

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

**APPLICATIONS OF PERMIAN RESOURCES  
OPERATING, LLC FOR COMPULSORY POOLING,  
EDDY COUNTY, NEW MEXICO.**

**CASE NO. 26060**

**DIVISION ORDER NO. R-21104-F (Case No. 24674)**

**DIVISION ORDER NO. R-23748 (Case No. 25137)**

**DIVISION ORDER NO. R-22893-A (Case No. 24837)**

**DIVISION ORDER NO. R-21123-C (Case No. 22536)**

**DIVISION ORDER NO. R-23828 (Case No. 24963)**

**DIVISION ORDER NO. R-21096-D (Case No. 25233)**

**ORDER GRANTING IN PART AND DENYING IN PART  
PERMIAN RESOURCES OPERATING, LLC'S MOTION TO DISMISS**

This matter comes before the Division Hearing Examiner on the Motion to Dismiss filed by Permian Resources Operating, LLC ("Permian") and the Response in Opposition filed by American Energy Resources, LLC ("AER"), as well as Permian's subsequent reply. Having reviewed the filings, exhibits, and the applicable law, the Hearing Examiner FINDS and ORDERS:

**I. FINDINGS OF FACT**

**A. Ownership and Affected-Party Status**

1. The record establishes that AER, through its representative Jonathan Samaniego, holds a mineral and/or working interest in the pooled unit governed by Division Order R-23748 in Case No. 25137.
2. AER also asserts, and the filings reflect, that it holds a mineral and/or working interest in Amended Case No. 24837, which is associated with Order R-22893-A.
3. As to the remaining cases listed in Permian's Motion to Dismiss, the record does not establish that AER or Samaniego holds an ownership interest or was otherwise an affected party entitled to notice.

**B. Notice in Case No. 25137**

4. Permian sent certified-mail notice in Case No. 25137 to P.O. Box 114, Hagerman, NM 88232, the address Permian identifies as Samaniego's address of record.

5. The certified mailings to that address were returned to sender, creating a factual dispute as to whether notice was completed in compliance with 19.15.4.12 NMAC.

#### C. Notice in Amended Case No. 24837

6. In Amended Case No. 24837, Permian addressed certified-mail notice not to AER or Jonathan Samaniego, but to “Heirs of Jonathan Samaniego, 511 Leavel Dr, Carlsbad, NM 88220.”
7. This address differs from Samaniego’s known and recorded address (P.O. Box 114, Hagerman).
8. Notice in Case No. 24837 was therefore not sent to the address of record for Samaniego or AER, creating a factual and legal dispute as to whether notice complied with 19.15.4.12 NMAC.

#### D. Necessity of Evidentiary Hearing

9. Because both Case No. 25137 and Amended Case No. 24837 involve disputed factual issues regarding the adequacy of notice, dismissal at this stage is not appropriate.
10. As to all other cases in the Motion to Dismiss, AER has not established ownership or affected-party status and therefore was not due notice.

## II. ORDER

### 1. Motion to Dismiss — GRANTED IN PART

The Motion to Dismiss is GRANTED as to all cases except:

- Case No. 25137 – Division Order R-23748, and
- Amended Case No. 24837 – associated with Division Order R-22893-A.

AER’s Application for Reopening and related requests are dismissed with prejudice as to all other cases listed in Permian’s motion.

### 2. Motion to Dismiss — DENIED IN PART

The Motion to Dismiss is DENIED as to:

- Case No. 25137, and
- Amended Case No. 24837.

These matters shall proceed because:

- (a) AER/Samaniego holds a recognized ownership interest in these pooled units; and
- (b) the sufficiency of notice presents factual issues requiring evidentiary development.

### 3. SCOPE OF FURTHER PROCEEDINGS

The remaining issues to be heard are limited to:

1. whether certified-mail notice to AER/Samaniego complied with 19.15.4.12 NMAC in Case No. 25137 and Case No. 24837;
2. whether constructive notice was adequate or applicable; and
3. any associated due-process or procedural-fairness issues.

### 4. OTHER RELIEF

All relief requested by either party not expressly granted herein is DENIED.

IT IS SO ORDERED.

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GREGORY CHAKALIAN  
HEARING EXAMINER  
OIL CONSERVATION DIVISION