

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

**APPLICATION OF MEWBOURNE OIL COMPANY
FOR COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO**

Case No. 23176

AMENDED MOTION TO DISMISS

Pursuant to NMSA 1978, Section 70-2-17 (1977), Pride Energy Company (“Pride”) hereby requests that the Division dismiss the above-referenced application. In support of this request, Pride states as follows.

1. On October 18, 2022, Mewbourne Oil Company filed an application in the above-referenced matter seeking to pool all uncommitted interests in the Bone Spring formation underlying a 240-acre, more or less, standard horizontal spacing unit comprised of the E/2 NE/4 of Section 21 and the E/2 E/2 of Section 16, Township 19 South, Range 33 East, in Lea County, New Mexico (“Unit”).

2. NMSA 1978, Section 70-2-17 (1977) provides that an “owner or owners of royalty interests or undivided interests in oil and gas minerals . . . may validly pool their interests and develop their lands as a unit.” Section 70-2-17 further contemplates that such an owner may request an order from the division pooling “such lands or interests.”

3. 19.15.2.7(O)(7) NMAC defines “owner” as “the person who has the right to drill into and to produce from a pool, and to appropriate the production either for the person or for the person and another.”

4. At the time of filing the application, Mewbourne owned no interest in the Unit. Affidavit of Matthew Pride in Support of Motions to Dismiss ¶ 4, attached hereto as Exhibit A.

On November 18, 2022, Mewbourne's landman admitted that Mewbourne owned no interest in the Unit and that Mewbourne had no interest in the Unit at the time of filing the application. *Id.*

¶ 5.

WHEREFORE, Pride requests that the Division enter an order dismissing the above-referenced application.

Respectfully submitted,

MONTGOMERY & ANDREWS, P.A.

By: /s/Sharon T. Shaheen

Sharon T. Shaheen

Daniel B. Goldberg

ec: William McGinnis

P.O. Box 2307

Santa Fe, NM 87504-2307

(505) 986-2678

sshaheen@montand.com

dgoldberg@montand.com

wmcginnis@montand.com

Attorneys for Pride Energy Company

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served by email upon the following on December 8, 2022:

Dana S. Hardy
Jaclyn M. McLean
Yaithza Pena
Hinkle Shanor LLP
P.O. Box 2068
Santa Fe, NM 87504-2068
(505) 982-4554
dhardy@hinklelawfirm.com
jmclean@hinklelawfirm.com
ypena@hinklelawfirm.com

*Counsel for Mewbourne Oil Company,
Earthstone Permian, LLC, and Earthstone
Operating, LLC*

Deana M. Bennett
Bryce H. Smith
Modrall, Sperling, Roehl, Harris & Sisk
Post Office Box 2168
500 Fourth Street NW, Suite 1000
Albuquerque, New Mexico 87103-2168
deana.bennett@modrall.com
bryce.smith@modrall.com

Attorneys for Marathon Oil Permian LLC

Ocean Munds-Dry
Elizabeth Ryan
Joby Rittenhouse
ConocoPhillips
1048 Paseo de Peralta
Santa Fe, New Mexico 87501
(505) 780-8000
ocean.munds-dry@conocophillips.com
beth.ryan@conocophillips.com
joby.rittenhouse@conocophillips.com

*Attorneys for COG Operating LLC, Concho
Oil & Gas LLC and Mongoose Minerals LLC*

Michael H. Feldewert
Adam G. Rankin
Paula M. Vance
Holland & Hart, LLP
P.O. Box 2208
Santa Fe, NM 87504
mfeldewert@hollandhart.com
agrankin@hollandhart.com
jbroggi@hollandhart.com
pmvance@hollandhart.com

*Attorneys for MRC Explorers Resources,
LLC, MRC Spiral Resources, LLC,
and MRC Delaware Resources, LLC*

Mathew M. Beck
Pfeifer, Hanson, Mullins & Baker, P.A.
P.O. Box 25245
Albuquerque, NM 87125-5245
mbeck@peiferlaw.com

*Attorneys for Yates Energy Corporation
and Jalapeno Corporation*

/s/ Sharon T. Shaheen

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

**APPLICATION OF MEWBOURNE OIL COMPANY
FOR COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO**

Case Nos. 23176 & 23178

AFFIDAVIT OF MATTHEW PRIDE IN SUPPORT OF MOTIONS TO DISMISS

I, being duly sworn on oath, state the following:

1. I am over the age of 18 and have the capacity to execute this affidavit, which is based on my personal knowledge.

2. I am the land manager for Pride Energy Company (“Pride”). I am familiar with the subject applications and the lands involved.

3. Pride owns interests in Section 16, Township 19 South, Range 33 East, in Lea County, New Mexico. Mewbourne proposes to pool portions of Section 16 in the above-referenced cases.

4. In light of Pride’s interests in Section 16, I have reviewed ownership reports prepared by Pride’s contract landman, who reviewed county and state records relating to mineral interest ownership within the proposed spacing units (“Units”) in the above-referenced cases. My review of these reports indicates that Mewbourne owns no interest in the Units.

5. On November 18, 2022, I spoke with Mewbourne landman Tyler Jolly, who confirmed that Mewbourne did not own any interest in the Units at the time Mewbourne filed the application and that, as of November 18, 2022, Mewbourne did not own any interest in the Units.

Exhibit A

FURTHER AFFIANT SAYETH NAUGHT

Matthew L. Pride

Matthew L. Pride

STATE OF OKLAHOMA)
)ss
COUNTY OF TULSA)

Subscribed to and sworn before me this 7th day of December, 2022.

Sharlene K. Kanold

Notary Public

My Commission expires 03/04/2025

SHARLENE K. KANOLD
NOTARY PUBLIC
TULSA COUNTY
STATE OF OKLAHOMA
COMMISSION NO. 13002145