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

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
DIVISION FOR THE PURPOSE OF
CONSIDERING:
Case Nos. 25187, 25188, 25189,
25190, 25191, 25192, 25353,
25354, 25355, 25356, 25357,
25359, 25360, 25361, 25362,
25363, 25364, 25366, 25367,
25368, 25369, 25217, 25218,
25222, 25225, 25228, 25301,
25303, 25312, 25321, 25322,
25323, 25324, 25335, 25336,
25347, 25348, 25241, 25242,
25243, 25244, 25245, 25246.

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HEARING

DATE: Thursday, May 22, 2025
TIME: 10:02 a.m.
BEFORE: Hearing Examiner Gregory Chakalian
LOCATION: EMNRD - Oil Conservation Division
1220 South Street, Francis Drive,
3rd Floor
Santa Fe, NM 87505
REPORTED BY: Mariana Novoa
JOB NO.: 6973003

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A P P E A R A N C E S

ON BEHALF OF PALOMA PERMIAN ASSETCO, LLC:

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9
10 ON BEHALF OF CIVITAS PERMIAN OPERATING, LLC:
11 MICHAEL RODRIGUEZ, ESQUIRE
12 Civitas Resources

13
14 ALSO PRESENT:
15 Freya Tschantz, New Mexico Energy Minerals and
16 Natural Resources
17 Department, Oil Conservation Division
18 Tom Aten (by videoconference)
19 John Coffman (by videoconference)
20 Bill Zimsky (by videoconference)
21 Tiffany Sarantinos (by videoconference)
22 Adam Rankin (by videoconference)
23 Ariana Rodrigues (by videoconference)
24 Clay Wooten (by videoconference)
25 Madai Corral, EMNRD (by videoconference)

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

ALSO PRESENT (Cont'd):

Drew DeLozier (by videoconference)
Caroline Federick (by videoconference)
Phillip Goetze, EMNRD (by videoconference)
Anthony Harris, EMNRD (by videoconference)
Rachael Ketchledge (by videoconference)
Regan (by videoconference)
Shane Kelly (by videoconference)
Sophia Guerra (by videoconference)
Dean McClure, EMNRD (by videoconference)
Sean Miller (by videoconference)
Noble Smith (by videoconference)
Ocean Munds-Dry (by videoconference)
Jonathan Samaniego, American Energy Resources
Representative

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E X H I B I T S

NO.	DESCRIPTION	ID/EVD
	(None marked.)	

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P R O C E E D I N G S

THE HEARING EXAMINER: My name is
Gregory Chakalian. And I am the hearing officer.

Do we have a court reporter?

THE REPORTER: Yes. My name is Mariana
Novoa. Ad I'm the court reporter for this proceeding.

THE HEARING EXAMINER: Wonderful.
Thank you. Welcome.

THE REPORTER: Thank you.

THE HEARING EXAMINER: If you need, do
you have any particular needs? I know you're not, you
know, familiar with the way we do things normally. Do
you have any particular needs?

THE REPORTER: I would just have a
question of Counsel. I did get a spreadsheet. I may
have some questions.

I did have an email provided to me just
briefly in regards to that. So I will be using that
for the proceeding.

THE HEARING EXAMINER: All right.
Thank you.

THE REPORTER: Thank you.

THE HEARING EXAMINER: And if you need
us to spell -- if you need something to be spelled
out, please let me know.

1 THE REPORTER: Thank you.

2 THE HEARING EXAMINER: All right.

3 You're welcome.

4 All right. I'm calling a block of
5 cases filed by Paloma Permian. These are cases one
6 through -- there's about 20 cases here.

7 They begin with 25187, 88, 25189, 90,
8 91, 92. Then we go to 253. These are competing
9 cases. Devon Energy. 54, 55, 56, 57, 59, 60. I
10 could continue. 61, 62, 63, 64, 66, 67, 68, and 69.

11 Entrance of appearance, please.

12 MR. JEWELL: Morning, Mr. Hearing
13 Officer, and Counsel. Michael Jewell, Jewell
14 Jimmerson Natural Resources Law on behalf of Paloma
15 Permian Assetco, LLC on behalf of Petitioner on the
16 first battery of dockets that you mentioned, 87
17 through 92.

18 THE HEARING EXAMINER: Thank you, sir.

19 MS. HARDY: Good morning, Mr. Examiner.
20 Dana Hardy with Hardy McLean on behalf of Devon Energy
21 Production in all of these cases.

22 THE HEARING EXAMINER: And, Ms. Hardy,
23 you -- these are your competing cases; right?

24 MS. HARDY: That's correct.

25 THE HEARING EXAMINER: All right.

1 Sounds good.

2 MS. VANCE: Good morning, Mr. Hearing
3 Examiner. Paula Vance with the Santa Fe Office of
4 Holland & Hart on behalf of COG Operating.

5 THE HEARING EXAMINER: What's your
6 status on this -- on these cases, Ms. Vance?

7 MS. VANCE: So we have entered an
8 appearance and objection to these cases. We are going
9 to be filing competing applications to be added to the
10 contested hearing.

11 THE HEARING EXAMINER: And you know
12 that the date for the contested hearing is in July?

13 MS. VANCE: Correct.

14 THE HEARING EXAMINER: Okay. And will
15 your cases be competing with both Devon and Paloma or
16 just one or the other?

17 MS. VANCE: I believe with both. I'll
18 be honest, I'm just getting back from vacation and
19 need to delve into reviewing the proposals. But it's
20 my understanding that they do compete with both.

21 THE HEARING EXAMINER: Okay. And
22 you've sent out these proposals already? Yes, I
23 guess?

24 MS. HATLEY: Mr. Examiner?

25 THE HEARING EXAMINER: Ms. Hatley?

1 MS. HATLEY: I'm not entering an
2 appearance in this case. But just to clarify, these
3 proposals will compete with both.

4 THE HEARING EXAMINER: Oh, thank you.

5 MS. VANCE: Sorry.

6 MS. HATLEY: Ms. Vance is representing
7 us in this matter. I'm just -- I'm clarifying for
8 the -- for everyone's benefit.

9 THE HEARING EXAMINER: Thank you, Ms.
10 Hatley.

11 MS. VANCE: Sorry. And I accidentally
12 pressed my leave button. You know, I'm having some
13 issues getting reoriented to being back. So sorry
14 about that.

15 THE HEARING EXAMINER: When do you
16 anticipate filing your applications?

17 MS. VANCE: We plan on filing them at
18 the end of next week.

19 THE HEARING EXAMINER: Oh, very good.
20 Okay. All right. Very good. So then if you file
21 them at the end of next week, that's still in May, we
22 could get them noticed for I guess the first docket in
23 July and then they'd be bumped off to the contested
24 hearing.

25 And, Mr. Jewell, when is the contested

1 hearing in this case?

2 MR. JEWELL: It is July 29th, sir.

3 THE HEARING EXAMINER: Okay. Very
4 good. And, Mr. Jewell, I know that you haven't
5 appeared while I've been a hearing examiner in one of
6 our cases. But you know that for the attorneys you
7 need to be here in Santa Fe?

8 MR. JEWELL: Yes, sir.

9 THE HEARING EXAMINER: Your witnesses
10 may or may not appear in person. They may appear
11 virtually if you choose.

12 It's always better to have them here in
13 person, but it's up to you. And it's not required
14 that they be here.

15 MR. JEWELL: Thank you. And unless
16 there's exception, they intend to be here.

17 THE HEARING EXAMINER: Thank you.
18 Okay. That's fine. Are the parties still
19 negotiating, Mr. Jewell?

20 MR. JEWELL: They are. Paloma has
21 invested a lot of time in monetary investment getting
22 their proposals ready. So, you know, should we
23 prevail, we're ready to drill by second quarter of
24 next year.

25 But we have proposals with COG. And

1 those are being evaluated and discussed currently. We
2 have a good relationship with Devon.

3 I don't think there's a proposal on the
4 table, but there's a meeting that is coming up. But
5 suffice to say, there are good-faith talks, I think,
6 all around.

7 THE HEARING EXAMINER: Okay. So if you
8 were a betting man, would you bet this would go to
9 hearing or not?

10 MR. JEWELL: I think right now we're
11 probably a good 50/50, sir.

12 THE HEARING EXAMINER: 50/50?

13 All right. Ms. Hardy?

14 MS. HARDY: I agree the parties are in
15 discussions. But I don't have enough information to
16 give a projection on the likelihood of hearing.

17 THE HEARING EXAMINER: All right.
18 Okay. Very good. Well, we have a hearing scheduled
19 on the 29th, as Mr. Jewell told us. It starts at 9
20 a.m. here in Santa Fe.

21 And if the parties do negotiate a
22 settlement, we need to know a week in advance because
23 we have court reporters that we commit with. And it's
24 just a big waste of taxpayer money if you don't show
25 up.

1 MR. JEWELL: Yes, sir. Sounds good.

2 MS. HARDY: Understood.

3 THE HEARING EXAMINER: Mr. Jewell, any
4 questions about how we do things at the hearing?

5 MR. JEWELL: At the moment, I don't.
6 We've been monitoring.

7 THE HEARING EXAMINER: Oh, good.

8 MR. JEWELL: So we're aware. And we do
9 these in other states as well, so I appreciate that.

10 THE HEARING EXAMINER: Okay. All
11 right. Anything further on these cases, Mr. Jewell?

12 MR. JEWELL: Not from Paloma.

13 THE HEARING EXAMINER: Ms. Hardy?

14 MS. HARDY: No, thank you.

15 THE HEARING EXAMINER: Okay. And, Ms.
16 Vance, we'll look for your applications next week
17 sometime. Is there anything further?

18 MS. HARDY: Nothing from my end.

19 THE HEARING EXAMINER: Very good. Then
20 we're off the record in these consolidated cases.

21 I'm going to move on now to -- find the
22 end of that one. I'm going to move on now to line 22
23 on our docket.

24 It looks like it's Mewbourne Oil, two
25 cases that are consolidated together, 25217 and 18.

1 Entrance of appearance, please.

2 MS. HARDY: Mr. Examiner, Dana Hardy
3 with Hardy McLean on behalf of Mewbourne Oil Company.

4 THE HEARING EXAMINER: Good morning.

5 MR. SAVAGE: Good morning, Mr. Hearing
6 Examiner. Darin Savage with Abadie Schill on behalf
7 of Devon Energy Production Company.

8 THE HEARING EXAMINER: Morning. And,
9 Mr. Savage, you objected?

10 MR. SAVAGE: We did. And if I may add,
11 I believe these cases are also related to numbers 44
12 and 45 on the docket.

13 THE HEARING EXAMINER: Okay. Well,
14 hold on one second.

15 MR. SAVAGE: Okay.

16 THE HEARING EXAMINER: So let me get
17 some clarification here. So you're saying that these
18 two cases are related to which other ones?

19 MR. SAVAGE: Number 44 and 45, those
20 are also competing applications with Devon. And --

21 THE HEARING EXAMINER: Are those the
22 ones that you filed, Mr. Savage?

23 MR. SAVAGE: Mewbourne filed the cases.
24 And we filed competing applications.

25 THE HEARING EXAMINER: Right. And your

1 competing applications are at 44 and 45?

2 MR. SAVAGE: No, those are -- I believe
3 those are additional Mewbourne cases that we're
4 competing against as well.

5 THE HEARING EXAMINER: I understand.
6 So your competing cases are not on our docket? Is
7 that what you're saying?

8 MR. SAVAGE: That's correct.

9 THE HEARING EXAMINER: But they should
10 be?

11 MR. SAVAGE: No. Well, they were set
12 for June 5th. So we have a -- we have this status
13 conference.

14 We have competing applications filed.
15 You know, we're going to hopefully discuss how to
16 proceed --

17 THE HEARING EXAMINER: Sure.

18 MR. SAVAGE: -- going forward.

19 THE HEARING EXAMINER: So -- but okay.
20 So before I get to that, Mr. Rodriguez, an entry?

21 MR. RODRIGUEZ: Yes. Mr. Examiner,
22 Michael Rodriguez with Civitas Permian Operating, LLC,
23 entering an appearance for case numbers 44 and 45
24 filed by Mewbourne.

25 THE HEARING EXAMINER: I see. So, Ms.

1 Hardy, I didn't realize I missed two of your cases.

2 MS. HARDY: Well, so, Mr. Examiner,
3 there are different parties in the cases that are
4 listed as 44 and 45.

5 And it's different acreage. They do
6 compete with Devon's cases that are pending. So I
7 certainly don't object to calling them together.

8 But there are other parties. And I
9 think COG is actually a party as well in the cases
10 that are listed as 44 and 45. So if they're called,
11 we need to make sure everyone enters an appearance.

12 THE HEARING EXAMINER: All right.
13 Well, I haven't called them yet. And I'm going to
14 rely on you, Ms. Hardy, since they are your cases, to
15 tell me if they do go to a contested hearing, are you
16 going to want them to be consolidated, all four
17 together?

18 MS. HARDY: I think, yes, that it would
19 make sense to have them heard on the same hearing
20 date.

21 I mean, they're different acreage. So
22 I think they could be heard sequentially on the same
23 hearing date.

24 But I don't think they're actually
25 consolidated. I mean, I think there are different

1 acreage. And there may be different plans by the
2 other parties for the acreage. So --

3 THE HEARING EXAMINER: Well, for
4 purposes of efficiency, it sounds like what Mr. Savage
5 is saying is that his competing cases that are on the
6 June 5th docket -- although I don't know why they
7 would be on the June 5th -- why they wouldn't be on
8 the -- no -- the June 19th docket. But that
9 being -- or the 26th, excuse me.

10 Because they're not going to be heard
11 by affidavit on the 5th obviously. So I think that
12 the hearing clerk will move those to the 26th for you
13 at no charge.

14 MS. HARDY: Yes.

15 THE HEARING EXAMINER: But it sounds
16 like what Mr. Savage is saying, Ms. Hardy, is that
17 his -- he's filed competing applications with all four
18 of your cases and not just two of them.

19 MS. HARDY: That's correct. And we did
20 file objections in Devon's --

21 THE HEARING EXAMINER: Right.

22 MS. HARDY: -- competing. So we -- Mr.
23 Savage and I had communicated about this set of cases
24 and had talked about setting them for a status
25 conference on June 22nd, the Mewbourne cases, so they

1 can be set for status conference along with the Devon
2 cases that we've objected to. And they could all be
3 addressed together or contested --

4 THE HEARING EXAMINER: Well, Ms. Hardy,
5 is there any reason -- so far I'm leaning toward
6 consolidating them and hearing them all together at
7 one time. Is there any reason why I should not?

8 MS. HARDY: No, I don't think so.

9 THE HEARING EXAMINER: Very good. So,
10 Ms. Tschantz, would you please consolidate these two
11 cases, 25217 and 18, with the cases which I have not
12 called and will call later, that are -- appear at
13 number 44 and 45 on our docket?

14 MS. TSCHANTZ: Yes, I will.

15 THE HEARING EXAMINER: Okay. Thank you
16 very much.

17 Now, Mr. Rodriguez, what's your
18 position in all this?

19 MR. RODRIGUEZ: We've only entered an
20 appearance and an objection in cases 44 and 45. So if
21 we're just handling the previous two Mewbourne cases,
22 we're not associated with those.

23 THE HEARING EXAMINER: I understand.
24 But -- and I'll call the other cases later. But if we
25 do go to a hearing, what role will you take?

1 MR. RODRIGUEZ: So Civitas filed an
2 objection in 44 and 45 specifically because Mewbourne
3 and Civitas are close to finalizing an agreement.

4 And Civitas simply wants to wrap up
5 those negotiations before hearing. And at that point,
6 we would withdraw our objection.

7 So hopefully by the time we go to a
8 contested hearing, these matters would be resolved;
9 and we would just be along for the ride.

10 THE HEARING EXAMINER: Okay. I
11 understand perfectly.

12 All right. So, Ms. Hardy, knowing that
13 I'm going to join for the purposes of the contested
14 hearing, if we have one, your four cases -- well, yes,
15 your four cases, how do you want to proceed?

16 MS. HARDY: I think it would be
17 reasonable to -- can -- to set Mewbourne's four cases
18 for a status conference on June 22nd so that they can
19 be discussed with Devon's cases and potentially a
20 separate contested hearing if we still need one at
21 that point.

22 THE HEARING EXAMINER: Let's see
23 something here. You filed your cases in March. You
24 would like to have a status conference in June. That
25 would be the last status conference we'd have. So we

1 would be --

2 MS. HARDY: That's fine.

3 THE HEARING EXAMINER: Okay. So we
4 would be setting these for a contested hearing. Let
5 me give you some dates now so that you can think about
6 these and pick out ones that you -- that work for you
7 all.

8 And, Ms. Tschantz, I'm
9 wondering -- where is the -- did you email me that
10 list; didn't you?

11 MS. TSCHANTZ: Yes, I believe I did.

12 THE HEARING EXAMINER: You did? Yes.
13 Let me find it. Here we go.

14 Okay. So, Ms. Hardy, Mr. Savage, there
15 would be two options for these cases. It would either
16 be July 15 or July 29.

