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

IN THE MATTER OF THE HEARING Docket No.
CALLED BY THE OIL CONSERVATION 20-24
DIVISION FOR THE PURPOSE OF
CONSIDERING:

- Case Nos. 24042, 24195, 24196,
- 24197, 24198, 24199, 24205,
- 24206, 24207, 24367, 24368,
- 24369, 24370, 24457, 24459,
- 24460, 24462, 24463, 24479,
- 24161, 24162, 24440, 24441,
- 24442, 24451, 24452, 24453,
- 24455, 24266, 24267, 24268,
- 24269, 24270, 24271, 24231,
- 24232, 24481, 24482, 24483,
- 24484, 24259, 24260, 24262,
- 24263, 24416, 24499, 24500,
- 24273, 24472, 24121, 24126,
- 24127, 24146, 24147, 24148,
- 24149, 24163, 24189, 24190,
- 24380, 24389, 24391, 24392,
- 24393, 24480, 24485, 24486,

1 24487, 24488, 24489, 24490,
2 24491, 24492, 24493, 24496,
3 24497, 24498, 24501, 24502,
4 24503, 24504, 24505, 24506,
5 24507, 24508, 24509, 24510,
6 24511, 24512, 24513, 24514,
7 24537, 24538, 24539, 24540

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HEARING

10

DATE: Thursday, June 13, 2024

11

TIME: 8:32 a.m.

12

BEFORE: Gregory A. Chakalian, Hearing Examiner

13

LOCATION: Pecos Hall, Wendell Chino Building

14

1220 South Saint Francis Drive

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Santa Fe, NM 87505

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REPORTED BY: James Cogswell

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JOB NO.: 6724122

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A P P E A R A N C E S (Cont'd)

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A P P E A R A N C E S (Cont'd)

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A P P E A R A N C E S (Cont'd)

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A P P E A R A N C E S (Cont'd)

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A P P E A R A N C E S (Cont'd)

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2 ALSO PRESENT:

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4 (via videoconference)

5 Dean McClure, Technical Examiner, OCD

6 (via videoconference)

7 Million Gebremichael, Technical Examiner, OCD

8 (via videoconference)

9 Phillip Goetze, Technical Examiner, OCD

10 (via videoconference)

11 Freya Tschantz, Law Clerk, OCD

12 Nick Karns, Witness

13 Sheila Apodaca, Witness

14 Sarah Griego, Witness

15 Jason Rubin, Witness (via videoconference)

16 Patrick Ryan, Witness (via videoconference)

17 Drew Dixon, Witness (via videoconference)

18 Mark Smith, Witness (via videoconference)

19 Dr. Owen Hehmeyer, Witness (via videoconference)

20 Weston Turner, Witness (via videoconference)

21 Dakota Nahm, Witness (via videoconference)

22 Christopher M. Buscemi, Witness

23 (via videoconference)

24 James Vess, Witness (via videoconference)

25 Jake Sleight, Witness (via videoconference)

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A P P E A R A N C E S (Cont'd)

ALSO PRESENT (Cont'd):

Isaac Olivas, Witness (via videoconference)

Laci Stretcher, Witness

E X H I B I T S

NO.	DESCRIPTION	ID/EVD
OCD:		
Exhibit 1	Resume of Nick Karns	81/81
Exhibit 2	Inactive Well List	82/84
Exhibit 3	Financial Assurance Report	85/86
Exhibit 4	Amended Notice of Violation to Nancy Wilcox E. Qualls	86/87
Exhibit 5	Civil Penalty Calculator	87/87
Exhibit 6	Probate Court - Settlement Agreement	89/90
Exhibit 7	USPS Tracking for delivery of NOV to Staci Brooks	97/98
Exhibit 8	Envelope addressed to William Kent Elliott and returned	92/92
Exhibit 9	USPS Tracking for return of envelope addressed to William Kent Elliott	93/93
Exhibit 10	Docketing Notice filed in Case No. 24512, Nancy Wilcox E. Qualls	94/94
Exhibit 11	Email to Staci Brooks with copy of docketing notice to Nancy Wilcox E. Qualls	94/99

E X H I B I T S (Cont'd)			
NO.	DESCRIPTION	ID/EVD	
24146:			
Exhibit 1	Pooling Checklist	215/215	
Exhibit 2	Landman Affidavit	215/215	
Exhibit 3	Geologist Affidavit	215/215	
Exhibit 4	Affidavit of Mailing	215/215	
Exhibit 5	Affidavit of Publication	215/215	
Exhibit 6	Application; Proposed Notice	215/215	
NO.	DESCRIPTION	ID/EVD	
24147:			
Exhibit 1	Pooling Checklist	216/216	
Exhibit 2	Landman Affidavit	216/216	
Exhibit 3	Geologist Affidavit	216/216	
Exhibit 4	Affidavit of Mailing	216/216	
Exhibit 5	Affidavit of Publication	216/216	
Exhibit 6	Application; Proposed Notice	216/216	
NO.	DESCRIPTION	ID/EVD	
24148:			
Exhibit 1	Pooling Checklist	217/217	
Exhibit 2	Landman Affidavit	217/217	
Exhibit 3	Geologist Affidavit	217/217	
Exhibit 4	Affidavit of Mailing	217/217	

E X H I B I T S (Cont'd)		
NO.	DESCRIPTION	ID/EVD
24148 (Cont'd):		
Exhibit 5	Affidavit of Publication	217/217
Exhibit 6	Application; Proposed Notice	217/217
NO.	DESCRIPTION	ID/EVD
24149:		
Exhibit 1	Pooling Checklist	217/217
Exhibit 2	Landman Affidavit	217/217
Exhibit 3	Geologist Affidavit	217/217
Exhibit 4	Affidavit of Mailing	217/217
Exhibit 5	Affidavit of Publication	217/217
Exhibit 6	Application; Proposed Notice	217/217
NO.	DESCRIPTION	ID/EVD
24163:		
Exhibit A	Statement of Kevin Klein	219/219
Exhibit B	Statement of Kelsey Garner	219/219
Exhibit C	Statement of Dana S. Hardy	219/219
NO.	DESCRIPTION	ID/EVD
24189:		
Exhibit 1	Pooling Checklist	225/225
Exhibit 2	Landman Affidavit	225/225

E X H I B I T S (Cont'd)		
NO.	DESCRIPTION	ID/EVD
24189 (Cont'd):		
Exhibit 3	Geologist Affidavit	225/225
Exhibit 4	Affidavit of Mailing	225/225
Exhibit 5	Affidavit of Publication	225/225
Exhibit 6	Application; Proposed Notice	225/225
NO.	DESCRIPTION	ID/EVD
24190:		
Exhibit 1	Pooling Checklist	226/226
Exhibit 2	Landman Affidavit	226/226
Exhibit 3	Geologist Affidavit	226/226
Exhibit 4	Affidavit of Mailing	226/226
Exhibit 5	Affidavit of Publication	226/226
Exhibit 6	Application; Proposed Notice	226/226
NO.	DESCRIPTION	ID/EVD
24273:		
Exhibit A	Revised Exhibit A	118/118
Exhibit B	Revised Statement of Isaac Olivas	118/118
Exhibit C	Revised Exhibit C	118/118
Exhibit D	Revised Exhibit D	118/118
Exhibit E	Revised Exhibit E	118/118

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	24273 (Cont'd):		
4	Exhibit F	Revised Exhibit F	118/118
5	Exhibit G	Supplemental Statement of	
6		Isaac Olivas	118/118
7	Exhibit H	Supplemental Statement of	
8		Dr. Owen Hehmyer	118/118
9	Exhibit I	Revised Exhibit I	118/118
10	Exhibit J	Revised Exhibit J	118/118
11			
12	NO.	DESCRIPTION	ID/EVD
13	24380:		
14	Exhibit A	Statement of Drew Dixon	124/132
15	Exhibit B	Statement of Patrick Ryan	124/132
16	Exhibit C	Statement of Jason Rubin	129/132
17	Exhibit D	Statement of Dana S. Hardy	131/132
18			
19	NO.	DESCRIPTION	ID/EVD
20	24488:		
21	Exhibit A	Statement of Adams Davenport	235/235
22	Exhibit B	Statement of Darin Dolezal	235/235
23	Exhibit C	Statement of Dana S. Hardy	235/235
24			
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1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	24489:		
4	Exhibit A	Statement of Adams Davenport	233/233
5	Exhibit B	Statement of David Childers	233/233
6	Exhibit C	Statement of Dana S. Hardy	233/233
7			
8	NO.	DESCRIPTION	ID/EVD
9	24490:		
10	Exhibit A	Statement of Adams Davenport	233/233
11	Exhibit B	Statement of David Childers	233/233
12	Exhibit C	Statement of Dana S. Hardy	233/233
13			
14	NO.	DESCRIPTION	ID/EVD
15	24493:		
16	Exhibit A	Statement of Landman	252/252
17	Exhibit B	Statement of Geologist	252/252
18	Exhibit C	Statement of Engineer	252/252
19	Exhibit D	Affirmation of Notice	252/252
20			
21	NO.	DESCRIPTION	ID/EVD
22	24496:		
23	Exhibit A	Statement of Taylor Warren	260/260
24	Exhibit B	Statement of James Vess	260/260
25	Exhibit C	Statement of Dana S. Hardy	260/260

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E X H I B I T S (Cont'd)

NO.	DESCRIPTION	ID/EVD
24497:		
Exhibit A	Compulsory Pooling Application Checklist	262/262
Exhibit B	Statement of John Harper	262/262
Exhibit C	Statement of Deana Bennett	262/262
NO.	DESCRIPTION	ID/EVD
24501:		
Exhibit A	Statement of Taylor Warren	265/265
Exhibit B	Statement of James Vess	265/265
Exhibit C	Statement of Dana S. Hardy	265/265
NO.	DESCRIPTION	ID/EVD
24502:		
Exhibit A	Filed application including Form C-107-B	159/159
Exhibit B	Affidavit of Mark Smith	159/159
Exhibit C	Notice Affidavit	159/159
Exhibit D	Affidavit of Publication in Carlsbad Current Argus	159/159

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	24503:		
4	Exhibit A	Statement of Mason Maxwell	267/267
5	Exhibit B	Statement of Chris Cantin	267/267
6	Exhibit C	Statement of Dana S. Hardy	267/267
7			
8	NO.	DESCRIPTION	ID/EVD
9	24504:		
10	Exhibit A	Statement of Mason Maxwell	267/267
11	Exhibit B	Statement of Chris Cantin	267/267
12	Exhibit C	Statement of Dana S. Hardy	267/267
13			
14	NO.	DESCRIPTION	ID/EVD
15	24505:		
16	Exhibit A	Statement of Thomas Sloan	205/205
17	Exhibit B	Affidavit of Tyler Hill	205/205
18	Exhibit C	Statement of Notice	205/205
19	Exhibit D	Affidavit of Publication	205/205
20			
21	NO.	DESCRIPTION	ID/EVD
22	24506:		
23	Exhibit A	Statement of Thomas Sloan	209/209
24	Exhibit B	Affidavit of Tyler Hill	209/209
25	Exhibit C	Statement of Notice	209/209

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E X H I B I T S (Cont'd)

NO.	DESCRIPTION	ID/EVD
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24506:

Exhibit D	Affidavit of Publication	209/209
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NO.	DESCRIPTION	ID/EVD
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24507:

Exhibit A	Statement of Thomas Sloan	210/210
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Exhibit B	Affidavit of Tyler Hill	210/210
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Exhibit C	Statement of Notice	210/210
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Exhibit D	Affidavit of Publication	210/210
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NO.	DESCRIPTION	ID/EVD
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24510:

Exhibit A	Statement of Ryan Curry	270/270
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Exhibit B	Statement of Chris Cantin	270/270
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Exhibit C	Statement of Dana S. Hardy	270/270
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NO.	DESCRIPTION	ID/EVD
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24511:

Exhibit A	Statement of Ryan Curry	271/271
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Exhibit B	Statement of Chris Cantin	271/271
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Exhibit C	Statement of Dana S. Hardy	271/271
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1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	24513:		
4	Exhibit A	Statement of Ryan Curry	271/271
5	Exhibit B	Statement of Chris Cantin	271/271
6	Exhibit C	Statement of Dana S. Hardy	271/271
7			
8	NO.	DESCRIPTION	ID/EVD
9	24514:		
10	Exhibit A	Statement of Ryan Curry	271/271
11	Exhibit B	Statement of Chris Cantin	271/271
12	Exhibit C	Statement of Dana S. Hardy	271/271
13			
14	NO.	DESCRIPTION	ID/EVD
15	24537:		
16	Exhibit A	Statement of Laci Stretcher	276/276
17	Exhibit B	Statement of Terra George	276/276
18	Exhibit C	Statement of Notice	276/276
19	Exhibit D	Affidavit of Publication	276/276
20			
21	NO.	DESCRIPTION	ID/EVD
22	24538:		
23	Exhibit A	Statement of Laci Stretcher	276/276
24	Exhibit B	Statement of Terra George	276/276
25	Exhibit C	Statement of Notice	276/276

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E X H I B I T S (Cont'd)

NO.	DESCRIPTION	ID/EVD
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24538 (Cont'd):

Exhibit D	Affidavit of Publication	276/276
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NO.	DESCRIPTION	ID/EVD
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24539:

Exhibit A	Statement of Laci Stretcher	283/283
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Exhibit B	Statement of Jake Sleight	283/283
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Exhibit C	Statement of Notice	283/283
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Exhibit D	Affidavit of Publication	283/283
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NO.	DESCRIPTION	ID/EVD
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24540:

Exhibit A	Statement of Laci Stretcher	287/287
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Exhibit B	Statement of Jake Sleight	287/287
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Exhibit C	Statement of Notice	287/287
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Exhibit D	Affidavit of Publication	287/287
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P R O C E E D I N G S

THE HEARING EXAMINER: Let's go on the record in Case Numbers 24161, 62, 24440, 41, 42, 24451, 52, and 24453, and 55. Entries of appearance, please?

UNIDENTIFIED SPEAKER: Sorry, Mr. Hearing Examiner, I believe this is not broadcasting online.

THE HEARING EXAMINER: I didn't hear you.

UNIDENTIFIED SPEAKER: I apologize. I'm not sure if the hearing is broadcasting online. It's my understanding that folks online can't see the hearing.

THE HEARING EXAMINER: Oh. Would you speak with that woman in the back of the room? She would know the best.

Entries of appearance, please?

MS. MCLEAN: Jackie McLean for Permian Resources. I believe Dana Hardy was going to do the status conference online, but I'm not sure. If they can't hear it, I'm happy to do it.

MR. FELDEWERT: Good morning, Mr. Examiner. Michael Feldewert, Santa Fe office of Holland and Hart, appearing on behalf of MRC Permian.

1 THE HEARING EXAMINER: Do we have other
2 entries of appearance?

3 MS. MCLEAN: We have -- Cimarex has
4 entered an appearance in this case, but probably
5 they're online.

6 THE HEARING EXAMINER: Are there any
7 others besides Cimarex; do you know?

8 MS. MCLEAN: Those should be it. MRC
9 and Cimarex.

10 THE HEARING EXAMINER: Okay. Freya, do
11 you know if we are online?

12 MS. TSCHANTZ: I'm checking.

13 THE HEARING EXAMINER: Thank you. All
14 right. Let's take a recess while we check. Thank
15 you.

16 (Off the record.)

17 THE HEARING EXAMINER: Okay. We're
18 back on the record. I think we have dealt with our
19 technical issues this morning. Is there any other
20 entry of appearance, maybe from Cimarex?

21 Mr. Savage, do we have you?

22 MS. MCLEAN: Dana said that he's on.
23 She can see him on there, but I wonder if they can't
24 hear.

25 THE HEARING EXAMINER: Can Dana hear

1 us?

2 MS. MCLEAN: She can't hear.

3 THE HEARING EXAMINER: Dana says she
4 can't hear?

5 MS. MCLEAN: Right.

6 THE HEARING EXAMINER: So Hailee just
7 went to the back and checked and she was able to hear.
8 I don't know if it's their problem or not. Maybe they
9 can call in by phone.

10 (Discussion held off the record.)

11 MS. MCLEAN: In these cases, Spicy
12 Chicken 24161, 24162, 24440 through 24455, it's my
13 understanding that all the parties had agreed to a
14 continuance to July 25th, and it was the Division that
15 had requested a status conference today. So I know
16 Mr. Savage is not on, but we do have everyone's
17 agreement to a continuation to July 25th.

18 THE HEARING EXAMINER: My concern was
19 the age of several of the cases. Can you tell me when
20 24161 was filed?

21 MS. MCLEAN: I believe it was in
22 February. And we were supposed to go to hearing, but
23 then due to the unavailability of the land witness,
24 that's why we had requested the continuation. But
25 there were another eight cases or seven cases that

1 were filed at the same time as the oldest two that we
2 dismissed and refiled.

3 So there's been, you know, dismissals
4 and refilings due to, you know, various negotiations
5 between the parties, and we were ready to go to
6 hearing by affidavit, but we were unable to due to our
7 land witness not being available on the date. So his
8 first availability is July 25th, and that's why we had
9 requested that continuance.

10 THE HEARING EXAMINER: So by your
11 representations you will be ready for a hearing by
12 affidavit on July -- what was it?

13 MS. MCLEAN: July -- the July 25th
14 docket, I believe. Yeah. July 25th.

15 THE HEARING EXAMINER: And there are no
16 objections that you know of?

17 MS. MCLEAN: No. That is why we had
18 filed the request for continuation because none of the
19 parties objected. We all agreed that it was fine to
20 continue it to that date.

21 THE HEARING EXAMINER: Were there
22 objections that are now withdrawn or there never were
23 objections?

24 MS. MCLEAN: There never were
25 objections. Just entries of appearance.

1 MR. FELDEWERT: We objected.

2 MS. MCLEAN: Did you object and
3 withdraw? Are you sure?

4 THE HEARING EXAMINER: So, Mr.
5 Feldewert?

6 MR. FELDEWERT: I think where we're at
7 is -- I believe, she's correct. The parties have
8 reached an agreement that should allow the case to go
9 forward by affidavit. It's my understanding that
10 they're shortening the laterals which is allowing the
11 parties then to go forward by affidavit.

12 I'm just not sure if that's finalized
13 yet. That's why we had the continuance to July 25th.
14 But I fully anticipate that on July 25th they're going
15 to be able to go forward by affidavit. I just can't
16 say for sure yet.

17 THE HEARING EXAMINER: Okay. And then
18 we're still waiting for Mr. Savage, is it, who
19 represents Cimarex; is that right?

20 MS. MCLEAN: That's correct.

21 THE HEARING EXAMINER: Mr. Savage, are
22 you with us by phone or some other way?

23 MS. TSCHANTZ: Mr. Hearing Examiner, I
24 just emailed Dana Hardy and Darin Savage the link for
25 the meeting that we're in, so maybe if that will help.

1 THE HEARING EXAMINER: I'm sorry? I
2 didn't check what you said. Maybe what?

3 MS. TSCHANTZ: Maybe they'll be able to
4 get into the link --

5 THE HEARING EXAMINER: I see.

6 MS. TSCHANTZ: -- through what I just
7 emailed them.

8 THE HEARING EXAMINER: All right.
9 Well, Ms. McLean, you said you've spoken to Mr.
10 Savage, and he's in agreement with what you just said?

11 MS. MCLEAN: Yes, Mr. Examiner. He
12 agreed to the continuance to July 25th.

13 THE HEARING EXAMINER: All right.
14 Okay. So what we'll do is when Mr. Savage gets on the
15 line using that link, if he has a problem with what I
16 order then he can -- we can come back to these cases.
17 What we'll do is we will grant the continuation to
18 July 25th for a hearing by affidavit.

19 But, Ms. McLean, I'm concerned about
20 the age of these cases, and so please be prepared to
21 go to hearing. And if for some reason this agreement
22 falls through, please file something so that we can
23 set a contested hearing for these cases.

24 MS. MCLEAN: Certainly, Mr. Examiner.
25 We'll be ready to go on July 25th.

1 MR. FELDEWERT: And, Mr. Examiner, I'll
2 be sure to, at the right time, file our notice of
3 withdrawal of the objection.

4 THE HEARING EXAMINER: Thank you. All
5 right. We're in recess on those cases.

6 Let's go to 24184 and 24185, EGL
7 Resources. Entries of appearance, please?

8 MS. BENNETT: Mr. Hearing Examiner,
9 before we move onto the next cases, I did receive a
10 text from one of our clients, and they are not able to
11 hear or see the Webex, and they received a similar
12 message from other companies.

13 And given the hybrid nature of this
14 hearing, I wonder if we should take another recess to
15 see if we can get the technological issues resolved so
16 that we're not inadvertently in violation of Sunshine
17 Law or something -- Open Meeting Law.

18 THE HEARING EXAMINER: Okay. Now, you
19 said Webex link.

20 Freya, is it a Teams link?

21 MS. TSCHANTZ: It's a Teams link.

22 MS. BENNETT: I misspoke.

23 THE HEARING EXAMINER: Okay. So you --

24 MS. BENNETT: I'm just used to calling
25 it Webex, but it's Teams.

1 THE HEARING EXAMINER: Freya, do you
2 know if the Teams link is correct, the one on the
3 docket that we noticed?

4 MS. TSCHANTZ: I just got on. I know
5 Sheila upstairs is on. Court reporter is on. I am
6 emailing out the link to folks who are having issues,
7 but if there's anyone else that can send the link too,
8 please let me know.

9 THE HEARING EXAMINER: What if you send
10 the link to your mailing list that has literally
11 everyone on it?

12 MS. TSCHANTZ: I'll do that right now.

13 THE HEARING EXAMINER: All right.
14 Let's take a five-minute recess and come back and
15 continue. Thank you.

16 (Off the record.)

17 THE HEARING EXAMINER: All right.
18 Let's go back on the record. I called cases 24184 and
19 24185. I don't see Mr. Bruce here. So we're going to
20 skip those cases for now.

21 Let's go to Franklin Mountain Energy
22 cases 24195, 96, 97, 98, 99, 24205, 06, 07, and 24367,
23 68, 69, and 70. Entries of appearance, please?

24 MS. BENNETT: Good morning. Deana
25 Bennett on behalf of Franklin Mountain Energy in these

1 cases and the final few cases that you called 24367
2 through 24370 are the MRC -- I'm sorry Matador
3 Production Condor State cases, and I'm entering an
4 appearance in those cases as well on behalf of
5 Franklin Mountain Energy.

6 THE HEARING EXAMINER: So then, do we
7 have any other entries of appearance in those cases?

8 MR. FELDEWERT: Good morning, Mr.
9 Examiner. Michael Feldewert, Santa Fe office of
10 Holland and Hart, on behalf of MRC Permian. And the
11 applicant for those latter cases that Ms. Bennett just
12 referenced is MRC Permian, now Matador Production.

13 THE HEARING EXAMINER: Okay. Thank
14 you.

15 MR. SUAZO: Mr. Hearing Examiner?
16 Examiner, can you hear me?

17 THE HEARING EXAMINER: Yes. Yes. I
18 can.

19 MR. SUAZO: Miguel Suazo, on behalf of
20 Marathon Oil, also entering an appearance for both
21 sets of cases.

22 THE HEARING EXAMINER: Okay. Thank
23 you.

24 Ms. Bennett, do we have anyone else
25 that you know of?

1 MS. BENNETT: Not that I know of.

2 THE HEARING EXAMINER: Okay. So first
3 of all, let's clarify what Mr. Feldewert --

4 Mr. Feldewert, what did you just say?

5 MR. FELDEWERT: So cases -- if you look
6 at your docket sheet.

7 THE HEARING EXAMINER: Yes.

8 MR. FELDEWERT: The cases 24367, which
9 is number 20, and the remaining cases, they have as
10 the applicant Matador Production. The actual
11 applicant is MRC Permian. I don't think it's a big
12 deal on your docket, but I don't want there to be any
13 confusion.

14 THE HEARING EXAMINER: Freya, will you
15 change that in our system? Cases 24367 through 70 are
16 MRC Permian and not Matador.

17 MS. TSCHANTZ: Yes. I will.

18 THE HEARING EXAMINER: Thank you.
19 Okay.

20 So, Ms. Bennett, I suspect these are
21 competing cases?

22 MS. BENNETT: There's actually two sets
23 of cases. So case numbers 24195 through 24197 and
24 then 24207, those are the east half cases, the Ball
25 State east half cases. And in those cases, only

1 Marathon Oil Permian has entered an appearance.

2 And in those cases, it's my
3 understanding that Marathon Oil Permian has set out
4 competing proposals and intends to file competing
5 applications. And I guess before I get too much into
6 the weeds on this, I would like to talk about the two
7 sets of cases separately. The east half and the west
8 half.

9 They are noted as consolidated on the
10 docket, but I'd prefer to talk about the east half and
11 the west half given that they're different competing
12 applications for each half.

13 THE HEARING EXAMINER: Okay. So I have
14 case numbers 24195 through 96 -- no, sorry -- through
15 97, and those are the east half of the cases; right?

16 MS. BENNETT: Along with 24207.

17 THE HEARING EXAMINER: Only one case,
18 24207?

19 MS. BENNETT: And 24195 to 24197.

20 THE HEARING EXAMINER: That's what I
21 mean.

22 MS. BENNETT: Okay. Yes. Yeah.

23 THE HEARING EXAMINER: But the
24 competing case to 24195 through 24197 is just 24207?

25 MS. BENNETT: Sorry. 24207 is a

1 Marathon case. It's just out of order. It's not a
2 competing. I'm sorry. It's a Franklin Mountain
3 Energy case. It just didn't get filed in order, in
4 sequence, with the other Franklin Mountain Energy
5 cases.

6 Marathon has not yet, to my
7 understanding -- and perhaps Mr. Suazo can clarify.
8 But it's my understanding that Marathon has not yet
9 filed its competing applications.

10 THE HEARING EXAMINER: So you want to
11 talk about these four cases individually right now?

12 MS. BENNETT: I do.

13 THE HEARING EXAMINER: Okay. How do
14 you want to proceed?

15 MS. BENNETT: As I mentioned, and
16 subject to Mr. Suazo's confirmation, it's my
17 understanding that Marathon is filing competing
18 applications, and if that's the case, then those
19 competing applications would be ripe around August
20 8th.

21 And so Franklin Mountain Energy would
22 like to go to hearing on these cases, and I would
23 suggest the second week of August, the week of August
24 12th.

25 THE HEARING EXAMINER: All right.

1 Let's turn now to Mr. Feldewert.

2 Are you entered in any of these four
3 cases?

4 MR. FELDEWERT: I'd have to check, but
5 I can say that our competing cases only involve the
6 west half acreage.

7 THE HEARING EXAMINER: And what are
8 your competing case numbers?

9 MR. FELDEWERT: They are 24367 to
10 24370.

11 THE HEARING EXAMINER: And these are
12 the west half?

13 MR. FELDEWERT: Correct.

14 THE HEARING EXAMINER: Okay. Very
15 good. That helps me.

16 Mr. Suazo?

17 MR. SUAZO: Yes. I can confirm Ms.
18 Bennett's approach, and I agree we need to deal with
19 these in terms of the east half and the west half.
20 Marathon has submitted proposals, and they're working
21 on competing applications. Obviously, they need
22 sufficient time to get that done.

23 So I think that if we're not going to
24 hear these on August 8th or August 22nd, then August
25 12th should be acceptable for setting a contested case

1 hearing from my client's perspective.

2 THE HEARING EXAMINER: Okay. I didn't
3 understand your August dates. So you were saying that
4 they would appear on which August docket?

5 MR. SUAZO: Well, the ones that we have
6 scheduled, I guess, are August 8th or 22nd. I guess
7 Ms. Bennett's asking for a special contested case
8 hearing; is that right, Ms. Bennett?

9 THE HEARING EXAMINER: Yes.

10 MR. SUAZO: Okay. That's fine.

11 THE HEARING EXAMINER: Okay. Let's
12 take a step back. When do you anticipate filing the
13 competing case?

14 MR. SUAZO: Well, I think it'd have to
15 be, what, 30 days before the contested case hearing,
16 so by that deadline. So I guess that would be July
17 12th, if not sooner.

18 THE HEARING EXAMINER: Okay. So you
19 anticipate filing your competing case July 12th so
20 that it appears on the August -- the first August
21 docket?

22 MR. SUAZO: Well, if we're talking
23 about August 12th, then July 12th. But if we're
24 talking about August 8th, then I guess we need to
25 submit it by July 8th.

1 THE HEARING EXAMINER: Okay. I'm not
2 sure where you're getting the August dates from. So
3 let me ask Freya.

4 Freya, what are the dates in August
5 that we're having our dockets?

6 MS. TSCHANTZ: July 11th and July 25th.

7 THE HEARING EXAMINER: In August?

8 MS. TSCHANTZ: Oh, sorry. August.
9 August 8th and 22nd.

10 THE HEARING EXAMINER: And August 22nd.
11 Thank you.

12 So, Mr. Suazo, we have dockets in
13 August on the 8th and the 22nd. So working backward
14 30 days from those -- if you want to be on the August
15 8th docket, you'd have to file in early July; is that
16 possible?

17 MR. SUAZO: Yes. That's possible.

18 THE HEARING EXAMINER: All right. So
19 it sounds to me like we can set a contested hearing
20 for the second week in August then. I don't know
21 that --

22 Mr. Suazo, is it required that your
23 case be posted on the docket before we schedule a
24 contested hearing?

25 MR. SUAZO: I think that's in your

1 discretion, Mr. Hearing Examiner. I think that's
2 preferable.

3 THE HEARING EXAMINER: For what reason
4 would it be preferable?

5 MR. SUAZO: Well, just so that people
6 are aware that it is taking place.

7 THE HEARING EXAMINER: Ms. Bennett?

8 MS. BENNETT: Thank you, Mr. Examiner.
9 It's been the practice as far as I can recall that the
10 application would be set for a regular docket and
11 continued to a special contested case docket.

12 I think that there could be -- it could
13 be possible to just go directly to a contested case
14 without setting it for a regular docket first as long
15 as the contested case is noticed pursuant to the
16 Division's rules.

17 THE HEARING EXAMINER: Okay.

18 So, Mr. Suazo, what I am going to do is
19 I'm going to require you to file your application with
20 the Division in time to get it on the first docket --
21 the August 8th docket.

22 We'll notice it for the August 8th
23 docket as a status conference. We won't put it as a
24 hearing. We'll put it as a status conference. And
25 we'll set a contested hearing today. Does that work

1 for you?

2 MR. SUAZO: That does. Is there a
3 specific date that we need to then file by that is
4 different from what --

5 (Discussion held off the record.)

6 THE HEARING EXAMINER: Ms. Bennett, if
7 a party wants to get on the August 8th docket, when do
8 they need -- we need to notice it 20 days in advance;
9 is that right?

10 MS. BENNETT: We have to file -- as
11 applicants, we have to file 30 days in advance of the
12 hearing date which according to my sources is July
13 9th.

14 THE HEARING EXAMINER: Okay. Thank
15 you.

16 Mr. Suazo, does that sound fair to you?

17 MR. SUAZO: Yes. It does. Thank you.

18 THE HEARING EXAMINER: Okay. Very
19 good.

20 So, Ms. Bennett, what days are you
21 looking at for a contested hearing?

22 MS. BENNETT: Thank you. Any day the
23 week of August 12th. And -- yeah. Any day of the
24 week of August 12th.

25 THE HEARING EXAMINER: It looks like --

1 it looks to me like that week is a problem for us.

2 MS. BENNETT: Oh, okay.

3 THE HEARING EXAMINER: I have a list
4 of -- I have a list of dates provided by the hearing
5 clerk. It looks like those don't work for us. It
6 looks like the first date in August that does work for
7 us is August 27th.

8 MS. BENNETT: Oh, wow. Okay. Might I
9 then -- so August 27th. Does the 28th, 29th, and 30th
10 also work for the Division?

11 THE HEARING EXAMINER: The 29th works.
12 For some reason, August 28th is not on this list.

13 Freya, does August -- if we started on
14 August 27, we could not continue to the 28th?

15 MS. TSCHANTZ: I'm not seeing
16 immediately what the issue is. I'll need to pull up
17 the calendar. One second.

18 THE HEARING EXAMINER: Okay. Thank
19 you.

20 MS. BENNETT: And, Mr. Examiner, I
21 appreciate the thought process of thinking ahead to
22 the next day, because when I get to the next set of
23 Ball cases, because we'll have witnesses here, I was
24 hoping that we could have those cases be heard on the
25 same day, but sequentially, not consolidated.

