

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

IN THE MATTER AND CONSIDERATION OF:

AMENDED APPLICATION OF ALPHA
ENERGY PARTNERS, LLC, FOR COMPULSORY
POOLING, EDDY COUNTY, NEW MEXICO

OCD CASE NO. 25166
OCC CASE NO. 25694
ORDER NO. 23961

AMENDED APPLICATION OF ALPHA
ENERGY PARTNERS II, LLC, FOR COMPULSORY
POOLING, EDDY COUNTY, NEW MEXICO

OCD CASE NO. 25495
OCC CASE NO. 25696
ORDER NO. 23977

AMENDED APPLICATION OF ALPHA
ENERGY PARTNERS II, LLC, FOR COMPULSORY
POOLING, EDDY COUNTY, NEW MEXICO

OCD CASE NO. 25496
OCC CASE NO. 25695
ORDER NO. 23989

**MOTION REQUESTING THESE MATTERS BE PRESENTED TO THE ATTORNEY GENERAL
FOR EMERGENCY REVIEW OF THE MERITS OF THE PARTIES CLAIMS AND THE MERITS
OF THE HEARING PROCEEDING DECISIONS IN THE MENTIONED CASES AND TO ISSUE
AN EMERGENCY STAY ON THE MENTIONED ORDERS PURSUANT TO THE EMERGENCY
REVIEW**

American Energy Resources LLC (“American”), through its undersigned representative, hereby respectfully submits to the Oil Conservation Commission (“Commission” or “OCC”) American Motion Requesting these matters be presented to the Attorney General for emergency review of the merits of the parties claims and the merits of the hearing proceeding decisions in the mentioned cases and to issue an emergency stay on the mentioned orders pursuant to the emergency review (the “Motion”) in the above referenced cases.

This Motion is submitted to raise the alarms to the numerous New Mexico laws being violated with the issuance of Alpha pooling orders. What American views as an unnecessary year long battle and delay that resulted in an erroneous willful denial of American motions as requests for emergency stay submitted. American respectfully submits this Motion to afford an opportunity to address the difficulties associated with the assignment of erroneous orders to an imprudent operator such as Alpha that resulted in the undue delay and infringement of American operations and rights. American also seeks to further awareness of such alarming issues for the benefit and improvement of the efficiency, equality, and fairness of the proceedings and charged obligated duties of the Division and Commission. In support of its Motion, American states the following:

- 1) American Respectfully requests the Division and Commission to present these matters to the Attorney General for Emergency Review of the merits of the mentioned cases, and for the Division and Commission to issue an emergency stay on the mentioned orders pursuant to the Divisions and Commissions own charged obligated duties to protect correlative rights, the environment, and the public health, while such matter is being presented to the Attorney General for review and while such matter is under review.

The Commission has concurrent charged obligated duties with the Division and therefore is charged with obligated duties to present to the Attorney General for review in accordance with New Mexico laws set by our New Mexico legislation.

NMAC 19.15.5.8 Enforcement of Statutes and Rules; The division is charged with the duty and obligation of enforcing the state's rules and statutes relating to the conservation of oil and gas, including the prevention of waste and the protection of correlative rights, and the protection of public health and the environment.

- 2) Prior to this motion the Division and Commission have already failed to bring suit to the Attorney General upon being notified of the numerous violations being committed. American has made numerous notices in its motions to the Division and the Commission of their failure to its own charged obligated duties under NMAC 19.15.5.8, and further notice to Division and Commission failed efforts to protect correlative rights, the environment, and the public health.
- 3) American provided the Division and Commission with all the facts, abundance of evidence, and information that would have allowed the Division and Commission to identify the numerous violations of Alpha from accruing and continuing by enforcing New Mexico laws, which the Division and Commission failed to do.

