I believe
4 this is the older case. And it will go first.

5 Was there anything else, Mr. Savage?

6 MR. SAVAGE: I don't have anything
7 else.

8 THE HEARING EXAMINER: Okay. Ms. Luck?

9 MS. LUCK: Mr. Hearing Examiner, my
10 clients object to the case proceeding to the contested
11 hearing on March 4th due to the timing of this
12 application.

13 THE HEARING EXAMINER: Timing of which
14 application, the first one or the amended one?

15 MS. LUCK: The amended application. So
16 my clients collectively are all interest owners in
17 this unit. However, they did not receive a well
18 proposal letter timely before the filing of the
19 application.

20 And the Division precedent here
21 requires well proposal letters to be provided or some
22 other type of voluntary agreement to the parties to be
23 pooled in the unit.

24 So because my clients weren't provided
25 a well proposal letter -- I think it was sent on

1 February 3rd. So we're looking at ten days before
2 now. That's not timely in advance of the filing of
3 either the amended application or the original
4 application in October.

5 And there are some title disputes
6 related to some of my client's interests, but it's not
7 all of them. So they should have each received well
8 proposal letters in advance of the application
9 filings.

10 And so my clients are prepared to file
11 a motion regarding this issue before the divisions for
12 consideration before the March 4th hearing, if
13 possible.

14 THE HEARING EXAMINER: So, Ms. Luck,
15 let me try to understand what you're saying here.
16 Were your clients provided the proposal before October
17 the 8th?

18 MS. LUCK: No.

19 THE HEARING EXAMINER: Okay. So,
20 Mr. Savage?

21 MR. SAVAGE: Yes, sir. Alpha sent the
22 well proposal on August 21, 2024. They sent it to
23 what they viewed as the predecessor owner to the
24 interest. So that would've been timely.

25 Then as a courtesy, Alpha sent a

1 follow-up well proposal to Chief and Covenant. And
2 that was sent out February 3rd.

3 And it explained that the previous well
4 proposal had been sent, and they viewed it as still
5 being active regarding the date that it was sent, and
6 that the follow-up letter provided the additional
7 information for the well proposal. And then we also
8 provided notice for the hearing for March 4th.

9 I would like to point out that I
10 believe that Ms. Luck appeared at the hearing for case
11 24944 with her clients. And so they were aware of the
12 proceedings.

13 THE HEARING EXAMINER: Ms. Luck?

14 MS. LUCK: That is correct that my
15 clients were aware of the proceedings, but the burden
16 here is on the applicant to send the well proposal
17 letters to the interest owners that it knows of at the
18 time the application is filed, which did include Chief
19 and Covenant.

20 And so as of the earlier hearings
21 following the original application filing, my clients
22 were at that time ready to present these objections to
23 the application proceeding regarding not getting
24 notice and not getting the well proposal letters.

25 And so it is appropriate for the

1 Division to consider the fact that my clients were not
2 properly proposed voluntary agreement prior to the
3 proceeding going to pooling.

4 And so that's why we would like for
5 either the March 4th setting to be pushed out at least
6 30 days to allow for consideration of a voluntary
7 agreement here by my clients or the case to be
8 dismissed entirely and refiled after my clients have
9 had appropriate time to consider the well proposal
10 letters.

11 THE HEARING EXAMINER: According to
12 Mr. Savage, the predecessor in interest was noticed
13 back in August of '24.

14 So, Mr. Savage, you said the
15 predecessor in interest. When was the interest
16 exchanged? When did that --

17 MR. SAVAGE: I don't have that
18 information. But I do have the landman online if you
19 want to clarify some of the details on this. John
20 Coffman, he would be glad to address any questions.

21 THE HEARING EXAMINER: So, Ms. Luck,
22 when did your clients take over this interest?

23 MS. LUCK: They obtained their
24 interests in October of 2024, so around the time that
25 the original application was filed in 24944. But it's

1 my understanding at that point in time, Alpha, the
2 applicant, was aware of Chief and Covenant's interests
3 both.

4 And so well proposal letter should have
5 been sent to my clients as the current interest owners
6 at the time the applications were filed.

7 THE HEARING EXAMINER: So your clients
8 purchased the interest. Who did your clients get the
9 interests from?

10 Who's the predecessor, Mr. Savage?

11 MR. SAVAGE: I believe it's Nickel
12 River.

13 THE HEARING EXAMINER: Nickel River.

14 So, Ms. Luck, is that correct?

15 MS. LUCK: That's correct.

16 THE HEARING EXAMINER: Okay. How did
17 your clients, Chief Capital, Covenant Hercules,
18 Christian Capstone, and Crusader Royalties -- those
19 are your clients?

20 MS. LUCK: Yes, sir.

21 THE HEARING EXAMINER: Okay. How did
22 they obtain their interests from the predecessor?

23 MS. LUCK: I don't have the specific
24 assignments with me here today, but I'd be happy to
25 provide those to the Division along with a filing

1 regarding notice.

2 But it's my understanding that their
3 interests were filed of record as of October of 2024
4 when this application was filed. And the applicant
5 was aware of their interests in the unit.

6 THE HEARING EXAMINER: But, Ms. Luck,
7 the application was filed October the 8th.

8 MS. LUCK: I understand that.

9 THE HEARING EXAMINER: So then notice
10 would've been sent out previously.

11 MS. LUCK: -- virtual connectivity
12 interruption -- or known to the applicant at the time
13 of filing.

14 And so -- virtual connectivity
15 interruption -- Chief -- Covenant's interests were out
16 there, owned by Chief, not Nickel River at the time
17 the application was filed, then notice should have
18 been sent to both Chief and Covenant at the time the
19 application was filed.

20 THE HEARING EXAMINER: Okay. I
21 understand your point. I'm just not finding it
22 persuasive. So I'm not going to change. So I'm
23 denying your motion to reset the hearing.

24 The hearing will occur on March the
25 4th. You're welcome to participate. Are you going to

1 present witnesses?

2 MS. LUCK: Yes. I believe that we
3 would go ahead and present land witnesses that talk
4 about the lack of a voluntary agreement and efforts to
5 reach voluntary agreement with my clients prior to
6 proceeding to pooling.

7 That's a requisite factor that an
8 operator has to show. And so my clients would be
9 prepared to discuss that factor in terms of the
10 pooling.

11 THE HEARING EXAMINER: So are you going
12 to file a pre-hearing statement?

13 MS. LUCK: Yes, Mr. Hearing Examiner.

14 THE HEARING EXAMINER: Okay. All
15 right. Perfect.

16 Ms. Vance?

17 MS. VANCE: I have nothing to add.
18 Thank you.

19 THE HEARING EXAMINER: Are you
20 monitoring?

21 MS. VANCE: Just monitoring.

22 THE HEARING EXAMINER: Not objecting?

23 MS. VANCE: No.

24 THE HEARING EXAMINER: Are you going to
25 participate in the hearing?

1 MS. VANCE: I will listen in.

2 THE HEARING EXAMINER: Okay. Thank
3 you.

4 Mr. Samaniego, this is your
5 opportunity. Do you have anything to say about the
6 March 4 hearing?

7 MR. SAMANIEGO: Yes. Darin Savage and
8 his clients have made statements at the previous
9 hearing. I believe it was when it was the Alpha
10 hearing. And they had made statements on record that
11 American possibly owns a well, and that they said that
12 it was a wellbore.

13 So just going off of those statements
14 right there, Alpha has not sent American Energy
15 Resources notification. They have not sent American
16 Resources notification of these changes that Paloma is
17 farming out the lease.

18 So the fact that there has been no
19 notifications whatsoever sent by Alpha to notify
20 American, again, I'm requesting that this case be
21 dismissed or for it to also be pushed off for another
22 60 days, because American right now is finishing up
23 title work.

24 We are finishing up our application.
25 And we will be filing our application to drill, if not

1 by the end of this week, early next week.

2 THE HEARING EXAMINER: Mr. Savage?

3 MR. SAVAGE: So Mr. Santiago's company
4 owns a wellbore-only interest. And I'm looking at the
5 assignment right here in front of me.

6 And it says it shall not be interpreted
7 as conveying any oil, gas, or any other mineral
8 rights. It's a wellbore only. Therefore they are not
9 entitled to notice.

10 THE HEARING EXAMINER: Okay. Thank
11 you, Mr. Savage.

12 Mr. Samaniego, I welcome your
13 participation at the hearing on March 4, but I won't
14 be delaying the hearing. You can file whatever you
15 like if you want to present that --

16 MR. SAMANIEGO: I would like this --

17 THE HEARING EXAMINER: Mr. Samaniego,
18 okay. Do you have a mute? Do you know how to mute,
19 Mr. Samaniego?

20 Okay. Thank you. Mr. Samaniego, if
21 I'm speaking, you don't speak. I mean, this is like
22 101 hearing lesson. So I hope you're not going to be
23 like this at the hearing because we'll be muting you
24 if you try to talk over anyone else.

25 You have your opportunity to speak, and

1 I'll make sure you have it. So if you have a case and
2 you plan on presenting witnesses or evidence, please
3 follow the rules in 19.15.4.

4 Otherwise, is there anything else from
5 you, Mr. Savage?

6 MR. SAVAGE: No. Thank you, sir.

7 THE HEARING EXAMINER: All right. So
8 we're off the record in this case.

9 And we're going to move on to our next
10 case, 25081, which we're going to call second to last.

11 MR. SAMANIEGO: You said I -- give me
12 my statement. You said I would have my time. You
13 didn't give it to me.

14 THE HEARING EXAMINER: You had your
15 time, and you've been muted now.

16 We're now moving on to item number
17 three. This is 24185. It is also joined with 24886.
18 Entrances of appearance, please.

19 MS. VANCE: Yes. Good morning,
20 Mr. Hearing Examiner. Paula Vance with the Santa Fe
21 office of Holland & Hart on behalf of the applicant,
22 EGL and PBEX.

23 THE HEARING EXAMINER: Thank you.

24 Are there any -- I know there's other
25 parties.

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

4 THE HEARING EXAMINER: And,
5 Ms. Bennett, you withdrew your objection, is that
6 correct?

7 MS. BENNETT: We did, yes.

8 THE HEARING EXAMINER: Okay. very
9 good.

10 MS. HARDY: And good morning,
11 Mr. Examiner. Dana Hardy on behalf of COG Operating
12 and Concho Oil & Gas.

13 THE HEARING EXAMINER: Morning.

14 MR. SAVAGE: Good morning. Darin
15 Savage with Abadie & Schill --

16 THE HEARING EXAMINER: You -- your
17 objection, though; right?

18 MS. HARDY: That's correct. We do not
19 object.

20 THE HEARING EXAMINER: Wait, you did
21 not object?

22 MS. BENNETT: COG does not object.

23 THE HEARING EXAMINER: Does not object.
24 Okay.

25 MS. HARDY: Correct.

1 MR. SAVAGE: Good morning. Darin
2 Savage with Abadie & Schill on behalf of Cimarex
3 Energy Company. And we're just monitoring,
4 preserving --

5 THE HEARING EXAMINER: Thank you.

6 MS. VANCE: And, Mr. Hearing Examiner,
7 I am also entering an appearance on behalf of Matador.

8 THE HEARING EXAMINER: Okay. I have
9 that Avant had objected and withdrew.

10 I also have Snow. Who's representing
11 Snow?

12 MS. BENNETT: I am. Deana Bennett on
13 behalf of Snow.

14 THE HEARING EXAMINER: You would your
15 objection?

16 MS. BENNETT: Yes, yes.

17 THE HEARING EXAMINER: Okay. And MRC
18 Permian also had an objection.

19 MS. VANCE: Previously, I think in the
20 north half. But that was withdrawn.

21 THE HEARING EXAMINER: Right. And
22 who's representing MRC Permian?

23 MS. VANCE: That's myself.

24 THE HEARING EXAMINER: So you were
25 representing EGL and a party that was objecting to

1 your application?

2 MS. VANCE: That's correct, but I've
3 confirmed no conflict at this time.

4 THE HEARING EXAMINER: Okay. Why don't
5 you proceed?

6 MS. VANCE: Thank you, Mr. Hearing
7 Examiner. And before I get started, one of our
8 witnesses has not appeared before the Division, so
9 just wanted to let you know.

10 And we have included a copy of her
11 resume, and she's available for questioning.

12 THE HEARING EXAMINER: Let's get her --
13 are you going to present both cases together, by the
14 way?

15 MS. VANCE: I will.

16 THE HEARING EXAMINER: Okay. What is
17 the name of your witness?

18 MS. VANCE: Her name is Ruth Pelzel.

19 THE HEARING EXAMINER: Can we put her
20 on the screen?

21 There, I see you. Would you raise your
22 right hand, please?

23 //

24 //

25 //

1 WHEREUPON,

2 RUTH PELZEL,

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 EXAMINER: Would you state
7 and spell your name for the record?

8 MS. PELZEL: My name is Ruth Pelzel,
9 R-U-T-H P-E-L-Z-E-L.

10 THE HEARING EXAMINER: And what field
11 of expertise are you seeking to be qualified before
12 this division?

13 MS. PELZEL: New Mexico.

14 THE HEARING EXAMINER: No, that's not
15 what I meant. Which field of expertise are you
16 seeking to be qualified as an expert?

17 MS. PELZEL: Sorry. A landman. As a
18 landman. I'm sorry.

19 THE HEARING EXAMINER: Landman. Very
20 good. I understand.

21 What education do you have that goes
22 toward your expertise?

23 MS. PELZEL: I have been working as a
24 landman in New Mexico for the last five years. As far
25 as education goes, I have a bachelor's of arts from

1 BYU. And I have a law degree from Texas Tech.

2 THE HEARING EXAMINER: Okay. So you
3 are a lawyer?

4 MS. PELZEL: Yes, sir.

5 THE HEARING EXAMINER: And your
6 expertise, can you just tell me who you've worked for
7 and and what your duties have included?

8 MS. PELZEL: Yes, sir. Recently, I
9 worked at ConocoPhillips and worked operations in the
10 Northern Lea area.

11 I helped put together units, put
12 together projects, work with other companies to try to
13 get to an agreement so that we could drill wells.

14 Prior to that, I worked more as a land
15 specialist where I worked on title curative issues.
16 And that's -- that's really most of -- of my
17 experience throughout the years is -- is title and
18 then operations.

19 THE HEARING EXAMINER: And who employs
20 you now?

21 MS. PELZEL: I work for PBEX.

22 THE HEARING EXAMINER: PBEX, okay.
23 PHS?

24 MS. PELZEL: PBEX.

25 THE HEARING EXAMINER: PEX. Thank you.

1 MS. VANCE: PB, B as in "boy."

2 THE HEARING EXAMINER: PBEX.

3 MS. VANCE: PBEX. That's correct.

4 THE HEARING EXAMINER: Thank you. Is
5 that related to EGL?

6 MS. VANCE: Yes. So I believe
7 Ms. Pelzel could explain it better. But it's my
8 understanding that PBEX acquired EGL.

9 THE HEARING EXAMINER: Okay. What is
10 your position with PBEX?

11 MS. PELZEL: I'm currently working as a
12 a landman here.

13 THE HEARING EXAMINER: Okay. And how
14 long have you been there?

15 MS. PELZEL: About two and a half
16 months.

17 THE HEARING EXAMINER: Okay. Very
18 good. Okay. So from here on in, and you're qualified
19 as an expert and as a petroleum landman before this
20 division.

21 Ms. Vance?

22 MS. VANCE: Thank you, Mr. Hearing
23 Examiner. So I'll go through both of these cases
24 really quick, the land.

25 The case number 24886 is the north half

1 case. And that involves the northeast quarter of
2 Section 32 and then the north half of Sections 33 and
3 34. And that's Township 18 South, Range 32 East. And
4 that's in Lea County, New Mexico.

5 And I'll note that there is an overlap
6 in this case. We provided notice, and we did not
7 receive any feedback or protest regarding that.

8 And in this case, the wells involved,
9 the initial wells, are the Bond 32-34 Fed Com 101H,
10 102H, 103H, and 201H, 203H, and 205H. And with that,
11 the 102H and 203H are the proximity wells.

12 And I will note I did get some feedback
13 from Mr. McClure that there were additional pools
14 involved. And we did update our compulsory pooling
15 checklist checklist as well as the C-102s. And we got
16 that filed yesterday.

17 So that should be, I believe, up and
18 available to the examiner for review while we're going
19 over the cases.

20 And then in case number 24185, that's
21 the south half case. And that in involves the south
22 half of Sections 33 and 34.

23 And again, the same township and range,
24 Township 18 South, Range 32 East. And the wells, the
25 initial wells are the Bond 33-34 Fed Com 104H, 105H,

1 106H, 207H, 209H, 211H. And then the 105 and the 209
2 are the proximity wells.

3 And we have included a copy of the
4 applications, the compulsory pooling checklists, as
5 well as the self-affirmed statements of landman Ruth
6 Pelzel who is now credentialed as an expert. And
7 then --

8 THE HEARING EXAMINER: Can I interrupt
9 you for a moment? I'm looking at the filing from
10 yesterday. Is it an amended exhibit packet?

11 MS. VANCE: It is. And there was a
12 little bit of confusion on my part because it's a new
13 process where we're having the technical examiner
14 asking for corrections beforehand.

15 THE HEARING EXAMINER: Yes.

16 MS. VANCE: And I was under the
17 impression because of a couple of earlier instances
18 where I was able to send it directly to Freya and swap
19 it out before the hearing.

20 And so that's what I was doing. And I
21 apologized to her this morning because I think I
22 overloaded her yesterday with a bunch of swap-outs.

23 But in the future, I will make sure
24 we'll just go ahead and file with a cover and amended
25 package, so.

1 But what is there should be the correct
2 one.

3 THE HEARING EXAMINER: Right. So,
4 yeah, so include a cover letter so that we know what
5 you updated, so Mr. McClure also knows what you've
6 done. And I understand.

7 MS. VANCE: Absolutely. And I did
8 email him a copy yesterday. So he should have that.

9 THE HEARING EXAMINER: Okay.

10 MS. VANCE: And then we also have this
11 self-affirmed statement of geologist Matt Pardee who's
12 also on the line and available for questions. We've
13 included the requisite exhibits for land and then
14 geology.

15 I will note we did provide an overlap
16 exhibit for case number 24886. And then lastly, we
17 have Exhibit E, which is my self-affirmed statement of
18 notice with a sample letter.

19 (Case Number 24185 Exhibit A through
20 Exhibit F were marked for
21 identification.)

22 (Case Number 24886 Exhibit A through
23 Exhibit F were marked for
24 identification.)

25 We've got different timeframes on that

1 because we took over one of the cases from Mr. Bruce.
2 But in case number 24886, the letter was timely mailed
3 on October 11, 2024.

4 And then in case 24185, the letter was
5 timely mailed out January 24, 2025. And then
6 similarly with our notice of publication, the
7 affidavit of notice of publication for case number
8 24886 is October 16, 2024. And then in case number
9 24185, the affidavit of notice of publication is dated
10 January 30, 2025.

11 And unless there are any questions, I
12 would ask that the cases be taken under advisement at
13 this time.

14 THE HEARING EXAMINER: Are there any
15 objections to the exhibits?

16 Not hearing any, your exhibits are
17 admitted into evidence.

18 (Case Number 24185 Exhibit A through
19 Exhibit F were received into evidence.)

20 (Case Number 24886 Exhibit A through
21 Exhibit F were received into evidence.)

22 Mr. McClure, do you have any questions
23 on these two cases?

24 MR. MCCLURE: No questions for either
25 of these cases, Mr. Hearing Examiner.

1 THE HEARING EXAMINER: Thank you,
2 Ms. Vance. These two cases are taken under
3 advisement.

4 MS. VANCE: Excellent. Thank you.

5 THE HEARING EXAMINER: Let's move on
6 now to 24886 and 24185. These are items four and five
7 on our agenda. Entrances of appearance, please.

8 MS. HARDY: Mr. Examiner, I think --
9 id you mean to call 24832 and 24831?

10 THE HEARING EXAMINER: Maybe I did. I
11 don't know.

12 MS. HARDY: I think so.

13 THE HEARING EXAMINER: I think you're
14 right. Each yellow is done.

15 Okay. So let's go to number five and
16 six on our agenda, 24831 and 32.

17 MS. HARDY: Thank you, Mr. Examiner.
18 Dana Hardy on behalf of COG Operating, LLC.

19 THE HEARING EXAMINER: Thank you.

20 MS. BENNETT: Good morning,
21 Mr. Examiner. Deana Bennett on behalf of Avant
22 Operating.

23 And I'm also entering an appearance on
24 behalf of Coterra Energy. Coterra acquired Avant
25 Operating on January 17, 2025. And so I am appearing

1 on behalf of both Coterra and Avant in these cases.

2 THE HEARING EXAMINER: Thank you. And
3 you had an objection that you withdrew on behalf of
4 Avant?

5 MS. BENNETT: That's correct.

6 THE HEARING EXAMINER: That, of course,
7 works with Coterra?

8 MS. BENNETT: Yes.

9 THE HEARING EXAMINER: Okay. Thank
10 you.

11 MS. BENNETT: We're preserving the
12 right, though, to seek de novo review if we need to.

13 THE HEARING EXAMINER: Of course.

14 Ms. Hardy?

15 MS. HARDY: Thank you, Mr. Examiner.
16 In these cases, COG seeks to pool interest in the Bone
17 Spring and Wolfcamp formations underlying a 1,920-acre
18 non-standard spacing unit comprised of Sections 22,
19 27, and 34, Township 20 South, Range 33 East.

20 The units will be dedicated to the
21 Donkey Potroast Fed Com wells. Case number 24831
22 involves the Bone Spring, and case number 24832
23 involves the Wolfcamp.

24 In each case, we provided the
25 affidavits of Landman Michael Monju and Geologist

1 William Schellenbach. Mr. Manju has previously
2 testified and been recognized by the Division as an
3 expert in petroleum land matters.

4 Mr. Schellenbach's affidavit states
5 that he has not previously testified before the
6 Division. I believe he determined after submission of
7 the affidavit that he actually has previously
8 testified and been recognized as an expert. But he
9 did provide his CV and is available for questions if
10 the Division has any.

11 THE HEARING EXAMINER: I'll rely on
12 your word.

13 MS. HARDY: Thank you. And Mr. Manju
14 provides the standard land exhibits as shown in
15 Exhibit A-3. COG is only pooling three working
16 interest owners. And the rest of the pooled parties
17 are record title and overriding royalty interests.

18 Mr. Schellenbach provides the standard
19 geology exhibits. Exhibit C includes my notice
20 affidavit and the associated attachments. Notice was
21 timely sent by certified mail in September and was
22 also timely published in September.

23 (Case Number 24831 Exhibit A,
24 Exhibit B, and Exhibit C were marked
25 for identification.)

1 (Case Number 24832 Exhibit A,
2 Exhibit B, and Exhibit C were marked
3 for identification.)

4 Because these are non-standard spacing
5 units, we did provide notice to the operators in these
6 surrounding tracts.

7 With that, unless there are questions,
8 I request that the exhibits be admitted and that these
9 cases be taken under advisement.

10 THE HEARING EXAMINER: Are there any
11 objections?

12 MS. BENNETT: No objections.

13 THE HEARING EXAMINER: Thank you. Your
14 exhibits are admitted into evidence.

15 (Case Number 24831 Exhibit A,
16 Exhibit B, and Exhibit C were received
17 into evidence.)

18 (Case Number 24832 Exhibit A,
19 Exhibit B, and Exhibit C were received
20 into evidence.)

21 Mr. McClure, any questions on these two
22 cases?

23 MR. MCCLURE: Mr. Hearing Examiner, I
24 have no questions for either of these cases.

25 THE HEARING EXAMINER: Thank you.

1 They're taken under advisement.

2 MS. HARDY: Thank you.

3 THE HEARING EXAMINER: Thank you,
4 Ms. Hardy.

5 Okay. Moving on now to 24888.
6 Entrances of appearance, please.

7 MS. HARDY: Dana Hardy on behalf of COG
8 Operating, LLC.

9 MS. BENNETT: Good morning,
10 Mr. Examiner. Deana Bennett on behalf of Avant
11 Operating. And I'm also entering an appearance on
12 behalf of Coterra. Coterra acquired Avant on January
13 17, 2025.

14 THE HEARING EXAMINER: And you withdrew
15 your objection?

16 MS. BENNETT: Yes.

17 THE HEARING EXAMINER: Very good.

18 Ms. Hardy?

19 MS. HARDY: Thank you. In this case,
20 COG seeks to pool interest in the Bone Spring
21 underlying a 1,280-acre non-standard spacing unit
22 comprised of Sections 26 and 35, Township 20 South,
23 Range 33 East in Lea County, and proposes to dedicate
24 the unit to the Ore Digger Federal wells.

25 In this case, as in the prior cases, we

1 provided the affidavits of Landman Michael Monju and
2 geologist William Schellenbach, both of whom have been
3 recognized in their fields before the Division.

4 Mr. Manju provides the standard land
5 exhibits. The plat of tracts and ownership
6 information is included in Exhibit A-3, and
7 Exhibit A-4 shows the ownership in the tracts
8 surrounding the non-standard spacing unit.

9 Mr. Schellenbach provides the standard
10 geology exhibits. Exhibit C includes my notice
11 affidavit and the associated attachments. Notice was
12 timely sent by certified mail and was also timely
13 published in October.

14 (Case Number 24888 Exhibit A,
15 Exhibit B, and Exhibit C were marked
16 for identification.)

17 And again, because this is a
18 non-standard spacing unit, we provided notice to the
19 operators in the surrounding tracts.

20 With that, unless there are questions,
21 I request that the exhibits be admitted and that this
22 case be taken under advisement.

23 THE HEARING EXAMINER: Are there any
24 objections?

25 MS. BENNETT: No objections.

1 THE HEARING EXAMINER: Your exhibits
2 are admitted into evidence.

3 (Case Number 24888 Exhibit A,
4 Exhibit B, and Exhibit C were received
5 into evidence.)

6 Mr. McClure?

7 MR. MCCLURE: No questions, Mr. Hearing
8 Examiner.

9 THE HEARING EXAMINER: Thank you.
10 We're taking this case under advisement.

11 MS. HARDY: Thank you.

12 THE HEARING EXAMINER: Now calling
13 number eight through, well, the next several. This is
14 24932 34, 35, 36, 37, and 38 for Permian Resource
15 Operating.

16 MS. MCLEAN: Yes. Jackie McLean On
17 behalf of Permian Resources.

18 THE HEARING EXAMINER: Good morning.

19 MS. MCLEAN: Good morning.

20 MS. BENNETT: Good morning,
21 Mr. Examiner. Deana Bennett on behalf of Avant
22 Operating, LLC. And I'm also entering my appearance
23 on behalf of Coterra Energy. Coterra Energy acquired
24 Avant's interest on January 17, 2025.

25 THE HEARING EXAMINER: Why do you feel

1 the need to say that each time?

2 MS. MCLEAN: So that it's in the record
3 for each case.

4 THE HEARING EXAMINER: I see. Okay.
5 And then do we have COG with us?

6 MS. HATLEY: Yes, Mr. Examiner. Keri
7 Hatley on behalf of COG Operating and ConocoPhillips.

8 THE HEARING EXAMINER: And you withdrew
9 your application, Ms. Hatley?

10 MS. HATLEY: We withdrew our objection,
11 but we would like to maintain our entry of appearance.

12 THE HEARING EXAMINER: That's what I
13 meant. Thank you.

14 MS. HATLEY: Thank you, sir.

15 MS. VANCE: And good morning --

16 THE HEARING EXAMINER: And,
17 Ms. Bennett, you did the same?

18 MS. BENNETT: Yes.

19 THE HEARING EXAMINER: Thank you.

20 MS. VANCE: Good morning, Mr. Hearing
21 Examiner. Paula Vance with the Santa Fe office of
22 Holland & Hart on behalf of XTO Holdings, LLC. And
23 we're just entering an appearance.

24 THE HEARING EXAMINER: Okay. So this
25 is your entry of appearance now?

1 MS. VANCE: We filed yesterday. And it
2 looks like it's up in the case files, but it's not on
3 the worksheet.

4 THE HEARING EXAMINER: Thank you,
5 Ms. Vance.

6 MR. SAVAGE: Good morning. Darin
7 Savage on behalf of Cimarex Energy Company.

8 I'm sorry. Excuse me. Withdraw that.
9 Darin Savage on behalf of Cross Timbers
10 Energy. Thank you.

11 THE HEARING EXAMINER: And you're just
12 monitoring?

13 MR. SAVAGE: I'm monitoring, yes.
14 Thank you.

15 THE HEARING EXAMINER: Ms. McLean?

16 MS. MCLEAN: Thank you. It's a full
17 house.

18 THE HEARING EXAMINER: Yes, it is.

19 MS. MCLEAN: Thank you. In case
20 numbers 24932 and 24934 through 24938, Permian
21 Resources seeks an order pooling uncommitted interests
22 in the Bone Spring and Wolfcamp formations in the west
23 half of Sections 11 and 14, Township 20 South,
24 Range 33 East.

25 And Permian Resources will dedicate

1 these spacing units to the Anaconda wells.

2 Permian Resources submitted amended
3 exhibit packets yesterday at the request of
4 Mr. McClure. And those include the land testimony and
5 exhibits of Mark Hajdik, who has previously testified
6 before the Division, and geology testimony exhibits of
7 Cole Hendrickson, who has also previously testified
8 before the Division.

9 (Case Number 24932 Exhibit A,
10 Exhibit B, and Exhibit C were marked
11 for identification.)

