APPLICATION OF EARTHSTONE OPERATING, LLC TO EXTEND TIME TO COMMENCE DRILLING OPERATIONS, LEA COUNTY, NEW MEXICO.

CASE NO. 23714 ORDER NO. R-22271

EXHIBIT INDEX

| Exhibit A | Self-Affirmed Statement of Brian A. Van Staveren |
|-----------|--|
| A-1 | Application & Proposed Notice of Hearing |
| A-2 | Order No. R-22271 |
| Exhibit B | Self-Affirmed Statement of Dana S. Hardy |
| B-1 | Sample Notice Letter to All Interested Parties |
| B-2 | Chart of Notice to All Interested Parties |
| B-3 | Copies of Certified Mail Receipts and Returns |
| B-4 | Affidavit of Publication from August 11, 2023 |

APPLICATION OF EARTHSTONE OPERATING, LLC TO EXTEND TIME TO COMMENCE DRILLING OPERATIONS, LEA COUNTY, NEW MEXICO.

CASE NO. 23714 ORDER NO. R-22271

SELF-AFFIRMED STATEMENT OF BRIAN A. VAN STAVEREN

1. I am a Senior Landman with Earthstone Operating, LLC ("Earthstone"). I am over 18 years of age, have personal knowledge of the matters addressed herein, and am competent to provide this Self-Affirmed Statement. I have previously testified before the Oil Conservation Division ("Division"), and my qualifications as an expert in petroleum land matters were accepted. I am familiar with the land matters involved in this case.

2. Copies of Earthstone's application and proposed hearing notice are attached as **Exhibit A-1**.

3. The Division entered Order No. R-22271 ("Order") in Case No. 22851 on September 2, 2022. A copy of the Order is attached as **Exhibit A-2**. The Order pooled all uncommitted interests in the Bone Spring formation underlying a 240-acre, more or less, standard horizontal spacing unit comprised of the E/2 E/2 of Section 30 and the E/2 NE/4 of irregular Section 31, Township 26 South, Range 35 East, Lea County, New Mexico ("Unit") and dedicated the Unit to the Los Vaqueros Fed Com 214H well ("Well"). The Order designated Titus Oil and Gas Production, LLC (OGRID No. 373986) ("Titus") as the operator of the Unit and Well.

4. Earthstone is the successor in interest to Titus.

5. Paragraph 19 of the Order requires Applicant to commence drilling the Well within one (1) year of the date of the Order unless Applicant obtains a time extension from the Division Director for good cause shown.

6. Good cause exists for an extension to commence drilling the Well because Earthstone recently acquired Titus' interests and needs additional time to drill and complete the Well. Earthstone plans to commence drilling the Well in the fourth quarter of 2023.

7. Accordingly, Applicant requests that the Division extend the deadline to commence drilling the Well until September 2, 2024.

 Earthstone further requests that the other provisions of the Order remain in force and effect.

9. Earthstone is in good standing under the statewide rules and regulations.

10. In my opinion, the granting of Earthstone's application would best serve the interests of conservation, the protection of correlative rights, and the prevention of waste.

11. The exhibits in my Self-Affirmed Statement were either prepared by me or under my supervision or were compiled from company business records.

12. I understand that this Self-Affirmed Statement will be used as written testimony in this case. I affirm that my testimony above is true and correct and is made under penalty of perjury under the laws of the State of New Mexico. My testimony is made as of the date identified next to my signature below.

Brian A. van Staveren

08/21/2023 Date

APPLICATION OF EARTHSTONE OPERATING, LLC TO EXTEND TIME TO COMMENCE DRILLING OPERATIONS, LEA COUNTY, NEW MEXICO.

CASE NO. 23714 ORDER NO. R-22271

APPLICATION

Earthstone Operating, LLC ("Earthstone" or "Applicant") (OGRID No. 331165) files this application with the Oil Conservation Division ("Division") requesting a one-year extension of time to commence drilling the well authorized by Order No. R-22271 ("Order"). In support of its application, Applicant states the following.

1. The Division entered the Order in Case No. 22851 on September 2, 2022.

2. The Order pooled all uncommitted interests in the Bone Spring formation underlying a 240-acre, more or less, standard horizontal spacing unit comprised of the E/2 E/2 of Section 30 and the E/2 NE/4 of irregular Section 31, Township 26 South, Range 35 East, Lea County, New Mexico ("Unit") and dedicated the Unit to the Los Vaqueros Fed Com 214H well ("Well"). The Order designated Titus Oil and Gas Production, LLC (OGRID No. 373986) ("Titus") as the operator of the Unit and Well.

3. Earthstone is the successor in interest to Titus.

4. Paragraph 19 of the Order requires Applicant to commence drilling the Well within one (1) year of the date of the Order unless Applicant obtains a time extension from the Division Director for good cause shown.

5. Because Earth stone recently acquired the interests of Titus, it requires additional time to drill and complete the Well. Earthstone plans to commence drilling the Well in the fourth quarter of 2023.

6. Good cause exists for the requested extension.

7. Accordingly, Applicant requests that the Division extend the deadline to commence drilling the Well until September 2, 2024.

WHEREFORE, Applicant requests this application be set for hearing on September 7, 2023, and after notice and hearing, the Division extend the deadline to commence drilling the Well under the Order until September 2, 2024.

Respectfully submitted,

HINKLE SHANOR LLP

/s/ Dana S. Hardy

Dana S. Hardy Jaclyn M. McLean Yarithza Peña P.O. Box 2068 Santa Fe, NM 87504-2068 Phone: (505) 982-4554 dhardy@hinklelawfirm.com jmclean@hinklelawfirm.com ypena@hinklelawfirm.com *Attorneys for Earthstone Operating, LLC* Application of Earthstone Operating, LLC, to Extend Time to Commence Drilling Operations, Lea County, New Mexico. Earthstone Operating, LLC ("Applicant") seeks an order extending the deadline to commence drilling operations under Order No. R-22271 ("Order") until September 2, 2024. The Division entered the Order in Case No. 22851 on September 2, 2022. The Order: pooled all uncommitted interests in the Bone Spring formation underlying a 240-acre, more or less, standard horizontal spacing unit comprised of the E/2 E/2 of Section 30 and the E/2 NE/4 of irregular Section 31, Township 26 South, Range 35 East, Lea County, New Mexico ("Unit"); dedicated the Unit to the Los Vaqueros Fed Com 214H well ("Well"); and designated Titus Oil and Gas Production, LLC ("Titus") as operator of the Unit and Well. Applicant is the successor in interest to Titus. The Order requires Applicant to commence drilling the Well within one year of the date of the Order. Applicant requests the Division extend the deadline to commence drilling the Well within one year of the Well until September 2, 2024. The Well is located approximately 13 miles southwest of Jal, New Mexico.

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

IN THE MATTER OF APPLICATION FOR COMPULSORY POOLING SUBMITTED BY TITUS OIL & GAS PRODUCTION, LLC

CASE NO. 22851 ORDER NO. R-22271

<u>ORDER</u>

The Director of the New Mexico Oil Conservation Division ("OCD"), having heard this matter through a Hearing Examiner on June 2, 2022, and after considering the testimony, evidence, and recommendation of the Hearing Examiner, issues the following Order.

FINDINGS OF FACT

- 1. Titus Oil & Gas Production, LLC ("Operator") submitted an application ("Application") to compulsory pool the uncommitted oil and gas interests within the spacing unit ("Unit") described in Exhibit A. The Unit is expected to be a standard horizontal spacing unit. 19.15.16.15(B) NMAC. Operator seeks to be designated the operator of the Unit.
- 2. Operator will dedicate the well(s) described in Exhibit A ("Well(s)") to the Unit.
- 3. Operator proposes the supervision and risk charges for the Well(s) described in Exhibit A.
- 4. Operator identified the owners of uncommitted interests in oil and gas minerals in the Unit and provided evidence that notice was given.
- 5. The Application was heard by the Hearing Examiner on the date specified above, during which Operator presented evidence through affidavits in support of the Application. No other party presented evidence at the hearing.

CONCLUSIONS OF LAW

- 6. OCD has jurisdiction to issue this Order pursuant to NMSA 1978, Section 70-2-17.
- 7. Operator is the owner of an oil and gas working interest within the Unit.
- 8. Operator satisfied the notice requirements for the Application and the hearing as required by 19.15.4.12 NMAC.
- 9. OCD satisfied the notice requirements for the hearing as required by 19.15.4.9 NMAC.
- 10. Operator has the right to drill the Well(s) to a common source of supply at the

depth(s) and location(s) in the Unit described in Exhibit A.