- 4) American respectfully requests the further review of the merits of the mentioned cases and decisions implemented by the Division and Commission as orders and if such cases and Orders comply with the following New Mexico laws;
 - a) Alpha does not have adequate financial assurances or single well bonds as required under NMAC 19.15.8.9. C and D. for its abandoned wells.
 - b) Alpha is a known imprudent operator known to have abandoned wells in violation of 19.15.5.9 NMAC and 19.15.25.8 NMAC.
 - c) Alpha owes 2 years of civil penalties and counting that require the Division and Commission with charged obligated duties to collect for the State General Fund, because of Alpha continuance to continue to violate numerous New Mexico laws as 19.15.5.9. and 19.15.25.8 and 19.15.8.9 and further violating its own C-145 change of operator Orders that gives remarks to Alpha to obtain adequate financial assurances for its abandoned wells, which Alpha failed to do, and to the present date Alpha still has not complied to Division requests as Orders in its change of operator C-145 to obtained adequate financial assurances, as required under numerous New Mexico laws and its own C-145 Orders and New Mexico laws under NMSA 70-2-31.
 - d) The Division and Commission failed to collect civil penalties from Alpha as their obligated duties under 70-2-31 to revert to the State General Fund.
 - e) Alpha failed to present evidence showing it is an owner of a specific mineral estate to attempt to initiate a terminate clause of any lease to that specific mineral estate, as required under 70-1-4 NMSA and 70-1-5 NMSA.
 - f) Alpha failed to present evidence of a notice that proceeds action as the mineral owner to attempt to terminate a lease of a specific mineral estate as required under the lease terms and New Mexico laws under 70-1-5 NMSA that "Notice must proceed action".
 - g) Alpha failed to give proper notice to effected parties such as American as required by 19.15.4.12 NMAC and the Orders and OCD did not satisfy the notice requirements for the hearing as required by 19.15.4.9 NMAC.
 - h) Alpha landman John Coffman self-affirmed statement and written testimony before the Division and Commission is willfully false and willfully not correct

and under the threat of Perjury in fact willfully committed Perjury, as under NMSA 70-2-10.

- i) The Division and Commission failed at their charged obligated duties under NMAC 19.15.5.8 to protect correlative rights, the environment, and the public from harm when it approved an imprudent operator Alpha pooling cases and orders.
- j) The Division and Commissions failed at their charged obligated duties and Orders that blatantly willfully continued to violate even more numerous New Mexico laws under NMSA 70-2-31, that continued to the present date.

Therefore, ten (10) elements exist of willful negligent violations of New Mexico laws, among others that are still to be determined.

- 5) American requests for the granting of its motion setting forth the claimed invalidity of the Orders entered by the Division and Commission in the Alpha pooling cases. Its purpose is to afford the Division and Commission an opportunity to have integrity in its charged obligated duty to present these matters to the Attorney General for emergency review, because of continuous failures by the Division and Commission that willfully continue to violate its own charged obligated duties and New Mexico law with unjust biased decisions.
- 6) Because the Division and Commission were made aware in numerous motions by American of the imprudent operator Alpha violating numerous New Mexico laws, the Division and Commission should have showed integrity in its decisions by accounting for the numerous violations of Alpha in its decision, thereby promoting procedural fairness, preserving administrative resources, from the continuance of violations, and avoiding unnecessary duplication of proceedings caused by willful erroneous denials of American motions by the Division and Commission. The level of frustration and burden created by the denial of the requests and having to repeat the adjudicative process, resulting in excessive costs and the waste of production and the infringement of American correlative rights and unnecessary unjust delays. The Division Orders, as issued to Alpha, blatantly violate numerous New Mexico laws as well as charged obligated duties, that requires corrective actions from Alpha. Furthermore, The Division and Commission and Alpha failure to correct corrections of such severe violations from occurring could only be described as alleged converged interests with an agenda underlying the subject Lands to act willfully arbitrarily bias in denying American requests unjustly, thereby resulting in

the willful continued waste of administrative resources by the Division and Commission.