17 Ms. Hardy, do you have any commitments
18 that need to be honored or your client in the near
19 future with these proposals?

20 MS. HARDY: That, I don't believe so.
21 Like, I don't believe there's an urgent lease
22 expiration pending or anything like that.

23 THE HEARING EXAMINER: All right. Then
24 I'll also offer you August 12th. But since they have
25 been filed in March, I wouldn't want to go past August

1 12th.

2 MS. HARDY: Understood.

3 THE HEARING EXAMINER: So we'll make a
4 note of these three dates that were offered for a
5 contested hearing. Is there anything more on these
6 two cases, Ms. Hardy?

7 MS. HARDY: Not from Mewbourne. Thank
8 you.

9 THE HEARING EXAMINER: Okay. So, Mr.
10 Savage, your cases that are on June 5 will be moved
11 administratively to June 26 and be -- sorry. Yes.
12 June 26th -- and be joined with these four cases. Do
13 you know your case numbers by any chance?

14 MR. SAVAGE: I do.

15 THE HEARING EXAMINER: Go right ahead.

16 MR. SAVAGE: 25378 through 25379 and
17 25380 through 25382.

18 THE HEARING EXAMINER: Okay. So 78
19 through 82 without 81. All right. So there's four
20 cases?

21 MR. SAVAGE: Oh, there -- I believe 81
22 is also in there. I believe we have five cases. Yes.

23 THE HEARING EXAMINER: So five cases?

24 MR. SAVAGE: Yes, I believe that's
25 correct.

1 THE HEARING EXAMINER: All right.
2 Well, we'll join those. We'll consolidate those five
3 cases with Devon's four -- sorry. Is it Devon? I've
4 forgot now.

5 MS. HARDY: It is.

6 THE HEARING EXAMINER: It is? Good.

7 MS. HARDY: It's Mewbourne and Devon.

8 MR. SAVAGE: And I just confirmed it's
9 five cases.

10 THE HEARING EXAMINER: Okay. Perfect.
11 Thank you, Mr. Savage. Is there anything -- so, Mr.
12 Savage, do those dates work for you?

13 MR. SAVAGE: Yeah. We'll look at
14 those. Those should work.

15 THE HEARING EXAMINER: Is there
16 anything further on these two cases and -- for you,
17 Mr. Savage?

18 MR. SAVAGE: No. Thank you.

19 THE HEARING EXAMINER: Okay. And, Mr.
20 Rodriguez, I think you've already told me your
21 position. Is there anything additional?

22 MR. SAVAGE: No, sir.

23 THE HEARING EXAMINER: Thank you. All
24 right. Very good. Then we're off the record in these
25 two cases.

1 And we're going to move on now
2 to -- looks like line 24 and 25 on our docket, which
3 is OXY USA, cases 25222, 25225.

4 Entrance of appearance, please.

5 MS. VANCE: Good morning, Mr. Hearing
6 Examiner. Paula Vance with the Santa Fe office of
7 Holland & Hart on behalf of the applicant, OXY USA.

8 THE HEARING EXAMINER: Thank you.

9 MS. BRADFUTE: Good morning, Mr.
10 Examiner. Jennifer Bradfute with Bradfute Sayer on
11 behalf of EOG Resources.

12 THE HEARING EXAMINER: What's your
13 position on this case -- on these cases, Ms. Bradfute?

14 MS. BRADFUTE: EOG has been in
15 discussions with OXY along with COG or -- yeah, I
16 believe COG as well.

17 They have been talking about OXY
18 revising their application. We have not formally
19 entered an objection at this point in time and have
20 been monitoring, I believe, is the status of the
21 cases.

22 However, I think there is going to be a
23 revised application after there have been discussions
24 between the parties is my understanding.

25 THE HEARING EXAMINER: Okay. Thank

1 you.

2 MS. HARDY: Mr. --

3 THE HEARING EXAMINER: Ms. Hardy?

4 MS. HARDY: Oh, thank you. Mr.
5 Examiner, Dana Hardy with Hardy McLean on behalf of
6 COG Production, COG Operating, and Burlington
7 Resources.

8 THE HEARING EXAMINER: And what is your
9 position on these two cases?

10 MS. HARDY: Ms. Bradfute is correct.
11 We did also object to these applications because the
12 parties are in discussions about OXY revising its
13 applications.

14 THE HEARING EXAMINER: When you said
15 also object, Ms. Bradfute said she did not object?

16 MS. HARDY: No. And I meant -- I'm
17 sorry. I meant that we entered an appearance and
18 objected.

19 THE HEARING EXAMINER: Okay. All
20 right.

21 MS. HARDY: Yeah.

22 THE HEARING EXAMINER: Okay. So we
23 have an objection? Okay.

24 MS. HARDY: Yes.

25 THE HEARING EXAMINER: Perfect. Ms.

1 Vance, where do you want to go with these cases?

2 MS. VANCE: So I concur with what Ms.
3 Bradfute and Ms. Hardy said. We would request a
4 second status conference. These are pretty
5 complicated cases. The parties are having good
6 negotiations. So, yeah.

7 THE HEARING EXAMINER: All right. Let
8 me -- do you know when your case was were filed, Ms.
9 Vance?

10 MS. VANCE: Yes. They were filed
11 February 11th. So, you know, it's been a little
12 while.

13 But again, these are not your typical
14 compulsory pooling cases. These are very complicated.
15 The parties are going over the concerns in detail.

16 But we believe that we're really close
17 to coming to an agreement. So we feel that one more
18 status conference would get us there.

19 THE HEARING EXAMINER: So if you -- if
20 the objections are lifted, you would proceed by
21 affidavit?

22 MS. VANCE: We would. But it sounds
23 like based off of -- and I'm not aware of what changes
24 would take place as both Ms. Bradfute and Ms. Hardy
25 discussed.

1 But, you know, we would want to go to
2 hearing and then make those adjustments at the
3 hearing.

4 THE HEARING EXAMINER: Well, okay. So
5 Ms. Bradfute was discussing a possible revised
6 application. And I don't know if a revised
7 application would require new notice or not.

8 MS. VANCE: I think, you know, one,
9 again, I'm not aware -- up to date on what those
10 changes would be.

11 And I would need to know before, you
12 know, we went ahead and dismissed or refiled or
13 anything along those lines.

14 So -- but again, I think if we can get
15 to a status conference -- one more status conference
16 and figure out what that looks like, then we can make
17 a decision from there.

18 THE HEARING EXAMINER: Well, I'm having
19 a problem with the age of the case. I understand that
20 it's complex. I get all that.

21 We've had -- now, I don't see a
22 transcript in the imaging system. So is this the
23 first time we're hearing this case?

24 MS. VANCE: I am not sure. I believe
25 that my colleague, Mr. Rankin, may have had -- yes,

1 actually he just messaged me and said this is the
2 first time that we're actually at a status conference
3 or appearing before the division regarding these
4 cases.

5 THE HEARING EXAMINER: Okay. So there
6 must have been a motion to continue?

7 MS. VANCE: Yes, I know we filed a
8 motion to continue.

9 THE HEARING EXAMINER: Filed the
10 beginning of April. Okay. So I'm still having a
11 problem, Ms. Vance, with the age of these cases.

12 And what -- I can offer you two
13 possibilities because it sounds to me like you're not
14 going to -- I mean, if you resolve the differences
15 between Ms. Bradfute's client and Ms. Hardy's client,
16 you're still going to want these cases to be heard one
17 way or another, whether it's a revised application or
18 whether it's this application depending on your
19 negotiations. Do I have that right?

20 MS. VANCE: Correct.

21 THE HEARING EXAMINER: All right.
22 That's -- so that is right. All right. So if
23 you -- so either the negotiations are successful and
24 you revise your application, which would then mean
25 dismissing these cases, right, and refile and

1 re-noticing them.

2 MS. VANCE: Again, I'm not sure what
3 those negotiations are going to look like and whether
4 that would be required.

5 The problem is and why we'd like to
6 have that status conference is once we come to an
7 agreement we want to have these cases heard as soon as
8 possible.

9 THE HEARING EXAMINER: Of course.

10 MS. VANCE: And again, if we have some
11 sort of agreement between the parties, you know, we
12 want to have them heard.

13 And if we have to do some sort of
14 subsequent notice based on any kind of advisements or
15 requests from the other parties, we still would want
16 to have these heard as soon as possible.

17 These take time for the division to
18 review and for orders to be issued. And so we do have
19 timing the -- you know, timing concerns, that we want
20 to just make sure that this is moving forward.

21 THE HEARING EXAMINER: So these are
22 secondary recovery cases; is that right?

23 MS. VANCE: Correct.

24 THE HEARING EXAMINER: And this would
25 be -- the technical reviewer for this kind of a case

1 would be our UIC group; would it not?

2 MS. VANCE: Correct.

3 THE HEARING EXAMINER: We have some
4 flexibility when it comes to setting this. Ms.
5 Bradfute, you seem to be knowledgeable of the
6 negotiations that are ongoing. When do you think you
7 will be either successful or not successful in the
8 negotiations?

9 MS. BRADFUTE: My client asked that it
10 be set for an additional status conference. So it
11 sounds like it's fairly near term, you know, within
12 the next I would think 15 to 30 days. So it sounds
13 like the parties are very close.

14 THE HEARING EXAMINER: All right.
15 Okay.

16 MS. HARDY: And I agree for COG, Mr.
17 Examiner. We've also talked about setting another
18 status conference. That'd be their preference as
19 well.

20 MS. VANCE: Mr. Hearing Examiner, can I
21 maybe make a suggestion?

22 THE HEARING EXAMINER: Go ahead.

23 MS. VANCE: Would it be
24 possible -- it's my understanding from OXY that, in
25 line with what Ms. Hardy and Ms. Bradfute had said,

1 we're really close to having an agreement. And OXY's
2 estimation was somewhere around two weeks.

3 So if it would be possible to maybe
4 revisit this at the end of the upcoming hearing. And
5 that might be a little bit close. But maybe Ms. Hardy
6 and Ms. Bradfute could talk with their clients and see
7 if that would work.

8 Again, we were hoping for the June
9 28th. And that would be our preference. But it's my
10 understanding that they are close to an agreement.
11 And so we wanted to have a couple more weeks.

12 THE HEARING EXAMINER: Okay. Why don't
13 we do this? Why don't you continue these cases to the
14 June 5th docket?

15 We will have a status conference at the
16 end of the -- actually, let's just do it at the
17 beginning.

18 There's no reason to drag it to the end
19 because who knows how long the hearings by affidavit
20 will go. So let's not inconvenience the parties if we
21 don't need to.

22 So, Ms. Vance, continue these cases to
23 June 5th. At that time, that will be the final status
24 conference. There won't be any more status
25 conferences.

1 You can either dismiss the cases and
2 refile them, or we'll set them for either a hearing by
3 affidavit or a contested hearing or something to move
4 these along on our docket.

5 MS. VANCE: Okay.

6 THE HEARING EXAMINER: All right.
7 That's a good alternative. Thank you.

8 Is there anything further on these
9 cases?

10 MS. VANCE: No.

11 THE HEARING EXAMINER: Okay.

12 MS. HARDY: No. Thank you.

13 THE HEARING EXAMINER: Okay. All
14 right. Then we're off the record in these two cases.

15 And we're going to move on to number
16 26, 27, and 28 on our docket. These are
17 Mewbourne -- well, I guess it's Mewbourne Oil and PBEX
18 Operations. Maybe they're competing cases.

19 Entrance of appearance, please.

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

23 THE HEARING EXAMINER: Thank you.

24 MS. BRADFUTE: Good morning, Mr.
25 Examiner. Jennifer Bradfute with Bradfute Sayer on

1 behalf of PBEX Operations.

2 THE HEARING EXAMINER: Are these
3 competing cases, Ms. Bradfute?

4 MS. BRADFUTE: Yes, they are. And
5 they've actually been consolidated as well.

6 THE HEARING EXAMINER: I see that
7 they're consolidated. I just wasn't -- I see that
8 they're consolidated. Thank you.

9 MS. PENA: Good morning, Mr. Hearing
10 Examiner. Yarithza Pena with Modrall Sperling on
11 behalf of Avant Operating 2, LLC in 25301 and 303
12 only.

13 THE HEARING EXAMINER: Okay. And have
14 you entered an objection?

15 MS. PENA: No. We're just monitoring.

16 THE HEARING EXAMINER: Thank you.

17 MS. PENA: Thank you.

18 MS. HATLEY: Good morning, Mr.
19 Examiner. Keri Hatley entering an appearance on
20 behalf of COG Operating and ConocoPhillips. We are
21 monitoring only.

22 THE HEARING EXAMINER: Thank you. I
23 appreciate it.

24 MS. VANCE: And, Mr. Hearing Examiner?

25 THE HEARING EXAMINER: I'm --

1 MS. VANCE: Oh, I'm sorry. I've got
2 one more entry of appearance. Paula Vance with the
3 Santa Fe office of Holland & Hart on behalf of XTO,
4 just in case 25301.

5 THE HEARING EXAMINER: Okay. Thank
6 you.

7 MS. HATLEY: And, Mr. Examiner,
8 apologies. One additional entry of appearance. Keri
9 Hatley on behalf of Concho Oil and Gas entering an
10 appearance in 25301 and 25303 only for that entity.

11 THE HEARING EXAMINER: Okay. All
12 right.

13 MS. HATLEY: Thank you.

14 THE HEARING EXAMINER: Thank you very
15 much.

16 Okay. So let's start with, start with
17 the Mewbourne Oil case.

18 Ms. Vance, when did you file it?

19 MS. VANCE: I would have to look very
20 briefly. I will be honest. So we have a pre-hearing
21 order. And we already have a contested case.

22 THE HEARING EXAMINER: Oh, okay.

23 MS. VANCE: So I was a little confused
24 why these were on here. But I do know that the
25 parties are still negotiating.

1 THE HEARING EXAMINER: What date is our
2 contested hearing?

3 MS. VANCE: It's July 1st.

4 THE HEARING EXAMINER: July 1st.
5 Perfect.

6 MS. VANCE: Yeah.

7 THE HEARING EXAMINER: Okay. That
8 helps me right there. Thank you very much.

9 MS. VANCE: Yeah. Didn't think I would
10 need to have that information on the fly because I
11 wasn't expecting these to be on here.

12 THE HEARING EXAMINER: Okay. All
13 right. You didn't expect them to be on here. Where
14 did you expect them to be?

15 MS. VANCE: I -- we had a pre-hearing
16 order. So I was just tracking this for a contested
17 hearing.

18 THE HEARING EXAMINER: Okay. Are you
19 prepared if we go to hearing on July 1st? Does your
20 client know, and the witnesses will be available?

21 MS. VANCE: Yes.

22 THE HEARING EXAMINER: Okay. All
23 right. Ms. Bradfute?

24 MS. BRADFUTE: Yes, I agree. PBEX was
25 the later filing party. So we were actually on the

1 schedule for the last docket and got continued to this
2 docket while the motion for consolidation was being
3 entered there.

4 The parties are in really good
5 negotiations in this case. And so we are hopeful that
6 it will resolve before July 1st.

7 There's a chance that it could be very
8 close negotiations that may not resolve right before
9 July 1st that would not be worthwhile going to
10 hearing.

11 And I did want to ask what the
12 procedure would be if they are close but not done with
13 paperwork at that point in time.

14 THE HEARING EXAMINER: If you have an
15 agreement in principle and you just haven't reduced it
16 to a writing, then you would ask me to vacate the July
17 1st hearing at least one week in advance so we don't
18 have to pay the court reporter.

19 MS. BRADFUTE: Okay.

20 THE HEARING EXAMINER: If that's the
21 case, then, Ms. Vance --

22 Well, if that's the case, Ms. Bradfute,
23 would you be dismissing your cases as well?

24 MS. BRADFUTE: Once the agreement
25 is -- so you usually will not agree -- dismiss until

1 you have the paper signed and the deal is formalized.
2 And then that would warrant the dismissal.

3 THE HEARING EXAMINER: Well, okay. So
4 if we don't have the hearing July 1st because you have
5 an agreement in principle, would any of the cases
6 proceed to a hearing by affidavit?

7 MS. BRADFUTE: We don't know the terms
8 of the settlement yet so that we -- neither one of us
9 could answer if it would result in one party moving
10 forward versus the other.

11 THE HEARING EXAMINER: I see.
12 These -- are these competing?

13 MS. BRADFUTE: These are. Yeah, they
14 are competing in acreage. And acreage does overlap in
15 the cases.

16 So it could resolve in a split-the-baby
17 situation. One party takes, you know, north, south,
18 east, west. I can't remember the split.

19 THE HEARING EXAMINER: But would the
20 parties -- so that -- so then would either party still
21 require a compulsory pooling order from the division?

22 MS. BRADFUTE: Potentially, yes.
23 Because PBEX split their applications to -- it'd be
24 two separate.

25 I think Mewbourne's is one big block,

1 one spacing unit. So depending on how the deal is
2 structured, you could see one of PBEX's applications
3 moving forward and not needing to be re-noticed.