- 11. The Unit contains separately owned uncommitted interests in oil and gas minerals.
- 12. Some of the owners of the uncommitted interests have not agreed to commit their interests to the Unit.
- 13. The pooling of uncommitted interests in the Unit will prevent waste and protect correlative rights, including the drilling of unnecessary wells.
- 14. This Order affords to the owner of an uncommitted interest the opportunity to produce his just and equitable share of the oil or gas in the pool.

<u>ORDER</u>

- 15. The uncommitted interests in the Unit are pooled as set forth in Exhibit A.
- 16. The Unit shall be dedicated to the Well(s) set forth in Exhibit A.
- 17. Operator is designated as operator of the Unit and the Well(s).
- 18. If the location of a well will be unorthodox under the spacing rules in effect at the time of completion, Operator shall obtain the OCD's approval for a non-standard location in accordance with 19.15.16.15(C) NMAC.
- 19. The Operator shall commence drilling the Well(s) within one year after the date of this Order, and complete each Well no later than one (1) year after the commencement of drilling the Well.
- 20. This Order shall terminate automatically if Operator fails to comply with Paragraph 19 unless Operator obtains an extension by amending this Order for good cause shown.
- 21. The infill well requirements in 19.15.13.9 NMAC through 19.15.13.12 NMAC shall be applicable.
- 22. Operator shall submit each owner of an uncommitted working interest in the pool ("Pooled Working Interest") an itemized schedule of estimated costs to drill, complete, and equip the well ("Estimated Well Costs").
- 23. No later than thirty (30) days after Operator submits the Estimated Well Costs, the owner of a Pooled Working Interest shall elect whether to pay its share of the Estimated Well Costs or its share of the actual costs to drill, complete and equip the well ("Actual Well Costs") out of production from the well. An owner of a Pooled Working Interest who elects to pay its share of the Estimated Well Costs shall render payment to Operator no later than thirty (30) days after the expiration of the election period, and shall be liable for operating costs, but not risk charges, for the

CASE NO. 22851 ORDER NO. R-22271 well. An owner of a Pooled Working Interest who fails to pay its share of the Estimated Well Costs or who elects to pay its share of the Actual Well Costs out of production from the well shall be considered to be a "Non-Consenting Pooled Working Interest."

- 24. No later than one hundred eighty (180) days after Operator submits a Form C-105 for a well, Operator shall submit to each owner of a Pooled Working Interest an itemized schedule of the Actual Well Costs. The Actual Well Costs shall be considered to be the Reasonable Well Costs unless an owner of a Pooled Working Interest files a written objection no later than forty-five (45) days after receipt of the schedule. If an owner of a Pooled Working Interest files a timely written objection, OCD shall determine the Reasonable Well Costs after public notice and hearing.
- 25. No later than sixty (60) days after the expiration of the period to file a written objection to the Actual Well Costs or OCD's order determining the Reasonable Well Costs, whichever is later, each owner of a Pooled Working Interest who paid its share of the Estimated Well Costs shall pay to Operator its share of the Reasonable Well Costs that exceed the Estimated Well Costs, or Operator shall pay to each owner of a Pooled Working Interest who paid its share of the Estimated Well Costs that exceed the Estimated Well Costs its share of the Estimated Well Costs that exceed the Reasonable Well Costs its share of the Estimated Well Costs that exceed the Reasonable Well Costs.
- 26. The reasonable charges for supervision to drill and produce a well ("Supervision Charges") shall not exceed the rates specified in Exhibit A, provided however that the rates shall be adjusted annually pursuant to the COPAS form entitled "Accounting Procedure-Joint Operations."
- 27. No later than within ninety (90) days after Operator submits a Form C-105 for a well, Operator shall submit to each owner of a Pooled Working Interest an itemized schedule of the reasonable charges for operating and maintaining the well ("Operating Charges"), provided however that Operating Charges shall not include the Reasonable Well Costs or Supervision Charges. The Operating Charges shall be considered final unless an owner of a Pooled Working Interest files a written objection no later than forty-five (45) days after receipt of the schedule. If an owner of a Pooled Working Interest files a timely written objection, OCD shall determine the Operating Charges after public notice and hearing.
- 28. Operator may withhold the following costs and charges from the share of production due to each owner of a Pooled Working Interest who paid its share of the Estimated Well Costs: (a) the proportionate share of the Supervision Charges; and (b) the proportionate share of the Operating Charges.
- 29. Operator may withhold the following costs and charges from the share of production due to each owner of a Non-Consenting Pooled Working Interest: (a) the proportionate share of the Reasonable Well Costs; (b) the proportionate share

CASE NO. 22851 ORDER NO. R-22271 of the Supervision and Operating Charges; and (c) the percentage of the Reasonable Well Costs specified as the charge for risk described in Exhibit A.

- 30. Operator shall distribute a proportionate share of the costs and charges withheld pursuant to paragraph 29 to each Pooled Working Interest that paid its share of the Estimated Well Costs.
- 31. Each year on the anniversary of this Order, and no later than ninety (90) days after each payout, Operator shall provide to each owner of a Non-Consenting Pooled Working Interest a schedule of the revenue attributable to a well and the Supervision and Operating Costs charged against that revenue.
- 32. Any cost or charge that is paid out of production shall be withheld only from the share due to an owner of a Pooled Working Interest. No cost or charge shall be withheld from the share due to an owner of a royalty interests. For the purpose of this Order, an unleased mineral interest shall consist of a seven-eighths (7/8) working interest and a one-eighth (1/8) royalty interest.
- 33. Except as provided above, Operator shall hold the revenue attributable to a well that is not disbursed for any reason for the account of the person(s) entitled to the revenue as provided in the Oil and Gas Proceeds Payment Act, NMSA 1978, Sections 70-10-1 *et seq.*, and relinquish such revenue as provided in the Uniform Unclaimed Property Act, NMSA 1978, Sections 7-8A-1 *et seq.*
- 34. The Unit shall terminate if (a) the owners of all Pooled Working Interests reach a voluntary agreement; or (b) the well(s) drilled on the Unit are plugged and abandoned in accordance with the applicable rules. Operator shall inform OCD no later than thirty (30) days after such occurrence.
- 35. OCD retains jurisdiction of this matter for the entry of such orders as may be deemed necessary.



Date: <u>9/0</u>2/2022

CASE NO. 22851 ORDER NO. R-22271

Exhibit A

| COMPULSORY POOLING APPLICATION CHECKLIST | | |
|--|--|--|
| ALL INFORMATION IN THE APPLICATION MUST BE | SUPPORTED BY SIGNED AFFIDAVITS | |
| Case: 22851 | APPLICANT'S RESPONSE | |
| Date | June 2, 2022 | |
| Applicant | Titus Oil & Gas Production, LLC | |
| Designated Operator & OGRID (affiliation if applicable) | 373986 | |
| Applicant's Counsel: | Montgomery & Andrews, P.A. (Sharon Shaheen & Ricardo Gonzales) | |
| Case Title: | Application of Titus Oil & Gas Production, LLC for Compulsory Pooling Lea County, New Mexico | |
| Entries of Appearance/Intervenors: | None | |
| Well Family | Los Vaqueros Fed Com wells | |
| Formation/Pool | | |
| Formation Name(s) or Vertical Extent: | Bone Spring Formation | |
| Primary Product (Oil or Gas): | Oil | |
| Pooling this vertical extent: | Bone Spring Formation | |
| Pool Name and Pool Code: | WC-025 G-08 S263412K; BONE SPRING [96672] | |
| Well Location Setback Rules: | Statewide rules | |
| Spacing Unit Size: | 240 acres, more or less | |
| Spacing Unit | | |
| Type (Horizontal/Vertical) | Horizontal | |
| Size (Acres) | 240 acres, more or less | |
| Building Blocks: | Quarter-quarter section (40 ac) | |
| Orientation: | North-South | |
| Description: TRS/County | E/2 E/2 of Section 30 and the E/2 NE/4 of irregular Section 31, T26S, R35E, NMPM, in Lea County, New Mexico | |
| Standard Horizontal Well Spacing Unit (Y/N), If No, describe | Yes | |
| Other Situations | | |
| Depth Severance: Y/N. If yes, description | No | |
| Proximity Tracts: If yes, description | No | |
| Proximity Defining Well: if yes, description | No | |
| Applicant's Ownership in Each Tract | Tract 1 (NE/4 NE/4): 0.0%; Tract 2 (SE/4 NE/4): 77.0% (Titus Oil & Gas Production II, LLC); Tract 3 (E/2 SE/4 and E/2 NE/4 of irregular Section 31): 100%. See Exhibits A-2 and A-3. | |
| Well(s) | | |
| Name & API (if assigned), surface and bottom hole location, footages, completion target, orientation, completion status (standard or non-standard) | | |

