

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

**APPLICATIONS OF MRC PERMIAN COMPANY,  
FOR COMPULSORY POOLING,  
LEA COUNTY, NEW MEXICO.**

**CASE NOS. 26005, 26006 & 26008**

**AVANT OPERATING II, LLC'S MOTION TO DISMISS**

Avant Natural Resources, LLC, Avant Operating II, LLC, and AO II Permian, LLC (collectively "AO II") through its undersigned counsel, moves to dismiss the applications filed by MRC Permian Company ("MRC") in the above captioned cases for failure to comply with New Mexico Oil Conservation Division ("Division") prerequisites to filing compulsory pooling applications. In support of this Motion, AO II states as follows.

1. MRC filed its applications in Case Nos. 26005, 26006, & 26008 on February 24, 2026 (the "Monika Applications").
2. In the Monika Applications, MRC requested a hearing be set for March 26, 2026.
3. AO II filed an entry of appearance and objection to the Monika Applications on March 10, 2026.
4. The Monika Applications must be dismissed because MRC has not sent AO II a proposal letter for its Monika development, which is a prerequisite to filing a compulsory pooling application.
5. The Division, in Order No. R-13165, set forth the generally applicable prerequisites for filing a compulsory pooling application. As is relevant here, Order No. R-13165 requires: "At least thirty days prior to filing a compulsory pooling application, in the absence of extenuating circumstances, an applicant should send to locatable parties it intends to ask the Division to pool

a well proposal....” Order R-13165, ¶ 5(a). This requirement is generally reflected in an application’s statement that the applicant sought, but was unable to obtain, voluntary joinder in the spacing unit sought to be pooled, prior to filing an application. *See, e.g.*, Monika Application Case No. 26005, ¶ 4.

6. At the April 16, 2026, status conference docket, AO II raised the fact that MRC had not sent AO II a proposal letter at which time MRC’s position appeared to be that there was a question about whether AO II is entitled to a proposal letter. *See* April 16, 2026 AI Transcript, p. 22, lines 747-748 (“Well, I think that there's a question of whether or not they need to so and [MRC is] looking into that right now.”).

7. According to AO II’s title information, AO II has an interest in the acreage MRC seeks to pool in its Monika Applications. *See* Self-Affirmed Declaration of Cayla Gorski (“Gorski Decl.”), ¶ 6.

8. As of the date of this Motion, MRC has not sent AO II a proposal letter. *See* Gorski Decl. ¶ 7.

9. AO II is thus entitled to a proposal letter, yet MRC has never sent AO II a proposal letter. Thus, MRC’s Monika Applications are premature and must be dismissed.

10. Division Rule 19.15.4.12(A) NMAC requires notice of hearings on applications be sent to “each owner of an interest in the mineral estate of any portion of the lands the applicant proposes to be pooled or unitized whose interest is evidenced by a written conveyance document either of record or known to the applicant at the time the applicant filed the application and whose interest has not been voluntarily committed to the area proposed to be pooled or unitized....” Notice of a hearing must be sent at least 20 days prior to the hearing. Rule 19.15.4.12(B) NMAC.

11. AO II has not received a hearing notice letter from MRC regarding the Monika Applications, which is a further basis for dismissing the Monika Applications. *See Gorski Decl.* ¶ 8.

12. Under the Division's rules, to meet the 20-day deadline for a March 26, 2026 hearing, MRC's notice letter would have needed to have been sent out by March 6, 2026.

13. AO II objected to the Monika Applications on March 10, 2026, after the deadline for sending out notice letters for the March 26, 2026 hearing had passed. While it is not uncommon to wait to send notice letters in a contested case scenario until a contested hearing date has been set, MRC's notice deadline passed before AO II filed its objection.

14. For these reasons, MRC's Monika Applications must be dismissed.

15. Counsel for MRC was contacted regarding the relief sought in this motion and opposes the motion.

Respectfully submitted,

MODRALL, SPERLING, ROEHL, HARRIS  
& SISK, P.A.

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on counsel of Record by electronic mail on May 19, 2026:

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And Matador Production Company*

By: Deana M. Bennett  
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**SELF-AFFIRMED STATEMENT OF CAYLA GORSKI**

Cayla Gorski hereby states and declares as follows:

1. I am a Landman for Avant Natural Resources, LLC, Avant Operating II, LLC, and AO II Permian, LLC (collectively “AO II”), over the age of 18, and have personal knowledge of the matters stated herein.
2. I have reviewed MRC Permian Company’s (“MRC”) applications submitted in Case Nos. 26005, 26006, and 26008 (the “Monika Applications”).
3. In its Monika Applications, MRC seeks orders from the Division pooling the Bone Spring and Wolfcamp formations underlying the W/2 of Sections 11 and 14, Township 17 South, Range 37 East, N.M.P.M., Lea County, New Mexico. MRC seeks to dedicate the horizontal spacing units at issue in the Monika Applications to its Monika 1411 Com wells (the “Monika Wells”).
4. In my role as a landman for AO II, I am familiar with AO II’s mineral interest in the W/2 of Sections 11 and 14, Township 17 South, Range 37 East, N.M.P.M., Lea County, New Mexico.
5. According to AO II’s information, AO II owns 160.00 acres of unleased minerals, and thereby a working interest, in the NW/4 of Section 14, Township 17 South, Range 37 East, N.M.P.M., Lea County, New Mexico.

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**EXHIBIT A**

6. I have reviewed AO II's files and I have not found a proposal letter from MRC regarding the Monika Wells.

7. I have reviewed AO II's files and I have not found a hearing notice letter regarding MRC's Monika Applications.

8. Pursuant to Rule 1-011 NMRA, I declare and affirm under penalty of perjury under the laws of the State of New Mexico that the foregoing statements are true and correct to the best of my knowledge and belief.

*[Signature Page Follows]*

Dated: May 19, 2026



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Cayla Gorski