12 (Case Number 24934 Exhibit A,
13 Exhibit B, and Exhibit C were marked
14 for identification.)

15 (Case Number 24935 Exhibit A,
16 Exhibit B, and Exhibit C were marked
17 for identification.)

18 (Case Number 24936 Exhibit A,
19 Exhibit B, and Exhibit C were marked
20 for identification.)

21 (Case Number 24937 Exhibit A,
22 Exhibit B, and Exhibit C were marked
23 for identification.)

24 //

25 //

1 (Case Number 24938 Exhibit A,
2 Exhibit B, and Exhibit C were marked
3 for identification.)

4 The notice exhibit also includes a copy
5 of the notice letters sent to working interest owners
6 and overriding royalty interest owners on October 17
7 and 18, 2024, and a copy of the affidavit of
8 publication for October 24th.

9 With that, I ask that Exhibits A
10 through C be admitted into the record in these cases
11 and that they be taken under advisement.

12 THE HEARING EXAMINER: Are there any
13 objections?

14 Not hearing any, your exhibits are
15 admitted into evidence.

16 (Case Number 24932 Exhibit A,
17 Exhibit B, and Exhibit C were received
18 into evidence.)

19 (Case Number 24934 Exhibit A,
20 Exhibit B, and Exhibit C were received
21 into evidence.)

22 (Case Number 24935 Exhibit A,
23 Exhibit B, and Exhibit C were received
24 into evidence.)

25 //

1 (Case Number 24936 Exhibit A,
2 Exhibit B, and Exhibit C were received
3 into evidence.)

4 (Case Number 24937 Exhibit A,
5 Exhibit B, and Exhibit C were received
6 into evidence.)

7 (Case Number 24938 Exhibit A,
8 Exhibit B, and Exhibit C were received
9 into evidence.)

10 Ms. McLean, did you amend your summary
11 of context on Exhibit A-5?

12 MS. MCLEAN: We did, yes.

13 THE HEARING EXAMINER: That's better,
14 that microphone is --

15 MS. MCLEAN: Yeah. I'm like, which one
16 can I use?

17 Yes, we did. And I believe that that
18 is reflected on the notice that we filed yesterday.
19 It shows that we amended Exhibit A-5 and Exhibit A-6.
20 And then for case numbers 24937 and 24938, we also
21 amended the compulsory pooling checklist.

22 THE HEARING EXAMINER: I see. Thank
23 you.

24 Mr. McClure, any questions?

25 MR. MCCLURE: Mr. Hearing Examiner,

1 yeah, I just finished reviewing their amended
2 exhibits. And I do not have any questions for any of
3 these six cases, I think.

4 THE HEARING EXAMINER: Okay. Then,
5 Ms. McLean, thank you. Your six cases are taken under
6 advisement.

7 MS. MCLEAN: Thank you.

8 THE HEARING EXAMINER: And we're going
9 to now move to -- let's see. Now calling item 14 on
10 our agenda. This is case number 24991, XTO Energy.

11 MR. SUAZO: Good morning, Mr. Examiner.
12 Miguel Suazo with the Santa Fe office of Beatty &
13 Wozniak appearing today on behalf of XTO Permian
14 Operating.

15 THE HEARING EXAMINER: Good morning.

16 MR. SUAZO: Good morning.

17 THE HEARING EXAMINER: Are there any
18 other parties that you know of that entered on this
19 case?

20 MR. SUAZO: There are not.

21 THE HEARING EXAMINER: Mr. Suazo, I
22 can't find your pre-hearing statement.

23 MR. SUAZO: Let me look.

24 Yeah, I'm not seeing it online either.
25 I thought we submitted it. How would you like to

1 proceed? I'm not seeing it on the website.

2 THE HEARING EXAMINER: As far as I
3 know, the rule requires a pre-hearing statement or
4 else you're not -- I mean, otherwise, I believe you're
5 prevented from presenting any witnesses or evidence.

6 MR. SUAZO: My office has confirmed
7 that we did submit it. I don't know why it's not on
8 the website.

9 THE HEARING EXAMINER: Okay. So you
10 submitted. So you have a record of it being
11 submitted?

12 MR. SUAZO: Yes, according to my
13 office, we do have that record.

14 THE HEARING EXAMINER: Okay.

15 MR. SUAZO: We can submit it again now
16 if that helps.

17 THE HEARING EXAMINER: Freya?

18 MS. TSCHANTZ: There's nothing in the
19 queue. I can go in and check the back end of the case
20 and see if something was submitted and maybe
21 inadvertently rejected.

22 THE HEARING EXAMINER: Okay. Would you
23 do that?

24 MS. TSCHANTZ: Yeah.

25 THE HEARING EXAMINER: So, Mr. Suazo,

1 while she's doing that, rule 19.15.4.13(B) requires a
2 pre-hearing statement before you can present any
3 evidence. That would preclude our proceeding today.

4 I do know that there are other issues
5 with this case. So I think what I'll do is -- and I
6 think it may require dismissing this case and refiling
7 it because I think there's problems with the legal
8 description in the notice of this case.

9 So let me ask Mr. McClure to go over
10 this with you while Ms. Tschantz is looking through
11 the back end of the queue.

12 Mr. McClure?

13 MR. MCCLURE: Thank you, Mr. Hearing
14 Examiner. Let me actually get the exhibit open here.

15 Okay. Mr. Suazo, if I can direct your
16 attention to -- I guess the application might actually
17 be the easiest. What page on the exhibit packet is
18 it?

19 MR. SUAZO: Four of 41, I believe.

20 MR. MCCLURE: Yeah. And, yeah, I was
21 going to say the first page looks like it's page 3 of
22 41. If I can direct your attention to that very first
23 paragraph where there's a legal description of the
24 lands fee and ask for the NSP.

25 MR. SUAZO: Okay.

1 MR. MCCLURE: On there, it references
2 the north half of the south half of Section 23. Do
3 you see where I'm referring to?

4 MR. SUAZO: I do.

5 MR. MCCLURE: That should actually
6 read -- based upon the maps, at least, that should
7 read, "The north half of the north half of Section
8 23."

9 And it appears that this error, typo,
10 whatever it is, is propagated throughout the rest of
11 the application and all notice material.

12 MR. SUAZO: Okay.

13 MR. MCCLURE: And as such, a new notice
14 is going to be required and likely a new case actually
15 be created for it. But I'll leave that in Mr. Hearing
16 Examiner's discretion there.

17 THE HEARING EXAMINER: Thank you,
18 Mr. McClure.

19 Mr. Suazo, how do you want to proceed?

20 MR. SUAZO: Well, it doesn't sound like
21 the option is to proceed today, obviously. So I guess
22 if we can continue to, you know, the soonest
23 opportunity to present the hearing by affidavit, we
24 can submit the corrections and go forward that way.

25 THE HEARING EXAMINER: I think if --

1 and just to think through this with you, Mr. Suazo, I
2 think if the issue was just a pre-hearing statement,
3 you would file it, and we could take it up at the next
4 opportunity.

5 But I think with the notice issues,
6 don't you have to dismiss and refile an amended
7 application?

8 MR. SUAZO: Yeah, I think that's
9 probably right.

10 THE HEARING EXAMINER: I mean, we can
11 try to help you expedite this. I know your client
12 must want something from us in a timely fashion. So
13 we can try to fast track it for you and get it to a --
14 we can add it to a special docket for a hearing by
15 affidavit if that helps you.

16 MR. SUAZO: Sure.

17 THE HEARING EXAMINER: But let's first
18 get it, you know, refiled and get the notice out there
19 per the rules, get a pre-hearing statement in here.

20 And then you can file something with
21 the hearing division and ask for some special
22 consideration to get it on an earlier docket. And
23 I'll work with you.

24 MR. SUAZO: Okay. Thank you. I
25 appreciate that.

1 THE HEARING EXAMINER: All right. So
2 will you file a motion to dismiss this case by, let's
3 say, tomorrow?

4 MR. SUAZO: Of course.

5 THE HEARING EXAMINER: Okay. And then
6 we'll get an order out there dismissing the case,
7 obviously without prejudice, and look for your amended
8 application.

9 Thank you, Mr. McClure.

10 Thank you, Mr. Suazo. We're off the
11 record in 24991.

12 MS. TSCHANTZ: Mr. Examiner, I did see
13 that the pre-hearing statement was uploaded as a draft
14 but never formally submitted.

15 THE HEARING EXAMINER: I see.

16 Mr. Suazo?

17 MR. SUAZO: I don't know. I mean, I
18 would have to check with our folks to submit the
19 document. But I know that we submitted it.

20 THE HEARING EXAMINER: Freya, what does
21 that mean it was uploaded as a draft? I don't
22 understand the process myself.

23 MS. TSCHANTZ: I don't know the full
24 steps either, but I just know that it never entered
25 the queue for me to review it because it wasn't --

1 they -- they didn't press the "submit" button. The
2 first steps were started but not completed.

3 THE HEARING EXAMINER: Oh, I see.

4 Okay. So, Mr. Suazo, it sounds like
5 whoever uploaded it didn't complete the process by
6 hitting the "submit" button.

7 MR. SUAZO: Okay. I'll have to check
8 with our administrative team.

9 THE HEARING EXAMINER: I mean, they
10 know how to do it because we have other documents
11 filed by your administrative team. So I don't
12 think -- you know, I guess it's just an error.

13 But anyway, the case will be dismissed
14 and refiled. So we'll work with you.

15 MR. SUAZO: Okay. Thank you.

16 THE HEARING EXAMINER: We're moving on
17 to number 15 on our docket. It is actually three
18 cases from Permian Resources, LLC, 24997, 98, and 99.

19 MS. MCLEAN: Jackie McLean on behalf of
20 Permian Resources.

21 THE HEARING EXAMINER: Good morning.

22 MS. MCLEAN: Good morning.

23 THE HEARING EXAMINER: Are you the only
24 party, Ms. McLean?

25 MS. MCLEAN: Yes. There's no entries

1 of appearance in this one.

2 THE HEARING EXAMINER: Okay. Please
3 proceed.

4 MS. MCLEAN: Thank you. In case
5 numbers 24997, 998, and 999, Permian Resources seeks
6 an order pooling all uncommitted interests in the Bone
7 Spring formation underlying three 320-acre, more or
8 less, standard horizontal spacing units comprised of
9 the north half, north half, north half, south half,
10 and south half, south half of Section 6 Township 19
11 South, Range 28 East, and the north half, north half,
12 north half, south half, and south half, south half of
13 Section 1 Township 19 South, Range 27 East in Eddy
14 County.

15 And these units will be dedicated to
16 the Terlingua wells. Permian Resources submitted
17 exhibit packets which include the land testimony and
18 exhibits of Travis Macha, who has been previously
19 admitted as an expert in land -- you know what I
20 mean -- and the geology testimony and exhibits of
21 Chris Cantin, who was also previously testified before
22 the Division.

23 (Case Number 24997 Exhibit A,
24 Exhibit B, and Exhibit C were marked
25 for identification.)

1 (Case Number 24998 Exhibit A,
2 Exhibit B, and Exhibit C were marked
3 for identification.)

4 (Case Number 24999 Exhibit A,
5 Exhibit B, and Exhibit C were marked
6 for identification.)

7 And then I also wanted to note that COG
8 and Marathon have signed a JOA -- or sorry. That's
9 not for this one. That's the next case. So it
10 just -- as is, it stands.

11 And the notice exhibit also includes a
12 copy of the notice letter sent on December 6th and a
13 copy of the affidavit of publication for December 12,
14 2024.

15 And with that, I ask that Exhibits A
16 through C be admitted into the record in case numbers
17 24997, 24998, and 24999, and that the cases be taken
18 under advisement.

19 THE HEARING EXAMINER: Are there any
20 objections?

21 Not hearing any, your exhibits are
22 admitted into evidence.

23 (Case Number 24997 Exhibit A,
24 Exhibit B, and Exhibit C were received
25 into evidence.)

1 (Case Number 24998 Exhibit A,
2 Exhibit B, and Exhibit C were received
3 into evidence.)

4 (Case Number 24999 Exhibit A,
5 Exhibit B, and Exhibit C were received
6 into evidence.)

7 Mr. McClure?

8 MR. MCCLURE: No questions for any of
9 these three cases, Mr. Hearing Examiner.

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

12 Moving on to number 18 and 19 on our
13 docket. That is 25000 and 25001, Permian Resources.

14 MS. MCLEAN: Yes. Jackie McLean on
15 behalf of Permian Resources.

16 THE HEARING EXAMINER: Thank you.

17 MS. HATLEY: Good morning,
18 Mr. Examiner. Keri Hatley on behalf of COG Operating
19 and Concho Oil & Gas.

20 THE HEARING EXAMINER: Good morning.
21 Any objections?

22 MS. HATLEY: No, sir.

23 THE HEARING EXAMINER: Thank you.

24 Ms. McLean?

25 MS. MCLEAN: Yes. thank you. And I

1 just wanted to note -- I put this in two places. It
2 should be for here. Like it does that -- COG and
3 Marathon signed a JOA this morning. So they're no
4 longer going to be pooled in these cases, in case
5 number 25000 and 25001.

6 So following the hearing, we'll be
7 submitting an amended exhibit packet to remove them
8 from the Exhibit A-3.

9 THE HEARING EXAMINER: Thank you.

10 MS. MCLEAN: And in case numbers 25000
11 and 25001, Permian Resource is seeking an order
12 pooling all uncommitted interests in the Bone Spring
13 formation underlying Sections 4 and 5, Township 19
14 South, Range 28 East in Eddy County.

15 And these units will be dedicated to
16 the Lajitas wells. And these are proximity tract
17 units.

18 Permian Resources submitted exhibit
19 packets last week which include the land testimony and
20 exhibits of Travis Macha and the geology testimony
21 exhibits of Chris Cantin, both of whom have previously
22 testified before the Division.

23 (Case Number 25000 Exhibit A,
24 Exhibit B, and Exhibit C were marked
25 for identification.)

1 (Case Number 25001 Exhibit A,
2 Exhibit B, and Exhibit C were marked
3 for identification.)

4 The notice exhibit includes a copy of
5 the notice letter sent on December 6, 2024, and a copy
6 of the affidavit of publication for December 12, 2024.

7 So I ask that Exhibits A through C be
8 admitted into the record in these cases and that the
9 cases be taken under advisement.

10 THE HEARING EXAMINER: Any objections?
11 Your exhibits are admitted into
12 evidence.

13 (Case Number 25000 Exhibit A,
14 Exhibit B, and Exhibit C were received
15 into evidence.)

16 (Case Number 25001 Exhibit A,
17 Exhibit B, and Exhibit C were received
18 into evidence.)

19 Mr. McClure, any questions?

20 MR. MCCLURE: Mr. Hearing Examiner, I
21 don't have any questions other than to confirm with --
22 with Ms. McLean, which cases did you say you were
23 submitting a new pooled person list for?

24 MS. MCLEAN: In both cases, 25000 and
25 25001.

1 MR. MCCLURE: Okay. Okay. Sounds
2 good.

3 That was -- that was my only question.
4 Thank you, Mr. Hearing Examiner.

5 THE HEARING EXAMINER: And, Ms. McLean,
6 that's going to reflect the JOA with -- did you say
7 COG?

8 MS. MCLEAN: Yes, and Marathon.

9 THE HEARING EXAMINER: And Marathon.
10 Thank you.

11 Okay. All right. We're off the record
12 in those cases. They'll be taken under advisement.

13 We are now going to call a series of
14 cases beginning on line 20. These are case numbers
15 25011, 13, 14, 15, 18, and 19, Permian Resources LLC.

16 MS. MCLEAN: Yes. Jackie McLean on
17 behalf of Permian Resources. And there should be no
18 entries of appearance.

19 THE HEARING EXAMINER: Please proceed.

20 MS. MCLEAN: Thank you. In these
21 cases, Permian Resources seeks an order pooling all
22 uncommitted interests in the Wolfcamp formation
23 underlying a standard horizontal spacing unit
24 comprised of all of Sections 15 and 16, Township 20
25 South, Range 28 East and in the Bone Spring formation

1 in the south half of Sections 15 and 16.

2 And this is in Eddy County. And these
3 units will be dedicated to the Fosters wells.

4 THE HEARING EXAMINER: Ms. McLean, did
5 you get the email regarding the gas pool?

6 MS. MCLEAN: Yes. And I was going to
7 say we submitted an amended exhibit packet in all of
8 these cases -- well, in case numbers -- let me pull
9 this up -- 25014, 15, 13. I believe that's it for the
10 Wolfcamp wells, 3, 4, 5. Yes. At the direction of
11 Mr. McClure, those were submitted yesterday.

12 (Case Number 25011 Exhibit A,
13 Exhibit B, and Exhibit C were marked
14 for identification.)

15 (Case Number 25013 Exhibit A,
16 Exhibit B, and Exhibit C were marked
17 for identification.)

18 (Case Number 25014 Exhibit A,
19 Exhibit B, and Exhibit C were marked
20 for identification.)

21 (Case Number 25015 Exhibit A,
22 Exhibit B, and Exhibit C were marked
23 for identification.)

24 //

25 //

1 (Case Number 25018 Exhibit A,
2 Exhibit B, and Exhibit C were marked
3 for identification.)

4 (Case Number 25019 Exhibit A,
5 Exhibit B, and Exhibit C were marked
6 for identification.)

7 THE HEARING EXAMINER: So which cases
8 have the -- I couldn't hear you. Which cases have the
9 amended exhibit packet?

10 MS. MCLEAN: Oh, sorry. The amended
11 exhibit packets are -- sorry. I'm just --

12 THE HEARING EXAMINER: The notes I have
13 here look like it affects cases 11 through --

14 MS. MCLEAN: It should be 25011, 25013,
15 25014, and 25015.

16 THE HEARING EXAMINER: That's what I
17 show. Perfect.

18 MS. MCLEAN: Okay. Because there's a
19 gap in numbers.

20 THE HEARING EXAMINER: Got it.

21 MS. MCLEAN: Yeah. So we filed those
22 to correct the building blocks and the non-standard
23 unit spacing information on the compulsory pooling
24 checklist.

25 And they include the land testimony and

1 exhibits of Ryan Curry and geology testimony exhibits
2 of Chris Cantin, both of whom have previously
3 testified before the Division, and a copy of the
4 notice letter sent on December 19, 2024, and a copy of
5 the affidavit of publication for December 19, 2024.

6 So I'd ask that Exhibits A through C be
7 admitted into the record in these cases and that the
8 cases be taken under advisement.

9 THE HEARING EXAMINER: Are there any
10 objections?

11 Not hearing any, the exhibits in these
12 cases are admitted into evidence.

13 (Case Number 25011 Exhibit A,
14 Exhibit B, and Exhibit C were received
15 into evidence.)

16 (Case Number 25013 Exhibit A,
17 Exhibit B, and Exhibit C were received
18 into evidence.)

19 (Case Number 25014 Exhibit A,
20 Exhibit B, and Exhibit C were received
21 into evidence.)

22 (Case Number 25015 Exhibit A,
23 Exhibit B, and Exhibit C were received
24 into evidence.)

25 //

1 (Case Number 25018 Exhibit A,
2 Exhibit B, and Exhibit C were received
3 into evidence.)

4 (Case Number 25019 Exhibit A,
5 Exhibit B, and Exhibit C were received
6 into evidence.)

7 Mr. McClure, do you have any questions
8 to follow up?

9 MR. MCCLURE: No questions, Mr. Hearing
10 Examiner, for any of these six cases.

11 THE HEARING EXAMINER: Thank you,
12 Ms. McLean. These cases are taken under advisement.

13 MS. MCLEAN: Thank you.

14 THE HEARING EXAMINER: I'm moving now
15 to lines 26 for four different cases, 250717 -- excuse
16 me. Let me start over. 25027, 28, 29, and 30 for
17 Matador Production.

18 MS. VANCE: Good morning, Mr. Hearing
19 Examiner. Paula Vance with the Santa Fe office of
20 Holland & Hart on behalf of MRC Hat Mesa, LLC.

21 MS. HATLEY: Good morning,
22 Mr. Examiner. Keri Hatley on behalf of COG Operating
23 and ConocoPhillips.

24 THE HEARING EXAMINER: Thank you. Are
25 there any objections, Ms. Hatley?

1 MS. HATLEY: No, sir.

2 THE HEARING EXAMINER: Monitoring only?

3 MS. HATLEY: Yes.

4 THE HEARING EXAMINER: Ms. Vance, are
5 there any other parties that I don't know about?

6 MS. VANCE: No, that should be it.

7 THE HEARING EXAMINER: Okay. Please
8 proceed.

9 MS. VANCE: Thank you, Mr. Hearing
10 Examiner. So with these consolidated cases -- oh,
11 actually, before I get started, we do have -- our
12 landman has not previously testified, if you want --

13 THE HEARING EXAMINER: I would. Can
14 you call his name? And let's get him on the screen.

15 MS. VANCE: Sure. His name is Ethan
16 Frasier.

17 THE HEARING EXAMINER: Mr. Frasier?

18 MR. FRASIER: Yes, sir.

19 THE HEARING EXAMINER: We're going to
20 get you sworn in and then go over your experience and
21 education that go toward your expertise of landman
22 petroleum.

23 Raise your right hand, please.

24 //

25 //

1 WHEREUPON,

2 ETHAN FRASIER,

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 EXAMINER: Loudly, would
7 you state and spell your name for the record?

8 MR. FRASIER: Ethan Frasier, E-T-H-A-N
9 F-R-A-S-I-E-R.

10 THE HEARING EXAMINER: And what
11 expertise are you seeking to be admitted?

12 MR. FRASIER: Landman.

13 THE HEARING EXAMINER: Okay. What is
14 your education that goes toward the expertise of
15 landman?

16 MR. FRASIER: I graduated from Texas
17 Tech in 2023 with a bachelor's degree in energy
18 commerce and a focus in petroleum land management.

19 I -- during my time at Tech, I interned
20 at ConocoPhillips Company as a land negotiator intern
21 under their New Mexico asset team.

22 After my internship at ConocoPhillips,
23 I worked part-time at Angelle and Donohue Oil and Gas
24 Properties where I ran courthouse documents and
25 assembled title run sheets.

1 Since graduation, I've been a full-time
2 landman at Matador working both Texas and New Mexico
3 Delaware Basin assets. My responsibilities include
4 acquisitions and divestitures, negotiations, due
5 diligence, and day-to-day land operations. I'm also
6 involved in the AAPL and DAPL associations.

7 THE HEARING EXAMINER: Okay. And how
8 long have you been at Matador?

9 MR. FRASIER: Just over a year and a
10 half.

11 THE HEARING EXAMINER: Okay. Thank
12 you, sir. You are hereby qualified as an expert in
13 landman matters before this division. Thank you.

14 Ms. Vance?

15 MS. VANCE: Yes. And before I go
16 through the materials, Mr. McClure did reach out
17 requesting an updated pooling exhibit.

18 I received those from Matador yesterday
19 afternoon. I have not had a chance to file those
20 amended hearing packets, so I will do that this
21 afternoon.

22 I think he requested that, where we
23 just had the voluntary interest combined, he wanted to
24 see that broken out. And so we will --

25 THE HEARING EXAMINER: Do you have a

1 copy of that on your computer?

2 MS. VANCE: I do.

3 THE HEARING EXAMINER: Can you share
4 your screen with Mr. McClure and show him what you're
5 going to be filing?

6 MS. VANCE: Sure. Give me one second.

7 So you can see right here this is the
8 box that we have now broken out to show that voluntary
9 interest.

10 THE HEARING EXAMINER: Can you make it
11 bigger?

12 MS. VANCE: Sure.

13 THE HEARING EXAMINER: Okay. Let's
14 give Mr. McClure a minute to look at it.

15 MS. VANCE: And I have one of these for
16 each of the cases, so.

17 THE HEARING EXAMINER: Let's just give
18 Mr. McClure a minute.

19 MR. MCCLURE: Mr. Hearing Examiner, I
20 didn't add up the numbers, obviously, but this
21 looks -- this looks correct and appropriate to what
22 I'm asking for.

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

25 Ms. Vance, please proceed.

1 MS. VANCE: Thank you, Mr. Hearing
2 Examiner. I'm going to stop sharing my screen.

3 So in these consolidated cases, the
4 lands involved all are related to the east half of
5 Sections 14 and 23, Township 21 South, Range 32 East,
6 and that's in Lea County.

7 And then I'll just run through each of
8 the cases. Case number 25027 is the east half, east
9 half, and that's a Bone Spring case. And the wells
10 related to that case are the Blue Chip 14 Fed Com
11 522H, 551H, and 601H.

12 And then case number 25028 is the,
13 again, the east half, east half. But this is a
14 Wolfcamp oil case. And the well involved there is the
15 Blue Chip 14 Fed Com 702H.

16 Then we have case number 25029, which
17 is the west half of the east half. And the wells
18 involved there are the Blue Chip 14 Fed Com 524H,
19 553H, and 603H. And that is a Bone Spring spacing
20 unit.

21 And then lastly is case number 25030,
22 which is, again, the west half of the east half. But
23 this is Wolfcamp oil. And the well there is the Blue
24 Chip Fed Com 704H.

25 In these cases, we have included with

1 our hearing packets a copy of the application, the
2 compulsory pooling checklist, as well as the
3 self-affirm statement of Landman Ethan Frasier and
4 Geologist Anna Thorson.

5 (Case Number 25027 Exhibit A through
6 Exhibit D were marked for
7 identification.)

8 (Case Number 25028 Exhibit A through
9 Exhibit D were marked for
10 identification.)

11 (Case Number 25029 Exhibit A through
12 Exhibit D were marked for
13 identification.)

14 (Case Number 25030 Exhibit A through
15 Exhibit D were marked for
16 identification.)

17 And Mr. Frasier's exhibits, we include
18 all the requisite subexhibits. And then Ms. Thorson's
19 statement, we also include the geology exhibits that
20 are required.

21 And then lastly, we have Exhibit C,
22 which is my self-affirmed statement of notice with a
23 sample letter that was timely mailed on December 20,
24 2024.

25 And then the Exhibit D, which is the

1 affidavit of notice of publication for cases 25027
2 through 25028, that was published on December 19th.
3 And then case numbers 25029 and 25030, the affidavit
4 was published on December 22nd.

5 And unless there are any questions, I
6 would ask that the cases be taken under advisement at
7 this time.

8 MS. HATLEY: Mr. Examiner, if I may,
9 just for the record, when the revised exhibit packets
10 are submitted, we just wanted to ensure that, on
11 behalf of COG Operating and ConocoPhillips, that we've
12 been removed from the pooling.

13 THE HEARING EXAMINER: Let's hear from
14 Ms. Vance.

15 MS. VANCE: I just double checked them
16 again and confirmed COG is not being pooled.

17 MS. HATLEY: Thank you, sir.

18 THE HEARING EXAMINER: Thank you.

19 Okay. Are there any objections to
20 these exhibits?

21 Not hearing any, your exhibits are
22 admitted into evidence.

23 (Case Number 25027 Exhibit A through
24 Exhibit D were received into evidence.)

25 //

1 (Case Number 25028 Exhibit A through
2 Exhibit D were received into evidence.)

3 (Case Number 25029 Exhibit A through
4 Exhibit D were received into evidence.)

5 (Case Number 25030 Exhibit A through
6 Exhibit D were received into evidence.)

7 Mr. McClure, do you have any questions
8 for these four cases?

9 MR. MCCLURE: Mr. Examiner, I have no
10 more questions for any of these four cases.

11 THE HEARING EXAMINER: Okay. So,
12 Ms. Vance, I would say these cases are taken under
13 advisement, but I need to leave the hearing record
14 open to receive your amended exhibits. When would we
15 receive that?

16 MS. VANCE: This afternoon.

17 THE HEARING EXAMINER: This afternoon.
18 With a cover letter?

19 MS. VANCE: Yes, with a cover letter.

20 THE HEARING EXAMINER: Okay. Very
21 good. Once we receive the amended exhibit packet, the
22 hearing record will close, and then these four cases
23 will be taken under advisement.

24 MS. VANCE: Excellent. Thank you.

25 THE HEARING EXAMINER: All right.

1 Thank you.

2 I'm now on number 30 on our docket.
3 This is Riley Permian Operating, LLC. It is three
4 cases, 25047, 48, and 49. Entry of appearance,
5 please.

6 MR. SUAZO: Good morning, Mr. Examiner.
7 Miguel Suazo with the the Santa Fe office of Beatty &
8 Wozniak representing Riley Permian Operating.

9 THE HEARING EXAMINER: Thank you.

10 MS. HARDY: Mr. Examiner, Dana Hardy on
11 behalf of Spur Energy Partners.

12 THE HEARING EXAMINER: Spur. Thank
13 you.

14 Okay. Mr. Suazo, do you know of any
15 other parties?

16 MR. SUAZO: I do not.

17 THE HEARING EXAMINER: Okay.

18 Mr. Suazo, there are some issues with these cases.
19 And I believe we're going to have to move them to the
20 March 13th docket, giving you time to resubmit
21 exhibits with corrections.

22 It seems as though there were issues
23 that prevented the technical examiner from reviewing
24 the exhibits. So I'm going to ask Mr. McClure to give
25 you a rundown of those.

1 Mr. McClure?

2 MR. MCCLURE: Thank you, Mr. Hearing
3 Examiner. I know I also sent an email to Mr. Suazo in
4 these cases as well.

5 THE HEARING EXAMINER: Does your email
6 give him a full list of the issues with the exhibits?

7 MR. MCCLURE: It does, Mr. Hearing
8 Examiner. Do you want me to run through them, or do
9 we just want to ask Mr. Suazo if he understood
10 everything?