4 THE HEARING EXAMINER: I see. Ms.
5 Bradfute, when were your applications filed?

6 MS. BRADFUTE: They were filed in
7 March, around March 30th.

8 THE HEARING EXAMINER: Okay. So we
9 have July 1st. So let me see if I understand what
10 you're saying.

11 If the parties come to the type of deal
12 that you think they're going to come to, then it
13 sounds like, if Mewbourne did require a compulsory
14 pooling order from the division, they would have to
15 re-notice and reapply.

16 They would have to submit a new
17 application. Okay. So that one couldn't go forward
18 if what I said.

19 However, in your case, because you
20 split this up, one of yours may proceed by affidavit,
21 whereas the other one would have to either be refiled
22 or just dismissed altogether and/or refiled?

23 MS. HATLEY: Yeah, potentially if that
24 is the deal that is reached.

25 THE HEARING EXAMINER: Right. If that

1 is the deal. Okay. All right. Well, we'll see what
2 happens. Thank you for keeping me up to date.

3 Is there anything else on these cases?

4 MS. HATLEY: No, Mr. Examiner.

5 THE HEARING EXAMINER: Yeah. All
6 right. Ms. Vance?

7 MS. VANCE: Nothing for me.

8 THE HEARING EXAMINER: Thanks. We're
9 off the record in these three cases.

10 Let's move on to Pride Energy 25312.

11 MS. SHAHEEN: Good morning, Mr.
12 Examiner. Counsel Sharon Shaheen, Spencer Fane on
13 behalf of Pride Energy.

14 MS. VANCE: Good morning, Mr. Hearing
15 Examiner. Paula Vance with the Santa Fe office of
16 Holland & Hart on behalf of EOG resources.

17 THE HEARING EXAMINER: Ms. Vance, did
18 you object?

19 MS. VANCE: Yes, we did.

20 THE HEARING EXAMINER: Okay. Thank
21 you.

22 MS. MCLEAN: And good morning. Jackie
23 McLean with Hardy McLean on behalf of Red River Energy
24 Partners.

25 THE HEARING EXAMINER: Did you say Red

1 River?

2 MS. MCLEAN: Correct. Red River Energy
3 Partners.

4 THE HEARING EXAMINER: Did you object?

5 MS. MCLEAN: And we're just observing.

6 THE HEARING EXAMINER: Oh, observing.
7 Okay.

8 MS. HATLEY: Good morning, Mr.
9 Examiner. Keri Hatley entering an appearance on
10 behalf of COG Operating and ConocoPhillips Company.
11 And we are objecting in this case.

12 THE HEARING EXAMINER: Oh, you are?
13 Okay. That's a new one. All right.

14 MR. BRUCE: Mr. Examiner, Jim Bruce
15 representing Kaiser-Francis Oil Company.

16 THE HEARING EXAMINER: Morning. What's
17 your position, Mr. Bruce?

18 MR. BRUCE: I am here to see what EOG
19 and ConocoPhillips are up to.

20 THE HEARING EXAMINER: Okay. Did
21 you -- so you just entered an appearance without an
22 objection?

23 MR. BRUCE: I think so, yes.

24 THE HEARING EXAMINER: Let me take a
25 look.

1 Or, Ms. Shaheen, do you know whether
2 Mr. Bruce's client objected?

3 MR. BRUCE: I --

4 MS. HATLEY: He did not, Mr. Examiner.

5 THE HEARING EXAMINER: Oh, okay. Thank
6 you, Ms. Hatley.

7 Okay. All right, Ms. Shaheen. It's
8 your case. How do you want to proceed?

9 MS. SHAHEEN: I have conferred with Ms.
10 Vance. And I understand that EOG will be -- they've
11 sent out well proposals and will be filing competing
12 applications.

13 THE HEARING EXAMINER: Okay.

14 MS. SHAHEEN: So we talked about the
15 possibility of having this set for another status
16 conference, June -- I think it's 26th.

17 THE HEARING EXAMINER: Well, if they're
18 filing competing applications, why not just set it for
19 a contested hearing?

20 MS. SHAHEEN: Well, the parties are
21 negotiating and do hope to work it out. And so that
22 would give us some time to get started on negotiations
23 and hopefully work it out so that a contested hearing
24 is not necessary.

25 THE HEARING EXAMINER: 25312. Let me

1 see when your application was filed, Ms. Shaheen. Or
2 do you already know?

3 MS. SHAHEEN: I do. March 31st.

4 THE HEARING EXAMINER: Okay. Well, the
5 March cases are getting stale on our docket. So we
6 need to do something with it and to kick it down the
7 road for another month for another status conference
8 to then set it for a hearing. This just too long for
9 the division.

10 So what I'll do is I'm going to give
11 you some dates to think about. And you can pick one
12 now.

13 If you want to have another status
14 conference in June, we can do that as long as we have
15 a contested hearing set.

16 MS. SHAHEEN: Okay.

17 THE HEARING EXAMINER: But I want to
18 get one set and locked in place that the parties agree
19 to. We have July 15, July 29, or August 12. What's
20 your preference?

21 MS. SHAHEEN: I believe our preference
22 would be August 12th, just to get the parties enough
23 time to get to an agreement a week before that date.

24 THE HEARING EXAMINER: Okay. Ms.
25 Vance?

1 MS. VANCE: Yes. I mean, just to echo
2 what Ms. Shaheen said, our preference would be a
3 status conference next month without setting a
4 contested hearing. I would have to confer with my
5 client before I committed to that date.

6 THE HEARING EXAMINER: Okay. Well, if
7 you can't commit to that date, then you can either
8 have July 29 or July 15.

9 But those are the three dates that I'm
10 offering for this case to move forward and your
11 competing cases as well. How many cases are you
12 planning on filing, Ms. Vance?

13 MS. VANCE: I have to review the well
14 proposal to see how many applications we're filing.
15 But I did just receive some feedback from EOG. Our
16 preference would be for the August 12th.

17 THE HEARING EXAMINER: Fine. And that
18 is available. So we'll issue a pre-hearing order for
19 August 12th.

20 And we will also expect that you will
21 file, Ms. Shaheen, a continuance to June 22nd for a
22 status conference.

23 MS. VANCE: June 22nd or 26th?

24 THE HEARING EXAMINER: Let me look.
25 It's the 26th.

1 Okay, Ms. Shaheen?

2 MS. SHAHEEN: I understand I'll be
3 filing a continuance for the Pride case.
4 I -- obviously Ms. Vance's cases won't be ready for
5 hearing by then. But yes, I will do that.

6 THE HEARING EXAMINER: True. They
7 won't be ready for that. When are you filing your
8 cases, Ms. Vance?

9 MS. VANCE: We will be filing around
10 June 12th because they won't be ripe by then.

11 THE HEARING EXAMINER: Okay.

12 MS. VANCE: So we should be able to at
13 least go to the status conference and consolidate all
14 of the cases under an amended pre-hearing order.

15 THE HEARING EXAMINER: Perfect. Okay.
16 Well, we'll issue a pre-hearing order for Ms.
17 Shaheen's case for August 12th's contested hearing.
18 And then we'll consolidate your cases when they're
19 filed.

20 Anything further, Ms. Shaheen?

21 MS. SHAHEEN: Not from me. Thank you.

22 THE HEARING EXAMINER: Ms. Vance?

23 MS. VANCE: Nothing from me.

24 THE HEARING EXAMINER: Any other party?
25 Okay. We're off the record in that

1 case.

2 Let's move on to 3R Operating. It
3 looks like there are four cases. But I'm not sure
4 that they're consolidated. So let's just call them in
5 groups of two. 25321, 25322.

6 MS. HARDY: Good morning. Dana Hardy
7 with Hardy McLean on behalf of 3R Operating.

8 THE HEARING EXAMINER: And, Ms. Hardy.

9 MS. VANCE: I -- sorry

10 THE HEARING EXAMINER: Hold on, Ms.
11 Vance.

12 And, Ms. Hardy, should we have
13 consolidated all four or just two at a time?

14 MS. HARDY: I think just two at a time.

15 THE HEARING EXAMINER: Perfect. Thank
16 you.

17 Okay?

18 MS. BENNETT: Good morning, everyone.
19 Deana Bennett on behalf of Coterra Energy Operating.
20 And we did file an objection to these cases.

21 THE HEARING EXAMINER: To these two
22 cases or more than two cases?

23 MS. BENNETT: Just these two.

24 THE HEARING EXAMINER: Just these two?
25 Okay. What's the objection based on, Ms. Bennett

1 MS. BENNETT: Coterra is sending out
2 competing proposals and is going to be filing
3 competing applications.

4 THE HEARING EXAMINER: Okay. Perfect.
5 Thank you, Ms. Bennett.

6 MR. RODRIGUEZ: Good morning. Michael
7 Rodriguez with Civitas Permian Operating entering our
8 appearance in 25322 and 21.

9 THE HEARING EXAMINER: And your
10 position?

11 MR. RODRIGUEZ: As of now, we've just
12 entered an appearance. But like Cimarex, if
13 differences aren't resolved, I believe Civitas may
14 file competing applications as well.

15 THE HEARING EXAMINER: All right, Mr.
16 Rodriguez. I understand that position. But you would
17 have to do so in a timely fashion if you want them to
18 be heard in a contested hearing.

19 MR. RODRIGUEZ: Sure. And proposals
20 have been sent out.

21 THE HEARING EXAMINER: Okay.

22 MR. RODRIGUEZ: So we're -- we meet the
23 time requirements for that.

24 THE HEARING EXAMINER: Okay.

25 MR. RODRIGUEZ: I think whatever the

1 hearing date is, we should be able to accommodate
2 filing applications.

3 THE HEARING EXAMINER: Okay. That's
4 helpful. Thank you, Mr. Rodriguez.

5 So, Ms. Hardy, back to you.

6 MS. HARDY: And, Mr. Examiner, I think
7 at this point it does make sense to set these cases
8 for a contested hearing.

9 And we've consulted with 3R about dates
10 and would prefer a date at the end of August if
11 possible.

12 THE HEARING EXAMINER: But I think we
13 have one available. Hold on. We have here August
14 26th.

15 MS. HARDY: That would be perfect.

16 THE HEARING EXAMINER: Excellent.

17 Ms. Bennett?

18 MS. BENNETT: Thanks. I have also
19 consulted with Coterra about potential dates. And I
20 thought that it would be August 12th.

21 So they were ready to -- we -- they're
22 agreeable to August 12th. I haven't checked with them
23 about August 26th. But I will do that.

24 THE HEARING EXAMINER: Well, let's ask
25 Ms. Hardy.

1 I know August 26th is preferable, Ms.
2 Hardy. But would you be available for August 12th?

3 MS. HARDY: My witnesses do have
4 conflicts with the August 12th date.

5 THE HEARING EXAMINER: Okay. All
6 right. Okay. So, Ms. Bennett, we'll wait to hear
7 from you. But we'll issue a pre-hearing order for
8 August 26th.

9 And, Mr. Rodriguez, August 26th?

10 MR. RODRIGUEZ: That sounds great.

11 THE HEARING EXAMINER: All right.
12 Sounds good.

13 Okay. Anything further on these cases?

14 MS. HARDY: No. Thank you.

15 MS. BENNETT: No. Thank you.

16 THE HEARING EXAMINER: So, Ms. Hardy,
17 before I go off the record, in these cases, do you
18 want to continue them for another status conference
19 before August 26th?

20 MS. HARDY: That's probably a good
21 idea.

22 THE HEARING EXAMINER: Okay.

23 MS. HARDY: So that we could determine
24 if negotiations have proceeded and if we still think
25 we need the contested hearing.

1 THE HEARING EXAMINER: Perfect. What
2 about in July? What if we set the -- or what if you
3 continue them to the July 24 docket for a status
4 conference?

5 MS. HARDY: That would be great. I
6 think that's a good idea.

7 THE HEARING EXAMINER: All right. And
8 by then we'll have Ms. Bennett's cases so we
9 can -- and potentially Mr. Rodriguez's cases so we can
10 consolidate them and have one status conference July
11 24. Okay, Ms. Bennett?

12 MS. BENNETT: Yes. Thank you. Just
13 had to unmute myself.

14 THE HEARING EXAMINER: Mr. Rodriguez?

15 MR. RODRIGUEZ: That sounds good.
16 Thank you.

17 THE HEARING EXAMINER: All right. Now
18 we're going to call the next group of 3R cases. They
19 are 25323, 25324.

20 Enter your appearances, please.

21 MS. HARDY: Dana Hardy with Hardy
22 McLean on behalf of 3R Operating.

23 THE HEARING EXAMINER: Okay. Thank
24 you. Ms. Hardy, before I go to the other parties, why
25 are these not being consolidated with the other two?

1 MS. HARDY: Well, they're different.
2 It's different acreage and different ownership
3 interests and different parties objecting. So --

4 THE HEARING EXAMINER: Okay. All
5 right.

6 MS. HARDY: That's the reason I was
7 thinking.

8 THE HEARING EXAMINER: That makes
9 sense. I understand that. Okay.

10 MS. HARDY: Yeah.

11 THE HEARING EXAMINER: Let me just make
12 it -- let me just make a note here before I take any
13 more appearances. Okay.

14 Okay, Mr. Rodriguez?

15 MR. RODRIGUEZ: Good morning. Michael
16 Rodriguez on behalf of Civitas Permian Operating, LLC.
17 And we did file an objection in this case.

18 THE HEARING EXAMINER: Okay. And
19 what's your intention?

20 MR. RODRIGUEZ: I'm sorry. In both
21 cases. So there's been ongoing fruitful discussions
22 to resolve the parties' differences.

23 But at this point, it's just like the
24 previous cases. If there isn't timely resolution of
25 those problems, Civitas will file competing

1 applications as well.

2 And assuming we're on track with the
3 previous two cases for an August hearing, we certainly
4 would be able to accommodate that with filing
5 applications.

6 THE HEARING EXAMINER: Okay. Now, you
7 know -- so, Mr. Rodriguez, just out of curiosity, what
8 is your ownership interest in this piece of land?

9 MR. RODRIGUEZ: That's a good question.
10 I don't know off the top of my head. But I can find
11 out hopefully during these conversations.

12 THE HEARING EXAMINER: Ms. Hardy, do
13 you know what 3R's operating interest is in
14 this -- you know, percentage in this land?

15 MS. HARDY: I don't off the top of my
16 head. I will have to -- I can find that out. And I
17 have it in -- I should have it in my records here.
18 But it would take me a couple minutes to figure that
19 out.

20 THE HEARING EXAMINER: It's okay. I
21 just was curious because, you know, it's one of the
22 factors that plays into the -- you know, who gets the
23 order. And I just wondered. Okay. I'll leave that
24 question alone. Forget the question, but we'll move
25 on.

1 So are there any other entries that
2 you -- I see Sharon Shaheen, but her monitor's not on.
3 So I don't know what she's doing.

4 Ms. Shaheen?

5 MS. SHAHEEN: Yes, Mr. Examiner? I'm
6 sorry. I wasn't listening to be perfectly frank.

7 THE HEARING EXAMINER: Ms. Shaheen, are
8 you entering appearance in 25323 and 25324?

9 MS. SHAHEEN: 25323 and 24?

10 MS. HARDY: I believe Ms. Shaheen is
11 entered for Flag Creek in 25323.

12 MR. RODRIGUEZ: I think it might be 24.

13 MS. SHAHEEN: My apologies. I'm trying
14 to get back to the docket.

15 MS. HARDY: Oh, you're right, Michael.
16 I can't see.

17 MS. SHAHEEN: 2532 --

18 THE HEARING EXAMINER: 4.

19 MR. RODRIGUEZ: 4.

20 MS. SHAHEEN: No, I'm not on this. I
21 have a vague recollection that we had an interest in
22 the 3R Operating.

23 And I can't recall which case we've
24 entered an appearance in, but I'm happy to take a
25 quick look.

1 THE HEARING EXAMINER: I think everyone
2 said that it's 25324, Ms. Shaheen.

3 MS. SHAHEEN: Okay. Oh, there it is
4 right there. My apologies for missing that in my
5 review of the docket.

6 THE HEARING EXAMINER: So, Ms. Shaheen,
7 have you objected?

8 MS. SHAHEEN: I believe we did.

9 THE HEARING EXAMINER: Okay. I'm
10 seeing --

11 MS. SHAHEEN: Let me double check. My
12 apologies.

13 MR. RODRIGUEZ: I think Civitas is
14 going to object.

15 THE HEARING EXAMINER: Ms. Hardy, it's
16 your case. I know Mr. Rodriguez seems to know what's
17 going on. But, Ms. Hardy, it's your case. Has she
18 objected?

19 MS. HARDY: I do not believe so, no.

20 THE HEARING EXAMINER: Okay. Good.
21 So, Ms. Shaheen, it looks like you're monitoring.
22 Okay. I just was curious.

23 Ms. Hardy, how do you want to proceed
24 with these two cases?

25 MS. HARDY: I think even -- I think we

1 can handle these in the similar manner to the prior
2 cases, even though they're not consolidated.

3 I think a status conference on the July
4 docket and a contested hearing on August 26th would
5 give the parties time to try to work out an agreement
6 and proceed if not.

7 THE HEARING EXAMINER: Okay. We'll
8 issue a pre-hearing order for August 26th. We'll have
9 a status conference end of July on the 24th.

