

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

**APPLICATIONS OF READ & STEVENS, INC.
FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

CASE NOS. 24941-24942

**APPLICATIONS OF READ & STEVENS, INC.
FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

CASE NOS. 25145-25148

**APPLICATIONS OF V-F PETROLEUM INC.
FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

CASE NOS. 24994-24995 & 25116

**APPLICATIONS OF V-F PETROLEUM INC.
FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

CASE NOS. 25115 & 25117

**CAROLYN BEALL'S RESPONSE TO PERMIAN'S MOTION TO STRIKE
BEALL'S INTERVENTION IN CASE NO. 25146**

Carolyn Beall ("Beall") files this *Response in Opposition to Permian's Motion to Strike Beall's Intervention in Case No. 25146* ("Motion"), because Read & Stevens, Inc. ("Permian") has not properly requested a reconsideration of the Hearing Examiner's prior decision on Beall's intervention, and as such Permian lacks both a procedural and substantive basis for the requests made in the Motion to Strike. Permian has previously attempted to strike Beall's intervention in this case, and it may not file the same request again without filing a proper motion for reconsideration of the Hearing Examiner's decision to allow Beall's intervention.

In support of her intervention and opposition to Permian's Motion, Beall requests the OCD deny the Motion, and states the following:

A. Permian has not provided a procedural basis for reconsideration of the Hearing Examiner's Decision to allow Beall's Intervention.

Beall timely intervened and filed notice with the Division of her working interests in the Third Bone Spring in Case No. 25146, as provided in her *Notice of Ownership Interest and Objection to Case Nos. 25145-25146* (filed Feb. 6, 2025) ("Notice"). Beall's Notice confirmed her working interest ownership in the Third Bone Spring, which was also supported by testimony at hearing on February 27, 2025, through Landman Jordan Shaw. Following her Notice, Permian filed its *Response to Notice of Intervention* on February 13, 2025. On February 14, 2025, the Hearing Examiner decided to allow Beall's intervention in Cases 25145-25146, citing to 19.15.4.11 NMAC, and as provided in *Exhibit A*, attached hereto.

Permian has not properly filed any request for reconsideration of the Hearing Examiner's decision to allow Ms. Beall's intervention and instead Permian filed the subject Motion to Strike. Without any motion for reconsideration of the Hearing Examiner's decision being filed, Permian is improperly attempting to file a second motion to strike Ms. Beall's intervention, despite Permian's request to strike Ms. Beall's intervention being denied previously. As provided in the Motion, Permian has not requested a rehearing on the Examiner's decision allowing Ms. Beall's intervention. Permian has not requested a de novo hearing with the Commission, and has not complied with the Commission rehearing procedures found in NMSA 1978, Section 70-2-25., and the accompanying Rule 19.15.4.25 NMAC. As such, this request should be denied as procedurally flawed.

B. Permian has not provided a substantive basis within the jurisdiction of the OCD for reconsideration of the Hearing Examiner's Decision to allow Beall's Intervention.

Permian's request for the OCD to strike Ms. Beall's intervention is contrary to the Oil and Gas Act, and not within the confines of the Division's jurisdiction. The Division's power

and authority is limited to the prevention of waste and the protection of correlative rights. Permian asks the Division to impermissibly make a title determination in this case, which it cannot do. “The Oil Conservation Commission is a creature of statute, expressly defined, limited and empowered by the laws creating it.” *Continental Oil v. Oil Conservation Comm’n*, 70 N.M. 310, 373 P.2d 809, 814-15 (1962). The Oil and Gas Act gives the Commission and the Division the two major duties: the prevention of waste and the protection of correlative rights. NMSA 1978, § 70-2-11(A). Moreover, the OCD lacks jurisdiction over contractual and title disputes, and New Mexico law has repeatedly recognized that “[e]xclusive jurisdiction of such matters reside in the courts of the State of New Mexico.” *In re TMBR/Sharp*, Order No. R-11700.

The only bases Permian has for exclusion of Ms. Beall from these proceedings is the title opinion, filed after all of the hearings in these cases and never subject to cross-examination, at pages 165-167 of Permian’s Supplemental Exhibit C-12, which is categorically not part of the administrative record in this case. *See Carolyn Beall’s Motion to Strike Pages 165-167 From Permian’s Supplemental Exhibit C-12*, (filed March 21, 2025) (OCD Case No. 25146). As stated in paragraph 2 of the Motion, at page 2: “Permian included a title opinion in response to Ms. Beall’s late filed exhibits. The title opinion also confirms that Ms. Beall does not hold an interest in Permian’s Case No. 25146.” *See Permian’s Motion to Strike*, at 2 (filed March 21, 2025) (OCD Case No. 25146). Permian may not request the OCD make any title decision related to Ms. Beall’s interest. The OCD should refuse Permian’s request for a title determination regarding Ms. Beall’s interests rather than accepting her stated ownership in the proposed Unit in Case No. 25146.