1 THE HEARING EXAMINER: Okay.

2 MS. BENNETT: So it will be good to get
3 Mr. Feldewert's availability as well.

4 THE HEARING EXAMINER: Okay. I'm just
5 trying to clarify why on my list the 28th is not
6 listed, because the 29th is.

7 MS. TSCHANTZ: I think that -- you said
8 the 29th of August?

9 THE HEARING EXAMINER: The 29th is on
10 the list you gave me and so is the 28th [sic], but I'm
11 wondering why we left out the 28th of August?

12 MS. TSCHANTZ: It looks like it's okay.

13 THE HEARING EXAMINER: Okay.

14 So, Ms. Bennett, it looks like we have
15 a three-day block in there that we could set.

16 MS. BENNETT: Okay. Thank you. I had
17 not conferred with my witnesses in advance for those
18 dates. I just did text them, and I'm also interested
19 in hearing other folks' availability, but I think that
20 should work. And I appreciate the Division's
21 availability.

22 THE HEARING EXAMINER: Okay. Mr.
23 Feldewert?

24 MR. FELDEWERT: August 27th would be
25 fine. I'm hoping we can go first if that would be

1 amenable to the parties, because I do have a conflict
2 on the 28th.

3 THE HEARING EXAMINER: And when you say
4 "go first," what do you mean?

5 MR. FELDEWERT: In other words, I know
6 she wants to split up the west half from the east
7 half. We're involved in the west half cases. So if
8 we could have the MRC Condor Well cases, which is
9 24367 through 70, scheduled for the contested case on
10 August 27th first -- we could go first -- that would
11 be -- I would appreciate that.

12 THE HEARING EXAMINER: Okay. We'll get
13 to those cases in just a minute. I show what you want
14 here.

15 So, Ms. Bennett, if I set these cases
16 for the 27th, and then I set the other cases also for
17 the 27th, we would have the west half go first; is
18 there a problem with that?

19 MS. BENNETT: Not that I know of.

20 THE HEARING EXAMINER: All right.

21 Mr. Suazo?

22 MR. SUAZO: No issues on our end.

23 THE HEARING EXAMINER: Okay. Great.

24 Okay. So, Mr. Suazo, we'll issue a pre-hearing order
25 in these four cases, and then we'll amend it when we

1 get your case filed on July 9, which was the date that
2 Ms. Bennett announced.

3 MR. SUAZO: That's fine.

4 THE HEARING EXAMINER: Okay. Very
5 good. When you file your application, Mr. Suazo,
6 would you also file a motion to amend the pre-hearing
7 order in cases -- the ones that we're talking about
8 now to include your cases?

9 MR. SUAZO: Yes, Mr. Hearing Examiner.

10 THE HEARING EXAMINER: Okay. Thank
11 you. Is there anything more on these cases before we
12 move to the next set of cases?

13 MS. BENNETT: Nothing from FME. Thank
14 you.

15 THE HEARING EXAMINER: You're welcome.

16 MR. SUAZO: Nothing from Marathon.

17 THE HEARING EXAMINER: Very good.
18 Thank you. Mr. Feldewert?

19 MR. FELDEWERT: No. Nothing more.
20 Thank you.

21 THE HEARING EXAMINER: Okay. All
22 right. So I'm now calling 24198, 99, 24205, 06. I
23 believe -- are those the west cases?

24 MS. BENNETT: Yes. They are.

25 THE HEARING EXAMINER: Then I am

1 calling 24367, 68, 69, and 70. Entries of appearance,
2 please?

3 MS. BENNETT: Deana Bennett on behalf
4 of Franklin Mountain Energy.

5 MR. SUAZO: Miguel Suazo with Beatty
6 and Wozniak on behalf of Marathon Oil.

7 MR. FELDEWERT: Michael Feldewert,
8 Santa Fe office of Holland and Hart, on behalf of MRC
9 Permian.

10 THE HEARING EXAMINER: Okay. Thank
11 you. Ms. Bennett?

12 MS. BENNETT: Thank you. As we
13 discussed with the prior set of cases, Franklin
14 Mountain Energy would like to go to hearing on these
15 cases, and would request that these cases be set for
16 hearing on August 27th under a separate pre-hearing
17 order.

18 THE HEARING EXAMINER: Under a separate
19 pre-hearing order. Okay.

20 MS. BENNETT: Yes.

21 THE HEARING EXAMINER: Okay. And these
22 would be the cases that would be heard first?

23 MS. BENNETT: Yes.

24 THE HEARING EXAMINER: These are the
25 west half case?

1 MS. BENNETT: Yes.

2 THE HEARING EXAMINER: Okay. Very
3 good. Mr. Feldewert?

4 MR. FELDEWERT: That sounds great.

5 THE HEARING EXAMINER: Okay. Very
6 good. Mr. Suazo?

7 MR. SUAZO: I think setting them that
8 far out works for Marathon Oil.

9 THE HEARING EXAMINER: Okay. Now, Mr.
10 Suazo, you don't have competing cases in -- you're not
11 filing competing cases in the west half; are you?

12 MR. SUAZO: That's correct, Mr. Hearing
13 Examiner. Marathon is still trying to work out the
14 trade amidst all these cases, this set and the
15 previous set, and with respect to the west half, my
16 understanding is they are not going to submit
17 competing applications.

18 THE HEARING EXAMINER: Okay. You're
19 just submitting competing cases in the east half?

20 MR. SUAZO: Correct.

21 THE HEARING EXAMINER: Okay. Very
22 good. I understand. Is there anything more on these
23 cases?

24 MS. BENNETT: No. Thank you.

25 MR. FELDEWERT: No. Thank you.

1 THE HEARING EXAMINER: Okay.

2 Okay. Mr. Suazo, we are in recess on
3 those cases. We are now moving onto -- let's see.

4 MR. FELDEWERT: Mr. Bruce is here.

5 MS. MCLEAN: Mr. Examiner, do you want
6 to recall those -- the cases?

7 THE HEARING EXAMINER: EGL?

8 MS. MCLEAN: Yeah.

9 THE HEARING EXAMINER: Mr. Bruce,
10 welcome back. 24184, 24185. Entries of appearance,
11 please?

12 MR. BRUCE: Mr. Examiner, Jim Bruce
13 representing EGL Resources.

14 MS. BENNETT: Good morning, Mr.
15 Examiner. Deana Bennett representing Avant Operating
16 and also Snow Oil and Gas, and Dan W. and Sandra Lynn
17 Snow.

18 MS. HARDY: Mr. Examiner, Dana Hardy
19 with the Santa Fe office of Hinkle Shanor on behalf of
20 COG Operating and Concho Oil and Gas.

21 THE HEARING EXAMINER: Good morning.

22 MS. HARDY: Good morning.

23 THE HEARING EXAMINER: Mr. Savage?

24 MR. SAVAGE: Yes. Good morning, Mr.
25 Hearing Examiner. Darin Savage with Abadie and Schill

1 on behalf of Cimarex Energy Company.

2 MR. FELDEWERT: And good morning, Mr.
3 Examiner. Michael Feldewert, Santa Fe office of
4 Holland and Hart, for MRC Permian.

5 THE HEARING EXAMINER: Thank you.

6 Mr. Bruce, are there any objections to
7 this case going forward by affidavits?

8 MR. BRUCE: Yes. Avant Operating, Ms.
9 Bennett, filed an objection.

10 THE HEARING EXAMINER: Is that the only
11 objection?

12 MR. BRUCE: Well, let me explain.

13 THE HEARING EXAMINER: Please.

14 MR. BRUCE: EGL has been in discussions
15 with MRC Permian Matador and they are still in
16 discussions, but Mr. Feldewert just informed me that
17 they have filed a competing application, which is on
18 the July whatever docket, 25th docket.

19 And Ms. Bennett just informed me that
20 Avant has filed a case for the same docket. So, you
21 know, you got a nice three-way fight going here. And
22 I've spoken with both counsel. I didn't speak with
23 Ms. Hardy or Mr. Savage yet.

24 But what was I was going to propose is
25 that these matters -- all these matters be

1 consolidated and set for a status conference in the
2 first August hearing.

3 THE HEARING EXAMINER: Do the know the
4 case numbers for the competing applications?

5 MR. BRUCE: They may. I don't.

6 THE HEARING EXAMINER: You don't.
7 Okay. And you're asking for this to be reset for a
8 status conference when?

9 MR. BRUCE: First August hearing.

10 THE HEARING EXAMINER: When were these
11 cases filed?

12 MR. BRUCE: Mine were filed in early
13 February, but obviously these others ones have just
14 been filed.

15 THE HEARING EXAMINER: Okay. Let's
16 hear from the other parties. We'll go in order.

17 Ms. Bennett?

18 MS. BENNETT: Thank you, Mr. Examiner.
19 We did file -- I did file, on behalf of Avant
20 Operating, a competing application, and it has not, as
21 far as I know, been assigned a case number. I checked
22 yesterday and it hadn't yet been assigned a case
23 number.

24 But it's my understanding, based on how
25 the cases have been being assigned, that it will be

1 assigned to the July 25th docket. And Avant is fine
2 with Mr. Bruce's suggestion to continue these to the
3 August 8th docket for a status conference.

4 THE HEARING EXAMINER: Thank you.

5 Ms. Hardy:

6 MS. HARDY: Mr. Examiner, COG and
7 Concho were monitoring these cases so that plan is
8 fine with us.

9 THE HEARING EXAMINER: Thank you.

10 Mr. Savage?

11 MR. SAVAGE: Yes. Cimarex is
12 monitoring also and we're fine with the status
13 conference.

14 THE HEARING EXAMINER: Mr. Feldewert?

15 MR. FELDEWERT: Mr. Examiner, I agree
16 with the status conference. The MRC cases are
17 actually on the July 11th docket under case numbers
18 24588 to 24593. But I -- as Mr. Bruce alluded to, MRC
19 and EGL have been in discussions. We are hopeful that
20 at least between those two parties an agreement can be
21 reached.

22 THE HEARING EXAMINER: All right. I'll
23 reset your two cases, Mr. Bruce, 24184 and 85, to the
24 August 6th docket. But that will be the last setting
25 that these have as a status conference. They'll

1 either have to be dismissed or we're going to go
2 forward with a contested hearing with the competing
3 applications.

4 MR. BRUCE: Thank you.

5 THE HEARING EXAMINER: So it will be
6 final status conference. All right. Anything more on
7 these two cases and their competing applications?

8 MR. BRUCE: Not from me.

9 THE HEARING EXAMINER: No. All right.
10 Thank you, Mr. Bruce.

11 Let's move onto item number 24 on our
12 docket is Marathon Oil Permian, 24231.

13 MS. BENNETT: Good morning, Mr.
14 Examiner. Deana Bennett on behalf of Marathon Oil
15 Permian.

16 MR. FELDEWERT: Good morning, Mr.
17 Examiner. Michael Feldewert, Santa Fe office of
18 Holland and Hart, for MRC Permian. And, I believe,
19 these are related to the following cases, Marathon
20 case 24232, and then what is listed as the Matador
21 Production cases that should be MRC Permian, which
22 would be numbers 26 through 29 on your docket sheet.

23 THE HEARING EXAMINER: All right. So
24 you're suggesting that we consolidate line 24 with
25 lines 25 through 29?

1 MR. FELDEWERT: Yes, sir.

2 THE HEARING EXAMINER: Ms. Bennett?

3 MS. BENNETT: That's fine.

4 THE HEARING EXAMINER: That's fine?

5 MS. BENNETT: Uh-huh. And --

6 THE HEARING EXAMINER: I'll --

7 MS. BENNETT: I'm sorry.

8 THE HEARING EXAMINER: I'll have to
9 call those cases.

10 So Freya, did you catch that?

11 MS. TSCHANTZ: I did.

12 THE HEARING EXAMINER: So -- and then
13 you said -- Mr. Feldewert, you said that some of them
14 are not labeled properly? Which ones?

15 MR. FELDEWERT: It's the same issue we
16 had previously. They're placed as Matador Production.
17 The applicant is actually MRC Permian.

18 THE HEARING EXAMINER: Okay. All
19 right. So I'm also calling 24232, 24481, 82, 83, and
20 84. I'm assuming it's the same parties' entries of
21 appearance. Are there any additional entries of
22 appearance?

23 MR. FELDEWERT: Yes, sir. In case
24 24232, which is a Marathon Purple Parrot case, I'm
25 entering for Fasken Oil and Ranch.

1 THE HEARING EXAMINER: Thank you.
2 Okay. I'm just taking notes. Excuse me. Let me
3 correct this.

4 All right. So, Freya, we're
5 consolidating lines 24 through 29 for future purposes
6 and for hearing.

7 Well, Mr. Feldewert, most of these
8 cases are yours; how do you want to proceed?

9 MR. FELDEWERT: These cases involve --
10 I think Marathon's cases involve the north half and
11 south half of page 7 and 12, both sections, which are
12 laydown wells. MRC seeks to pool the Bone Spring
13 under sections 11 and 12 which is laydown. So they
14 overlap at section 12. That's the starting point.

15 Our cases are actually on the June 13th
16 docket as you see here. My understanding is that the
17 parties are in discussions about shortening the
18 laterals so that they do not overlap and that those
19 discussions are looking good. So my suggestion would
20 be another status conference, perhaps in July or
21 August.

22 THE HEARING EXAMINER: And, Ms.
23 Bennett, yours are the older cases here. How do you
24 want to proceed?

25 MS. BENNETT: Thank you, Mr. Examiner.

1 We would like also to have a continuance. I think the
2 August 8th docket would be a good one.

3 THE HEARING EXAMINER: Okay.

4 MR. FELDEWERT: I agree.

5 THE HEARING EXAMINER: Okay. Then we
6 will reset these for a status conference August 8th,
7 and we will consolidate these on future dockets.
8 Anything further?

9 MS. BENNETT: No. Thank you.

10 MR. FELDEWERT: No. Thank you.

11 THE HEARING EXAMINER: Thank you.

12 We're going to move onto Flat Creek Resources, 24259,
13 60, 62, and 63. Entries of appearance, please?

14 MS. SHAHEEN: Good morning. Sharon
15 Shaheen on behalf of Flat Creek Resources.

16 THE HEARING EXAMINER: Good morning.

17 MR. SAVAGE: Good morning, Mr.
18 Examiner. Darin Savage with Abadie and Schill on
19 behalf of Cimarex Energy Company.

20 THE HEARING EXAMINER: Good morning.

21 MS. BENNETT: Good morning. Deana
22 Bennett with Modrall Sperling on behalf of Marathon
23 Oil Permian.

24 THE HEARING EXAMINER: Good morning.

25 MR. RODRIGUEZ: Good morning. Michael

1 Rodriguez with Civitas Permian Operating, LLC, and we
2 have just entered an appearance in case numbers 24262
3 and 63.

4 THE HEARING EXAMINER: Thank you. Good
5 morning. It's --

6 Ms. Shaheen, are we consolidating these
7 cases with 24574 and 75?

8 MS. SHAHEEN: I believe so. I would
9 just note that the Jurnegan applications are only for
10 the Bone Spring. And Marathon's 24574 relates to the
11 Bone Spring. But its case number 24575 relates to the
12 Wolfcamp. We object to both sets of cases going
13 forward by affidavit. But we do not have competing
14 applications for the Wolfcamp at this time.

15 THE HEARING EXAMINER: Thank you. So
16 before I turn to you, Ms. Bennett, how do you want to
17 proceed, Ms. Shaheen, on these cases?

18 MS. SHAHEEN: We were hoping to set it
19 for a contested hearing date in the first part of
20 August. I understand that that may not be possible,
21 but the soonest we could set a contested hearing date
22 would be satisfactory with Flat Creek.

23 I -- one other thing I would like to
24 note is that we're planning to refile the applications
25 to clarify the depths that are going to be drilled by

1 Flat Creek. And so any time after that August 8th
2 docket, we would be ready for a contested hearing.

3 THE HEARING EXAMINER: I see. And will
4 you help me understand why do you have to refile to
5 clarify depths? Why can't you just amend your initial
6 application?

7 MS. SHAHEEN: Well, ideally, we could
8 clarify the depths that we would be drilling in our
9 exhibits. However, I was concerned that there may be
10 notice issues. I understand there's about 40
11 interested parties that are being force pooled in this
12 matter. So that's why we were in an abundance of
13 caution planning to refile.

14 THE HEARING EXAMINER: Okay. That
15 makes sense. So then you're saying if you refile you
16 would refile by when?

17 MS. SHAHEEN: By July 9th so that we --

18 THE HEARING EXAMINER: I see.

19 MS. SHAHEEN: -- would be on the August
20 8th docket. And then we could -- I could file a
21 motion for an amended pre-hearing order the way you
22 suggested earlier.

23 THE HEARING EXAMINER: Okay. Well,
24 let's see. The only other date in August for a
25 contested hearing is going to be before the 8th, so

1 the -- it would be the week of September 2nd through
2 6th that we could hold your contested hearing -- would
3 be the earliest.

4 MS. SHAHEEN: We'll take that and I'll
5 doublecheck with my client that they're available.

6 THE HEARING EXAMINER: Okay. Give me a
7 minute to make a note before I go to Ms. Bennett and
8 the other parties here.

9 All right. Ms. Bennett?

10 MS. BENNETT: Thank you, Mr. Examiner.
11 As Ms. Shaheen noted and as you noted, Marathon has
12 filed competing applications. And those are case
13 numbers 24574 and 24575, which are currently set for
14 the June 13th docket.

15 And the week of September 2nd through
16 the 6th works -- I mean, theoretically works, except
17 for the 2nd is Labor Day. And also, I would just need
18 to verify with Marathon that they're available. That
19 might be just a bit challenging because of people's
20 vacation schedules the week before in terms of getting
21 exhibits filed, but I will confer with them and see if
22 a date the week of September 2nd would work.

23 THE HEARING EXAMINER: Okay.

24 Mr. Savage?

25 MR. SAVAGE: Yes. Mr. Hearing

1 Examiner, thank you. Cimarex is monitoring for --
2 rights. And we have no objection.

3 THE HEARING EXAMINER: All right.
4 Thank you.

5 And, Mr. Rodriguez?

6 MR. RODRIGUEZ: Mr. Examiner, at this
7 point, Citivas is just along for the ride, and will
8 continue monitoring and evaluating what it deems best
9 for its acreage.

10 THE HEARING EXAMINER: Thank you, sir.

11 Ms. Bennett, you said that 24574 and 75
12 are on today's docket. What numbers are those?

13 MS. BENNETT: I'm sorry. They're on
14 the June 27th docket. I may have misspoken.

15 THE HEARING EXAMINER: Okay. Okay. So
16 then we don't know what day in that week works for the
17 parties; is that what I'm hearing?

18 MS. BENNETT: That's right. I have not
19 had a chance to confer with Marathon about a September
20 hearing date.

21 THE HEARING EXAMINER: All right. Then
22 I'll hold off issuing the pre-hearing order until I
23 hear from the parties.

24 So, Ms. Shaheen, will you confer with
25 Ms. Bennett and the other parties to come up with a

1 day in the week of September 3rd through the 6th?

2 MS. SHAHEEN: Will do.

3 THE HEARING EXAMINER: Okay. And I'd
4 like to hear -- I'd like to put some deadline on that
5 so let's say a week from today?

6 MS. SHAHEEN: Sounds good.

7 THE HEARING EXAMINER: Okay. Good.

8 Freya, will you do a calendar invite as
9 a reminder, because I want to issue that pre-hearing
10 order in these cases.

11 So we're also going to consolidate your
12 four cases, Ms. Shaheen, with the two cases that Ms.
13 Bennett filed, and those are 24574 and 75?

14 MS. SHAHEEN: That sounds good.

15 THE HEARING EXAMINER: Okay. Very
16 good. Anything further?

17 MS. BENNETT: No. Thank you.

18 THE HEARING EXAMINER: Ms. Shaheen?

19 MS. SHAHEEN: Not from me. Thank you.

20 THE HEARING EXAMINER: Okay. Thank
21 you.

22 Calling item 34 through 39 on our
23 docket. Those are case numbers 24457, 59, 60, 62, 63,
24 and 79. Entries of appearance, please?

25 MS. BENNETT: Good morning. Deana

1 Bennett from Modrall Sperling on behalf of Franklin
2 Mountain Energy in these cases.

3 THE HEARING EXAMINER: Good morning.

4 MR. FELDEWERT: Good morning, Mr.
5 Examiner. Michael Feldewert with the Santa Fe office
6 of Holland and Hart for MRC Permian.

7 THE HEARING EXAMINER: Good morning.
8 It seems like those are the only two parties.

9 Ms. Bennett, these are your cases.

10 Mr. Feldewert, did you object?

11 MR. FELDEWERT: Yes, sir.

12 THE HEARING EXAMINER: Okay. Why?

13 MR. FELDEWERT: We have sent competing
14 well proposals and we actually have pooling
15 applications that are competing that are placed --
16 they have been placed on the July 25th docket. I can
17 give you the case numbers if you'd like.

18 THE HEARING EXAMINER: Okay. Yes,
19 please.

20 MR. FELDEWERT: Cases 24635 through
21 24637.

22 THE HEARING EXAMINER: Are you asking
23 for those to be consolidated with --

24 MR. FELDEWERT: And then -- yes. And
25 then -- sorry. 24642 through 24650. And yes, they

1 should be consolidated with these Franklin Mountain
2 cases.

3 THE HEARING EXAMINER: Ms. Bennett, is
4 there an objection to that?

5 MS. BENNETT: No objection. I haven't
6 reviewed those applications yet, but based on Mr.
7 Feldewert's representation, no objection.

8 THE HEARING EXAMINER: Okay. Very
9 good. So, Ms. Bennett, these cases -- your cases, now
10 that you've heard that there are competing
11 applications that are on the July 25th docket, how do
12 you want to proceed?

13 MS. BENNETT: Mr. Hearing Examiner,
14 Franklin Mountain Energy would like to set a contested
15 hearing, and looks like if there's any availability
16 the second week of September or even the third week of
17 September --

18 THE HEARING EXAMINER: There is.

19 MS. BENNETT: Okay. Then that would be
20 Franklin Mountain Energy's preferences, the 10th
21 through the 13th or the 16th through the 20th.

22 THE HEARING EXAMINER: We have both.
23 So, Mr. Feldewert, your opinion?

24 MR. FELDEWERT: Well, I think as Ms.
25 Bennett referenced, they haven't even looked at the

1 competing pooling cases. They're on the 25th docket.

2 It seems to me that without clogging up
3 your -- perhaps, your docket unnecessarily, it might
4 make sense to have a status conference on July 25th to
5 see if the parties have had a chance to digest the
6 material and see if they can reach a voluntarily
7 agreement.

8 And as you know, these two companies
9 have been fairly productive in their discussions. So
10 my suggestion would be a status conference on July
11 25th.

12 THE HEARING EXAMINER: Ms. Bennett?

13 MS. BENNETT: Mr. Hearing Examiner, I'm
14 not opposed to a status conference on July 25th as
15 long as we set a contested hearing date today as well.

16 THE HEARING EXAMINER: Okay.

17 MS. BENNETT: And we can always dismiss
18 that on July 25th if the parties are engaged in
19 productive discussions. But having -- especially
20 given that August is full, and I wouldn't want to wait
21 too long to set the contested hearing.

22 THE HEARING EXAMINER: I thought you'd
23 feel that way. Why don't we set it for September 17;
24 does that work for you?

25 MS. BENNETT: Yes.

1 MR. FELDEWERT: Can I -- give me one
2 minute. September 17th does not work for me.

3 THE HEARING EXAMINER: What days do
4 work for you?

5 MR. FELDEWERT: The prior week,
6 September 10th.

7 THE HEARING EXAMINER: We have
8 September 10th.

9 MR. FELDEWERT: And -- doublecheck --
10 September 10th would be fine.

11 THE HEARING EXAMINER: Okay.
12 Ms. Bennett?

13 MS. BENNETT: That's fine. Thank you.

14 THE HEARING EXAMINER: All right. So
15 we'll issue a pre-hearing order in these cases. We'll
16 consolidate Mr. Feldewert's cases in those -- on that
17 pre-hearing order for a September 10 contested
18 hearing.

19 And then the parties will continue
20 their cases to the 25th -- now Mr. Feldewert's cases
21 are already on July 25th, so Ms. Bennett, it's just
22 your cases that should be continued to the July 25th
23 docket for a status conference; okay?

24 MS. BENNETT: Thank you.

25 THE HEARING EXAMINER: Okay. Thank

1 you. Let's see. Give me a minute to make some notes
2 here. Anything further, Mr. Feldewert?

3 MR. FELDEWERT: No. Thank you.

4 THE HEARING EXAMINER: Okay. Thank
5 you. We're on line 40 of our docket, and that is
6 24486, Matador Production, also consolidated with
7 24487?

8 MR. FELDEWERT: Yes, sir. Michael
9 Feldewert with the Santa Fe office of Holland and Hart
10 on behalf of the applicant.

11 THE HEARING EXAMINER: Are you going to
12 tell me that Matador Production is the wrong name
13 here?

14 MR. FELDEWERT: If you're going to
15 force me to, yes.

16 THE HEARING EXAMINER: I had a feeling
17 you were. I wonder why this is happening.

18 Freya, can you tell me why we keep
19 listing Matador instead of MRC Permian?

20 MS. TSCHANTZ: It's how the application
21 is submitted. Maybe MRC doesn't have a OGRID number.

22 MR. FELDEWERT: So -- that may be,
23 Freya. Good point. I mean, MRC is the interest
24 owner; Matador Production is the designated operator.
25 So that may be the reason.

1 THE HEARING EXAMINER: Thank you. Any
2 other entries of appearance, please in these two
3 cases?

4 MR. SAVAGE: Mr. Hearing Examiner,
5 Darin Savage with Abadie and Schill on behalf of
6 Cimarex Energy Company. And we're monitoring and
7 preserving rights.

8 THE HEARING EXAMINER: Thank you, sir.

9 MS. MCLEAN: And, Mr. Examiner, Jackie
10 McLean from Hinkle Shanor on behalf of Coates Energy
11 Trust and Coates Energy Interests.

12 MR. MORGAN: Scott Morgan with Cavin
13 and Morgan for Carter Legacy LLC and Deborah Dye. And
14 my apologies for being unable to attend in person this
15 morning.

16 THE HEARING EXAMINER: Good morning,
17 sir. And, Mr. Morgan, you said you're representing
18 who?

19 MR. MORGAN: Carter Legacy LLC and
20 Deborah Dye.

21 THE HEARING EXAMINER: Okay. Are you
22 just monitoring these?

23 MR. MORGAN: We filed an objection to
24 this moving forward by affidavit. Carter Legacy
25 needed a little more time to review the materials that

1 had been provided by MRC.

2 THE HEARING EXAMINER: Okay. Very
3 good. Have you had a chance to review those?

4 MR. MORGAN: We have, and I believe
5 that there have been some discussions back and forth.
6 I was advised by my client this morning that there had
7 been some additional discussions yesterday. And I'm
8 hopeful that we'll be able to resolve those shortly.

9 THE HEARING EXAMINER: Okay. But for
10 now, your objection stands?

11 MR. MORGAN: For now, the objection
12 stands. Yes.

13 THE HEARING EXAMINER: Okay. Very
14 good.

15 Mr. Savage, did you -- oh, you just
16 told me that you were just monitoring; right? Okay.
17 Very --

18 MR. SAVAGE: That's correct.

19 THE HEARING EXAMINER: Ms. McLean, are
20 you monitoring?

21 MS. MCLEAN: No. We've objected --

22 THE HEARING EXAMINER: Oh, you have.

23 MS. MCLEAN: -- to this case proceeding
24 forward. But we're in the same situation as Mr.
25 Morgan and we're hopeful that they come to an

1 agreement. And at this point, we'd like a continuance
2 to the July 25th docket, just to give them some time
3 to work things out, but we're hopeful that they'll be
4 able to present by affidavit at that point.

5 THE HEARING EXAMINER: I understand.
6 Mr. Feldewert, how do you want to
7 proceed? They're your cases.

8 MR. FELDEWERT: Well, they -- we're
9 pooling here for 280 acres facing units for a
10 directional well. I don't hear that they are
11 considering competing proposals. At least one of them
12 said they thought they could resolve this shortly.

13 We certainly had the well proposals out
14 there long before the pooling applications. So I
15 would prefer a hearing date on the next docket. I
16 think we should be able to proceed by affidavit. So
17 that would be my preference.

18 THE HEARING EXAMINER: It looks like --

19 MR. FELDEWERT: When I say "affidavit,"
20 I mean self-affirmed statements.

21 THE HEARING EXAMINER: I knew what you
22 meant. It looks like the next time we can hear a case
23 by affidavit would be July. So would you prefer July
24 11 or July 25?

25 MR. FELDEWERT: I would prefer July

1 11th.

2 THE HEARING EXAMINER: July 11th.

3 MR. FELDEWERT: And we just moved a
4 bunch of cases off that docket, so it should be clear.

5 THE HEARING EXAMINER: Yeah. All
6 right. Then we will -- when you continue your cases
7 to July 11th, we will set it for a hearing by
8 Affidavit in the hopes that you have negotiated the
9 issues out on these cases. And if not --

10 So, Mr. Morgan, are you going to file a
11 withdraw of your objection to allow these to go
12 forward on -- that's a little less than a month away.
13 Will you have time to file a withdrawal of objection?

14 MR. MORGAN: We should. We should, Mr.
15 Examiner. Yes. Thank you.

16 THE HEARING EXAMINER: Okay. Okay.

17 Ms. McLean?

18 MS. MCLEAN: That's our hope. I'm not
19 sure -- it's my understanding that there were
20 discussions back and forth, but right now, the ball's
21 in MRC's court. So we're waiting to here back from
22 them.

23 THE HEARING EXAMINER: Okay. I'm just
24 wondering, Mr. Feldewert, how will we know whether the
25 case will be able to proceed by affidavit or whether

1 we'll need to switch it to a status conference?

2 MR. FELDEWERT: Well, first off, I
3 think you have enough experience with these cases to
4 know that if they're not submitting competing
5 proposals the hearing's going to be very short.

6 So it seems to me that there's enough
7 time on July 11th to either do it by affidavit or to
8 present our witnesses, which won't take very long.
9 They can ask whatever questions they're going to ask,
10 which I doubt are going to be very substantive, and we
11 can have the case done -- cases done.

12 THE HEARING EXAMINER: Okay. Thank
13 you. Anything further on these two cases?

14 MR. FELDEWERT: No. Thank you.

15 THE HEARING EXAMINER: Okay.

16 Mr. Morgan?

17 MR. MORGAN: No. Thank you, Mr.
18 Examiner.

19 THE HEARING EXAMINER: Ms. McLean?

20 MS. MCLEAN: No, Mr. Examiner.

21 THE HEARING EXAMINER: Mr. Savage?

22 MR. SAVAGE: Thank you. No.

23 THE HEARING EXAMINER: All right.

24 Let's move onto items 42 -- well, I guess it's just
25 item 42, 24498, Avant Operating.

1 MS. BENNETT: Good morning, Mr.
2 Examiner. Deanna Bennett on behalf of Avant
3 Operating.

4 THE HEARING EXAMINER: Thank you.

5 MR. FELDEWERT: Good morning, Mr.
6 Examiner. Michael Feldewert, Santa Fe office of
7 Holland and Hart, for MRC Permian.

8 THE HEARING EXAMINER: And
9 ConocoPhillips? Okay.

10 MS. BENNETT: Mr. Examiner, if I could
11 just cut to the chase here on this one. I spoke with
12 Avant Operating yesterday, and Avant is going to
13 dismiss this case, and refile for a 1,280-acre
14 nonstandard unit. And so I would request that case
15 24498 be dismissed.

16 THE HEARING EXAMINER: Thank you. And
17 you'll file; you said?

18 MS. BENNETT: Yes. I will.

19 THE HEARING EXAMINER: And that takes
20 the signature of the director; doesn't it?

21 MS. BENNETT: In the past, it has, yes.

22 THE HEARING EXAMINER: Why?

23 MS. BENNETT: I -- I don't know why,
24 but I can say that it has in the past been the
25 director that's signed orders of dismissal.