10 And that gives you, Mr. Rodriguez, time
11 to file competing applications if necessary. Anything
12 further on these two cases?

13 MS. HARDY: No. Thank you.

14 MS. SHAHEEN: Not for me.

15 THE HEARING EXAMINER: Wonderful. All
16 right. Thank you. We're off the record in those
17 cases.

18 Let's move on to number 34 and 35 on
19 our dockets. That is 25335, 36. Admiral Permian.

20 Entrance of appearances, please.

21 MS. MCLEAN: Yes, Jackie McLean with
22 Hardy McLean on behalf of Admiral Permian and --

23 Oh, I think Dana will do the other.
24 Sorry.

25 MS. HARDY: And, Mr. Examiner, Dana

1 Hardy, also with Hardy McLean, representing COG
2 Operating and Concho Oil and Gas.

3 THE HEARING EXAMINER: Very
4 interesting. Is there a wall? Is -- do I see a wall
5 between you?

6 MS. MCLEAN: There is literally a wall.

7 THE HEARING EXAMINER: All right.

8 MS. MCLEAN: But no, they have the same
9 interests in this proceeding.

10 THE HEARING EXAMINER: Oh, that's
11 interesting. Okay. Thank you.

12 So then, Ms. Hardy, you're -- so you're
13 not objecting, obviously?

14 MS. HARDY: No.

15 THE HEARING EXAMINER: You're just
16 representing a different client? Okay.

17 MS. HARDY: Right. And COG supports
18 these applications.

19 THE HEARING EXAMINER: Okay. You said
20 COG or EOG?

21 MS. HARDY: COG.

22 THE HEARING EXAMINER: You said COG?

23 MS. HARDY: COG.

24 THE HEARING EXAMINER: I see. So it's
25 not EOG; it's COG that you're representing this

1 case -- these cases?

2 MS. HARDY: Correct.

3 THE HEARING EXAMINER: Okay. All
4 right. Do we have any other entries that you know of?

5 MS. HARDY: Yes.

6 MR. BRUCE: Mr. Examiner, Jim Bruce
7 representing MRC Permian Company.

8 THE HEARING EXAMINER: And did you --

9 MR. BRUCE: MRC is objecting.

10 THE HEARING EXAMINER: You are
11 objecting? Okay. And what's your intention, Mr.
12 Bruce?

13 MR. BRUCE: Within the next few days,
14 MRC will send out counter proposals and intends
15 on -- applications.

16 THE HEARING EXAMINER: Okay. Fine.
17 That makes sense. Okay. Are there any other parties
18 that you know of?

19 MS. MCLEAN: No.

20 THE HEARING EXAMINER: Okay. So then
21 this would just potentially be MRC versus Admiral and
22 COG?

23 MS. MCLEAN: Correct.

24 THE HEARING EXAMINER: Okay. Very
25 good. How do you want to proceed, Ms. Hardy?

1 MS. HARDY: Well, I think that Admiral
2 and COG would like to request a contested hearing
3 date. And Ms. McLean --

4 MS. MCLEAN: July -- we're hoping to do
5 July 29th.

6 THE HEARING EXAMINER: Okay.

7 MS. MCLEAN: Because there is a federal
8 lease expiration in September. And Admiral has
9 already received all their BLM-approved APDs for this
10 spacing unit. So we want to move forward as quickly
11 as possible.

12 THE HEARING EXAMINER: I understand.
13 So, Mr. Bruce?

14 MR. BRUCE: Mr. Examiner, I don't -- I
15 would guess that I would probably be filing -- since
16 the proposals are still to go out, I wouldn't be
17 filing until mid July or mid to late July.

18 So I would ask my other counsel, what
19 is the expiration date of the lease?

20 MS. MCLEAN: I know that it is in
21 September. I don't know the exact day in September of
22 the lease.

23 But, you know, this is just really
24 seeming like delay tactics on behalf of MRC because
25 Admiral sent out well proposal letters in February.

1 They've had these for quite some time.

2 And we -- you know, they've been aware
3 of this since February. To file applications in July,
4 you know, five months later is really going to
5 adversely impact Admiral and COG's development plans
6 for this area. So we would still request the July
7 29th hearing date.

8 THE HEARING EXAMINER: Mr. Bruce?

9 MR. BRUCE: Well, I said I would
10 probably be filing for -- in June, not July. Other
11 than that, I was just informed of this recently.

12 But I think this is the first hearing
13 set up for this matter other than the one that I
14 objected to.

15 And if they had an expiring lease,
16 well, I mean, you know that's not MRC's fault. I will
17 ask my clients about July 29th date. But I would
18 probably prefer in August.

19 THE HEARING EXAMINER: So, Mr. Bruce, I
20 have -- I'd like to explore something with you. Just
21 give me one minute though to look up this Admiral
22 Permian case in our system.

23 MR. BRUCE: Okay.

24 THE HEARING EXAMINER: And I want to
25 talk to you about our 30-day policy in a case such as

1 this. So 25335 was filed April 8th.

2 So it's, you know, about a month and a
3 half old now. It's not that old. And it looks like
4 they thought they were going to hearing by affidavit
5 until the objection came in.

6 MS. MCLEAN: Yes.

7 THE HEARING EXAMINER: I see that.

8 MS. MCLEAN: The objection was one day
9 before the docket.

10 THE HEARING EXAMINER: I see it. Yeah,
11 on the 6th day of May.

12 So, Mr. Bruce, I have a question just
13 to explore this with you. Now I know that the
14 division has a policy that 30 days after well
15 proposals are sent out, a case may be filed with a
16 division.

17 And I believe the purpose of
18 that -- and this is where I need your help, Mr. Bruce,
19 because you've been here a heck of a lot longer than I
20 have. I thought that the --

21 MR. BRUCE: I don't know whether to
22 thank you for that or not. But --

23 THE HEARING EXAMINER: I think the
24 purpose of that 30-day period to wait to file is to
25 allow the parties to negotiate. Would you agree with

1 that?

2 MR. BRUCE: Oh, sure, Mr. Examiner. I
3 absolutely.

4 THE HEARING EXAMINER: Okay. So you
5 agree with that.

6 And, Ms. Hardy or Ms. McLean, do you
7 see that 30-day period having a different purpose?

8 MS. MCLEAN: No.

9 MS. HARDY: Well, Mr. Examiner, I think
10 the 30-day proposal period is to allow the parties
11 time to negotiate. I think the 30-day application
12 filing deadline --

13 THE HEARING EXAMINER: It's for notice.

14 MS. HARDY: It's for notice. Right.

15 THE HEARING EXAMINER: Yeah, that's not
16 what I was asking about.

17 MS. HARDY: Okay. Yes.

18 THE HEARING EXAMINER: But I understand
19 the difference between them. Thank you. I was
20 talking about the idea of waiting -- once proposals
21 are sent out, waiting another 30 days before filing
22 the initial application.

23 So the reason I ask this question, Mr.
24 Bruce, is because in this case, since the parties have
25 been negotiating already since February or something

1 of that nature, according to Ms. McLean -- and I don't
2 know, you know, if that's correct or not from your
3 perspective.

4 But it seems like you wouldn't need to
5 wait the full 30 days to file a competing application
6 in this case. Would you say that that's not correct,
7 or is that okay?

8 MR. BRUCE: Mr. Examiner, actually
9 that's always been my position. But a lot of the
10 other attorneys have objected when I've raised that
11 issue.

12 THE HEARING EXAMINER: That's
13 interesting. Okay.

14 MR. BRUCE: So I will get together with
15 my clients. I don't have a proposal letter yet. So I
16 can't draft the applications.

17 THE HEARING EXAMINER: Okay.

18 MR. BRUCE: But I'm certainly
19 in -- personally in favor of, if there is an existing
20 case, shortening the period from sending out the
21 proposal letter to filing an application.

22 THE HEARING EXAMINER: Okay. And, Ms.
23 McLean and Ms. Hardy, do you agree with that position?

24 MS. MCLEAN: Yes. I think that's fine
25 for these cases because, if he were to file by June

1 10th for the July -- you know, what would be the July
2 10th docket, that would give us plenty of time to
3 notice and everything.

4 THE HEARING EXAMINER: Agreed. I think
5 everyone's on the same page here.

6 Ms. Hardy?

7 MS. HARDY: Yes, I agree.

8 THE HEARING EXAMINER: You agree as
9 well.

10 Okay. So, Mr. Bruce, please file your
11 competing application by June 10 so that we can get
12 these to a hearing on July 29. If your client is
13 unavailable July 29, please file a motion.

14 MR. BRUCE: Yes, sir.

15 THE HEARING EXAMINER: All right. Then
16 we'll issue a pre-hearing order in these two cases to
17 be consolidated or amended down the road when Mr.
18 Bruce files his competing applications for a
19 hearing -- contested hearing on July 29.

20 MS. MCLEAN: Thank you.

21 THE HEARING EXAMINER: Anything further
22 from you, Ms. Hardy?

23 MS. HARDY: No. Thank you.

24 THE HEARING EXAMINER: Ms. McLean.

25 MS. MCLEAN: Nothing. Thank you.

1 THE HEARING EXAMINER: Mr. Bruce?

2 MR. BRUCE: No, sir.

3 THE HEARING EXAMINER: All right.

4 Thank you everyone. We're off the record in those two
5 cases.

6 We're going to move on to Avant
7 Operating, 25347, 25348.

8 Entries, please.

9 MS. PENA: Good morning, Mr. Hearing
10 Examiner. Yarithza Pena with Modrall Sperling on
11 behalf of Avant Operating 2, LLC.

12 THE HEARING EXAMINER: Thank you.

13 MR. RODRIGUEZ: Good morning. Michael
14 Rodriguez with Civitas Permian Operating, LLC. And we
15 did object to these two cases.

16 THE HEARING EXAMINER: Perfect. And
17 before we go to any more entries of appearance, it's
18 very helpful when you make your entry of appearance to
19 tell me if you've objected or if you're just
20 monitoring.

21 And in your case, Mr. Rodriguez, are
22 you planning on competing applications?

23 MR. RODRIGUEZ: It's a possibility.
24 There's a lot of nuances to these applications.

25 THE HEARING EXAMINER: Okay.

1 MR. RODRIGUEZ: So I think depending on
2 negotiations, which we're kind of in a negotiation
3 triangle with Paloma as well, I think it just depends
4 on the outcome of those negotiations.

5 THE HEARING EXAMINER: So nothing
6 immediate in mind?

7 MR. RODRIGUEZ: Not yet, no.

8 THE HEARING EXAMINER: Okay. All
9 right. That's all I need to know.

10 Who else?

11 MS. VANCE: Good morning, Mr. Hearing
12 Examiner. Paula Vance with the Santa Fe office of
13 Holland & Hart on behalf of Matador Production
14 Company. And we entered an appearance and objection.

15 THE HEARING EXAMINER: Okay. And your
16 intention coming up is what?

17 MS. VANCE: Currently, we're just
18 objecting. I'm not aware of anything beyond that.

19 THE HEARING EXAMINER: Okay. So you're
20 just negotiating using your objection. Okay. I
21 understand. Thank you.

22 MR. JEWELL: And good morning, Mr.
23 Hearing Examiner. Michael Jewell, Jewell Jimmerson
24 Natural Resources Law on behalf of Paloma Permian
25 Assetco.

1 We are objecting in both cases.
2 Currently negotiating with both Civitas and Avant but
3 prepared to file our own competing applications
4 shortly after Memorial Day if need be.

5 THE HEARING EXAMINER: Okay. Perfect.
6 Thank you, Mr. Jewell.

7 MS. MCLEAN: And good morning. Jackie
8 McLean with Hardy McLean on behalf of Permian
9 Resources. And we're just observing.

10 THE HEARING EXAMINER: Thank you.

11 All right. So, Ms. Pena, how do you
12 want to proceed?

13 MS. PENA: So as the parties have
14 mentioned, we are all in negotiations. But Avant
15 would like to move forward with scheduling a contested
16 hearing. And we had discussed a date, and July 15th
17 would work for Avant.

18 THE HEARING EXAMINER: Okay. Fine. So
19 that's fine with me.

20 So, Mr. Jewell, you had mentioned
21 filing competing applications. And I wanted
22 to -- were you listening when we talked about the
23 30-day policy of the division to allow parties to
24 negotiate?

25 MR. JEWELL: Correct. Yes, sir. And

1 we have sent JOAs to Avant and to Civitas as well. So
2 that as well underway.

3 THE HEARING EXAMINER: Perfect. And I
4 guess that -- what I'm trying to telegraph to the
5 parties is that when we have ongoing negotiations
6 already and we're -- and we know that, you know -- and
7 an application has been filed with -- you know,
8 according to that policy with the 30 days.

9 So there's been plenty of time to
10 negotiate. I'm willing to shorten that 30-day period
11 to be able to set a contested hearing and get those
12 competing applications filed before waiting yet
13 another 30 days.

14 So I just wanted to make that very
15 clear. So you said you were going to probably file
16 sometime after Memorial Day?

17 MR. JEWELL: In June. Yes, sir.

18 THE HEARING EXAMINER: If you could
19 file by June 10, that'll allow us to notice on the
20 early July docket, which would allow us to go to
21 hearing on July --

22 I'm sorry. What day did you say, Ms.
23 Pena?

24 MS. PENA: The 15th.

25 THE HEARING EXAMINER: -- 15th. So

1 that'll allow us to get to a July 15 contested
2 hearing.

3 MR. JEWELL: Understood.

4 THE HEARING EXAMINER: Yeah. So your
5 cases would appear on our notice for July the 10th.
6 But then we would administratively move them to the
7 July 15th contested hearing date; okay?

8 MR. JEWELL: Yes, sir.

9 THE HEARING EXAMINER: Thank you. Mr.
10 Jewell, when you file your competing cases, would you
11 file a motion to consolidate them with the pre-hearing
12 order that we're going to issue for Ms. Pena's cases?

13 MR. JEWELL: That does make sense.
14 Yes, sir. Will do.

15 THE HEARING EXAMINER: All right.
16 Thank you.

17 Ms. Pena, anything further?

18 MS. PENA: Nothing further from Avant.

19 MR. RODRIGUEZ: Mr. Examiner?

20 THE HEARING EXAMINER: Mr. Rodriguez?

21 MR. RODRIGUEZ: Yeah, I'd like to add a
22 little context here, so --

23 THE HEARING EXAMINER: Sure, please.

24 MR. RODRIGUEZ: Civitas was not noticed
25 until these cases were set for May 8th originally.

1 THE HEARING EXAMINER: Okay.

2 MR. RODRIGUEZ: We received notice via
3 email on the first. And so we objected initially
4 because that was well short of the 20-day notice
5 requirement.

6 THE HEARING EXAMINER: Right.

7 MR. RODRIGUEZ: But on top of that, we
8 requested a JOA around that time. We didn't receive a
9 JOA until maybe I think a week or two ago.

10 So there's been very little
11 negotiations, at least with Avant and Civitas. And I
12 still -- I think Civitas's position is that this is
13 still rather premature to be moving forward so
14 quickly.

15 There's no -- as far as Civitas
16 understands, there's no reason to force these to a
17 contested hearing just yet.

18 And we could reset maybe next month for
19 another status conference. And then at that point we
20 can understand what -- where the positions have
21 evolved to and have more firm positions before setting
22 a contested hearing.

23 At this point, you know, I think
24 negotiations seem productive. And one or both parties
25 may end up no longer opposing the Avant cases. And

1 this could be a totally different hearing here or
2 scenario here in a month's time.

3 So I think, you know, there's other
4 hearing dates that are -- that you've suggested
5 throughout the status conferences, the 29th and the
6 12th.

7 I mean, I think if we did set a
8 contested hearing date, allowing the parties a little
9 bit more time to position themselves would be
10 beneficial.

11 And so I think Civitas would be
12 requesting at least maybe August 12th, if not that,
13 then July 29th and having this status conference in
14 between the today and the contested hearing.

15 THE HEARING EXAMINER: Thank you, Mr.
16 Rodriguez.

17 Give me a minute to look at a few
18 things. And then I'm going to come back to you, Ms.
19 Pena.

20 Okay. So let's see. This case was
21 filed April 11, Avant cases were filed April 11. Ms.
22 Pena did proposals go out a month before?

23 MS. PENA: Yes, they did. And --

24 THE HEARING EXAMINER: How was it --

25 MS. PENA: We --

1 THE HEARING EXAMINER: How is it Mr.
2 Rodriguez didn't get notice by email until May 1st?

3 MS. PENA: So we were preparing for the
4 hearing. You know, we were going through our notice
5 and we realized that, you know, they had been left off
6 of our notice.

7 So we sent them notice at that time.
8 We also sent them a letter of the hearing. And these
9 cases got objected to at that point. So that pushed
10 the hearing out.

11 And just to give a little bit more
12 information, if Mr. Rodriguez thinks that a status
13 conference would be useful, we would be okay with
14 having another status conference. That -- this is the
15 first status conference we've had in this case.

16 But we would still prefer to set a
17 contested hearing. So if August 12th works for
18 everybody, we would also push for a contested hearing
19 on August 12th.