C. Conclusion

For these reasons, Ms. Beall requests the OCD deny Permian's request to strike her intervention in Case No. 25146.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Kaitlyn Luck", written over a horizontal line.

Kaitlyn A. Luck

P.O. Box 483

Taos, NM 87571

kaitlyn.luck@outlook.com

(361) 648-1973

Attorney for Carolyn Beall

CERTIFICATE OF SERVICE

I certify that on March 26, 2025, the foregoing pleading was electronically filed by email with the New Mexico Oil Conservation Division Clerk and served on all parties of record through counsel, as follows:

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/s/ Kaitlyn A. Luck

EXHIBIT A

From: [Kaitlyn Luck](#)
To: [Kaitlyn Luck](#)
Subject: Fwd: Permian Resources Operating, LLC Response to Beall NOI re: Permian Case Nos. 24941-24942 & 25145-25148 & V-F Petroleum Case Nos. 24994-24995 & 25115-25117
Date: Saturday, March 22, 2025 2:22:57 PM
Attachments: [image001.png](#)

Kaitlyn A. Luck

----- Forwarded message -----

From: Tschantz, Freya, EMNRD <Freya.Tschantz@emnrd.nm.gov>
Date: Fri, Feb 14, 2025 at 10:11 AM
Subject: Permian Resources Operating, LLC Response to Beall NOI re: Permian Case Nos. 24941-24942 & 25145-25148 & V-F Petroleum Case Nos. 24994-24995 & 25115-25117
To: Kaitlyn Luck <luck.kaitlyn@gmail.com>, Paula M. Vance <PMVance@hollandhart.com>
CC: Darin Savage <darin@abadieschill.com>, Andrew Schill <andrew@abadieschill.com>, Bill Zimsky <bill@abadieschill.com>, Adam Rankin <AGRankin@hollandhart.com>, Kari D. Perez <KDPerez@hollandhart.com>

Good morning:

The Hearing Examiner is granting Carolyn Beall's intervention in 25145-25146 citing to:

NMAC 19.15.4.11 ADJUDICATORY PROCEEDING INTERVENTION:

C. The division examiner or the commission chairman may strike a notice of intervention on a party's motion if the intervenor fails to show that the intervenor has standing, **unless the intervenor shows that the intervenor's participation will contribute substantially to the prevention of waste, protection of correlative rights or protection of public health or the environment.**

Based on the testimony provided at the January 28th hearing, there is an issue regarding correlative rights.

Therefore, the Division wants additional evidence offered on this matter.

Respectfully,

Freya Tschantz, Law Clerk

EMNRD-Oil Conservation Division

From: Kaitlyn Luck <luck.kaitlyn@gmail.com>
Sent: Friday, February 14, 2025 8:51 AM
To: Paula M. Vance <PMVance@hollandhart.com>; Chakalian, Gregory, EMNRD <Gregory.Chakalian@emnrd.nm.gov>
Cc: Darin Savage <darin@abadieschill.com>; Andrew Schill <andrew@abadieschill.com>; Bill Zimsky <bill@abadieschill.com>; Tschantz, Freya, EMNRD <Freya.Tschantz@emnrd.nm.gov>; Adam Rankin <AGRankin@hollandhart.com>; Kari D. Perez <KDPerez@hollandhart.com>
Subject: [EXTERNAL] Re: Permian Resources Operating, LLC Response to Beall NOI re: Permian Case Nos. 24941-24942 & 25145-25148 & V-F Petroleum Case Nos. 24994-24995 & 25115-25117

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Good morning, Hearing Examiner Chakalian,

Due to the timeframe before the February 27 hearing, I would request leave to file a Reply in support of my client's position. Please let me know if that is possible.

Thanks,

Kaitlyn

On Thu, Feb 13, 2025 at 5:12 PM Paula M. Vance <PMVance@hollandhart.com> wrote:

Counsel,

Please find the attached *Response to NOI* on behalf of Permian Resources Operating, LLC in the above-referenced matters that were filed at the NMOCD, February 13, 2025.

Thank you.

Paula Vance

Associate



Holland
& Hart

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Kaitlyn A. Luck