1 MR. FELDEWERT: By statute.

2 THE HEARING EXAMINER: By statute?

3 MR. FELDEWERT: Uh-huh.

4 THE HEARING EXAMINER: Thank you.

5 MR. FELDEWERT: But the acting director
6 can also sign.

7 MS. BENNETT: Right. The -- yes. The
8 acting director.

9 MR. FELDEWERT: Since we have an issue.

10 THE HEARING EXAMINER: All right.
11 Anything more on 24498?

12 MS. BENNETT: Nope. Thank you.

13 THE HEARING EXAMINER: Great. Thank
14 you, Ms. Bennett.

15 24499, Permian Resources. Entries of
16 appearances, please?

17 MS. HARDY: Good morning, Mr. Examiner.
18 Dana Hardy with the Santa Fe office of Hinkle Shanor
19 on behalf of Permian Resources Operating.

20 THE HEARING EXAMINER: And are we
21 consolidating that case with 24500?

22 MS. HARDY: Yes. That's correct.

23 THE HEARING EXAMINER: Okay. Thank
24 you.

25 MR. FELDEWERT: Good morning, Mr.

1 Examiner. Michael Feldewert with the Santa Fe office
2 of Holland and Hart appearing for ConocoPhillips
3 Company, but only in the -- in case 24499.

4 THE HEARING EXAMINER: Okay. Thank
5 you. Any others?

6 MS. BENNETT: Good morning, Mr.
7 Examiner. Deana Bennett on behalf of Marathon Oil
8 Permian in these two cases. And Marathon did file an
9 objection to the cases proceeding by affidavit.

10 THE HEARING EXAMINER: Why?

11 MS. BENNETT: Marathon is in
12 discussions with Permian Resources and would like some
13 additional time to allow those negotiations to play
14 out.

15 THE HEARING EXAMINER: Okay. And, Mr.
16 Feldewert, did you object?

17 MR. FELDEWERT: No.

18 THE HEARING EXAMINER: Thank you.
19 You're monitoring?

20 MR. FELDEWERT: Correct.

21 THE HEARING EXAMINER: Ms. Hardy?

22 MS. HARDY: Mr. Examiner, the parties
23 are in discussions. And as a result, we would propose
24 to schedule another status conference on the July 25th
25 docket. I think that would give the parties some

1 additional time to work toward an agreement.

2 THE HEARING EXAMINER: All right.
3 That's what we will do.

4 MS. HARDY: Thank you.

5 THE HEARING EXAMINER: You will be on
6 the July 25th docket as status conferences. Anything
7 further, Ms. Hardy?

8 MS. HARDY: No. Thank you, Mr.
9 Examiner.

10 THE HEARING EXAMINER: Okay. Thank
11 you. I'm now calling item 45. Franklin Mountain
12 Energy 24472.

13 MS. BENNETT: Good morning, Mr.
14 Examiner. Deana Bennett on behalf of Franklin
15 Mountain Energy.

16 MR. PADILLA: Ernest L. Padilla on
17 behalf of North Fork Land Management LLC and Aguila
18 Operating LLC.

19 THE HEARING EXAMINER: Good morning.
20 Any other parties? No.

21 Ms. Bennett?

22 MS. BENNETT: Thank you, Mr. Examiner.
23 So we had continued this case for notice purposes
24 only. As we indicated at the last hearing, we did
25 not -- inadvertently did not provide notice to

1 operators of an existing well. And those operators
2 are Mr. Padilla's clients.

3 And they filed an objection to the case
4 proceeding on the grounds that they were working-
5 interest owners entitled to proposal letters and AFEs.
6 And we have since cleared that issue up, and have
7 reached an agreement, I think -- and I'll let Mr.
8 Padilla talk about that -- that they are not working-
9 interest owners and not entitled to proposal letters
10 or AFEs.

11 But they have other concerns. And so I
12 mentioned to Mr. Padilla earlier today that I would
13 request that he withdraw his objection and refile
14 stating the correct basis for his objection. And then
15 the parties will be in discussions.

16 And so we would, unfortunately --
17 unfortunately, it seems that we need a continuance.
18 And I would request a continuance to July 11th, if
19 possible. The sooner, the better.

20 THE HEARING EXAMINER: Mr. Padilla?

21 MR. PADILLA: Mr. Examiner, Ms. Bennett
22 is correct about the working interest portion of -- or
23 the interest help on my clients. They took an
24 assignment from WPX for wellbore only, but there are
25 other lease issues that give them the right to have a

1 spacing unit. The spacing unit for a 40-acre well
2 overlaps the proposed spacing unit. The concern now
3 for my clients is collision --

4 THE HEARING EXAMINER: What's the word?

5 MR. PADILLA: My concern now is
6 collision of the wellbore with their well.

7 THE HEARING EXAMINER: What is
8 collision?

9 MR. PADILLA: Collision.

10 THE HEARING EXAMINER: Collision.

11 Thank you.

12 MR. PADILLA: Collision.

13 THE HEARING EXAMINER: Okay.

14 MR. PADILLA: And there may be some
15 allowable issues because of the two, but I think those
16 can be resolved. So I would just simply ask for a
17 continuance to let the parties discuss the problems
18 that we have raised.

19 THE HEARING EXAMINER: So are you going
20 to refile your objection with the proper issue?

21 MR. PADILLA: Yes. I will.

22 THE HEARING EXAMINER: And we'll have a
23 status conference on July 11th?

24 MR. PADILLA: That's fine.

25 THE HEARING EXAMINER: That's what you

1 want?

2 MS. BENNETT: Yes.

3 THE HEARING EXAMINER: Very good.

4 MS. BENNETT: Sorry. Yes. And that --
5 I know Mr. Padilla and I will have some further
6 discussions about the issue of allowables, because the
7 Division did abolish allowables in the horizontal well
8 rule, but we'll have that discussion amongst
9 ourselves.

10 THE HEARING EXAMINER: Okay. Thank
11 you.

12 MS. BENNETT: Thank you.

13 THE HEARING EXAMINER: Anything
14 further?

15 MS. BENNETT: Nothing further. Thank
16 you.

17 MR. PADILLA: Nothing.

18 MS. BENNETT: We'll continue the case
19 to July 11th.

20 THE HEARING EXAMINER: That's perfect.
21 Thank you, Ms. Bennett.

22 MS. BENNETT: Thank you.

23 THE HEARING EXAMINER: Now we said that
24 we were going to hear from the Division in case number
25 81 next. And then we'll go onto our other hearings.

1 So I'm calling now case number 24512. Entries of
2 appearance, please?

3 MR. MOANDER: Chris Moander on behalf
4 of the OCD. Mr. Examiner, if I may have just a second
5 to plug in so I can show exhibits.

6 THE HEARING EXAMINER: Mr. Moander, we
7 also do screensharing too, if that helps you.

8 MR. MOANDER: And that would be my
9 goal. So I'll see if I can make that happen for you.
10 All right. All right. I am prepared to proceed, Mr.
11 Examiner.

12 THE HEARING EXAMINER: Okay. Do you
13 need to make an opening statement?

14 MR. MORGAN: Just a brief one. Thank
15 you, Mr. Examiner. So the gist of this is this is an
16 uncontested case involving four particular wells.
17 These wells were owned and operated by the Nancy
18 Wilcox E. Qualls estate.

19 My team ran their reports for both
20 financial assurance and inactive well status at which
21 point it was determined that the wells were both in
22 violation of 5.9 for number of inactive wells as well
23 as 8.9 and 7.24 concerning financial assurance. And
24 so the Division is seeking a plugging order today from
25 you.

1 And in support of that I have three
2 witnesses I'd like to present. My anticipation is
3 this shouldn't take more than 20 to 30 minutes at the
4 absolute most.

5 THE HEARING EXAMINER: Okay. Let's get
6 them all sworn in. Would the three witnesses stand
7 up, please.

8 MR. MOANDER: And I can introduce them
9 if you so require, Mr. Examiner.

10 THE HEARING EXAMINER: No. It's okay.
11 Can the three witnesses come up to where Mr. Moander
12 is sitting, please? All together. We're going to
13 swear you in all together.

14 So individually would you state and
15 spell your names for the record?

16 MR. KARNS: My name is Nicholas Karns.
17 N-I-C-H-O-L-A-S. Last name, K-A-R-N-S.

18 MS. APODACA: Sheila Apodaca.
19 S-H-E-I-L-A A-P-O-D-A-C-A.

20 MS. GRIEGO: Sarah Griego. S-A-R-A-H
21 G-R-I-E-G-O.

22 THE HEARING EXAMINER: Okay. We're
23 going to get you sworn in as a group.

24 THE REPORTER: Please raise your right
25 hands.

1 WHEREUPON,

2 NICHOLAS KARNS,

3 called as a witness and having been first duly sworn
4 to tell the truth, the whole truth, and nothing but
5 the truth, was examined and testified as follows:

6 WHEREUPON,

7 SHEILA APODACA,

8 called as a witness and having been first duly sworn
9 to tell the truth, the whole truth, and nothing but
10 the truth, was examined and testified as follows:

11 WHEREUPON,

12 SARAH GRIEGO,

13 called as a witness and having been first duly sworn
14 to tell the truth, the whole truth, and nothing but
15 the truth, was examined and testified as follows:

16 THE HEARING EXAMINER: Mr. Moander, do
17 you want to deal with your exhibits first or do you
18 want to deal with them through your witness?

19 MR. MOANDER: I'll deal with them
20 through my witnesses. That way we can get foundation
21 in. My intention is I'll get some testimony in, get
22 an exhibit admitted, and we should be able to click
23 through these relatively quick.

24 Thank you, Ms. Bennett, that was very
25 nice of you.

1 THE HEARING EXAMINER: Okay. Very
2 good. Who do you want to call first?

3 MR. MOANDER: OCD would like to call
4 Nicholas Karns, please.

5 THE HEARING EXAMINER: Would you sit in
6 the witness box, Mr. Karns? And would you turn your
7 microphone on. It should be green on the right
8 button.

9 MR. KARNS: Testing. Cool.

10 MR. MOANDER: May I proceed?

11 THE HEARING EXAMINER: Please proceed.

12 MR. MOANDER: Mr. Karns, could you --
13 well, you stated your name already when you were sworn
14 in. Could you describe your current employment,
15 please?

16 MR. KARNS: Sure. I am a compliance
17 officer with the Oil Conservation Division here in
18 Santa Fe.

19 MR. MOANDER: And what does that entail
20 in terms of job duties?

21 MR. KARNS: Processing various forms
22 such as C-115 production reports, changes of operator,
23 processing all the financial assurance for plugging
24 bonds that comes in, and running reports in terms of
25 determining compliance.

1 MR. MOANDER: And those compliance
2 reports, would those include inactive well reports?

3 MR. KARNS: Yes.

4 MR. MOANDER: How about financial
5 assurance reports?

6 MR. KARNS: Yes.

7 MR. MOANDER: So I'm going to show you
8 what's marked as Exhibit 1. Is your screen on?

9 MR. KARNS: Yes. It is.

10 MR. MOANDER: Do you recognize what
11 Exhibit 1 is?

12 (OCD Exhibit 1 was marked for
13 identification.)

14 MR. KARNS: Yes. That's my resume.

15 MR. MOANDER: And is that something
16 that you wrote yourself?

17 MR. KARNS: It is.

18 MR. MOANDER: Mr. Hearing Officer, OCD
19 moves to admit Exhibit 1 into evidence, please.

20 THE HEARING EXAMINER: It's admitted.

21 (OCD Exhibit 1 was received into
22 evidence.)

23 MR. MOANDER: So, Mr. Karns, let's
24 transition a bit. I'm going to show you what's marked
25 as OCD Exhibit 2. Do you recognize that document?

1 (OCD Exhibit 2 was marked for
2 identification.)

3 MR. KARNS: I do. Yes.

4 MR. MOANDER: Can you tell me what it
5 is?

6 MR. KARNS: It's the Inactive Well
7 Report.

8 MR. MOANDER: And is that something you
9 run?

10 MR. KARNS: It is. Yes.

11 MR. MOANDER: And let's talk a little
12 bit about this. There's a date on here of May 31,
13 2024, but have you reviewed this report after that
14 date?

15 MR. KARNS: I did. I reviewed this
16 report yesterday, on the 12th, just to verify.

17 MR. MOANDER: Do you have any reason to
18 believe this report has changed since that date?

19 MR. KARNS: No. It's -- it's the same.

20 MR. MOANDER: And let's talk a little
21 bit about the nature of the report. What's your
22 understanding about how this report is created?

23 MR. KARNS: So our system will drop
24 wells onto this report once they've been active for a
25 certain amount of time.

1 MR. MOANDER: And how does the system
2 get triggered to place a well on this report if
3 there --

4 MR. KARNS: Based on the operator not
5 providing production reports.

6 MR. MOANDER: So this document reflects
7 an absence of filing by an operator?

8 MR. KARNS: Correct. Yes.

9 MR. MOANDER: And thus, the report's
10 generated automatically due to that failure?

11 MR. KARNS: Correct. Yes.

12 MR. MOANDER: At this time, Mr. Hearing
13 Officer, I'd move to admit Exhibit 2 into evidence,
14 please.

15 THE HEARING EXAMINER: Okay. Let's go
16 back to Exhibit 1 for a moment.

17 MR. MOANDER: Yes, sir.

18 THE HEARING EXAMINER: So, Mr. Karns,
19 I'm going to admit you as an expert witness in
20 administrative compliance matters.

21 MR. KARNS: Okay.

22 THE HEARING EXAMINER: So from here on
23 in you are recognized by this forum as an expert in
24 compliance issues.

25 MR. KARNS: Okay.

1 THE HEARING EXAMINER: Now, getting
2 back to Exhibit 2. Exhibit 2 is admitted into
3 evidence.

4 (OCD Exhibit 2 was received into
5 evidence.)

6 MR. MOANDER: Thank you, Mr. Hearing
7 Officer.

8 Mr. Karns, for whom is this inactive
9 well list generated?

10 MR. KARNS: This is for the OGRID 15501
11 operator, Nancy Wilcox E. Qualls.

12 MR. MOANDER: And would it be fair to
13 say that this reflects four individual wells?

14 MR. KARNS: Yes. That's correct.

15 MR. MOANDER: And is it your
16 understanding that these wells have been inactive for
17 a protracted period of time?

18 MR. KARNS: Yes.

19 MR. MOANDER: Do you have an idea how
20 long?

21 MR. KARNS: Based on the report, the
22 most recent production reported was in October 2014.

23 MR. MOANDER: And that would be
24 approximately ten years ago?

25 MR. KARNS: Yes. Sorry. Math --

1 MR. MOANDER: And would that be --
2 would that stand as a violation of 5.9 of OCD's rules?

3 MR. KARNS: Yes. Yes, it would.

4 MR. MOANDER: Thank you, Mr. Karns.
5 We're going to move on here. I'm going to show you
6 what's marked as Exhibit 3. Do you recognize this
7 document?

8 (OCD Exhibit 3 was marked for
9 identification.)

10 MR. KARNS: I do.

11 MR. MOANDER: Can you tell me what it
12 is, please?

13 MR. KARNS: This is the Financial
14 Assurance Report. Similar to the Inactive Well
15 Report, this report is generated showing wells that
16 aren't covered by financial assurance for a particular
17 operator.

18 MR. MOANDER: And in this instance, is
19 this report also generated for OGRID 15501 Nancy
20 Wilcox E. Qualls?

21 MR. KARNS: Yes. Yes. It is.

22 MR. MOANDER: And what is your
23 understanding that this report communicates; what does
24 it show?

25 MR. KARNS: This report shows that the

1 financial assurance in place by the operator is
2 insufficient.

3 MR. MOANDER: Mr. Hearing Officer, I'd
4 like to move to admit Exhibit 3 into evidence.

5 THE HEARING EXAMINER: So admitted.
6 (OCD Exhibit 3 was received into
7 evidence.)

8 MR. MOANDER: And just one last
9 question. Did you have the opportunity to review this
10 report after May 31st of 2024?

11 MR. KARNS: Yes. I also reviewed this
12 yesterday. I ran the same report.

13 MR. MOANDER: And do you have any
14 reason to believe the report has changed since that
15 last review?

16 MR. KARNS: No. Still the same.

17 MR. MOANDER: And does this report
18 reflect that the four wells that were on the
19 proceeding exhibit, which are also on this one, lack
20 sufficient financial assurance?

21 MR. KARNS: Yes.

22 MR. MOANDER: Thank you. I'm going to
23 move onto Exhibit 4.

24 (OCD Exhibit 4 was marked for
25 identification.)

1 Mr. Hearing Officer, I'm going to ask
2 that you take judicial notice of Exhibit 4 as a self-
3 authenticating document. It's got the State's seal on
4 it, and if you scroll to the final page, it has been
5 endorsed by the director, Dylan Fuge.

6 THE HEARING EXAMINER: I have reviewed
7 it, and I'll take administrative notice of it.

8 (OCD Exhibit 4 was received into
9 evidence.)

10 MR. MOANDER: Thank you. Also, and
11 obviously, this is up to your discretion, Mr. Hearing
12 Officer, Exhibit 5 was actually an exhibit to the NOV.
13 It was issued alongside of it. I can provide
14 testimony for that to that effect if necessary.

15 It does contain the State's seal on it,
16 but it does not have the signature of the director.
17 But I would suggest that it has an -- of reliability
18 and should also be admitted.

19 THE HEARING EXAMINER: I'll give it the
20 weight I think it deserves, so it's admitted.

21 (OCD Exhibit 5 was marked for
22 identification and received into
23 evidence.)

24 MR. MOANDER: Thank you, Mr. Hearing
25 Officer. Moving onto -- actually, I do have a few

1 questions for Mr. Karns.

2 Mr. Karns, in Exhibit 5 --

3 THE HEARING EXAMINER: Can you enlarge
4 it?

5 MR. MOANDER: Pardon?

6 THE HEARING EXAMINER: Can you enlarge
7 it?

8 MR. MOANDER: Oh, absolutely. And I
9 realize that this is probably something we do need to
10 work on, because we really crammed this particular
11 document. Is that --

12 THE HEARING EXAMINER: Thank you. I
13 can read it.

14 MR. MOANDER: Mr. Karns, Exhibit 5, did
15 you prepare this document?

16 MR. KARNS: Yes.

17 MR. MOANDER: And since it's already
18 admitted, I'm going to skip to the key point here.
19 Does this document reflect the total penalty for the
20 violations alleged by OCD against the Wilcox E. Qualls
21 Estate?

22 MR. KARNS: Yes. It does.

23 MR. MOANDER: And what's the total
24 penalty?

25 MR. KARNS: \$7,150.

1 MR. MOANDER: Thank you, Mr. Karns.

2 All right.

3 Mr. Hearing Officer, I've got Exhibit 6
4 before you today.

5 (OCD Exhibit 6 was marked for
6 identification.)

7 One of the issues that OCD ran into is
8 that the information for the operator was deficient in
9 our system. And so I went ahead and engaged in an
10 effort to try to track down an executor of the estate.

11 And so Exhibit 6 is not a certified
12 pleading out of the probate courts from El Paso,
13 Texas, but it is file-stamped by that court. This
14 document is only a Motion to Approve the Settlement or
15 Settlement Agreement in the contested probate, but it
16 also contains -- and it is somewhat lengthy.

17 It contains the Settlement Agreement
18 underlying that particular motion as well as the Will
19 and Testament of Nancy Wilcox Qualls.

20 OCD would request that this also be
21 admitted or at least judicial notice taken by the
22 hearing officer in particular and specifically as to
23 the identity of -- one moment here -- Mr. Robert --
24 let's see -- it was Mr. William Kent Elliott, at least
25 as co-executor, if not executor, of the estate. This

1 will become relevant down the road here with my next
2 witnesses.

3 THE HEARING EXAMINER: I've reviewed it
4 already, and I'll admit it and give it the weight I
5 think it deserves. And this has to do with notice?

6 (OCD Exhibit 6 was received into
7 evidence.)

8 MR. MOANDER: Yes, it does, Mr. Hearing
9 Officer.

10 All right. Pardon me for having to
11 scroll through. I'm using the document packet so we
12 don't lose anything.

13 Mr. Hearing Officer, at this point, I
14 think that you can release Mr. Karns. He's testified
15 as much as I think I need him to today.

16 THE HEARING EXAMINER: Thank you, Mr.
17 Karns, you're excused.

18 (The witness was excused.)

19 MR. MOANDER: OCD will then call the
20 next witness, Sheila Apodaca.

21 Good morning, Ms. Apodaca.

22 MS. APODACA: Good morning.

23 MR. MOANDER: So I'm going to show --
24 actually, could you describe your current employment,
25 please?

1 MS. APODACA: I am currently the law
2 clerk for the Oil Conservation Commission.

3 MR. MOANDER: And in that capacity, do
4 you have job duties that include serving pleadings and
5 other documents on behalf of OCD lawyers?

6 MS. APODACA: I do occasionally for the
7 General Counsel of OCD.

8 MR. MOANDER: I'm going to show you
9 what's marked as Exhibit 8 -- actually, let's step
10 back a second. You had a chance to see the NOV that's
11 the basis of this case put into evidence today. Are
12 you familiar with that document?

13 MS. APODACA: Yes. I am.

14 MR. MOANDER: And did you handle that
15 document in any way during the process of this case?

16 MS. APODACA: Yes. I did.

17 MR. MOANDER: And what did you do with
18 that document?

19 MS. APODACA: So late in March, you,
20 Mr. Moander, had sent me a draft of the document that
21 we were awaiting approval by the director. So I
22 gathered and labeled the exhibits to get it ready for
23 service once it was approved.

24 I was going to be out of the office the
25 following week, so I prepared the NOV with all of the

1 exhibits and left it for Sarah Griego in the event
2 that it was approved while I was absent.

3 MR. MOANDER: And did you ultimately
4 end up having to serve that NOV through certified
5 mail?

6 MS. APODACA: I served it on William
7 Kent Elliott.

8 MR. MOANDER: And that was at my
9 direction?

10 MS. APODACA: Yes. It was.

11 MR. MOANDER: Please take a look at
12 Exhibit 8; do you recognize that exhibit?

13 (OCD Exhibit 8 was marked for
14 identification.)

15 MS. APODACA: Yes. I do.

16 MR. MOANDER: And can you tell me what
17 it is?

18 MS. APODACA: This is the mailing
19 envelope that was sent to Mr. Elliott.

20 MR. MOANDER: Mr. Hearing Officer, OCD
21 moves for the admission of Exhibit 8.

22 THE HEARING EXAMINER: So admitted.

23 (OCD Exhibit 8 was received into
24 evidence.)

25 MR. MOANDER: Ms. Apodaca, I'm going to

1 have you take a look at Exhibit 9; do you recognize
2 that document?

3 (OCD Exhibit 9 was marked for
4 identification.)

5 MS. APODACA: Yes. I do.

6 MR. MOANDER: And can you tell me what
7 it is?

8 MS. APODACA: This -- we -- well, the
9 previous exhibit was the entire package that was
10 returned to us with the unsigned green card, because
11 it wasn't accepted. And so this is a printout from
12 the internet of the USPS tracking on that certified
13 mail showing that it was returned to OCD unserved,
14 unclaimed.

15 MR. MOANDER: Mr. Hearing Officer, OCD
16 would move for the admission of Exhibit 9.

17 THE HEARING EXAMINER: So admitted.
18 (OCD Exhibit 9 was received into
19 evidence.)

20 Mr. Moander, are you going to admit
21 Exhibit 7?

22 MR. MOANDER: I will be coming back to
23 that. That's why I have two administrative witnesses
24 today.

25 THE HEARING EXAMINER: Okay.

1 MR. MOANDER: Ms. Apodaca, do you
2 recognize Exhibit 10?

3 (OCD Exhibit 10 was marked for
4 identification.)

5 MS. APODACA: Yes. I do.

6 MR. MOANDER: And can you tell me what
7 that is?

8 MS. APODACA: This is the docketing
9 notice that we filed and served. I served it by email
10 on Staci Brooks and by certified mail on Mr. Elliott.

11 MR. MOANDER: And, Mr. Hearing Officer,
12 I'd like to move to admit Exhibit 10 into evidence,
13 please.

14 THE HEARING EXAMINER: So admitted.
15 (OCD Exhibit 10 was received into
16 evidence.)

17 MR. MOANDER: I think I've just got one
18 more exhibit for you, Ms. Apodaca. And do you
19 recognize Exhibit 11?

20 (OCD Exhibit 11 was marked for
21 identification.)

22 MS. APODACA: I do.

23 MR. MOANDER: And can you tell me what
24 it is?

25 MS. APODACA: This is a copy of the

1 email. I'm cc'd on the email, but this was sent by
2 Sarah Griego to Staci Brooks to serve the amended NOV.

3 MR. MOANDER: Thank you.

4 Mr. Hearing Officer, OCD would move to
5 admit Exhibit 11 into evidence.

6 And I do have a quick question for you,
7 Ms. Apodaca, before I cut you lose.

8 MS. APODACA: Yes.

9 MR. MOANDER: You mentioned Staci
10 Brooks a few times. Is Staci Brooks an individual
11 who, at least through corporate capacity, had been
12 identified as the potential operator of the wells at
13 issue in this case?

14 MS. APODACA: Yes, she is. On the OCD
15 permitting system, one of the items that they list is
16 a contact for each area of their company, and there's
17 a central contact listed, and Staci Brooks is listed
18 as that central contact.

19 MR. MOANDER: And was it ultimately
20 determined that Staci Brooks was not, in fact,
21 involved with these wells?

22 MS. APODACA: I -- I don't know. I
23 don't know about that.

24 MR. MOANDER: Thank you.

25 With that, Mr. Hearing Officer, I'd

1 like to release Ms. Apodaca, please.

2 THE HEARING EXAMINER: Okay. I didn't
3 admit Exhibit 11, so I'm not sure why Ms. Apodaca is
4 attesting to Exhibit 11 when we have -- when we have
5 Ms. Griego here.

6 MR. MOANDER: I will address that with
7 Ms. Griego. I was just being thorough, Mr. Hearing
8 Officer.

9 THE HEARING EXAMINER: So you're
10 excused. Thank you, Ms. Apodaca.

11 MS. APODACA: Thank you very much.

12 (The witness was excused.)

13 MR. MOANDER: And then OCD would like
14 to call Sarah Griego to the stand.

15 Good morning, Ms. Griego.

16 MS. GRIEGO: Good morning.

17 MR. MOANDER: Could you describe your
18 current employment, please?

19 MS. GRIEGO: I am the law clerk for the
20 General Counsel.

21 MR. MOANDER: General Counsel of?

22 MS. GRIEGO: Of Energy, Minerals, and
23 Natural Resources.

24 MR. MOANDER: And would that include
25 the attorneys for OCD?

1 MS. GRIEGO: Yes.

2 MR. MOANDER: And do your job duties
3 include similar to Ms. Apodaca, serving documents for
4 those attorneys as needed?

5 MS. GRIEGO: Yes.

6 MR. MOANDER: And you've seen the NOV
7 in this case?

8 MS. GRIEGO: Yes.

9 MR. MOANDER: And you've seen the
10 docketing statement as well?

11 MS. GRIEGO: Yes.

12 MR. MOANDER: Were you involved in
13 serving any of these documents?

14 MS. GRIEGO: I was with the one that
15 was addressed to Staci Brooks.

16 MR. MOANDER: I'm going to have you
17 take a look at Exhibit 7; do you recognize that
18 document?

19 (OCD Exhibit 7 was marked for
20 identification.)

21 MS. GRIEGO: Yes. I do.

22 MR. MOANDER: And can you tell me what
23 it is?

24 MS. GRIEGO: This is the tracking --
25 the USPS tracking for the NOV that I sent out to Staci

1 Brooks.

2 MR. MOANDER: Mr. Hearing Officer, I'd
3 move for admission of Exhibit 7.

4 THE HEARING EXAMINER: It's so
5 admitted.

6 (OCD Exhibit 7 was received into
7 evidence.)

8 MR. MOANDER: And then, Ms. Griego, I'm
9 going to show you what's marked as Exhibit 11; do you
10 recognize that document?

11 MS. GRIEGO: Yes. I do.

12 MR. MOANDER: Can you tell me how -- or
13 do you know what it is?

14 MS. GRIEGO: Yes. I do. It is the
15 email that I also sent to Staci Brooks.

16 MR. MOANDER: And that included the
17 NOV?

18 MS. GRIEGO: Yes. It did. It included
19 the NOV and -- yes.

20 MR. MOANDER: And likewise, were you
21 involved with the service of the docketing notice on
22 any of these parties?

23 MS. GRIEGO: No. I was not.

24 MR. MOANDER: Okay. Thank you.

25 With that, Mr. Hearing Officer, that

1 concludes my testimony. I'd like to make a short
2 closing statement if I could.

3 THE HEARING EXAMINER: All right. So
4 I'll admit Exhibit 11 into evidence.

5 (OCD Exhibit 11 was received into
6 evidence.)

7 MR. MOANDER: Please. Thank you.

8 THE HEARING EXAMINER: Please proceed.

9 MR. MOANDER: So, Mr. Hearing Officer,
10 I'll think OCD has demonstrated with a background of
11 the NOV how the inactive well list was generated, that
12 it was identified there was a violation of both the
13 inactive well rule as well as the financial assurance
14 rule.

15 OCD also made attempts to serve -- they
16 served documents on both whom OCD believed was the
17 responsible party as well as the executor of the
18 estate. As I sit here today, I've received no
19 objections to the proceeding in this hearing. I've
20 received no pre-hearing statements filed on behalf of
21 the estate.

22 OCD believes, at this point, it's
23 carried its burden, and it would request a plugging
24 order. Given the nature of the case, we are not
25 seeking a position of the civil penalties.

1 THE HEARING EXAMINER: Just a couple
2 questions, Mr. Moander.

3 MR. MOANDER: Yes, sir.

4 THE HEARING EXAMINER: So you mentioned
5 that Staci Brooks -- somehow you found out that Staci
6 Brooks was not involved in these wells?

7 MR. MOANDER: That's correct.

8 THE HEARING EXAMINER: How did you --
9 how'd you find that out?

10 MR. MOANDER: I actually spoke with her
11 counsel and -- well, it was vicariously through her
12 counsel, and we determined that the operatorship had
13 reverted and the operator's duty regarding -- is to
14 update that information. So the information was, in
15 fact, flawed.

16 THE HEARING EXAMINER: And did you ever
17 hear from William Kent Elliott?

18 MR. MOANDER: No. I did not, Mr.
19 Hearing Officer. I tried multiple vectors of effort
20 to contact him, and he successfully avoided me.

21 THE HEARING EXAMINER: Okay. All
22 right. Mr. Moander, please prepare a proposed order,
23 and I will take a look at it. Thank you.

24 MR. MOANDER: Thank you, Mr. Hearing
25 Officer.

1 THE HEARING EXAMINER: Thank you.
2 We're off the record.

3 Let's now go to case 46 on our docket.
4 Actually, is Ms. Bennett with us? No. Okay. All
5 right. I'm calling Spur Energy.

6 Oh, Ms. Bennett, you wanted to talk a
7 little bit about filing in different dockets, and I
8 said we would deal with that before we went to
9 hearings. So do you want to bring it up so that other
10 counsel can hear your idea?

11 MS. BENNETT: Certainly. Thank you.

12 So a few years ago when I first started
13 practicing before the Division, applicants were able
14 to submit hearing applications for both the first
15 docket of the month and the second docket of the
16 month. And we would make the election and then we
17 would submit the applications based on those two
18 different dates.

19 And one of the benefits of that was it
20 gave us some flexibility -- our clients some
21 flexibility in terms of when proposal letters were
22 sent out. Those aren't always sent out at the
23 beginning of the month. So if a proposal letter was
24 sent out at the first of the month, then we could
25 apply for the second docket.

1 But then the Division sort of did away
2 with that. And what the Division's preference has
3 been since then is that we file new cases only for the
4 first docket and then the second docket is
5 traditionally for continued cases.

6 Well, we've noticed -- or at least I've
7 noticed recently that the first docket is getting very
8 full and so cases are being automatically set for the
9 second docket which requires notice for the second
10 docket as well.

