

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

**APPLICATION OF INVITO OPERATING, LLC
FOR COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO**

CASE NO. 22925

UNOPPOSED MOTION TO VACATE PRE-HEARING ORDER

Invito Operating, LLC (“Invito”) moves to vacate the Pre-Hearing Order entered by the Division on August 8, 2022. As grounds for this motion, Invito states as follows:

1. Invito filed its application in Case No. 22925 on June 23, 2022.
2. On or about July 21, 2022, William Chris Barnhill, President of Tierra Oil Company, LLC, entered an appearance on behalf of Tierra Oil Company, LLC, J Bar Cane Royalty, LLC, Trevor S. Turmelle, Spinnaker Investments LP, David W. Head, and Norma G. Head (hereinafter “Previously Unleased Mineral Owners”). The Previously Unleased Mineral Owners opposed Invito’s applications.
3. The Division held a status conference in this case on August 4, 2022, and thereafter entered the Pre-Hearing Order setting the case for a contested hearing on October 6, 2022
4. Invito entered into lease agreements with the Previously Unleased Mineral Owners on or about September 29, 2022. Invito no longer seeks to pool the Previously Unleased Mineral Owners and will not be including the Previously Unleased Mineral Owners in Case No. 22925. Invito intends to move forward with Case No. 22925, however, because there are other uncommitted interest owners Invito seeks to pool.
5. Other than the Previously Unleased Mineral Owners, no party has entered an appearance nor expressed any opposition to this case.

6. As there is no longer any expected opposition to this case, a contested hearing is not needed. Thus, Invito now intends to present this case by affidavit at the hearing on October 6, 2022.

7. Accordingly, the Pre-Hearing Order should be vacated, in which case this matter will be governed by the ordinary deadlines prescribed by the Division for uncontested matters, including that Invito will submit its exhibits on or by Tuesday, October 4, 2022.

8. Counsel for Invito contacted the Previously Unleased Mineral Owners and they do not object to the relief requested.

WHEREFORE, Invito respectfully moves the Division to vacate the Pre-Hearing Order entered on August 8, 2022 in Case No. 22925.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2022, I served a copy of the foregoing document to the following counsel of record via Electronic Mail to:

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