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|--|---|--------|
| | SHL: 353' FNL and 1534' FEL of Section 30, T26S-R35E, NMPM BHL: 10' FSL and 330' FEL of Section 31, T26S-R35E, NMPM | |
| | Completion Target: 2nd Bone Spring Sand at approx. 11,120' TVD Well Orientation: North to South Completion location expected to be standard | |
| Horizontal Well First and Last Take Points | FTP (~100' FNL and 330' FEL of Section 30-T26S-R35E); LTP (~100' FSL and 330' FEL of Section 31-T26S-R35E) | |
| Completion Target (Formation, TVD and MD) | 2nd Bone Spring Sand - TVD (~11,120'), MD (~19,440') | |
| AFE Capex and Operating Costs | | |
| Drilling Supervision/Month \$ | \$8000; see Exhibit A, ¶ 20 | |
| Production Supervision/Month \$ | \$800; see Exhibit A, ¶ 20 | |
| Justification for Supervision Costs | Please see AFE at Exhibit A-6 | |
| Requested Risk Charge | 200%; see Exhibit A, ¶ 21 | |
| Notice of Hearing | | |
| Proposed Notice of Hearing | Submitted with online filing of Application | |
| Proof of Mailed Notice of Hearing (20 days before hearing) | Exhibit C; Exhibit A-7 | |
| Proof of Published Notice of Hearing (10 days before hearing) | Exhibit C | |
| Ownership Determination | | |
| Land Ownership Schematic of the Spacing Unit | See Exhibits A-2 & A-3 | |
| Tract List (including lease numbers and owners) | Exhibits A-2 & A-3 | |
| Pooled Parties (including ownership type) | Exhibit A-3 | |
| Unlocatable Parties to be Pooled | None | |
| Ownership Depth Severance (including percentage above & below) | None | |
| Joinder | | |
| Sample Copy of Proposal Letter | Exhibit A-6 | |
| List of Interest Owners (ie Exhibit A of JOA) | Exhibit A-3 | |
| Chronology of Contact with Non-Joined Working Interests | Exhibit A-4 | |
| Overhead Rates In Proposal Letter | n/a | |
| Cost Estimate to Drill and Complete | See AFE at Exhibit A-6 | |
| Cost Estimate to Equip Well | See AFE at Exhibit A-6 | |
| Cost Estimate for Production Facilities | See AFE at Exhibit A-6 | |
| Geology | | |
| Summary (including special considerations) | Exhibit B-1 | |
| Spacing Unit Schematic | Exhibit B-3 | |
| Gunbarrel/Lateral Trajectory Schematic | Exhibit B-7 | |
| Well Orientation (with rationale) | Exhibit B, ¶ 13(d) | |
| Target Formation | Exhibits B-5 & B-6 | |
| HSU Cross Section | Exhibit B-6 | |
| Depth Severance Discussion | n/a; see Exhibit A, ¶ 13 | |

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CASE NO. 22851 ORDER NO. R-22271

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|--|--|
| C-102 | Exhibit A-5 |
| Tracts | Exhibit A-2 |
| Summary of Interests, Unit Recapitulation (Tracts) | Exhibits A-2 & A-3 |
| General Location Map (including basin) | Exhibit A-1 |
| Well Bore Location Map | Exhibit B-3 |
| Structure Contour Map - Subsea Depth | Exhibit B-4 |
| Cross Section Location Map (including wells) | Exhibit B-2 |
| Cross Section (including Landing Zone) | Exhibit B-6 |
| Additional Information | |
| CERTIFICATION: I hereby certify that the information pro | ovided in this checklist is complete and accurate. |
| Printed Name (Attorney or Party Representative): | Sharon T. Shaheen |
| Signed Name (Attorney or Party Representative): | Shown of Shakeen |
| Date: | 5/31/2022 |

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CASE NO. 22851 ORDER NO. R-22271

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APPLICATION OF EARTHSTONE OPERATING, LLC TO EXTEND TIME TO COMMENCE DRILLING OPERATIONS, LEA COUNTY, NEW MEXICO.

CASE NO. 23714 ORDER NO. R-22271

SELF-AFFIRMED STATEMENT OF DANA S. HARDY

1. I am attorney in fact and authorized representative of Earthstone Operating, LLC, the Applicant herein.

2. I am familiar with the Notice Letter attached as **Exhibit B-1** and caused the Notice Letter, along with the Application in this case, to be sent to the parties set out in the chart attached as **Exhibit B-2**.

3. Exhibit B-2 also provides the date each Notice Letter was sent and the date each return was received.

4. Copies of the certified mail green cards and white slips are attached as Exhibit B-3 as supporting documentation for proof of mailing and the information provided on Exhibit B-2.

5. On August 11, 2023, I caused a notice to be published to all interested parties in the Hobbs News-Sun. An Affidavit of Publication from the Legal Clerk of the Hobbs News-Sun, along with a copy of the notice publication, is attached as **Exhibit B-4**.

6. I understand this Self-Affirmed Statement will be used as written testimony in the subject cases. I affirm that my testimony above is true and correct and it made under penalty of perjury under the laws of the State of New Mexico. My testimony is made as of the date handwritten next to my signature below.

<u>/s/ Dana S. Hardy</u> Dana S. Hardy <u>August 31, 2023</u> Date

Exhibit B (Case No. 23714)

Earthstone Operating, LLC

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HINKLE SHANOR LLP

ATTORNEYS AT LAW P.O. BOX 2068 SANTA FE, NEW MEXICO 87504 505-982-4554 (FAX) 505-982-8623

WRITER: Dana S. Hardy, Partner dhardy@hinklelawfirm.com

hinklelawfirm.com

August 3, 2023

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

TO ALL PARTIES ENTITLED TO NOTICE

Re: Case Nos. 23714 & 23715 – Applications of Earthstone Operating, LLC to Extend Time to Commence Drilling Operations under Order Nos. R-22271 & R-22271, Lea County, New Mexico.

To whom it may concern:

This letter is to advise you that the enclosed applications were filed with the New Mexico Oil Conservation Division. The hearing will be conducted on **September 7**, **2023** beginning at 8:15a.m.

Hearings are currently conducted remotely. To participate in the electronic hearing, see the instructions posted on the OCD Hearings website: <u>https://www.emnrd.nm.gov/ocd/hearing-info/</u>. You are not required to attend this hearing, but as an owner of an interest that may be affected by this application, you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from challenging the matter at a later date.

Pursuant to Division Rule 19.15.4.13.B, a party who intends to present evidence at the hearing shall file a pre-hearing statement and serve copies on other parties, or the attorneys of parties who are represented by counsel, at least four business days in advance of a scheduled hearing, but in no event later than 5:00 p.m. Mountain Time, on the Thursday preceding the scheduled hearing The statement must be submitted the OCD E-Permitting date. through system (https://www.apps.emnrd.nm.gov/ocd/ocdpermitting/) or via e-mail to ocd.hearings@emnrd.nm.gov and should include: the names of the parties and their attorneys, a concise statement of the case, the names of all witnesses the party will call to testify at the hearing, the approximate time the party will need to present its case, and identification of any procedural matters that are to be resolved prior to the hearing.

Please contact Brian van Staveren, Senior Landman, Earthstone Operating, LLC, at 281-771-3231, if you have questions regarding this matter.

Sincerely,

/s/ Dana S. Hardy Dana S. Hardy

Enclosure

PO BOX 10 ROSWELL, NEW MEXICO 88202 (575) 622-6510 FAX (575) 623-9332 7601 JEFFERSON ST NE · SUITE 180 ALBUQUERQUE, NEW MEXICO 87109 505-858-8320 (FAX) 505-858-8321 PO BOX 2068 SANTA FE, NEW MEXICO 87504 (505) 982-4554 FAX (505) 982-8623

Exhibit B-1 (Case No. 23714) Released to Imaging: 9/5/2023 71:21:01 AM Earthstone Operating, LLC

APPLICATION OF EARTHSTONE OPERATING, LLC TO EXTEND TIME TO COMMENCE DRILLING OPERATIONS, LEA COUNTY, NEW MEXICO.