11 And my understanding, or at least I
12 think one of the benefits of having only one new
13 docket was that notice only had to be published once
14 for new cases.

15 But given that notice now has to be
16 done by the Division for both dockets, it seems, I was
17 wondering if the Division would be inclined to
18 consider allowing applicants to apply for both
19 dockets, the first and second docket for new cases?
20 And so that's a discussion topic that I wanted to
21 raise.

22 THE HEARING EXAMINER: So before I go
23 to -- before I ask for other input, as it is now, and
24 I don't know how this works. So as it is now, you
25 have to file applications by what date of each month?

1 MS. BENNETT: The date depends on when
2 the first hearing date is, but it has -- so for
3 example, for an -- so when the hearings are on, like,
4 the 4th of the month, we usually would have to apply
5 by the Tuesday before -- the Tuesday of the month
6 before.

7 But sometimes there's five weeks
8 between hearings because of the way the calendar works
9 out. But we always have to apply for 30 days in
10 advance of the hearing date.

11 THE HEARING EXAMINER: So let's just --
12 let's just make up some dates for a moment. So let's
13 say next month is July. We have the 11th and we have
14 the 25th, because those are real dates. So you're
15 saying that 30 days before July 11th you would file?

16 MS. BENNETT: Yes.

17 THE HEARING EXAMINER: And now what
18 you're asking is if you didn't file by that date, you
19 would file 30 days before the 25th?

20 MS. BENNETT: That's right.

21 THE HEARING EXAMINER: All right.
22 Okay. Let me hear from anyone else who has an
23 opinion. Sounds like no one else as an opinion?

24 Mr. Rankin?

25 MR. RANKIN: Mr. Examiner, I'll just

1 pipe up. I think having the flexibility to file for
2 additional hearing dates in a given month would be
3 appreciated by counsel and our clients. So that's my
4 tidbit. And it may allow for some of the pressures on
5 the first of the month to be naturally allocated
6 between the dates.

7 THE HEARING EXAMINER: Mr. Bruce.

8 MR. BRUCE: I agree with Ms. Bennett.
9 I think that would be a reasonable thing to do. I
10 guess, this also kind of works into what I've kind of
11 objected to. I know the Division gets up to a certain
12 point and says, okay, July 11 is full, so they move it
13 two weeks down even though you timely file. And my
14 clients go, why isn't it on the docket? That's item
15 number 1.

16 But item number 2 is, as you well know,
17 so many of these cases get continued anyway. I don't
18 know why they can't all be put on the docket 30 days.
19 Because, for instance, there's already a lot of cases
20 building up for July 25, but if she files on June 25,
21 and it gets kicked over to August, that's the problem.

22 MS. BENNETT: And, Mr. Examiner, if I
23 could make one more brief point. The affidavits of
24 publication are also sometimes an issue for this,
25 because we are all trying to get our publication

1 notices in for a first docket date.

2 And so sometimes I know we've started
3 publishing much earlier than we normally would to
4 avoid the crunch at the end. Because we will contact
5 the newspaper, and they'll tell us that there's just
6 no room because all of us are trying to publish for
7 the first docket date.

8 THE HEARING EXAMINER: Mr. Bruce, going
9 back to what you said a moment ago. You said that
10 your client didn't understand why it was being
11 rescheduled to the second docket. But then you said
12 something else, but it was too low for me to hear it.
13 What did you say?

14 MR. BRUCE: I -- I think what I -- I
15 think what I said is that, for instance, in Ms.
16 Bennett's case, if she wants to file specifically for
17 the July 25th docket, but for some reason maybe the
18 proposal letter was sent out a little late and she
19 files on June 25, which is perfectly reasonable, but
20 the Division then says July 25th docket is full, it
21 kind of defeats the purpose of it all.

22 MS. BENNETT: I might be able to
23 clarify that a little bit with some real-life
24 experience. So the -- we did file a number of cases
25 for July 11th, and we filed those timely. But now

1 those won't be heard until July 25th which is almost
2 six weeks from today. And so our clients, I think,
3 are -- we plan on, with our clients, a specific date
4 for a hearing, and then the hearing actually is not a
5 month away, it's six weeks away.

6 So there's -- inherent in this pooling
7 process, there are some timelines that our clients are
8 used to and we're sort of used to. And so a six-week
9 delay in going to hearing, I think, is what Mr. Bruce
10 is alluding to.

11 I mean, that certainly has been made up
12 for by the fact that the Division is getting orders
13 out so quickly. So the delay on the front end is
14 definitely being addressed by the way the Division is
15 getting orders out so quickly.

16 So I don't want it to seem like there's
17 a delay with the orders, because the Division is doing
18 such a great job of getting orders out quickly, and we
19 really appreciate that.

20 THE HEARING EXAMINER: Are there any
21 other comments?

22 MR. RANKIN: No. I think I -- I
23 just -- I mean, I generally agree. It helpful to have
24 a little more agency in the determination appearing
25 dates, but I don't disagree with anything that's been

1 said.

2 THE HEARING EXAMINER: Anyone online
3 have anything to say?

4 Freya, what do you think of the idea of
5 applicants being able to file into either docket of
6 the month as opposed to just the one docket?

7 MS. TSCHANTZ: I think that's fine. It
8 does put a little bit more burden on the Division in
9 that it's a separate deadline that we're going to be
10 working with. The benefit of kind of having control
11 over where things go on either docket is I'm noticing
12 them at the same time.

13 So that's one deadline. If I move it
14 down the month, it's an additional deadline. But I
15 can work with it. I hear what the comments are and it
16 makes sense to me.

17 THE HEARING EXAMINER: Okay. All
18 right. Thank you, Freya. I'm not hearing any
19 resistance to the proposal. So Freya, what would we
20 need to do to allow people to file into the second
21 docket of a month?

22 MS. TSCHANTZ: I don't think we need to
23 do anything additional. I would just need to track
24 the cutoff time for the second docket and make sure I
25 notice it within 20 days of that hearing. And review

1 each application to determine which date they are
2 requesting. But that's reasonable.

3 THE HEARING EXAMINER: So as long as
4 the parties understand that when they file it's a
5 request. We can't promise. There are dockets that
6 become just too wieldy. And between myself and the
7 technical examiner and the hearing clerk, there's only
8 so many cases we can do in a day before it becomes not
9 productive.

10 And so from now on, parties can file
11 into both dockets into any month. And as long as they
12 understand that they are making a request, we will do
13 everything we can to honor that request.

14 And I think that concludes that issue;
15 doesn't it, Ms. Bennett?

16 MS. BENNETT: Yes, it does. Thank you
17 so much. Thanks for your consideration.

18 THE HEARING EXAMINER: All right. Very
19 good. Of course.

20 Let's move to item number 46 on our
21 docket. It's 24042, Spur Energy Partner. Entries of
22 appearance, please?

23 MR. RANKIN: Mr. Examiner, may it
24 please the Division, Adam Rankin with the applicant in
25 the case with the Santa Fe office of Holland and Hart.

1 THE HEARING EXAMINER: Thank you, Mr.
2 Rankin. Are there any other parties? Mr. Rankin, are
3 there any other parties that you know of?

4 MR. RANKIN: Not that I know of.

5 THE HEARING EXAMINER: Okay. Very
6 good. Please proceed.

7 MR. RANKIN: Mr. Examiner, this case
8 was set for a status conference by the hearing
9 examiner. We have -- I'm not sure exactly the purpose
10 of the status conference, but we have been providing
11 and I think have completed our submission of
12 supplemental exhibits based on the Division's request.

13 And so my understanding is that the
14 case has been taken under advisement. The
15 supplemental information is being reviewed by the
16 Division, and we're just awaiting an order at this
17 time.

18 THE HEARING EXAMINER: So let's go back
19 for a moment. Is this the case in which you filed the
20 supplemental information last Friday?

21 MR. RANKIN: No. It's not.

22 THE HEARING EXAMINER: This is not that
23 case. What case am I referring to?

24 MR. RANKIN: This is a case -- the case
25 you're referring to is the XTO case for a closed loop

1 gas capture case.

2 THE HEARING EXAMINER: Do you have a
3 case number for that one?

4 MR. RANKIN: Yes, Mr. Examiner. I
5 believe that's the next one on the docket which is
6 24273.

7 THE HEARING EXAMINER: Okay. Very
8 good. We have a technical reviewer with us. And it's
9 my understanding that we are -- that we continued this
10 hearing.

11 That we didn't take it under advisement
12 when we first heard it, but that we continued it to
13 allow you to leave the record open, admit supplemental
14 evidence, and then your witnesses would be available
15 for any cross-examination that the new information
16 brought up.

17 MR. RANKIN: Mr. Examiner, that may be
18 the case. I'm not -- I don't recall that. I remember
19 that we were required to submit some additional
20 information and that has been done.

21 And if the Division does have
22 questions, I'm not sure if our witness is available
23 today or not, but I can look and see if he is. But I
24 did reach out to the Division to inquire whether we
25 needed to have witnesses available. I didn't get a

1 response.

2 My understanding was the Division was
3 simply reviewing the additional information. And so
4 that's where we are as I understand it.

5 THE HEARING EXAMINER: Okay. Give me a
6 moment to confer.

7 Mr. Gebremichael?

8 MR. GEBREMICHAEL: Yes, sir.

9 THE HEARING EXAMINER: Would you --
10 either you can come back here and sit here -- okay.
11 This is your case; isn't it? The one I called; Spur
12 Energy?

13 MR. GEBREMICHAEL: Yes.

14 THE HEARING EXAMINER: Okay. Would you
15 come on back? Thank you. Do you have any questions
16 for the applicant?

17 MR. GEBREMICHAEL: We are satisfied
18 with the supplemental information that was provided.
19 So we're okay with it.

20 THE HEARING EXAMINER: Okay. So then
21 the case can be taken under advisement?

22 MR. GEBREMICHAEL: Yes, sir.

23 THE HEARING EXAMINER: Okay. Very
24 good. What was the -- if I'm not mistaken, did you
25 ask for this case to be put on this docket?

1 MR. GEBREMICHAEL: Yes. We just wanted
2 to just affirm that we're satisfied with the
3 supplemental data that he provided.

4 THE HEARING EXAMINER: Okay. We're off
5 the record on that case, Mr. Rankin.

6 I'm now calling case 24273. Entries of
7 appearance, please?

8 MR. RANKIN: Mr. Examiner, Adam Rankin
9 with the Santa Fe office of Holland and Hart with my
10 colleague, Paula Vance, appearing on behalf of the
11 applicant in this case, XTO Permian Operating.

12 THE HEARING EXAMINER: Okay. Ms.
13 Vance, good morning.

14 MS. VANCE: Good morning.

15 THE HEARING EXAMINER: Are there any
16 other parties entered in this case, Ms. Vance?

17 MS. VANCE: Not that I'm aware of. No.

18 THE HEARING EXAMINER: Okay. Who's
19 handling this case? Mr. Rankin. Okay. Mr. Rankin,
20 did you resubmit the amended exhibit list with cover
21 letter?

22 MR. RANKIN: We did, Mr. Examiner.

23 THE HEARING EXAMINER: Okay. Very
24 good.

25 And, Freya, did you take out the

1 supplemental exhibit that was supplement on Friday
2 from the record?

3 MS. TSCHANTZ: I have not yet, but I
4 will.

5 THE HEARING EXAMINER: Would you do
6 that, please?

7 MS. TSCHANTZ: Yes.

8 THE HEARING EXAMINER: Thank you.
9 Mr. Rankin, please proceed.

10 MR. RANKIN: Thank you, Mr. Examiner.
11 This hearing was originally -- this application was
12 originally heard back on March 21st at which -- the
13 witnesses were here live and presented testimony in
14 support of the application for a closed loop gas
15 capture pilot project. That case was continued from
16 that hearing date to allow XTO to provide additional
17 information at the request of the Division.

18 The requested information that was
19 provided -- that was requested was an updated notice
20 package to all the parties, an amended gun barrel
21 diagram, if applicable, that would allow the Division
22 to review any offset wells within a quarter mile of
23 any of the proposed close loop gas capture injection
24 wells, an amended allocation plan that includes the
25 methodology of allocation that would be acceptable to

1 the Division.

2 An amended area of review spreadsheet
3 that includes for each well within the half-mile area,
4 review all casing strings, and for each casing string,
5 the setting depth and top of cement. A supplemental
6 exhibit providing a list of all the compressor
7 stations and batteries, which are providing the source
8 gas for the proposed injection into the pilot project,
9 along with an approximate location of each of those
10 compressor or battery facilities.

11 And then we also were requested to
12 provide a revised self-affirmed statement of Mr. Isaac
13 Olivas to address an inadvertent statement in one of
14 his paragraphs. That information was all submitted,
15 Mr. Examiner, last week. We have corrected it to
16 include it all as one packet.

17 In addition to the requested
18 information, we have provided some additional
19 statements from both Mr. Olivas and Dr. Hehmeyer
20 addressing some of the questions and inquiries that
21 came up during the March 21st hearing.

22 Mr. Olivas reviews in his testimony
23 a -- which has been marked as Supplemental Exhibit G.
24 He reviews and confirms the legal description of the
25 pilot project area and provides an updated map

1 identifying the boundaries of the proposed pilot
2 project and the legal description.

3 He provides a list of the source gas
4 compressor stations and batteries as requested and
5 identifies each of those by location. He provided an
6 updated half-mile area of review well tabulation sheet
7 correctly identifying each of the wells within the
8 half-mile area of review along with their casing
9 string information and the top of cement.

10 He provides a list of wells that the
11 Division requested within a quarter-mile of each of
12 the proposed closed loop gas capture wells. He also
13 provides, as discussed at the March 21st hearing, an
14 updated or amended allocation methodology that would
15 be employed following each closed loop gas capture
16 injection event.

17 Initially, XTO had proposed a -- what
18 was termed a mass balance or first in, first out
19 allocation method that the Division indicated was not
20 preferred. And as a result, they have come back with
21 an allocation method that's based on a gas-to-oil
22 ratio.

23 Mr. Olivas reviews in detail and
24 provides a sample of how such an allocation would be
25 employed following a gas injection event. That

1 exhibit and the description is attached to his
2 Supplemental Affidavit.

3 In addition, he's provided an updated
4 block diagram schematic that identifies each step
5 during normal operations and then how that process
6 would alter during an injection event.

7 There was some discussion at the
8 hearing and I think maybe some confusion about the
9 title of the gas, who holds the gas, and how that all
10 was going to work out. Mr. Olivas provided, in his
11 testimony, clarifications on those points along with
12 the block diagram to help assist explain.

13 THE HEARING EXAMINER: Mr. Rankin?

14 MR. RANKIN: Yeah.

15 THE HEARING EXAMINER: I don't mean to
16 interrupt you, but --

17 MR. RANKIN: No problem.

18 THE HEARING EXAMINER: -- I have a
19 question for you. You have a bunch of supplemental
20 exhibits, and I believe they go beyond what was
21 requested initially. I think we need to admit these
22 into evidence.

23 MR. RANKIN: Absolutely, Mr. Examiner.
24 That was my intent. But happy to do it at the outset.

25 THE HEARING EXAMINER: And also -- and

1 also are all of these exhibits -- I see that they're
2 from different people, like, Mr. Hehmeyer and Mr.
3 Olivas. I remember Mr. Olivas from March, but I don't
4 remember Mr. Hehmeyer; was he a witness?

5 MR. RANKIN: He was, Mr. Examiner.

6 THE HEARING EXAMINER: He was.

7 MR. RANKIN: He was the final witness.
8 He was the reservoir engineer who testified on the
9 modeling that they had done to confirm capacity in the
10 injection zone.

11 THE HEARING EXAMINER: Are any of these
12 exhibits from witnesses that we didn't see in March?

13 MR. RANKIN: No, Mr. Examiner.

14 THE HEARING EXAMINER: No. Okay. Very
15 good. So why don't you make a motion to admit your
16 exhibits into evidence.

17 MR. RANKIN: Thank you, Mr. Examiner.
18 Mr. Examiner, we filed with the Division a revised set
19 of exhibits marked as A through J with attachments.
20 And we ask at this time that that revised exhibit
21 package be admitted to the record.

22 THE HEARING EXAMINER: Are there any
23 objections? Not hearing any, your supplemental
24 exhibits are admitted into evidence.

25 //

1 (24273 Exhibits A through J were marked
2 for identification and received into
3 evidence.)

4 MR. RANKIN: Thank you, Mr. Examiner.
5 I think I had just completed Mr. Olivas's supplemental
6 testimony. Attached to his supplemental testimony are
7 Exhibits G-1 through G6. Mr. Olivas should be
8 available for questions. I'm happy to work through
9 each of these now. Or if you would like to take them
10 in turn, I'm happy to do that as well.

11 THE HEARING EXAMINER: When you say
12 work through them, let's see if Mr. Gebremichael has
13 had time to review the exhibits?

14 MR. GEBREMICHAEL: Yes. I did.

15 THE HEARING EXAMINER: Okay. Do you
16 need a review by Mr. Rankin or do you want to just go
17 to your questions?

18 MR. GEBREMICHAEL: I could go to my
19 questions.

20 THE HEARING EXAMINER: Mr. Rankin, I'm
21 not sure that you need to review the exhibits. I
22 think Mr. Gebremichael is familiar with them.

23 MR. RANKIN: That's very good. Mr.
24 Examiner, Mr. Gebremichael, would you like to question
25 Mr. Olivas?

1 MR. GEBREMICHAEL: I have a question
2 on -- if I may direct it to Exhibit D, page 69 of the
3 package.

4 MR. RANKIN: Exhibit B as in boy?

5 MR. GEBREMICHAEL: No. No. No. D as
6 in David.

7 MR. RANKIN: And which place on Exhibit
8 D?

9 MR. GEBREMICHAEL: There is -- on the
10 completion, you know, about the cement work
11 information.

12 MR. RANKIN: Okay.

13 THE HEARING EXAMINER: So before we --
14 hold on. Before you ask the question, let make sure
15 you're asking the right person.

16 MR. GEBREMICHAEL: Yes.

17 THE HEARING EXAMINER: Whose exhibit is
18 this Mr. Rankin?

19 MR. RANKIN: I want to make sure I
20 understand which exhibit Mr. Gebremichael is referring
21 to. I believe -- are you referring to what's been
22 marked as Exhibit D as part of the application?

23 MR. GEBREMICHAEL: Yeah. If you go,
24 like, to the specific page 69.

25 THE HEARING EXAMINER: Let me get

1 there. Hold on a minute. The tank size estimation
2 for the tank model pressure?

3 MR. GEBREMICHAEL: No. No. It's
4 probably -- I'm reading page 69. There are 160 pages
5 in total; right?

6 THE HEARING EXAMINER: No. That's the
7 original.

8 MR. GEBREMICHAEL: Oh, that's the
9 original. I'm going through the original. But the
10 question that I want to ask is just about the cement
11 information there. There are three wells that there
12 is no data under.

13 THE HEARING EXAMINER: Mr. Rankin,
14 which -- I know you resubmitted one package, yes.

15 MR. RANKIN: Yes.

16 THE HEARING EXAMINER: But it sounds
17 like this question is referring to one of the original
18 exhibits.

19 MR. RANKIN: I'll have to pull that up,
20 Mr. Examiner, and make sure. I'm not sure what page
21 it is. Is it one of the wellbore schematics for one
22 of the closed loop gas capture wells?

23 MR. GEBREMICHAEL: No. It's not a
24 wellbore. It is a table with regard to the completion
25 of the well. If you go --

1 THE HEARING EXAMINER: Hold on, Mr.
2 Rankin. Mr. Rankin, it looks like this question goes
3 to your original filing, but let's pull that up.

4 MR. RANKIN: Understood. My concern
5 here is that we did provide a supplemental exhibit
6 that provided, I think, the information the Division
7 requested on this topic.

8 THE HEARING EXAMINER: On this --

9 MR. RANKIN: Yeah. Yeah. And if I
10 may, I can put it on my screen or if Mr.
11 Gebremichael's able to pull up the revised exhibits, I
12 can --

13 THE HEARING EXAMINER: Let's take a
14 five-minute break while we get reoriented to the
15 supplemental package -- the amended exhibit packet so
16 that we're asking questions from the updated
17 information. So let's take a five-minute break. It's
18 10:31. We'll come back at 10:36. Thank you.

19 (Off the record.)

20 THE HEARING EXAMINER: It is 10:36 on
21 June 13th. We're back on the record. We're going to
22 go into recess in case number 24273. And as soon as
23 the technical reviewer has had some time to review the
24 supplemental information which was filed last night,
25 he will -- we'll come back on the record in that case.

1 So we're now calling case number 48 on
2 our docket, 24380, Solaris Water Midstream. Entries
3 of appearance, please?

4 MS. HARDY: Good morning, Mr. Examiner.
5 Dana Hardy and Jaclyn McLean with Hinkle Shanor on
6 behalf of Solaris. And Ms. McLean will be presenting
7 this matter.

8 THE HEARING EXAMINER: Thank you, Ms.
9 Hardy. Are there any other entries of appearance?

10 MR. RANKIN: Mr. Examiner, may it
11 please the Division, Adam Rankin with the law firm of
12 Holland and Hart, Santa Fe, appearing on behalf of EOG
13 Resources.

14 THE HEARING EXAMINER: EOG. Thank you,
15 sir. Any others?

16 MR. RODRIGUEZ: Good morning. Michael
17 Rodriguez with Civitas Permian Operating, LLC.

18 THE HEARING EXAMINER: Good morning.
19 Ms. McLean?

20 MS. MCLEAN: Yes. Thank you, Mr.
21 Examiner. In case number 24380, Solaris requests that
22 the Division issue an order approving a saltwater
23 disposal well in Lea County, New Mexico. And Solaris
24 is seeking an order approving its proposed Ragin
25 Rutley SWD No. 1 to be drilled in Unit P of Section

1 14, Township 20 South, Range 32 East, in Lea County.

2 Solaris seeks authorization to inject
3 produced water into the Devonian, Fusselman formation,
4 pool SWD; Devonian-Silurian pool, code 97869, at a
5 depth of approximately 14,463 to 16,263 feet, and
6 proposes to inject an average of 30,000 barrels of
7 water per day up to a maximum of 40,000 barrels of
8 water per day. And requests that Division approve a
9 maximum surface injection pressure of 2,892 PSI.

10 Solaris will operate the well as a
11 commercial SWD. There's a significant amount of new
12 drilling activity in progress or planned in the area,
13 and there is minimal saltwater disposal infrastructure
14 available. Solaris chose this particular location to
15 accommodate customer disposal needs and also based on
16 proximity to Solaris' existing pipeline
17 infrastructure.

18 The proposed location is also
19 consistent with the Division's spacing requirements
20 and produced no induced seismicity concerns based on
21 Solaris' induced seismicity study. The granting of
22 Solaris' application will serve the interests of
23 conservation, the preservation of waste, and the
24 protection of correlative rights.

25 We submitted an exhibit packet to

1 Division last week that contains the following
2 exhibits. Exhibit A is a Self-Affirmed Statement of
3 Drew Dixon. Drew Dixon is employed by Aris Water, the
4 parent company of Solaris, as a Senior Vice President
5 of Land and Regulatory. And Mr. Dixon has previously
6 testified before the Division as an expert in
7 petroleum land matters.

8 (24380 Exhibit A was marked for
9 identification.)

10 Attached to Mr. Dixon's testimony is a
11 copy of the application and proposed notice of
12 hearing, a form C108, an updated area of view map and
13 list of wells, a list of affected parties, as well as
14 a list of drilling activity in the area.

15 Exhibit B is a Self-Affirmed Statement
16 of Patrick Ryan. Mr. Ryan is employed by Solaris as a
17 Senior Geologist. He has not previously testified
18 before the Division.

19 (24380 Exhibit B was marked for
20 identification.)

21 He has a master's degree in geology and
22 has work experience for many years in the petroleum
23 industry which is detailed in his resume which is
24 attached to Exhibit 1 to his Self-Affirmed Statement.
25 And I'd like to move for Mr. Ryan to be qualified as

1 an expert in petroleum geology.

2 THE HEARING EXAMINER: I'm search for
3 his CV. Do you have the page number? I'm up to 58
4 and haven't found it yet.

5 MS. MCLEAN: Yes, Mr. Examiner. It is
6 page -- it's a very big packet. It's page 100 of 177
7 of the exhibits that were filed.

8 THE HEARING EXAMINER: I see it. Thank
9 you. Is Mr. Ryan with us?

10 MS. MCLEAN: He is, Mr. Examiner.

11 THE HEARING EXAMINER: All right. And
12 you're seeking to have him admitted as what expert?

13 MS. MCLEAN: As expert in petroleum
14 geology.

15 THE HEARING EXAMINER: Petroleum
16 geology. While I'm reviewing the CV, can we get him
17 sworn in. Are you with us that you can turn on your
18 camera, Mr. Ryan?

19 MR. RYAN: Yes, sir. Is my camera not
20 showing up?

21 THE HEARING EXAMINER: I don't see it
22 yet, but maybe it is. I just don't see it yet. I see
23 you now. Thank you, Freya.

24 Mr. Ryan, will you state and spell your
25 name for the record?

1 MR. RYAN: Patrick Ryan.

2 P-A-T-R-I-C-K. Last name, R-Y-A-N.

3 THE HEARING EXAMINER: Would you swear
4 him in?

5 THE REPORTER: Please raise your right
6 hand.

7 WHEREUPON,

8 PATRICK RYAN,

9 called as a witness and having been first duly sworn
10 to tell the truth, the whole truth, and nothing but
11 the truth, was examined and testified as follows:

12 THE HEARING EXAMINER: Mr. Ryan, I
13 think it would be faster to ask you a few questions
14 than to read all this information that you have on
15 your CV.

16 It's my understanding that you are
17 seeking to be qualified before this Division as a
18 petroleum engineer; is that correct?

19 MR. RYAN: No, sir. As petroleum
20 geologist.

21 THE HEARING EXAMINER: Petroleum
22 geologist. Okay. And what education do you have that
23 goes to that experience?

24 MR. RYAN: I have a bachelor's degree
25 from the University of Maine in earth sciences and a

1 master's of science degree from the University of
2 Kentucky in geology.

3 THE HEARING EXAMINER: Okay. And what
4 work experience do you have that goes toward petroleum
5 geology?

6 MR. RYAN: I was employed by Matador
7 Resources as a geologist for six and a half years
8 before working for Aris.

9 THE HEARING EXAMINER: Can you give me
10 a little bit more to go on?

11 MR. RYAN: I covered operations,
12 planning, drilling horizontal wells, preparing forced
13 pool statements, or forced pool exhibits, though I was
14 never the one to actually do the testimony. Preparing
15 development plans, mapping out targets, all -- all the
16 typical asset geologist-type stuff.

17 THE HEARING EXAMINER: And what are you
18 doing for Aris?

19 MR. RYAN: Providing guidance regarding
20 where we should site wells and looking for future
21 prospects for where to dispose of saltwater in the
22 Permian region.

23 THE HEARING EXAMINER: What does a
24 petroleum geologist do? What are the typical
25 responsibilities?

1 MR. RYAN: Usually, we'll map out
2 prospects based on reservoir properties. So run the
3 cross sections, do well-based mapping, tie that to
4 seismic, working with geophysicists, provide drill
5 progs for drilling.

6 So expected horizons as you're drilling
7 and where to land if you're drilling a horizontal
8 well. And -- and overall just design the development
9 of horizontals and, in my new position, design the
10 development of SWD developments.

11 THE HEARING EXAMINER: Okay. Thank
12 you, Mr. Ryan. You're recognized as an expert before
13 this Division in petroleum geology.

14 MR. RYAN: Thank you, sir.

15 THE HEARING EXAMINER: Ms. McLean?

16 MS. MCLEAN: Thank you, Mr. Examiner.
17 And attached to Mr. Ryan's Self-Affirmed Statement is
18 a cross-section and structure map as well as a
19 detailed seismicity analysis.

20 Exhibit C is a Self-Affirmed Statement
21 of Jason Rubin. Mr. Rubin is employed by Solaris as
22 the Director of Engineering, and he has not previously
23 testified before the Division. He has a bachelor of
24 science degree in petroleum engineering and an MBA.

25 //

1 (24380 Exhibit C was marked for
2 identification.)

3 His work experience is detailed in his
4 resume which is attached as Exhibit 1 to his Self-
5 Affirmed Statement. And I'd also like to move for Mr.
6 Rubin to be qualified as an expert in petroleum
7 engineering.

8 THE HEARING EXAMINER: Thank you. Do
9 we have Mr. Rubin with us?

10 MR. RUBIN: I am here.

11 THE HEARING EXAMINER: Okay. Would you
12 turn on your camera so we can swear you in and I can
13 ask you a few questions?

14 MR. RUBIN: Yes, sir. It should be on
15 now. Are y'all able to see me?

16 THE HEARING EXAMINER: Not yet.
17 Thank you, Freya.

18 Mr. Rubin, would you state and spell
19 your name for the record?

20 MR. RUBIN: Jason Rubin. J-A-S-O-N
21 R-U-B-I-N.

22 THE HEARING EXAMINER: Would you swear
23 him in?

24 THE REPORTER: Please raise your right
25 hand.

1 WHEREUPON,

2 JASON RUBIN,

3 called as a witness and having been first duly sworn
4 to tell the truth, the whole truth, and nothing but
5 the truth, was examined and testified as follows:

6 THE HEARING EXAMINER: In what field
7 are you seeking to be admitted as an expert?

8 MR. RUBIN: As a petroleum engineer.

9 THE HEARING EXAMINER: And what does a
10 petroleum engineer do?

11 MR. RUBIN: On my end, I focus on
12 drilling reservoir and strategy for our assets in the
13 Permian Basin.

14 THE HEARING EXAMINER: And what
15 education do you have that would lend you to be an
16 expert?

17 MR. RUBIN: Bachelor's degree in
18 petroleum engineering from the University of Oklahoma
19 and 13 years of industry experience.

20 THE HEARING EXAMINER: And can you be
21 more specific with your industry experience?

22 MR. RUBIN: Sure. Started off the
23 first four years of my career at Schlumberger in
24 Apache where I focused on field operations,
25 completions, and kind of reservoir pressure

1 diagnostics. I moved to -- tools and then to a small
2 start-up firm focused on optimizing saltwater disposal
3 wells.

4 And then worked for seven years at
5 Republic Services where I managed and oversaw their
6 class I and class II disposal wells. And then I've
7 been at Aris for the last eight months or so where I
8 focus on kind of big picture engineering strategy
9 for -- for well assets and our hydraulics.

10 THE HEARING EXAMINER: Okay. Thank
11 you, Mr. Rubin. You are recognized before this
12 Division as an expert in petroleum engineering.

13 Ms. McLean?

14 MS. MCLEAN: Thank you, Mr. Examiner.
15 And attached to Mr. Rubin's Self-Affirmed Statement is
16 a wellbore schematic.

17 Finally, we have Exhibit D which is the
18 notice testimony that includes subexhibit showing when
19 notice was sent to all the interested parties, copies
20 of the certified mail receipts and returns, and an
21 Affidavit of Publication for April 9, 2024.

22 (24380 Exhibit D was marked for
23 identification.)

24 And I now ask that Exhibits A, B, C,
25 and D and all subexhibits be admitted into the record

1 in case number 24380.

2 THE HEARING EXAMINER: Are there any
3 objections? Not hearing any, your exhibits are
4 entered into evidence.

5 (24380 Exhibits A through D were
6 received into evidence.)

7 Do we have Mr. Goetze with us?

8 MR. GOETZE: Yes, Hearing Examiner. I
9 am present.

10 THE HEARING EXAMINER: I see you, Mr.
11 Goetze. Mr. Goetze, do you have any questions for the
12 witnesses?

13 MR. GOETZE: There are several items I
14 wish to go over if I could, please.

15 THE HEARING EXAMINER: Perfect. Would
16 you identify the exhibit that you're asking a question
17 about so that we can get the proper witness to answer
18 the question?

19 MR. GOETZE: Very good. First question
20 or first concern I have -- let's see -- concerns the
21 legal description. This would appear in both the APD,
22 which is -- one moment, please -- I believe we're down
23 on page -- there we go. It would -- and then page 20
24 where we have lot number 16. I would ask you as the
25 applicant to go back and correct that. Section 14 is

1 an internal section within the township and range and
2 is a standard section. It does not have lots. So
3 that needs to be corrected.