- 7) Alternative options to such a scenario are available for consideration, such as incorporating lower bond requirements for all operators in New Mexico for fairness that would allow operators to operate abandoned wells with the minimal bonding requirement of \$50,000 dollars, by further not requiring operators to have single well bonds as required by New Mexico law for non-operating/abandoned wells in the amount of \$25,000 per location and \$2.00 dollars per foot the depth of the well, as Alpha was allowed to do. This should alert the Division and Commission to account for the possibility it willfully violated its own charged obligated duties to protect the environment and public health from harm and that there may be unforeseen or unidentified future harm caused by its bias Orders that violate New Mexico laws. For the Division and Commission to allow an abandoned well owner such as Alpha to develop more wells, is too high of a risk for New Mexico, for these bad decisions through erroneous Orders could lead to more future abandoned wells by Alpha or its subsidiaries. New Mexico laws and orders required Alpha to obtain adequate financial assurances for its inactive wells and the Division and Commission under charged obligated duties should have ordered Alpha to obtain adequate financial assurances for its abandoned wells before starting any operations, followed by the requirements under New Mexico laws to initiate a work over plan or the plugging plan of its abandoned wells within 30 days, and all these steps should have been initiated before Alpha filed its development application to pool to drill new wells that could lead to future abandoned wells by a known imprudent operator such as Alpha, but the Division and Commission failed to do so. Simply having integrity in its decision as Orders could have prevented the waste of administrative resources and the continued violations of charged obligated duties of the Division and Commission.
- 8) These types of willful negligent violations of New Mexico laws as decisions given as erroneous Orders would alert and remind any reasonably thinking person of its moral compass and integrity in their charged obligated duties from being contorted to continuing the current violations, future violations, and from the continuance of willful violations of New Mexico laws and charged obligated duties, and failure to account for the facts arising from evidence provided at hearings by American that Alpha pools are erroneous willful errors that violate numerous New Mexico laws and charged obligated duties of the Division and the Commission, thereby the Division and Commissions orders are not entitled to proceed with its erroneous Orders that

violate New Mexico laws and its own charged obligated duties and based on the merits in the manner in which Alpha development plan was presented with numerous abandoned well violations and not having adequate financial assurances, failing notice requirements, is more than sufficient evidence as burden of proof that Alpha is a known imprudent operator.

However, the orders are not entitled as the Division and Commission does not have the authority to proceed with any adjudication of any case that violate New Mexico laws and charged obligated duties without such rule changes made by the New Mexico legislation to the Oil and Gas Act, NMAC, NMSA laws, furthermore, the orders are not entitled as the Division and Commission do not have the authority or jurisdiction to terminate American leases in its attempts to bypass its own Order's terms that requires notice to all interests owners, that have gone unsatisfied because proper notice for purposes of due process were willfully violated, that opens to a bigger concern of the Division and Commissions own failed charged obligated duties that has led to continued willful Constitutional rights violations that occur at the hearing proceedings process. The failure of charged obligated duties is an unnecessary waste of administrative resources during the review of an application that evidently lacks integrity by the Division and Commission to make its decision based on exhibits and testimony presented at the hearing to ensure that proceedings are judicious and to avoid the waste of administrative resources caused by numerous willful violations of charged obligated duties and New Mexico laws, as did in this case. The Division is aware of the rules and statutes and its own charged obligated duties to New Mexico laws, NMAC, NMSA, and the Oil and Gas Act to be applied to every order the Division and Commission issue and should never be encouraged to contort New Mexico laws or fail at its own charged obligated duties as well as obligated requirements of operators and New Mexico laws, when applying its decisions in orders.

- 9) Judicial powers, the Commission must act in a judicial capacity when it attempts to approve proposed plans, its decision must therefore be entitled to preclusive effect.

Amoco Prod Co v. Heimann 1990.

It is blatantly evident that the Division and Commission rulings in these cases is not entitled due to the numerous willful violations of New Mexico laws, Federal laws, and violating its own charged obligated duties.