CASE NO. 23714 ORDER NO. R-22271 & CASE NO. 23715 ORDER NO. R-22272

| PARTY | NOTICE LETTER SENT | RETURN RECEIVED |
|-----------------------------------|--------------------|----------------------------|
| Monty Brad Beckham | 08/03/23 | 08/11/23 |
| PO Box 823 | | |
| Jal, NM 88252 | | |
| Bellomy Exploration, LLC | 08/03/23 | 08/28/23 |
| 4415 W. Lovers Ln. | | |
| Dallas, TX 75209 | | |
| Black Mountain Operating, LLC | 08/03/23 | 08/16/23 |
| 500 Main Street, Suite 1200 | | |
| Fort Worth, TX 76102 | | Return to sender. |
| Arthur William Brough | 08/03/23 | 08/16/23 |
| 432 Highland Avenue | | |
| Barstow, CA 92311 | | Return to sender. |
| Margi Fort Bruns | 08/03/23 | Per USPS Tracking |
| 101 Nursery Land, Suite 312 | | (Last checked 08/31/23): |
| Fort Worth, TX 76114 | | |
| | | 08/17/23 – Item in transit |
| | | to next facility. |
| Bugling Bull Investments, LLC | 08/03/23 | Per USPS Tracking |
| 4747 Research Forest Dr. #180-315 | | (Last checked 08/31/23): |
| The Woodlands, TX 77381 | | |
| | | 08/10/23 – Item in transit |
| | | to next facility. |
| Bureau of Land Management | 08/03/23 | 08/10/23 |
| 414 W. Taylor | | |
| Hobbs, NM 88240-1157 | | |
| Chief Capital (O&G) II LLC | 08/03/23 | 08/11/23 |
| 8111 Westchester D., Ste. 900 | | |
| Dallas, TX 75225 | | |
| Dorchester Minerals, LP | 08/03/23 | 08/11/23 |
| 3838 Oak Lawn Avenue, Ste. 300 | | |
| Dallas, Texas 75219 | | |

APPLICATION OF EARTHSTONE OPERATING, LLC TO EXTEND TIME TO COMMENCE DRILLING OPERATIONS, LEA COUNTY, NEW MEXICO.

CASE NO. 23714 ORDER NO. R-22271 & CASE NO. 23715 ORDER NO. R-22272

| Dorchester Minerals, LP 4415 W. Lovers Lane Dallas, TX 75209 | 08/03/23 | Per USPS Tracking (Last checked 08/31/23): |
|--|----------|---|
| | | 08/11/23 – Item in transit to next facility. |
| ELR Minerals, LLC 5320 Sandywood Court | 08/03/23 | Per USPS Tracking (Last checked 08/31/23): |
| Carmichael, CA 95608 | | (Last checked 06/51/25). |
| | | 08/07/23 – Delivered to |
| Eastading New Marias Minamla LLC | 08/03/23 | individual at the address. |
| Easterling New Mexico Minerals, LLC 10 Wind Road NW | 08/03/23 | Per USPS Tracking (Last checked 08/31/23): |
| Albuquerque, NM 87120 | | (Lust encered 00/31/25). |
| 1 1 7 | | 08/31/23 – Item in transit |
| | | to the destination. |
| Lance Sears Easterling | 08/03/23 | 08/15/23 |
| 522 Harbert Street | | |
| Columbus, TX 78934 Tommy L. Fort | 08/03/23 | Per USPS Tracking |
| 101 Nursery Land, Suite 312 | 08/03/23 | (Last checked $08/31/23$): |
| Fort Worth, TX 76114 | | (Lust encerted 00/31/23). |
| , | | 08/10/23 – Item in transit |
| | | to next facility. |
| Rolla R. Hinkle, III | 08/03/23 | 08/10/23 |
| P.O. Box 50820 | | |
| Midland, TX 79710 KMF Land, LLC | 08/03/23 | Don LISDS Treating |
| 4415 W. Lovers Lane | 00/03/23 | Per USPS Tracking (Last checked 08/31/23): |
| Dallas, TX 75209 | | (Last encoded 00/31/23). |
| _, | | 08/11/23 – Item in transit |
| | | to next facility. |

APPLICATION OF EARTHSTONE OPERATING, LLC TO EXTEND TIME TO COMMENCE DRILLING OPERATIONS, LEA COUNTY, NEW MEXICO.

CASE NO. 23714 ORDER NO. R-22271 & CASE NO. 23715 ORDER NO. R-22272

| | 00/02/22 | |
|-----------------------------------|----------|----------------------------|
| KMF Land, LLC Life Estate | 08/03/23 | Per USPS Tracking |
| 4415 W. Lovers Lane | | (Last checked 08/31/23): |
| Dallas, TX 75209 | | |
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| | | to next facility. |
| MSH Family | 08/03/23 | 08/15/23 |
| Real Estate Partnership II, LLC | | |
| 4143 Maple Avenue, Suite 500 | | No signature. |
| Dallas, TX 75219 | | č |
| Marathon Oil Permian, LLC | 08/03/23 | 08/10/23 |
| Attn: Land Department | | |
| 990 Town and Country Boulevard | | |
| Houston, TX 77024 | | |
| Mavros Oil Company, LLC | 08/03/23 | 08/10/23 |
| PO Box 50820 | | |
| Midland, TX 79710 | | |
| McMullen Minerals, LLC | 08/03/23 | 08/10/23 |
| PO Box 470857 | | |
| Ft. Worth, TX 76147 | | |
| Momentum Minerals Operating, LP | 08/03/23 | Per USPS Tracking |
| 750 Town & Country Blvd., Ste 420 | | (Last checked 08/31/23): |
| Houston, TX 77024 | | |
| | | 08/11/23 – Item in transit |
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| Oxy Y-1 Company | 08/03/23 | 08/11/23 |
| Attn: Land Department | | |
| 5 Greenway Plaza, Suite 110 | | |
| Houston, TX 77046 | | |
| Pegasus Resources, LLC | 08/03/23 | Per USPS Tracking |
| 101 Nursery Land, Suite 312 | | (Last checked 08/31/23): |
| Fort Worth, TX 76114 | | |
| | | 08/10/23 – Item in transit |
| | | to next facility. |

APPLICATION OF EARTHSTONE OPERATING, LLC TO EXTEND TIME TO COMMENCE DRILLING OPERATIONS, LEA COUNTY, NEW MEXICO.

CASE NO. 23714 ORDER NO. R-22271 & CASE NO. 23715 ORDER NO. R-22272

| Pegasus Resources, LLC | 08/03/23 | 08/10/23 |
|--|----------|----------------------------|
| 2821 West 7th Street, Suite 500 | 00/03/23 | 00/10/25 |
| Fort Worth, Texas 76107 | | |
| Penasco Petroleum, LLC | 08/03/23 | 08/10/23 |
| P.O. Box 50820 | | 00110120 |
| Midland, TX 79710 | | |
| R.E.B. Resources, LLC | 08/03/23 | 08/10/23 |
| 308 N. Colorado Street, Suite 200 | | |
| Midland, TX 79701 | | |
| Robert Mitchell Raindl | 08/03/23 | Per USPS Tracking |
| 101 Nursery Land, Suite 312 | | (Last checked 08/31/23): |
| Fort Worth, TX 76114 | | |
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| RFort Mineral Properties, LLC | 08/03/23 | Per USPS Tracking |
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| Fort Worth, TX 76114 | | |
| | | 08/10/23 – Item in transit |
| | | to next facility. |
| Ross Easterling Minerals Holdings, LLC | 08/03/23 | 08/15/23 |
| 917 Wildwood Trl. | | |
| New Braunfels, TX 78130 | | |
| SMP Sidecar Titan Mineral Holdings, LP | 08/03/23 | 08/15/23 |
| 4143 Maple Avenue, Suite 500 | | |
| Dallas, TX 75219 | | No signature. |
| SMP Titan Flex, LP | 08/03/23 | 08/15/23 |
| 4143 Maple Avenue, Suite 500 | | |
| Dallas, TX 75219 | 00/02/22 | No signature. |
| SMP Titan Mineral Holdings, LP | 08/03/23 | 08/15/23 |
| 4143 Maple Avenue, Suite 500 | | |
| Dallas, TX 75219 | | No signature. |

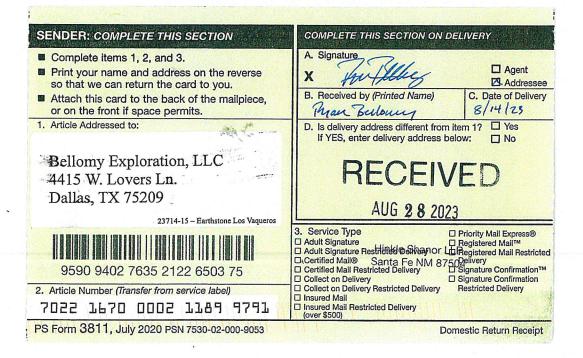
APPLICATION OF EARTHSTONE OPERATING, LLC TO EXTEND TIME TO COMMENCE DRILLING OPERATIONS, LEA COUNTY, NEW MEXICO.