4 THE HEARING EXAMINER: So, Mr. Goetze,
5 which witness are you directing that to?

6 MR. GOETZE: This is to the applicant
7 in general. This has to be resubmitted -- APD --

8 THE HEARING EXAMINER: So McLean.

9 MR. GOETZE: Okay.

10 THE HEARING EXAMINER: Okay. Hold on,
11 Mr. Goetze.

12 MR. GOETZE: Okay.

13 THE HEARING EXAMINER: Hold on.

14 Did you understand what he needs
15 corrected?

16 MS. MCLEAN: Yes. I think he's
17 referring to the APD, which is pages 19 and 20 of the
18 exhibit packet, which was submitted previously by
19 Solaris as part of their C-108. So we can certainly
20 have our client redo that and resubmit it to the
21 Division.

22 THE HEARING EXAMINER: Who prepared
23 that document?

24 MS. MCLEAN: Solaris prepared it.

25 THE HEARING EXAMINER: One of the

1 witnesses that we have here?

2 MS. MCLEAN: Someone at their company,
3 yeah.

4 THE HEARING EXAMINER: So not
5 necessarily one of these witnesses?

6 MS. MCLEAN: Correct.

7 THE HEARING EXAMINER: Okay. Very
8 good. Okay. So you understand that correction then?

9 MS. MCLEAN: Correct.

10 THE HEARING EXAMINER: Okay. Very
11 good.

12 Mr. Goetze, thank you. What's the next
13 question?

14 MR. GOETZE: Again, in the preparation
15 of this document, this well lies within R-1, 11-P. It
16 is not located in a preexisting drilling island. Was
17 any attempt or any effort made to get a clearance or
18 approval from the BLM of its current surface location
19 through their minerals group?

20 MS. MCLEAN: And I believe that Mr.
21 Dixon should be able to answer that question.

22 THE HEARING EXAMINER: Thank you.

23 Mr. Dixon? Do we have Mr. Dixon with
24 us?

25 MS. MCLEAN: Yes.

1 MR. DIXON: Yes. I'm here today, Mr.
2 Examiner.

3 MS. MCLEAN: He was already -- he
4 didn't need to be admitted as an expert.

5 THE HEARING EXAMINER: Thank you, Ms.
6 McLean.

7 Mr. Dixon, can you turn your camera on?

8 MR. DIXON: It is on, sir.

9 THE HEARING EXAMINER: Okay.

10 Freya, can we see Mr. Dixon?

11 Mr. Dixon, I don't know that we see
12 you. Are you sure your camera's on?

13 MR. DIXON: Yes. Is it not showing up?

14 THE HEARING EXAMINER: No. It's not.

15 MR. DIXON: Well, let me see. I'm --
16 let me see if there's another way. So I just turned
17 it off and --

18 THE HEARING EXAMINER: There we go.

19 No. That's --

20 MR. DIXON: Back on?

21 THE HEARING EXAMINER: No. No.

22 MR. DIXON: Let's see.

23 MS. MCLEAN: There he is.

24 THE HEARING EXAMINER: There he is. We
25 see you now.

1 MR. DIXON: Okay. You do see me.
2 Okay. Okay. Sorry about that.

3 THE HEARING EXAMINER: Did you
4 understand what Mr. Goetze was asking for?

5 MR. DIXON: I did. Yes. So we had --
6 we have been working with and -- with the BLM. The
7 wellbore itself is located on a drill island. That
8 was part of our original discussions with both Civitas
9 and EOG, was concerns of our well taking up a
10 potential drill island.

11 THE HEARING EXAMINER: Okay. Mr.
12 Dixon, let's get you sworn in before -- because that
13 was more than I thought we were going to get.

14 Would you swear in Mr. Dixon?

15 Would you state and spell your name for
16 us?

17 MR. DIXON: Yes. Drew Dixon. D-R-E-W
18 D-I-X-O-N.

19 THE REPORTER: Please raise your right
20 hand, Mr. Dixon.

21 WHEREUPON,

22 DREW DIXON,

23 called as a witness and having been first duly sworn
24 to tell the truth, the whole truth, and nothing but
25 the truth, was examined and testified as follows:

1 THE HEARING EXAMINER: Okay. Mr.
2 Dixon, would you restate what you just said?

3 MR. DIXON: Yes. So, Mr. Goetze, in
4 answering your question, we have sought approval, have
5 filed the APD with the BLM. We initially had their
6 field assessment down and approved.

7 Part of the issue, at least to my
8 understanding, that arose between us and Civitas and
9 possibly EOG was the fact that our wellbore location
10 for this Ragin Rutley well was located on a potential
11 island that they had intended to use. We have since
12 resolved that issue with both of those companies.

13 MR. GOETZE: Mr. Examiner, I would ask
14 Solaris to provide a statement from Mr. Rutley or --

15 MR. DIXON: Okay.

16 MR. GOETZE: -- similar that this has
17 been done so we have a record of it. My latest GIS
18 package from Jim Rutley shows it outside and with the
19 recent approval of R-1 11-Q, let's make sure we stay
20 within the rules of that order.

21 THE HEARING EXAMINER: Okay. So --

22 MR. GOETZE: So I --

23 THE HEARING EXAMINER: Without using
24 abbreviations because I'm trying to take notes, Mr.
25 Goetze, what is it exactly that you need submitted?

1 MR. GOETZE: We need a statement from
2 the BLM Minerals Group, Jim Rutley, that the surface
3 location is -- it's acceptable to them.

4 THE HEARING EXAMINER: Okay. Very
5 good. Thank you.

6 So, Ms. McLean, we'll need that. How
7 long will it take, do you think, to submit that?

8 MS. MCLEAN: Mr. Dixon, do you have an
9 idea of how long it would take Mr. Rutley to get back
10 something like that, because you know, the BLM can be
11 not the quickest?

12 MR. DIXON: Yes. That is fair. I -- I
13 will see what I can do to see if we can get it in the
14 next few weeks if that is acceptable.

15 MR. GOETZE: Mr. Examiner, may I
16 suggest that since the BLM will be the approving APD
17 group that it will come with the approval of the APD.
18 So without their approval, this well will not be going
19 forward, at least in this location. So I think we can
20 make it contingent on approval of the application and
21 permit to drill with the BLM.

22 THE HEARING EXAMINER: Okay. Thank
23 you, Mr. Goetz. Do you have another question for the
24 witnesses?

25 MR. GOETZE: Oh, yes, I do.

1 We have an item in the application
2 regarding the freshwater wells. The application does
3 identify several, what we call, points of diversion.
4 Noting this, several of these wells are -- at least
5 all of them, from what I can see, are monitoring
6 wells. If we can get -- and the original application
7 was saying it was going to attempt to sample them. If
8 we just could get a statement saying an effort was
9 made and based upon the status of it, if you're able
10 to get a sample, fine. If you were not, let's just
11 make sure that we've had a closing to that item. I do
12 not see any other wells in the area. So what we're
13 looking at probably is a release or some sort of
14 environmental assessment. And so we just had a
15 closure of that record. So a statement to these. You
16 inspected four of these wells and as a result, were
17 either able to get a sample, unable to get a sample,
18 or could find something in the public record. That's
19 all we're looking for; okay?

20 THE HEARING EXAMINER: Okay, Mr.
21 Goetze, hold on one sec.

22 Ms. McLean, is that something that --

23 MS. MCLEAN: Yes. We can get that.

24 THE HEARING EXAMINER: -- your client
25 can do?

1 MS. MCLEAN: Correct.

2 THE HEARING EXAMINER: Okay.

3 Okay. Mr. Goetze, that's the second
4 item that you want. What's next?

5 MR. GOETZE: Well, actually, it's
6 three, but we'll go with that. And the last one --
7 the last one -- well, there are two more questions.

8 One, just as a matter of my general
9 knowledge and understanding, did Solaris attempt to
10 get any proprietary information regarding seismic in
11 this area as part of their assessment for their
12 induced seismicity? And it's just a matter of
13 collecting information, that's all.

14 MS. MCLEAN: Mr. Ryan can speak to
15 that.

16 MR. RYAN: No, sir, Mr. Examiner. We
17 did not attempt to get any 3-D seismic over the area.

18 MR. GOETZE: Thank you.

19 And then the final point, which is a
20 concern of mine, is about the Belco A1A Federal 004,
21 API number 30-025-38818. And that's, again, the Belco
22 A1A Federal 004 horizontal well. This is a well
23 that's been plugged and abandoned. It is to the west
24 of your surface location.

25 But the bottom hole location of this,

1 when I look at the record, is approximately 200 feet
2 from your bore hole. Has any consideration been given
3 to this location of this bottom hole of this
4 horizontal well, noting that we have casings set --
5 let's see -- your 13 3/8 will be at 4,932.

6 If there is any type of issue with it,
7 it will be occurring when you're trying to drill and
8 set the 9 5/8 into the Wolfcamp. Has anybody looked
9 at this? Has anybody given a thought to what happens
10 if you lose circulation?

11 MS. MCLEAN: -- who do you think --

12 MR. DIXON: Mr. Rubin, I think.

13 MS. MCLEAN: Mr. Rubin?

14 MR. DIXON: Yeah. Yes.

15 MR. RUBIN: That would be part of our
16 kind of contingency procedures as we came up with
17 the -- the drilling program to make sure we have the
18 right loss circulation agents for that.

19 MR. GOETZE: Okay. I'm going to
20 request that -- would you go ahead and put together a
21 little more detail and provide that with your APD.
22 Tendency is is we don't like -- since we've had, what,
23 ten years of testimony that 330 feet is where the
24 magic number lives from wellbore out to lateral -- are
25 setbacks.

1 Being only 200 feet from this plugged
2 well, if it does have an issue, we really don't want
3 to be caught with another well that we have to plug
4 and abandon due to lost circulation.

5 So the fourth item I would ask for is
6 to put together some sort of assessment and ability to
7 address any type of circulation issues should you
8 communicate with the Belco.

9 MR. RUBIN: We can absolutely put that
10 together.

11 THE HEARING EXAMINER: Now, Mr. Goetze,
12 when I mentioned the number a little while ago, you
13 corrected me. So I think we have five in total, and I
14 don't know what the first item was.

15 MR. GOETZE: Well, the first one was
16 correction of the legal description.

17 THE HEARING EXAMINER: Very good.

18 MR. GOETZE: No lot 16.

19 THE HEARING EXAMINER: Thank you, sir.

20 MR. GOETZE: The other was the R-1 11-
21 Q, a written document affirming it. The other item --
22 next item I had was the freshwater wells, closure to
23 what the status of the review for those, and obtaining
24 a sample. And then the last one was the addressing
25 the concern with the proximity to the plugged well,

1 the Belco A1A Federal 4H.

2 THE HEARING EXAMINER: And then there
3 was also a concern about the seismic activity?

4 MR. GOETZE: No. I just -- we -- we're
5 just taking people's temperatures. This area is not
6 classically a seismic area. We've had people moving
7 towards obtaining their own 3-D seismic and sometimes
8 yes and sometimes no.

9 So I just wanted to see if they made an
10 effort. There is no requirement for it. And at this
11 point, there is no really need to have it based upon
12 historical aspect. So we just wanted to see if
13 someone went out and looked in -- looked in the books.

14 THE HEARING EXAMINER: Okay. Thank
15 you, Mr. Goetze.

16 So we have four items, Ms. McLean. It
17 sounds like this application would be on hold until
18 those four items are submitted.

19 MS. MCLEAN: Yes.

20 THE HEARING EXAMINER: So we'll leave
21 the hearing record open for these four items. And do
22 you want to -- do you want to have another -- do you
23 want to continue this hearing until another date? How
24 do you want to proceed?

25 MS. MCLEAN: I think, Mr. Examiner,

1 that we can just submit the information to OCD.
2 Because I believe some of it will need to just be
3 filed, you know, with the Division. And then we can
4 supplement the record with these additional
5 statements.

6 Sounds like the approval from BLM is
7 going to be the last thing that closes everything out.
8 So maybe we can just communicate with the Division
9 once all of that has been submitted, because there's
10 really no telling when that exactly might happen.

11 THE HEARING EXAMINER: Okay. All
12 right. So then, I'm not going to require you to file
13 an amended exhibit packet because some of this might
14 take quite some time. So you'll file it as you get
15 it. These four documents, you'll file them as you get
16 it, and Mr. Goetze seems like he is on top of watching
17 this case.

18 Anything further, Mr. Goetze?

19 MR. GOETZE: Yeah. I do have one
20 thing. Yeah. Let's just try to get something out of
21 Mr. Rutley. I was improper in saying we should wait
22 for the BLM APD. That puts us in this due loop of not
23 having one permit to get the other permit. So you
24 need to have this UIC permit in your hand.

25 If nothing -- I mean, purely an email

1 confirmation or whatever typical what we do for these
2 things so we can put it in the record. And the other
3 items you can submit, you know, through the attorney.
4 And -- but I -- for Mr. Examiner, I feel no necessity
5 for additional appearance to satisfy this permit.

6 THE HEARING EXAMINER: Okay. Thank
7 you, Mr. Goetze.

8 Ms. McLean, anything further?

9 MS. MCLEAN: I think that's it from the
10 applicant.

11 THE HEARING EXAMINER: Okay. It sounds
12 like we're taking this case under advisement with the
13 caveat that we need four things, although it sounds
14 like Mr. Goetze is now saying that an email from Mr.
15 Rutley would be sufficient to satisfy the one -- one
16 of these four items.

17 MS. MCLEAN: Understood. Thank you,
18 Mr. Examiner.

19 THE HEARING EXAMINER: Okay. Thank
20 you. Thank you for your presentation this morning.

21 Thank you, Mr. Goetze.

22 MR. GOETZE: Thank you.

23 THE HEARING EXAMINER: I'm now calling
24 case number 24491, Goodnight Midstream Permian.
25 Entries of appearance, please?

1 MR. RANKIN: Mr. Examiner, if it
2 pleases the Division, Adam Rankin with the applicant
3 in the case, Goodnight Midstream Permian, with the
4 Santa Fe office of Holland and Hart.

5 THE HEARING EXAMINER: And do we have
6 an objection by another party?

7 MS. HARDY: Yes, Mr. Examiner.

8 THE HEARING EXAMINER: We do.

9 MS. HARDY: Dana Hardy with Hinkle
10 Shanor on behalf of Empire Petroleum, and we did file
11 an objection.

12 THE HEARING EXAMINER: When did you
13 file it, Ms. Hardy?

14 MS. HARDY: We filed the objection
15 yesterday.

16 THE HEARING EXAMINER: Yesterday.
17 Okay. It's not on my sheet. That's why I'm asking.
18 So what is the objection? What is the purpose of the
19 objection here?

20 MS. HARDY: Mr. Examiner, this case is
21 related to cases that are being heard by the Division.
22 And Mr. Rankin had asked that this one be
23 transferred -- I mean, I'm sorry -- by the Commission.
24 Mr. Rankin had requested that this case be transferred
25 as well and then an order was issued denying that.

1 So I'm not sure how Mr. Rankin and the
2 Division want to proceed, but Empire does object to
3 this application. The well injects into -- or will
4 inject into the east -- the east -- the east Monument
5 South Unit that is controlled by Empire. Sorry. The
6 Eunice Monument South Unit.

7 THE HEARING EXAMINER: So, Ms. Hardy,
8 this is a case in which Goodnight is asking to have a
9 previous order amended to extend it; is that right?
10 Okay.

11 MS. HARDY: That's correct.

12 THE HEARING EXAMINER: And you're --
13 and were you involved in the original case?

14 MS. HARDY: Empire did not own the unit
15 at that point. So that's my understanding. But we
16 have objected -- there is also, I believe, an
17 application to increase the injection rate, unless
18 that's into another well. Mr. Rankin can correct me.

19 But we've sought to revoke this permit
20 as well, and that case is pending before the
21 Commission. So we object to the permit; we object to
22 the extension of the permit.

23 THE HEARING EXAMINER: And aren't you
24 meeting with the Commission next week?

25 MS. HARDY: We are. That's correct.

1 THE HEARING EXAMINER: Okay. Thank
2 you, Ms. Hardy.

3 Mr. Rankin?

4 MR. RANKIN: Thank you, Mr. Examiner.
5 This particular application is for a request to extend
6 the authority to commence injection operations. It's
7 a well that is not within the Eunice Monument South
8 Unit. It's a well that is proposed to be more than a
9 mile outside the Eunice Monument South Unit to the
10 south. It's more than 6,000 feet to the south.

11 No increase in injection is requested
12 for this well. It's simply a request to extend for
13 good cause the authority to inject. There is a motion
14 to dismiss Empire's application to revoke this
15 particular well's injection authority that is pending
16 before the Commission and will be heard on the June
17 20th hearing docket.

18 We did request that this case be
19 referred to the Commission on the presumption that
20 because it relates to the authority to inject in the
21 well that the Division might want to have it moved up
22 to the Commission. However, it is simply a request
23 for authority to extend the injection authority.

24 There is an outstanding application to
25 revoke which would -- which needs to be addressed by

1 the Commission. So we did prepare it to put this case
2 forward on the narrow issue of good cause.

3 Because of the Division's denial of the
4 motion to refer this to the Commission, but in light
5 of the fact that we have an objection now to
6 proceeding, we're happy to consider the Division's
7 preference on how to proceed.

8 If this should go forward at the
9 Division on a contested matter on the narrow issue of
10 good cause, we're happy to do that. Or we can refer
11 the case to the Commission and just have it be grouped
12 with the rest of the -- with the rest of the cases.

13 THE HEARING EXAMINER: So if we had a
14 contested hearing in this case, when would you like it
15 set?

16 MR. RANKIN: Well, I would -- would I
17 would say that there are some legal issues that might
18 want to be -- that the Division may want to address,
19 and the first being standing. Empire filed its
20 objection on the basis that this -- on the basis that
21 they have a pending application to revoke this
22 injection well's authority because it impacts the
23 unit.

24 It's more than a mile away. There's
25 Division precedent that if you're more than half a

1 mile away and you can't establish a basis for
2 impairment -- which it's hard to imagine how they
3 could, because this well hasn't been drilled, hasn't
4 been injecting -- that the proposed intervener should
5 be denied standing.

6 I'm happy to provide that precedent to
7 the Division, but our view is that this objection
8 should be denied for lack of standing. They have
9 improperly intervened and there's no basis for Empire
10 to object.

11 THE HEARING EXAMINER: Ms. Hardy?

12 MS. HARDY: Mr. Examiner, I strongly
13 disagree. Mr. Rankin has filed a motion to dismiss
14 based on an alleged lack of standing with the
15 Commission. We have filed a response. We oppose
16 that.

17 Empire does have standing because we
18 will establish at hearing that injection from this
19 well as well as Goodnight's other wells surrounding
20 the unit are reaching the unit and causing damage to
21 the reservoir and impairing Empire's ability to
22 produce the unit.

23 So it's, I think, incorrect that Empire
24 lacks standing. They absolutely have standing. But I
25 think that issue is going to be addressed by the

1 Commission on Mr. Rankin's motion to dismiss for lack
2 of standing that is not yet fully graded. So I would
3 submit at this point that it probably makes sense for
4 the Division to stay this case pending a decision by
5 the Commission on those matters.

6 THE HEARING EXAMINER: And, Ms. Hardy,
7 this motion practice before the Commission regarding
8 standing, does it -- how would it impact -- I mean, if
9 each well is a different distance from the Eunice
10 Monument, wouldn't that -- wouldn't that make a
11 difference in standing?

12 MS. HARDY: Well, we have to show that
13 the wells are impacting the unit regardless, I think,
14 of where they're located, and that's what we're
15 prepared to establish. And I think that Mr. Rankin's
16 view of the half-mile radius is really for notice
17 purposes with respect to injection wells, and that
18 does not control whether a party has standing if the
19 party can show that it's perrelative rights are being
20 impaired.

21 THE HEARING EXAMINER: I see.

22 Mr. Rankin?

23 MR. RANKIN: I think that's part of the
24 question. I don't -- again, this is a well that
25 hasn't been drilled. So there's that issue. In

1 addition to demonstrating impairment or imminent
2 injury, I think Empire is going to be required to show
3 a traceability for causation and redressability.

4 And so in our motions pending before
5 the Commission, those issues have been addressed. And
6 as Ms. Hardy did state, that briefing is not yet
7 complete. It will be today once I get back to the
8 office. But it has not yet been completed.

9 So I don't know that there's actual --
10 you know, I'm just thinking about efficiencies here --
11 you know, to have us separately address this issue
12 outstanding before the Division. I don't know that it
13 makes a lot of sense.

14 I do think that there's some utility in
15 either staying the case at the Division awaiting the
16 Commission's determination or to referring it to the
17 Commission to be included with the other pending
18 cases. Obviously, our view is that it's a narrow
19 issue about good cause.

20 The justification for the extension is
21 because Empire has filed an application to revoke the
22 injection authority for this well. And so Goodnight
23 is not, as a prudent operator -- although we believe
24 strongly that we'll prevail either on a legal basis or
25 on a factual basis, we have -- Goodnight is not

1 prepared to go drill the well until the regulatory
2 issues and the injections are resolved.

3 So for that reason, we simply wanted to
4 extend the authority. So I -- you know, it doesn't
5 impact at all Empire's application to revoke. And so
6 my request, I guess, would be for the Division to take
7 into consideration the request to extend
8 administratively the injection authority for this.

9 It doesn't impair Empire's application
10 or efforts to revoke the injection authority and would
11 allow essentially the status quo to be maintained. So
12 happy to have this matter stayed or for it to be
13 referred to the Commission and stand by whatever the
14 Division would prefer.

15 THE HEARING EXAMINER: So, Mr. Rankin,
16 when the Commission decides this issue of standing, do
17 you believe it would -- it would answer the question
18 of whether Empire has standing in this case?

19 MR. RANKIN: I believe it would, Mr.
20 Examiner.

21 THE HEARING EXAMINER: Okay. All
22 right.

23 Ms. Hardy, do you believe the same?

24 MS. HARDY: I do.

25 THE HEARING EXAMINER: Okay. Very

1 good. So why don't we stay this case until we get a
2 ruling from the Commission on standing, and then we
3 can move forward either by affidavit or a contested
4 hearing on your issue of good cause to extend.

5 MR. RANKIN: And just to confirm, Mr.
6 Examiner, the issues to be heard would be limited to
7 that narrow question about good cause.

8 THE HEARING EXAMINER: That's what it
9 sounds like to me from the argument I've heard today.

10 MR. RANKIN: Okay. That's my
11 understanding as well, Mr. Examiner. That's the scope
12 of the application. I just wanted to confirm. Thank
13 you.

14 THE HEARING EXAMINER: So, Ms. Hardy,
15 this idea of revoking -- this idea of revoking the
16 injection authority, it would impact many different
17 wells from Goodnight; wouldn't it?

18 MS. HARDY: Yes. I believe we have
19 somewhere in the neighborhood of ten applications
20 pending to revoke. Yes.

21 THE HEARING EXAMINER: But this well --
22 this well is also subject to an application to revoke?

23 MS. HARDY: It is. That's correct.

24 THE HEARING EXAMINER: I see. Okay.
25 So once the issue of standing is resolved, we'll

1 either -- well, I think we'll have to make a decision
2 at that time whether to refer it or whether to go
3 through with the hearing -- contested hearing. Or if
4 there is no standing then, of course, we'll go forward
5 on a -- on an affidavit hearing. When do you
6 anticipate a decision from the Commission?

7 MR. RANKIN: Well, typically, Mr.
8 Examiner, the Commission will recess after argument
9 and may deliberate in a closed session. And they may
10 reconvene and announce their decision the day of the
11 argument.

12 I don't know, given the scope of the
13 arguments being presented on June 20th, that they will
14 be able to work through all those issues that day.
15 And I don't want to presume their timing for the
16 deliberation on these matters.

17 So I don't know if it will be something
18 we'll learn about that day or it's something that they
19 will recess and then reconvene for further
20 deliberations. So I don't know.

21 THE HEARING EXAMINER: Okay. Perfect.

22 Ms. Hardy, I would ask you the same
23 question, but I get the point. You don't have
24 anything to add to that; do you?

25 MS. HARDY: I do not. I agree.

1 THE HEARING EXAMINER: I didn't think
2 so. Thank you.

3 Okay. So, Mr. Rankin, what we'll do is
4 we'll see how the Commission rules on this. And it
5 sounds like -- sounds like a July status conference
6 might be helpful, either July 11th or July 25th, to
7 give them additional time to get that order out. And
8 would you submit that order -- when you get the order,
9 will you submit that order into this case file?

10 MR. RANKIN: Mr. Examiner, we will. I
11 will be out of the country on July 11th. I hate to
12 burden my colleagues with any more of my work in my
13 absence. So maybe the second hearing in July may be
14 more appropriate.

15 THE HEARING EXAMINER: So we'll mark it
16 for July 25th status conference, and we'll look
17 forward to that. All right. Anything further, Mr.
18 Rankin?

19 MR. RANKIN: Nothing further on this
20 case, Mr. Examiner.

21 THE HEARING EXAMINER: Ms. Hardy?

22 MS. HARDY: No. Thank you, Mr.
23 Examiner.

24 THE HEARING EXAMINER: I'm calling
25 number 50 on our docket, 24502, Riley Permian

1 Operating.

2 MS. GRAHAM: Sophia Graham with Beatty
3 and Wozniak representing Riley Permian Operating
4 Company. I'm joined today --

5 THE HEARING EXAMINER: Good morning,
6 Ms. Graham.

7 MS. GRAHAM: Good morning, Mr. Hearing
8 Examiner. I'm joined today with Miguel Suazo and
9 Kaitlyn Luck.

10 THE HEARING EXAMINER: Thank you. Are
11 there any other parties that you know that have
12 entered an appearance in this case?

13 MS. GRAHAM: No, Mr. Hearing Examiner.

14 THE HEARING EXAMINER: Okay. Very
15 good. And we're here today for an amendment?

16 MS. GRAHAM: Correct.

17 THE HEARING EXAMINER: Okay. Why don't
18 you proceed?

19 MS. GRAHAM: In this application, Riley
20 requests approval to expand authority granted in order
21 R-10759-A for the authorization to commingle at the
22 Eagle 34 Tank Battery to include additional lands of
23 an existing lease and to include two new wells.

24 The Eagle 34 facility is located in
25 Section 34, Township 17 South, Range 27 East in Eddy

1 County, and pools from the Northeast Red Lake
2 Glorieta-Yeso Pool and the Red Lake Queen-Grayburg-San
3 Andres Pool.

4 Presently, the existing commingling
5 order authorizes commingling from a number of leases
6 and wells in Sections 33, 34, and 35. As mentioned,
7 the application seeks to add two additional wells and
8 an additional lease. Those wells are the Eagle 27
9 Federal 02 and the Eagle 27 Federal 08.

10 The additional lease is a portion of
11 Federal Oil and Gas Lease 0557370. It lies outside of
12 the existing order and is comprised of the south half
13 of Section 27.

14 The exhibit packet that was filed last
15 Thursday contains the application and affidavit from
16 Riley's land witness and updated notices.

17 Exhibit A is the filed application
18 which includes a completed form C-107-B application
19 for service commingling and the relevant exhibits.

20 Exhibit B is the affidavit of Riley's
21 land witness, Mark Smith. Mr. Smith has previously
22 testified before the Division and had his
23 qualifications accepted as those of an expert of
24 petroleum land matters.

25 Additionally, Exhibit C is the notice

1 affidavit showing that notice letters were mailed to
2 the addresses of record to the interested parties.
3 And they're immediately followed by the certified
4 mailing receipts. The exhibit packet was updated on
5 Tuesday to include a notice table with the tracking
6 numbers.

7 Exhibit D is the affidavit of
8 publication in Carlsbad Current Argus. And with that,
9 I'd request that the exhibits be admitted into the
10 record and the matter be taken under advisement.

11 THE HEARING EXAMINER: All right. So I
12 have two filings from you. The first was filed timely
13 on June 6th or approximately June 6th and we have
14 Riley Exhibits A, B, C, and D. I think you were just
15 referring to those.

16 Are there any objections to those
17 exhibits? Hearing none, those are admitted into
18 evidence.

19 (24502 Exhibit A through Exhibit D were
20 marked for identification and received
21 into evidence.)

22 I also have a notice of supplemental
23 exhibits. Have you addressed those, Ms. Graham?

24 MS. GRAHAM: Yes, Mr. Hearing Examiner.
25 That was included to revise Exhibit C pertaining to

1 the notices. We included an additional notice table
2 that had the parties' names, addresses, and tracking
3 number.

4 THE HEARING EXAMINER: I see. Okay.
5 So when I admitted Exhibit C, I was admitting the
6 amended or supplemental exhibit C?

7 MS. GRAHAM: Yes. I apologize for the
8 confusion there.

9 THE HEARING EXAMINER: No. It's fine.
10 I just wanted sure which packet we were dealing with.
11 So okay. Those are admitted as well.

12 It looks like we have Mr. McClure as
13 our technical examiner in this case. Mr. McClure?

14 MR. MCCLURE: Yes, Mr. Hearing
15 Examiner. I do have a quick question in regards to
16 two different exhibit packets for Ms. Graham, if I
17 may?

18 THE HEARING EXAMINER: Uh-huh.

19 MS. GRAHAM: Yes.

20 MR. MCCLURE: Ms. Graham, on your
21 original submittal, it appears that a notice of
22 publication or affidavit of publication, excuse me,
23 was included. However, it was left off of the newly
24 submitted exhibit packet. Was that intentional or --

25 MS. GRAHAM: No. That would have been

1 an inadvertent omission. And if we may, we would like
2 to supplement that so that way we can retain that
3 affidavit in there if that is your request?

4 MR. MCCLURE: Well, we're definitely
5 going to need it, I guess.

6 MS. GRAHAM: Okay.

7 MR. MCCLURE: I don't know if the
8 hearing examiner needs to do anything in regards to
9 that, though.

10 THE HEARING EXAMINER: I do. I was
11 waiting for you and Ms. Graham to finish the dialogue.

12 So, Ms. Graham, we have -- we would
13 then have a third packet at this point.

14 So, Freya, would you remove -- would
15 you remove the -- once Ms. Graham files her amended
16 exhibit packet with a cover letter to explain what
17 she's doing in the third submission, would you remove
18 the first two submission so there isn't confusion?

19 MS. TSCHANTZ: Yes, I will.

20 THE HEARING EXAMINER: Sorry? What?

21 MS. TSCHANTZ: Yes, I will.

22 THE HEARING EXAMINER: Okay. You will.

23 All right.

24 So, Mr. McClure, what is it that was
25 left out so I can make a notation?

1 MR. MCCLURE: The affidavit of
2 publication. This is pages 45 and 46 and 47.

3 THE HEARING EXAMINER: So in the
4 original submission there was an affidavit of
5 publication, but in this supplemental exhibit there is
6 none?

7 MR. MCCLURE: Correct.

8 THE HEARING EXAMINER: So they both say
9 Exhibit D. So, Ms. Graham, is Exhibit D missing in
10 the supplemental?

11 MS. GRAHAM: Yes. It may be that when
12 we were compiling the supplemental exhibit we just
13 inadvertently forgot to include those additional
14 pages, but we can take care of that rather swiftly.

15 THE HEARING EXAMINER: Okay. Because I
16 have 47 pages in the original. And I have 49 pages in
17 the supplemental.

18 MS. GRAHAM: Yes. So there are
19 additional pages in the supplemental one, I think,
20 accounting for the table, which was a couple pages and
21 then -- and so yeah. The supplemental has a total of
22 49 pages. So it should be, you know, pages 50 through
23 53 which we --

24 THE HEARING EXAMINER: Okay. And can
25 you direct my attention to the pages in the original

1 document. I think he said 45; didn't he? I see it.
2 Okay. I see it. And that's what's missing. Okay.