20 THE HEARING EXAMINER: So is it your
21 preference? So of the three dates that I was giving
22 out earlier, the July 15, July 29, and August 12th,
23 are you saying your preference is now for August 12th?

24 MS. PENA: Well, our preference would
25 be for July 15th still. Avant does have the majority

1 working interest in this acreage.

2 So we have been -- Avant has been
3 negotiating with all these other -- with all the
4 parties.

5 But if Mr. Rodriguez is preferring a
6 status conference, maybe a status conference between
7 now and July 15th for a contested hearing still
8 occurring on July 15th.

9 THE HEARING EXAMINER: Okay. All
10 right. So, Mr. Rodriguez, you objected because you're
11 hoping to enter into a JOA and not be force pooled.
12 Is that right?

13 MR. RODRIGUEZ: Well, so there's a lot
14 of nuances here. Like I mentioned earlier, there's a
15 potash issue as well that affects -- so the Thai Curry
16 wells are in potash.

17 And one of the issues that we are
18 having with Avant here is that there's one drill
19 island to access a lot of the acreage surrounding the
20 Thai Curry.

21 And part of that acreage is Civitas's
22 Queen [ph] development that it intends to develop
23 shortly.

24 Those are the competing applications.
25 They don't directly compete, but we would be filing

1 those that would, I guess -- they would compete; they
2 just don't overlap. But in that, we're trying to
3 secure our place on that drill island.

4 The BLM has recommended that both of
5 the parties revisit the locations to determine the
6 best way to utilize that drill island and to
7 essentially re-onsite.

8 So there's just a lot of -- we can't
9 move forward until we have an understanding of how to
10 use that drill island.

11 And I think that still these
12 negotiations can help inform how we proceed at
13 hearing.

14 And, again, Civitas just believes it's
15 too premature to move forward at this time, given all
16 the unknown variables.

17 THE HEARING EXAMINER: So today is May
18 22nd. And I assume you've been aware of these cases
19 at least since May 1st; all right?

20 MR. RODRIGUEZ: Right.

21 THE HEARING EXAMINER: So if we went to
22 hearing on July 15, that would be -- oh, gosh, that
23 would be 10 -- 11 weeks' worth of time to negotiate a
24 deal before the hearing. Are you saying that's
25 insufficient time?

1 MR. RODRIGUEZ: Well, it's eight weeks.
2 I believe roughly eight weeks. And we have Memorial
3 Weekend coming up. So I'm just going to say it's more
4 like, I don't know, seven and a half.

5 I think that there's a lot of
6 complexities here that it would be -- there could be a
7 scenario where negotiations resolve some of the issues
8 here to where one or both of the parties here could
9 move forward unopposed.

10 And setting a status conference could
11 help just navigate where the -- a contested hearing
12 may go or resolve that and then move those status
13 conference into a hearing by affidavit.

14 THE HEARING EXAMINER: I'm confused by
15 something you said, Mr. Rodriguez.

16 MR. RODRIGUEZ: Okay.

17 THE HEARING EXAMINER: If you were the
18 only objecting party, then I would understand what you
19 said.

20 But we have Mr. Jewell who's filing
21 competing applications. And so if you resolve your
22 issues, that doesn't resolve Mr. Jewell's issues.
23 Does it?

24 MR. JEWELL: Mr. Hearing Examiner, if I
25 may?

1 THE HEARING EXAMINER: Yes.

2 MR. JEWELL: And I was less aware of
3 the Civitas notice issue. And he and I did confer.
4 And we were okay with pushing for another status
5 conference.

6 I wanted to assure you that we knew
7 that this was going for affidavit before our protest.
8 So we are ready to file.

9 THE HEARING EXAMINER: Okay.

10 MR. JEWELL: But if things continue to
11 go well as far as negotiations, we can push this for
12 another status conference. We wanted to make sure we
13 respect all parties with our timeliness.

14 THE HEARING EXAMINER: Yes. I -- so,
15 Mr. Jewell, I don't know how much you know about my
16 procedure here.

17 But I give the applicant the benefit of
18 the doubt when I come to setting cases for contested
19 hearings.

20 I -- you know, in my mind, the
21 applicant's counsel knows what demands are on the
22 applicant time-wise. And I'm not involved in that.
23 They also know how negotiations are going as well.

24 So, Ms. Pena, what if we pushed it out
25 to the July 29 special hearing docket? Would that be

1 okay with you?

2 MS. PENA: I would have to check with
3 Avant. I would just like to reiterate that we are
4 ready for the July 15th contested hearing.

5 And in the meantime, having a status
6 conference in June would give the division -- the
7 parties coming back in and discussing how negotiations
8 are ongoing.

9 And at that point, if the July 15th
10 hearing is no longer necessary, we can move that. And
11 there'd be sufficient time.

12 And at that point, we could also
13 discuss if Mr. Jewell has filed their competing
14 applications, which would also be consolidated for the
15 July 15th hearing. I would have to check with Avant
16 on the July 29th hearing date.

17 THE HEARING EXAMINER: All right.
18 Okay. So I let -- option. So we'll issue a
19 pre-hearing order for July 15.

20 We'll set -- well, Ms. Pena, you'll
21 move your cases to the July 20 -- to the June 26th
22 docket for a status conference.

23 By then, Mr. Jewell will have filed his
24 applications and his motion to consolidate. We'll
25 have those cases there.

1 And then we can hear from you, Mr.
2 Rodriguez, on June 26th. And you can let us know
3 what's going on.

4 And I wonder something, Ms. Pena. Do
5 you also have the option to remove Mr. Rodriguez's
6 client from your compulsory pooling application if
7 negotiations are going well, and are you able to do
8 that?

9 MS. PENA: If that's something that the
10 parties agree to at that point, I mean, I think that
11 happens regularly in the proceedings where parties are
12 not pooled at a specific time and, if they're close to
13 negotiating, settling. But that would have to be an
14 agreement between the parties as well.

15 THE HEARING EXAMINER: Sure. That
16 makes sense. I'm just asking if that's an option.
17 And it sounds like it is.

18 Okay. Is there anything else, Ms.
19 Pena, on this case?

20 MS. PENA: Nothing else. We will move
21 our cases to the June 26th docket.

22 THE HEARING EXAMINER: Okay. And we'll
23 issue a pre-hearing order today for the July 15 docket
24 for a contested hearing.

25 Anything further, Mr. Rodriguez?

1 MR. RODRIGUEZ: No. Thank you.
2 THE HEARING EXAMINER: Thank you.
3 MR. RODRIGUEZ: Ms. Vance?
4 MS. VANCE: Nothing.
5 THE HEARING EXAMINER: All right. Mr.
6 Jewell?

7 MR. JEWELL: No, sir.

8 THE HEARING EXAMINER: All right. And,
9 Ms. McClean, you're just monitoring?

10 MS. MCLEAN: Correct.

11 THE HEARING EXAMINER: Sounds good.
12 We're off the record in these Avant cases. Thank you.

13 MS. PENA: Thank you.

14 THE HEARING EXAMINER: We're moving now
15 to Rockwood Energy cases, 25241, 42, 43, 44, 45, and
16 46.

17 Entries, please.

18 MS. LUCK: Good morning, Mr. Hearing
19 Examiner. Kaitlyn Luck for the applicant, Rockwood
20 Energy LLP.

21 THE HEARING EXAMINER: Thank you.

22 MS. BENNETT: Good morning, Mr.
23 Examiner. Deana Bennett on behalf of Coterra Energy
24 Operating. And we did file an objection to these
25 cases.

1 THE HEARING EXAMINER: Okay.

2 MS. BENNETT: And our intent at
3 the -- at this precise moment is to send out competing
4 proposals. But I would like to give some more context
5 on that before I commit to it.

6 THE HEARING EXAMINER: Sounds good.
7 Why don't you go on? Because it -- I think that
8 you're the only other party in this case. And before
9 I go back to Ms. Luck, why don't you finish what you
10 were saying?

11 MS. BENNETT: Thank you. So these
12 cases were actually set for a final status conference
13 today and with the idea that we were going to be
14 setting a contested hearing date.

15 And as you may recall at -- so these
16 cases have -- we've had one other status conference
17 for these cases, which was back in April.

18 And at that time, I had explained that
19 Coterra was under the impression that Rockwood and
20 Mewbourne were working out an agreement that would
21 perhaps eliminate the need for Rockwood's cases to
22 move forward.

23 Well, on Tuesday of this week, Coterra
24 learned that Rockwood and Mewbourne were not moving
25 forward with that agreement.

1 THE HEARING EXAMINER: Okay.

2 MS. BENNETT: And so it's only become
3 recently very clear to them that, you know, if
4 Rockwood isn't going to dismiss its cases, that we
5 will need to move forward. But on -- that happened on
6 Tuesday.

7 On Wednesday, Coterra reached out to
8 Rockwood and requested to, you know, begin discussions
9 with Rockwood.

10 And so my -- oh, I also wanted to just
11 mention that Coterra has, I think, over 64-percent
12 working interest in this acreage.

13 THE HEARING EXAMINER: Okay.

14 MS. BENNETT: And Rockwood, it's my
15 understanding, doesn't operate any wells in New
16 Mexico. They're only a non-operator at this point.

17 THE HEARING EXAMINER: Okay.

18 MS. BENNETT: I understand this might
19 be their first foray into operating.

20 But at this point, Coterra's position
21 is, while this case -- these cases were set for a
22 final status conference today, that's premature given
23 the factual background, the context that brings us
24 here today.

25 And so Coterra's strong preference

1 would be to set these cases for another status
2 conference to allow Coterra and Rockwood to have
3 communications, figure out if a contested hearing is
4 really even necessary before we take much more time
5 from the divisions.

6 THE HEARING EXAMINER: Ms. Luck?

7 MS. LUCK: Thank you. So these cases
8 were filed back in February. Rockwood's well
9 proposals went out in February.

10 So they have been on the docket for
11 quite some time. And even though I only took over
12 last month from Mr. Savage, I believe that Rockwood is
13 ready to proceed to hearing on these pooling
14 applications.

15 They are an operator in good standing
16 before the division. And even though it might be
17 their first wells in New Mexico, they're ready to
18 operate.

19 THE HEARING EXAMINER: Okay.

20 MS. LUCK: I think at the last status
21 conference, the division offered the July 15th and the
22 August 12th contested hearings.

23 And so Rockwood is prepared for the
24 July 15th hearing date. Ms. Bennett has indicated
25 that date doesn't work for her.

1 But we would ask for a pre-hearing
2 order today to go forward on a contested hearing
3 because Coterra has had sufficient time to send out
4 well proposal letters and to file competing pooling
5 applications. And Coterra hasn't done so.

6 There's been several months that have
7 passed the -- and I checked the June docket because I
8 thought that the applications might be filed as of
9 this status conference. But that didn't happen.

10 And so, again, I think that where we're
11 at today is that this is a little bit of a delay
12 tactic. And these cases have been on file for a
13 while.

14 And I think that the July 15th docket's
15 preferable. But if that one's not available, then
16 August 12th would be the second available for me.

17 THE HEARING EXAMINER: Okay. So, Ms.
18 Bennett, I see that you filed an objection on April
19 2nd?

20 MS. BENNETT: Yes.

21 THE HEARING EXAMINER: Okay. And at
22 that time when you filed the objection, what did you
23 think you were going to do?

24 MS. BENNETT: Well, just backing up,
25 the application was filed in February but on February

1 28th.

2 THE HEARING EXAMINER: Right.

3 MS. BENNETT: So the first time the
4 cases were even set for hearing was in April. So it
5 isn't like they've been waiting since February to be
6 heard.

7 But on April 2nd, when I filed the
8 objection, that was to protect Coterra's rights in the
9 event that the cases -- the Rockwood cases did move
10 forward.

11 As I mentioned, it was Coterra's
12 understanding that Rockwood and Mewbourne were
13 entering into an agreement which would've meant, at
14 least in Coterra's view, that the Rockwood
15 applications would be dismissed.

16 THE HEARING EXAMINER: So hold on, Ms.
17 Bennett. Hold on one second because I want to make
18 sure I understand what you're saying.

19 When you say that Rockwood and
20 Mewbourne were entering into an agreement, how would
21 that affect Coterra?

22 MS. BENNETT: If -- because if Rockwood
23 and Mewbourne -- if Rockwood had divested itself of
24 its interests in this acreage, then Rockwood would
25 have dismissed its cases.

1 THE HEARING EXAMINER: That's what you
2 mean. So you thought that Rockwood would come to some
3 agreement with Mewbourne giving up its interest in
4 this acreage?

5 MS. BENNETT: Yes.

6 THE HEARING EXAMINER: And therefore
7 you wouldn't have -- okay. Now I understand where
8 you're going.

9 But that negotiation fell through
10 according to you on Tuesday. Then on Wednesday you
11 reinitiated negotiations with Rockwood?

12 MS. BENNETT: That's right.

13 THE HEARING EXAMINER: Okay. Very
14 good.

15 MS. BENNETT: And I -- sorry. One
16 quick clarifying remark. I don't know when the
17 Mewbourne-Rockwood negotiations fell apart or didn't
18 mature. I only know that Coterra only found out about
19 that on Tuesday.

20 THE HEARING EXAMINER: I understand
21 perfectly. And I'm not asking anything other. Now at
22 this point, what does your client hope to negotiate to
23 drop its objection?

24 MS. BENNETT: Coterra would like to
25 negotiate with Rockwood so that Rockwood will dismiss

1 its cases.

2 And then Coterra could move forward to
3 develop this acreage in which it has a majority
4 interest.

5 THE HEARING EXAMINER: I see. So you
6 would like to -- I see. You would like them to drop
7 their cases. So okay. And then would you be filing a
8 compulsory pooling application at that time?

9 MS. BENNETT: Yes. These cases -- so
10 this acreage, it's my understanding that both -- well,
11 that Coterra intends to develop this acreage. It just
12 wasn't on its schedule at the same time that it was
13 right on Rockwood's schedule.

14 So it's not that Coterra doesn't intend
15 to operate this acreage or develop it. It's just
16 they've now had to accelerate timing due to Rockwood's
17 applications.

18 But they do intend to develop it. And
19 sitting here right now, I can't say if we would need
20 to come back for pooling or if they would have
21 voluntary agreement from everyone.

22 THE HEARING EXAMINER: I see.

23 MS. BENNETT: But it's their intent to
24 develop.

25 MS. LUCK: May I respond?

1 THE HEARING EXAMINER: Oh, yes. I'm
2 going to come -- of course I'm going to come back to
3 you. But I want to understand Ms. Bennett's client's
4 position as fully as I can.

5 And, Ms. Bennett, as you know, my
6 preference -- no -- my practice is to give the
7 applicant the benefit of the doubt when it comes to
8 setting, which I just explained a few moments ago.

9 So, Ms. Luck, go ahead.

10 MS. LUCK: Well, there's two points I
11 wanted to make. I think that Ms. Bennett mentioned
12 that her client has approximately 65-percent ownership
13 interest in these units.

14 But it's actually variable between the
15 cases. So it ranges between -- my client has a
16 30-percent ownership interest in some cases, all the
17 way up to 45-percent ownership interest in one case.

18 THE HEARING EXAMINER: Okay.

19 MS. LUCK: And so I do think that there
20 is a close ownership ratio on some of these cases.
21 That's my first point.

22 And then the second point, the reason
23 that Rockwood's applications need to proceed at this
24 point in time is because Rockwood is dealing with
25 lease expirations.

1 THE HEARING EXAMINER: Okay.

2 MS. LUCK: That are -- the soonest one
3 is July 31st of '26. And we do understand that
4 Coterra's lease expirations are further out.

5 But that is the reason why Rockwood has
6 filed these applications and needs to go ahead and
7 proceed at this point in time with getting a pooling
8 order as soon as possible to have a drill rig on
9 schedule within a year of that time period.

10 THE HEARING EXAMINER: Okay. All
11 right.

12 MS. BENNETT: Mr. Examiner?

13 THE HEARING EXAMINER: I understand,
14 Ms. Luck.

15 I understand, Ms. Bennett, where you're
16 coming from.

17 MS. BENNETT: Can I make one clarifying
18 point about the lease expirations?

19 THE HEARING EXAMINER: Go ahead.

20 MS. BENNETT: It's my understanding
21 that Coterra does have similar lease expiration issues
22 or a term assignment expiration issue. So they're
23 equally motivated to drill this acreage to meet their
24 expiration.

25 It might be a month after Rockwood's.

1 I don't have the exact date. I thought -- I know it's
2 summer or fall of 2026.

3 But we are still a year out. And
4 Cimarex does have the same -- have -- or Coterra does
5 have a lease term assignment expiration.

6 So they're motivated to maintain their
7 term assignment as well. It's not as if this is one
8 side only trying to maintain its leases.

9 And I did just want to reiterate that I
10 am not available on July 15th. I did inform Ms. Luck
11 of that.

12 I'm not available. And we don't have a
13 witness. We have -- our landman is not available on
14 July 15th either. So the earliest we could go is
15 August 12th.