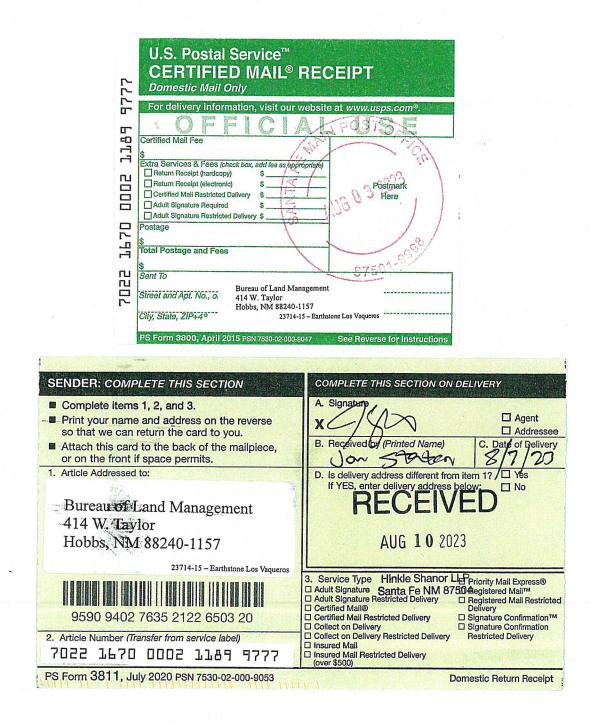
CASE NO. 23714 ORDER NO. R-22271 & CASE NO. 23715 ORDER NO. R-22272

| Santa Elena Minerals IV, LP 101 Nursery Land, Suite 312 Fort Worth, TX 76114 | 08/03/23 | Per USPS Tracking (Last checked 08/31/23): 08/10/23 – Item in transit to next facility. |
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| Santa Elena Minerals IV, LP PO Box 2063 Midland, TX 79702 | 08/03/23 | 08/11/23 |
| Sharbro Energy, LLC Attn: Liz Baker P.O. Box 840 Artesia, NM 88211 | 08/03/23 | 08/10/23 |
| Susan Ross Easterling Swaim P.O. Box 992 Elephant Butte, NM 87935 | 08/03/23 | 08/15/23 |
| Talon Oil & Gas III, LLC 3131 McKinney Avenue, Suite 750 Dallas, TX 75204 | 08/03/23 | 08/24/23 Return to sender. |
| The United States of America 301 Dinosaur Trail Santa Fe, NM 87508 | 08/03/23 | 08/10/23 |
| Ventura Oil & Gas, LLC 308 N. Colorado Street, Suite 200 Midland, TX 79701 | 08/03/23 | 08/10/23 |

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| ſ | PS Form 3800, April 2015 PSN 7530-02 SENDER: COMPLETE THIS SECTION Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. Article Addressed to: Monty Brad Beckham PO Box 823 Jal, NM 88252 | COMPLETE THIS SECTION ON DELIVERY A. Signature B. Received by (Printed Name) D. Is delivery address different from item 1? If YES, enter delivery address below: No NEECEIVED AUG 11 2022 |
| | 23714-15 - Earthstone Los Vaqueros 9590 9402 7635 2122 6503 82 2. Article Number (Transfer from service label) 70221670 0002 1.167 9784 PS Form 3811, July 2020 PSN 7530-02-000-9053 | 3. Service Type Adult Signature Adult Signature Adult Signature Certified MaiBanta Fe NM 87504 Certified MaiB Restricted Delivery Certified MaiB Restricted Delivery Collect on Delivery Restricted Delivery Insured Mail Insured Mail Restricted Delivery (over \$500) |

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| Article Addressed to: Dorchester Minerals, LP 3838 Oak Lawn Avenue, Ste. 300 Dallas, Texas 75219 23714-15 - Earthstone Los Vagueros | D. Is delivery address different from item 1? Tyes If YES, enter delivery address below: No RECEIVED AUG 11 2023 |
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| Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, | A. Signature X Image: Agent image: Addressee B. Received by (Printed Name) C. Date of Delivery |
| or on the front if space permits. 1. Article Addressed to: | D. Is delivery address different from item 1? Yes |
| MSH Family Real Estate Partnership II, LLC | If YES, enter delivery address below: |
| 4143 Maple Avenue, Suite 500 Dallas, TX 75219 | AUG 15 2023 |

23714-15 - Earthstone Los Vaqueros

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1. Article Addressed to:

Marathon Oil Permian, LLC Attn: Land Department 990 Town and Country Boulevard Houston, TX 77024 23714-15 - Earthstone Los Vaqueros

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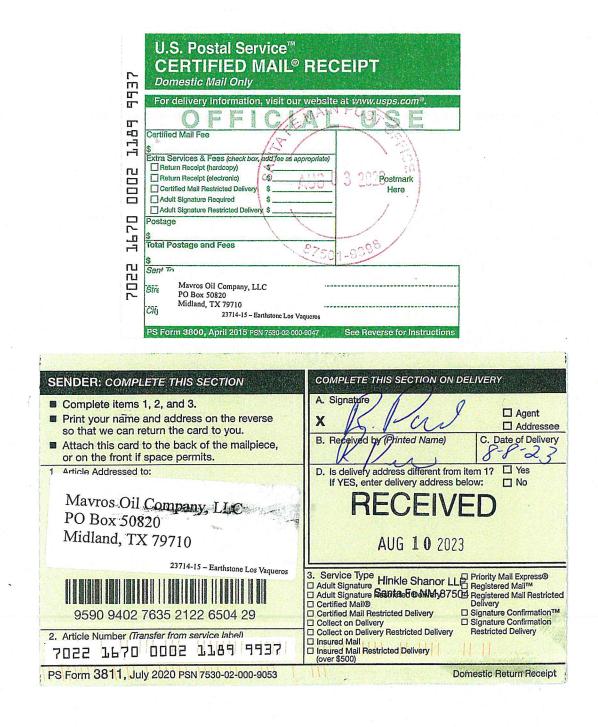
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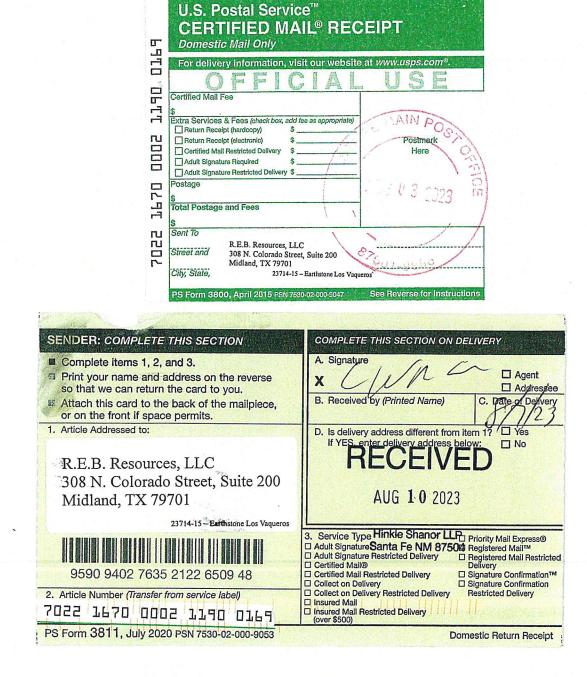
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| Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. Article Addressed to: Penasco Petroleum, LLC P.O. Box 50820 Midland, TX 79710 | A. Signature X Addressee B. Received by (Printed Name) C. pate of Delivery D. Is delivery address different from item 1? Yes If YES, enter delivery address below: No RECEIVED AUG 10 2023 |
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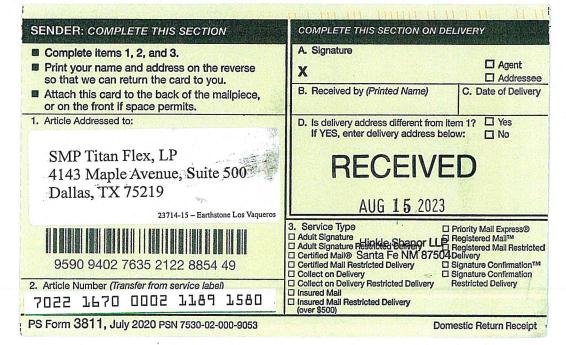