3 All right. So, Ms. Graham --

4 Mr. McClure, do you have any other
5 questions for Ms. Graham?

6 MR. MCCLURE: Not for Ms. Graham, Mr.
7 Hearing Examiner.

8 THE HEARING EXAMINER: Do you have any
9 questions for any of the witnesses?

10 MR. MCCLURE: Oh, yeah. I'm sorry.
11 Yes. I -- I do have questions for Mr. Smith.

12 THE HEARING EXAMINER: Mr. Smith. And
13 there's Mr. Smith.

14 Mr. Smith, will you state and spell
15 your name for the record?

16 MR. SMITH: Yes, Hearing Examiner. My
17 name is Mark Smith. It's M-A-R-K S-M-I-T-H.

18 THE HEARING EXAMINER: And we're going
19 to get you sworn in.

20 THE REPORTER: Please raise your right
21 hand, Mr. Smith.

22 //

23 //

24 //

25 //

1 WHEREUPON,

2 MARK SMITH,

3 called as a witness and having been first duly sworn
4 to tell the truth, the whole truth, and nothing but
5 the truth, was examined and testified as follows:

6 THE HEARING EXAMINER: Mr. McClure?

7 MR. MCCLURE: Thank you, Mr. Hearing
8 Examiner.

9 Mr. Smith, if I can direct your
10 attention to page 17 of 49 of the supplemental
11 exhibits. That's your Exhibit A-2, I believe. It
12 should be a list of the wells.

13 MR. SMITH: Let's see here. Okay.
14 Yes, sir.

15 MR. MCCLURE: Okay. On this well list,
16 there appears to be, I believe, 20 of them that has,
17 like, the oil or -- let me back up.

18 Do you see the columns that's listed,
19 like, oil barrels per day, gas, and --

20 MR. SMITH: Yes. I do.

21 MR. MCCLURE: Okay. On this well list,
22 there appears to be 20 of them, I believe, that's left
23 blank. What is the reason for that?

24 MR. SMITH: I would have to deal with
25 our operations group to confirm, but this area has

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1 been highly susceptible to old gas infrastructure
2 through DCP. And oftentimes, it's -- the monthly or
3 every other monthly basis we are having to shut in
4 certain wells within the system.

5 We operate nearly 400 wells. So we're
6 often having to shut in wells due to leaks in the line
7 for repairs. So that could have been a snapshot, you
8 know, from that -- that day and time. But I would
9 have to -- I would have to dig in a little bit further
10 just to verify with you, sir.

11 MR. MCCLURE: Okay. Thank you, sir. I
12 guess to back up a little bit, though. Maybe I was
13 misunderstanding what we're seeing here. The numbers
14 you have --

15 MS. GRAHAM: Mr. Technical, may I add a
16 little bit of color here?

17 MR. MCCLURE: I assume she's allowed
18 to, right, Mr. Hearing Examiner?

19 THE HEARING EXAMINER: Hold on one
20 second.

21 Ms. Graham, before you add any color,
22 I'm looking for Mr. Smith's affidavit in the packet;
23 can you give me a page number?

24 MS. GRAHAM: It begins of page 27 of
25 49.

1 THE HEARING EXAMINER: Okay. Thank
2 you. Let me review it before we continue. Okay. Ms.
3 Graham, the question was directed to a sworn witness,
4 and you want to add color; what do you mean by "add
5 color"?

6 MS. GRAHAM: I think I can add a little
7 bit of detail as to the wells that lack production
8 data.

9 THE HEARING EXAMINER: Well, we'll take
10 your testimony and give it the weight we think it
11 deserves as you're not an expert and you're not sworn
12 in, but go ahead.

13 MS. GRAHAM: Well, these are based on
14 conversations I've had with Mr. Smith. And we have
15 determined that some of these wells were plugged and
16 abandoned or their APDs were canceled.

17 The list that was provided on the
18 exhibit for the application is a replica of the wells
19 that were provided in the original commingling order.
20 So you know, because of the date of the original
21 commingling order, the status of some of the wells
22 have changed.

23 THE HEARING EXAMINER: Mr. Smith, is
24 that correct?

25 MR. SMITH: Yes. That -- that's

1 accurate. There's definitely wells that -- that are
2 on this list that did have APDs from a predecessor
3 and/or were plugged by a predecessor. A lot -- a lot
4 of those APDs that were not drilled aren't going to be
5 drilled, so yes, what Mrs. Graham stated is accurate.

6 THE HEARING EXAMINER: Okay. Thank
7 you, Mr. Smith.

8 Mr. McClure?

9 MR. MCCLURE: Thank you, sir.

10 Mr. Smith, I guess where I was -- where
11 my line of questioning was going here is there appears
12 to be 20 -- 20 of them that has blank production
13 numbers here. Prior to this hearing, I had sent your
14 attorneys an email with a list of wells on it; are you
15 familiar with that email?

16 MR. SMITH: I got an email -- I'll be
17 honest, I can't remember who it came from. But I did
18 get an email from someone within our company that was
19 not familiar with this case. She was passing it along
20 to me. Mrs. Graham also sent it over to me as well.

21 I'm just drawing a blank. But I know
22 that we reviewed all the wells that you had in
23 question. And if my memory serves me correctly, we
24 reviewed all those and those were all either plugged
25 or the APDs had expired and were not drilled by our

1 predecessor.

2 MR. MCCLURE: Do you believe that list
3 includes all of them off of this well list which were
4 either plugged or had the APDs canceled?

5 MR. SMITH: Yes. I do.

6 MR. MCCLURE: And you conducted another
7 review of the entirety of this well list; is that
8 correct?

9 MR. SMITH: That's correct.

10 MR. MCCLURE: Okay. Do you know -- on
11 this well -- on this Exhibit A-2, there are six of
12 them that have -- that aren't blank, but they have
13 zeros across them. Do you know why that is?

14 MR. SMITH: I -- I honestly don't. I'd
15 have to go back and review those and pick them out of
16 just the whole list. A lot -- the reason why
17 sometimes they all run together is 'cause they all
18 have the exact same name for the most part.

19 So I -- I'd have to go back and just --
20 I -- I don't want to tell you that I did -- on a
21 couple of those -- I know I reviewed the whole well
22 list, and we did verify which ones, you know, had APDs
23 that were never drilled or had been plugged. We
24 confirmed all those.

25 But as to some of the wells that, you

1 know, may still be producing but didn't have
2 production at that time that this exhibit was made,
3 I -- I can't recall exactly which -- which well
4 numbers or well names those were.

5 MR. MCCLURE: All right. Now, I'm
6 going to ask you a question about a specific well.
7 This specific well is the well I called out in that
8 prior referenced email. That being the Eagle 33 I
9 Federal Number 17. I believe on this table that we're
10 looking at that should be the -- I mean, I guess, the
11 third well mentioned; do you see the one I'm referring
12 to?

13 MR. SMITH: Yeah. Eagle 33 I Federal
14 Number 17 well?

15 MR. MCCLURE: Yes, sir. Do you know
16 what the current status is of that well?

17 MR. SMITH: That is -- yeah. We did
18 not find any information other than it was an -- an
19 old APD from two or three predecessors ago which was
20 Devon Energy. Yeah. That well's never been drilled
21 as far as we -- we can tell.

22 MR. MCCLURE: Okay. So to confirm, it
23 doesn't exist essentially; is that correct?

24 MR. SMITH: That's correct.

25 MR. MCCLURE: Okay. On our records it

1 kind of seemed that way, but I guess the question I
2 have for you, though, on this table we're including
3 production data for that well; do you think that's
4 incorrect, then?

5 MR. SMITH: Let's see here. That is --
6 okay. It's got to be incorrect. It could have been
7 an -- some type of allocation issue or mistake, 'cause
8 we did not find that well to be in existence.

9 MR. MCCLURE: Okay. Thank you, Mr.
10 Smith. I don't have any other questions, but I would
11 like a supplemental document submitted or perhaps an
12 omission to this one. I don't know which would be
13 more appropriate.

14 Essentially, what I'm looking for is an
15 updated list that does not represent what was in the
16 original hearing order, but what is actually in
17 existence today and is actually active and not
18 plugged.

19 THE HEARING EXAMINER: Okay. Thank
20 you, Mr. McClure.

21 Ms. Graham?

22 MS. GRAHAM: Mr. McClure, we can submit
23 a supplemental exhibit to include the updated
24 production data.

25 MR. MCCLURE: Okay --

1 MS. GRAHAM: I'm guessing that it will
2 take -- we will probably need about a week to revise
3 the exhibit if that's an acceptable amount of time.

4 MR. MCCLURE: That's acceptable for me
5 as long as it is for the hearing examiner.

6 THE HEARING EXAMINER: It's acceptable,
7 Ms. Graham. So in your amended exhibit packet, you
8 will include all of the documents that we've spoke
9 about today including the affidavit of publication,
10 the missing pages. You will include this supplemental
11 document for an updated list of actually -- of what's
12 in existence today as requested from Mr. McClure. And
13 once we get that submission, then we can take this
14 case under advisement and we will remove your previous
15 two submissions from the record.

16 MS. GRAHAM: Okay. Thank you, Mr.
17 Hearing Examiner.

18 THE HEARING EXAMINER: Is there
19 anything --

20 MR. MCCLURE: Mr. --

21 THE HEARING EXAMINER: Yes, Mr.
22 McClure?

23 MR. MCCLURE: Yeah, Mr. Examiner, yeah,
24 I -- I went a little bit out of order with -- where
25 originally I'd -- originally how my notes is wrote

1 out. And I see why you were asking if I had more
2 questions for Ms. Graham.

3 THE HEARING EXAMINER: Yes.

4 MR. MCCLURE: Ms. Graham, redirecting
5 your attention to the affidavit of publications --

6 MS. GRAHAM: In the original --

7 MR. MCCLURE: In the original -- in
8 the -- yes, the first exhibit packet.

9 MS. GRAHAM: Okay.

10 MR. MCCLURE: When was that published?

11 MS. GRAHAM: I believe that was
12 published on June 3rd, but let me open up my original
13 submission. One moment, please. It ran on June 2nd.

14 MR. MCCLURE: And, Ms. Graham, is it
15 your understanding that this affidavit of publication
16 is necessary for notice to be complete for this
17 application?

18 MS. GRAHAM: I debated that myself. I
19 wasn't certain whether the rule requirements required
20 publication for this type of application. But out of
21 an abundance of caution in the event there were
22 unlocatable parties, we decided to go forward with the
23 publication.

24 MR. MCCLURE: And were there
25 unlocatable parties?

1 MS. GRAHAM: It appears everybody was
2 locatable, but I do think maybe there was one green
3 card where it was returned as undelivered, so it's
4 possible.

5 MR. MCCLURE: I guess I don't have any
6 questions here, but essentially notice is not complete
7 for this application. So I think we're looking at a
8 scenario where we may want to continue this case for
9 purposes of allowing notice to be cured.

10 THE HEARING EXAMINER: Okay. Thank
11 you, Mr. McClure. So what we'll do is we will
12 continue this. Now, we don't have any room in the
13 July -- I'm sorry. We don't have room on June 27 to
14 continue, but we could continue this to July 11, Ms.
15 Graham.

16 MS. GRAHAM: Mr. McClure, I'd like to
17 add, though, that the publication provides sufficient
18 legal notice of the application even though there may
19 have been a few green cards or certified mail receipts
20 that were returned as undeliverable.

21 So because we published timely on June
22 2nd which is more than ten days before this hearing,
23 that should meet the legal notice requirements for
24 this application.

25 MR. MCCLURE: Mr. Hearing Examiner, may

1 I give her a legal determination on what's required
2 for notice?

3 THE HEARING EXAMINER: I think you can
4 cite a rule. I don't know about making legal
5 conclusions, but you can cite a rule, if you like.

6 MR. MCCLURE: Let me find that rule
7 citation real fast. Okay. It is per
8 19.15.12.10.C(4)(c). There's a 20-day notice period
9 that's required for surface commingling.

10 MS. GRAHAM: Well, the notice was filed
11 along with the application which would have been well
12 before 20 days. That would have been on -- let's see.

13 When we filed the application May 1st,
14 we concurrently filed notice -- or mailed notices at
15 the same time. And at the time, we also used the last
16 known records of address, which should, in and of
17 itself, meet the statutory requirements.

18 MR. MCCLURE: If I may redirect your
19 attention to your affidavit of publication, was that
20 conducted 20 days prior to this hearing?

21 MS. GRAHAM: The affidavit of
22 publication for the legal -- the -- no, the notice of
23 publication ran only 11 days prior to the hearing.
24 But I do believe because we were relying on last known
25 addresses of record for the locatable parties, at the

1 time we believed everybody to be locatable.

2 I do think that our mailing of notices
3 at the time of filing the application meets the legal
4 notice requirements for this application. It wasn't
5 only until perhaps recently where we learned that some
6 of the certified mail receipts were undeliverable, but
7 that often happens with applications and mailing
8 notices.

9 MR. MCCLURE: This may be more a
10 question for your witness.

11 Mr. Smith, do you have any
12 certification or excuse me. Do you have any evidence
13 to confirm that all addresses used were, in fact, the
14 correct addresses for each person?

15 MR. SMITH: Yes, sir. All of the
16 addresses used -- because we operate the -- pretty
17 much every single offset out here and distribute and
18 pay revenue.

19 We -- we took all the addresses from
20 our -- from our decks and -- and used all the
21 addresses from such that were described in there. So
22 yes. We feel like all the addresses that were
23 utilized were -- were the best-known addresses for
24 notice purposes.

25 MR. MCCLURE: Mr. Smith, do you

1 understand that the Division needs to use its own
2 determination as to how reliable your addresses may
3 be?

4 MR. SMITH: Yes.

5 MR. MCCLURE: Do you also understand
6 that should the Division decide that they may not be
7 correct that we will deny this application?

8 MR. SMITH: I fully understand the
9 Commission could deny this application. Yes.

10 MR. MCCLURE: Do you understand that to
11 prevent this was being a determining factor we could
12 just continue this case to another hearing and allow
13 the public notice to run?

14 MR. SMITH: We -- we could do that.
15 We're just -- yeah. We could definitely do that.
16 We're just wanting -- this whole thing was a self-
17 reporting issue that -- from a third party that we
18 hired to make sure that we were in compliance after
19 purchasing --

20 So we shut-in two wells that are --
21 that are producing wells -- that have been flowing
22 into this tank battery for years, two or three
23 predecessors before us. But because we noticed that
24 the proper documentation had not been secured by those
25 predecessors, we decided to shut those wells in and

1 you know, try to make certain that we were in
2 compliance.

3 So yeah. We would love to get these
4 wells back online and start paying revenue again, but
5 I -- I fully understand what you're saying. And if we
6 need to continue, based upon a returned green card,
7 then -- then I totally understand.

8 But like Ms. Graham mentioned, it's
9 often the case, especially in this area, where -- some
10 of these leases have been from the 1930s -- that
11 there's errors and folks that are often in suspense or
12 unlocatable, especially with these publications. But
13 totally understand what you're -- what you're saying.

14 THE HEARING EXAMINER: Thank you, Mr.
15 McClure.

16 Ms. Graham, I think we may be able to
17 help you out. Even though we weren't adding any cases
18 June 27, it sounds like this would be a very simple --

19 (Discussion held off the record.)

20 So, Ms. Graham, it sounds like it would
21 be helpful to your client if we could squeeze this
22 into the June 27 docket.

23 MS. GRAHAM: Sure. Whichever is the
24 Division's preference. In the alternative, I might
25 suggest that the Division take it under advisement

1 subject to another nine-day delay to allow for the
2 possible objections to roll in following the
3 publication, so that way we don't have to utilize the
4 Division's resources to have another hearing on the
5 matter, if that would be acceptable.

6 THE HEARING EXAMINER: I think the
7 problem with that is that if -- I think the problem is
8 if we -- is your public notice -- did you further to
9 today's hearing in your public notice?

10 MS. GRAHAM: Oh, I see. Yeah. I
11 believe -- let me just confirm.

12 THE HEARING EXAMINER: I see it. You
13 don't have to confirm it. I can see it for myself.

14 MS. GRAHAM: Okay.

15 THE HEARING EXAMINER: So since that is
16 in there, I think it'd be better that we come back on
17 the record on June 27 --

18 (Discussion held off the record.)

19 We're going to come back on the record,
20 Ms. Graham, on June 27. We'll add it to an already
21 enormous docket, because of what I heard Mr. Smith
22 saying about production. We want to be mindful of
23 that. But we do need to resolve this issue.

24 And you do need to submit an amended
25 hearing packet that is complete and updated as Mr.

1 McClure requested from you. How long will that take
2 for you to do?

3 MS. GRAHAM: I think we can get the
4 amended exhibit packet to you within a week.

5 THE HEARING EXAMINER: Okay.

6 MS. GRAHAM: I do think it might take
7 time to just rereview that production data.

8 THE HEARING EXAMINER: Okay. So we
9 will set a deadline for June 20th, close of business,
10 for the amended exhibit packet. We will add -- well,
11 you will have to continue this case to June 27th, and
12 we will accept that.

13 Is there anything further in this case,
14 Mr. McClure?

15 MR. MCCLURE: None from me, Mr.
16 Examiner.

17 THE HEARING EXAMINER: Thank you, Mr.
18 McClure, for your questions.

19 And, Ms. Graham, anything further?

20 MS. GRAHAM: No, Mr. Hearing Examiner.

21 THE HEARING EXAMINER: Okay. We'll see
22 you on the 27th.

23 Let's go back. We were in recess in, I
24 think, 24273. So we're back on the record in 24273.
25 And Mr. Gebremichael has questions based on the

1 amended exhibit packet for your witnesses, Mr. Rankin.

2 MR. RANKIN: Thank you, Mr. Examiner.
3 I believe our witnesses should be available, and they
4 should be on the screen. Mr. Examiner, they were
5 sworn in previously in this case back on March 21st,
6 so I don't know if you want to swear them in again or
7 remind them that they're still under testimony --
8 under oath.

9 THE HEARING EXAMINER: I'll just remind
10 Mr. Hehmeyer and Mr. Olivas that you are under oath
11 still. I don't see Mr. Olivas. Is he with us or do
12 we just have Mr. Hehmeyer?

13 MR. RANKIN: I believe Mr. Olivas
14 should be with the group -- as well, Mr. Hearing
15 Examiner.

16 THE HEARING EXAMINER: Okay. Are your
17 questions for Mr. Hehmeyer or Mr. Olivas?

18 MR. GEBREMICHAEL: Oh. Well, I'm not
19 sure, but I could direct to the page number so they
20 could decide.

21 THE HEARING EXAMINER: Mr. Rankin, will
22 your witnesses stand as a panel for questions?

23 MR. RANKIN: That may be the most
24 appropriate given the questions that Mr. Gebremichael
25 may have. I think if they can each address the

1 question that is most proper for them to address, I
2 think would be the best way to approach the
3 questioning.

4 THE HEARING EXAMINER: Please proceed.

5 MR. GEBREMICHAEL: Thank you, Mr.
6 Hearing Officer. Thank you for giving us enough time
7 to sort things out. There is some page movement
8 between the original and supplemental, but my
9 questions haven't changed significantly.

10 My first question is may I direct you,
11 please, to page 74. In that table, the cement top
12 informations are not provided, but I learned from Mr.
13 Ranking that now they are on page 76, 80, and 86 on
14 the wellbore schematics. I see the cement
15 information, cement top, and then the amount of cement
16 placed.

17 However, I don't see the method of
18 determination, how you came up in determining the top
19 cements and stuff. Yeah. If you could address that
20 question, I would appreciate it. Thank you.

21 MR. RANKIN: Mr. Gebremichael, just to
22 address that question, XTO did run a CBL or cement
23 bond log for each of the proposed closed loop gas
24 capture wells. And we indicated in the application
25 that they would be submitted to the Division

1 electronically because of the size and length.

2 I'm confirming with the client that
3 that will be done if it hasn't already. But each of
4 the closed loop gas capture wells does have a CBL that
5 was run. I understand that that may have been the
6 method.

7 Mr. Olivas or Mr. Hehmeyer may be able
8 to address that question for you now, but in the
9 interim, we'll make sure that the CBLs are uploaded
10 electronically to the well file for each of these
11 wells.

12 MR. GEBREMICHAEL: Thank you. Is there
13 any way also you could change the application on those
14 on pages 76, 86, and 80 from the state of N/A not
15 available to they are available? So yeah. All right.
16 Thank you.

17 All right. May I proceed to the next
18 question? All right. The next question, may I direct
19 your attention to page number 70, 7-0. This is in
20 regard to the tank model pressure prediction.

21 So you -- the key message, you know, in
22 the red dotted line box says that pressure build up
23 was 10 PSI due to low injection volume. That's good.
24 So was this based on partial constraint on the surface
25 or total -- you know, the -- gases, was it total

1 shutdown of the surface pipeline system or partial
2 constraints; if you could explain on that one.

3 DR. HEHMEYER: Okay. I -- is it okay
4 for me to speak, Mr. Hearing Examiner?

5 THE HEARING EXAMINER: Yes, please.

6 DR. HEHMEYER: Okay. This is a math
7 balance model so this rate is for the 5,000,000-cubit
8 feet per day for four days. So this is the increase
9 in pressure that you would expect from injecting a
10 flat rate profile of five over four days.

11 MR. GEBREMICHAEL: So it's based on the
12 5,000,000?

13 DR. HEHMEYER: Correct. And that would
14 be injected at the 1,250 PSI max in this well
15 beginning at 600 PSI.

16 MR. GEBREMICHAEL: Okay. All right.
17 Well, thank you. That answers my question.

18 My next question is if I may direct you
19 to page number 73. It's in regard to the formation
20 parting pressures. I see on that page the column
21 number 14 you have 0.65 PSI per foot. How did you
22 come up with that one?

23 Did you conduct SRT separate test on
24 all the ten wells, or did you conduct SRT on a
25 representative well and then you assumed the other

1 wells they have the same volume? If you could -- if
2 you could entitle me on that one, I would appreciate
3 it.

4 MR. TURNER: I can take that one. I
5 believe that's a -- that's a representative formation
6 pressure gradient that we took from offset wells.

7 MR. GEBREMICHAEL: So how did you reach
8 that representative of the -- how did you do that?

9 MR. TURNER: I believe it was done off
10 of offset completions. So separate test based off
11 during a frac job.

12 MR. GEBREMICHAEL: Okay. Here --
13 here -- I want to be clear here. Was it separate test
14 conducted on one of the wells, on the ten horizontal
15 wells, or offsetting wells, other well?

16 MR. TURNER: I believe it was on
17 offsetting wells, but we can go back and verify that.

18 MR. GEBREMICHAEL: So you believe or
19 you're 100 percent sure?

20 MR. TURNER: Not 100 percent sure.

21 MR. GEBREMICHAEL: Yeah. If you could
22 give us more information on that one, I would
23 appreciate it.

24 THE HEARING EXAMINER: When you say
25 "give us more information," do you mean file a

1 supplemental document?

2 MR. GEBREMICHAEL: Yes.

3 THE HEARING EXAMINER: That is what
4 you're asking for?

5 MR. GEBREMICHAEL: Yes, sir.

6 THE HEARING EXAMINER: Okay. So can
7 you very clearly for the record state what you want?

8 MR. GEBREMICHAEL: So we would like to
9 know how do you arrive to that fracture, the formation
10 parting pressure. Whether it is performed in one of
11 the ten wells or it is driven from offsetting wells.
12 Is my question clear? Okay.

13 MR. RANKIN: Mr. Gebremichael, thank
14 you very much. Yeah. We'll make sure to submit a --
15 I believe it just should be a short statement from XTO
16 witness confirming the method of calculation and where
17 that value came from.

18 MR. GEBREMICHAEL: Yes. All right.

19 THE HEARING EXAMINER: Okay. Do you
20 have another question?

21 MR. GEBREMICHAEL: Yes. Yes. I do.
22 The next question is might I direct your attention to
23 page number 20. On page 2, the schematics on page 2,
24 that's where you're going to be injecting the -- the
25 gas for temporary storage. Will the artificial gas

1 lift valves will be closed when you're doing that one?
2 It may not make that much difference, but I really
3 would like to know whether they will be closed or
4 remain open?

5 MR. TURNER: Adam, can you scroll up?

6 MR. GEBREMICHAEL: That's page 20.

7 You're on 21. Yeah. Here you go. Page 2.

8 MR. TURNER: Right. So the intention
9 for here is in phase 2 we would inject down the
10 tubing. So obviously at surface we would have to
11 realign the valves to allow injection down the tubing
12 versus producing out of it. The downhole valves,
13 they're pressure controlled, so we would not be able
14 to manipulate those from surface.

15 MR. GEBREMICHAEL: Okay. While you're
16 there -- if I may ask you next question is you
17 mentioned the total duration for the takeaway gas that
18 would be stored in this formation.

19 It could be -- correct me if I'm
20 wrong -- between eight hours to ten days? Yeah.
21 Yeah. It's at the bottom actually. It's injection
22 period temporary lasting anywhere from hours to few
23 days.

24 MR. TURNER: Yes.

25 MR. GEBREMICHAEL: All right. So what

1 if -- what if your surface constraints are not
2 resolved. You know, that few days, it could be
3 extended for more and more days; right?

4 MR. TURNER: Potentially. So -- I
5 mean, the data we pulled was based off actual
6 constraints we've seen. So the --

7 MR. GEBREMICHAEL: Okay.

8 MR. TURNER: The intention is to do it
9 for, you know, up to a few days.

10 MR. GEBREMICHAEL: So this is based on
11 historical trend or historical data on surface
12 constraint issues?

13 MR. TURNER: Yes.

14 MR. GEBREMICHAEL: Yeah. One more
15 question there. Is there any of the ten wells -- is
16 there any well which is naturally flowing or they are
17 all assisted artificially flowing wells?

18 MR. TURNER: They're all artificially
19 lift assisted.

20 MR. GEBREMICHAEL: All right. Thank
21 you very much. Those are all questions I have.
22 Appreciate it.

23 THE HEARING EXAMINER: Mr. McClure?

24 MR. MCCLURE: Thank you, Mr. Hearing
25 Examiner.

1 Mr. Hehmeyer, can I direct your
2 attention to page 259 of 278 of the latest exhibit
3 packet?

4 DR. HEHMEYER: Yeah.

5 MR. MCCLURE: It looks like Mr. Rankin
6 or whoever's driving has it there in front of us. On
7 this map, there appears to be four Delaware Mountain
8 Group wells highlighted; is that correct?

9 DR. HEHMEYER: That's correct.

10 MR. MCCLURE: Of these highlighted
11 Delaware Mountain Group wells, which formation are
12 these producing out of?

13 DR. HEHMEYER: The Delaware Mountain
14 Group wells are in the Brushy Canyon.

15 MR. MCCLURE: Okay. Are they -- what
16 is the approximate placement of that lateral in
17 regards to from the base of the Delaware Mountain
18 Group?

19 DR. HEHMEYER: I know the distance from
20 the wells to the drilled well underneath, but I don't
21 know that distance to the bottom of the Delaware
22 Group. So I know they're between, like, 1,300 and
23 2,000 over the red sticks that you see in the picture,
24 but how many hundreds of feet from the bottom of the
25 Delaware Mountain Group, I don't know. I would have

1 to go look.

2 MR. MCCLURE: The information provided
3 should be sufficient. Thank you, sir. Of these
4 highlighted closed loop gas capture wells, those begin
5 the ones in red; is that correct?

6 DR. HEHMEYER: That's correct.

7 MR. MCCLURE: Which ones on here are
8 the wells which are opposed injection into the Avalon?

9 DR. HEHMEYER: We have the information
10 about which ones are the Avalon in a table, but
11 because this map has the API numbers and not the
12 names, I would have to cross-reference with the table,
13 because I don't remember specifically in plan view
14 which one is -- which three are the Avalon wells. But
15 we could -- we could cross-reference with the table
16 and figure that out now if you want to.

17 MR. MCCLURE: I -- I can do that on my
18 own. I was --

19 DR. HEHMEYER: Okay.

20 MR. MCCLURE: -- just hoping that you
21 may have already had that. So I guess, based upon
22 your last answer, is it correct then that your -- let
23 me back up.

24 Do you believe that of these four wells
25 they are directly above every single one of the -- let

1 me back up one more time. I apologize.

2 Of the wells that producing from the
3 Avalon, do you believe that every single one of them
4 has one of these highlighted wells directly above the?

5 DR. HEHMEYER: No. In the supplemental
6 testimony, I looked into the formations that were --
7 that we drilled underneath these. Of the four DMG
8 wells, one of them has an Avalon well underneath it.
9 The others, I believe, were Gun Spring.

10 'Cause I was trying to find, like,
11 which one was the closest in depth to a well, like,
12 underneath. So one of those Avalon wells has a DMG
13 well over it. The other two do not. The supplemental
14 testimony informs you which specific one that is.

15 MR. MCCLURE: Did you say it's included
16 in the supplemental exhibits, that specific Avalon
17 well?

18 DR. HEHMEYER: A description of which
19 Avalon well has a DMG well on top of it is provided in
20 the text of the supplemental exhibit, the name of the
21 well.

22 MR. MCCLURE: Do you know where in your
23 exhibits that's located?

24 DR. HEHMEYER: I have the exhibit up.

25 MR. MCCLURE: It looks like Mr. Rankin

1 may be directing us to something here.

2 DR. HEHMEYER: Okay. Yes. He has
3 directed us to the -- my discussion that goes with the
4 exhibit that you're interested in. So let's see.

5 Mr. Rankin, can you scroll up to
6 paragraph 13?

7 Okay. So I mentioned that three of
8 them have a Bone Spring well underneath. The fourth
9 has the Avalon well.

10 Okay. Can you please scroll to
11 paragraph 14?

12 Okay. I don't see it in here. So
13 maybe I didn't -- didn't call it out here.

14 MR. MCCLURE: I'll be able to cross
15 check on my own.

16 DR. HEHMEYER: Yes.

17 MR. MCCLURE: Of these Delaware
18 Mountain Group wells, how is XTO handling the
19 allocation of production to them?

20 DR. HEHMEYER: I'm sorry? Could you
21 repeat the question again? I didn't hear it in its
22 entirety.

23 MR. MCCLURE: Of these Delaware
24 Mountain Group wells, how is allocation of production
25 to them being conducted?

1 MR. OLIVAS: I can take that one, if
2 you want, Owen.

3 DR. HEHMEYER: Okay. I was going to
4 say, as a reservoir engineer, I'm really not -- not
5 expert in production allocation.

6 MR. OLIVAS: Mr. Hearing Examiner, if
7 you approve, I can answer that question.

8 THE HEARING EXAMINER: Okay. And who's
9 speaking? I can't tell.

10 MR. OLIVAS: This is Isaac Olivas.

11 THE HEARING EXAMINER: Oh, okay. I
12 thought we were looking at Isaac Olivas in this
13 picture here, but I don't see your mouth moving. So
14 we must not have you on the screen. Yes. Mr. Olivas,
15 you're still under oath. Please proceed.

16 MR. OLIVAS: You bet. Thank you.

17 Mr. McClure, we -- we allocate the --
18 the DMG wells on a well test basis. So they're tested
19 on a -- on a frequency to allocate accordingly.

20 MR. MCCLURE: During and immediately
21 following an injection event, is XTO's facilities
22 designed such that each of these wells would be able
23 to have their own test separator allocated to them
24 specifically?

25 MR. OLIVAS: We haven't made plans for

1 that specifically. But -- but yes. We -- we would be
2 able to do that if the -- if the wells were approved.

3 MR. MCCLURE: In regards to your status
4 system set up for the Delaware Mountain Group wells,
5 is it equipped to give you continuous data in regards
6 to pressure and such?

7 MR. OLIVAS: That's correct. Yes. So
8 we would be able to enable these -- these wells to
9 specifically give us the -- the frequency of data
10 with -- with flow rate and pressure.

11 MR. MCCLURE: Okay. Thank you, sirs.

12 Mr. Hearing Examiner, they were
13 submitting a supplemental document anyway; was that
14 correct?

15 THE HEARING EXAMINER: Mr. Rankin?

16 MR. RANKIN: I'm just confirming in my
17 notes. Yes, Mr. Examiner. We had one statement to
18 provide addressing the explanation for how the
19 formation parting pressure value was derived in one of
20 the exhibits, and so yeah, we'll be submitted already
21 a supplemental statement.

22 THE HEARING EXAMINER: Yes, Mr.
23 McClure.

24 MR. MCCLURE: Thank you, sir.

25 Mr. Hehmeyer, in addition to the

1 currently requested supplement document, please also
2 identify the Avalon well -- proposed Avalon well that
3 has a Delaware Mountain Group well directly above it?