11 THE HEARING EXAMINER: Let me go to
12 Mr. Suazo and ask him.

13 MR. SUAZO: So we received the email
14 from Mr. McClure, and we resubmitted the exhibits with
15 the corrections that he requested.

16 THE HEARING EXAMINER: Ah, so you've
17 already resubmitted them?

18 MR. SUAZO: We have. We did that
19 yesterday.

20 THE HEARING EXAMINER: Mr. McClure,
21 were you aware that Mr. Suzu resubmitted the exhibits?

22 MR. MCCLURE: Well, I'm just now
23 looking at the case file. I do see the exhibits in
24 there, but I have not had a chance to -- yeah.

25 THE HEARING EXAMINER: Right. Okay.

1 All right. That makes sense.

2 So, Mr. Suazo, what we might do is we
3 might put these cases to the end of today's docket if
4 that works for Mr. McClure. And I can't guarantee
5 that he'll have time to review the exhibits until the
6 end of the docket, but we can at least try to do that.

7 MR. SUAZO: That'd be great.

8 THE HEARING EXAMINER: So, Mr. McClure,
9 unless you object, I'll move these three cases to the
10 end of our docket. And if you do have time to review
11 them, we'll hear them. And if you don't, we'll just
12 move them to the next docket.

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

14 THE HEARING EXAMINER: Okay. Very
15 good. Okay. So we're in recess on those three cases,
16 Mr. Suazo.

17 MR. SUAZO: Okay.

18 THE HEARING EXAMINER: Let me turn some
19 pages. Moving to number 33 on our docket. It is four
20 cases brought by Mewbourne Oil, 25055, 56, 57, and 59.

21 Entries of appearance, please.

22 MS. VANCE: Good morning, Mr. Hearing
23 Examiner. Paula Vance with the Santa Fe office of
24 Holland & Hart on behalf of Mewbourne Oil Company.

25 THE HEARING EXAMINER: Ms. Bennett?

1 MS. MCLEAN: Good morning,
2 Mr. Examiner. Deana Bennett on behalf of -- virtual
3 connectivity interruption -- Energy which acquired
4 Avant on January -- virtual connectivity
5 interruption -- we did, but we're preserving our right
6 for de novo review.

7 THE HEARING EXAMINER: Thank you.
8 Are there any other entries of
9 appearance?

10 MS. HATLEY: Yes. Good morning,
11 Mr. Examiner. Keri Hatley on behalf of ConocoPhillips
12 entering an appearance in case number 25059 only.

13 THE HEARING EXAMINER: Okay. Are you
14 monitoring?

15 MS. HATLEY: Yes, just monitoring.

16 THE HEARING EXAMINER: Thank you.

17 Ms. Vance?

18 MS. VANCE: Yes, Mr. Hearing Examiner.
19 And before I get started, I have our landman who has
20 not previously testified.

21 THE HEARING EXAMINER: Would you call
22 him to the screen?

23 MS. VANCE: Yes. Mr. Brock Dixon.

24 I just sent him an email, so I think he
25 should be on there.

1 MR. DIXON: Yes, I'm here.

2 THE HEARING EXAMINER: We're looking
3 for you. Is your -- there you are up top. Okay.

4 Okay. Mr. Dixon, I don't know if you
5 have been on for the earlier part of this docket, but
6 what we're going to do is get you sworn in and then
7 have you go over your education and expertise. So are
8 you ready?

9 MR. DIXON: Yes, sir.

10 THE HEARING EXAMINER: Would you raise
11 your right hand, please?

12 WHEREUPON,

13 BROCK DIXON,
14 called as a witness and having been first duly sworn
15 to tell the truth, the whole truth, and nothing but
16 the truth, was examined and testified as follows:

17 THE HEARING EXAMINER: State and spell
18 your name for the record.

19 MR. DIXON: Brock Dixon, B-R-O-C-K
20 D-I-X-O-N.

21 THE HEARING EXAMINER: Okay. You can
22 put your hand down, sir.

23 Okay. So you're seeking to be admitted
24 as an expert in what field?

25 MR. DIXON: Land.

1 THE HEARING EXAMINER: Okay. So a
2 petroleum landman?

3 MR. DIXON: Yes, sir.

4 THE HEARING EXAMINER: Okay. What
5 education do you have that goes toward that expertise?

6 MR. DIXON: I graduated at Texas Tech
7 University, an AAPL-accredited school, with a degree
8 in energy commerce in May of 2023.

9 THE HEARING EXAMINER: Okay.

10 MR. DIXON: During my time --

11 THE HEARING EXAMINER: There's a delay,
12 so we're going to have trouble here. But go ahead.

13 MR. DIXON: So during my time at Texas
14 Tech, I interned with Mewbourne Oil Company in the
15 summer of 2022. I started full-time after graduation.
16 I began full-time at our company's headquarters in
17 Tyler, Texas, where I calculated and set up billing
18 and revenue decks.

19 I've since been transferred to Midland.
20 Here, I work closely with other landmen, geologists,
21 and engineers to put together prospects.

22 I run title, determine ownership,
23 negotiate and prepare leases, agreements, and
24 assignments with other companies. Through all this, I
25 prepare my assigned acreage to be developed while

1 complying with federal and state rules and
2 regulations.

3 THE HEARING EXAMINER: What's your
4 current title?

5 MR. DIXON: Landman.

6 THE HEARING EXAMINER: Okay. All
7 right. Thank you, Mr. Dixon. From here on in, you
8 are considered an expert in landman petroleum field
9 before this division.

10 Ms. Vance?

11 MS. VANCE: Thank you, Mr. Hearing
12 Examiner. So in these consolidated cases, it involves
13 the lands covering irregular Sections 19 and 30 of
14 Township 18 South, Range 33 East, and that's in Lea
15 County, New Mexico. All of these cases are in the
16 Corbin-Bone Spring South Pool. And the pool code is
17 13160.

18 So in case number 25055, Mewbourne is
19 pooling the west half of the west half of that
20 acreage. And the well dedicated there is the
21 Mysterio 30/19 Fed 521H.

22 And then case number 25056, Mewbourne
23 is pooling the east half the west half and initially
24 dedicating that to the Mysterio 30/19 Fed 523H.

25 And then case number 25057, Mewbourne

1 is pooling the west half of the east half and
2 dedicating that to the Mysterio 30/19 Fed 525H.

3 And then lastly is case number 25059.
4 And Mewbourne is pooling the east half of the east
5 half and dedicating that to the Mysterio 30/19 Fed
6 527H.

7 And I will note that we did file some
8 updated exhibits. Mr. McClure did ask for us to swap
9 out -- I believe it was in case number 25059; we had
10 the incorrect application. And so we swapped in the
11 correct application there.

12 And then we also updated the structural
13 cross section to show the updated lateral direction
14 based off of -- and this is discussed in Mr. Dixon's
15 statement -- based off of discussions with the BLM.
16 The BLM required Mewbourne to basically flip the
17 lateral.

18 And so now these wells will be going
19 south to north as opposed to what was initially
20 provided in the proposal. And Mr. Dixon did
21 provide -- and it is included -- an updated letter to
22 interest owners explaining that change in the lateral
23 direction.

24 So in each of these cases, we have
25 included a copy of the applications, the compulsory

1 pooling checklist, as well as the self-affirm
2 statement of Landman Brock Dixon and Geologist Charles
3 Crosby.

4 (Case Number 25055 Exhibit A through
5 Exhibit F were marked for
6 identification.)

7 (Case Number 25056 Exhibit A through
8 Exhibit F were marked for
9 identification.)

10 (Case Number 25057 Exhibit A through
11 Exhibit F were marked for
12 identification.)

13 (Case Number 25059 Exhibit A through
14 Exhibit F were marked for
15 identification.)

16 And then Mr. Dixon, we have included
17 all the required exhibits for land. And then
18 Mr. Crosby, we have included the required geology
19 exhibits.

20 And then lastly is my Exhibit D, which
21 is my self-affirmed statement of notice with a sample
22 letter that was timely mailed on December 20, 2024,
23 and then the notice of affidavit of publication, which
24 was timely published in each of the cases on December
25 24, 2024.

1 And actually, I believe my
2 self-affirmed statement is not Exhibit D. It is E. I
3 apologize.

4 Unless there are any questions, I would
5 ask that the exhibits and subexhibits be admitted into
6 the record. And I stand by for any questions.

7 THE HEARING EXAMINER: Are there any
8 objections?

9 Your exhibits are admitted into
10 evidence.

11 (Case Number 25055 Exhibit A through
12 Exhibit F were received into evidence.)

13 (Case Number 25056 Exhibit A through
14 Exhibit F were received into evidence.)

15 (Case Number 25057 Exhibit A through
16 Exhibit F were received into evidence.)

17 (Case Number 25059 Exhibit A through
18 Exhibit F were received into evidence.)

19 Mr. McClure, are there any questions in
20 these four cases?

21 MR. MCCLURE: Mr. Hearing Examiner, I
22 do have some questions for the landman.

23 THE HEARING EXAMINER: Mr. Dixon?

24 MR. DIXON: Yes, sir.

25 THE HEARING EXAMINER: Okay.

1 Mr. Dixon, I remind you that you are under oath.

2 Mr. McClure?

3 MR. MCCLURE: Thank you, Mr. Hearing
4 Examiner.

5 DIRECT EXAMINATION

6 BY MR. MCCLURE:

7 MR. MCCLURE: Mr. Dixon, I'm looking at
8 your statement, paragraph 6. I found on page 10 of 36
9 of the new exhibit for the first case. Are you -- are
10 you there with me, sir?

11 Are you able to share, Ms. Vance?

12 MS. VANCE: I can. Give me one second
13 just to make it easier.

14 MR. MCCLURE: Yes, ma'am. That's
15 exactly what I'm looking at.

16 Mr. Dixon, on here, you reference -- I
17 mean, I'm assuming -- okay. Let me back up.

18 When you are referencing a change in
19 the surface and bottom hole locations for the proposed
20 wells, what are you referring to?

21 MR. DIXON: So the surface location
22 originally was in Section 30, and the bottom hole was
23 in 19. But we flipped the surface hole to the
24 southwest of Section 18, or the surface hole to the
25 southwest of Section 18 and the bottom hole on

1 Section 30.

2 MR. MCCLURE: And are those changes
3 reflected on both the compulsory pooling
4 administrative checklist and the C-102s that's in this
5 exhibit packet?

6 MR. DIXON: Yes, sir.

7 MR. MCCLURE: Okay. So then there --
8 are there going to be any changes from what's on the
9 compulsory pooling administrative checklist and the
10 C-102s?

11 MR. DIXON: I don't believe so, no,
12 sir.

13 MR. MCCLURE: When you say you don't
14 believe so, is that because you don't know what future
15 planning might be, or that you haven't had a chance to
16 review, I guess?

17 MR. DIXON: There shouldn't be a
18 change. No, sir. I had a chance to review.

19 MR. MCCLURE: Oh, you said you have had
20 a chance to review. Is that correct, sir?

21 MR. DIXON: Yes, sir.

22 MR. MCCLURE: Okay. Thank -- thank
23 you, Mr. Dickson.

24 No -- no further questions,
25 Mr. Examiner.

1 THE HEARING EXAMINER: Mr. McClure,
2 were those answers sufficiently concrete for you?

3 MR. MCCLURE: Yes, that -- I'm -- I'm
4 satisfied with the responses I've received.

5 THE HEARING EXAMINER: Okay. Thank
6 you, Mr. McClure. May we take these cases under
7 advisement?

8 MR. MCCLURE: Yes, I believe we -- oh,
9 yes, we can.

10 THE HEARING EXAMINER: Okay. Thank
11 you, Ms. Vance.

12 MS. VANCE: Thank you.

13 THE HEARING EXAMINER: Okay. We are
14 now moving to numbers 60 on our -- excuse me --
15 number 37 on our agenda. These are Permian Resource
16 Operating, LLC cases. There are about seven of them,
17 25060 through 66.

18 Entries of appearance, please.

19 MS. MCLEAN: Jackie McLean on behalf of
20 Permian Resources. And it's for case numbers 25060
21 through 25067.

22 THE HEARING EXAMINER: Oh-six-seven.

23 MS. MCLEAN: Correct. It's number 44
24 on --

25 THE HEARING EXAMINER: Thank you.

1 Yeah, I didn't see 67. Thank you.

2 Are there any other entrances of
3 appearance?

4 MS. MCLEAN: There is. EOG has entered
5 an appearance. I don't know if she's on. They don't
6 object, but --

7 THE HEARING EXAMINER: I'm sorry. You
8 were looking at someone?

9 MS. MCLEAN: No, I'm looking to see if
10 Jordan is around. EOG --

11 THE HEARING EXAMINER: Jordan Kessler?

12 MS. MCLEAN: Yeah. EOG entered an
13 appearance. They didn't object.

14 Oh, there.

15 THE HEARING EXAMINER: Ms. Kessler, are
16 you with us?

17 MS. KESSLER: I am, Mr. Hearing
18 Examiner.

19 Can you guys hear me now?

20 THE HEARING EXAMINER: Uh-huh.

21 MS. KESSLER: Here we are. Thank you.
22 This is EOG Resources. And as I could hear Ms. McLean
23 saying, EOG does not object to this case going
24 forward. Thank you.

25 THE HEARING EXAMINER: Okay.

1 Ms. McLean?

2 MS. MCLEAN: Thank you. In case
3 numbers 25060 through 25067, Permian Resources seeks
4 an order pooling all uncommitted interests in the Bone
5 Spring and Wolfcamp formations in Sections 21 and 22
6 at Township 20 South, Range 28 East in Eddy County.
7 And these units will be dedicated to Taipan wells.

8 We submitted amended exhibit packets
9 yesterday at the request of Mr. McClure. And those
10 include the land testimony and exhibits of Ryan Curry
11 and the geology testimony and exhibits of Chris
12 Cantin, both have of whom have previously testified
13 before the Division.

14 (Case Number 25060 Exhibit A,
15 Exhibit B, and Exhibit C were marked
16 for identification.)

17 (Case Number 25061 Exhibit A,
18 Exhibit B, and Exhibit C were marked
19 for identification.)

20 (Case Number 25062 Exhibit A,
21 Exhibit B, and Exhibit C were marked
22 for identification.)

23 (Case Number 25063 Exhibit A,
24 Exhibit B, and Exhibit C were marked
25 for identification.)

1 (Case Number 25064 Exhibit A,
2 Exhibit B, and Exhibit C were marked
3 for identification.)

4 (Case Number 25065 Exhibit A,
5 Exhibit B, and Exhibit C were marked
6 for identification.)

7 (Case Number 25066 Exhibit A,
8 Exhibit B, and Exhibit C were marked
9 for identification.)

10 (Case Number 25067 Exhibit A,
11 Exhibit B, and Exhibit C were marked
12 for identification.)

13 The notice exhibit includes a copy of
14 the notice letter sent on December 16, 2024, and a
15 copy of the affidavit of publication for December 19,
16 2024.

17 THE HEARING EXAMINER: Ms. McLean?

18 MS. MCLEAN: Yes.

19 THE HEARING EXAMINER: The amended
20 exhibit packets are only in certain cases; right?

21 MS. MCLEAN: That's correct, yes.

22 THE HEARING EXAMINER: Which ones?

23 MS. MCLEAN: Let me give you the
24 numbers here.

25 THE HEARING EXAMINER: I mean, I

1 believe it's 64 through 67, but --

2 MS. MCLEAN: The Wolfcamp. Yes, it's
3 the Wolfcamp cases, which are case numbers 25064
4 through 67.

5 THE HEARING EXAMINER: And did you
6 understand that an NSP will be required prior to
7 producing the wells?

8 MS. MCLEAN: Yes. And we reflected in
9 the checklist that we will be applying
10 administratively for that so that we could proceed
11 forward with the pooling.

12 THE HEARING EXAMINER: Okay. Perfect.
13 Please proceed.

14 MS. MCLEAN: Thank you. That's all for
15 me, unless there are questions. And I ask that
16 Exhibits A through C be admitted to the record for
17 these cases and that they be taken under advisement.

18 THE HEARING EXAMINER: Are there any
19 objections?

20 Not hearing any, your exhibits are
21 admitted into evidence.

22 (Case Number 25060 Exhibit A,
23 Exhibit B, and Exhibit C were received
24 into evidence.)

25 //

1 (Case Number 25061 Exhibit A,
2 Exhibit B, and Exhibit C were received
3 into evidence.)

4 (Case Number 25062 Exhibit A,
5 Exhibit B, and Exhibit C were received
6 into evidence.)

7 (Case Number 25063 Exhibit A,
8 Exhibit B, and Exhibit C were received
9 into evidence.)

10 (Case Number 25064 Exhibit A,
11 Exhibit B, and Exhibit C were received
12 into evidence.)

13 (Case Number 25065 Exhibit A,
14 Exhibit B, and Exhibit C were received
15 into evidence.)

16 (Case Number 25066 Exhibit A,
17 Exhibit B, and Exhibit C were received
18 into evidence.)

19 (Case Number 25067 Exhibit A,
20 Exhibit B, and Exhibit C were received
21 into evidence.)

22 Mr. McClure, any questions on these
23 cases?

24 MR. MCCLURE: Mr. Hearing Examiner, I
25 have no questions for any of these eight cases.

1 THE HEARING EXAMINER: Okay. Your
2 cases are taken under advisement. Thank you,
3 Ms. McLean.

4 MS. MCLEAN: Thank you.

5 THE HEARING EXAMINER: I'm now moving
6 on to number 45 on our docket and 46. This is COG
7 Operating 25070, 25072.

8 Entry of appearance, please.

9 MS. VANCE: Good morning, Mr. Hearing
10 Examiner. Paula Vance with the Santa Fe office of
11 Holland & Hart on behalf of COG Operating.

12 THE HEARING EXAMINER: Are there any
13 other party --

14 MS. VANCE: -- believe so, no.

15 THE HEARING EXAMINER: Please proceed.

16 MS. VANCE: Yes. So both of my experts
17 have not appeared before the Division. And I did let
18 them know that we are up, so they should be available.

19 THE HEARING EXAMINER: Can you call
20 them?

21 MS. VANCE: Yes, yes. So we have
22 Caroline Frederick, and then we have Tyler Patrick.

23 THE HEARING EXAMINER: Perfect. Would
24 you both raise your right hands, please?

25 Do you swear or affirm under penalty of

1 perjury that the testimony you're about to give is the
2 truth, the whole truth, and nothing but the truth?

3 MS. FREDERICK: I do.

4 THE HEARING EXAMINER: Okay.

5 Mr. Patrick, I didn't hear you affirm.

6 I still don't hear you, sir.

7 Mr. Patrick, I think you need to work on your
8 microphone while I speak to Ms. Frederick.

9 THE HEARING EXAMINER: Ms. Frederick,
10 would you state and spell your name for the record,
11 please?

12 MS. FREDERICK: Yes, sir. Caroline
13 Frederick, C-A-R-O-L-I-N-E F-R-E-D-E-R-I-C-K.

14 THE HEARING EXAMINER: Okay. What area
15 of expertise do you seek to be admitted as an expert
16 before this division?

17 MS. FREDERICK: In petroleum land.

18 THE HEARING EXAMINER: Land.
19 Excellent.

20 MS. FREDERICK: Yes, sir.

21 THE HEARING EXAMINER: Okay. What
22 education do you have that goes toward that field?

23 MS. FREDERICK: I have a bachelor's
24 degree in energy commerce with a focus in petroleum
25 land management.

1 In 2022, I interned with ConocoPhillips
2 in land. And upon graduation in 2023, I started with
3 ConocoPhillips inland on the Delaware Basin, New
4 Mexico team.

5 THE HEARING EXAMINER: Okay. Perfect.
6 And what work have you done with ConocoPhillips since
7 graduation?

8 MS. FREDERICK: Putting together new
9 units, working various deals with other companies, and
10 working with the BLM and the NMSLO on maintaining
11 various agreements.

12 THE HEARING EXAMINER: Okay. And what
13 is your position now with ConocoPhillips?

14 MS. FREDERICK: Associate land
15 negotiator.

16 THE HEARING EXAMINER: Okay. All
17 right. From here on in, Ms. Frederick, you are
18 considered an expert in petroleum land before this
19 division.

20 Now let's see about Mr. Patrick. Did
21 you get your microphone to work?

22 MR. PATRICK: Can you hear me now?

23 THE HEARING EXAMINER: Yes, I can.
24 Thank you. So do you affirm what you swore to or what
25 I asked you to swear to before?

1 MR. PATRICK: I do.

2 Okay. Very good. Would you lay out
3 your -- well, first of all, what field of expertise do
4 you seek to be admitted before this division?

5 MR. PATRICK: Geology.

6 THE HEARING EXAMINER: Perfect. What
7 education do you have toward that?

8 MR. PATRICK: I have a bachelor's
9 degree in geology with a petroleum emphasis from
10 Western State College of Colorado. And I have a
11 master's degree of geology from UTPB.

12 THE HEARING EXAMINER: Okay. And when
13 did you achieve that master's?

14 MR. PATRICK: 2015.

15 THE HEARING EXAMINER: '15, okay. And
16 what have you done since then work-wise?

17 MR. PATRICK: I've worked for multiple
18 operators, Apache Corporation. I've worked for Grit
19 Oil, & Gas. I've worked for Maverick Natural
20 Resources, and also Sheridan Production Company.

21 THE HEARING EXAMINER: Okay. Can you
22 tell me what you've been doing for those different
23 entities?

24 MR. PATRICK: Yes, sir. I've been
25 working on prospecting for oil and gas, both in

1 conventional and unconventional reservoirs throughout
2 the majority of the lower 48.

3 I've worked specifically in Lea County
4 for Apache Corporation drilling Bone Spring wells back
5 in 2012. And then I've worked in Lea County for a
6 mining operation looking for polyhalite.

7 THE HEARING EXAMINER: Okay. And you
8 seek to be an expert in geology. What is your title
9 now?

10 MR. PATRICK: Staff geoscientist.

11 THE HEARING EXAMINER: I'm sorry. I
12 didn't understand you.

13 MR. PATRICK: Staff geologist.

14 THE HEARING EXAMINER: Staff geologist
15 for what company?

16 MR. PATRICK: ConocoPhillips.

17 THE HEARING EXAMINER: ConocoPhillips.
18 Okay. Thank you, Mr. Patrick. You are hereby an
19 expert in that field before this division.

20 THE HEARING EXAMINER: So let's go back
21 to Ms. Vance.

22 MS. VANCE: Thank you, Mr. Hearing
23 Examiner. And this was another one Mr. McClure did
24 reach out and ask for us to include the API numbers
25 for the cross section wells, which I added. And we

1 had those swapped in yesterday.

2 So the correct hearing packets should
3 be uploaded and were sent to Mr. McClure, so.

4 THE HEARING EXAMINER: Mr. McClure, did
5 you get it?

6 MR. MCCLURE: Yes, sir. I did,
7 Mr. Hearing Examiner. And they are also in the case
8 file.

9 THE HEARING EXAMINER: Okay. Thank
10 you.

11 MS. VANCE: May I proceed?

12 THE HEARING EXAMINER: Yes, please.

13 MS. VANCE: Okay. So in case number
14 25070, COG is seeking to pool the west half of the
15 west half of Sections 24 and 25. And that is in
16 Township 25 South, Range 34 East. And that's Lea
17 County, New Mexico.

18 And the pool there is the Fairview
19 Mills Bone Spring. And the pool code is 96340. And
20 COG seeks to dedicate the Pitchblende 24-25 Federal
21 Com 606H.

22 And then in case number 25072, COG is
23 pooling the west half of Sections 24 and 25. Same
24 Township and range, Lea County, New Mexico. And that
25 involves the Dogie Draw Wolfcamp pool. And the pool

1 code is 17980.

2 And dedicating that to the Pitchblende
3 24-25 Federal Com 705H. And that is a proximity well
4 allowing for that enlarged spacing unit.

5 So in each of the hearing packets, we
6 have included a copy of the application, the
7 compulsory pooling checklist, as well as the
8 self-affirm statement and exhibits of Caroline
9 Frederick and Geologist Tyler Patrick.

10 (Case Number 25070 Exhibit A through
11 Exhibit F were marked for
12 identification.)

13 (Case Number 25072 Exhibit A through
14 Exhibit F were marked for
15 identification.)

16 And then lastly is my statement of
17 notice with the sample letters that went out on
18 December 20, 2024, and then the affidavit of notice of
19 publication, which was timely published on December
20 19, 2024.

21 And unless there are any questions, I
22 would ask that the exhibits and subexhibits be
23 admitted into the record and that these cases be taken
24 under advisement at this time.

25 THE HEARING EXAMINER: Are there any

1 objections?

2 Hearing none, the amended exhibit
3 packet is admitted into evidence.

4 (Case Number 25070 Exhibit A through
5 Exhibit F were received into evidence.)

6 (Case Number 25072 Exhibit A through
7 Exhibit F were received into evidence.)

8 Mr. McClure, any questions?

9 MR. MCCLURE: No questions for either
10 of these cases, Mr. Hearing Examiner.

11 THE HEARING EXAMINER: Thank you,
12 Ms. Vance. The cases are taken under advisement.

13 MS. VANCE: Thank you.

14 THE HEARING EXAMINER: Now we are on
15 line 47 of our agenda, 25076, Permian Resources
16 Operating, LLC. It is joined with 77 and 78.

17 Entry of appearance, please?

18 MS. MCLEAN: Jackie McLean on behalf of
19 Permian Resources.

20 THE HEARING EXAMINER: Thank you.

21 MS. MCLEAN: Thank you.

22 THE HEARING EXAMINER: Are there any
23 other parties that you know of, Ms. McLean?

24 MS. MCLEAN: There are not.

25 THE HEARING EXAMINER: Okay. Please

1 proceed.

2 MS. MCLEAN: Thank you. In these
3 cases, Permian Resources applies for an order pooling
4 all uncommitted interests in the Second Bone Spring
5 interval of the Bone Spring formation underlying the
6 north half, north half, south half, north half, and
7 north half, south half of Section 25, and the north
8 half, northeast quarter, south half, northeast
9 quarter, and southeast quarter of Section 26, Township
10 20 South, Range 28 East in Eddy County.

11 And these units will be dedicated to
12 the Boomerang wells. Permian Resources submitted
13 amended exhibit packets yesterday at the request of
14 Mr. McClure to correct one of the geology exhibits,
15 Exhibit B-4.

16 (Case Number 25076 Exhibit A,
17 Exhibit B, and Exhibit C were marked
18 for identification.)

19 (Case Number 25077 Exhibit A,
20 Exhibit B, and Exhibit C were marked
21 for identification.)

22 (Case Number 25078 Exhibit A,
23 Exhibit B, and Exhibit C were marked
24 for identification.)

25 //

1 And the amended exhibit packets include
2 the land testimony and corresponding exhibits of Ryan
3 Curry and geology testimony and exhibits of Chris
4 Cantin, both of whom have previously testified.

5 It also includes a copy of the notice
6 letter that was sent on December 16, 2024, and a copy
7 of the affidavit of publication for December 19, 2024.

8 And I ask that the Exhibits A through C
9 be admitted into the record in these cases and that
10 they be taken under advisement.

11 THE HEARING EXAMINER: Are there any
12 objections?

13 Hearing none, your exhibits are
14 admitted into evidence.

15 (Case Number 25076 Exhibit A,
16 Exhibit B, and Exhibit C were received
17 into evidence.)

18 (Case Number 25077 Exhibit A,
19 Exhibit B, and Exhibit C were received
20 into evidence.)

21 (Case Number 25078 Exhibit A,
22 Exhibit B, and Exhibit C were received
23 into evidence.)

24 Are there any questions, Mr. McClure?

25 MR. MCCLURE: No questions for any of

1 these three cases, Mr. Hearing Examiner.

2 THE HEARING EXAMINER: Thank you,
3 Mr. McClure.

4 MS. MCLEAN: Thank you.

5 THE HEARING EXAMINER: These cases will
6 be taken under advisement, Ms. McLean.

7 MS. MCLEAN: Thank you.

8 THE HEARING EXAMINER: All right.
9 We're moving on to number 50 on our docket. This is
10 Apache Corporation's amendment cases 25082, 83, 84,
11 and 85.

12 Entry of appearance, please?

13 MS. BENNETT: Good morning,
14 Mr. Examiner. Deana Bennett on behalf of Apache
15 Corporation.

16 THE HEARING EXAMINER: Thank you. Are
17 there any other parties that you know of, Ms. Bennett?

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

19 THE HEARING EXAMINER: All right.
20 Please proceed.

21 MS. BENNETT: Thank you. In these four
22 cases, Apache seeks to reopen its orders to amend them
23 to add previously unidentified or unpooled parties.

24 And in our exhibit materials, I've
25 included Tab A, the declaration of Blake Johnson, a

1 landman with Apache.

2 (Case Number 25082 Tab Exhibit A was
3 marked for identification.)

4 (Case Number 25083 Tab Exhibit A was
5 marked for identification.)

6 (Case Number 25084 Tab Exhibit A was
7 marked for identification.)

8 (Case Number 25085 Tab Exhibit A was
9 marked for identification.)

10 And he's previously testified before
11 the Commission -- or before the Division and the
12 Commission. And his credentials have been accepted as
13 a matter of record.