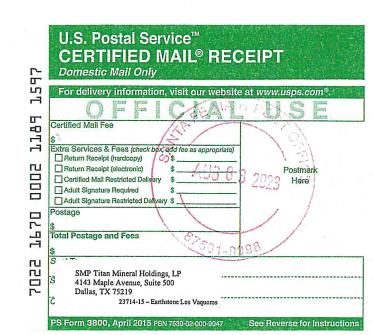
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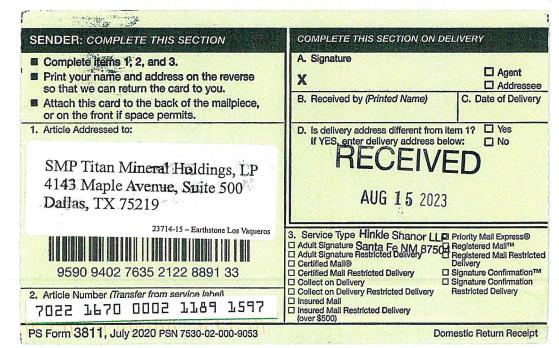
Page 37 of 87

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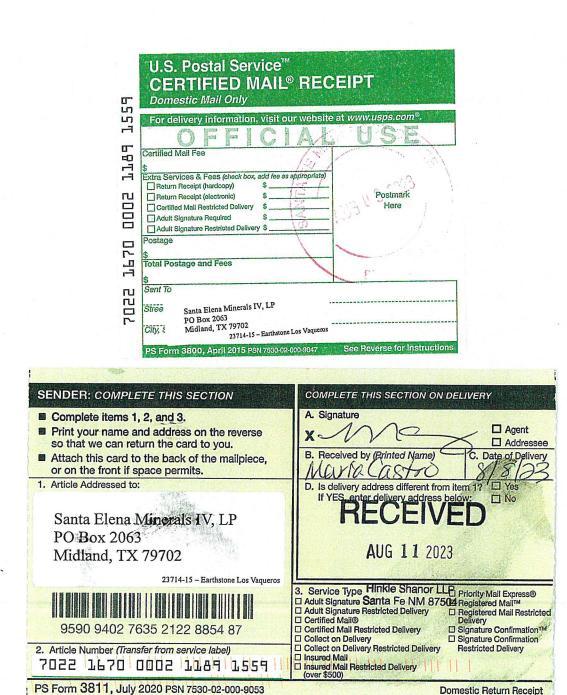
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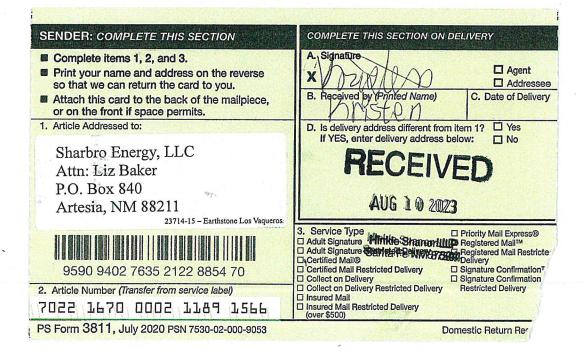


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Page 40 of 87

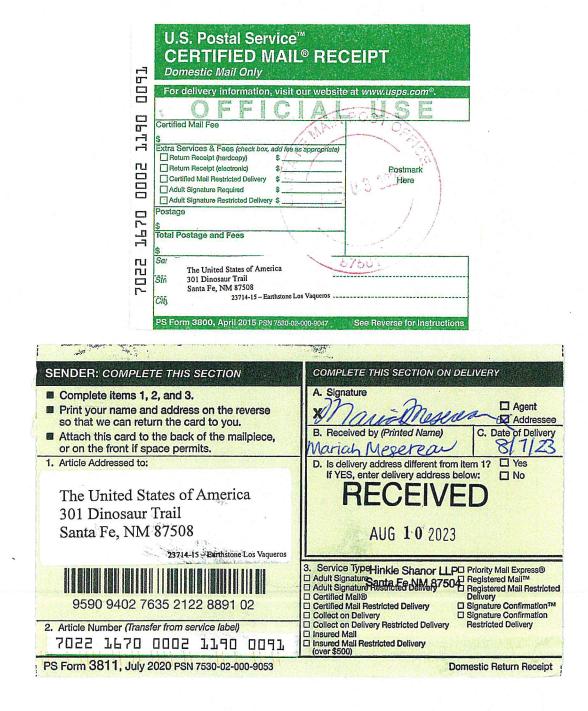
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| Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. | A. Signature |
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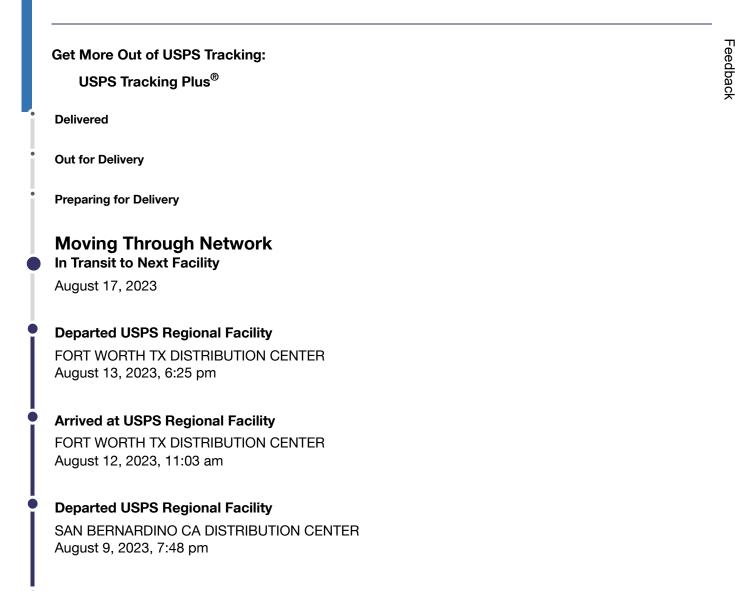
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| Arrived at USPS Regional Facility | |
| SAN BERNARDINO CA DISTRIBUTION CENTER August 6, 2023, 2:23 am | |
| Departed USPS Facility | |
| ALBUQUERQUE, NM 87101 August 4, 2023, 7:33 am | |
| Arrived at USPS Facility | |
| ALBUQUERQUE, NM 87101 August 3, 2023, 10:01 pm | |
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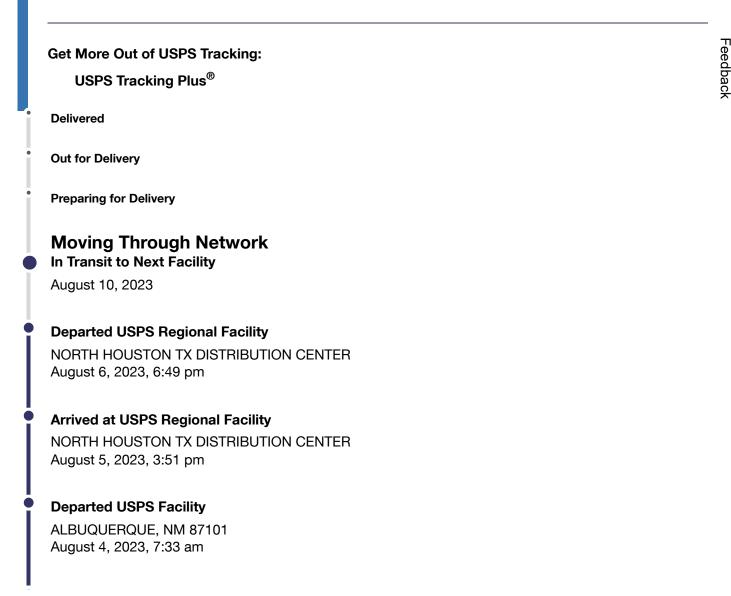
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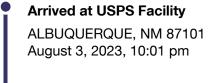
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| | PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions |

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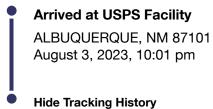
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Departed USPS Facility

ALBUQUERQUE, NM 87101 August 4, 2023, 7:33 am FAQs >

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Tracking Number: 70221670000211899876

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Latest Update

Your item was delivered to an individual at the address at 2:35 pm on August 7, 2023 in CARMICHAEL, CA 95608.