4 DR. HEHMEYER: No problem.

5 MR. MCCLURE: Okay. Thank you, sirs.
6 Thank you, Mr. Hearing Examiner. I
7 have no further questions.

8 THE HEARING EXAMINER: So, Mr. McClure,
9 what is the posture of this case at this time?

10 MR. MCCLURE: I believe we can take it
11 under advisement. We can take it under advisement.

12 THE HEARING EXAMINER: Okay. So, Mr.
13 Rankin, how long before we have those two supplemental
14 documents?

15 MR. RANKIN: I need to confer with the
16 client, but I believe we can turn that around rather
17 quickly. However, if it's okay with the examiners, I
18 would ask that we have a week to do so, just in case
19 there's any issues.

20 But I believe we'll endeavor to get
21 this to you faster than that so that you guys have a
22 complete record to review, and hopefully, be able to
23 issue an order in short time.

24 THE HEARING EXAMINER: Mr. McClure,
25 June 20th as a deadline; is that sufficient?

1 MR. MCCLURE: Works for me, Mr. Hearing
2 Examiner.

3 MR. RANKIN: Thank you very much, Mr.
4 Examiner, we appreciate greatly the Division's
5 attention to this case and these cases in general.
6 They're important for the state and for the industry,
7 and we appreciate the interest and engagement.

8 THE HEARING EXAMINER: Thank you, Mr.
9 Rankin.

10 We're going to take a lunch break. We
11 will come back on the record. It is 12:12 now. Let's
12 say we come back on the record at one o'clock. And we
13 will pick up item 51. It's for Energy Partners, case
14 number 24121. Thank you. We're off the record.

15 (Off the record.)

16 THE HEARING EXAMINER: All right. It
17 is 1:02 p.m. on June 13th. We are continuing the
18 docket for today with case number 51. It's Spur
19 Energy Partners application in case number 24121.
20 Entries of appearance, please?

21 MS. MCLEAN: Yes. Good afternoon.
22 Jackie McLean from Hinkle Shanor on behalf of Spur
23 Energy Partners.

24 THE HEARING EXAMINER: Anyone else want
25 to enter an appearance?

1 MR. HOLLIDAY: Hello, Mr. Hearing
2 Examiner. Ben Holliday for Holliday Energy Law Group
3 on behalf of Silverback Operating.

4 THE HEARING EXAMINER: Good afternoon.
5 Is there an objection, Mr. Holliday?

6 MR. HOLLIDAY: We had originally lodged
7 an objection in this case. This is a continuance.
8 It's been continued a couple times. For a number of
9 different reasons. The parties had gotten pretty far
10 down the line, if not to the finish line, on some
11 trade talks, and we had a very interesting wrinkle
12 whereas the management team has been replaced at
13 Silverback.

14 The new management team has come in and
15 requested some time to get their arms around the
16 proposed trade, around the proposed development plan,
17 and so that obviously led to a bunch of conversations
18 between both Spur, Silverback, and then myself and Ms.
19 Hardy.

20 And my understanding is that despite
21 everyone's desire to move this along, it would be in
22 the best interests of everyone to continue this for
23 one month. Excuse me. To the late July docket.

24 THE HEARING EXAMINER: Ms. McLean?

25 MS. MCLEAN: I don't know if that's

1 quite our belief, Mr. Examiner. We believe that
2 Silverback did withdraw their objection at the hearing
3 that was held, I believe, in March. And nothing was
4 said until the other day.

5 Silverback -- you know, we had
6 continuance after continuance. It's not Spur's fault
7 really that they've sold to someone else. We're ready
8 to go. They withdrew their objection. And we would
9 like the opportunity to present by affidavit today.

10 THE HEARING EXAMINER: Mr. Holliday?

11 MR. HOLLIDAY: Yes. So when we
12 discussed this last time, I was having microphone
13 trouble, so you guys couldn't hear me. And I was
14 trying to say -- what I was trying to express was that
15 should the talks progress as they were on track to and
16 agreement was reached, then we would not object to the
17 matter moving forward by affidavit. But not that we
18 were withdrawing our objection. I understand that's
19 what got communicated, and that's on me for having
20 faulty equipment. But objection has not been formally
21 withdrawn. It remains although my guess is once the
22 parties are able -- or excuse me -- once Silverback is
23 able to understand this trade that the matter probably
24 will move forward by affidavit.

25 THE HEARING EXAMINER: Ms. McLean, when

1 was this case filed?

2 MS. MCLEAN: I was just pulling that
3 information up for you. And I -- it was filed on
4 December 15th of 2023. And I do have a copy of the
5 transcript from the May 30, 2024, hearing.

6 Mr. Holliday said -- we were saying he
7 was very faint and we couldn't hear him. But then
8 twice on the record he stated that they initially
9 entered an objection to the matter proceeding by
10 affidavit -- and this is page 37 of the hearing
11 transcript -- "but the parties appear to have worked
12 out a deal and so we're withdrawing our objection to
13 the matter proceeding by affidavit at this time."

14 Then Mr. Hearing Examiner, you asked,
15 "Okay. So you're verbally withdrawing it now, and
16 you'll file a motion to withdraw?" And he said,
17 "Correct. Yes, sir. The authorization came last
18 night, so I'll get that filed today."

19 So I believe it's very clear, you
20 know -- technical difficulty or otherwise, the record
21 is very clear that they withdrew their objection in
22 this case.

23 THE HEARING EXAMINER: Mr. Holliday?

24 MR. HOLLIDAY: Yeah. To the extent we
25 withdrew it, I guess we are asserting a new objection

1 on the same grounds.

2 THE HEARING EXAMINER: Okay.

3 Ms. McLean, there is an objection.
4 Whether it was withdrawn and reinstated or whatever it
5 may be, there is an objection to moving forward by
6 affidavit. I can't just override the fact that there
7 is an objection.

8 However, Mr. Holliday, what I am going
9 to do is I am going to set this for a contested
10 hearing. And I'm going to set it very quickly. And
11 so whether your client can digest the terms in time,
12 I'll leave that to your client. But I do want to move
13 this case forward.

14 So, Ms. McLean, what is the soonest
15 time that you would be ready for a contested hearing?

16 MS. MCLEAN: I believe -- hold on. It
17 would be great if we could get it on the next hearing
18 docket, June 27th. We would be more than ready to go
19 at that time.

20 THE HEARING EXAMINER: Okay.

21 MS. MCLEAN: And our -- Spur's on the
22 line so we can get their availability for that as
23 well.

24 THE HEARING EXAMINER: I have July 9th
25 as my first contested hearing date. I can't put it at

1 the end of a very, very busy --

2 Freya, how many cases are on the June
3 27th docket?

4 MS. TSCHANTZ: I believe there are 90.

5 THE HEARING EXAMINER: Right. So,
6 Ms. --

7 MS. MCLEAN: I understand.

8 THE HEARING EXAMINER: I can do July
9 9th.

10 MS. MCLEAN: And we can ask -- we can
11 get our client's availability that week.

12 THE HEARING EXAMINER: Sure.

13 MS. MCLEAN: I am -- well, I'm sure
14 between Deana and I we could make that work, but we'll
15 need Spur's availability.

16 THE HEARING EXAMINER: Do you want to
17 ask them now?

18 MS. MCLEAN: Yes.

19 THE HEARING EXAMINER: And then, Mr.
20 Holliday, I'll come to you and ask you.

21 MS. MCLEAN: Nash, are you on? Oh, he
22 says that's fine.

23 THE HEARING EXAMINER: Okay.
24 Fantastic. How many witnesses will you have, Ms.
25 McLean?

1 MS. MCLEAN: No more than two.

2 THE HEARING EXAMINER: Two. Okay.

3 Mr. Holliday?

4 MR. HOLLIDAY: I'll have to confirm,
5 but I believe that date would be just fine.

6 THE HEARING EXAMINER: Okay. And how
7 many witnesses will you have?

8 MR. HOLLIDAY: I believe we would have
9 two as well if it --

10 THE HEARING EXAMINER: Okay. Very
11 good. We will issue a pre-hearing order in case
12 number 24121 for a July 9 contested hearing. It will
13 start at 8:30 a.m. Is there anything else from the
14 parties?

15 MS. MCLEAN: Nothing more, Mr.
16 Examiner.

17 THE HEARING EXAMINER: Mr. Holliday?

18 MR. HOLLIDAY: No. Thank you.

19 THE HEARING EXAMINER: Thank you, sir.

20 We are moving on now to Mewbourne Oil.
21 We have, it looks like, three cases, number 52 to 54
22 on our docket. The case numbers are 24505, 06, and
23 07. Entries of appearance, please?

24 MR. FELDEWERT: If it pleases the
25 Examiner, Michael Feldewert with the Santa Fe office

1 of Holland and Hart, appearing on behalf of the
2 applicant, Mewbourne Oil Company.

3 THE HEARING EXAMINER: Good afternoon.
4 Do we have any others?

5 MR. SUAZO: Yes, Mr. Hearing Examiner.
6 Miguel Suazo with Beatty and Wozniak appearing on
7 behalf of XTO Energy.

8 THE HEARING EXAMINER: Very good. Good
9 afternoon. Are there any objections to these
10 proceeding by affidavit, Mr. Suazo?

11 MR. SUAZO: We did have an objection,
12 but we've since withdrawn that objection. My
13 understanding is that the parties are waiting to sign
14 either a JOA or a letter agreement.

15 And my client has asked to confirm with
16 Mr. Feldewert that the objection was withdrawn in the
17 understanding that his client provided that Mewbourne
18 agrees not to make a cash call under the pooling
19 agreement.

20 MR. FELDEWERT: So I am not privy to
21 the discussions. I believe they filed a notice of
22 withdrawal of their objection. And that they are
23 negotiating a JOA. I'm not saying that's not correct.
24 I'm just not in a position to confirm whether that's
25 the case or not.

1 MR. SUAZO: I would just like to say
2 for the record that my client withdrew the objection
3 pursuant to them not making a cash call under the
4 pooling agreement. And other than that, our objection
5 is withdrawn.

6 THE HEARING EXAMINER: Okay. Thank
7 you, Mr. Suazo.

8 Mr. Feldewert?

9 MR. FELDEWERT: Thank you. So in these
10 three consolidated cases we seek to pool spacing units
11 in the Bone Spring and the Wolfcamp formation under
12 the south half of Section 17 and 18, 22 South, 28
13 East, down there in Lea County. So we got two for the
14 Bone Spring. It would be Eddy County. I'm sorry.
15 Eddy County.

16 We have two for the Bone Spring. One
17 for the north half of the south half of the acreage
18 and then the south half of the south half of this
19 acreage. And then for the Wolfcamp, it would be a
20 south half spacing unit for the proposed Indian Draw
21 wells.

22 As you'll see from the exhibit packages
23 that we filed last week, they're very similar. So I'm
24 just going to look at case 24505 as an example. And
25 that's the one that seeks to pool the Bone Spring

1 formation under the south half of the south half
2 acreage. Each package has the compulsory pooling
3 checklist and a filed application for each case.

4 And then we have an Exhibit A in each
5 matter which is a self-affirmed statement of Thomas
6 Sloan. He is a landman who has previously testified
7 before the Division. And he provides for each of
8 these cases a draft form C-102 for the wells that are
9 involved in each case.

10 He has a land track map with an
11 ownership breakdown for each spacing unit. He's got a
12 sample of the well proposal letter that went out. And
13 it was the same letter for all three spacing units.
14 And then a chronology of contacts.

15 Exhibit B is a Self-Affirmed Statement
16 of Tyler Hill. He is a geologist who has likewise
17 previously testified before the Division and has his
18 credentials accepted as an expert of petroleum
19 geology.

20 He provides with his statement a
21 location map. And he has a structure map for both the
22 Bone Spring and Wolfcamp formation. And then he's got
23 a cross section that shows the target intervals for
24 these initial wells in both Bone Spring and then in
25 the Wolfcamp.

1 Exhibit C in each package is a notice
2 affidavit for the two parties we seek to pool which is
3 just XTO and Marathon.

4 And then finally, because despite the
5 fact we know the address is good, our postal reports
6 shows that the Marathon notice is in transit. We have
7 an affidavit of publication that was timely provided
8 for each of these cases.

9 So I would move to admit Exhibits A, B,
10 C, and D in all three of these cases.

11 THE HEARING EXAMINER: Mr. Suazo?

12 MR. SUAZO: Yes. No objection.

13 THE HEARING EXAMINER: Have you
14 reviewed --

15 MR. SUAZO: Yes. No objections.

16 THE HEARING EXAMINER: No objections.
17 Okay.

18 Mr. Feldewert, in case 24505, your
19 exhibits are admitted into evidence. I'll admit them
20 one at a time as I go to the technical examiner for
21 her questions.

22 (24505 Exhibit A through Exhibit D were
23 marked for identification and received
24 into evidence.)

25 MS. THOMPSON: My only question is on

1 notice. Looking at the affidavit on case 24505,
2 showing that it's published 5/29, which I think would
3 put us inside the 20 days.

4 MR. FELDEWERT: It'd be ten calendar
5 days.

6 MS. THOMPSON: Say that again.

7 MR. FELDEWERT: I'd be ten calendar --
8 is it on now?

9 THE HEARING EXAMINER: Yeah. Would you
10 turn on your microphone though? There we go.

11 MR. FELDEWERT: How's this?

12 THE HEARING EXAMINER: Perfect.

13 MR. FELDEWERT: Oh, good. So the
14 notice of publication goes out ten business days --

15 MS. THOMPSON: Ten business days?

16 MR. FELDEWERT: Right. So I'm looking
17 at my calendar.

18 MS. THOMPSON: -- check the calendar
19 real fast.

20 THE HEARING EXAMINER: It's easily ten
21 days. Mr. Feldewert, there was some discussion this
22 morning about the publication of notice. And in one
23 of the rules that the other technical examiner found,
24 it was -- he had cited 20 days. And so is there a
25 rule that you can cite too for this?

1 MR. FELDEWERT: It's under the
2 judicatory rules. Judicatory --

3 THE HEARING EXAMINER: 19.15.4?

4 MR. FELDEWERT: Yes. Yes. I don't
5 have it right in front of me.

6 THE HEARING EXAMINER: Say it again,
7 please?

8 MS. MCLEAN: 19.15.4.12 and then it's
9 subsection B --

10 THE HEARING EXAMINER: I'm not that
11 fast. I wasn't -- I wasn't ready to pull up the
12 rules, so give me one second. Sorry. But thank you
13 for -- thank you for clarifying.

14 MS. MCLEAN: It's all very important to
15 all of us.

16 THE HEARING EXAMINER: I can imagine.

17 MR. FELDEWERT: Unfortunately, I know
18 it by heart.

19 THE HEARING EXAMINER: 19.15.4 and
20 then you were saying 12; was it?

21 MS. MCLEAN: Correct.

22 THE HEARING EXAMINER: Okay. Let me
23 get to 12 here in the PDF that I'm looking at. 12.
24 Okay. I see it. And then?

25 MS. MCLEAN: Subsection B, Type and

1 content of notice.

2 THE HEARING EXAMINER: Yes.

3 MS. MCLEAN: And there's two separate
4 dates. There's 20 days mailing out the copy of the
5 application. And ten business days is publication by
6 newspaper.

7 THE HEARING EXAMINER: I see it here.
8 So that is in conflict with the other rule that Dean
9 McClure found?

10 MR. FELDEWERT: Well, I'm not -- I'm
11 not -- I'll leave that up to the Division. That
12 wasn't -- that wasn't our case. I know that we're in
13 compliance with this particular rule.

14 THE HEARING EXAMINER: That's all that
15 counts?

16 MR. FELDEWERT: Yeah.

17 MS. THOMPSON: Yes. Sorry about that.
18 The days I --

19 MR. FELDEWERT: That's all right.

20 MS. THOMPSON: -- got mixed up between
21 the 20 for the individual notice and the --

22 MR. FELDEWERT: I understand.

23 MS. THOMPSON: So I have no other
24 questions.

25 THE HEARING EXAMINER: Okay. Let me go

1 onto the next case and get those exhibits into
2 evidence and see if there's any questions there.
3 Okay. In this -- with is the withdrawal of
4 opposition.

5 In this case -- in 24506, I have
6 Mewbourne Exhibits A, B, C, and D. Mr. Suazo, any
7 objection to this -- to these exhibits?

8 MR. SUAZO: No, Mr. Hearing Examiner.
9 No objections.

10 THE HEARING EXAMINER: Okay. Thank
11 you, sir.

12 Okay. These are admitted into
13 evidence.

14 (24506 Exhibit A through Exhibit D were
15 marked for identification and received
16 into evidence.)

17 Are there any questions on this case?

18 MS. THOMPSON: No questions.

19 THE HEARING EXAMINER: Okay. In case
20 number 24507, I have Exhibits labeled as Mewbourne A,
21 B, C, and D. Mr. Suazo, any objections to these
22 exhibits?

23 MR. SUAZO: No objections.

24 THE HEARING EXAMINER: Thank you. They
25 are admitted into evidence.

1 (24507 Exhibit A through Exhibit D were
2 marked for identification and received
3 into evidence.)

4 Any questions from the technical
5 examiner?

6 MS. THOMPSON: No questions on these
7 issues.

8 THE HEARING EXAMINER: These three
9 cases will be taken under advisement, Mr. Feldewert.
10 Thank you.

11 MR. FELDEWERT: Thank you.

12 THE HEARING EXAMINER: Next, we have
13 Colgate Operating, number 55 on our list, 24126. It
14 looks like it's consolidated with 27.

15 MS. MCLEAN: Yes, Mr. Examiner. Jackie
16 McLean from Hindle Shanor on behalf of Colgate
17 Operating. And we realized after submission of the
18 exhibits that Colgate did not provide well proposal
19 letters to some parties. So we will be dismissing
20 these and refiling.

21 THE HEARING EXAMINER: Okay. So will
22 we get -- will we get an order motion and order to
23 dismiss?

24 MS. MCLEAN: Yes. We can do that.

25 THE HEARING EXAMINER: Very good.

1 Thank you, Ms. McLean.

2 MS. MCLEAN: Thank you.

3 THE HEARING EXAMINER: Moving now to
4 Mr. Bruce's cases. Mewbourne Oil, 24146, 47, 48, and
5 49.

6 MR. BRUCE: Yes, Mr. Examiner. I'm
7 here representing Mewbourne.

8 THE HEARING EXAMINER: Entries of
9 appearance, please?

10 MR. FELDEWERT: Mr. Examiner, Michael
11 Feldewert, Santa Fe office of Holland and Hart, on
12 behalf of MRC Delaware Resources.

13 THE HEARING EXAMINER: Mr. Feldewert,
14 did your client file an objection to these cases?

15 MR. FELDEWERT: So we did initially.
16 We also had competing pooling cases. But the parties
17 were able to work things out, so we dismissed our
18 competing pooling cases and have no objection to them
19 proceeding by affidavit.

20 THE HEARING EXAMINER: Okay. Do you
21 know if you filed a withdrawal of objection?

22 MR. FELDEWERT: Yes.

23 THE HEARING EXAMINER: You did. Okay.
24 Mr. Bruce?

25 MR. BRUCE: Okay. I'll go through the

1 first exhibit package. The other three are virtually
2 identical.

3 THE HEARING EXAMINER: Thank you.

4 MR. BRUCE: First Exhibit package.
5 Exhibit 1 is the pooling checklist on the OCD's new
6 form. In this case, Mewbourne seeks to force pool the
7 north half of Section 16 and the north half northeast
8 of Section 17, 18 South, 29, for the purposes of
9 drilling at Mockingbird 16/17 521H well. All the
10 information is contained in the pooling checklist.

11 Exhibit 2 is the Self-Affirmed
12 Statement of Ariana Rodriguez. She is a landman for
13 Mewbourne. She has previously testified and her
14 expertise recognized. This exhibit contains the usual
15 information, the C-102s, the land flats, the summary
16 of the working-interests owner, summary of
17 communications, and an AFE.

18 I would note that in this case,
19 Mewbourne seeks administrative rates of 10,000 per
20 month while drilling and 1,000 per month while
21 producing. And of course, it seeks the maximum cost
22 plus 200 percent risk charge.

23 Looking at Exhibit 2-B, that the tract
24 map which shows the tracts involved. The following
25 page -- which is page 11 of what was filed with the

1 Division in Part 1 of the exhibits -- it lists all the
2 tracts, the lease numbers, and lists all the interest
3 owners. I point this out because this exhibit -- this
4 page, page 11 of part of Exhibit 2-B does list in red
5 the only parties being pooled. So there is a definite
6 list of who is being pooled. The AFE is stated to be
7 fair and reasonable for wells of this depth and length
8 in this area.

9 Exhibit 3 is the affidavit of Charles
10 Crosby, landman, who has -- excuse me -- geologist who
11 has testified many times before the Division.
12 Contains the usual structure map. And I believe you
13 said that if it's humanly possible -- I think I pulled
14 it out this time -- putting the structure maps and the
15 cross sections on an 8 1/2 by 11 sheet. So I hope
16 that works.

17 Exhibit 3 is simply the horizontal
18 drilling plans. Insofar as well orientation goes, if
19 you go back to Exhibit 3-A, there are a number of
20 producing second Bone Spring wells in the area. And
21 all of them are laydown well units.

22 Part 2 of the exhibit list is all the
23 notice materials, affidavit of mailing the notice
24 letter. These applications were filed in early
25 January. The notice letter went out January 11th, and

1 that's Exhibit 4-A. Exhibit 4-B is the pooling --
2 certified notice spreadsheet.

3 On this again, I have highlighted in
4 yellow the five entities being pooled. The rest were
5 left down there just for informational purposes. The
6 affidavit of publication which is Exhibit 5 was
7 published in January, so for once in my life I'm four
8 or five months ahead on the notice game. I think
9 everything is in there.

10 Exhibit 6 is simply the application and
11 the proposed abstract for the application. The
12 other -- like I said, the other exhibit packages are
13 identical more or less. Especially the Part 2 of each
14 one, the notice materials are all the same.

15 And it just -- there is one for each
16 well and well unit, so the second case is the south
17 half north half of these sections. The third one is
18 the north half south of these sections. And the
19 fourth one is the south half south half of these
20 sections.

21 I believe that all of the materials the
22 Division normally requires are in there. And I would
23 move the admission of the exhibits which are Exhibit
24 1, the pooling checklist, Exhibit 2, the landman's
25 affidavit, 2-A, the C-102, 2-B, the tract map and

1 ownership list, 2-C, the proposal letter and
2 communication summary, Exhibit 2-D, the AFE, the
3 geologist maps, the geologist affidavit.

4 And then 3-A, 3-B, and 3-C, the
5 structure map cross section and the horizontal
6 drilling plan. And then Exhibit 4, the affidavit of
7 mailing with subparts, the letter itself, and the
8 white and green cards, and the certified notice
9 spreadsheet.

10 Exhibit 5, the affidavit of
11 publication. And Exhibit 6, the application and
12 proposal notice. And ask that these be admitted and
13 the matter be taken under advisement.

14 THE HEARING EXAMINER: Thank you, Mr.
15 Bruce.

16 Any objection to Exhibits 1 through 6?
17 Not hearing any, they are admitted into evidence.

18 (24146 Exhibit 1 through Exhibit 6 were
19 marked for identification and received
20 into evidence.)

21 MS. THOMPSON: I have no questions.

22 THE HEARING EXAMINER: Okay. That was
23 case number 24146, which we will take under
24 advisement. Let me move onto your other cases, Mr.
25 Bruce.

1 MR. BRUCE: Yes. As I said, the
2 exhibit packages --

3 THE HEARING EXAMINER: That's okay, Mr.
4 Bruce. I got it.

5 MR. BRUCE: Okay.

6 THE HEARING EXAMINER: Let me just get
7 to them in the computer so I can admit them into
8 evidence. You don't have to go over it again.

9 MR. BRUCE: Okay.

10 THE HEARING EXAMINER: So in case
11 24147, I have Exhibits 1 through 3 in one submission
12 and Exhibits 4 through 6 in a second submission.

13 Are there any objections? Not hearing
14 any, these exhibits are admitted into evidence?

15 (24147 Exhibit 1 through Exhibit 6 were
16 marked for identification and received
17 into evidence.)

18 Ms. Thompson?

19 MS. THOMPSON: No questions.

20 THE HEARING EXAMINER: This case will
21 be taken under advisement.

22 And now I go to 24148. I see the same
23 exhibits. Are there any objections to the exhibits in
24 this case? Not hearing any, these exhibits are
25 admitted into evidence?

1 Ms. Thompson?

2 (24148 Exhibit 1 through Exhibit 6 were
3 marked for identification and received
4 into evidence.)

5 MS. THOMPSON: No questions.

6 THE HEARING EXAMINER: And finally,
7 case 24149. I see the same exhibits in two separate
8 filings.

9 Are there any objections to admitting
10 these into evidence? Not hearing any, they're
11 admitted into evidence.

12 (24149 Exhibit 1 through Exhibit 6 were
13 marked for identification and received
14 into evidence.)

15 Ms. Thompson?

16 MS. THOMPSON: No questions.

17 THE HEARING EXAMINER: And we'll take
18 that case under advisement. So thank you, Mr. Bruce.

19 MR. BRUCE: Thank you, sir.

20 THE HEARING EXAMINER: We go to
21 Armstrong Energy, 24163. It's number 61 on our
22 docket.

23 MS. MCLEAN: Jackie McLean from Hinkle
24 Shanor on behalf of Armstong Energy Corporation.

25 THE HEARING EXAMINER: Ms. McLean, I

1 don't see anyone else entered in this case. Do you
2 know of any?

3 MS. MCLEAN: I do not know of any.

4 THE HEARING EXAMINER: Please proceed.

5 MS. MCLEAN: Thank you. In case number
6 24163, Armstrong seeks an order pooling all
7 uncommitted interests in the Devonian formation
8 underlying a 40-acre vertical well unit comprised of
9 the southwest quarter, southeast quarter of Section
10 11, Township 11 South, Range 31 East, in Chaves
11 County. The unit will be vertical well, the Rocket
12 Man number 1.

13 And we have submitted the following
14 exhibits in case number 24163. First, a compulsory
15 pooling checklist. Exhibit A, Self-Affirmed Statement
16 of Kevin Klein. And he has been previously admitted
17 as an expert in petroleum land matters.

18 Attached to his Self-Affirmed Statement
19 are copies of the application, proposed notice of
20 hearing, C-102 for the well, plot of tracts, the
21 ownership interests, pooled parties list, a sample
22 well proposal letter, and AFE, as well as a chronology
23 of contact with the interested parties.

24 Exhibit B, Self-Affirmed Statement of
25 Kelsey Garner. Also previously testified before the

1 Division. Included with Exhibit B are a location map,
2 subsea structure map, and a structural cross section.

3 Finally, Exhibit C is a notice
4 testimony which sets out when notice was sent to
5 interested parties, copies of certified mail,
6 receipts, and returns, and affidavit of publication
7 for February 7, 2024.

8 And I ask that Exhibits A, B, and C and
9 their subparts be admitted into the record in case
10 number 24163, and that the case be taken under
11 advisement.

12 THE HEARING EXAMINER: Are there any
13 objections? Not hearing any, these exhibits are
14 admitted into evidence.

15 (24163 Exhibit A, Exhibit B, and
16 Exhibit C were marked for
17 identification and received into
18 evidence.)

19 Ms. Thompson?

20 MS. THOMPSON: I do have a question.

21 MS. MCLEAN: Okay.

22 THE HEARING EXAMINER: Is it for one of
23 the witnesses?

24 MS. THOMPSON: Yes. I think it's
25 for --

1 THE HEARING EXAMINER: Ms. McLean?

2 MS. THOMPSON: Ms. McLean. Yes. This
3 is a -- is this a Wildcat well?

4 MS. MCLEAN: Yes. It is. It's in the
5 Wildcat -- let me -- hold on one second. Wildcat
6 Devonian Pool. So there's no, you know, pool code.

7 MS. THOMPSON: Right. And what
8 formation are you drilling down to?

9 MS. MCLEAN: Devonian.

10 MS. THOMPSON: Devonian. That's all
11 the questions I have. Okay. I don't have any other
12 questions.

13 THE HEARING EXAMINER: Okay. Ms.
14 McLean, we'll take this case under advisement.

15 MS. MCLEAN: Thank you.

16 THE HEARING EXAMINER: I'm calling
17 Mewbourne Oil, case number 24189 and 24190. They are
18 docket number 62 and 63. Mr. Bruce?

19 MR. BRUCE: Mr. Examiner, Jim Bruce
20 representing Mewbourne. I am submitting my affidavit.

21 THE HEARING EXAMINER: And, Mr. Bruce,
22 do we have a party represent EOG with us?

23 MR. BRUCE: Ms. Kessler was here. I
24 spoke to her. She said she was heading back to the
25 office and hoped to tune in via --

1 THE HEARING EXAMINER: Okay. Ms.
2 Kessler, are you online?

3 Mr. Bruce, was there any objection from
4 Ms. Kessler?

5 MR. BRUCE: No. As a matter of fact,
6 she told me this morning that they have no objection.
7 They have a small interest and they're just reserving
8 their rights.

9 THE HEARING EXAMINER: Okay. Please
10 proceed.

11 MR. BRUCE: Mr. Examiner, these cases
12 were presented -- I can't even remember now -- for the
13 most part, two to two and a half months ago. They
14 were continued primarily because of some notice
15 issues. Mr. McClure raised issues. But let me go
16 through. I've -- there were a copy other exhibit
17 packages. Those can be ignored. These exhibit
18 packages are comprehensive for everything.

19 If you'll notice I -- right behind the
20 cover sheet, I have a notice of filing these revised
21 exhibit packages. Revised Exhibit 1 using the new
22 pooling checklist. In the prior case, I had used the
23 old pooling one.

24 Exhibit 2, it was changed -- the
25 landman's affidavit was changed only with respect to

1 noticing that this -- the two sections of land
2 involved are in the city of Albuquerque and so title
3 is very difficult. You get into those small interests
4 and it's pretty -- pretty hard to unwind.

5 Then when you head through -- and
6 there's a couple other things that I will point --
7 point out when I get there. But as I said, Exhibit 1,
8 the pooling -- the new pooling checklist. Exhibit 2,
9 the landman's affidavit containing the usual
10 information. One thing I would point -- Exhibit 2-A
11 is the C-102. That's page 10 of Part 2 of the
12 exhibits.

13 The Division itself approved the
14 AFEs -- excuse me -- the APDs for this well. And the
15 wells, the C-102 stated they were in the -- at Bone
16 Spring. Mr. McClure said that was inaccurate. It's
17 in the Esperanza Bone Spring, so I changed them.
18 That's the only change in there.

19 The big thing Mr. McClure got me on was
20 if you look at the page -- he's really good at doing
21 that by the way. Pages 12 through 15 of the land
22 exhibits, page 12 is a spreadsheet showing all of the
23 interest owners in these two sections broken down by
24 tract and then overall ownership in these two
25 sections, although the land involved in the first case

1 is simply the south half north half of Section 8 and
2 the south half north half of Section 9 of 22, 27.
3 This is all parties.

4 Page 13 is a list of parties being
5 pooled. There is about a little over 26 percent of
6 the interest ownership being pooled. Most of them are
7 small interest owners, except for OXY USA, WTP. They
8 have a 21 percent interest, but they're not doing
9 anything because their interest is in a litigation at
10 this point.

11 But Mr. McClure was upset because my
12 original pages 13 through 15 did not quite agree with
13 page 12. And now, everything melds together. Plus it
14 contains the proposal letters. Some were sent out
15 early last year; some sent out late last year.
16 Proposing wells, the AFE is attached. AFE stated to
17 be fair and reasonable.

18 Exhibit 3 is a Self-Affirmed Statement
19 of Tyler Hill, a geologist for Mewbourne, who has
20 testified many times here as an expert petroleum
21 geologist. His subexhibits are area map, a structure
22 map, and a cross section.

23 THE HEARING EXAMINER: Mr. Bruce, since
24 we admitted your exhibits back in March -- I think it
25 was March 7 that we had the hearing, all I need you to

1 do is hit the highlights of what's different. What's
2 been added or what's been changed.