14 In each case, we've also included a
15 list of the parties to be pooled. And in these cases,
16 Apache is only seeking to pool overriding royalty
17 interest owners. The additional parties are only
18 overriding royalty interest owners.

19 And then Tab B in each case is my
20 declaration, and it includes a sample notice letter,
21 which was mailed on December 16th, the certified
22 mailing tracking list, and the affidavit of
23 publication, which was done on December 21, 2024.

24 (Case Number 25082 Tab Exhibit B was
25 marked for identification.)

1 (Case Number 25083 Tab Exhibit B was
2 marked for identification.)

3 (Case Number 25084 Tab Exhibit B was
4 marked for identification.)

5 (Case Number 25085 Tab Exhibit B was
6 marked for identification.)

7 I have a question, Ms. Bennett.

8 MS. BENNETT: Yes.

9 THE HEARING EXAMINER: So there are
10 four different orders, 23091, 92, 93, and 94, that
11 you're seeking amendment. When were those orders
12 issued?

13 MS. BENNETT: Those orders were
14 issued -- the first one that I turned to was issued
15 March 13, 2024.

16 THE HEARING EXAMINER: Okay. So
17 they're they're all timely amended as far as you're
18 representing?

19 MS. BENNETT: Yes. And also we're not
20 seeking an extension of time. I don't know the status
21 of the wells, whether they've been drilled, but I'm
22 assuming that they will have been or will be timely
23 drilled.

24 THE HEARING EXAMINER: Okay. So you're
25 not seeking an extension of time, you're just seeking

1 to add additional parties to the pool?

2 MS. BENNETT: That's correct.

3 THE HEARING EXAMINER: Okay. And these
4 are parties that were located from -- how did they
5 come up?

6 MS. BENNETT: Apache ran some
7 additional title. They updated their title after the
8 cases originally went to hearing and identified these
9 handful of overrides that hadn't been pooled.

10 THE HEARING EXAMINER: Okay. All
11 right. Okay. Are there any objections to the
12 exhibits in these cases?

13 Not hearing any, your exhibits are
14 admitted into evidence.

15 (Case Number 25082 Tab Exhibit A and
16 Exhibit B were received into evidence.)

17 (Case Number 25083 Tab Exhibit A and
18 Exhibit B were received into evidence.)

19 (Case Number 25084 Tab Exhibit A and
20 Exhibit B were received into evidence.)

21 (Case Number 25085 Tab Exhibit A and
22 Exhibit B were received into evidence.)

23 In a case where you're not requesting
24 extension of time, is there good cause necessary to
25 amend the orders?

1 MS. BENNETT: No, there's not.

2 THE HEARING EXAMINER: Oh, okay. All
3 right.

4 Mr. McClure, are there any questions?

5 MR. MCCLURE: Mr. Examiner, I have no
6 questions for any of these four cases.

7 THE HEARING EXAMINER: Perfect. These
8 four cases are taken under advisement. Thank you,
9 Ms. Bennett.

10 MS. BENNETT: Thank you.

11 THE HEARING EXAMINER: We're now going
12 on to Spur Energy Partners. This is a compulsory
13 pooling case for 25092.

14 Entry of appearance, please.

15 MS. MCLEAN: Jackie McLean on behalf of
16 Spur. And there are no other parties.

17 THE HEARING EXAMINER: Perfect. And
18 it's not joined to any other case; is it?

19 MS. MCLEAN: No, it's just a solo case.
20 Rare.

21 THE HEARING EXAMINER: Perfect. Please
22 proceed.

23 MS. MCLEAN: Thank you. In this case,
24 Spur seeks an order pooling all uncommitted interests
25 from the top of the Yeso formation to 5,000 feet

1 measured depth underlying a 320-acre standard
2 horizontal spacing unit comprised of the north half of
3 Section 12, Township 17 South, Range 28 East in Eddy
4 County.

5 And the unit will be dedicated to the
6 Fat Tire 12 Federal Com 20H, 50H, and 70H wells. Spur
7 submitted exhibit packets for this -- an exhibit
8 packet for this case, which includes the land
9 testimony and exhibits of Rett Dalton and geology
10 exhibits and testimony of Matthew Van Wie, both of
11 whom have previously testified before the Division.

12 (Case Number 25092 Exhibit A,
13 Exhibit B, and Exhibit C were marked
14 for identification.)

15 The notice exhibit also includes a copy
16 of the notice letter that was sent on December 17,
17 2024, and a copy of the affidavit of publication for
18 January 4, 2024.

19 So if there's any questions, I'm happy
20 to answer them. And I ask that Exhibits A through C
21 be admitted into the record in this case and that the
22 case be taken under advisement.

23 THE HEARING EXAMINER: Are there any
24 objections?

25 Not hearing any, your exhibits are

1 admitted into evidence.

2 (Case Number 25092 Exhibit A,
3 Exhibit B, and Exhibit C were received
4 into evidence.)

5 Mr. McClure, any question on this case?

6 MR. MCCLURE: Mr. Hearing Examiner, I
7 will have a question for the landman. And also, I'll
8 need a pool correction with Ms. McLean at the end of
9 it.

10 THE HEARING EXAMINER: Okay. So are
11 you ready for the landman?

12 MR. MCCLURE: Yes, I am, Mr. Hearing
13 Examiner.

14 THE HEARING EXAMINER: Okay. What is
15 the name of the landman?

16 MS. MCLEAN: Rett Dalton.

17 THE HEARING EXAMINER: Okay. Let's get
18 you on the screen, sir.

19 MR. DALTON: Okay.

20 THE HEARING EXAMINER: Would you raise
21 your right hand, please?

22 //

23 //

24 //

25 //

1 WHEREUPON,

2 RETT DALTON,

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 EXAMINER: Okay. Thank
7 you. Would you state and spell your name for the
8 record?

9 MR. DALTON: Rett Dalton, R-E-T-T,
10 Dalton, D-A-L-T-O-N.

11 THE HEARING EXAMINER: And as
12 Ms. McLean said, you have been recognized as an expert
13 before this division. Is it correct?

14 MR. DALTON: Yes, sir.

15 THE HEARING EXAMINER: In what field?

16 MR. DALTON: Land.

17 THE HEARING EXAMINER: Land. Okay.

18 Mr. McClure?

19 MR. MCCLURE: Thank you, Mr. Hearing
20 Examiner.

21 Ms. McLean, if I could get you to share
22 your screen and bring up page 6 of 75. It should be
23 the statement for Mr. Dalton.

24 MS. MCLEAN: Page 6?

25 MR. MCCLURE: Yes.

1 THE HEARING EXAMINER: Ms. McLean, what
2 is this exhibit number?

3 MS. MCLEAN: This is Exhibit A, the
4 self-affirm statement of Mr. Dalton.

5 THE HEARING EXAMINER: Is it marked as
6 an exhibit number?

7 MS. MCLEAN: It is marked as Exhibit A
8 on page 5.

9 THE HEARING EXAMINER: Just A?

10 MS. MCLEAN: Just A. Just A.

11 THE HEARING EXAMINER: Okay.
12 Mr. McClure, please proceed.

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

15 DIRECT EXAMINATION

16 BY MR. MCCLURE:

17 MR. MCCLURE: Mr. Dalton, if I can
18 direct your attention to your paragraph 8 there where
19 you're referencing a depth severance within the unit?

20 MR. DALTON: Yes.

21 MR. MCCLURE: Now, is there -- you also
22 referenced here the top of the Yaso formation at
23 4,257 feet measured depth as found in Chica Cat
24 Federal Com number one. Do you see what I'm referring
25 to?

1 MR. DALTON: Yes, I do.

2 MR. MCCLURE: Is there a depth
3 severance at that depth?

4 MR. DALTON: Is there a depth severance
5 at the top of the Yaso? Is that your question?

6 MR. MCCLURE: Yeah. Yes, that -- that
7 is my question.

8 MR. DALTON: I don't believe so, not at
9 that particular interval. But we're looking to just
10 pool just into the Yaso.

11 MR. MCCLURE: Okay. So this depth here
12 was included just to tell us where the top of the Yaso
13 is then. Is that correct?

14 MR. DALTON: Yes. Yes, sir. Yes, sir.

15 MR. MCCLURE: Okay. Thank you, sir.
16 Now, towards the end of this paragraph 8, you also
17 referenced a 5,000 feet measured depth. Do you see
18 what I'm referring to?

19 MR. DALTON: Yes, sir.

20 MR. MCCLURE: Is that where the depth
21 severance is then?

22 MR. DALTON: There is a depth severance
23 based on Yaso -- I mean, excuse me -- based on some
24 overrides. And then there -- so really, it pertains
25 to an override depth severance within the Yaso --

1 within the Yaso.

2 MR. MCCLURE: And is that also the base
3 at which -- at which you're requesting to pool?

4 MR. DALTON: Yes, sir.

5 MR. MCCLURE: Okay. Now, is that
6 5,000 feet measured depth, is that also based upon the
7 Chica Cat Federal Com number one?

8 MR. DALTON: To my knowledge, it would
9 be, yes, sir. That's what -- what I'm -- that's what
10 I think that -- that means. Well, it's a
11 stratigraphic equivalent.

12 MR. MCCLURE: Yes. But the 5,000 feet,
13 is that 5,000 feet measured depth at the Chica Cat
14 Federal Com number one?

15 MR. DALTON: Oh, that I'm not positive.

16 MR. MCCLURE: Well, this -- this
17 statement, it was put together by yourself or under
18 your guidance. Is that correct?

19 MR. DALTON: Yes. With other -- with
20 other help here in the office, yes.

21 MR. MCCLURE: Okay. So you do not know
22 where the 5,000 feet measured depth is coming from
23 then?

24 MR. DALTON: Well, I guess -- I guess
25 is your question the -- the genesis of the 5,000 foot

1 severance?

2 MR. MCCLURE: Let me re-ask my
3 question. What is that 5,000 feet measured depth in
4 reference to? Does -- do you understand my question?

5 MR. DALTON: Yes. There's a -- as I
6 mentioned, there's an override that there's -- from
7 the top of the Yaso to 5,000 feet that some parties
8 have an interest in.

9 And then those parties and additional
10 parties have an interest in an override below
11 5,000 feet from previous depth severances in -- in
12 assignments.

13 MR. MCCLURE: Now, in those
14 assignments, is it correct that the 5,000 feet
15 would've been in reference to maybe a specific well or
16 specific location, or do you know what that might be
17 referenced to within those assignments?

18 MR. DALTON: That's what I'm not -- I'm
19 not positive to on that.

20 MR. MCCLURE: Okay.

21 MR. DALTON: If it is just a depth, I
22 don't know. I'd have to go back and look to see what
23 that 5,000 -- if it was just a depth severance, that
24 5,000 feet for that as particular assignment for the
25 lease, or if it was referring to something else.

1 MR. MCCLURE: Now, Mr. Dalton, it looks
2 like there -- it is wrote in on the geologist cross
3 section. Do you think your geologist might have more
4 information on the depth severance?

5 MR. DALTON: He would know -- he could
6 talk better about the -- the Cat Federal well. But as
7 far as legal aspects, if you're asking for a previous
8 document or an assignment, I don't think he would have
9 that knowledge.

10 MR. MCCLURE: Okay. That -- that
11 makes -- that makes sense, Mr. Dalton.

12 Mr. Hearing Examiner, I have no more
13 questions for Mr. Dalton at this point. But I will
14 request that they conduct a -- if they conduct some
15 research to figure out where that 5,000 was referenced
16 from. And my recommendation would be that we continue
17 the case to give us time to review that additional
18 information.

19 THE HEARING EXAMINER: Okay,
20 Mr. McClure. I agree. All right. So, Mr. McClure,
21 we're going to --

22 MS. MCLEAN: But I think we needed a
23 pool and full code correction. Is that correct,
24 Mr. McClure?

25 MR. MCCLURE: Yes, that's also correct.

1 And it would like to be appropriate to have him
2 correct that at the same time.

3 Is that correct, Mr. Hearing Examiner?

4 THE HEARING EXAMINER: Yes.

5 MR. MCCLURE: Let me get my other
6 screen open.

7 Ms. McLean, this is kind of a messy
8 section when it comes to the pools. But the correct
9 pool should be pool code 96718.

10 MS. MCLEAN: 96718?

11 MR. MCCLURE: That's correct. And
12 that's the Loco Hills-Glorieta-Yeso.

13 MS. MCLEAN: All right. The Loco
14 Hills-Glorieta-Yeso, pool 96718.

15 MR. MCCLURE: Yes, ma'am. And if we
16 can just have that submitted with an amended exhibit
17 packet prior to the next hearing date.

18 MS. MCLEAN: And then you'd like us
19 to -- I guess if the 5,000 feet measured depth is just
20 due to the conveyance and the least depth severance
21 and not because it's referencing a specific well, do
22 you want just an extra sentence about that in the
23 testimony?

24 MR. MCCLURE: I think we're going to
25 need a full statement in regards to that rather than

1 just a simple sentence.

2 If you provide the documents, that
3 could also add some to it. I wouldn't necessarily
4 think that would be completely necessary, but I do
5 want to know where that 5,000 feet is coming from.

6 Maybe it's reference to a specific
7 quarter section rather than a well. Although, the
8 addition of measured depth would make me think it's
9 reference to a specific well.

10 MS. MCLEAN: All right. We will do
11 that.

12 THE HEARING EXAMINER: So, Ms. McLean,
13 when do you believe you'll be ready to continue this
14 hearing?

15 MS. MCLEAN: I mean certainly by the
16 next hearing docket.

17 THE HEARING EXAMINER: Well, I mean if
18 it's just --

19 MS. MCLEAN: If you'd let us go at the
20 status conference.

21 THE HEARING EXAMINER: We may be able
22 to add this to -- we have a special docket. We have a
23 special docket on the 18th, I'm not mistaken.

24 Freya, do we have any room on any of
25 our special dockets to add this case?

1 MS. TSCHANTZ: On February 18th, I
2 think we can add it if it's going to be quick.

3 MS. MCLEAN: Yes, I think it should be.
4 If we're just submitting an a minute exhibit packet,
5 it should be fairly quick.

6 THE HEARING EXAMINER: And your witness
7 would need to be available to clarify anything that
8 Mr. McClure has to ask.

9 MS. MCLEAN: Mr. Dalton, do you think
10 that's possible to go next Tuesday, February 18th?

11 MR. DALTON: Yes.

12 THE HEARING EXAMINER: Okay.
13 Mr. McClure, would that work for you?

14 MR. MCCLURE: Oh, yes. That we --
15 that -- that should work, Mr. Hearing Examiner.

16 THE HEARING EXAMINER: Okay. Let me
17 look at that docket just to see what other cases are
18 on there and see where we can put this case.

19 MS. MCLEAN: Okay.

20 MS. TSCHANTZ: And, Mr. Hearing
21 Examiner, we are adding a new set of hearings by
22 affidavit. I just spoke with John Garcia, and he
23 agreed that we could add some of Ms. Vance's cases.

24 THE HEARING EXAMINER: To the February
25 18 docket?

1 MS. TSCHANTZ: Yes. So it'll be an
2 additional set of hearings by affidavit.

3 THE HEARING EXAMINER: How many cases
4 are we talking about?

5 MS. TSCHANTZ: I think there's three or
6 four. Four.

7 THE HEARING EXAMINER: Okay. That's,
8 fine, Ms. Tschantz. So let's see. We have amendment
9 cases for Franklin Mountain Energy. They say,
10 "Hearing by affidavit."

11 Are these contested, Ms. Bennett?

12 MS. BENNETT: No, they're not.

13 THE HEARING EXAMINER: These are not.
14 But they're your cases?

15 MS. BENNETT: They are.

16 THE HEARING EXAMINER: I thought so.
17 So we have, what, four of your cases, Ms. Bennett?

18 MS. BENNETT: It's either three or
19 four.

20 THE HEARING EXAMINER: Three. I'm
21 sorry. It's three cases. I'm sorry.

22 I see. We moved them due to witness
23 availability. I see now. So we made a special deal
24 with Ms. Tschantz. Okay.

25 MS. BENNETT: I did. Thank you.

1 THE HEARING EXAMINER: We're in the
2 special dealing phase of our day.

3 Okay. So compulsory pooling. We have
4 a status conference. Looks like we have a status
5 conference on 50, 51, 52 for Permian Resources. Are
6 these yours, Ms. Vance, Permian resource?

7 MS. VANCE: Which cases are they?

8 THE HEARING EXAMINER: Let me just read
9 the notes. Hold on.

10 MS. VANCE: I'm assuming so. Yes.

11 THE HEARING EXAMINER: This is a
12 motion. No, I think these are the 8:30 a.m. cases for
13 Ms. Shaheen. We have a motion to strike an entry of
14 appearance that we're hearing that morning at 8:30.
15 That'll probably take about half an hour or so.

16 So now I know what those are. Okay.
17 Then we have a contested hearing with Avant, 24774.
18 Ms. Bennett, your case?

19 MS. BENNETT: Yes, that's my case. And
20 it competes with cases filed by Mewbourne.

21 THE HEARING EXAMINER: Perfect. And
22 who's representing Mewbourne? Are you, Ms. Vance?

23 MS. VANCE: That's correct.

24 THE HEARING EXAMINER: Okay. And do
25 you still anticipate those cases going?

1 MS. VANCE: Yes, unfortunately.

2 THE HEARING EXAMINER: Wasn't a very
3 enthusiastic yes, Ms. Vance.

4 MS. VANCE: Well, they will be at this
5 point going forward.

6 THE HEARING EXAMINER: Okay. All
7 right. Sounds good. Now, the 18th is five days away,
8 so pre-hearing statements and exhibits are due; aren't
9 they?

10 MS. MCLEAN: They are. And Mewbourne
11 filed its pre-hearing statement and exhibits, and
12 Avant slash Coterra filed a pre-hearing statement.

13 We did not file exhibits due to timing
14 constraints and other constraints and -- but we intend
15 to cross-examine Mewbourne's witnesses. And Coterra
16 slash Avant objects to Mewbourne's cases moving
17 forward.

18 THE HEARING EXAMINER: And of course
19 you always have the ability to admit rebuttal exhibits
20 if if necessary, if you can make the case for them,
21 you know.

22 MS. MCLEAN: Thank you. Thank you.

23 THE HEARING EXAMINER: Okay. That's
24 Mewbourne. Okay. So now we're talking about adding
25 this one case for Ms. McLean.

1 Ms. McLean, I think what we'll do is we
2 will hear your case after Ms. Shaheen's motion
3 hearing.

4 MS. MCLEAN: Perfect.

5 THE HEARING EXAMINER: Hers is going to
6 be at 8:30. I suspect we'll start with yours at nine
7 o'clock.

8 MS. MCLEAN: Okay. I can be here at
9 8:30 just to --

10 THE HEARING EXAMINER: Perfect. You
11 never know. That's perfect.

12 Mr. McClure, will it be Mr. Garcia who
13 is our technical examiner for the 18th?

14 MR. MCCLURE: It will be Mr. Garcia for
15 the most part. But if we're hearing this at nine,
16 then I might step in for this particular case.

17 THE HEARING EXAMINER: Oh, perfect.

18 MR. MCCLURE: Or I'll just provide
19 questions to Mr. Garcia. We'll -- we'll work that
20 out.

21 THE HEARING EXAMINER: That's perfect.
22 Thank you. I appreciate it.

23 MR. MCCLURE: Thank you.

24 THE HEARING EXAMINER: Thanks for your
25 flexibility.

1 Okay. Freya, does that cover the
2 docket for the 18th? Did I get that right?

3 MS. TSCHANTZ: Yes.

4 THE HEARING EXAMINER: Okay. Okay.
5 So, Ms. McLean, you will have to move your case.
6 You'll have to continue your case to the 18th and file
7 your amended exhibit packet with your pool code
8 correction and this 5,000 foot issue and the depth
9 severance from your expert. And your expert will need
10 to be here on the 18th.

11 I would say be here at 8:30, sir, so
12 that, in case we start a little earlier than nine,
13 you'll be available.

14 I assume that you're hearing me. And
15 if not, well, hopefully you'll be here.

16 Okay. We're in recess on that case.
17 Let's move now to lines 55 and 56 on our agenda. This
18 is Chevron USA amendment cases 25118, 25119.

19 MS. VANCE: Yes. Good morning,
20 Mr. Hearing Examiner. Paula Vance with the Santa Fe
21 office of Holland & Hart on behalf of the applicant,
22 Chevron, USA Inc.

23 THE HEARING EXAMINER: Are there any
24 other parties that you know of?

25 MS. VANCE: No.

1 THE HEARING EXAMINER: I have a
2 question about the original order in this case. Can
3 you take a look at it, or do you already have
4 information about the order?

5 MS. VANCE: I can pull up the order.

6 THE HEARING EXAMINER: I think it's
7 R-22769.

8 MS. VANCE: It is. I had it up
9 earlier.

10 Okay. I have it up.

11 THE HEARING EXAMINER: Okay. Thank
12 you. So my question, I need some clarification as to
13 these two cases and how they relate to 22769.

14 So I can see that 118 is an amendment
15 to add additional -- no, to add initial wells for --
16 why don't you describe, what are you asking for in
17 25118?

18 MS. VANCE: Yes. Okay. And that order
19 relates to case number 25118. So what we are asking
20 for is to open and amend what we originally pooled.

21 So in the original application, which
22 is the order you were referencing, we pooled from the
23 base of the First Bone Spring to the top of the
24 Wolfcamp, so in other words, the second and third
25 intervals, Bone Spring intervals.

1 And so in this case, we are opening
2 that back up to ask to pool the entirety of the Bone
3 Spring and add initial wells.

4 And in this case, Chevron has reached
5 voluntary agreement with all of the working interest
6 owners. So we're only asking to pool overrides and
7 record title.

8 THE HEARING EXAMINER: Okay. What is
9 the status of the drilling in this area?

10 MS. VANCE: What do you mean?

11 THE HEARING EXAMINER: Okay. Well, I
12 don't know any other way of asking it. The original
13 order was issued July of 2023, so --

14 MS. VANCE: Have these wells been
15 drilled? Is that what you're asking?

16 THE HEARING EXAMINER: It is.

17 MS. VANCE: I don't know off the top of
18 my head. But I believe our -- you know, we have our
19 landman and our geologist, and I am sure our landman
20 would be able to answer that question.

21 THE HEARING EXAMINER: Okay. This case
22 asking to amend this order was filed when?

23 MS. VANCE: It was filed December 18,
24 2024.

25 THE HEARING EXAMINER: Okay. And when

1 you seek to amend an order, isn't there a time limit?

2 MS. VANCE: You mean in terms of
3 perfecting the order?

4 THE HEARING EXAMINER: Yes.

5 MS. VANCE: Yes.

6 THE HEARING EXAMINER: What is the time
7 limit?

8 MS. VANCE: So it's based on the
9 language of the order, which is you have a year to
10 drill, and then from the date you drill, a year to
11 complete the well.

12 THE HEARING EXAMINER: Okay. Perfect.
13 So now my question is, because this was filed in
14 December, which is after one year -- do you see what I
15 mean?

16 MS. VANCE: Yes. So again, I would
17 have to talk with the landman just to discuss. But,
18 you know, I don't want to make any assumptions.

19 THE HEARING EXAMINER: Sure. Let's get
20 the landman on the screen. What is his name?

21 MS. VANCE: His name is Douglas
22 Crawford.

23 THE HEARING EXAMINER: Has he been
24 qualified as an expert?

25 MS. VANCE: Yes, he has.

1 THE HEARING EXAMINER: Perfect. Thank
2 you.

3 MR. CRAWFORD: Hello, Mr. Examiner.
4 I'm here.

5 THE HEARING EXAMINER: I see you.
6 Would you make him bigger? Perfect.
7 Okay.

8 We're going to get you sworn in first.
9 Would you raise your right hand?

10 WHEREUPON,

11 DOUGLAS CRAWFORD,
12 called as a witness and having been first duly sworn
13 to tell the truth, the whole truth, and nothing but
14 the truth, was examined and testified as follows:

15 THE HEARING EXAMINER: Okay. State and
16 spell your name, please.

17 MR. CRAWFORD: Douglas Crawford,
18 D-O-U-G-L-A-S. Last name Crawford, C-R-A-W-F-O-R-D.

19 THE HEARING EXAMINER: Okay. And who
20 do you work for?

21 MR. CRAWFORD: Chevron.

22 THE HEARING EXAMINER: Chevron. Okay.
23 And what is your position?

24 MR. CRAWFORD: Land representative.

25 THE HEARING EXAMINER: Land

1 representative. How is that different than a
2 petroleum landman?

3 MR. CRAWFORD: It's the same.

4 THE HEARING EXAMINER: Same. Okay.
5 Thank you.

6 MR. CRAWFORD: Yes.

7 THE HEARING EXAMINER: Mr. McClure, are
8 you willing to ask him some questions about the
9 drilling under this order?

10 MR. MCCLURE: I can, if you'd like,
11 Mr. Hearing Examiner.

12 THE HEARING EXAMINER: I would. Thank
13 you.

14 DIRECT EXAMINATION

15 BY MR. MCCLURE:

16 MR. MCCLURE: Mr. Crawford, has Chevron
17 drilled all the wells that were included in order
18 R-22769?

19 MR. CRAWFORD: From -- from what I'm
20 seeing -- I just took over this project. From what
21 I'm seeing, it looks like we are drilling them
22 currently.

23 MR. MCCLURE: So they are not currently
24 drilled as of the -- as of prior to the order of
25 termination, which occurred seventh month, tenth day

1 of 2024? It was not drilled prior to then. Is that
2 correct?

3 MR. CRAWFORD: That is correct.

4 THE HEARING EXAMINER: So, Ms. Vance,
5 you have some additional information to work with now.

6 MS. VANCE: Yes. But I'm looking to
7 see when they commenced drilling.

8 MR. CRAWFORD: December -- it would've
9 been December 14th.

10 THE HEARING EXAMINER: Of what year,
11 sir?

12 MR. CRAWFORD: 2024.

13 THE HEARING EXAMINER: Thank you.

14 MS. VANCE: Ah. And you know what, I
15 may need to talk with my client because I believe --
16 and I want to say -- virtual connectivity
17 interruption -- okay.

18 THE HEARING EXAMINER: That way you
19 don't have to --

20 MS. VANCE: I'll just say this --
21 virtual connectivity interruption -- he took over this
22 project. And I had some previous conversation with
23 the prior landman. And I just need to go through my
24 communications. But I believe I have an answer for
25 you on this of --

1 THE HEARING EXAMINER: Well, you have
2 some time.

3 MS. VANCE: Thank you.

4 THE HEARING EXAMINER: Why don't we go
5 into recess on these two cases. And we'll come back
6 when you're ready.

7 MS. VANCE: Yeah. Okay.

8 THE HEARING EXAMINER: Okay. Thank
9 you, Mr. Crawford, Ms. Vance.

10 Okay. I'm going to call the next case
11 on our docket. This would be 25120. This is Permian
12 Resources, LLC amendment case.

13 MS. HARDY: Mr. Examiner, Dana Hardy on
14 behalf of Permian Resources. And there are no other
15 entries of appearance.

16 THE HEARING EXAMINER: Perfect. This
17 order, did you file your amendment before the order
18 expired?

19 MS. HARDY: Yes, we did, Mr. Examiner.

20 THE HEARING EXAMINER: Okay. Thank
21 you. Please proceed.

22 MS. HARDY: So Colgate Production is
23 the applicant here, which is a subsidiary of Permian
24 Resources. And Colgate requests a one-year extension
25 of time until February 28th of 2026 to commence

1 drilling the wells authorized by order number R-23078
2 and also seeks to pool additional interests under the
3 order.

4 The extension is requested because the
5 spud date has been delayed until May of 2025 to allow
6 Permian Resources to obtain production results from
7 offset acreage and ensure optimal well spacing.

8 We've provided the affidavit of Landman
9 Travis Macha in support of the application. Mr. Maka
10 has previously testified as an expert before the
11 Division, and he provides the standard land exhibits.

12 (Case Number 25120 Exhibit A,
13 Exhibit B, and Exhibit C were marked
14 for identification.)

15 Exhibit C includes my notice affidavit
16 and associated attachments. Notice was timely sent by
17 certified mail on January 10th and was timely
18 published on January 18th.

19 So with that, unless there are
20 questions, I request that the exhibits be accepted and
21 that the case be taken under advisement.

22 THE HEARING EXAMINER: What is the good
23 cause?

24 MS. HARDY: The good cause is that
25 Permian Resources is evaluating production results

1 from offset acreage to ensure optimal well spacing.

2 THE HEARING EXAMINER: Okay. Are there
3 any objections?

4 Not hearing any, your exhibits are
5 admitted into evidence.

6 (Case Number 25120 Exhibit A,
7 Exhibit B, and Exhibit C were received
8 into evidence.)

9 Mr. McClure, are there any questions
10 for this case?

11 MR. MCCLURE: Mr. Hearing Examiner, I
12 have no questions for this case.

13 THE HEARING EXAMINER: All right. This
14 case is taken under advisement. Thank you.

15 MS. HARDY: Thank you.

16 THE HEARING EXAMINER: We're now moving
17 on to a unit agreement case brought by Texas Standard
18 Operating, LLC.

19 MS. VANCE: Mr. Hearing Examiner, can I
20 ask one question related to my two prior cases?

21 THE HEARING EXAMINER: You want to ask
22 me a question or Mr. McClure question?

23 MS. VANCE: You.

24 THE HEARING EXAMINER: Go ahead.

25 MS. VANCE: So one of the -- it's only

1 one of my cases that's impacted.