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Delivered Delivered, Left with Individual CARMICHAEL, CA 95608 August 7, 2023, 2:35 pm

Departed USPS Regional Facility

SACRAMENTO CA DISTRIBUTION CENTER August 6, 2023, 3:05 pm

Arrived at USPS Regional Facility

SACRAMENTO CA DISTRIBUTION CENTER August 5, 2023, 10:32 am

Departed USPS Facility

ALBUQUERQUE, NM 87101 August 4, 2023, 7:33 am

Arrived at USPS Facility

ALBUQUERQUE, NM 87101 August 3, 2023, 10:01 pm Remove X

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FAQs >

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Latest Update

Tracking Number:

Your item departed our USPS facility in ALBUQUERQUE, NM 87101 on August 31, 2023 at 1:42 am. The item is currently in transit to the destination.

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Moving Through Network Departed USPS Facility

ALBUQUERQUE, NM 87101 August 31, 2023, 1:42 am

Available for Pickup

RICHARD J PINO 4600 PARADISE BLVD NW ALBUQUERQUE NM 87114-9997 M-F 0800-1700; SAT 0900-1500 August 26, 2023, 7:33 pm

In Transit to Next Facility

August 25, 2023

Unclaimed/Being Returned to Sender

ALBUQUERQUE, NM 87114 August 24, 2023, 10:18 am

Reminder to Schedule Redelivery of your item

August 10, 2023

| Held at Post Office, At Customer Request | |
|---|-------------|
| ALBUQUERQUE, NM 87114 | |
| August 5, 2023, 9:18 pm | |
| | |
| Notice Left (No Authorized Recipient Available) | |
| ALBUQUERQUE, NM 87120 | |
| August 5, 2023, 12:04 pm | |
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| ALBUQUERQUE, NM 87101 | |
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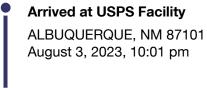
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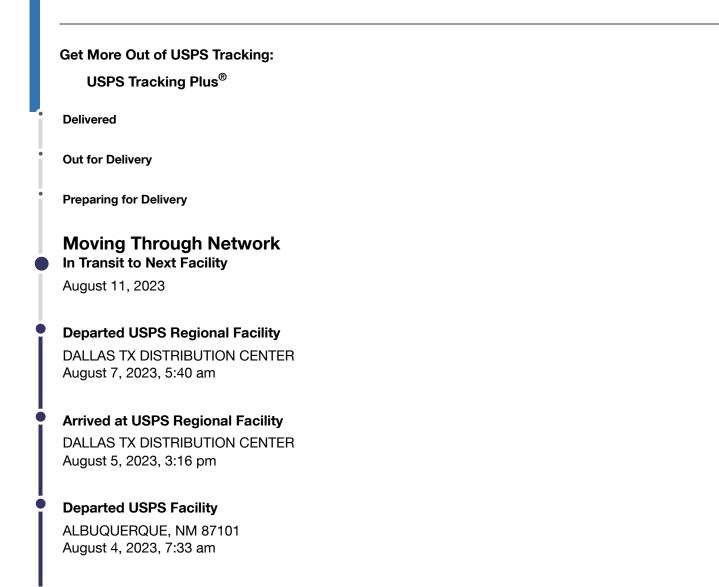
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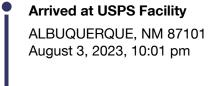
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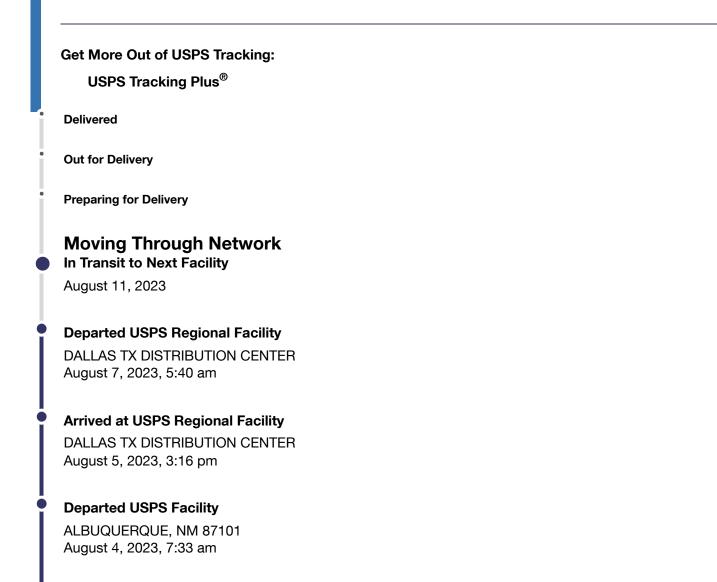
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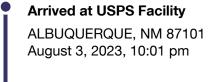
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FAQs >

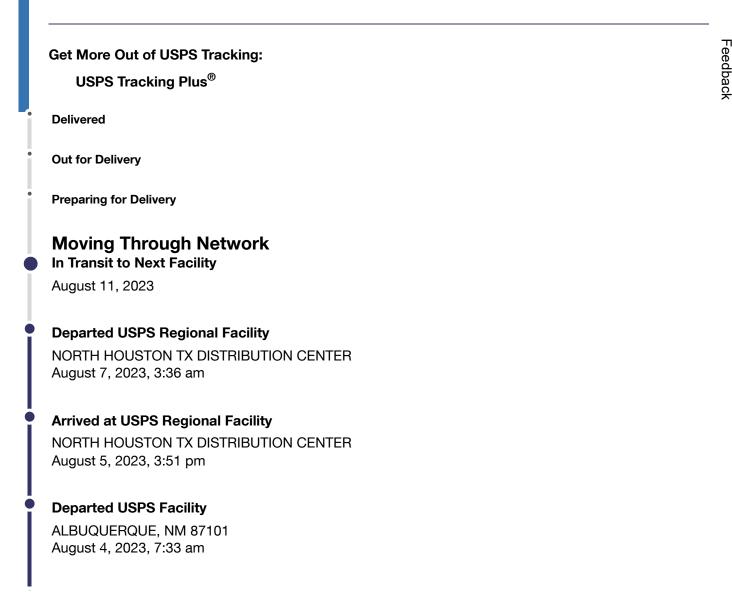
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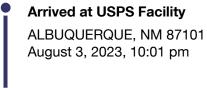
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FAQs >

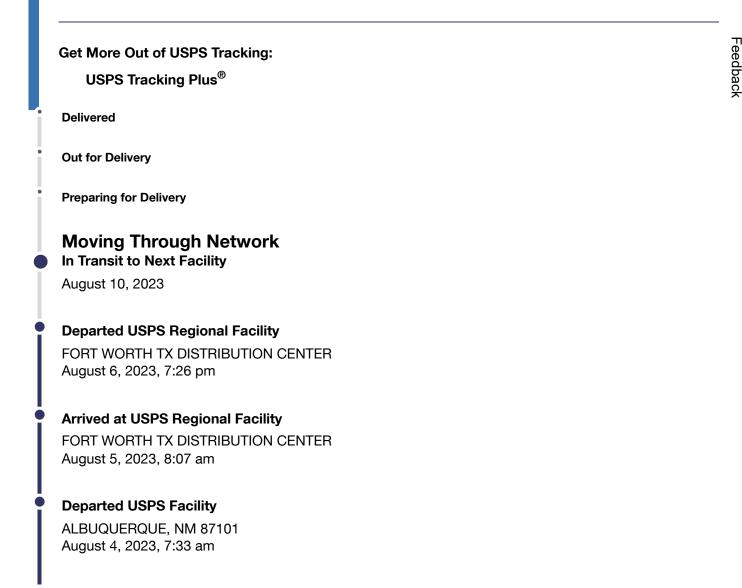
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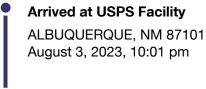
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FAQs >