It is of the highest degree of willful injustice for the Division and Commission to abuse hearing proceedings in its attempt to frivolously terminate leases of a prudent

operator American without evidence as burden of proof or jurisdiction to do so, that in fact benefited the development plans of an imprudent operator Alpha.

- 10) Any attempt to use the Division or Commission to do unjust acts would be violation of Federal law and a violation of due process rights under the 5th amendment.

Manning v. Energy Minerals 2006 NMSC-027, 45-47,144 P.3d 87

(showing that an administrative agency using its police powers to authorize a taking without compensation is UNCONSTITUTIONAL and subject to the TAKING CLAUSE).

The Division and Commission through bias, erroneous, arbitrary, and capricious acts against American, acted to terminate American leases without jurisdiction or the burden of proof of evidence as to; 1) an ownership to a specific mineral estate; and 2) a notice that proceeds action, that were failed to be presented by the claiming party Alpha and is a clear violation of Due Process rights under New Mexico law 70-1-4 thru 70-1-5 and Federal law. In the manner the Division and Commission disregarded American rights to due process is Unconstitutional and subject to the taking clause.

- 11) In the present case, American provided the Division and Commission an undisputable abundance of evidence of Alpha numerous violations underlying the Subject Lands fully supported by an abundance of recorded evidence and testimony demonstrating the infringement of American correlative rights and an environmental and public health potential disaster by an imprudent operator Alpha. American presented an abundance of evidence and testimony describing Alpha failure to provide adequate financial assurance for its abandoned wells that are in direct proximity to the Carlsbad brine well cavity disaster. American presented an abundance of evidence and testimony describing Alpha failure to satisfy notice requirements in its application thus lacking the necessary requirements for initiating a compulsory pooling hearing. American exhibits presented an abundance of evidence with merits and standing as burden of proof of Alpha infringement of American correlative rights and the numerous violations being committed by Alpha regarding Alpha failed efforts to give proper notice as required by New Mexico laws and to follow New Mexico laws to sufficiently satisfy the statutes under the Oil and Gas Act and related statewide rules.

- 12) The basis of the Commission powers, that the commission is a creature of statute, expressly defined, limited and empowered by laws creating it with the basis of its powers is founded on the duty to prevent waste and protect correlative rights.

Sims v. Mecham 1963 NMSC.

The Division and Commission, simultaneously, willfully acted bias in its decisions and willfully failed at its own charged obligated duties as well as contorting numerous New Mexico laws and jurisdiction.

- 13) The Division and Commission completely disregarded protecting the public health from harm and the Environment, as well as putting an entire Community and Municipality at risk of a severe disaster, an entire agricultural area, as well as jeopardizing our ageing and volatile infrastructure for an entire industrial region. It is blatantly evident that the Division and Commission simultaneously violated numerous New Mexico laws and statutes that charged the Division and Commission with the obligated duty to protect the public health and the environment. Alpha planned development plans and abandoned wells sit inside the city limits of Carlsbad and in heavily congested and populated areas, and neighbors Walmart shopping center, as well as many restaurants, gas stations, stores, and businesses. The Division and Commission know taxpayers funded what the state of New Mexico spent as to the **\$100 MILLION DOLLARS** cleaning up the Carlsbad brine well cavity sink hole environmental and public cavity disaster in Carlsbad, NM, that evidently sits in the middle of the same exact proposed pool unit of the imprudent operator Alpha (HSU) wells.

The Division and Commission actions in the mentioned cases shamelessly show an atmosphere of bad actors that claim to regulate its regulations for the good of the public and state, but in its current actions in the mentioned cases as its true nature and character to willfully contort and violate New Mexico laws as well as charged obligated duties at the mentioned proceedings unveiling the true lack of respect for the public health and the environment that its own actions as decision as its orders that allowed Alpha to drill wells while having numerous abandoned wells that could potentially lead to more future abandoned wells, and all while Alpha does not have adequate financial assurances as required by New Mexico State laws, that clearly violates the Division and Commissions own charged obligated duties, and further violates Federal law under due process rights, and in fact as insult to injury for the **\$100 MILLION DOLLARS** of Taxpayers money called Funds that went to plugging the Carlsbad brine well cavity sink hole disaster that sits in the same exact area of the imprudent operator Alpha proposed HSU wells, and in fact as a double insult to injury to the numerous operators that met their demise for not obtaining adequate

financial assurances for abandoned wells as New Mexico law requires, as Alpha was willfully allowed to erroneously do.