2 THE HEARING EXAMINER: Yes, 118.

3 MS. VANCE: So can I at least move
4 forward with my other case if possible, obviously not
5 now if we're moving forward with the other case. But
6 could we at least get that?

7 THE HEARING EXAMINER: So 119, it was
8 unclear whether 119 was also dependent upon the order
9 or not.

10 MS. VANCE: It is not.

11 THE HEARING EXAMINER: It's a
12 standalone case?

13 MS. VANCE: It is.

14 THE HEARING EXAMINER: It is a
15 standalone case?

16 MS. VANCE: It is. Yes.

17 THE HEARING EXAMINER: Okay. Mr.
18 McClure, did you review 25119?

19 MR. MCCLURE: Yes, I did, Mr. Hearing
20 Examiner.

21 THE HEARING EXAMINER: Okay. And are
22 you in agreement that 25119 is a standalone case?

23 MR. MCCLURE: I am in agreement.

24 THE HEARING EXAMINER: Okay.
25 Excellent. Okay. So before we call 25126, which I

1 was in the process of calling, let's recall 25119.

2 Ms. Vance, would you like to present
3 the case?

4 MS. VANCE: Yes. And I apologize for
5 interrupting.

6 THE HEARING EXAMINER: Go ahead.

7 MS. VANCE: Thank you. So in case
8 25119, Chevron USA seeks to pool the east half of
9 Sections 14 and 23, Township 24 South, Range 31 East.
10 And that's in Eddy County, New Mexico.

11 And that will be dedicated or in the
12 Wolfcamp, Purple Sage Wolfcamp. And the pool code is
13 98220. And the wells there are the SND 14 23 Fed Com
14 622H, 623H, and 624H.

15 We've included a copy of the
16 application, compulsory pooling checklist, and the
17 self-affirmed statement of Douglas Crawford and Leah
18 Johnson.

19 (Case Number 25119 Exhibit A through
20 Exhibit D were marked for
21 identification.)

22 Mr. Crawford is the landman.
23 Ms. Johnson is the geologist. They have both
24 testified before the Division.

25 We've included the -- because we're

1 only seeking to pool the overrides and record title,
2 we've only included the C-102 and the land tract map
3 and the pooled parties. And then we've included the
4 required geology exhibits.

5 And then we also have my statement of
6 notice with a sample copy of notice that went out on
7 December 24, 2024, and then the affidavit of notice of
8 publication that was timely published on January 30,
9 2024.

10 (Case Number 25119 Exhibit E and
11 Exhibit F were marked for
12 identification.)

13 And unless there are any questions, I
14 would ask that the exhibits and subexhibits be
15 admitted into the record and that this case, 25119, be
16 taken under advisement at this time.

17 THE HEARING EXAMINER: Are there any
18 objections?

19 Not hearing any, the exhibits submitted
20 are admitted into the record.

21 (Case Number 25119 Exhibit A through
22 Exhibit F were received into evidence.)

23 Mr. McClure, do you have questions?

24 MR. MCCLURE: Mr. Hearing Examiner, I
25 do not have questions, but I do have two requests for

1 Ms. Vance.

2 THE HEARING EXAMINER: Okay. Go ahead.

3 MR. MCCLURE: Thank you, sir.

4 Ms. Vance, the first one, relatively
5 minor, but since we're submitting an amended exhibit
6 packet anyway, we might as well get it corrected. On
7 your compulsory pooling administrative checklist, you
8 see where it has the setback rules in the pooling
9 area?

10 MS. VANCE: Let me get there.

11 MR. MCCLURE: Yes, ma'am.

12 MS. VANCE: Yes.

13 MR. MCCLURE: Included there you have
14 statewide rules, but this is incorrect. The Purple
15 Sage Wolfcamp --

16 MS. VANCE: Got it.

17 MR. MCCLURE: Okay. Thank you. In
18 addition to that, the geologist cross section in
19 Exhibit D-3, page 26 of 32, does not include API
20 numbers.

21 MS. VANCE: I can correct that.

22 MR. MCCLURE: Okay. Thank you,
23 Ms. Vance.

24 I have nothing further for this case,
25 Mr. Hearing Examiner.

1 THE HEARING EXAMINER: Okay. So the
2 notice for this case is not affected by the notice in
3 25118?

4 MR. MCCLURE: I agree with that,
5 Mr. Hearing Examiner. It is not affected by the
6 notice. If you are asking me, I don't think it is.

7 THE HEARING EXAMINER: I am. Okay.
8 Very good.

9 Okay. So, Ms. Vance, once you submit
10 an amended hearing packet with a cover letter to show
11 the two things that Mr. McClure asked you for, we will
12 take this case under advisement.

13 MS. VANCE: Thank you.

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

16 Now let's go back on the record in
17 25126. It is line 58 in our agenda. Entries of
18 appearance, please.

19 MS. BENNETT: Good morning,
20 Mr. Examiner. Deana Bennett on behalf of the
21 applicant, Texas Standard Operating New Mexico, LLC.

22 THE HEARING EXAMINER: Thank you.

23 MS. HARDY: And, Mr. Examiner, Dana
24 Hardy on behalf of BTA Oil Producers, LLC.

25 THE HEARING EXAMINER: And what is your

1 role here this morning, Ms. Hardy?

2 MS. HARDY: BTA entered an appearance
3 and had initially objected based on the exclusion of
4 certain acreage within the unit. But Texas Standard
5 agreed to remove that acreage, and so we've withdrawn
6 our objection on the condition that it's removed.

7 THE HEARING EXAMINER: Very good.
8 Thank you. I saw the plats. And I did see that they
9 had changed and reduced the size of the unit.

10 Is that correct, Ms. Bennett?

11 MS. BENNETT: That's correct.

12 THE HEARING EXAMINER: Okay. I thought
13 so.

14 So no objections, Ms. Hardy?

15 MS. HARDY: That's correct.

16 THE HEARING EXAMINER: All right. Very
17 good.

18 Ms. Bennett, are there any other
19 parties?

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

21 THE HEARING EXAMINER: I think there
22 might be.

23 MS. BENNETT: Oh, right. EOG.

24 MS. KESSLER: Excuse me. Sorry to
25 interrupt, Ms. Bennett. This is Jordan Kessler on

1 behalf of EOG. We're just monitoring this case.

2 THE HEARING EXAMINER: Okay. And
3 Mr. Suazo?

4 MR. SUAZO: Yes, Mr. Examiner. Miguel
5 Suazo on behalf of XTO Energy Permian. We originally
6 objected. And we've since withdrawn the objection
7 similar to what BTA did between them and TSO.

8 THE HEARING EXAMINER: So the reduction
9 in acreage satisfied you?

10 MR. SUAZO: Correct.

11 THE HEARING EXAMINER: All right. Are
12 there any other entries?

13 MS. VANCE: Yes. Good morning,
14 Mr. Hearing Examiner. Paula Vance with the Santa Fe
15 office of Holland & Hart on behalf of Matador.

16 THE HEARING EXAMINER: Any objection?

17 MS. VANCE: No.

18 THE HEARING EXAMINER: Okay.
19 Ms. Bennett?

20 MS. BENNETT: Thank you. This is a
21 request by Texas Standard Operating for the Division
22 to grant a voluntary exploratory unit. We've included
23 in our materials the self-affirmed declaration of Matt
24 Roberson.

25 He's previously testified before the

1 Division. And he's a landman. We also included the
2 self-affirm declaration of David Entzminger. He's
3 previously testified before the Division, and he's a
4 geologist.

5 (Case Number 25126 Exhibit A,
6 Exhibit B, and Exhibit C were marked
7 for identification.)

8 And then the final set of exhibits are
9 my notice materials. And we sent the notice letter on
10 January 23rd and timely published on January 28th.

11 And just for a little bit of
12 background, this is a voluntary unit. It's comprised
13 entirely of state lands.

14 And OCD approval of the unit is a
15 prerequisite to the State Land Office completing its
16 review. And the State Land Office has issued a
17 preliminary approval and is in favor of this unit.

18 So with that, I would ask that the
19 exhibits in case 25126 be admitted into the record.
20 And I'm happy to answer any questions you might have.

21 THE HEARING EXAMINER: Okay. Are there
22 any objections?

23 Hearing none, your exhibits are
24 admitted into evidence.

25 //

1 (Case Number 25126 Exhibit A,
2 Exhibit B, and Exhibit C were received
3 into evidence.)

4 Let's see if we have some questions.
5 So we have two technical examiners with us today. One
6 is Million Gebremichael. Good morning.

7 MR. GEBREMICHAEL: Good morning,
8 Mr. Hearing Examiner.

9 THE HEARING EXAMINER: And do we also
10 have Phil with us too?

11 MR. GEBREMICHAEL: Phil Goetze, yes,
12 sir.

13 THE HEARING EXAMINER: Mr. Goetze, are
14 you with us?

15 MR. GOETZE: I am.

16 MS. BENNETT: Mr. Examiner, if I could
17 clarify, I believe Mr. Gebremichael and Mr. Goetze are
18 the examiners for the next next case, Raz Oil.

19 THE HEARING EXAMINER: That's why I
20 asked. Could you turn off your microphone?

21 Thank you. All right.

22 Mr. McClure, do you have any questions
23 in this case?

24 MR. MCCLURE: Mr. Hearing Examiner,
25 this is the case with the potential notice incurring.

1 THE HEARING EXAMINER: Yes, it is.

2 MR. MCCLURE: Do you want me to follow
3 up with questions on that or --

4 THE HEARING EXAMINER: I can start. I
5 can start. And then we can go from there.

6 So, Ms. Bennett, we were looking at the
7 notice provided in this case. And let me pull up the
8 application.

9 And this was a case that was previously
10 filed under 24985. Is that correct?

11 MS. BENNETT: That's right.

12 THE HEARING EXAMINER: Okay. Good.
13 And why was that case dismissed and refiled?

14 MS. BENNETT: Because there was a typo
15 in the legal description.

16 THE HEARING EXAMINER: Okay. All
17 right. In the -- I need to pull up the correct case.
18 So give me one moment.

19 In all of the documents, including the
20 application, you have the following description: in
21 Township 18, South, Range 36 East. You say, "Sections
22 4 dash 6, full colon, blank." Then you say, "Section
23 7 through 10, full colon, all, Sections 15 through 17,
24 full colon, all."

25 And then in Sections 18 and 21, you

1 specify particular sections. But you don't specify
2 what parts of Sections 4 through 6 you are including
3 in the legal description.

4 MS. BENNETT: Yes, I see that now. And
5 it was intended to be all. Which, I think by virtue
6 of not including the word "all," the default would be
7 that it's all.

8 THE HEARING EXAMINER: I thought you
9 might make that -- okay.

10 Are there any objections? I see
11 Ms. Vance is typing furiously.

12 Ms. Vance, were you listening to this
13 issue?

14 MS. VANCE: No, I'm trying to resolve
15 my issue.

16 THE HEARING EXAMINER: I figured you
17 were. I figured that's what you were doing over
18 there.

19 Ms. Hardy, is there an objection?

20 MS. HARDY: No. BTA does not object.

21 THE HEARING EXAMINER: No. Okay. And
22 just for my own benefit, why is there no objection to
23 this?

24 MS. HARDY: Well, because I think the
25 exhibits clarify the acreage that is being included in

1 the unit.

2 THE HEARING EXAMINER: But we're
3 specifically talking about notice.

4 MS. HARDY: Right.

5 THE HEARING EXAMINER: So if you didn't
6 think this case applied to you, you wouldn't look at
7 the exhibits, I would assume?

8 MS. HARDY: Correct.

9 THE HEARING EXAMINER: All right. Plus
10 the exhibits are submitted long after the notice
11 would've had to have been put out there.

12 So I've heard Ms. Bennett's argument as
13 to the default for the word "all." So why do you feel
14 that this notice is valid?

15 MS. HARDY: Well, I think BTA
16 understood what acreage was included.

17 THE HEARING EXAMINER: Okay.

18 MS. HARDY: So from our perspective, I
19 don't think it's a problem. I don't know if it's a
20 problem with respect to public generally, but not from
21 BTA's perspective.

22 THE HEARING EXAMINER: That's what I
23 was asking, on behalf of your client.

24 MS. HARDY: Yes. Thank you.

25 THE HEARING EXAMINER: Ms. Vance, did

1 you hear any of what was go going on?

2 MS. VANCE: No. But I understand that
3 we're talking about -- I'm sorry. I apologize.
4 That's terrible. I am partially listening. I
5 understand that you're talking about a notice issue.

6 THE HEARING EXAMINER: A notice issue.
7 The legal description in this case has, "Section 4
8 through 6, full colon, blank," whereas other sections,
9 it says, "All," or it says a particular subpart of
10 that section. This has nothing.

11 And I want to know if there's an
12 objection to the legal description in this case.

13 MS. VANCE: For Matador, no. No
14 objection.

15 THE HEARING EXAMINER: Okay. Perfect.
16 All right.

17 Okay. Mr. McClure, how do you want to
18 proceed? Ms. Bennett's argument is there's a default
19 to all. So even if there's nothing there, it means
20 all, so the word "all" is not a prerequisite to
21 designate the entire section. How do you feel about
22 that?

23 MR. MCCLURE: I would say that I
24 wouldn't agree with that, that the default is all.

25 THE HEARING EXAMINER: Okay. So you're

1 not comfortable --

2 MR. MCCLURE: "All" should have been
3 included. I wouldn't agree with that argument here.

4 THE HEARING EXAMINER: Okay. All
5 right. Okay. So you're not comfortable with the
6 legal notice.

7 And so you believe that the Division
8 has not provided the proper notice much less the -- I
9 mean, just to protect us, you believe that the
10 Division has not provided proper notice?

11 MR. MCCLURE: I mean, I could lean
12 either way. But the conservative approach is most
13 definitely that the "all" should be included.

14 THE HEARING EXAMINER: Ms. Bennett?

15 MS. BENNETT: Mr. Examiner, I
16 understand the Division's concerns. I would also
17 note, however, that this is a more of a pro forma
18 approval by the Division.

19 The State Land Office has the final say
20 about whether this unit will be approved. And so if
21 the State Land Office has any concerns at all about
22 notice or voluntary joinder in the unit, the State
23 Land Office will be able to remedy that. These are
24 state lands.

25 The State Land Office is in favor of

1 this application being approved. And it is a purely
2 voluntary application. Parties cannot be forced.
3 This is not forcing anyone into the unit. It's not
4 pooling anyone into the unit. It's completely
5 voluntary.

6 So, again, if the State Land Office has
7 any concerns, the State Land Office will be the final
8 arbiter of whether this unit gets approved.

9 THE HEARING EXAMINER: So, Ms. Bennett,
10 to help me understand how the state land is involved
11 in this, so the State owns all the mineral interests
12 here?

13 MS. BENNETT: Yes, it does.

14 THE HEARING EXAMINER: So then -- but
15 we did have objections from other entities. How could
16 we -- if this is just state lands, then how did we
17 have objections?

18 Okay. So you understand the question?

19 MS. BENNETT: Yes, I do. Yes. So it
20 is -- I'd say it's unusual to have objections to the
21 approval of a voluntary exploratory unit.

22 And, in fact, there have been
23 multiple -- there have been other cases where the
24 Division's jurisdiction over these types of cases has
25 been, I don't want to say questioned, but has been

1 discussed.

2 And so it is unusual, in my opinion,
3 for there to be objections to voluntary units because
4 they are purely voluntary.

5 So if BTA did not want to be part of
6 this unit, it didn't have to be. Same with XTO. But
7 that's still -- the Division does have an ability for
8 folks to object. So that is what occurred.

9 THE HEARING EXAMINER: I see. I see
10 Adam's, yeah.

11 Mr. Rankin, I see your hand up.

12 MR. RANKIN: Mr. Examiner, good
13 morning. I thought I might just pipe in. You know, I
14 think there's a reason that the Division does not have
15 regulations addressing notice for voluntary units.

16 THE HEARING EXAMINER: Okay.

17 MR. RANKIN: And I think that
18 Ms. Bennett has addressed that. But I just want to,
19 you know, pipe in to make that point if it's helpful.

20 THE HEARING EXAMINER: And you said
21 that the Division does not have notice requirements
22 for voluntary agreement?

23 MR. RANKIN: Correct. Nor do they have
24 regulations that govern the approval or require
25 approval for voluntary agreements.

1 It's part of the -- well, I'll let
2 Ms. Bennett address that. But it's not something that
3 is usually a requirement as part of the unit agreement
4 itself, are not something that's required under the
5 regulations.

6 THE HEARING EXAMINER: I see. I see.

7 MS. BENNETT: That is correct.

8 THE HEARING EXAMINER: Is there a rule
9 number that I can look at?

10 MS. BENNETT: No, there's no rule
11 number period.

12 THE HEARING EXAMINER: Oh, there's no
13 rule --

14 MS. BENNETT: And the only way this
15 even comes before the Division is because in the State
16 Land Office form of unit agreement, it requires OCD
17 approval. But there is no OCD regulation. There's no
18 OCD regulation that governs approval of unit
19 agreements.

20 And the State Land Office form does
21 cite to the Oil and Gas Act generally, but does not
22 provide any specific citation to the Division's
23 specific jurisdiction over these unit agreements.

24 THE HEARING EXAMINER: So why did this
25 matter come to the Hearing Bureau and not just get

1 approved administratively?

2 MS. BENNETT: I don't believe there's
3 an administrative process for this. I've never seen
4 one approved administratively.

5 THE HEARING EXAMINER: Oh.
6 Mr. McClure?

7 MR. MCCLURE: Mr. Hearing Examiner, it
8 is correct that we do not have an administrative
9 process for this. I don't know what else you -- did
10 you want me to weigh in on anything else?

11 THE HEARING EXAMINER: Well, after
12 hearing from Mr. Rankin and Ms. Bennett about, you
13 know, the voluntariness of the agreement and the fact
14 that it involves just state lands, and the State Land
15 Office is the final arbiter of the approval and can
16 also find fault with notice, I guess, if it wants to,
17 how do you feel about it now?

18 Does it change anything?

19 MR. MCCLURE: To be -- to be honest, my
20 opinion isn't really changed because it's still our
21 director that is signing whatever order comes out of
22 this case.

23 THE HEARING EXAMINER: So there is --

24 MR. MCCLURE: So I'm not sure that I
25 would waive -- I apologize, Mr. Hearing Examiner.

1 THE HEARING EXAMINER: But there is an
2 order that comes out of the Division for this?

3 MR. MCCLURE: That is correct.
4 There's -- there'll be an order that's issued. Now,
5 within that order, it doesn't outright approve the
6 unit. It recommends approval of the unit is what it
7 does.

8 THE HEARING EXAMINER: I see. I see.
9 Okay. I understand. Okay. Based on Ms. Bennett's
10 argument, though, I feel like it makes me feel better.
11 I'd rather see the word "all." However, there isn't
12 anything else there.

13 I think if you read, "4 dash 6," I
14 think the default assumption would be that it includes
15 the entire section of 4 dash 6.

16 I know I might be leaving myself open
17 to challenge in the future, but I believe that, based
18 on the facts in this case and not setting any kind of
19 a precedent, that I could see that the notice was at
20 minimum satisfactory in this case.

21 So, Mr. McClure, do you have any
22 questions for the witnesses in this case, or can we
23 take this case under advisement?

24 MR. MCCLURE: Mr. Hearing Examiner, I
25 do not have any questions for any witnesses. And I

1 think we can take the case under advisement.

2 THE HEARING EXAMINER: Okay. Then
3 we're off the record. And we'll take this case under
4 advisement. Thank you.

5 MS. BENNETT: Thank you very much. I
6 appreciate the thoughtful approach.

7 THE HEARING EXAMINER: Yes, of course.

8 Ms. Vance, should I come back to you or
9 go on to the next case before coming back to you?

10 MS. VANCE: I think I pretty much have
11 the answers, yes.

12 THE HEARING EXAMINER: But when you
13 say, "Pretty much," that makes me nervous.

14 MS. VANCE: I'm -- I'm just waiting on
15 one piece of information, but I do have an answer to
16 your initial question.

17 THE HEARING EXAMINER: Let's wait --
18 your pieces, all your ducks in a row -- virtual
19 connectivity interruption -- second Raz Oil and Gas
20 case, which it seemed like I had called before. This
21 is case 25081.

22 Entrances of appearance, please.

23 MS. BENNETT: Good morning,
24 Mr. Examiner. Deana Bennett on behalf of Raz Oil and
25 Gas, LLC.

1 THE HEARING EXAMINER: Thank you.

2 Are there any other parties?

3 MS. BENNETT: Yes, there are.

4 MR. RANKIN: Good morning,

5 Mr. Examiner. Adam Rankin with Holland & Hart on
6 behalf of Mewbourne Oil Company.

7 THE HEARING EXAMINER: Good morning.

8 MS. BENNETT: I believe that's it,
9 Mr. Examiner.

10 THE HEARING EXAMINER: Thank you. We
11 have two technical examiners with us this morning,
12 Mr. Million Gebremichael and Mr. Phil Goetze of the
13 UIC group. They will have questions for the
14 witnesses.

15 Who are your witnesses this morning?

16 MS. BENNETT: Thank you, Mr. Examiner.
17 We have three witnesses, two of whom who have
18 previously testified.

19 So we have Mr. Joshua Ticknor. He has
20 not previously testified before the Division. We have
21 Mr. Thomas Tomastik, who has previously testified
22 before the Division, and Mr. Reed Davis, who's also
23 previously testified before the Division.

24 THE HEARING EXAMINER: Okay. And,
25 Mr. Rankin, before I go on to swear in the witnesses

1 and qualify one of them as an expert, are you
2 objecting to this case?

3 MR. RANKIN: Mr. Examiner, we are not.
4 We had previously filed an objection on behalf of
5 Mewbourne Oil Company.

6 Subsequent to that, the parties have
7 been able to resolve their differences. It came to an
8 agreement. I believe Ms. Bennett will discuss that
9 agreement as part of her presentation or just review
10 it. And I think she can address those questions.

11 But basically, yeah, the parties have
12 come to agreement resolving Mewbourne's concerns with
13 the proposed injection, allowing us to withdraw our
14 objection.

15 I will have a couple questions,
16 however, Mr. Examiner, for each of each of the
17 applicant's witnesses. But no objections.

18 THE HEARING EXAMINER: Perfect. Okay.
19 And you're not introducing any evidence of your own?

20 MR. RANKIN: Correct. No witnesses or
21 testimony.

22 THE HEARING EXAMINER: Okay. Let's get
23 your witnesses sworn in first, Ms. Bennett.

24 MS. BENNETT: Thank you. So would you
25 like to run through Mr. Ticknor's qualifications?

1 He's not previously been qualified.

2 THE HEARING EXAMINER: I can do that
3 with him directly.

4 MS. BENNETT: Yes.

5 THE HEARING EXAMINER: Okay. So let's
6 get all three witnesses on our screen. Can we not
7 share the screen yet?

8 MS. BENNETT: Sorry. That'll take me
9 just a second.

10 THE HEARING EXAMINER: That's fine.
11 Okay. I see Mr. Tomastik. I see
12 Mr. Davis. I don't see the third witness.

13 MR. TICKNOR: I Can you not see me?

14 THE HEARING EXAMINER: Now I can.

15 MR. TICKNOR: Hello.

16 THE HEARING EXAMINER: Hello. And I
17 see Mr. Ticknor. Would you all three raise your right
18 hand, please?

19 Do you swear or affirm under penalty of
20 perjury that the testimony you're about to give is the
21 truth, the whole truth, and nothing but the truth?

22 MR. TICKNOR: I do.

23 MR. TOMASTIK: I do.

24 THE HEARING EXAMINER: Mr. Davis?

25 MR. DAVIS: Yes.

1 THE HEARING EXAMINER: Okay. Very
2 good. Thank you.

3 Okay. So, Mr. Davis, you've been
4 previously qualified as an expert before this
5 division?

6 MR. DAVIS: That is correct.

7 THE HEARING EXAMINER: In what field?

8 MR. DAVIS: Geophysics.

9 THE HEARING EXAMINER: Geophysics. Let
10 me write this down. Davis, Geophysics.

11 Okay. Mr. Tomastik, in what field?

12 MS. PELZEL: Mr. Hearing Examiner, I've
13 been qualified as an expert in groundwater,
14 underground injection control, and geology.

15 THE HEARING EXAMINER: Okay. Perfect.
16 Thank you, sir.

17 And now we come to Mr. Ticknor. Would
18 you state and spell your name for the record, please?

19 MR. TICKNOR: My name is Joshua
20 Ticknor, J-O-S-H-U-A T-I-C-K-N-O-R.

21 THE HEARING EXAMINER: Okay. And what
22 field do you seek to be an expert before this
23 division?

24 MR. TICKNOR: Saltwater disposal well
25 operations, petroleum engineering matters, and any

1 permitting matters related to UIC.

2 THE HEARING EXAMINER: Okay. What
3 education do you have toward that field?

4 MR. TICKNOR: I'm a petroleum engineer.
5 I graduated in 2008 from the University of Tulsa.

6 THE HEARING EXAMINER: With what
7 degree?

8 MR. TICKNOR: A petroleum engineering
9 degree.

10 THE HEARING EXAMINER: Okay. And
11 what --

12 MR. TICKNOR: Bachelor of science.

13 THE HEARING EXAMINER: Okay. And what
14 work experience do you have since graduation toward
15 this degree?

16 MR. TICKNOR: Since 2008, I've worked
17 at various operating companies throughout the United
18 States, Oklahoma, Texas, Wyoming.

19 And then for the past seven years, I've
20 worked for ALL consulting as an expert on their
21 disposal well permitting and injection well
22 operations.

23 THE HEARING EXAMINER: Okay. I didn't
24 catch who you worked for now.

25 MR. TICKNOR: ALL Consulting.

1 THE HEARING EXAMINER: ALL Consulting.

2 MR. TICKNOR: Yes, sir.

3 THE HEARING EXAMINER: Okay. Okay.

4 And you said you had worked in various states with
5 what companies?

6 MR. TICKNOR: Primarily I've been with
7 Cimarex and Newfield.

8 THE HEARING EXAMINER: Cimarex. And
9 your title with Cimarex when you were with them?

10 MR. TICKNOR: It was reservoir
11 engineer.

12 THE HEARING EXAMINER: Reservoir
13 engineer. Okay. And with ALL Consulting, can you
14 tell me a little bit about what you've been doing with
15 them?

16 MR. TICKNOR: I'm a project engineer.
17 I help out as much as I can. I'm a professional
18 engineer, so I review work and generate work on my own
19 related to the engineering of injection wells
20 facilities. We also do testing on wells, separate
21 testing, and matters of that sort.

22 THE HEARING EXAMINER: Okay. All
23 right. So if I was going to put some words to your
24 field, would it be petroleum engineer?

25 MR. TICKNOR: That is my title.

1 THE HEARING EXAMINER: Okay. So from
2 here on in, you're an expert as a petroleum engineer
3 before this division.

4 So, Ms. Bennett?

5 MS. BENNETT: Thank you. This is a
6 case that involves a request to plug back an existing
7 injection well.

8 So currently, Raz is authorized to
9 inject produced water, water that's produced during
10 oil and gas operations into the Devonian, which is a
11 deep disposal area that has become uneconomic due to
12 pressures, surface pressures.

13 And so Raz has requested the ability to
14 plug back the well to the Delaware Mountain Group,
15 specifically to a -- so that would be a shallower
16 interval, to allow Raz to continue to inject produced
17 water into the Bell Canyon formation, which is one of
18 the formations in the Delaware Mountain Group.

19 And so that's the nug of the request
20 today is authority to plug back the well to that
21 shallower injection level and be authorized to inject
22 into the Bell Canyon formation.

23 THE HEARING EXAMINER: And what
24 exhibits have you filed?

25 MS. BENNETT: So we have filed the

1 exhibits of Joshua Ticknor. With his exhibits, it
2 includes his resume, the application that I filed.
3 And the application also includes a C-108.

4 And the C-108 is all of the backup
5 documentation for a saltwater disposal well or
6 produced water well.

7 (Case Number 25081 Exhibit A was marked
8 for identification.)

9 Exhibit A-3 is a revised wellbore
10 design or wellbore drawing. It was revised due to the
11 agreement reached with Mewbourne regarding injection
12 interval and injection volumes.

13 Originally, Raz was proposing
14 20,000 barrels per day, and reached an agreement with
15 Mewbourne to limit injection to a maximum injection
16 rate of 8,000 barrels per day.

17 And originally, Raz was proposing to
18 have the lower boundary of the injection interval be
19 at 6,930 feet. But in discussions with Mewbourne,
20 they agreed to raise the lower boundary to 6,104 feet.
21 So that's the revised wellbore drawing.

22 Just in full transparency, we will need
23 to revise the wellbore drawing again due to some
24 issues with the formation caps. So I can go through
25 that a little bit more if you have specific questions,

1 or I can give more detail on that.

2 And then Exhibit A-4 is a volumetrics
3 analysis. That's an analysis showing how far out the
4 plume of water is anticipated to go. Exhibit A-5 is
5 an updated one half mile area of review map. That's
6 under the regulations.

7 Then Exhibit B is the self-affirm
8 declaration of Tom Tomastik. What he included in his
9 exhibits is the OCD Delaware Mountain Group Risk Area
10 map. And we've identified on that map where the Yo
11 State well is located to show that it's outside what's
12 called the DMGRA risk area.

13 (Case Number 25081 Exhibit B was marked
14 for identification.)