16 THE HEARING EXAMINER: So you're not
17 available on July 29 either?

18 MS. BENNETT: No, I'm not. I'm out of
19 the country.

20 THE HEARING EXAMINER: Good. Lucky
21 you.

22 Okay. So, Ms. Luck, I certainly am
23 willing to set a contested hearing for these. But if
24 Ms. Bennett's not available on the 15th of July or the
25 29th of July, I don't have much option here. So I can

1 set these for August 12th.

2 MS. LUCK: Yes. If we could have a
3 pre-hearing order issued with that date.

4 THE HEARING EXAMINER: Yeah. And maybe
5 that'll help your negotiations as well, Ms. Bennett?

6 MS. BENNETT: Yes. And if we could do
7 what you've done for the prior cases --

8 THE HEARING EXAMINER: By all means.

9 MS. BENNETT: -- which is set a status
10 conference for July 24th?

11 THE HEARING EXAMINER: By all means.
12 Do you -- would you wait that long? Well, they're Ms.
13 Luck's cases, first of all.

14 So, Ms. Luck, if you set -- if we set
15 these for another status conference, would you rather
16 have June or July?

17 MS. LUCK: Well, I mean, the July
18 hearing is only about two weeks before the hearing.
19 So, I mean, we could let you know at that point
20 whether or not we would need the contested hearing. I
21 think that would be fine.

22 THE HEARING EXAMINER: Okay. So what
23 Ms. -- so, Ms. Luck, that's your cases. Why don't you
24 continue them to the July 24 docket?

25 MS. LUCK: I'll do that.

1 THE HEARING EXAMINER: Okay. And this
2 gives you plenty of time, Ms. Bennett, to file
3 competing proposals if necessary.

4 MS. BENNETT: Yes.

5 THE HEARING EXAMINER: And as I said
6 earlier, I'm not going to require a party to wait 30
7 days after a proposal is sent out to file an
8 application if we have ongoing objections and
9 negotiations already.

10 MS. BENNETT: Mr. Hearing Examiner, I
11 understand that in the usual circumstance. But there
12 are other working interest owners that are involved in
13 many cases that are entitled to 30 days to review an
14 application -- a proposal before we go to hearing.
15 It's not just to protect the parties who are involved
16 in the hearing.

17 THE HEARING EXAMINER: I see.

18 MS. BENNETT: So -- and then just one
19 other quick clarifying point. Sometimes, for example,
20 if there's not a 100-perccent overlap, one party may
21 not even receive the proposal letters.

22 So I understand that we can
23 make -- what I would propose is that the division not
24 make a blanket --

25 THE HEARING EXAMINER: Sure.

1 MS. BENNETT: -- exception to the 30
2 days. But -- and the rule itself, the order itself,
3 does say, "Except in exceptional circumstances, there
4 shall be 30 days." And so I would ask the division to
5 make it a --

6 THE HEARING EXAMINER: Exception.

7 MS. BENNETT: -- not a presumption.

8 THE HEARING EXAMINER: Right.

9 MS. BENNETT: But continue with the
10 exception that the parties can demonstrate when they
11 come to the division.

12 THE HEARING EXAMINER: Okay. That
13 makes sense. I understand. That's helpful. Thank
14 you, Ms. Bennett. You said that the rule talks about
15 the 30-day period. Where is that?

16 MS. BENNETT: I meant to say the order
17 that created the good faith negotiation requirement.

18 THE HEARING EXAMINER: Okay.

19 MS. BENNETT: It is --

20 THE HEARING EXAMINER: That makes
21 sense.

22 MS. BENNETT: Okay. Yeah.

23 THE HEARING EXAMINER: Thanks. I
24 understand. Thank you. Yeah, I got it. Okay. Very
25 good. By the way, that order was issued by the

1 division or the commission?

2 MS. BENNETT: I believe it was ordered
3 by -- it was either -- I can't recall. There were two
4 orders, one clarified the second one.

5 And I'm not sure if they were both
6 division orders or if one was a commission order. But
7 I'd be happy to send the order to you if that'd be
8 helpful. I have it handy.

9 THE HEARING EXAMINER: Yeah, would you
10 please?

11 MS. BENNETT: Yeah.

12 THE HEARING EXAMINER: Thank you. I
13 mean, I'm sure I can find it. But if you can send it
14 to me, that would be helpful. Thank you.

15 All right, Ms. Luck. Anything further?

16 MS. BENNETT: Nothing further. Thank
17 you.

18 THE HEARING EXAMINER: All right. Ms.
19 Bennett?

20 MS. BENNETT: Nothing further. Thank
21 you.

22 THE HEARING EXAMINER: Okay. Very
23 good. We're off the record in these two cases -- or
24 these multiple cases actually.

25 Let's move on now to

1 number -- actually, let's take a five-minute break
2 before we begin with Mewbourne Oil cases, 25234 and
3 25235. We're off the record for five minutes. Thank
4 you.

5 (Off the record.)

6 THE HEARING EXAMINER: -- 25235.

7 Excuse me.

8 Enter appearances, please.

9 MS. HARDY: Good morning, Mr. Examiner.
10 Dana Hardy with Hardy McLean on behalf of Mewbourne
11 Oil Company.

12 THE HEARING EXAMINER: Thank you.

13 MR. RODRIGUEZ: Good morning. Michael
14 Rodriguez on behalf of Civitas Permian Operating.

15 THE HEARING EXAMINER: And your
16 position?

17 MR. RODRIGUEZ: We objected to these
18 cases due to ongoing negotiations. And as soon as
19 negotiations have wrapped up, we'll withdraw that
20 objection.

21 THE HEARING EXAMINER: Okay. Thank
22 you.

23 MR. SAVAGE: Good morning, Mr. Hearing
24 Examiner. Darin Savage, Abadie Schill on behalf of
25 Alpha -- I'm sorry -- on behalf of Devon Energy

1 Production Company. And we did object to these. And
2 these are involved in competing applications.

3 THE HEARING EXAMINER: Now, you say
4 competing applications. Are those competing
5 applications that have been filed?

6 MR. SAVAGE: That's correct. These are
7 related to the --

8 THE HEARING EXAMINER: Yes.

9 MR. SAVAGE: -- previous cases, 22 and
10 23.

11 THE HEARING EXAMINER: Very good. All
12 right. Very good. I understand. Thank you.

13 And Ms. Hatley?

14 MS. HATLEY: Good morning, Mr.
15 Examiner. Keri Hatley representing ConocoPhillips
16 Company -- actually, apologies -- representing COG
17 Operating and Concho Oil and Gas. And we are
18 monitoring only.

19 THE HEARING EXAMINER: Thank you.

20 So, Mr. Savage, we discussed these, in
21 a way, earlier. Is -- your competing applications are
22 only for these two Mewbourne cases, or are they to all
23 four Mewbourne cases?

24 MR. SAVAGE: All four Mewbourne cases.

25 THE HEARING EXAMINER: All right.

1 Thank you.

2 Ms. Hardy, how do you want to proceed?

3 MS. HARDY: Mr. Examiner, we would
4 propose to handle these the same way as the prior
5 applications that we discussed that are competing
6 between Mewbourne and Devon and would like to have a
7 status conference on June 22nd along with Devon's
8 cases so we can then select a contested hearing date.

9 THE HEARING EXAMINER: Okay. And, Ms.
10 Hardy, it's -- June 26 is the status conference docket
11 according to my calendar.

12 MS. HARDY: Okay. Then I've got the
13 wrong date. June 26th sounds good.

14 THE HEARING EXAMINER: All right.
15 Good. Okay. So let's see. These cases -- and, Mr.
16 Savage, I know you told me already, but I'm going to
17 ask you again.

18 The -- your competing cases were to be
19 on the first July -- no -- June docket, the 5th, and
20 we're going to move them to the 26th; is that right?

21 MR. SAVAGE: That's correct. Only when
22 we made the applications. We asked for the request of
23 the June 5th. And then we would -- with the idea that
24 we would move them. Yeah.

25 THE HEARING EXAMINER: Okay. Very

1 good. Did I -- Ms. Hardy, I don't remember. These
2 were a while ago. Did I offer some potential dates
3 for the parties? I did? Okay.

4 MS. HARDY: You did.

5 THE HEARING EXAMINER: All right.
6 Sounds good. So at that time, we will choose a
7 contested hearing if necessary.

8 MS. HARDY: Yes. Thank you.

9 THE HEARING EXAMINER: Anything
10 further?

11 MS. HARDY: Not from Mewbourne.

12 THE HEARING EXAMINER: Mr. Savage?

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

14 THE HEARING EXAMINER: Mr. Rodriguez?

15 MR. RODRIGUEZ: No. Thank you.

16 THE HEARING EXAMINER: All right. Ms.
17 Hatley, I saw you shake your head.

18 MS. HATLEY: Thank you. No.

19 THE HEARING EXAMINER: Thank you. All
20 right. We are now at the end of our docket. But
21 we're going to hear a group of Matador Production
22 Company cases in a motion hearing.

23 So I'm going to call items 46 through
24 51 on our docket. This is 25247, 48, 50, 52, 53, and
25 54.

1 Entrance of appearance, please.

2 MS. VANCE: Good morning, Mr. Hearing
3 Examiner. Paula Vance with the Santa Fe office of
4 Holland & Hart on behalf of the applicant, Matador
5 Production Company.

6 THE HEARING EXAMINER: Good morning.

7 MS. VANCE: Good morning.

8 MR. BRUCE: Mr. Examiner, Jim Bruce
9 entering a late appearance for Mewbourne Oil Company.

10 THE HEARING EXAMINER: Thank you.

11 MR. SAVAGE: Mr. Hearing Examiner,
12 Darin Savage with Abadie Schill, also entering a late
13 appear on behalf of Alpha Energy Partners 2, LLC.

14 THE HEARING EXAMINER: Alpha.

15 Mr. Bruce, did you object?

16 MR. BRUCE: No, sir.

17 THE HEARING EXAMINER: Okay.

18 MR. BRUCE: We're just interested in
19 the proceedings.

20 THE HEARING EXAMINER: So you're
21 monitoring.

22 But I think Alpha's objecting; are you
23 not?

24 MR. SAVAGE: That is correct.

25 THE HEARING EXAMINER: What's your

1 intention, Mr. Savage?

2 MR. SAVAGE: So I found out yesterday
3 that Alpha had acquired a leasehold interest in this.
4 And they're looking closely at what to do with this
5 leasehold interest.

6 THE HEARING EXAMINER: Okay. All
7 right. So for now, just objecting? No further plans
8 for now?

9 MR. SAVAGE: Objecting and we requested
10 a status conference on 6/26 in our objection.

11 THE HEARING EXAMINER: Okay. Very
12 good. Okay. And then do we have any other entrance
13 of appearance?

14 MR. SAMANIEGO: Mr. Examiner, I just
15 want to clarify. Is this cases 25247 through 25254?

16 THE HEARING EXAMINER: It sure is, Mr.
17 Samaniego.

18 MR. SAMANIEGO: Yes, sir. Jonathan
19 Samaniego, representative of -- for American Energy
20 Resources.

21 THE HEARING EXAMINER: Perfect. Thank
22 you, sir. And we're having a motion here. Excuse me.
23 We're having a motion hearing today after we --

24 Mr. Savage, is there anything further
25 from you before we go to this motion hearing?

1 MR. SAVAGE: No, sir.

2 THE HEARING EXAMINER: Okay. Very
3 good. You don't have to stay on, Mr. Savage. We
4 will --

5 MR. SAVAGE: Okay.

6 THE HEARING EXAMINER: We'll see
7 about -- well, let me ask Ms. Vance right now.

8 Ms. Vance, are you okay with, once the
9 motion hearing is done, moving these cases to the June
10 26th docket for another status conference?

11 MS. VANCE: I think our preference is
12 to set a contested hearing as soon as possible.

13 THE HEARING EXAMINER: Okay. So, Ms.
14 Vance, what dates are you looking at?

15 MS. VANCE: I believe -- did you have
16 some July dates available?

17 THE HEARING EXAMINER: We had the 15th
18 and the 29th.

19 MS. VANCE: Can I just email my client?

20 THE HEARING EXAMINER: Of course.

21 MS. VANCE: And just pitch those to
22 them?

23 THE HEARING EXAMINER: Sure, of course.

24 So, Mr. Savage, you've heard that Ms.
25 Vance would like to set a contested hearing in

1 July -- and a status conference, I think, at the end
2 of June. Your thoughts?

3 MR. SAVAGE: So Alpha acquired this
4 interest. And I believe it is a substantial amount of
5 interest. We're looking at competing applications as
6 a possibility.

7 THE HEARING EXAMINER: Okay.

8 MR. SAVAGE: We need some time to send
9 out a well proposal on that. But, you know, as you
10 pointed out, there may be some options for the time
11 period on that.

12 THE HEARING EXAMINER: Right.

13 MR. SAVAGE: But then whatever that
14 might be, then we would need to file an application.

15 THE HEARING EXAMINER: Okay. So why
16 don't we look at the 29th then to give you a little
17 bit more time?

18 So, Ms. Vance, the July 29th is, I
19 think, fair for Mr. Savage since he's just, you know,
20 getting up to speed on these cases.

21 So if that's okay with your client,
22 that would be my preference -- would be the 29th
23 instead of the 15th.

24 MS. VANCE: Okay. I would just ask
25 then that -- could we have another status conference

1 to touch case in June then?

2 THE HEARING EXAMINER: Oh, sure. I
3 mean, that's up to you. I'm open to your moving your
4 cases to the June 26th docket for a status conference,
5 by all means.

6 MS. VANCE: Okay.

7 THE HEARING EXAMINER: And then you'll
8 let me know what your client has to say about July 29
9 for a contested hearing.

10 MS. VANCE: Yes. I'm going to email
11 right now.

12 THE HEARING EXAMINER: Of course.
13 Let's deal with these motions that we have. We have
14 basically two motions.

15 Mr. Samaniego filed a motion. You
16 filed a response. Mr. Samaniego filed a reply.
17 That's the first motion. And then we have another
18 motion that you filed, Ms. Vance, which we'll get to
19 second. But first we're going to deal with Mr.
20 Samaniego's motion.

21 Mr. Samaniego, I have reviewed your
22 motion carefully. Basically, I believe what you are
23 saying in your motion is that, because MRC Permian has
24 unclean hands because it has several wells that are
25 not in compliance.

1 I know that you say there are a certain
2 number of wells. Ms. Vance says there are a different
3 number of wells.

4 But basically it's because they are out
5 of compliance, you feel as though they don't have
6 standing to request the -- to request these
7 applications, then they should be dismissed?

8 MR. SAMANIEGO: Yes, sir.

9 THE HEARING EXAMINER: Okay.
10 Mr. -- and then I got a response, and then I got a
11 reply. But I think the better way to deal with this
12 is to --

13 And I didn't see this in your response,
14 Ms. Vance. But I think the better way to deal with
15 this is to start from a different angle.

16 So, Mr. Samaniego, the Oil and Gas Act
17 in New Mexico does not provide a private right of
18 action.

19 When I say private right of action, I'm
20 going to compare it to, let's say, the Clean Air Act
21 or the Clean Water Act, which gives citizens a private
22 right of action to hold people accountable for
23 wrongdoing in court.

24 In the Oil and Gas Act, the only one
25 that has a right of action when someone's out of

1 compliance is the division.

2 Now, you've made the division aware
3 that MRC Permian is out of compliance with several of
4 their wells. And I appreciate that. So thank you.

5 But it doesn't give you the right to
6 represent the division here at the administrative
7 stage or in a court from my reading of the Oil and Gas
8 Act.

9 So I understand your unclean hands
10 argument. And I'm not sure how that applies to
11 standing to file an application.

12 But nevertheless, without having a
13 private right of action, there's nothing in the Oil
14 and Gas Act that gives a private citizen the right to
15 enforce the Oil and Gas Act. Do you understand?

16 MR. SAMANIEGO: American is an
17 operator, not a private citizen. We are here
18 competing against Matador.

19 We are operating in good faith. We
20 have permits on the -- on those lands, American one,
21 two, and three number wells.

22 And Matador is encroaching. And in
23 doing so, they are in violation of state law. I just
24 want to put on the record, the majority of these wells
25 that Matador has in violation are on state lands.

1 State statutes are very, very clear.
2 And because they're in violation of state land and the
3 public health is at risk and endangerment to the
4 environment because of these wells that have not been
5 productive wells that have been drilled and have been
6 left behind, dry hauls, whatever you call it.

7 But they need to be cleaned up. And by
8 not enforcing it and giving them more permits today,
9 that's a violation of 19558 [ph] enforcement of
10 statutes and rules which the division is charged with.

11 THE HEARING EXAMINER: Okay. Thank you
12 for pointing that out. Is there anything else that
13 you'd like to say?

14 MR. SAMANIEGO: I beg you, Mr.
15 Examiner, to please -- do not give Matador more
16 permits when they have messes that they need to clean
17 up.

18 THE HEARING EXAMINER: Okay.

19 MR. SAMANIEGO: And why -- and Jesse
20 Tremaine hasn't addressed this is pretty concerning,
21 but that's a whole different area.