- 14) Restrictions of Commissions powers, that the power and authority of the Commission is general in nature, but Commission is restricted to the end that it cannot act arbitrarily, unlawfully, or capricious in carrying out administrative functions imposed upon it.

1959 Op. Att'y Gen. No. 59-186.

It is blatantly evident that the Division and Commission acted erroneous, unlawful, arbitrarily, and capricious in its rulings because its unjust actions willfully violated its own charged obligated duties to protect correlative rights, the environment, and the public health in its decision as orders. In which the Division and Commission over reached its jurisdiction to erroneously terminate American leases unjustly and frivolously enforcing its regulatory and erroneously granted an imprudent operator Alpha pooling orders with incompetence rather than having respect for New Mexico laws as it is written.

The manner in which the Division and Commission carried out its administrative functions is abuse of process that benefited an imprudent operator Alpha over the prudent operator American in its arbitrary orders.

- 15) The Division and Commission ruling is erroneous, arbitrary, and capricious that are willful acts that violate the notice requirements, its own charged obligated duty to enforce New Mexico law, its own charged obligated duties to protect the environment and the public health, New Mexico laws, Federal laws under Due process rights, Sherman Antitrust Acts, ten (10) elements of willful gross negligent arbitrary violations, and therefore, the rulings, decisions, and Orders in the mentioned cases are NOT ENTITLED.
- 16) 70-2-28 NMSA; If any person violates, threatens to violate, any statute with respect to the conservation of oil and gas, or both, or any provision, or any rule, regulation or order made, the division through the Attorney General will bring suit against such person or operator for penalties, if any are applicable, and to retrain such person from continuing such violation or from carrying out the threat of violation. It is the charged obligated duty of the Division and Commission to bring forth such numerous severe violations to the Attorney General in the mentioned cases for suit against all persons from continuing such numerous severe violations of New

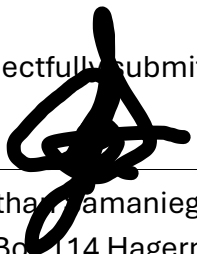
Mexico laws that blatantly effect correlative rights, the environment and the public health and the further duty to collect the 2 years of civil penalties owed by Alpha for its continued violations of its abandoned wells, that have gone uncollected by the Division for over 2 years. The Division has charged obligated duties to collect these civil penalties from Alpha and revert it to the State General Fund, as under NMSA 70-2-31.

CONCLUSION:

For the ten (10) elements and reasons stated above, American respectfully requests that the Commission have respect to New Mexico laws and its charged obligated duties when presenting this motion and the mentioned cases to the Attorney General for review.

American respectfully requests the Division and Commission to present, by bringing forth Alpha proposed pooling orders and mentioned cases with filings along with American exhibits, and cases supporting by its filings to the Attorney General for an emergency review and for the Division and Commission to further approve the granting of the Emergency Stay on the mentioned matters while under review by the Attorney General, in the hope that it may with respect provide additional opportunity to meaningfully help to address and resolve the on-going issues associated with the mentioned elements and matters and to further request the retraining of the Division and Commission to promote the consideration of using New Mexico law set by our legislation rather than personal opinions to avoid the continued violations of New Mexico law, charged obligated duties, waste of administrative resources, and substantial delays in the adjudicative process.

Respectfully submitted,



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CERTIFICATE OF SERVICE I hereby certify that a true and correct copy of the foregoing was filed with the New Mexico New Mexico Oil Conservation Commission and was served on counsel of record via electronic mail on March 19, 2026:

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