15 The Exhibit C is the self-affirm
16 declaration of Mr. Davis. He included in that exhibit
17 or in his exhibits a geology and seismic statement,
18 which provides additional information about geology
19 and seismic that was to supplement what was included
20 in the C-108.

21 (Case Number 25081 Exhibit C was marked
22 for identification.)

23 And then the final tab is my notice
24 exhibits, which shows that notice was done on December
25 16, 2024, and that there was an affidavit of

1 publication that was published -- I'm sorry --
2 publication was done on December 19, 2024. So notice
3 this was timely.

4 (Case Number 25081 Exhibit D was marked
5 for identification.)

6 With that, I would ask that the
7 exhibits in case 25081 be admitted into the record.

8 THE HEARING EXAMINER: Are there any
9 objections?

10 Not hearing any, including Mr. Rankin,
11 we will admit these exhibits into evidence.

12 (Case Number 25081 Exhibit A through
13 Exhibit D were received into evidence.)

14 And we will first turn to
15 Mr. Gebremichael for questions. Which witness would
16 you like to question?

17 MR. GEBREMICHAEL: First witness I
18 would like to question, Mr. Hearing Examiner, is
19 Mr. Ticknor.

20 THE HEARING EXAMINER: Okay.
21 Mr. Ticknor?

22 MR. TICKNOR: Yes.

23 THE HEARING EXAMINER: Go right ahead.

24 MR. GEBREMICHAEL: Thank you very much.

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DIRECT EXAMINATION

BY MR. GEBREMICHAEL:

MR. GEBREMICHAEL: This question is for you, Mr. Ticknor. May I direct your attention to Exhibit A-2, page 3 of 143?

MR. TICKNOR: Page 3?

MR. GEBREMICHAEL: Page 3 of 143, yeah.

THE HEARING EXAMINER: Okay. We have it on the screen.

MR. GEBREMICHAEL: Yes.

MR. TICKNOR: I see it.

MR. GEBREMICHAEL: Yes, sir. You mentioned that injection into the Devonian was economically unviable. Why was it considered unviable? What was the reserve or situation?

I know you mentioned the pressure issue, but I want you to go more into detail. Was the reservoir filled up? What was the rate of the pressure?

MR. TICKNOR: I know that the surface injection pressure was nearing the maximum allowable of the Devonian. I cannot recall the maximum at this point. But I would defer to Nick Thompson who is the owner of the well, who maybe knows that.

The -- as injection operations occurred

1 at the well, a skin factor developed that has
2 increased pressure, the injection pressure, at the
3 surface, meaning that they are not allowed -- or they
4 are not able to inject it to the well at a high enough
5 rate to be commercially viable.

6 MR. GEBREMICHAEL: Just a follow-up on
7 this one. Have you performed any economic analysis?

8 MR. TICKNOR: No, not me personally.
9 That would be in the wheelhouse of Nick Thompson also,
10 who's the owner of the well.

11 MR. GEBREMICHAEL: Okay. All right.
12 I'll proceed to the next question.

13 All right. I'll proceed to the next
14 question. And then this question is for Mr. Ticknor
15 as well.

16 If I may direct your attention to
17 Exhibit A-2, page 4 of 143. Okay. Raz Oil and
18 Mewbourne reached an agreement to limit the injection
19 interval to 5,540 feet to 6,104 feet to a maximum
20 injection volume of 8,000 barrels per day. So what
21 was the rationale behind it for it for this --

22 MR. TICKNOR: The rationale behind
23 what?

24 MR. GEBREMICHAEL: For -- for this --
25 for limiting -- limiting the injection interval and

1 then the injection rate.

2 MR. TICKNOR: Mewbourne had concerns
3 that the rate would be high enough and that the depth
4 would be large enough that it may interfere with their
5 ongoing operations.

6 We reached an agreement to reduce the
7 injection interval into the Bell Canyon and reduce the
8 injection volume to 8,000 barrels per day, which is a
9 significant decrease in the original proposal.

10 MR. GEBREMICHAEL: Also, there is a
11 limitation, and the you kind of limited the injection
12 interval as well.

13 MR. TICKNOR: That's correct.

14 MS. BENNETT: Mr. Examiner, I may also
15 be able to provide a little insight into that if it's
16 appropriate now or at the end of the questions.

17 THE HEARING EXAMINER: Let's do it at
18 the end.

19 MS. BENNETT: Okay.

20 THE HEARING EXAMINER: Did he explain
21 why?

22 MR. GEBREMICHAEL: I wouldn't mind for
23 more elaboration on this one.

24 THE HEARING EXAMINER: Ask the witness
25 to explain.

1 MS. BENNETT: Mr. Examiner, that's the
2 elaboration -- I'd be able to provide that, as it was
3 a discussion between myself and Mewbourne's counsel.

4 THE HEARING EXAMINER: All right. Go
5 ahead.

6 MS. BENNETT: Thank you. When
7 Mewbourne objected to the application, we, myself and
8 Mewbourne's counsel engaged in discussions. And as a
9 result of those discussions, Mewbourne proposed a
10 reduction in the volume to 5,000 barrels of water per
11 day and proposed this lower boundary.

12 So it wasn't a decision that Raz Oil
13 evaluated, per se. It was one that was proposed to
14 Raz based on Mewbourne's concerns about its ongoing
15 operations.

16 And so when we received that proposal
17 from Mewbourne, we evaluated it, and we counter
18 proposed with 8,000. And so that's how the 8,000
19 number came to be. But this 6104, Raz agreed to that
20 based on that being the proposal from Mewbourne.

21 MR. GEBREMICHAEL: Okay. Thank you.
22 I'll proceed to the next question.

23 DIRECT EXAMINATION

24 BY MR. GEBREMICHAEL:

25 MR. GEBREMICHAEL: This question is for

1 Mr. Tomastik. May I direct your attention to
2 Exhibit 3, attachment six, which is on page 51 of 143

3 MS. BENNETT: Fifty-one you said?

4 MR. GEBREMICHAEL: Yes.

5 MR. TOMASTIK: Yeah.

6 MR. GEBREMICHAEL: Yeah. Right there.
7 You mentioned that there is 4,690 feet of separation
8 composed of multiple isolation zones between the base
9 of the USDW, which is 850 feet, and the top part of
10 the injection zone.

11 Can you characterize the multiple
12 isolation zones in terms of lithology and porosity to
13 qualify them as confining zones?

14 MR. TOMASTIK: As -- as you're aware,
15 Million, directly above the Delaware Mountain Group
16 above the top of the Bell Canyon is the evaporites
17 sequences of the Castile and then the Salado
18 formation, which were composed predominantly of
19 anhydrite, some salt beds, and some very low porosity
20 carbonate rocks, which is very distinguishable even on
21 gamma-ray neutron logs that are run through the
22 Castile and Salado formation, basically showing
23 they're relatively impermeable for upward fluid
24 migration.

25 So there's -- there's thousands of feet of

1 multiple confining zones above the Delaware Mountain
2 Group.

3 MR. GEBREMICHAEL: Thank you,
4 Mr. Tomastik. When you say, "Low porosity," can you
5 give me an estimation of the porosity values?

6 MR. TOMASTIK: Anhydrite salt beds are
7 going to be less than 2 percent. And most of your
8 carbonate rocks in that area probably will be between
9 2 and 4 percent porosity.

10 MR. GEBREMICHAEL: Thank you,
11 Mr. Tomastik.

12 I'll proceed to the next question. And
13 this question is directed to you as well,
14 Mr. Tomastik. If I may direct your attention to
15 Exhibit A-3, page 32 of 143.

16 Okay. Yes.

17 MR. TOMASTIK: Yeah.

18 MR. GEBREMICHAEL: Yeah, as depicted in
19 the proposed diagram, both the salt formation and the
20 Capitan Reef, which are approximately 4,478 feet to
21 the top, and then 5,300 feet at the base, were
22 protected with single intermediate string during the
23 drilling.

24 As you may know, this could cause
25 erosion and solidification of the formation and then

1 affect the cementation process. How confident are you
2 that the cement bond is sufficient and provides
3 hydraulic isolation to the USDW?

4 MR. TOMASTIK: On which string of
5 casing, the intermediate or the production casing or
6 both?

7 MR. GEBREMICHAEL: No, no, no. The
8 intermediate, during the drilling process. So I'm
9 talking about the top of the salt and then the Capitan
10 Reef, which is around 4,478 at the top. And then --

11 MR. TOMASTIK: I was unaware that we
12 were in the area of the actual Capitan Reef. I
13 thought we were outside of the reef on this area. But
14 the intermediate casings set through --

15 MR. GEBREMICHAEL: You are in the
16 middle of the reef, actually. You are in the reef.

17 MR. TOMASTIK: Oh, it is in the reef.
18 Okay.

19 So this -- the cement is cemented to
20 the -- to the surface, both in the 9 5/8 and in the
21 seven-inch production casing. So everything that
22 we've looked at indicates that there's complete
23 isolation and no communication with the evaporites or
24 with the Capitan Reef.

25 MR. GEBREMICHAEL: So your

1 interpretation of the CBL -- or was it -- was that
2 based on the CBL to confirm that the cementation is
3 good enough? =

4 MR. TOMASTIK: There -- yes. There is
5 a CBL that -- for the -- on the seven-inch production
6 casing that I have reviewed.

7 MR. GEBREMICHAEL: Yeah. From what we
8 noted was a lot of rings, and then it was very hard to
9 see how much of the cementation it is. But -- but you
10 are -- you are certain that there is a good isolation
11 to the USDW; right?

12 MR. TOMASTIK: Yes. I mean, typically,
13 on any cement job, unless you're drilling through the
14 evaporite sequences with a saturated brawn, you will
15 get some washouts that then may not get a good
16 formation to pipe bond on your cement bond log.

17 So hundreds of wells that I've looked at in
18 New Mexico through the evaporite sequences typically
19 have zones in there that may indicate poor bonding,
20 but there is no evidence of cement channelization,
21 meaning that you would have the ability for formation
22 fluid to migrate through a cement channel potentially
23 into the US -- into the underground sources of
24 drinking water.

25 MR. GEBREMICHAEL: Thank you,

1 Mr. Tomastik.

2 I'll proceed to the next question.

3 This question is for Mr. Ticknor.

4 REDIRECT EXAMINATION

5 BY MR. GEBREMICHAEL:

6 MR. GEBREMICHAEL: May I direct your
7 attention to Exhibit A-3, page 69 of 143?

8 Yeah. If you want to rotate it
9 somehow, yeah.

10 Yes. That's great. Yeah.

11 Thank you for the cylinder of in -- in
12 place the waste model to simulate the -- the injected
13 spread. That -- that was a good model.

14 What are your assumptions regarding the
15 real reservoir geometry of the injection zone,
16 specifically what are your volumetric arc degree and
17 porosity that closely resembles to the real reservoir
18 geometry?

19 MR. TICKNOR: Okay. For these
20 calculations, I used a 4 percent porosity, which is a
21 very low conservative estimate for this formation for
22 the Delaware Mountain Group. I use the perforated
23 interval for the height of the formation and a volume
24 of 8,000 barrels per day in this instance.

25 MR. GEBREMICHAEL: What about the

1 volumetric arc? Did you go with 15 degrees,
2 60 degrees, 300? Which one did you pick which closely
3 resembles to the reservoir geometry?

4 MR. TICKNOR: This is a sensitivity
5 analysis. Since there is not great detail on the
6 reservoir geometry, this is in general -- has been
7 generalized.

8 So the red arc being a 15-degree arc is
9 the narrowest, and it has the largest extent. So it
10 has been placed on a direct line to the nearest
11 penetration within the DMG as an orientation measure.

12 MR. GEBREMICHAEL: So you took the most
13 spread as the scenario, okay.

14 MR. TICKNOR: Yes, the -- the
15 longest -- the largest extent is what I would say.

16 MR. GEBREMICHAEL: Okay. Thank you.
17 All right.

18 And then I'll proceed to the next
19 question. And then this question is directed to
20 your -- to Mr. Ticknor as well. If I may direct your
21 attention to Exhibit A-3, page 68 of 143?

22 MR. TICKNOR: Yes.

23 MR. GEBREMICHAEL: Yes. A little bit
24 down.

25 What is your assessment of the plugged

1 well wellbore integrity? I'm talking about the API
2 30-25-35-108, which is 2.229 miles to the west of the
3 subject well.

4 MR. TICKNOR: During our area of
5 review, it did not present itself as a problem well.

6 MR. GEBREMICHAEL: What was your
7 assessment the way it was plugged? How did you assess
8 the integrity, going back to the well files?

9 MR. TICKNOR: We look at the well
10 files. We look at the bond log. We look at the
11 placement of the plugs. And the records indicate it
12 was sufficiently plugged.

13 MR. GEBREMICHAEL: Okay. Thank you.

14 DIRECT EXAMINATION

15 BY MR. GEBREMICHAEL:

16 MR. GEBREMICHAEL: I'll proceed to the
17 next question. This question is for Mr. Davis --
18 Davis. May I direct your attention to Exhibit C,
19 page 82 of 143.

20 Thank you. Good job.

21 Mr. Davis, you stated that, due to the
22 significant vertical distance between the proposed
23 injection interval and the nearest identified fault,
24 the probability of induced seismicity is minimal.

25 What is the vertical distance to the

1 identified fault?

2 MR. DAVIS: If I could direct you to
3 the seismic letter exhibit, I have an exact value in
4 there. From what I recall, it was approximately
5 2,000 feet.

6 MR. GEBREMICHAEL: 2,000 feet? Yeah.
7 Okay. Which is significant enough. I -- I just
8 needed the value. Thank you very much.

9 MR. DAVIS: You're welcome.

10 THE HEARING EXAMINER: Are you done?

11 Mr. Goetze, do you have questions?

12 MR. GOETZE: Yes. I have three
13 information requests.

14 THE HEARING EXAMINER: Oh, requests.
15 But do you have any questions for the witnesses?

16 MR. GOETZE: No, I do not.

17 THE HEARING EXAMINER: Okay. Perfect.
18 What are your -- I know Mr. Gebremichael has requests
19 for the witnesses as well. So what are yours? Let's
20 hear yours first.

21 MR. GOETZE: Okay. Thank you. First
22 item, and I'll put this in -- virtual connectivity
23 interruption -- page 2 of 143 of your exhibits. We
24 have -- virtual connectivity interruption -- diagram.

25 I would request that we provide an

1 updated one that shows the restrictions that Mewbourne
2 has made and, with that, all the differences made in
3 placement of bridge plugs and other plugs in the well.
4 So a wellbore diagram that's current.

5 Second item, page 49 of 143. We have a
6 water sample that was done for a water well in the
7 area. I request that we make part of the record the
8 complete laboratory analysis, including chain of
9 custody, not just the page where the analytics are
10 posted.

11 Finally, the third item, I think
12 probably is probably more to Mr. Tomastik's expertise.
13 In reviewing this application, I went through the
14 seven-inch casing cement bond log run March 19, 2017.

15 In reviewing it, I have concerns
16 between the, say, roughly from 5355 feet down to 8640
17 feet. I am seeing a response, which, to me, raises
18 questions and concerns of how good a seal you have
19 behind the casing and with the formation.

20 I've gone through the cement history,
21 which is provided. It does not give us much in the
22 way of what type of cement was yield -- used. Excuse
23 me. And also, I mean, it gives a summary of returns
24 of seven barrels and nine barrels. So we're showing
25 something coming, but not very much compared to what

1 was done to the two other casings.

2 I would like for ALL Consulting or the
3 specialists involved to take a look at this log and
4 provide me a reason why I should not request some sort
5 of remedial action to squeeze and to separate and
6 isolate the portion of the Delaware Mountain Group
7 that needs to be isolated so that we don't have
8 migration of fluid down the backside of this casing
9 into the zone that Mewbourne has requested be left out
10 of the injection interval.

11 So the task here is to give us some
12 reason to do it. And if you cannot sufficiently do
13 it, at least give us an idea, if we were to do a
14 squeeze, where you would put it just to isolate the
15 lower portion of the Delaware Mountain Group.

16 The upper seal on the seven inch looks
17 very good. It won't be an issue there. But at this
18 point, the response I'm seeing through this portion of
19 the seven-inch casing is very questionable.

20 So that's my request, three items.

21 THE HEARING EXAMINER: Okay. Thank
22 you, Mr. Goetze.

23 Ms. Bennett, did you make a note of
24 those?

25 MS. BENNETT: I did.

1 THE HEARING EXAMINER: Okay. Which
2 exhibits are you going to be amending? Just give me
3 the numbers.

4 MS. BENNETT: Well, I'll be amending
5 Exhibit A-3, which is the amended wellbore or the
6 wellbore diagram. The water sample is part of
7 Exhibit A-2. And then it looks like we'll probably be
8 providing a new exhibit to address the concerns with
9 the cementing from 5355 to 8640.

10 MR. GOETZE: Perfect.

11 THE HEARING EXAMINER: Mr. Goetze, did
12 that capture what you said?

13 MR. GOETZE: Yes, sir. Thank you.

14 THE HEARING EXAMINER: Okay. You're
15 welcome.

16 Mr. Gebremichael?

17 MR. GEBREMICHAEL: Thank you, Mr.
18 Hearing Examiner. These are the few requests.
19 Pending the approval of the case, the OCD would like
20 to inform me that it will put -- put forth the
21 following conditions of approval in response to the --
22 in response to the self-affirm declaration of
23 Mr. Ticknor stated on item 18, page 4 and then item 32
24 on page 6.

25 The -- I'll proceed with the -- the

1 request -- the permit. You must conduct a successful
2 step rate test before the injection commences.

3 OCD may reduce the maximum surface
4 injection pressure of the UIC permit if the results of
5 the step rate test show that the permitted pressure
6 calculated using a gradient of 0.2 PSI per foot of
7 depth at the top of perforations exceeds the formation
8 parting pressure.

9 If the SRT outcome demonstrates an
10 injection rate greater than 8,000 barrels per day,
11 which is a rate agreed of upon with Mewbourne, then
12 the 8,000 barrels per day will be the injection rate.

13 However, if the step rate test outcome
14 demonstrates an injection rate lower than 8,000
15 barrels per day, then the lower injection rate
16 resulted from step rate test will be used.

17 And the step rate test shall be
18 conducted for the Bell Canyon and Cherry Canyon
19 formation separately. The least fracture gradient out
20 of the two tested will be used to calculate the
21 maximum surface injection pressure for the well.

22 Have you captured it, or do you have
23 any questions on this one?

24 MS. BENNETT: So, a successful step
25 rate test OCD could reduce the maximum allowable

1 pressure based on the step rate test, and OCD could
2 limit the maximum barrels per day based on the outcome
3 of the step rate test?

4 MR. GEBREMICHAEL: Yes.

5 MS. BENNETT: And one thing I would
6 clarify is, because of the raising of the lower
7 boundary of the injection interval, Raz is not seeking
8 to inject into the Cherry Canyon anymore.

9 The Cherry Canyon tops are below the
10 bottom of the bell or the injection interval. So do
11 they need to do a step rate -- or do they need to do
12 those separately now? Or would it be sufficient to
13 just run one on the Cherry Canyon and use that as
14 the --

15 MR. GEBREMICHAEL: You mean Bell
16 Canyon?

17 MS. BENNETT: Sorry. Bell Canyon, yes.

18 MR. GEBREMICHAEL: If -- if you're
19 limiting your injection to Bell Canyon, a bell -- test
20 to bell Canyon would be suffice enough.

21 MS. BENNETT: Yes. It's my
22 understanding that, by raising the injection interval
23 lower boundary, that eliminated the Cherry Canyon from
24 the injection interval.

25 MR. GEBREMICHAEL: Sure. All right.

1 We were not aware of that one, but yeah.

2 MS. BENNETT: Thank you.

3 MR. GEBREMICHAEL: The next one is, if
4 the cement squeeze operation is performed to bring the
5 cement bond to the standard, then CBL must be
6 submitted before the injection commences.

7 MS. BENNETT: I understand that. I
8 also understand from Mr. Tomastik that he might have a
9 bit more information on the viability or the integrity
10 of the casing that Mr. Goetze was discussing. That
11 also relates to your condition.

12 And so, in a moment, after your
13 finished with the conditions of approval, if he could
14 have just a minute to provide some follow-up
15 information, I'd really appreciate that. Thank you.

16 MR. GEBREMICHAEL: Okay. I'll proceed
17 with more requests. In two years after the
18 commencement of injection, and then every five years
19 thereafter, the -- Raz Oil shall obtain static bottom
20 hole pressure.

21 And then this -- it could be real or
22 calculated, a Hall's plot, H-A-L-L plot, an injection
23 survey coupled with temperature and noise log.

24 MS. BENNETT: I'm sorry. Coupled with
25 temperature and --

1 MR. GEBREMICHAEL: Temperature and
2 noise log.

3 MS. BENNETT: Oh, noise.

4 MR. GEBREMICHAEL: Or sonic log. Have
5 you captured those?

6 MS. BENNETT: I did. So two years and
7 then every five years after?

8 MR. GEBREMICHAEL: Yeah, the first one
9 is going to be two years, and then every five years
10 after.

11 MS. BENNETT: A static bottom hole log
12 or bottom hole pressure using a Hall's plot and then
13 injection survey coupled with temperature and noise.

14 MR. GEBREMICHAEL: Yes, ma'am.

15 MS. BENNETT: Okay.

16 MR. GEBREMICHAEL: And then the next
17 one is every five years, one is going to be monitoring
18 any production wells identified as potentially
19 impacted by the disposal operation, if there are any.

20 And then a fall-off test and mechanical
21 integrity test. That's going to be every five years.

22 MS. BENNETT: What was the test before
23 the MIT test?

24 MR. GEBREMICHAEL: Fall-off test.

25 MS. BENNETT: Oh, fall-off. Okay.

1 Thank you.

2 MR. GEBREMICHAEL: Optional
3 requirements available for inclusion in the UIC permit
4 are requested based on the results. OCD will request
5 a formation water sampling before commencement of
6 injection.

7 Next one is increased monitoring of
8 production wells to include downhole pressure
9 measurements.

10 MS. BENNETT: May I ask a question
11 about that one?

12 MR. GEBREMICHAEL: Yes.

13 MS. BENNETT: Is that -- when you say,
14 "Monitoring of production wells," so I don't know that
15 Raz operates any wells. So what sort of --

16 MR. GEBREMICHAEL: If there are any.

17 MS. BENNETT: Oh, okay. If any.

18 MR. GEBREMICHAEL: Yeah.

19 MS. BENNETT: Okay. Thank you.

20 MR. GEBREMICHAEL: And then any
21 additional tests that you perform, whether it's going
22 to be a DFIT, that's -- I mean, like another word for
23 mini frack or tracer survey, you know, all those
24 reports, they must be filed through OCD within 60 days
25 after the end date of the reporting period.

1 That's all.

2 MS. BENNETT: Thank you.

3 MR. GEBREMICHAEL: Thank you.

4 MS. BENNETT: May I --

5 THE HEARING EXAMINER: Mr. Rankin, did
6 you have any questions?

7 MR. RANKIN: Mr. Examiner, thank you.
8 Yes, just a few for each witness. Thank you.

9 THE HEARING EXAMINER: Okay. Go ahead.

10 CROSS-EXAMINATION

11 BY MR. RANKIN:

12 MR. RANKIN: Mr. Ticknor, good day.

13 MR. TICKNOR: Yes. Hello.

14 MR. RANKIN: Just, do you know how far
15 the closest Delaware Mountain Group active disposal is
16 located from this proposed location?

17 MR. TICKNOR: Yes. It is on page -- I
18 think it's -- I believe it's on page 68 of 143.

19 MS. BENNETT: I stopped sharing, but
20 I'll start sharing again in just a moment.

21 MR. TICKNOR: The closest active
22 producing DMG well is 12 and a half miles to the
23 southwest.

24 MR. RANKIN: Southwest. Okay. And you
25 didn't identify any closer?

1 MR. TICKNOR: No, sir.

2 MR. RANKIN: Okay. Do you know what
3 rates those wells are accepting or able to accept for
4 injection?

5 MR. TICKNOR: The closest saltwater
6 disposal well?

7 MR. RANKIN: Yeah.

8 MR. TICKNOR: Is the -- that -- that's
9 actually -- I'm sorry. Let me repeat what I was -- or
10 rephrase what I was telling you.

11 The closest active producer in the DMG
12 is 12 and a half miles southwest. The closest active
13 saltwater disposal well is 9.9 miles northwest.

14 But I do not know the rate of that well
15 off the top of my head. I would've to look into it.

16 MR. RANKIN: Okay. No other questions
17 for you, Mr. Ticknor.

18 MR. TICKNOR: Okay.

19 CROSS-EXAMINATION

20 BY MR. RANKIN:

21 MR. RANKIN: Mr. Tomastik, I just have
22 a couple questions. You were addressing
23 Mr. Gebremichael's questions about the criteria or the
24 characterization for barriers. And I think you
25 addressed his questions about upward confining layers.

1 And I just wanted to ask you what
2 criteria or how did you characterize the presence of
3 the lower confining intervals here?

4 MR. TOMASTIK: Looking at -- at the
5 open hole geophysical log, there is multiple lower
6 confining layers, both in the Cherry Canyon formation
7 and the Brushy Canyon formation.

8 Basically, there are low porosity, high
9 resistivity zones. And -- and we actually, I think,
10 included that in the seismic letter exhibit where we
11 had done analysis of the -- of the lower zone.

12 MR. RANKIN: And as for the upper zones
13 you were looking at, what criteria were you using to
14 determine the lack of conductivity, similar to what
15 you'd stated for the upper confining zones?

16 MR. TOMASTIK: Correct.

17 MR. RANKIN: Yeah. Okay. And then as
18 to potential frac gradient here, have you identified
19 any offsetting wells that have conducted the step rate
20 tests to determine what the frac gradient might be in
21 this interval?

22 MR. TOMASTIK: I think Mr. Davis had
23 looked at that. And it was quite a distance away.
24 But you -- you could ask him.

25 MR. RANKIN: Okay. I think that's all

1 I have for you, Mr. Tomastik.

2 I'll ask this second question for
3 Mr. Davis.

4 CROSS-EXAMINATION

5 BY MR. RANKIN:

6 MR. RANKIN: Mr. Davis, how are you
7 today?

8 MR. DAVIS: Doing well. How are you?

9 MR. RANKIN: I'm good. Mr. Davis, my
10 question for you is, have you looked at any offsetting
11 data for step rate tests that have been conducted for
12 this interval?

13 MR. DAVIS: Yes. The nearest offset
14 SRT we were able to identify was approximately
15 20 miles away. And it indicated a fracture gradient
16 of 0.36 PSI per foot in the DMG.

17 MR. RANKIN: Okay. And you haven't
18 identified anything closer, based on your review?

19 MR. DAVIS: That's correct.

20 MR. RANKIN: Okay. Nothing further.
21 Mr. Examiner, I appreciate the opportunity.

22 THE HEARING EXAMINER: Thank you.
23 Ms. Bennett, do you have a complete list of what the
24 Division wants in addition to what you've already
25 filed?

1 MS. BENNETT: I do. Thank you very
2 much. I understand Mr. Gebremichael's information was
3 more conditions to the permit rather than information
4 requested.

5 I would ask if Mr. Tomastik could
6 briefly respond to Mr. Goetze's question about the
7 integrity of the cement below the Bell Canyon.

8 THE HEARING EXAMINER: And then,
9 depending on where we are with redirect and this and
10 that, we're going to break for lunch soon.

11 MS. BENNETT: That's fine. I think
12 we're almost finished.

13 THE HEARING EXAMINER: Go ahead.

14 DIRECT EXAMINATION

15 BY MS. BENNETT:

16 MS. BENNETT: Okay. Mr. Tomastik, I
17 understand that you heard Mr. Gaetz's questions and
18 Mr. Gaetz's request for Raz to evaluate the integrity
19 of the cement below the proposed injection interval.
20 Do you recall that?

21 MR. TOMASTIK: Yes.

22 MS. BENNETT: And did you have
23 something additional that you wanted to say in
24 response to that condition?

25 MR. TOMASTIK: Yes. Yes. First of

1 all, prior to doing any perforating and squeezing,
2 which -- which, at that point does jeopardize the
3 integrity of your production casing, I would propose,
4 after tubing and -- the well is plugged back, tubing
5 and packer has been withdrawn from the well, that we
6 perform a new cement bond log, either a radial cement
7 bond log or potentially a segmented bond log, both at
8 surface pressure and also under pressure, potentially
9 at 1500 PSI.

10 As some of those areas that don't look
11 like good cement bond could possibly be microannulus.
12 Which, microannulus will not allow fluid movement
13 through it.

14 So we would propose, prior to doing any
15 perforating and squeezing, to ensure that we do have
16 either a microannulus or run cemented pipe to confirm
17 one way or another before you would do any perforating
18 and squeezing and jeopardizing the integrity of the
19 seven-inch production casing.

20 MS. BENNETT: Thank you for that.

21 And, of course, Raz is committed to
22 coordinating with the Division. So if Mr. Goetze has
23 any concerns with that or Mr. Gebremichael, we're
24 happy to follow up further through email or other
25 communications to ensure that the Division is

1 completely satisfied.

2 Yes. Sorry, Mr. Gebremichael.

3 REDIRECT EXAMINATION

4 BY MR. GEBREMICHAEL:

5 MR. GEBREMICHAEL: Mr. Tomastik. Okay.
6 Can you do the same procedure also for the
7 intermediate casing? Because on our CBL, all we see
8 is rings. And then if you could perform the same
9 imaging for -- for the one one that I --

10 MR. TOMASTIK: You're -- you're talking
11 trying to be able to see through the seven inch and --
12 and the backside of the 9 5/8. I don't know if that's
13 possible.