22 THE HEARING EXAMINER: Okay. We'll
23 stick with Mr. --

24 MS. VANCE: Mr. --

25 MR. SAMANIEGO: And for Matador to be

1 trying to sway the division into getting more permits
2 for development is a waste of Matador's resources.

3 And the whole reason why the division
4 fought legislation to get rules to enforce on
5 operators.

6 And the division clearly here is not
7 enforcing the statutes on mega oil operators. And it
8 shows up here today.

9 THE HEARING EXAMINER: Mr. Samaniego.
10 Let me interrupt, Mr. Samaniego. I'm going to
11 interrupt you now for a moment.

12 Ms. Vance -- I mean, I'll get to you in
13 just a moment.

14 Mr. Samaniego, I want you to understand
15 something, that the Hearing Bureau is an independent
16 part of the Oil Conservation Division.

17 We don't interact with the other
18 divisions here to maintain our neutrality and our
19 independence to be able to hear cases.

20 So I wanted you to understand that I
21 can't go to Mr. Jesse Tremaine and say, "Mr. Tremaine,
22 please do this. Please look into that."

23 That's not my job here. My job is to
24 be fair and impartial to all the parties so that I can
25 hear cases and make judgements based on the facts and

1 not based on other things outside the record.

2 So I just wanted to make you aware of
3 that. But I understand your position.

4 And I see that the court reporter has
5 her hand up.

6 Go ahead, Ms. Court Reporter.

7 THE REPORTER: Thank you. I would just
8 like to please state that everybody speak one at a
9 time in order to keep a clean record.

10 THE HEARING EXAMINER: That makes
11 sense. And Ms. Court Reporter, do you have Mr.
12 Samaniego's spelling of his name?

13 THE REPORTER: I do not. But I will
14 message the hearing coordinator to see if I have that.

15 THE HEARING EXAMINER: I can just ask
16 him to state it on the record.

17 THE REPORTER: Okay.

18 THE HEARING EXAMINER: Mr. Samaniego,
19 for the court reporter's benefit, would you please
20 spell your name?

21 MR. SAMANIEGO: Yes, sir.

22 J-O-N-A-T-H-A-N S-A-M-A-N-I-E-G-O.

23 THE HEARING EXAMINER: Thank you, Mr.
24 Samaniego.

25 So because of that -- so, Ms. Vance,

1 I'm not going to call on you right now for this
2 because I've read your response. Is there something
3 else you wanted to say beyond your response?

4 MS. VANCE: Yes.

5 THE HEARING EXAMINER: Go ahead.

6 MS. VANCE: So I just wanted to point
7 out that Mr. Samaniego's reply to -- or his reply or
8 response to a response, in it, he added additional
9 arguments and provided a whole slew of exhibits that
10 he just sent across about 10 or 15 minutes ago.

11 As the moving party, he should have
12 filed or made the basis for his claims in his motion
13 to strike.

14 So I would ask that his reply be
15 stricken from the record along with all of these
16 exhibits that he filed ten minutes ago.

17 Beyond that, I did want to echo,
18 because I wanted to say that Mr. Samaniego has not
19 been deputized by the division as an enforcement
20 officer.

21 And this is a compliance issue. And
22 Matador is more than willing to have any kind of
23 conversation with the division if it has concerns.

24 THE HEARING EXAMINER: Okay. So, Ms.
25 Vance, because I'm making the basis of my ruling based

1 on what I already outlined earlier, do you have any
2 issue with that ruling?

3 MS. VANCE: I do not. It sounds like
4 you're not going to be evaluating his reply. Again, I
5 would just ask that it be stricken from the record.

6 THE HEARING EXAMINER: Okay. Well, you
7 know, this is an administrative record. He's a party
8 to the case. At this point, he's a party to the case.
9 And I'm not going to strike anything from the record.

10 But I am going to ask you to draft an
11 order outlining what I already stated, that the Oil
12 and Gas Act does not give an operator or individual a
13 private right of action to enforce the division's
14 regulatory rules and submit that after you send it to
15 Mr. Samaniego for his position. And I'll sign it.

16 So, Mr. Samaniego, thank you for your
17 motion and bringing it to our attention. But really
18 we do not have the ability and the power to enforce
19 the divisions compliance rules and regulations.

20 Now, let's go on to Mr. -- to your
21 motion, Ms. Vance. And I've read that carefully.

22 And, Mr. Samaniego, did you -- I do see
23 your response, Mr. Samaniego. It was a little
24 confusing to me because of the way you drafted this.

25 It seems like maybe you copied and

1 pasted parts of Ms. Vance's motion into your response.
2 Is that right?

3 MR. SAMANIEGO: How I put the response
4 together is -- that doesn't relate to the case. I
5 want to focus on my response and not how it was put
6 together.

7 THE HEARING EXAMINER: Well, I'm asking
8 you because I was confused when reading it, is what
9 I'm saying. So in other words --

10 MR. SAMANIEGO: Just asking, what are
11 you confused about? So that way I can clarify.

12 THE HEARING EXAMINER: Oh, of course.
13 I'm going to give you an opportunity, Mr. Samaniego,
14 because you didn't have a lot of time when the motion
15 was filed.

16 MR. SAMANIEGO: Oh, no, I had, like, a
17 ten-hour deadline. Of course, I'm used to this. You
18 guys always do this to me. And Paula Vance is very
19 good at those late filings. That's her tactic.

20 THE HEARING EXAMINER: Mr. Samaniego,
21 please. We're trying to conduct this in a rational
22 and --

23 MR. SAMANIEGO: I'm sorry. I've been
24 filing since these -- since two in the morning. So
25 please forgive me if I'm a little tired.

1 THE HEARING EXAMINER: I will. Let me
2 just -- you can be helpful to your own position if you
3 would just respond to what I ask you and to give me
4 what I need because I'm trying to be fair to both
5 parties; okay? So I have a motion to strike.

6 MR. SAMANIEGO: But the
7 question -- you're asking me the same questions you're
8 asking her. Please, I want it to relate to the case.

9 THE HEARING EXAMINER: Okay. So I'm
10 starting now to hear the motion to strike where
11 Permian filed a motion to strike your entry of
12 appearance and objection from the record; okay?

13 Now, based on the motion that she
14 filed, I'm going to review it now. So basically, Ms.
15 Vance is citing in paragraph 1 the rule that says how
16 someone deserves to be a party to the case is if they
17 are entitled to notice; okay?

18 And she cites to the rules, which are
19 helpful to me. She also mentions that she's not
20 seeking to force pool American Energy Resources in her
21 second paragraph.

22 In her third paragraph, she's talking
23 about that American, AER, claims a mineral interest in
24 the west half of west half Section 27.

25 It appears this interest is subject to

1 ongoing litigation regarding the ownership of the
2 minerals.

3 And the trial court has apparently
4 entered summary judgment that neither AER nor its
5 representative owns an interest in the mineral estate
6 within those land.

7 And I'm supposed to see Exhibit A, a
8 summary judgment. So I go to Exhibit A, which is
9 here.

10 And I see a court case in which I
11 believe you were involved in, Mr. Samaniego. Have you
12 had a chance to review this Exhibit A, First Judicial
13 District Court, Margaret Dowling versus you?

14 MR. SAMANIEGO: I am aware of it.

15 THE HEARING EXAMINER: Okay. Good.
16 Did you participate in this case?

17 MR. SAMANIEGO: I hired an attorney,
18 Jacob Candelaria. And I called him and emailed him
19 about this short deadline to send me documentation,
20 give you guys a call, email you.

21 I mean, whatever it's going to take
22 to -- and the opposing counsel was aware that motions
23 have been filed to go to Supreme Court.

24 THE HEARING EXAMINER: That's -- I
25 understand. I read that.

1 MR. SAMANIEGO: Hold on.

2 THE HEARING EXAMINER: I'm
3 saying -- that's not what I'm asking you. Mr.
4 Samaniego, I'm asking you very specific questions and
5 you haven't given me an answer yet.

6 The question specifically was, in this
7 district court case, not in today's hearing, were you
8 involved in this district court case? And I believe
9 you said yes, you hired an attorney to represent your
10 interest here?

11 MR. SAMANIEGO: Yes.

12 THE HEARING EXAMINER: Okay. Very
13 good. Okay. Good.

14 Now, Ms. Vance, I don't understand
15 something here. How is this case related to the
16 compulsory pooling cases that you filed?

17 MS. VANCE: So the case -- our cases
18 involve the acreage that Mr. Samaniego is claiming an
19 interest in which I outline, I believe, in my motion,
20 which is the west half of west half of -- let me pull
21 this up -- Section 27 Township 22 South Range 28 East.

22 In the filing -- and I'm not sure if it
23 is -- if it came across with actually uploading to the
24 OCD's images page.

25 But I did highlight that the summary

1 judgment relates to that acreage. You know, I want to
2 make sure that I state on the record that Matador
3 doesn't take a position in those cases or in those
4 matters.

5 It's just aware that there was a
6 summary judgment regarding this acreage that Mr.
7 Samaniego is claiming an interest in that relate to
8 Matador's pooling cases.

9 THE HEARING EXAMINER: Okay. So here,
10 we have on page 3 of the summary judgment. It says,
11 "As used here in the term property shall be defined as
12 follows: the west half of the west half of Section 27
13 Township 22 South Range 28 East Eddy County consisting
14 of 100 acres of fee land and all mineral rights."

15 And, Ms. Vance, are you representing
16 here today that the compulsory pooling cases that you
17 have filed and that Mr. Samaniego has objected to are
18 the west half of the west half of Section 27?

19 MS. VANCE: They involve that acreage.

20 THE HEARING EXAMINER: And more?

21 MS. VANCE: Yes, correct.

22 THE HEARING EXAMINER: Okay. And more.
23 But at least it's -- it includes all of this west half
24 of west half?

25 MS. VANCE: Correct.

1 THE HEARING EXAMINER: All right. So
2 then let's see what we have here. We have a
3 plaintiff. Now, Ms. Vance, I'm not reading this
4 entire document here.

5 Where in this summary judgment does it
6 either extinguish Mr. Samaniego's mineral interest or
7 find that he doesn't have one?

8 MS. VANCE: If you go to page 7, you
9 can see that the Court hereby declares and what their
10 findings are. If you look at A, B, C, and D.

11 THE HEARING EXAMINER: I see it. Okay.
12 All right. I see it here. And then -- and I do see
13 that Jacob Candelaria is the attorney for the
14 defendants.

15 And then we have here Exhibit B. Now
16 what is Exhibit B?

17 MS. VANCE: Exhibit B is an oil and gas
18 lease, which relates to these lands. Matador is the
19 lessee of or at least part -- has a percentage of the
20 working interest lease or is the lessee under this oil
21 and gas lease. So they have a right to drill.

22 You see it says Union Oil Company up
23 there. I did provide an affidavit following this
24 particular exhibit in which landman Chris Carlton
25 attested to the fact that -- he explains it right here

1 in paragraph 4.

2 THE HEARING EXAMINER: Let me get
3 there. Hold on.

4 MS. VANCE: Sure.

5 THE HEARING EXAMINER: I wanted to look
6 at this lease here. So -- but before I look at
7 Mr. -- you know, your affidavit, this lease here is
8 saying -- what is this lease telling me in your own
9 words?

10 MS. VANCE: That the lessee of that
11 lease has a right to drill. They have the
12 right -- those rights to drill have been handed over
13 to the parties who are -- who have signed on. So in
14 this case --

15 THE HEARING EXAMINER: I see. That's
16 why the Dowling plaintiff matters here?

17 MS. VANCE: Yes, correct.

18 THE HEARING EXAMINER: So you're saying
19 then that -- okay. So when is this case filed? This
20 case was filed -- this summary judgment was filed 7/12
21 of '24.

22 And this lease here is from -- I
23 see -- from 1973. I see. Okay. Now I'm
24 understanding how these two things relate to each
25 other. Now let me read the self-affirmed statement of

1 Chris Carlton.

2 And, Mr. Samaniego, I'm going to come
3 back to you in a minute. But I want to understand the
4 position and the evidence before me because I don't
5 believe you filed any evidence in your response to
6 this. And I haven't gotten to that yet. But give me
7 a minute to read this.

8 MR. SAMANIEGO: Mr. Examiner, there's
9 exhibits that I sent for that one.

10 THE HEARING EXAMINER: Oh, okay.
11 Great. Hold on a second. Let me finish reading this
12 affidavit here.

13 MR. SAMANIEGO: Okay.

14 THE HEARING EXAMINER: And then I'll
15 look at your response and your evidence in just a
16 moment.

17 MR. SAMANIEGO: Yes, sir.

18 THE HEARING EXAMINER: "Applications
19 familiar with status tested, the MRC owns lessee's
20 working interest post spacing units. Attached is oil
21 and gas lease dated 7/3 between Dowling and Lessors.

22 "And as Lessors and Union Oil Company
23 as lessee covering the west half of the west half of
24 Section 27 recorded.

25 "Eddy County reviewed the title

1 information, a number of different transactions MRC
2 has acquired of the lease interest under this lease."

3 All right. So we have this. Okay. So
4 now we have this. All right. Ms. Vance, before I
5 turn to Mr. Samaniego and his response to your motion,
6 is there anything else you want me to know?

7 MS. VANCE: Yes. So again, just to
8 make sure that we're on the same page, the summary
9 judgment has made that determination that that lease
10 falls under the Dowling family. They are the lessors.

11 And that Matador has the rights to
12 drill under that lease. And so Mr. Samaniego doesn't
13 have the right to tell Matador that they can't go out
14 and drill. They have a lease in place.

15 THE HEARING EXAMINER: But your
16 position, if I'm not mistaken, is that they were not
17 due notice because they don't have a mineral ownership
18 interest.

19 MS. VANCE: As far as we can tell,
20 unless something is found different by a different
21 court, as of right now, Mr. Samaniego does not have
22 that lease.

23 I don't want to make any kind of
24 determinations. But as of right now, I can say our
25 position is that we have a lease in place and have the

1 right to drill. Whatever Mr. Samaniego is claiming,
2 that's beyond the scope of this forum.

3 THE HEARING EXAMINER: Ms. Vance, you
4 are asking me in your motion to request that their
5 entry of appearance and notice of opposition be
6 excluded.

7 So I just said that a moment ago and
8 you said, no, it's something else. So I'm trying to
9 understand. What relief are you requesting?

10 MS. VANCE: We are requesting that he
11 be stricken from the record because he has no
12 interest.

13 THE HEARING EXAMINER: That's what I'm
14 saying.

15 MS. VANCE: Yes.

16 THE HEARING EXAMINER: Okay. All
17 right. So now let me look at Mr. Samaniego's
18 response.

19 So Mr. Samaniego, Ms. Vance is very
20 simply saying -- let's forget about the lease for a
21 minute and anything else.

22 Ms. Vance is saying that the District
23 Court in Eddy County has determined through a summary
24 judgment order that you do not own a mineral interest
25 in the west half of the west half of this section.

1 And your response is what?

2 MR. SAMANIEGO: That matter is being
3 appealed. And for anybody, including Ms. Vance, they
4 predetermined premature determinations of who owns
5 what at this point in time is unjust, unethical. It's
6 against standards. It's -- it doesn't have standing.

7 THE HEARING EXAMINER: Okay. So now,
8 Mr. Samaniego, I have a question for you. You
9 mentioned that I've looked through all the documents
10 in this case file. And I don't see it.

11 The last document I see here -- I have
12 several from today. I have the reply, which I've
13 already denied that motion to strike the applications
14 for MRC Permian or Matador.

15 And I also have your response to the
16 motion to strike. But, sir, I don't see any exhibits
17 attached to it. What am I missing?

18 MR. SAMANIEGO: I submitted. No,
19 they're submitted.

20 THE HEARING EXAMINER: Okay. Ms.
21 Tschantz, am I missing something?

22 MR. SAMANIEGO: Check the portal.
23 They're in there.

24 THE HEARING EXAMINER: You're not Ms.
25 Tschantz.

1 MS. TSCHANTZ: Yes. There were
2 three -- or sorry -- four separate filings only in one
3 case, 25247, that were filed under exhibits. And it
4 looks like there are a number of attachments. They
5 may be what I just forwarded you via email.

6 THE HEARING EXAMINER: Oh, you did?
7 Oh, okay. Hold on. Because I'm in the imaging
8 system. And I don't see them. So let me look at your
9 email. Oh, I have a lot of emails now. So hold on a
10 minute.

11 MS. TSCHANTZ: They were received
12 within the last hour.

13 THE HEARING EXAMINER: Okay. So they
14 haven't made it to the case file yet?

15 MS. TSCHANTZ: Right.

16 THE HEARING EXAMINER: All right, very
17 good. Let me look here. Let me look at this document
18 here. Matador invalid.

19 THE HEARING EXAMINER: Okay. Mr.
20 Samaniego, what is this? Let me rotate this so I can
21 read it. Mr. Samaniego, one of the documents you
22 emailed Ms. Tschantz is -- it looks like a certified
23 mail return to sender. What is this?

24 MR. SAMANIEGO: That's the invalid
25 funds sent by Matador to -- invalid -- and it was

1 invalid.

2 THE HEARING EXAMINER: You are not
3 helping me understand what this is.

4 MR. SAMANIEGO: An invalid letter of
5 payment. And I want to put this on record. This is
6 how well Matador has done their title work on there.