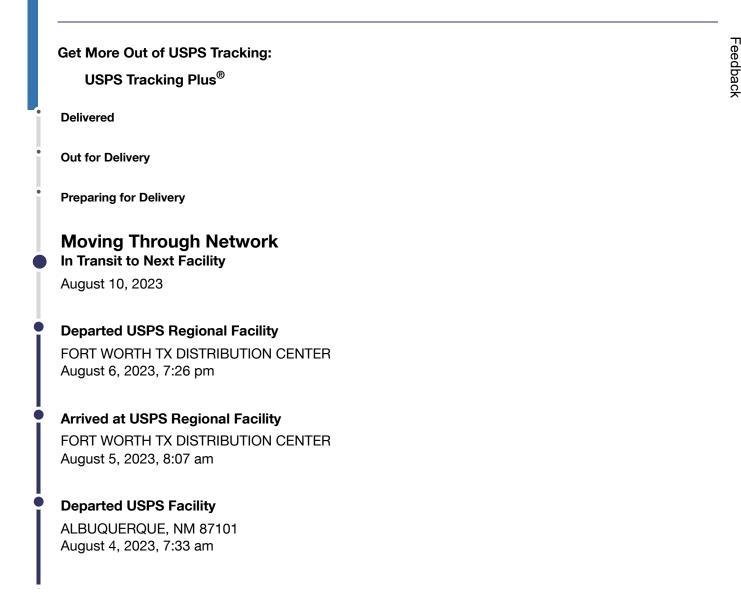
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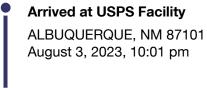
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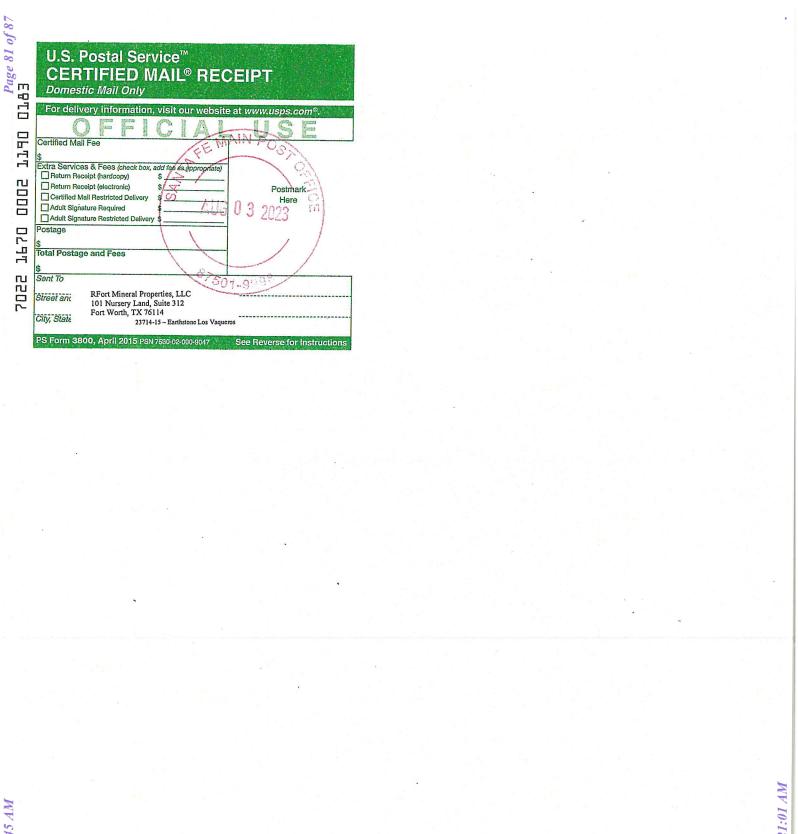
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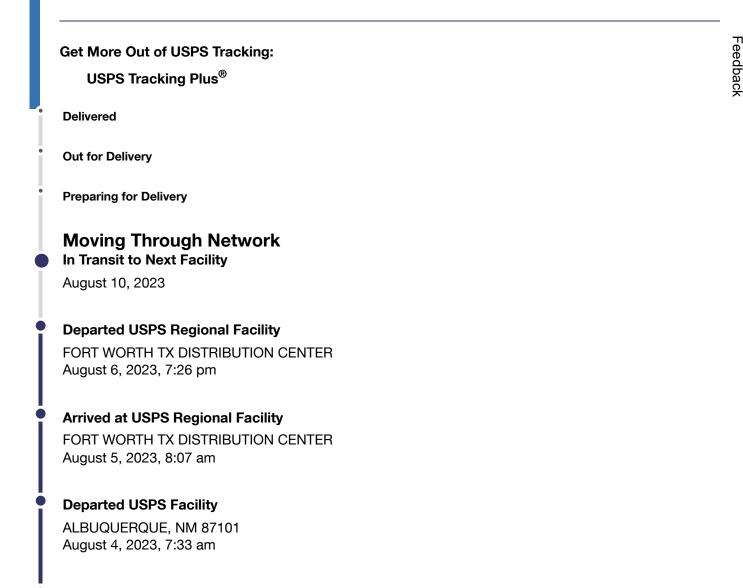
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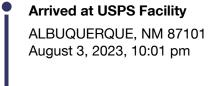
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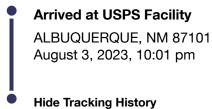
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Affidavit of Publication

STATE OF NEW MEXICO COUNTY OF LEA

I, Daniel Russell, Publisher of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, solemnly swear that the clipping attached hereto was published in the regular and entire issue of said newspaper, and not a supplement thereof for a period of 1 issue(s).

> Beginning with the issue dated August 11, 2023 and ending with the issue dated August 11, 2023.

Publisher

Sworn and subscribed to before me this 11th day of August 2023.

e Ruth Black

Business Manager

My commission expires January 29, 2027

(Seal) STATE OF NEW MEXICO NOTARY PUBLIC **GUSSIE RUTH BLACK** COMMISSION # 1087526 COMMISSION EXPIRES 01/29/2027

This newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Laws of 1937 and payment of fees for said publication has been made.

LEGAL NOTICE August 11, 2023

LEGAL NOTICE August 11, 2023 This is to notify all interested parties, including Arthur William Brough; Bellomy Exploration, LLC; Black Mountain Operating, LLC; Bugling Bull Investments, LLC; Bureau of Land Management; Chief Capital (O&G) II LLC; Dorchester Minerals, LP; Easterling New Mexico Minerals, LLC; ELR Minerals, LLC; KMF Land, LLC; KMF Land, LLC Life Estate; Lance Sears Easterling; Marathon Oil Permian, LLC; Margi Fort Bruns; Mavros Oil Company, LLC; McMullen Minerals, LLC; Momentum Minerals Operating, LP; Monty Brad Beckham; MSH Family Real Estate Partnership II, LLC; Oxy Y-1 Company; Pegasus Resources, LLC; Penasco Petroleum, LLC; R.E.B. Resources, LLC; Penasco Petroleum, LLC; R.E.B. Resources, LLC; RFort Mineral Properties, LLC; Robert Mitchell Raind; Rolla R. Hinkle, III; Ross Easterling Minerals Holdings, LLC; Santa Elena Minerals IV, LP; Sharbro Energy, LLC; SMP Sidecar Titan Mineral Holdings, LP; SMP Titan Flex, LP; SMP Titan Mineral Holdings, LP; Susan Ross Easterling Swaim; Talon Oil & Gas III, LLC; Tommy L. Fort; The United States of America; Ventura Oil & Gas, LLC; and their successors and assigns, that the New Mexico Oil Conservation Division will conduct a hearing on an application submitted by Earthstone Operating, LLC (Case No. 23714). The hearing will be conducted remotely on September 7, 2023, beginning at 8:15 a.m. To participate in the electronic hearing, see the instructions posted on the OCD Hearings website for that date. https://www.emnrd.nm.gov/ocd/hearing-info/. Applicant applies for an order extending the deadline to commence drilling operations under Order No. R-22271 ("Order") until September 2, 2024. The Division entered the Order in Case No. 22851 on September 2, 2022. The Order: pooled all uncommitted interests in the Bone Spring formation underlying a 240-acre, more or less, standard horizontal spacing unit comprised of the E/2 E/2 of Section 30 and the E/2 NE/4 of irregular Section 31, Township 26 South, Range 35 East, Lea County, New Mexico ("Unit"); dedicated the Uni Section 30 and the E/2 NE/4 of irregular Section 31, Township 26 South, Range 35 East, Lea County, New Mexico ("Unit"); dedicated the Unit to the Los Vaqueros Fed Com 214H well ("Well"); and designated Titus Oil and Gas Production, LLC ("Titus") as operator of the Unit and Well. Applicant is the successor in interest to Titus. The Order requires Applicant to commence drilling the Well within one year of the date of the Order. Applicant within one year of the date of the Order. Applicant requests the Division extend the deadline to commence drilling the Well until September 2, 2024. The Well is located approximately 13 miles southwest of Jal, New Mexico. #00281566

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