14 It's something we can -- we can check
15 with some of the cement bond logging service
16 providers. Typically in the past, I have been told
17 that that's pretty difficult normally.

18 MR. GEBREMICHAEL: Yeah. All right.
19 Thank you.

20 THE HEARING EXAMINER: Mr. Goetze, are
21 we done for today?

22 MR. GOETZE: Well, this is a dangerous
23 situation having Mr. Rankin and Mr. Tomastik all
24 together in the same place for a different matter.

25 To that end, I would support very much

1 their approach to run a new CBL. Let's see what it
2 looks like with a better tool or radial, and let's get
3 a decision based upon that.

4 It may be that we -- again, the
5 information provided when this was filed, we have a
6 variety of cements, different weights. It may be
7 reflective of even a lighter cement.

8 So let's do this. Let's go with their
9 proposal. And at that time, we'll make a judgment
10 call.

11 THE HEARING EXAMINER: All right. So,
12 Mr. Goetze and Mr. Gebremichael, do you want to come
13 back to continue the hearing on another day after
14 they've submitted their additional information, or
15 once they submit the information, you want to take the
16 case under advisement?

17 How do you want to proceed, Mr. Goetz?

18 MR. GOETZE: I would go with B. Go
19 ahead and --

20 THE HEARING EXAMINER: Okay. I
21 understand. B is fine.

22 Mr. Gebremichael, you're in agreement?

23 Okay. So then, Ms. Bennett, how long
24 would you like to keep the record open to receive the
25 additional information?

1 MS. BENNETT: I'll need to coordinate
2 with the witnesses to understand their availability to
3 get this information together.

4 So could we -- for another case I had,
5 another -- case -- were kind enough to leave the
6 record open essentially indefinitely. And then when I
7 filed the revised exhibits, I alerted Mr. Gebremichael
8 that I had filed them.

9 So if that's a possibility, that would
10 probably be the easiest.

11 THE HEARING EXAMINER: That's fine.
12 That's what we'll do in this case.

13 So, Ms. Bennett, what I'd like you to
14 do is, when you do file the amended exhibit packet
15 with a cover letter to include, you know, all the
16 things you're doing, please send it to me and to
17 Mr. Goetze and Mr. Gebremichael, so three of us.

18 And upload it to the system as you
19 normally would. At that time, the case will be taken
20 under advisement.

21 MS. BENNETT: Thank you. I will.

22 THE HEARING EXAMINER: All right.
23 We're off the record in this case.

24 Now, I know that we have some cases to
25 come back to after lunch.

1 Ms. Vance, we have one case; right?

2 Just one case.

3 Ms. Hardy, what are we coming back for
4 you for?

5 MS. HARDY: I am here for Mr. Suazo's
6 three Riley cases.

7 THE HEARING EXAMINER: Okay. The Riley
8 cases. Okay. Perfect. And I think Mr. McClure has
9 said that he has had a chance to review the
10 information.

11 So after lunch, we'll pick up your
12 cases, Mr. Suazo and Ms. Hardy.

13 So we don't have to take a long break.
14 I know that you may not want to go and come back. But
15 the technical examiner and I need half an hour minimum
16 to break. So do you prefer half an hour break?

17 MR. SUAZO: Yes.

18 THE HEARING EXAMINER: Ms. Vance, are
19 you okay with that half hour?

20 Mr. McClure, are you okay with half an
21 hour?

22 MR. MCCLURE: Oh, that's fine,
23 Mr. Hearing Examiner.

24 THE HEARING EXAMINER: Okay. Very
25 good. Okay. We're off the record until -- let's see,

1 it is 12:03. At 12:33, we'll come back on the record.
2 Thank you.

3 MR. ANDERSON: Mr. Examiner?

4 THE HEARING EXAMINER: Yes?

5 MR. ANDERSON: My name is Warren
6 Anderson. I had a -- I was in a case, 25166, at nine.
7 Did we -- did you do that case already?

8 THE HEARING EXAMINER: Let me look and
9 see. What number is that on our docket, sir?

10 MR. ANDERSON: That's case number 25.

11 THE HEARING EXAMINER: Okay. It was
12 the first thing I called this morning, sir. We heard
13 some motions to delay the March 4 contested hearing.
14 I denied them. We are basically on track for a
15 March 4 contested hearing.

16 MR. ANDERSON: Oh, okay. Thank you,
17 sir.

18 THE HEARING EXAMINER: Thank you.

19 MR. ANDERSON: Thank you.

20 (Off the record.)

21 THE HEARING EXAMINER: It is 12:34 p.m.
22 on February 13th. We are continuing the docket for
23 the Oil Conservation Division hearings.

24 We are going to pick up with the Riley
25 Permian cases that we paused earlier because the

1 exhibits were not ready to be reviewed.

2 I understand from Mr. McClure that he
3 has reviewed the exhibits. Is that correct?

4 MR. MCCLURE: That is correct,
5 Mr. Hearing Examiner.

6 THE HEARING EXAMINER: Okay. So I'm
7 going to call the three cases, 25047, 48, and 49.

8 Entries of appearance, please.

9 MR. SUAZO: Yes. Good afternoon,
10 Mr. Hearing Examiner. Miguel Suazo with the Santa Fe
11 office of Beatty & Wozniak representing Riley Permian
12 Operating.

13 THE HEARING EXAMINER: Thank you.

14 MS. HARDY: And Dana Hardy on behalf of
15 Spur Energy Partners.

16 THE HEARING EXAMINER: Okay. Thank
17 you. And Ms. Hardy, did you object?

18 MS. HARDY: No, Spur did not object.
19 We're just monitoring.

20 THE HEARING EXAMINER: Monitoring,
21 okay.

22 Are there any other entries of
23 appearance, Mr. Suazo, that you know of?

24 MR. SUAZO: No.

25 THE HEARING EXAMINER: Okay. Please

1 proceed.

2 MR. SUAZO: Yes. So Riley is
3 requesting applications to approve three standard
4 horizontal spacing units and pooling all uncommitted
5 interests.

6 The first case, 25047, in the Yeso
7 formation underlying a 160-acre standard horizontal
8 spacing unit composed of the north half of the south
9 half of Section 33 Township 17 South, Range 27 East in
10 Eddy County.

11 And this proposed Yeso unit will be
12 committed to the Eagle 33 Fed Com 004H and the Eagle
13 33 Fed Com 005H.

14 In case number 25048, also in the Yeso
15 formation and also underlying a 160-acre horizontal
16 spacing unit composed of the south half of the north
17 half of Section 33, Township 17 South, Range 27 East,
18 also in Eddy County.

19 And this will include the Eagle 33 Fed
20 Com 007H and Eagle 33 Fed Com 008H.

21 And finally, in case number 25049, also
22 in the Yeso formation, underlying a -- spacing unit
23 composed of the north half of the north half of
24 Section 33, Township 17 South, Range 27 East in Eddy
25 County.

1 This Yeso unit will be committed to the
2 following wells, the Eagle 33 Fed Com 010H, and the
3 Eagle 33 Fed Com 011H.

4 The exhibit packet that was filed on
5 Thursday, February 6th, and amended yesterday,
6 February 12th, contains the checklist, the
7 application, and the affidavits.

8 Exhibit A is the compulsory pooling
9 application checklist, which Mr. McClure requested
10 some amendments to.

11 Exhibit B is the application and
12 proposed notice of hearing, which was filed on
13 February 6th.

14 And Exhibit C is the affidavit of
15 Riley's land witness, Mr. Mark Smith.

16 (Case Number 25047 Exhibit A,
17 Exhibit B, and Exhibit C were marked
18 for identification.)

19 (Case Number 25048 Exhibit A,
20 Exhibit B, and Exhibit C were marked
21 for identification.)

22 (Case Number 25049 Exhibit A,
23 Exhibit B, and Exhibit C were marked
24 for identification.)

25 Mr. Smith has testified before the

1 Division, and his qualifications as an expert in
2 petroleum land matters have been accepted by the
3 Division and made part of the record.

4 Mr. Smith notes on Exhibit C that there
5 are no overlapping horizontal spacing units in this
6 formation. Exhibit C-1 is a general location map.
7 Exhibit C-2 contains the form C-102s.

8 C-3 depicts the tracts in the spacing
9 units and wells. C-4 includes the ownership within
10 the units and identifies the committed parties.

11 C-5 is a map depicting the non-standard
12 horizontal spacing unit in relation to a standard unit
13 and identifies the offset owners.

14 C-6 contains the well proposals. C-7
15 contains the AFEs for each proposed well. And C-8
16 provides a chronology of contact summarizing attempts
17 to obtain the participation of the pooled parties.

18 Exhibit D is the affidavit of Riley's
19 geology witness, Mr. Doug Standart.

20 (Case Number 25047 Exhibit D was marked
21 for identification.)

22 (Case Number 25048 Exhibit D was marked
23 for identification.)

24 (Case Number 25049 Exhibit D was marked
25 for identification.)

1 Mr. Standart has not previously
2 testified before the Division and requests --

3 THE HEARING EXAMINER: Okay.

4 Mr. Suazo, let's get him qualified.

5 Mr. Standart, would you raise your
6 right hand, please?

7 WHEREUPON,

8 DOUG STANDART,
9 called as a witness and having been first duly sworn
10 to tell the truth, the whole truth, and nothing but
11 the truth, was examined and testified as follows:

12 THE HEARING EXAMINER: Okay. What
13 field of expertise do you seek to be qualified as an
14 expert before this division?

15 MR. STANDART: Petroleum geologist.

16 THE HEARING EXAMINER: Okay. Perfect.
17 Petroleum geologist.

18 Okay. Tell me about your education
19 that goes toward that field.

20 MR. STANDART: Yes. I received my
21 bachelor's of geology at the university -- or or Utah
22 State University in 2006.

23 I then followed that up with a PhD in
24 geology at The University of Texas at El Paso at the
25 end of 2010 -- or sorry -- at the end of 2014, where I

1 began shortly after my career at Marathon Oil as a
2 development geologist, where I participated in the
3 development and execution of a multitude of Middle
4 Bakken Three Forks wells for about three years before
5 I started with the Oklahoma Asset Team developing and
6 executing the SCOOP and STACK wells in the -- in the
7 Woodford and Meramec there.

8 In 2021, I started at Riley where I've
9 since been helping with development of our shallow
10 carbonates in the Permian here.

11 THE HEARING EXAMINER: And what is your
12 title at Riley?

13 MR. STANDART: Senior geologist.

14 THE HEARING EXAMINER: Senior
15 Geologist. Okay. Thank you, sir. You are qualified
16 as an expert in petroleum geology before this division
17 from here on in.

18 Mr. Suazo, instead of going through the
19 table of contents -- I've read it -- let's offer up
20 your exhibits into evidence in these three cases.

21 Are there any objections?

22 MS. HARDY: No objection.

23 THE HEARING EXAMINER: Not hearing any
24 objections, your exhibits are admitted into evidence.

25 //

1 (Case Number 25047 Exhibit A through
2 Exhibit D were received into evidence.)

3 (Case Number 25048 Exhibit A through
4 Exhibit D were received into evidence.)

5 (Case Number 25049 Exhibit A through
6 Exhibit D were received into evidence.)

7 Let's go to Mr. McClure. Do you have
8 any questions, Mr. McClure, in these three cases?

9 MR. MCCLURE: Yes, I do, Mr. Hearing
10 Examiner. I have questions for the landman,
11 Mr. Smith.

12 THE HEARING EXAMINER: Mr. Smith, I
13 don't think I swore you in yet. Please raise your
14 right hand.

15 WHEREUPON,

16 MARK SMITH,
17 called as a witness and having been first duly sworn
18 to tell the truth, the whole truth, and nothing but
19 the truth, was examined and testified as follows:

20 THE HEARING EXAMINER: Okay. Thank
21 you. Please state and spell your name for the record.

22 MR. SMITH: My name is Mark, M-A-R-K,
23 Smith, S-M-I-T-H.

24 THE HEARING EXAMINER: Thank you. And
25 have you previously been qualified as an expert?

1 MR. SMITH: Yes, I have.

2 THE HEARING EXAMINER: In which field?

3 MR. SMITH: Petroleum landman.

4 THE HEARING EXAMINER: Landman. And
5 that's before this division?

6 MR. SMITH: Yes, sir.

7 THE HEARING EXAMINER: Okay.

8 Mr. McClure, he's all yours.

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

11 DIRECT EXAMINATION

12 BY MR. MCCLURE:

13 MR. MCCLURE: Mr. Smith, in your
14 statement, it says that the list of pooled persons is
15 included in Exhibit C-4. Is that correct?

16 MR. SMITH: That is correct.

17 MR. MCCLURE: Okay. Mr. Suazo, can you
18 share your screen, please?

19 THE HEARING EXAMINER: Mr. Suazo.

20 MR. MCCLURE: Oh, Suazo. I -- I
21 apologize, sir.

22 THE HEARING EXAMINER: That's okay.
23 I'm just repeating.

24 MR. SUAZO: I'm actually not connected
25 to the internet because I had to just move.

1 THE HEARING EXAMINER: Ms. Hardy, are
2 you connected? Would you be able to share?

3 Mr. McClure, we're working on it.

4 MR. MCCLURE: Okay. Thank -- thank
5 you, sir.

6 THE HEARING EXAMINER: Is there a page
7 number that Ms. Hardy should pull up?

8 MR. MCCLURE: The beginning of
9 Exhibit C-4 begins on page 20 of 58.

10 THE HEARING EXAMINER: Twenty. Thank
11 you.

12 Ms. Hardy, it's page 20.

13 MR. SUAZO: Yes, it's the last one.

14 THE HEARING EXAMINER: Mr. Suazo, is
15 your amended exhibit -- does it have a cover letter?

16 MR. SUAZO: It does.

17 THE HEARING EXAMINER: Okay.

18 MS. HARDY: Page 20?

19 THE HEARING EXAMINER: Yes, please.
20 Perfect. Thank you.

21 MR. MCCLURE: Yeah. Thank you,
22 Ms. Hardy.

23 MR. MCCLURE: Mr. Smith, I was looking
24 through this exhibit, and maybe I'm misinterpreting
25 something or missing something, but can you direct me,

1 I guess, to where we have the pooled persons listed
2 out in this exhibit?

3 MR. SMITH: Yeah, I can explain what
4 you're looking at right now. So we are looking at a
5 before payout interest as well as an after payout
6 table.

7 The reason why we described those was
8 because of an older term assignment that, technically,
9 all the parties have agreed that have -- that has
10 terminated.

11 But per that term assignment, there
12 were some reversionary interests, which you will see
13 on the table that says, "APO," at the bottom.

14 We're listing those parties really --
15 so let me back up. The parties we're pooling are
16 Spur, SEP Permian, and Chanas.

17 Chanas actually signed the joint
18 operating agreement last week. So they're actually a
19 committed interest now. So we're only pooling, at
20 this point, Spur.

21 However, because of record title, the
22 old term assignment has not been terminated of record
23 and there hasn't been, like, a reassignment of
24 interest to XTO. And -- and I think I said only Spur.
25 We're -- we're pooling Spur and XTO as well.

1 We are, out of an abundance of caution,
2 describing the parties that were subject to that old
3 term assignment in the reversionary interest.

4 But like I said before, parties have
5 confirmed, because there was a well that was holding
6 or continuing that assignment, that term assignment,
7 which is no longer producing, everyone feels that the
8 term assignment has terminated, and that the parties
9 that do own the operating rights would be Riley,
10 formerly known as Pecos, because they were our
11 predecessor, Spur, and XTO.

12 And as I previously stated, Chanas
13 signed the joint operating agreement last week.

14 MR. MCCLURE: Okay. So, Mr. Smith, so
15 then the persons being pooled would be, like, looking
16 at this blue table that we -- the blue header table
17 that we have on the screen there, it would be the
18 third one on that list. And that -- that is who Riley
19 is seeking to pool. Is that correct?

20 MR. SMITH: That is correct. It'd be
21 the -- the -- yeah, the folks in the blue table.
22 That's correct.

23 MR. MCCLURE: Now, am I correct that
24 that is not indicated anywhere within the exhibit?

25 MR. SMITH: I'm not sure I'm -- I'm

1 following.

2 MR. MCCLURE: Well, you -- Riley came
3 before the Division asking us to force -- use the
4 State's authority to force pool somebody into this
5 pooling agreement. But I'm not seeing where it
6 actually tells us who you're asking us to force pool.

7 You have a summary of interest, which
8 is required, yes. But I'm not seeing where it's
9 any -- written anywhere here what you're asking.

10 And am I wrong on that, or is it
11 included anywhere in your exhibit packet where it
12 states Spur is being force pooled or asked to be force
13 pooled?

14 MR. SMITH: I guess I'm confused.
15 Yeah, because this -- that was the purpose of this --
16 of this C-4 was to describe the parties we are
17 pooling.

18 MR. MCCLURE: Well, the purpose of your
19 C -- I guess I can't speak to the purpose of your
20 exhibit. But typically, the party -- the applicants
21 will provide a summary of all the interests. And then
22 in addition to that, they will tell us --

23 MR. SMITH: Which is --

24 MR. MCCLURE: Yes, absolutely, sir. I
25 agree with you there. But then in addition to that,

1 they need to tell us which parties are not committed
2 and which parties are going to be force pooled or
3 requested to be force pooled.

4 Do -- do you understand what I'm asking
5 for, I guess?

6 MR. SMITH: I do. I understand. Yes.
7 And -- and I -- yeah.

8 MR. MCCLURE: Okay. Now, you kind of
9 touched upon my next question in your earlier answer,
10 but I'll ask it again just for additional clarity
11 here. Which interest in this list does Riley own, I
12 guess?

13 MR. SMITH: We own the interest of
14 Pecos Oil & Gas LLC.

15 MR. MCCLURE: Okay. Thank -- thank
16 you, sir. And is there any statement or mention
17 within your exhibit describing the relationship
18 between Riley and Pecos Oil & Gas LLC?

19 MR. SMITH: I'm not sure if it
20 specifically does. But I wanted to list what was of
21 record title because there's a lot of BLM assignments
22 that take over a year to be approved. So Pecos still
23 shows up in title in a lot of the leases that we
24 purchased from Pecos over a year and a half ago.

25 MR. MCCLURE: Okay. I guess, if I ask

1 for some sort of description in an amended statement
2 from yourself just describing the relationship between
3 Pecos and Riley, do you understand what I'm asking
4 for?

5 MR. SMITH: Yes.

6 MR. MCCLURE: Okay. And do you also
7 understand what I'm asking for in regards to a list of
8 persons that Riley is asking to force pool?

9 MR. SMITH: Yes.

10 MR. MCCLURE: Thank you, Mr. Smith.

11 Mr. Hearing Examiner, I have no further
12 questions, but I would request that Mr. Suazo provide
13 these documents that I referenced to Mr. Smith.

14 THE HEARING EXAMINER: Okay. Thank
15 you, Mr. McClure.

16 Mr. Suazo, do you understand what
17 Mr. McClure needs?

18 MR. SUAZO: Yes, we do.

19 THE HEARING EXAMINER: Okay. Good.
20 Can you just repeat it?

21 MR. SUAZO: Yes. So I understand we
22 need to indicate, based upon the chart, which interest
23 is actually being pooled. And we also need to explain
24 how it is that Pecos Oil & Gas is the predecessor to
25 Riley.

1 THE HEARING EXAMINER: That's perfect.

2 Mr. McClure, does that sum it up?

3 MR. MCCLURE: Yes, it does, Mr. Hearing
4 Examiner.

5 THE HEARING EXAMINER: Okay.

6 Mr. Suazo -- so it sounds to me like, Mr. McClure, you
7 finished your questions. You have no other questions;
8 right?

9 MR. MCCLURE: Yes.

10 THE HEARING EXAMINER: Okay. And once
11 we get this information, we can take these cases under
12 advisement?

13 MR. MCCLURE: That is correct,
14 Mr. Hearing Examiner.

15 THE HEARING EXAMINER: Okay. Perfect.

16 Mr. Suazo, how long do you need?

17 MR. SUAZO: We should be able to get
18 that in by the end of the day, if not tomorrow.

19 THE HEARING EXAMINER: How about we'll
20 say tomorrow?

21 MR. SUAZO: Okay.

22 THE HEARING EXAMINER: Okay. So I'm
23 going to give you a deadline of 2/14/'25 at 5 p.m.
24 Once we get that -- so that'll your second amended
25 packet?

1 MR. SUAZO: Yes.

2 THE HEARING EXAMINER: With the new
3 cover letter.

4 MR. SUAZO: New cover letter. We will
5 include it all in one.

6 THE HEARING EXAMINER: Perfect. Very
7 good. Anything else on your cases, Mr. Suazo?

8 MR. SUAZO: No, Mr. Examiner.

9 THE HEARING EXAMINER: All right. I
10 think that concludes it. Thank you, Ms. Hardy.
11 Congratulations again.

12 Thank you, Mr. Suazo. And please file
13 that motion to dismiss that other case and then get it
14 refiled so we can fast track it for you.

15 MR. SUAZO: Thank you so much.

16 THE HEARING EXAMINER: You're welcome.
17 Ms. Vance, let us recall case number
18 what?

19 MS. VANCE: It's case number 25118.

20 THE HEARING EXAMINER: One-one-eight.
21 Let me get to it.

22 And that was your amendment case. And
23 I had asked you about the --

24 MS. VANCE: The timeframe of
25 everything.

1 THE HEARING EXAMINER: That's correct.
2 For the order.

3 MS. VANCE: Yes. And our landman is on
4 the line. He and I have spoken. I can walk you
5 through it. So if you --

6 THE HEARING EXAMINER: Well, I have
7 evidence in front of me that says one thing. So are
8 we going to elicit some new evidence?

9 MS. VANCE: I guess I would have to put
10 something together. But I can -- or he can join us
11 and he can confirm --

12 THE HEARING EXAMINER: Is he with us?

13 MS. VANCE: Mr. Crawford should still
14 be online. I know he was listening in, and he said he
15 was -- yes, he's right there.

16 THE HEARING EXAMINER: Okay. Good.
17 Let's get Mr. Crawford back.

18 Mr. Crawford, I remind you that you're
19 still under oath.

20 MR. CRAWFORD: Yes.

21 THE HEARING EXAMINER: Okay. All
22 right. So, Ms. Vance, do you have any follow up to
23 the question that I asked Mr. Crawford?

24 MS. VANCE: Yes.

25 THE HEARING EXAMINER: Go right ahead.

1 DIRECT EXAMINATION

2 BY MS. VANCE:

3 MS. VANCE: So these wells that were
4 under -- virtual connectivity interruption --

5 THE HEARING EXAMINER: -- asking
6 questions to Mr. Crawford.

7 MS. VANCE: Okay. Fair enough. Sorry.

8 Mr. Crawford, when were the -- are you
9 familiar with order R-22769 in the original case?

10 MR. CRAWFORD: Yes.

11 MS. VANCE: Okay. And are the wells
12 that were originally under the case S&D [ph] 1423 Fed
13 Com 429H, 430H, 431H, and 432H?

14 MR. CRAWFORD: Yes, that is correct.

15 MS. VANCE: And when were those wells
16 drilled?

17 MR. CRAWFORD: Those wells spud on
18 February 14th of 2024.

19 MS. VANCE: And when was the order --
20 when were you required under the order to drill those
21 wells?

22 MR. CRAWFORD: That would've been July
23 of 2024.

24 MS. VANCE: Okay. So they were drilled
25 in accordance with the order?

1 MR. CRAWFORD: That is correct.

2 MS. VANCE: Okay. And those were
3 required to be completed at what time?

4 I guess, let me -- were the wells,
5 under the order, they they would need to be completed
6 a year after they had been spud; correct?

7 MR. CRAWFORD: Yes, that's my
8 understanding.

9 MS. VANCE: And when did those wells
10 start producing?

11 MR. CRAWFORD: They started producing
12 in November of 2024.

13 MS. VANCE: Okay. So those wells have
14 been perfected under the order; correct?

15 MR. CRAWFORD: That is correct.

16 THE HEARING EXAMINER: Okay. Let's
17 continue with -- now I have new evidence to proceed.

18 So now, where are you in your
19 presentation of -- I know we've completed 25119. So
20 now we're dealing with 25118 only.

21 MS. VANCE: Yes.

22 THE HEARING EXAMINER: And you're
23 asking the Division for what?

24 MS. VANCE: So we are asking to reopen
25 and pool the entirety of the Bone Spring formation,

1 add additional wells under the order. But this
2 application is for purposes of pooling only overrides
3 and record title.

4 Chevron has voluntary agreement with
5 all working interest owners.

6 THE HEARING EXAMINER: Okay. Perfect.
7 Now, why don't you offer your exhibits into evidence?
8 Let's short circuit this.

9 MS. VANCE: May I offer my exhibits
10 into the record?

11 (Case Number 25118 Exhibit A through
12 Exhibit F were marked for
13 identification.)

14 THE HEARING EXAMINER: Are there any
15 objections?

16 Not hearing any, your exhibits are
17 admitted into evidence.

18 (Case Number 25118 Exhibit A through
19 Exhibit F were received into evidence.)
20 Let's turn to Mr. McClure.

21 Mr. McClure, do you have any questions
22 about this case, 25118?

23 MR. MCCLURE: Yes, I do, Mr. Hearing
24 Examiner, for Mr. Crawford, the landman.

25 THE HEARING EXAMINER: Please proceed.

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REDIRECT EXAMINATION

BY MR. MCCLURE:

MR. MCCLURE: Mr. Crawford, the original case for R-22769, that's case 23562, are you familiar with that case?

MR. CRAWFORD: Somewhat, yes.

MR. MCCLURE: Within that case, it references a depth severance at presumably the base of the First Bone Spring, based on this -- based on the order. Is that --

MR. CRAWFORD: That's correct.

MR. MCCLURE: Okay. What is the status of that depth severance now?

MR. CRAWFORD: It -- status is still the same. What we're -- we're looking to add the First Bone Spring to this force pooling order.

The ownership is somewhat different, and that's shown in our exhibits. So the First Bone Spring has different ownership than the Second Bone Spring, well, the base of the First Bone Spring to the base of the Bone Spring or the top of the Wolfcamp.

MR. MCCLURE: Pardon. Mr. Crawford, can you say that last -- that last sentence one more time?

MR. CRAWFORD: Yeah. The -- the

1 ownership is different in the First Bone Spring than
2 it is from the base of the First Bone Spring to the
3 top of the Wolfcamp.

4 MR. MCCLURE: Mr. Crawford, are you
5 aware of whether that's included in any of your
6 exhibits for the case before today, case 25118?

7 MR. CRAWFORD: Yes. That should be
8 included in the exhibits. Pooling up the
9 application --

10 MR. MCCLURE: And, Ms. Vance, are you
11 able to share so Mr. Crawford can direct my attention
12 there?

13 MS. VANCE: I'm pulling it up now. And
14 I would say we didn't really provide much in the way
15 of the depth severance because we do have voluntary
16 agreement with the working interest owners that are
17 impacted by the depth severance.

18 So this is strictly pooling overrides
19 in the record title.

20 THE HEARING EXAMINER: Can you explain
21 that, just for my understanding and maybe
22 Mr. McClure's? He may already understand this anyway.
23 But what do you mean when you say, "Just overrides and
24 title record only"?

25 MS. VANCE: So the overriding royalty

1 interest owners, so that's a different type of
2 interest than a working interest. And so those
3 particular interests are carved out of, you know,
4 whatever other instrument.

5 And so, you know, those interests,
6 they're non-cost bearing, so they don't have a right
7 to drill. And so, you know, in this particular case,
8 we're just pooling those interests.

9 And typically in a lot of times,
10 operators will pool those interests if there's a
11 question of the pooling clause in the instrument that
12 carved out that interest.

13 Sometimes it's hard to locate those
14 parties. And based on the Division's requirement of
15 pooling the mineral interest, it includes working
16 interests, overrides, and unleased mineral interest
17 owners.

18 THE HEARING EXAMINER: So in your
19 application for these non-cost bearing interest
20 owners, override interest owners, are you seeking to
21 have them bear the costs or not bear the costs?

22 MS. VANCE: No, they are not bearing
23 the costs.

24 THE HEARING EXAMINER: Then why do you
25 seek to pool them then?

1 MS. VANCE: So again, if there isn't a
2 sufficient pooling clause in the instrument that
3 conveyed that interest or there's a question of
4 whether or not there is sufficient pooling authority
5 in the instrument that conveyed that interest, it's --
6 we come to the Division and we pool that interest.

7 THE HEARING EXAMINER: So you can
8 allocate profits to them?

9 MS. VANCE: Based on -- yes, using the
10 Division, the state authority for force pooling.

11 THE HEARING EXAMINER: Okay. And then
12 what about these title --

13 MS. VANCE: Record title, typically,
14 that's related to, again, if you are unable to locate
15 the party and you need to get a signature on a
16 communitization agreement, both a federal or a state
17 communitization agreement, it's -- an operator may
18 come and, you know, do force pooling because both the
19 State Land Office and the BLM will accept a pooling
20 order in lieu of a signature for the com agreement.