7 This is how well Chris -- yeah, the
8 landman. This is how well he's done his title work.
9 Samaniego owned it in the beginning for just a short
10 time.

11 Upon sending termination to Matador,
12 Matador didn't comply for six months later, five
13 months later, which is well beyond the clauses in the
14 lease.

15 THE HEARING EXAMINER: Mr. Samaniego,
16 I'm asking you a question that I'm not getting an
17 answer to right now.

18 MR. SAMANIEGO: No, I'm --

19 THE HEARING EXAMINER: So let me try
20 asking the question a different way to help you. And
21 please, the court reporter has asked that you don't
22 speak over me because then she won't be able to record
23 what you're saying. And it's important for us to get
24 what you're saying on the record.

25 I'm asking you, why did you file

1 this -- I guess it's an exhibit. It's not marked, so
2 I don't know what really -- I don't know if this is
3 Exhibit 1, 2, 3, 4, whatever it is.

4 It looks like it's an envelope. I
5 don't see an address on it. It says "Return to
6 Sender."

7 And I don't know how this establishes
8 that you have a mineral interest ownership in this
9 land.

10 MR. SAMANIEGO: Let me explain how I
11 got it; okay? Matador tried to pool this area a
12 couple years ago.

13 Whenever they -- how can I put it?
14 Whenever Matador was pooling, they sent that stub as a
15 picture in their filings for their application.

16 THE HEARING EXAMINER: Okay. I
17 understand. Thank you.

18 MR. SAMANIEGO: That's -- I'm not
19 really clear exactly what it is for me to, like, make
20 a full determination.

21 THE HEARING EXAMINER: Okay. I
22 understand. Thank you.

23 MR. SAMANIEGO: But hold on. I'm not
24 done. Whenever they sent that, Chris, the landman for
25 Matador, he didn't do his job properly.

1 THE HEARING EXAMINER: Okay.

2 MR. SAMANIEGO: Samaniego hasn't owned
3 that. Black Gold hasn't owned that for a while.
4 American owns that.

5 And for everybody to be coming for
6 Samaniego owned, like, I -- like, I'm just a mineral
7 owner out there; okay? No, American is an operator.
8 That's an operator.

9 THE HEARING EXAMINER: I'm asking
10 you --

11 MR. SAMANIEGO: They have wealth.

12 THE HEARING EXAMINER: If you don't
13 stop talking, I'm going to have to mute you. I'm very
14 serious about this.

15 When I start talking, you need to stop
16 talking instantly. I am trying to figure out what
17 you're sending me here because I'm trying to figure
18 out whether you have a mineral interest ownership or
19 at least a colorable argument of a mineral interest
20 ownership or not.

21 Because there is a motion here to
22 strike your entries of appearance because their
23 evidence is showing me that you do not have a mineral
24 interest ownership in the west half of the west half
25 of Section 27.

1 Now, I am trying to find something in
2 your exhibits to counterbalance that argument. So now
3 I'm looking at something else you filed, which is a
4 mineral deed.

5 And by the way, Mr. Samaniego, in the
6 future when you file documents or evidence, you must
7 mark each one clearly with an exhibit sticker so that
8 I can say on the record, "I am looking at Exhibit A,
9 Exhibit 1," whatever it is.

10 And you haven't done that. So I'm
11 trying to help you, but you can't talk over me. Now,
12 you have given me a mineral deed it looks like.

13 It looks like it was executed on the
14 14th day of February 2023. What is this deed supposed
15 to tell me, Mr. Samaniego?

16 MR. SAMANIEGO: American's right to
17 purchase an interest, whatever it may be, to develop
18 the land.

19 THE HEARING EXAMINER: Okay. So, Ms.
20 Vance, have you seen this mineral deed yet?

21 MS. VANCE: Yes. That's the deed that
22 was at issue in the summary judgment. I would be
23 happy to file an amended exhibit to show the full
24 filing.

25 I only included the summary judgment.

1 But that is the mineral deed in question. So to
2 reiterate, Mr. Samaniego doesn't own an interest here.
3 And we are not seeking to pool him at all.

4 THE HEARING EXAMINER: Now, Ms. Vance,
5 when you say, "We're not seeking to pool him," that
6 seems like a separate issue.

7 So whether or not you are seeking to
8 pool him, if Mr. Samaniego can establish that he has
9 some sort of a mineral interest ownership in these
10 lands, then he gets to be a party.

11 I've never heard -- and unless you
12 provide me with some authority to say that just
13 because you leave someone off of your compulsory
14 pooling list that they're not allowed to be a party,
15 I've never heard that before. So let's not go there
16 right now.

17 MS. VANCE: So just to be -- I mean, I
18 understand what you're saying.

19 THE HEARING EXAMINER: Okay.

20 MS. VANCE: But I just want to
21 reiterate, we're -- we did not provide Mr. Samaniego
22 any notice.

23 THE HEARING EXAMINER: Right.

24 MS. VANCE: Because we did not need to.
25 And at this time, because we did not provide him

1 notice, we are not seeking to pool him.

2 I understand that you're saying that
3 that's a separate issue. But, you know, it does all
4 tie together.

5 THE HEARING EXAMINER: Well, it may tie
6 together. But the rule is very clear on who gets to
7 be a party and who doesn't.

8 And it doesn't say in the rule that, if
9 you're not listed on the compulsory pooling, you
10 don't -- you -- so that has not -- so I'm just --

11 MS. VANCE: I understand. I wasn't
12 trying to make the -- I wasn't jumping to that
13 conclusion.

14 THE HEARING EXAMINER: Okay.

15 MS. VANCE: All I was saying is we are
16 not seeking to pool him regardless of whether he has
17 an interest or not.

18 THE HEARING EXAMINER: Okay. Mr.
19 Samaniego, did you provide the district court this
20 mineral deed?

21 MR. SAMANIEGO: I believe my attorney
22 handled all that.

23 THE HEARING EXAMINER: Okay. So is
24 that a yes?

25 MR. SAMANIEGO: My attorney handled all

1 that. I don't want to elaborate. I'm -- at this
2 time, my attorney handled it all.

3 THE HEARING EXAMINER: Mr. Samaniego,
4 I'm a little troubled by that response. That response
5 sounds to me -- first of all, Mr. Samaniego, your
6 attorney --

7 MR. SAMANIEGO: No, I don't know.

8 THE HEARING EXAMINER: Mr. Samaniego,
9 your attorney is your agent. So whatever you tell him
10 to do, he's going to do it. So did you give your
11 attorney this mineral deed to give to the Court?

12 MR. SAMANIEGO: I believe that the
13 plaintiffs in that matter were the ones that
14 filed -- that were the ones that presented that
15 evidence that my attorney went off of to put his
16 response together.

17 THE HEARING EXAMINER: Okay. But your
18 attorney had to get this mineral deed from somewhere.
19 And you're giving it to us today.

20 MR. SAMANIEGO: Oh, the one that I
21 presented you? No, I -- yes, I got that.

22 THE HEARING EXAMINER: I'm not sure
23 what you mean by "I got that." What do you mean by
24 that?

25 MR. SAMANIEGO: That's the one I filed

1 as an exhibit. The one that's in the complaint in
2 that matter, that was handled by the plaintiffs.

3 And that -- but the one that I filed
4 today, this morning, that -- yes, that's the one I got
5 from the clerks and I filed or not from -- yes.

6 THE HEARING EXAMINER: But, Mr.
7 Samaniego, what I'm asking you very
8 specifically -- because Ms. Vance is telling me that
9 this mineral deed appears as an exhibit in the summary
10 judgment that the Court handed down. So I'm asking
11 you, did you provide this mineral deed to the Fifth
12 District Court?

13 MR. SAMANIEGO: No.

14 THE HEARING EXAMINER: You did not?
15 Did your attorney provide it to the Court?

16 MR. SAMANIEGO: I believe so.

17 THE HEARING EXAMINER: Okay. All
18 right. so then this deed was a part of the Court's
19 summary judgment?

20 MR. SAMANIEGO: I believe so.

21 THE HEARING EXAMINER: Okay. Well, a
22 district court has made a ruling that you are now
23 appealing. I understand that you're appealing that
24 ruling.

25 But for now, what I have is I have a

1 district court saying that they don't find this
2 mineral deed to convey an interest to you.

3 Okay. So, Ms. Vance, do you -- is
4 there any -- so, Ms. Vance, I just want to make very
5 clear, this mineral deed that I'm looking at here,
6 that Mr. Samaniego has supplied to us, this is an
7 exhibit in the summary judgment?

8 MS. VANCE: It is. Again, I want to
9 just reiterate because --

10 THE HEARING EXAMINER: Yes.

11 MS. VANCE: -- I wasn't involved with
12 those cases. Matador doesn't take a position in those
13 cases other than we know that this is out there.
14 There was summary judgment.

15 It relates to the interest that Mr.
16 Samaniego is claiming. And based off of that, we did
17 not provide him notice. We are not seeking to pool
18 him.

19 THE HEARING EXAMINER: Okay. Now, Ms.
20 Vance, you don't have to say that again. You said it
21 once already.

22 MS. VANCE: I want to be clear it's on
23 the record. Sorry, Mr. Hearing Examiner.

24 THE HEARING EXAMINER: You already said
25 it on the record. I heard it the first time. So

1 let's see here.

2 So, Ms. Vance, can you -- it says here
3 in paragraph 16 of the summary judgment: "Defendants
4 admitted the relevant facts in their deemed
5 admissions.

6 "Defendants American Energy and Black
7 Gold admitted the deeds at issue, Exhibits A, E, and
8 F, are void and voidable." A, E, and F. Ms. Vance,
9 did you have the full summary judgment that you can
10 mail me?

11 MS. VANCE: I can provide you what my
12 legal assistant pulled from SOPA [ph], which I believe
13 can -- has all of the exhibits attached to it. I can
14 send that right now.

15 THE HEARING EXAMINER: Okay. And would
16 you copy Mr. Samaniego as well?

17 MS. VANCE: Sure.

18 MR. SAMANIEGO: My attorney didn't sign
19 that summary judgment. It's an appeal.

20 THE HEARING EXAMINER: Well, Mr.
21 Samaniego, you're -- okay.

22 MR. SAMANIEGO: Can I have time to
23 submit the paperwork? Can I -- I'm waiting for my
24 attorney to respond. He's probably in court right now
25 with other matters. I mean, to my -- no attorney's

1 going to jump on a ten-hour deadline. I mean, I need
2 time.

3 THE HEARING EXAMINER: Of course. And
4 I'll give you time. So why don't you hold on now?

5 So basically, my concern, Mr.
6 Samaniego -- and I think you have this document
7 because Ms. Vance included this summary judgment in
8 her motion to strike.

9 If you look at page 4 of the summary
10 judgment, paragraph 16, I'm particularly focusing on
11 paragraph 16 where they say -- where it says:
12 "Defendants," meaning you, "admitted the relevant
13 facts in their deemed admissions.

14 "Defendants American Energy and Black
15 Gold admitted that deeds at issue, Exhibits A, E, and
16 F, are void and voidable."

17 Now, I don't know what exhibits A, E,
18 and F are. But if this document you gave me here,
19 this mineral deed, is Exhibit A, E, and F of the
20 summary judgment, then I would say that the Court
21 has -- well, you've already admitted that these are
22 void or voidable.

23 MR. SAMANIEGO: We never had a hearing
24 over the matter. It was a violation of due process.
25 That's why it's being appealed. No hearing ever took

1 place.

2 THE HEARING EXAMINER: Okay. All
3 right.

4 MS. VANCE: May I --

5 MR. SAMANIEGO: American was never
6 served. Parties were never served in this matter. A
7 hearing never --

8 THE HEARING EXAMINER: -- outside my
9 jurisdiction, Mr. Samaniego.

10 MR. SAMANIEGO: You're trying to make a
11 ruling on it as --

12 THE HEARING EXAMINER: Mr. Samaniego,
13 there are complaints --

14 MR. SAMANIEGO: -- know to make a
15 determination further.

16 THE HEARING EXAMINER: Freya, would you
17 please mute Mr. Samaniego?

18 Mr. Samaniego, you're -- you seem to
19 have a problem with not talking over me. And
20 I -- it's really not going to -- it's not going to
21 help you in the long run.

22 So I would strongly caution you to
23 conduct yourself with the proper demeanor and respect
24 of this tribunal.

25 I'm dealing with facts and evidence.

1 And these outbursts that go off on tangents don't help
2 me, and they don't help you.

3 So please just answer my questions,
4 give me what I need. But don't give me more than I
5 need. And please don't speak over me. That's the
6 last time I'm going to ask you this.

7 So, Ms. Vance, you were going to say?

8 MS. VANCE: One, I was going to say Mr.
9 Samaniego -- object, it's outside of the scope. Mr.
10 Samaniego bringing up all these issues of appeal.
11 That's -- we're not talking about that.

12 But I would point out in the summary
13 judgment, I believe that the Court makes clear that
14 Mr. Samaniego and his counsel were given ample
15 opportunity to respond. And they did not.

16 THE HEARING EXAMINER: Okay. And what
17 happens in the district court, Mr. Samaniego, is not
18 my concern.

19 My concern is whether you have a
20 mineral interest ownership in this land or if you
21 don't because that is what allows you to be a party of
22 right to these cases.

23 I am trying to look through what you
24 have provided me. But you have provided me way more
25 than I can look at during this motion hearing.

1 Especially, I know you didn't have a
2 lot of time to respond. But it looks like you
3 provided me -- oh, I don't know -- at least 20
4 documents to review. And I can't do that at this
5 motion hearing.

6 So here's what I'm going to do. First
7 of all, Ms. Tschantz, did Mr. Samaniego file this
8 through the portal? Or did he just email these?

9 MS. TSCHANTZ: He filed it in the
10 portal. But only in one case.

11 THE HEARING EXAMINER: I understand.
12 So when I look at -- for example. Oh, I see. And a
13 lot of this data is data from our database purportedly
14 showing that Matador is out of compliance.

15 Okay. So, Mr. Samaniego, what I'm
16 going to do is I'm going to give you a little bit more
17 time. I want to give you the amount of time to refute
18 the evidence that I have in front of me.

19 So what I have in front of me are two
20 documents that matter. They're Exhibit A and
21 Exhibit B. And Ms. Vance has provided you both of
22 them.

23 In Exhibit A, it shows that there is a
24 court of jurisdiction over the ownership matter in the
25 Fifth Judicial District that has said you do not have

1 an ownership interest in this land.

2 I will give you an opportunity to
3 provide me with evidence that this -- it's either
4 that, even with this summary judgment, you still have
5 an ownership interest in this land.

6 And then we have Exhibit B, which is an
7 oil and gas lease, which looks to me like -- again, it
8 says you don't have an interest in this land and that
9 the interest is owned by Union Oil Company of
10 California by an oil and gas lease of the Dowlings.
11 And the Dowlings were the plaintiffs in the suit
12 against you.

13 So I'm going to give you some more
14 time, Mr. Samaniego. I'm going to give you two weeks.
15 I'm going to give you until -- today's the 22nd of
16 May.

17 I'm going to give you until June 5th.
18 On June 5th, I want you to file with me a proper
19 response to this motion to strike you. And any
20 exhibits that you submit must be marked appropriately
21 for me to review them; okay?

22 The only issue here is whether or not
23 you have a mineral interest ownership in this land.
24 That's the only issue.

25 Do not go outside that issue because I

1 won't read it. I am focused on whether or not you are
2 a party in this case, whether you were due notice, and
3 whether you had a mineral interest or have a mineral
4 interest ownership in this land. That's all that
5 matters right now.

6 Is there anything more, Ms. Vance?

7 MS. VANCE: Not from me, no.

8 THE HEARING EXAMINER: Okay. So, Ms.
9 Vance, I'm expecting from you a proposed order on
10 the -- on Mr. Samaniego's motion to strike your
11 applications denying that motion. Please circulate it
12 to Mr. Samaniego before you send it to me.

13 And, Mr. Samaniego, I'm expecting a
14 proper response with proper evidence marked properly
15 to this motion to strike you as a party because I want
16 to give you the time, I want to be fair with you, and
17 give you the time to respond. Do you understand?

18 Ms. Tschantz, is he unmuted?

19 MS. TSCHANTZ: I had muted him earlier.
20 But I don't have the ability to unmute him. Oh, he's
21 unmuted now.

22 THE HEARING EXAMINER: And your
23 response, Mr. Samaniego?

24 Okay. I'm going to take your
25 non-response as an affirmation that you understand.

1 I'm giving you until June 5th to
2 properly file a response with properly marked exhibits
3 supporting your assertion that you own a mineral
4 interest in this land.

5 Okay. We're off the record. Thank
6 you.

7 (Whereupon, at 12:28 p.m., the
8 proceeding was concluded.)
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CERTIFICATE

I, MARIANA NOVOA, 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.



MARIANA NOVOA

Notary Public in and for the
State of Texas

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CERTIFICATE OF TRANSCRIBER

I, ANDREW TINGLEY-BARRAZA, 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.



ANDREW TINGLEY-BARRAZA

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