

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

**APPLICATION OF EARTHSTONE OPERATING, LLC  
FOR COMPULSORY POOLING,  
LEA COUNTY, NEW MEXICO. CASE NO. 22813**

**APPLICATION OF EARTHSTONE OPERATING, LLC  
FOR COMPULSORY POOLING IN  
LEA COUNTY, NEW MEXICO. CASE NO. 22814**

**APPLICATION OF MATADOR PRODUCTION  
COMPANY FOR COMPULSORY POOLING,  
LEA COUNTY, NEW MEXICO. CASE NO. 22584**

**EARTHSTONE OPERATING, LLC'S  
MOTION FOR CONTINUANCE AND TO AMEND PREHEARING ORDER**

Earthstone Operating, LLC (“Earthstone”) requests the Division continue these cases to the July 21, 2022 hearing docket and amend the prehearing order in Case Nos. 22813 and 22584 accordingly. In support of this motion, Earthstone states the following.

1. These matters are set for hearing on June 2, 2022. Case Nos. 22813 and 22584 are consolidated and set for a contested hearing under the Amended Pre-Hearing Order issued on May 13, 2022. Case Nos. 22813 and 22814 are companion cases and have not previously been continued, as this is the initial docket setting for these cases.

2. Earthstone has learned that two of its technical witnesses who had planned to testify in these matters are unavailable on June 2, 2022. In addition, there was a delay in the publication of Earthstone’s hearing notices in Case Nos. 22813 and 22814, despite the fact that the notices were submitted well in advance of the publication deadline. As a result, Earthstone requests that the Division continue these cases to the July 21, 2022 hearing docket and issue an amended prehearing order in Case Nos. 22813 and 22584.

3. The parties are also involved in negotiations that could resolve these matters and obviate the need for a contested hearing.

4. Although it is Earthstone's understanding that Matador has concerns regarding timing and its lease obligations, it is also Earthstone's understanding that the Bureau of Land Management has extended Matador's lease.

5. Avant Natural Resources and ConocoPhillips do not object to the requested continuance. Matador opposes Earthstone's request in Case Nos. 22813 and 22584. Counsel for Earthstone was unable to ascertain the position of Fasken Oil & Ranch prior to filing this motion.

7. In addition, in Case Nos. 22813 and 22584, Matador and Earthstone have agreed and propose to file their prehearing statements, testimony, and exhibits on May 27, 2022 pending a decision on this motion.

For the foregoing reasons, Earthstone requests that the Division issue an order: (1) continuing Case Nos. 22813, 22814, and 22584 to the July 21<sup>st</sup> hearing docket; and (2) amending the prehearing order in Case Nos. 22813 and 22584 accordingly.

Respectfully submitted,

HINKLE SHANOR LLP

/s/ Dana S. Hardy

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 24, 2022, I caused a true and correct copy of the foregoing motion to be electronically served on the following:

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*/s/ Dana S. Hardy*  
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