21 THE HEARING EXAMINER: Okay. So it's
22 almost like a catchall?

23 MS. VANCE: If you would like to define
24 it that way, Mr. Hearing Examiner.

25 THE HEARING EXAMINER: Thank you,

1 Ms. Vance. Coy.

2 Okay. So, Mr. McClure, do you have
3 what you need here to ask further questions?

4 MR. MCCLURE: I have what I need here
5 to ask further questions, Mr. Hearing Examiner.

6 THE HEARING EXAMINER: Please.

7 BY MR. MCCLURE:

8 MR. MCCLURE: Mr. Crawford, I guess
9 before you were kind of looking through your
10 application packet to see -- or excuse me -- your
11 exhibit packet to see where you have the depth
12 severance described.

13 Based off what Ms. Vance said, do you
14 still believe that it's described in the exhibit
15 packet? And if so, can you direct us to where that
16 is?

17 MR. CRAWFORD: I am not seeing it in
18 the exhibit packet. It looks like the ownership for
19 the First Bone Springs missed the application packet.

20 MR. MCCLURE: Okay. When you say, "The
21 ownership for the First Bone Springs missed the
22 application packet," what do you -- what do you mean
23 by that?

24 MR. CRAWFORD: The page that we were
25 just on shows the ownership from the base of the First

1 Bone Spring to the top of the Wolfcamp. The
2 spreadsheet for the First Bone Spring alone does not
3 appear to have made the application.

4 MR. MCCLURE: Okay. I -- I understand
5 what you're saying.

6 MR. CRAWFORD: Okay.

7 MR. MCCLURE: Thank you, sir. Can
8 you -- I believe you kind of alluded to or maybe
9 describe it. But can you describe again for me the
10 difference between ownership between the Bone Spring
11 One and rest of the Bone Spring?

12 MR. CRAWFORD: Yes. There on the
13 screen, you'll see the southeast quarter of Section 14
14 is owned, a working interest by McLeod Holdings. And
15 that is true from the base of the First Bone Spring to
16 the top of the Wolfcamp.

17 However, as far as the First Bone
18 Spring goes in the southeast quarter of Section 14,
19 McLeod Holdings owns an interest there, but so do
20 Vladin, Tinian, and Blue Star as well in that
21 southeast quarter of Section 14 only.

22 They're all parties to the JOA, but you
23 know, the ownership spreadsheet for the First Bone
24 Spring alone is missing from the application packet.

25 MR. MCCLURE: Okay. Is the difference

1 in the depth severance restricted to only the working
2 interest owners then?

3 MR. CRAWFORD: Yes. And in the
4 southeast quarter -- well, let me double check that.

5 Yes. In the -- in the southeast
6 quarter of Section 14 in the First Bone Springs only,
7 McLeod Holdings has an overriding royalty interest.

8 Vladin, Blue Star, and McLeod Holdings
9 have the working interest along with Chevron.

10 MR. MCCLURE: Okay. Is any of the
11 persons that Chevron is asking to force pool, does any
12 of those persons have a different interest between the
13 Bone Spring One and the rest of the Bone Spring,
14 overriding or otherwise?

15 MR. CRAWFORD: Double checking right
16 now.

17 They appear to be the exact same with
18 the exception of Blue Star Oil and Gas.

19 MR. MCCLURE: And Blue Star Oil and Gas
20 is one of the persons that Chevron is asking to force
21 pool. Is that correct?

22 MR. CRAWFORD: That is correct. For
23 their overriding royalty interest.

24 MR. MCCLURE: Yes, I -- I understand
25 that.

1 I guess I can go into the next question
2 then. Is it correct that Blue Star Oil and Gas would
3 receive a different revenue based upon whether the
4 well is in Bone Spring One versus the rest of the Bone
5 Spring?

6 MR. CRAWFORD: Just double checking my
7 numbers here.

8 I'm sorry. I was on the wrong line in
9 my Excel spreadsheet. Blue Star does have the exact
10 same overriding royalty interest in all of the -- all
11 of the Bone Spring formation.

12 MR. MCCLURE: Okay. Well, that makes
13 it a little less grievous, I guess.

14 Did -- was any consideration done by
15 Chevron for simply having two different compulsory
16 pooling orders, one for the Bone Spring One and above
17 and the existing one for below the base of the Bone
18 Spring One?

19 MR. CRAWFORD: Yes, that was looked
20 into. And I believe the reason for trying to have it
21 all in one is for -- for commingling of oil and gas
22 farther down the road. And Paula can correct me if
23 I'm wrong on that.

24 THE HEARING EXAMINER: Mr. Crawford,
25 Paula is not a witness, so she can't correct

1 testimony, which is evidence.

2 So when we're finished with your
3 testimony and Mr. McClure's questions, Counsel can
4 redirect to clarify anything you need to be clarified.

5 But this is the part of the hearing
6 where we accept evidence, sworn evidence.

7 So, Mr. McClure, please continue.

8 MR. MCCLURE: Thank you, Mr. Hearing
9 Examiner. Yeah, I -- I -- to be honest, I wasn't
10 actually waiting for Ms. Vance. I was thinking about
11 whether I wanted to -- more questions on this.

12 But Mr. Hearing Examiner, I think I'm
13 done with my questioning here. But I would request
14 for some additional documents to be submitted.

15 THE HEARING EXAMINER: Okay. Let me
16 turn to Ms. Vance to redirect the witness. No?

17 MS. VANCE: I don't have any questions.

18 THE HEARING EXAMINER: Okay. So then
19 are you ready for Mr. McClure's list of documents?

20 MS. VANCE: Sure.

21 THE HEARING EXAMINER: Okay.
22 Mr. McClure?

23 MR. MCCLURE: Yes, Ms. Vance.
24 Exhibit D-3, the cross section, I have on my notes it
25 doesn't include the API numbers for the wells. Can

1 you please correct that and submit an amended exhibit
2 packet?

3 MS. VANCE: Yes.

4 MR. MCCLURE: In addition to that, can
5 we submit the ownership tables for the Bone Spring One
6 and also include an additional description, either in
7 a landman statement or some sort of supplemental, that
8 describes the depth severance?

9 MS. VANCE: Yes. I'm double checking
10 because I thought that that's what I was looking to
11 see.

12 MR. MCCLURE: Yeah, I -- I believe --

13 MS. VANCE: Okay. It's in the
14 application, but it doesn't have the reference well.
15 So understood.

16 MR. MCCLURE: Okay, Ms. Vance. Yeah, I
17 was going to say what's in the application I think
18 describes the prior order more so than describes the
19 current depth severance.

20 But regardless, in addition to that,
21 we'll need the compulsory pooling administrative
22 checklist corrected to reference that depth severance
23 as well.

24 Do you understand what I'm asking for,
25 Ms. Vance?

1 MS. VANCE: Yes, I got you.

2 MR. MCCLURE: Okay. And I guess, do
3 you understand what the likelihood is of getting
4 approval for this application and the steps that
5 Chevron could elect to do in regards to submitting
6 another compulsory pooling application to pool the
7 Bone Spring One and above the depth severance?

8 MS. VANCE: So just to go back to the
9 question that was asked and provide some
10 clarification, so the reason why we did it this way is
11 because we had an existing order, and Chevron has
12 voluntary agreement from all the working interest
13 owners who are impacted by the depth severance.

14 And I believe, as Mr. Crawford
15 described, the parties that they're seeking to pool
16 are overrides. And there's no difference for those
17 parties in terms of an impact related to the depth
18 severance or the record title.

19 So it didn't seem necessary to have an
20 additional order related to the same acreage where
21 they have a working -- they already have voluntary
22 agreement where there's impact related to the depth
23 severance.

24 So I guess maybe I'm a little confused
25 why we would need to have two separate orders for

1 something that's completely uniform when we're talking
2 about the interest that we're pooling.

3 MR. MCCLURE: Is there a reason for
4 needing to force pool the overrides in this case?

5 MS. VANCE: Yes. As I discussed with
6 the hearing examiner, I think that there was a
7 question about, you know, whether there was sufficient
8 pooling authority in the instrument that conveyed
9 those interests.

10 And so we also needed to pool the
11 record title for purposes of a communitization
12 agreement. And that's why we came to hearing.

13 And since we had the existing order, we
14 felt it was administratively efficient to just be able
15 to use that order, open it up, and pool the entirety
16 of the Bone Spring regarding those interests that
17 Chevron was seeking to pool.

18 MR. MCCLURE: Yeah, I -- I understand,
19 I guess, the reasoning behind why the law firms in
20 general, out of an abundance of caution, typically, I
21 would say, ask to compulsory pool the overrides.

22 We've never -- typically they don't --
23 they don't come and give us the actual agreements
24 regarding whether it has a pooling clause or does not.

25 I guess what my question was was more

1 for Chevron's internal reasoning as to whether they
2 believe that an order is even required here for their
3 own review and whether they should potentially come
4 back if this case gets denied.

5 MS. VANCE: Well, I think the reason
6 why we're here is because that determination was
7 previously made. And I'm not really understanding why
8 this would be denied.

9 THE HEARING EXAMINER: I don't know
10 that this is productive conversation at this point.

11 It seems like, Mr. McClure, you're
12 trying to express something, and I think it's not
13 being received in the way you think it would be. So
14 why don't we skip this part, if you don't mind.

15 MR. MCCLURE: Yeah, understood
16 Mr. Hearing Examiner.

17 THE HEARING EXAMINER: Thank you,
18 Mr. McClure.

19 MR. MCCLURE: Yeah. Thank you. I
20 think Ms. Vance has a full list of what we would need
21 to hear this application.

22 MS. VANCE: I do. It's the D-3, adding
23 the API number. We will revise Mr. Crawford's land
24 statement to include a description of the depth
25 severance.

1 And then I will update the compulsory
2 pooling checklist to include a description of the
3 depth severance. But again, we are pooling interests
4 that are not impacted by the depth severance.

5 THE HEARING EXAMINER: Ms. Vance, I
6 think Mr. McClure also wanted a list of -- wanted a
7 table.

8 Mr. McClure, why don't you put it in
9 your own words?

10 MR. MCCLURE: The Bone Spring One
11 interest that Mr. Crawford had reference to, that's
12 not included in the --

13 MS. VANCE: We'll include that as a
14 part of his updated pooling exhibit.

15 THE HEARING EXAMINER: Perfect. Thank
16 you. Okay. How much time would you like?

17 MS. VANCE: I will -- Mr. Crawford is
18 on the line. I'm not sure how long it may take him.
19 But perhaps maybe if we just have, like, a week from
20 today to give us time?

21 THE HEARING EXAMINER: Mr. Crawford, is
22 that enough time for you?

23 MR. CRAWFORD: That's plenty of time,
24 yes.

25 THE HEARING EXAMINER: Plenty of time.

1 Okay.

2 So why don't we say a week from today,
3 which would be the 20th of February, close of
4 business, 5 p.m.?

5 MS. VANCE: That sounds perfect.

6 THE HEARING EXAMINER: Once we receive
7 that, we'll take this case under advisement.

8 MS. VANCE: Thank you.

9 THE HEARING EXAMINER: And I realize
10 you haven't had lunch. Thanks for hanging in there.
11 We are off the record in this case.

12 MS. VANCE: Thank you, Mr. Hearing
13 Examiner.

14 Thank you, Mr. McClure.

15 THE HEARING EXAMINER: Okay. We have
16 one last case in today's docket. It is Mr. Holliday's
17 case and, Mr. Samaniego.

18 Gentlemen, are you both with us?

19 MR. HOLLIDAY: Good afternoon,
20 Mr. Examiner. Ben Holliday on behalf of Silverback
21 Operating.

22 THE HEARING EXAMINER: Thank you, sir.
23 Mr. Samaniego?

24 Ah, do you think he's muted?

25 MR. MCCLURE: Yeah, Mr. Hearing

1 Examiner. I'm looking at the symbol next to that call
2 in.

3 THE HEARING EXAMINER: Thank you.
4 Thank you.

5 MR. MCCLURE: He might be force muted.

6 THE HEARING EXAMINER: Okay. I
7 think -- -- virtual connectivity interruption -- would
8 you unmute yourself?

9 I can hear you. Would you enter an
10 appearance, please?

11 MR. SAMANIEGO: I'm here, Mr. Examiner.
12 I just barely got unmuted. Just wow.

13 THE HEARING EXAMINER: Would you enter
14 an appearance, please?

15 MR. SAMANIEGO: John Samaniego,
16 representative of American Energy Resources.

17 THE HEARING EXAMINER: Thank you, sir.

18 Okay. This is case number 24517. We
19 are having a motion hearing today.

20 Mr. Samaniego, you filed a motion to
21 request to reopen case 24517. 24517 had been closed.
22 There was an order issued from the Division on
23 September 19, 2024. It is order number 23405.

24 Mr. Holliday, did I get that right?

25 MR. HOLLIDAY: The order was number --

1 THE HEARING EXAMINER: I have 23405.
2 Is that wrong?

3 MR. HOLLIDAY: Yes, sir. That's
4 correct.

5 THE HEARING EXAMINER: Oh, it is right.
6 Okay. Issued on September 19?

7 MR. HOLLIDAY: Yes.

8 THE HEARING EXAMINER: Okay.
9 Mr. Samaniego, correct me if I'm mistaken, but you
10 basically petitioned the Division to reopen the case
11 because you claimed that you were not notified of the
12 original case number 24517, and therefore, since you
13 were due notice, that is under the rule 19.15.4.12(D),
14 failure to provide notice is a reason to reopen the
15 case.

16 Am I correct?

17 MR. SAMANIEGO: Yes, sir.

18 THE HEARING EXAMINER: Okay. Very
19 good. Then, Mr. Samaniego, Mr. Holliday filed a
20 response to your motion to reopen. I assume you read
21 it?

22 MR. SAMANIEGO: Yes.

23 THE HEARING EXAMINER: Okay. Very
24 good. And then I provided you with a week to respond
25 to the response. And you filed a response on the 5th

1 of February, and you included multiple pages of
2 documents.

3 MR. SAMANIEGO: Yes, sir.

4 THE HEARING EXAMINER: Okay. Very
5 good.

6 Okay. Now, Mr. Holliday, to sum up
7 your response, you basically are making two legal
8 points. Number one, you were saying that the 1978 --
9 no, let me go back.

10 You were saying that there was a quiet
11 title suit broth in 2010 in the Fifth Judicial
12 District Court, and that that court in its findings
13 found that the interest owners were limited to
14 Orion-Smith Oil properties, Argo Energy Properties,
15 Dusty Sanderson and Wife, DES Acquisitions, and Floyd
16 W. Prather.

17 These were the plaintiffs in the case.
18 And these were the interest owners. And all other
19 interests were quieted by that suit. Is that correct?

20 MR. HOLLIDAY: Yes, sir. That's
21 correct.

22 THE HEARING EXAMINER: Okay. Good.
23 That's correct.

24 Okay. And even if an interest survived
25 that quiet title suit, what you're saying is that the

1 Champlin leases were subject to a 1978 joint operating
2 agreement appointing Silverback the operator.

3 So that -- and then you provided an
4 Exhibit A which showed a footnote. And this was in an
5 assignment bill and sale of conveyance. And that
6 showed that the interests were conveyed subject to the
7 operating agreement dated 7/1 of '78 between Yates
8 Petroleum and Champlin Petroleum Company.

9 Do I have your argument basically
10 summed up properly?

11 MR. HOLLIDAY: Yes, sir. And I'll just
12 do just the briefest of re-summary.

13 THE HEARING EXAMINER: Okay. Thank
14 you.

15 MR. HOLLIDAY: Our argument is twofold.
16 Under either one of these, American Energy Resources
17 is not entitled to notice in this case. The first is
18 they don't own an interest because their interest was
19 wiped out by the quiet title suit in 2010.

20 Secondly, even if they did own an
21 interest, those leases are subject to this JOA that
22 appoints Silverback the operator. Those parties that
23 are subject to the JOA are not subject to the
24 compulsory pooling order, and therefore, they're not
25 entitled to notice or participation in that matter.

1 THE HEARING EXAMINER: Okay. And then
2 you included exhibits with your response, which I
3 reviewed.

4 And then Mr. Samaniego filed a response
5 to the response. And in that, he provided additional
6 documents. I reviewed those.

7 So before I begin -- your receiving
8 notice -- do you understand the two arguments?

9 MR. SAMANIEGO: I understand, yes. And
10 I don't agree with him.

11 THE HEARING EXAMINER: No, I didn't ask
12 if you agreed, because I know you don't agree. But
13 what I'm asking you is, do you understand the
14 assertions that Mr. Holliday is making?

15 MR. SAMANIEGO: I understand what he is
16 trying to claim.

17 THE HEARING EXAMINER: Okay. Okay.
18 Fine. So you understand those two things. Okay.
19 Then, Mr. Samaniego, you filed a response, as I just
20 said.

21 And, Mr. Holliday, have you had a
22 chance to look at Mr. Samaniego's response to your
23 response?

24 MR. HOLLIDAY: Yes, sir. I have.

25 THE HEARING EXAMINER: Okay. What do

1 you want to tell me? How does his response affect the
2 case?

3 MR. HOLLIDAY: It doesn't. He lists
4 the chain of title, the same chain of title that we
5 reviewed. And that's the invalid chain of title that
6 follows out of one of the dispossessed parties under
7 the quiet title suit.

8 So it's correct that those deeds are
9 filed of record in Lea County. However, the quiet
10 title suit, Ann and Liz Pinons [ph] were both also
11 filed of record in Lea County.

12 And that quiet title suit trumps this
13 chain of title. I mean, he doesn't own an interest
14 there.

15 THE HEARING EXAMINER: Okay. Now hold
16 on. Hold on. Before you continue. Because I --
17 really, this is more for Mr. Samaniego's benefit than
18 it is for mine. I've already reviewed all these
19 documents. So, you know, as a lawyer, I have a way of
20 interpreting these legal documents.

21 But so you were just saying that the
22 quiet title suit trumps the interest that
23 Mr. Samaniego asserts in his response.

24 Can you be more specific and tell me
25 which of the interests are you saying is trumped by

1 the quiet title suit?

2 MR. HOLLIDAY: Sure. So American
3 Energy Resources acquired their interest in 2018 from
4 a party named Wildcat.

5 THE HEARING EXAMINER: Yes.

6 MR. HOLLIDAY: Wildcat acquired their
7 interest from Texona, who acquired it from Staghorn,
8 who acquired it from Bristol Resources.

9 Bristol Resources was one of the
10 expressly named parties in the quiet title suit that
11 was determined to have no interest in these leases.

12 THE HEARING EXAMINER: Okay. So before
13 you continue, Mr. Holliday, Mr. Samaniego, what
14 Mr. Holliday is saying is the -- do you understand
15 what he's saying?

16 MR. SAMANIEGO: Under the color of law,
17 you can't go back ten years in quiet title interests
18 that one has already assigned to another. Those
19 interests were already sold, conveyed, assigned
20 ten years prior to the quiet title.

21 At that point in time, Staghorn,
22 Bristol, and others that were listed in that quiet
23 title did not own those interests anymore.

24 THE HEARING EXAMINER: At the time of
25 the quiet title suit, Mr. Holliday, who owned the

1 interest that Mr. Samaniego later acquired?

2 MR. HOLLIDAY: Well, based on the -- I
3 didn't prepare the title opinion for this. But my
4 reading of the order would lead me to believe that the
5 plaintiffs had a chain of title.

6 They brought the case asserting that
7 their title was superior to that of the named parties
8 and, as the order lists, any party, any unknown
9 claimant with a claim adverse to that of the
10 plaintiffs.

11 So my understanding is that the five
12 named parties -- I don't have them right in front of
13 me -- the plaintiffs in a quiet title suit were the
14 rightful owners.

15 We typically bring these when there is
16 a title question. So we're involved in a lot of quiet
17 title suits. It's to resolve issues just like this
18 where the chain of title is unclear and the Court is
19 then asked to step in and make a determination of who
20 owns the interest.

21 THE HEARING EXAMINER: So,
22 Mr. Samaniego, you acquired the interest that Wildcat
23 had in November of 2018. Is that correct?

24 MR. SAMANIEGO: Correct.

25 THE HEARING EXAMINER: Okay. Good.

1 And Wildcat acquired the interest from Texona, is it,
2 in 2000?

3 MR. SAMANIEGO: Correct.

4 THE HEARING EXAMINER: Okay. So,
5 Mr. Samaniego, your argument is that --

6 MR. SAMANIEGO: Hold on. Hold on. I'm
7 pulling it up right now. I don't want to get these
8 mixed up.

9 Okay. Texona to Wildcat in 2000, and
10 then Staghorn to Texona in '99 -- I mean in '98.

11 THE HEARING EXAMINER: Okay. So this
12 interest, Mr. Samaniego, that you acquired originated
13 with Bristol Resources. And that interest was
14 conveyed multiple times before it got to you.

15 MR. SAMANIEGO: From Bristol to
16 Staghorn to Texona to Wildcat to American.

17 THE HEARING EXAMINER: Okay. And you
18 are saying your argument -- because Mr. Holliday is
19 saying that the district court in its quiet title suit
20 specifically had these interests in front of them and
21 determined that they were inferior to the plaintiffs'
22 interests.

23 And it granted the plaintiffs the quiet
24 title suit extinguishing all other interests. That's
25 what I'm understanding from Mr. Holliday and from

1 his --

2 MR. SAMANIEGO: The only interests that
3 were allowed to be quiet title were those that were
4 listed. They transferred into Texona to Wildcat in
5 2000.

6 The quiet title wasn't for ten or
7 eleven years after the fact. So I mean, therefore,
8 the interests were not -- the Wildcat interests were
9 not quiet title because they were not listed on the
10 quiet title.

11 THE HEARING EXAMINER: Mr. Holliday?

12 MR. SAMANIEGO: Wildcat had nothing to
13 do with that quiet title. Whatever was going on that
14 the interests were sold before the -- whatever title
15 search they did was incomplete. Or I'm going to guess
16 they probably didn't even do one.

17 THE HEARING EXAMINER: Okay.
18 Mr. Holliday?

19 MR. HOLLIDAY: Number one, the OCD
20 doesn't have jurisdiction to decide these title
21 matters. So we're talking about it, but --

22 MR. SAMANIEGO: I don't --

23 MR. HOLLIDAY: Ultimately, this is a
24 district court matter.

25 But that being said, the time for

1 American Energy or its predecessors to have raised
2 this was in 2010 when the suit was conducted. So they
3 were -- all the parties, all the known parties
4 would've been notified.

5 Plus they have constructive notice
6 that's run in the county that says for multiple days,
7 this interest is being adjudicated in this quiet title
8 suit. And if you have a claim, you need to show up
9 and represent your interests.

10 They didn't. And the order was issued.
11 And not only does the order apply to the named
12 parties, it specifically applies to all unknown
13 claimants in the premises adverse to the plaintiffs.
14 So this seems to be a very open and shut matter.

15 THE HEARING EXAMINER: So,
16 Mr. Samaniego, what Mr. Holliday is explaining to you
17 is that whoever owned the title at the time of the
18 suit in 2010, and that'd be Wildcat, it seems to me
19 they had a responsibility to show up at the courthouse
20 in the Fifth Judicial Circuit and defend their
21 interest.

22 And they didn't do that. So the court
23 extinguished it. Now, that doesn't mean that you
24 can't bring a suit if you want to in the Fifth to try
25 to say, "Hey, you know, I have a good interest here."

1 That's not something that the Division
2 deals with. What we're dealing with here is, did
3 Mr. Holliday and his client owe you a notice, a duty
4 of notice to the underlying case?

5 And what they're saying is, since this
6 quiet title suit occurred in 2010 and Wildcat was not
7 represented, Wildcat's interest was dissolved at that
8 time.

9 And that's why, when you succeeded in
10 Wildcat's interest, they didn't owe you a duty of
11 notice. That's their first argument. So that's
12 number one. But we also have a second argument,
13 Mr. Samaniego.

14 And that second argument says what,
15 Mr. Holliday?

16 MR. HOLLIDAY: That the original lessee
17 of the leases in question that we're talking about
18 today -- there's five of them.

19 The original lessee was Champlin. So
20 for simplicity, we just call them the Champlin leases.
21 Those leases were committed to a joint operating
22 agreement covering the lands at issue in the Roche
23 pooling order and the lands and the depths, and that
24 Silverback has since acquired the interest of the
25 operator.

1 The original operator was Yates. That
2 interest is now owned by Silverback. So Silverback
3 was appointed the operator under the joint operating
4 agreement. The joint operating agreement covers the
5 lands and depths that we sought to include in the
6 Roche order.

7 And, in fact, we only pooled -- the
8 pooling order only applies to, like, 2.25 net mineral
9 acres that were not originally subject to the JOA.
10 All the other parties to that JOA were not noticed.
11 They just participated under the JOA or will
12 participate under the JOA.

13 THE HEARING EXAMINER: And,
14 Mr. Holliday, please connect the interest that AER
15 claims it has -- because I'm not here to determine
16 whether or not AER still owns an interest or not.
17 That's up to the court to decide.

18 But connect the interest that AER
19 claims it owns to the Champlin leases.

20 MR. HOLLIDAY: Correct. So at the top
21 of this chain of title to these leases, Champlain
22 Energy, when they committed those leases to the joint
23 operating agreement, that commitment survives all the
24 later conveyances.

25 So everyone that later acquires those

1 leases takes them subject to they are being bound by
2 that joint operating agreement, appointing what is now
3 Silverback as the operator.

4 And so if there were any -- as I
5 pointed out in my reply brief, if there were any doubt
6 about it, the deed into American Energy Partner
7 expressly states these interests are subject to the
8 Champlain joint operating agreement. It puts them on
9 notice of it.

10 Again, so number one, they don't own an
11 interest. Number two, even if they did own an
12 interest, it's covered by the JOA. And under either
13 scenario, they're not entitled to notice of the
14 compulsory pooling process.

15 THE HEARING EXAMINER: So,
16 Mr. Samaniego, Mr. Holliday has explained to you that,
17 even if the interest that you acquired survived a
18 quiet title suit -- and that's not for me to decide;
19 that's for the Court to decide -- that that interest
20 was committed in the Champlin lease. And that --

21 MR. SAMANIEGO: Can I stop you right
22 there?

23 THE HEARING EXAMINER: Yes, of course.

24 MR. SAMANIEGO: I want to say
25 something.

1 THE HEARING EXAMINER: Go ahead.

2 MR. SAMANIEGO: American Energy is
3 operating the Rio Penasco. Rio Penasco -- let me see
4 if I got the well name here.

5 But they are operating a well in the
6 Champlin lease. The Rio Penasco is an operating well
7 in the Champlin lease.

8 I mean, American Energy has rights
9 through and in the Champlin lease. It's operating a
10 well in it.

11 Not only that, but I also have
12 documentation where EOG sold to Silverback their
13 assets. But in book 1154, page 1016, EOG, just like
14 in the Santos and Permian case, they only sold
15 wellbores and kept all the interest that were assigned
16 years prior before.

17 So if there's any operation under the
18 Champlin lease, it ain't through Silverback. American
19 Energy is operating a well in and through the Champlin
20 lease.

21 So if Yates did assign over operation
22 or sign over interest to Silverback, they are held by
23 the Champlin lease that is being operated through the
24 Rio Penasco by American.

25 THE HEARING EXAMINER: Mr. Holliday?

1 MR. HOLLIDAY: Okay. Let's start with
2 this. The Rio Penasco working interest unit that was
3 established by the joint operating agreement covers
4 the Yaso formation.

5 The well that Mr. Samaniego is talking
6 about, the KD number three, the Rio Penasco number
7 three, I actually looked it up this morning in
8 response to his filing.

9 Number one, it's outside the depths
10 that we're talking about in this case. It's much,
11 much deeper. I mean, Yaso goes approximately
12 3000 feet. This well, the TBD is 9,630 feet.

13 But I'm glad Mr. Samaniego brought it
14 up because, also in the file, you can see there's, at
15 least from 2017 forward, we have four violations,
16 uncured violations. And the last one was in August 2
17 of '24. So pretty recent.

18 And the Division stated in its notes
19 that the wells flagged idle, last production was
20 reported in October of 1996, and the well needs to be
21 plugged, so.

22 THE HEARING EXAMINER: All right. So,
23 Mr. Samaniego, I'm not sure -- it doesn't sound like
24 even the operation of a well entitles you to notice
25 because it sounds like from Mr. Holliday's --

1 MR. SAMANIEGO: No, no -- American --

2 THE HEARING EXAMINER: Can you mute?

3 Would you please mute, Mr. Samaniego?

4 MR. SAMANIEGO: Wow.

5 THE HEARING EXAMINER: Please, sir.

6 You know, again, we show respect by allowing someone
7 else to speak. If you can't do that, then we can't
8 have these motion hearings. And I really want to give
9 you the opportunity to be heard and an opportunity to
10 protect your interests.

11 But Mr. Holliday has gone above and
12 beyond the call of duty to show me, as the hearing
13 examiner, why your motion should be denied.

14 I am denying your motion. We are not
15 reopening the case for all the reasons that I've
16 stated. This hearing is concluded.

17 Thank you, Mr. Holliday.

18 Thank you, Mr. Samaniego.

19 And we're off the record.

20 (Whereupon, at 1:34 p.m., the
21 proceeding was concluded.)
22
23
24
25

CERTIFICATE OF DEPOSITION OFFICER

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.

February 28, 2025



JAMES COGSWELL

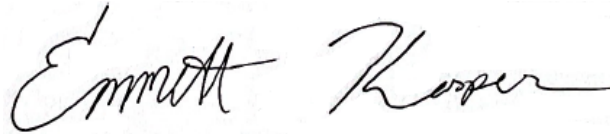
Notary Public in and for the
State of New Mexico

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I, EMMETT KASPER, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

February 28, 2025



EMMETT KASPER

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