3 MR. BRUCE: Okay.

4 THE HEARING EXAMINER: You had to go
5 through all of these before.

6 MR. BRUCE: None of the geologist's
7 exhibits were changed.

8 THE HEARING EXAMINER: I thought so.
9 And before you continue, we have Ms. Kessler now.
10 She's here.

11 Ms. Kessler, I called these two cases.
12 You were out of the room when I called them. Are
13 there any objections to proceeding by affidavit in
14 Mewbourne's case numbers 24189 and 24190?

15 MS. KESSLER: Thank you, Mr. Examiner.
16 Jordan Kessler on behalf of EOG. Mr. Bruce and I had
17 conferred prior. EOG does not have any objections to
18 this case. Thank you.

19 THE HEARING EXAMINER: Thank you. And
20 have you reviewed the exhibits?

21 MS. KESSLER: We have.

22 THE HEARING EXAMINER: You have. Good.
23 Are there any objections to admitting the revised and
24 amended packet into evidence?

25 MS. KESSLER: None, Mr. Examiner.

1 THE HEARING EXAMINER: Excellent.

2 Thank you.

3 MR. BRUCE: And then if you go to Part
4 2 of the exhibit list, the third revised exhibit list,
5 there is the affidavit of mailing. Based on the
6 difficult title, I decided to send an entirely new
7 notice letter out. And that is marked Exhibit 4-A.

8 And so the certified notice spreadsheet
9 is different also. And I did an entirely new
10 affidavit of publication which was timely published.
11 And then Exhibit 6 is the application and proposed --
12 proposed notice.

13 But, with that, that's the exhibit
14 package for case 24189. And I'd ask that Exhibits 1
15 through 6 plus subparts be admitted into the evidence
16 and the matter be taken under advisement.

17 THE HEARING EXAMINER: Thank you, Mr.
18 Bruce.

19 Are there any objections? Not hearing
20 any, the Exhibit List Third Revised and Final, Parts 1
21 and 2, 1 through 6 are admitted into evidence.

22 (24189 Exhibit 1 through Exhibit 6 were
23 marked for identification and received
24 into evidence.)

25 Ms. Thompson?

1 MS. THOMPSON: No questions.

2 THE HEARING EXAMINER: Thank you. We
3 will take case 24189 under advisement, Mr. Bruce. Let
4 me go to your other case.

5 MR. BRUCE: The only different here is
6 that the north half south half of 8 and north half
7 south half of 9, 22 South, and 27 East, are being
8 pooled. All the other information is essentially the
9 same.

10 THE HEARING EXAMINER: Thank you, Mr.
11 Bruce. I have the Third Revised Final Exhibit List 1
12 through 3 in one document and I have Third Revised
13 Final Exhibit, Part 2, 4 through 6.

14 Any objections? Not hearing any, these
15 exhibits are admitted into evidence.

16 (24190 Exhibit 1 through Exhibit 6 were
17 marked for identification and received
18 into evidence.)

19 Ms. Thompson?

20 MS. THOMPSON: No questions.

21 THE HEARING EXAMINER: Mr. Bruce, these
22 two cases are taken under advisement.

23 MR. BRUCE: Thank you.

24 THE HEARING EXAMINER: Does that
25 conclude your business today, Mr. Bruce?

1 MR. BRUCE: Yes, sir.

2 THE HEARING EXAMINER: Okay. It looks
3 like we're calling Flat Creek Resources, 24389, 91,
4 92, 93. There were scheduled originally for a hearing
5 by affidavit. It looks like they are now scheduled
6 for a status conference. Entries of appearance,
7 please?

8 MS. SHAHEEN: Sharon Shaheen on behalf
9 of Flat Creek Resources.

10 MR. SAVAGE: Darin Savage on behalf of
11 Cimarex Energy Company.

12 MR. RODRIGUEZ: Good afternoon.
13 Michael Rodriguez with Civitas Permian Operating.

14 THE HEARING EXAMINER: Okay. I have
15 three entries of appearance. Is that all, Ms.
16 Shaheen?

17 MS. SHAHEEN: I'm not aware of anyone
18 else.

19 THE HEARING EXAMINER: Okay. Very
20 good. So, Ms. Shaheen, why have these been -- why did
21 we convert these to status conferences?

22 MS. SHAHEEN: I believe it's because
23 Civitas and Coterra or Cimarex had objections to them
24 going forward by affidavit. The parties have been
25 conferring, however, and I believe we've reached an

1 agreement on how to resolve their issues. However,
2 it's going to require Flat Creek to refile its
3 application.

4 So what we propose to do is to set this
5 case for hearing by affidavit on August 8th. I
6 believe that's the first August docket date. And that
7 would give us time to refile. And assuming that there
8 are no additional objections or protests filed between
9 now and then, we would go forward by affidavit on that
10 date.

11 THE HEARING EXAMINER: All right. Ms.
12 Shaheen, before I go to the other parties, you'll also
13 be submitting motions to dismiss these four cases?

14 MS. SHAHEEN: Yes.

15 THE HEARING EXAMINER: Okay.
16 Mr. Savage?

17 MR. SAVAGE: Yes. Mr. Hearing
18 Examiner, we -- Cimarex did not object, but we did an
19 entry of appearance and we were under the
20 understanding that today was a status conference. So
21 you know, we appreciate being able to continue this to
22 August 8th, and we have no objection to that.

23 THE HEARING EXAMINER: Thank you.
24 Mr. Rodriguez, did you file an
25 objection?

1 MR. RODRIGUEZ: No. Just an entry of
2 appearance, but I also agree with Ms. Shaheen's
3 proposal moving forward on August 8th.

4 THE HEARING EXAMINER: Thank you, Mr.
5 Rodriguez.

6 Ms. Shaneen, where did the objection
7 come from?

8 MS. SHAHEEN: It was my understanding
9 from having conferred -- and the client's
10 understanding from having conferred with Civitas and
11 Coterra that they objected to this going forward by
12 affidavit. And I apologize if it was on us to request
13 a scheduling conference. I mistakenly assumed that an
14 objection had been filed by the other party.

15 THE HEARING EXAMINER: I see. Okay.
16 No problem. So you're going to dismiss these four
17 cases. You're going to refile them so that they can
18 get on in time for the August 8th docket, and you want
19 them set for hearing by affidavit at that time?

20 MS. SHAHEEN: Yes. And we will request
21 that date when we file the application.

22 THE HEARING EXAMINER: Perfect.
23 Because I don't know if you were part of the
24 discussion earlier where parties will now have the
25 ability to file into two dockets each month.

1 MS. SHAHEEN: I did hear that
2 discussion, but I had conferred with my client prior
3 to that discussion, and he's good with August 8th,
4 so --

5 THE HEARING EXAMINER: Okay.

6 MS. SHAHEEN: Yeah. If we change our
7 mind between now and the time that we file the
8 application, it's possible we could request August
9 25th, whatever the second August date is, but right
10 now we're shooting for August 8th.

11 THE HEARING EXAMINER: Perfect. Thank
12 you, Ms. Shaheen. Anything further?

13 MS. SHAHEEN: Not from me. Thank you.

14 THE HEARING EXAMINER: Mr. Savage?

15 MR. SAVAGE: Thank you.

16 THE HEARING EXAMINER: Mr. Rodriguez?

17 MR. RODRIGUEZ: Thank you.

18 THE HEARING EXAMINER: Okay. Thank
19 you. We're off the record in these cases.

20 I'm now calling numbers -- well, it
21 looks like they're individual. 24489, BTA Oil
22 Producers.

23 MS. MCLEAN: Yes. Jackie McLean with
24 Hinkle Shanor on behalf of BTA. And I was hoping to
25 present case numbers 24489 and 24490 together.

1 THE HEARING EXAMINER: Okay. But
2 not -- wait. 89 and 90, but not 88?

3 MS. MCLEAN: Yeah. 88 is a separate
4 well family.

5 THE HEARING EXAMINER: Okay. So then
6 I'll also call 24490.

7 MS. MCLEAN: Yes.

8 THE HEARING EXAMINER: Okay. And
9 you've already entered an appearance. Okay. Please
10 proceed.

11 MS. MCLEAN: Thank you, Mr. Examiner.
12 In case number 24489, BTA is seeking an order pooling
13 any uncommitted interests in the Pennsylvanian Shale
14 formation underlying a 279.37-acre, more or less,
15 standard horizontal spacing unit comprised of the west
16 half west half of Section 34, Township 16 South, Range
17 36 East, and Lot 4 Southwest quarter, Northwest
18 quarter, and Northwest quarter, Southwest quarter of
19 irregular section 3, Township 17 South, Range 36 East,
20 in Lea County, New Mexico. And that unit will be
21 dedicated to the Capitan 22301, 34-3 State Com Number
22 13H well.

23 And in case number 24490, seeks an
24 order pooling all uncommitted interests, again, in the
25 Pennsylvanian Shale formation underlying a 319.42-

1 acre, more or less, standard horizontal spacing unit
2 comprised of the East half West half of Section 34,
3 Township 16 South, Range 36 East, and Lot 3, Southeast
4 quarter, northwest quarter, and East half Southwest
5 quarter of Section 3, Township 17 South, Range 36 East
6 in Lea County. And that unit will be dedicated to the
7 Capitan 22301 34-3 State Com Number 14H well.

8 The exhibit packet submitted to the
9 Division in case numbers 24489 and 24490 contain the
10 compulsory pooling checklist. Exhibit A, the Self-
11 Affirmed Statement of Adams Davenport. And Mr.
12 Davenport has previously testified as an expert in
13 petroleum land matters.

14 Attached to his Self-Affirmed Statement
15 is a copy of the application and proposed notice of
16 hearing, C-102s for the wells, a plot of tracts, list
17 of parties to be pooled, sample well proposal letters,
18 and AFEs, and a chronology of contact with the
19 interest owners.

20 Exhibit B, the Self-Affirmed Statement
21 of David Childers. He has also previously testified
22 before the Division as an expert in petroleum geology
23 matters. And attached to Mr. Childers statement is a
24 project location map, subsea structure map,
25 stratigraphic cross section, and a gross isopach map.

1 And finally, Exhibit C, notice
2 testimony sets out when notice was sent to the
3 interested parties, copies of the certified mail
4 receipts and returns, and an affidavit of publication
5 for May 10, 2024.

6 And I ask that Exhibits A, B, and C and
7 all subexhibits be admitted into the record in case
8 numbers 24489 and 24490.

9 THE HEARING EXAMINER: Okay. Are there
10 any objections? Not hearing any, Exhibits A, B, and C
11 in case numbers 24489 and 24490 are admitted into
12 evidence.

13 (24489 Exhibit A, Exhibit B, and
14 Exhibit C were marked for
15 identification and received into
16 evidence.)

17 (24490 Exhibit A, Exhibit B, and
18 Exhibit C were marked for
19 identification and received into
20 evidence.)

21 Ms. Thompson?

22 MS. THOMPSON: No questions.

23 MS. MCLEAN: Thank you.

24 THE HEARING EXAMINER: These cases are
25 taken under advisement. Thank you, Ms. McLean.

1 MS. MCLEAN: Thank you.

2 THE HEARING EXAMINER: I'm now calling
3 24488.

4 MS. MCLEAN: Thank you, Mr. Examiner.
5 Jackie McLean again on behalf of BTA Oil Producers.

6 THE HEARING EXAMINER: Please proceed.

7 MS. MCLEAN: Thank you. In case number
8 24488, pooling all uncommitted interests in the Bone
9 Spring formation underlying a 640-acre, more or less,
10 non-standard horizontal spacing unit comprised of the
11 West half of Sections 26 and 23, Township 20 South,
12 Range 35 East, in Lea County, New Mexico.

13 And the dedicated to the Lost Mine
14 22302 26-23 Fed Com 5H, 6H, and 8H wells. BTA is also
15 requesting approval of a non-standard spacing unit
16 with this application which will allow it to
17 consolidate surface facilities and will present
18 surface, environmental, and economic waste.

19 The exhibit packet submitted to the
20 Division in case number 24488 contains the compulsory
21 pooling checklist. Exhibit A, the Self-Affirmed
22 Statement of Adams Davenport. And all the same
23 accompanying land exhibits.

24 Exhibit B, the Self-Affirmed Statement
25 of Darin Dolezal. He has previously testified before

1 the Division as an expert in petroleum geology
2 matters. And attached to his Self-Affirmed Statement
3 are the same standard geology exhibits.

4 And then, finally, Exhibit C, notice
5 testimony. And we timely sent out notice to all the
6 interested parties as well as the parties offsetting
7 the nonstandard spacing unit as required by the rule.
8 We've included copies of the certified mail receipts
9 and returns, and an affidavit of publication for May
10 14, 2024.

11 And with that, I ask that Exhibits A,
12 B, and C and all subexhibits be admitted into the
13 record in case numbers 24488.

14 THE HEARING EXAMINER: Are there any
15 objections? The Exhibits A, B, and C, and subparts
16 are admitted into evidence?

17 (24488 Exhibit A, Exhibit B, and
18 Exhibit C were marked for
19 identification and received into
20 evidence.)

21 Ms. Thompson?

22 MS. THOMPSON: No questions.

23 THE HEARING EXAMINER: I take it under
24 advisement. Thank you, Ms. McLean.

25 MS. MCLEAN: Thank you.

1 THE HEARING EXAMINER: I'm now moving
2 onto case number 71, Lario Oil and Gas, 24493.

3 MR. LAWYER: Yes, sir. Mr. Hearing
4 Examiner, this is Christopher Lawyer with Kearney,
5 McWilliams, and Davis out of San Antonio on behalf of
6 Lario Oil and Gas Company.

7 THE HEARING EXAMINER: Good afternoon,
8 sir.

9 MR. LAWYER: Good afternoon.

10 THE HEARING EXAMINER: Were the
11 objections withdrawn?

12 MR. LAWYER: Yes. Yes, sir. I believe
13 they were. And it was conditioned upon agreement
14 reached by Lario and XTO that XTO's working interest
15 is not going to be considered a pooled interest in
16 this unit.

17 THE HEARING EXAMINER: Okay. And do we
18 have someone from Holland and Hart representing?

19 MR. FELDEWERT: Yes. Michael Feldewert
20 with the Santa Fe office of Holland and Hart. And
21 with Mr. Lawyer's representation, we do not object to
22 the matter proceeding forward.

23 Now, I do know, Mr. Lawyer, that your
24 refiled exhibits still indicate that XTO is a pooled
25 party, but you're saying on the record that that is no

1 longer the case?

2 MR. LAWYER: That is correct. There
3 are no pooled working interest owners in this unit.

4 MR. FELDEWERT: Okay. Thank you.

5 MR. LAWYER: Thank you.

6 THE HEARING EXAMINER: Thank you, Mr.
7 Feldewert. Okay.

8 Before we start, Mr. Lawyer?

9 MR. LAWYER: Yes, sir.

10 THE HEARING EXAMINER: Do you have your
11 witnesses available for questions from the technical
12 examiner?

13 MR. LAWYER: We do have Mr. Dakota
14 Nahm. He's the landman for Lario. And we've been
15 reaching out to Mr. Clemons, our geologist, but I know
16 he's traveling, and we have not been able to get in
17 contact with him, but he has provided a CV. So this
18 point, we just have Mr. Dakota Nahm, Lario's landman.

19 THE HEARING EXAMINER: Okay. Well, why
20 don't we take a look at your submission in 24493. Do
21 you want to briefly run through your exhibits so that
22 we can get them admitted into evidence?

23 MR. LAWYER: Yes, sir. This is an
24 application to approve a 960-acre nonstandard Bone
25 Spring horizontal spacing unit comprised of the south

1 half of Section 12 and all of Section 13 in Township
2 18 South, Range 34 East, Lea County, New Mexico. And
3 also seeking pooling of all uncommitted mineral
4 interests in the unit.

5 The proposed Bone Spring will be
6 committed to eight wells being the Close Encounters
7 State Com 101H through 104H wells. And the Close
8 Encounters State Com 301H through 304H wells.

9 We had submitted a revised exhibit
10 packet. I believe it was on the 11th. It should be
11 comprised of 138 pages. That's the exhibit packet
12 that I'm looking at and will be referring to as part
13 of the page numbers.

14 THE HEARING EXAMINER: Give me one
15 moment, Mr. Lawyer. I see a pre-hearing statement
16 filed on the 10th. I don't know what day you actually
17 filed it. Let me look at your certification at the
18 bottom in case we're a little bit late. It looks like
19 it says the 10th, so that is the correct date. That's
20 three days before this hearing. Did you know that
21 that was not a timely filing?

22 MR. LAWYER: I was aware of that. We
23 actually, I think, filed an original exhibit packet on
24 the 7th. I understand that's still not timely. And
25 then I think that was one replaced by the exhibit

1 packet I filed on the 10th. And then we submitted a
2 revised packet on the 11th.

3 My apologies to the Division for these
4 filings not being timely. I was made aware of it late
5 last week and we filed our exhibit packet as soon as
6 possible.

7 THE HEARING EXAMINER: Give me a
8 second. Let me see what my authority is to waive the
9 rule, because the rule is very specific about when a
10 pre-hearing statement has to be filed before a
11 hearing. So give me one second.

12 MR. LAWYER: Yes, sir.

13 THE HEARING EXAMINER: Mr. Lawyer,
14 19.15.4.13 NMAC discusses pre-hearing statements. It
15 sets out the timeline in subsection B. "A party to an
16 adjudicatory proceeding who intends to present
17 evidence at the hearing shall file a pre-hearing
18 statement, and serve copies on other parties or, for
19 parties that are represented, their attorneys in the
20 manner Subsection A at least four business days in
21 advance of a scheduled hearing before the division or
22 the commission, but in no event later than 5:00 p.m.
23 mountain time, on the Thursday preceding the scheduled
24 hearing date."

25 And then it has the contents. And the

1 Thursday before would have been the 6th, and your
2 submission came in on the 10th, which is Monday. Can
3 you point to some authority under the rule that allows
4 me to waive that timeline?

5 MR. LAWYER: I don't have that right
6 now. But let's see. No. I do not have that
7 information that would allow you to waive that right
8 now before me.

9 THE HEARING EXAMINER: Mr. Feldewert,
10 you're a party in this case. You represent a party in
11 this case. Do you have an opinion about whether I can
12 waive that timeline or not?

13 MR. FELDEWERT: Do I have to give an
14 opinion?

15 THE HEARING EXAMINER: I couldn't force
16 you if I wanted to, so --

17 MR. FELDEWERT: I can say this. You
18 correctly read the rule. And I don't know of any
19 other applicable provision.

20 THE HEARING EXAMINER: Sounds like a
21 lot of my law school professors. Thank you, Mr.
22 Feldewert.

23 The rule says "shall." It says that I
24 have the -- let me look at my leeway.

25 Under the Rule 19.15.4.19 NMAC, The

1 Division Examiner's Power and Authority. "The
2 division examiner to whom the director refers a matter
3 shall have full authority to hold hearings on such
4 matter in accordance with" this rule, "subject only to
5 such limitations as the director may order in a
6 particular case. The division examiner shall have the
7 power to perform all acts and take all measures
8 necessary and proper for the hearing's efficient and
9 orderly conduct, including administering oaths to
10 witnesses, receiving testimony and exhibits offered in
11 evidence and ruling upon such objections as may be
12 interposed." Et cetera.

13 I think the purpose of the rule that
14 requires you to file a pre-hearing statement is for
15 opposing parties to understand your positions. Let me
16 go back to the contents of the pre-hearing statement.

17 It is to include: the names of the
18 party and the party's attorney; concise statement of
19 the case; names of witnesses the party shall call to
20 testify; approximate time the party will need to
21 present its case; and identification of any procedural
22 matters that are to be resolved.

23 Mr. Lawyer, what are the procedural
24 matters that need to be resolved prior to the hearing;
25 are there any?

1 MR. LAWYER: Not that I'm aware.

2 THE HEARING EXAMINER: Okay. By my
3 reading of this rule, even though it says that you
4 shall do something and you didn't do it, and I would
5 be well within my discretion to require you to
6 continue this case, I don't believe it's necessary in
7 this case.

8 I believe the only other party has
9 demurred. And I believe that the rule requires your
10 putting everyone on notice as to your witnesses and
11 issues, and I don't see that as being a problem here.
12 So I'll waive the time limit for you to proceed by
13 affidavit. So please proceed.

14 MR. LAWYER: I appreciate that, and
15 will definitely go forward with the understanding that
16 it won't be an issue in the future.

17 We have the -- again, the revised
18 exhibit packet which, again, is comprised of 138
19 pages. It includes the compulsory pooling application
20 checklist along with the Self-Affirmed Statement of
21 Mr. Dakota Nahm.

22 Mr. Nahm has not previously testified
23 before the Division, and we would request that the
24 Division accept his qualifications as those of an
25 expert in petroleum land matters.

1 THE HEARING EXAMINER: Do you have a
2 page number for the CV?

3 MR. LAWYER: Page 13 of 138 is Mr.
4 Nahm's --

5 THE HEARING EXAMINER: Sorry. If you
6 said that I wasn't -- if you said that I wasn't
7 listening. Sorry.

8 MR. LAWYER: No. No.

9 THE HEARING EXAMINER: And that's of
10 the revised exhibit list?

11 MR. LAWYER: Yes. It should be page 13
12 of 138.

13 THE HEARING EXAMINER: Let me find it.
14 Hold on. And is your witness available?

15 MR. LAWYER: Yes, sir. He is.

16 MR. NAHM: Yes.

17 THE HEARING EXAMINER: Okay. Let's --
18 okay. Would you state and spell your name, please?

19 MR. NAHM: Yeah. It's Dakota,
20 D-A-K-O-T-A. Last name is Nahm, N-A-H-M.

21 THE HEARING EXAMINER: We're going to
22 get you sworn in.

23 MR. NAHM: Yes.

24 THE REPORTER: Mr. Nahm, please raise
25 your right hand.

1 WHEREUPON,

2 DAKOTA NAHM,

3 called as a witness and having been first duly sworn
4 to tell the truth, the whole truth, and nothing but
5 the truth, was examined and testified as follows:

6 THE HEARING EXAMINER: Couple
7 questions, Mr. Nahm. You're seeking to be admitted as
8 an expert as a petroleum landman; is that right?

9 MR. NAHM: Yes.

10 THE HEARING EXAMINER: Okay. And what
11 is your education?

12 MR. NAHM: I got a bachelor's degree in
13 sports industries and a minor in management at
14 Metropolitan University of Denver.

15 THE HEARING EXAMINER: And your work
16 experience?

17 MR. NAHM: I've been working in the oil
18 and gas land aspect for 14 years. I've worked for a
19 couple different brokerages. Started my own
20 brokerage. And also started working for Lario in 2021
21 as an in-house landman.

22 THE HEARING EXAMINER: And what are
23 your duties?

24 MR. NAHM: My duties. I'm negotiating
25 agreements, leading trades, title, executing curative,

1 drafting contracts, reviewing APDs, getting drilling
2 units put together on trades. I've been doing that
3 for the last three -- three years.

4 THE HEARING EXAMINER: Okay. Mr.
5 Lawyer, Mr. Nahm is accepted as an expert as a
6 petroleum landman before the Division. Please
7 proceed.

8 MR. LAWYER: Thank you. Attached to
9 his Self-Affirmed Statement is the application and
10 proposed notice of hearing. And this is in Exhibit A.
11 The C-102, depiction of tracts, tract ownership, and
12 the applicable lease numbers affected.

13 Placement of proposed surface
14 facilities, maps depicting nonstandard spacing unit in
15 relation to a standard spacing unit. Our sample well
16 proposal letter and AFEs sent to the working interest
17 owners. And a summary of chronology of contact with
18 XTO in this matter.

19 Next, Exhibit B. And I apologize. It
20 looks like the index has inverted Exhibit C and
21 Exhibit B, but the next exhibit is Exhibit B. It's
22 the Self-Affirmed Statement of our geologist, Mr.
23 Kristopher Clemons.

24 Again, Mr. Clemons has also not
25 previously testified before the Division and despite

1 our best efforts, we've not been able to get a hold of
2 him. And I do not see that he is available at this
3 hearing this afternoon.

4 THE HEARING EXAMINER: Mr. Lawyer, give
5 me a minute. What page is his CV on?

6 MR. LAWYER: His CV is on page 45 of
7 138.

8 THE HEARING EXAMINER: Give me a minute
9 to review it.

10 MR. LAWYER: Yes, sir.

11 THE HEARING EXAMINER: And you're
12 seeking to have him admitted as an expert in what
13 field?

14 MR. LAWYER: In petroleum geology.

15 THE HEARING EXAMINER: Mr. Lawyer,
16 we'll accept your expert in the field of petroleum
17 geology before the Division.

18 MR. LAWYER: Thank you. And attached
19 to his statement affidavit are a location map of the
20 proposed horizontal spacing unit, subsea structure
21 maps for the Third Bone and the First Bone Spring
22 Sand, gun-barrel diagram, and a type log.

23 Our next exhibit is from Lario's
24 engineer, Mr. Christopher Buscemi. I did not request
25 his presence here. It was my understanding that in an

1 opposed application such as this the statement of the
2 engineer was not required.

3 But we had the information and to
4 provide the Division with as much information as
5 possible we have gone ahead and included not only his
6 affidavit but some facilities comparison maps,
7 facility comparison costs, and also Mr. Buscemi's
8 resume.

9 UNIDENTIFIED SPEAKER: Chris Buscemi is
10 on here.

11 MR. LAWYER: Oh, he is here. Okay. As
12 I said, I don't -- I do not believe he's testified
13 before the Division. We can go ahead and request that
14 he be admitted as an expert in engineering as he is
15 with us here today.

16 THE HEARING EXAMINER: Thank you. Give
17 me one moment. Okay. Would you put him on the
18 camera?

19 I see you, sir. Would you state and
20 spell your name for the record, please?

21 MR. BUSCEMI: Christopher Buscemi.
22 C-H-R-I-S-T-O-P-H-E-R B-U-S-C-E-M-I.

23 THE HEARING EXAMINER: Mr. Cogswell?

24 THE REPORTER: Please raise your right
25 hand.

1 WHEREUPON,

2 CHRISTOPHER BUSCEMI,

3 called as a witness and having been first duly sworn
4 to tell the truth, the whole truth, and nothing but
5 the truth, was examined and testified as follows:

6 THE HEARING EXAMINER: Mr. Buscemi, you
7 would like to be qualified as an expert as a petroleum
8 engineer or just an engineer?

9 MR. BUSCEMI: Petroleum engineer.

10 THE HEARING EXAMINER: Okay. And your
11 resume is a little -- it's not very descriptive. So
12 would you explain what education you have toward that
13 expertise?

14 MR. BUSCEMI: Sure. Yes. I have a
15 degree in mechanical engineering from University of
16 Florida, 2010. Worked for several upstream production
17 companies over 14 years, Exxon Mobile, QEP Resources,
18 Four Corners. Started at Lario about a year ago.
19 Variety of engineering roles, mostly on the upstream
20 development side and unconventional.

21 THE HEARING EXAMINER: Okay. It's
22 still a little -- it's still a little bit -- I would
23 like a little bit more. So what sort of work did you
24 do when it came to upstream engineering?

25 MR. BUSCEMI: Okay. Everything from

1 well surveillance, identifying workovers, well
2 planning, determining ideal well spacing, completion
3 design, putting units together, unit development
4 planning, more technical things on different reservoir
5 studies for maximal frac -- frac dimensions and
6 ultimate recovery. And you know, I've worked
7 unconventional and conventional fields across these
8 different companies kind of managing all aspects of
9 the upstream reservoir engineering aspect of -- of the
10 assets.

11 THE HEARING EXAMINER: Thank you.

12 Mr. Lawyer, what -- is there an opinion
13 submitted by Mr. Buscemi in this case?

14 MR. LAWYER: I don't believe there's an
15 opinion. There just some facilities comparison maps
16 and costs attached to his affidavit.

17 THE HEARING EXAMINER: Okay. Okay.
18 And these are based on his expertise as an engineer --
19 petroleum engineer?

20 MR. LAWYER: Yes, sir.

21 THE HEARING EXAMINER: Okay. All
22 right. Mr. Buscemi, you are admitted as an expert in
23 petroleum engineering before the Division.

24 Mr. Lawyer?

25 MR. LAWYER: Lastly, we have Exhibit D,

1 which is the affirmation of notice which includes the
2 notice of application and hearing, the certified
3 mailing and return receipts, and lastly, it looks like
4 it's a copy of the legal notice posted in the Hobbs
5 News-Sun newspaper.

6 I did not see the affidavit, but I do
7 have a copy of the affidavit of publication from
8 Daniel Russell, the publisher of the Hobbs News-Sun
9 newspaper, and it looks like it was run from May 22,
10 2024, through June 12, 2024. And with the Division's
11 permission, we can amend our exhibit packet to include
12 this affidavit of publication.

13 THE HEARING EXAMINER: The way we do it
14 here, Mr. Lawyer, is that when you need to amend to
15 fix a problem in your original filing, you refile the
16 entire document with a cover letter, and you include
17 your additional documents.

18 MR. LAWYER: Okay.

19 THE HEARING EXAMINER: That way we have
20 one complete submission as opposed to an original
21 submission and then parts and bits and pieces after
22 that.

23 MR. LAWYER: Right. Yes, sir. We
24 could -- we could refile the exhibits package with the
25 cover letter to include the affidavits so we'd have

1 the one complete exhibit package.

2 THE HEARING EXAMINER: Okay. And when
3 can you do that by?

4 MR. LAWYER: I think we can do it by
5 the end of the day tomorrow, if that works.

6 THE HEARING EXAMINER: Tomorrow is
7 fine. So we'll keep this hearing record open until
8 the close of business on June 14. So let's go ahead
9 and get your exhibits entered into evidence.

10 We have -- so this is the document -- I
11 guess this is a revision -- this is a supplemental
12 packet. There's an original packet and then there's a
13 supplemental packet. So this will be the second
14 amended packet that you submit by the close of
15 business tomorrow.

16 MR. LAWYER: Yes, sir.

17 THE HEARING EXAMINER: Okay. Please
18 label it as such because we're going to get confused
19 with all these packets.

20 We have exhibits -- and I think you
21 have a compulsory pooling application checklist. I
22 think you have Exhibits C, 1 through 3, but then it
23 looks like you have -- do you want to just go over
24 which exhibits you're asking me to admit, because I'm
25 a little confused by your --

1 MR. LAWYER: Yeah. It would be in a --
2 as I said, it looks like Exhibit C and B were flipped.
3 So it's Exhibit A and all its subparts, A-1 through A-
4 7. And then next, it would be Exhibit B, with B-1
5 through B-4. Exhibit C, C-1 through C-3. And then
6 Exhibit D, D-1 to D-3.

7 THE HEARING EXAMINER: Okay. So this
8 first page -- I guess this first page is talking about
9 what you revised from your original submission?

10 MR. LAWYER: Okay. That's why I'm
11 confused. Okay. All right.

12 Are there any objections to Exhibits A,
13 B, C, and D admitted into evidence? Not hearing any,
14 they are so admitted.

15 (24493 Exhibit A through Exhibit D were
16 marked for identification and received
17 into evidence.)

18 Ms. Thompson, questions?

19 MS. THOMPSON: Yes. Two questions.
20 The pooled parties, you said that XTO was no longer
21 going to be a pooled party?

22 MR. LAWYER: Correct.

23 MS. THOMPSON: Is there a way during
24 your revised exhibit that you could submit a revised
25 pool party checklist excluding XTO from that list?

1 MR. LAWYER: Yes, ma'am.

2 MS. THOMPSON: Also, because this says
3 incorporated and NSP, was notice given to the offset
4 parties -- pool parties?

5 MR. LAWYER: Yes, I believe it was.

6 MR. NAHM: Yes. That exhibit A-5 kind
7 of shows the people that we contacted on the notice
8 list there.

9 MS. THOMPSON: Okay. Going down to
10 more notice questions. The green cards. I see that
11 you have a list of contacts that you sent out cards --
12 or sent out cards too?

13 MR. LAWYER: Yes.

14 MS. THOMPSON: However, looking at the
15 green cards themselves, I am seeing many that are
16 missing signature and/or have a -- like, a void
17 sticker on them. And then along with -- you said you
18 were missing the affidavit?

19 MR. LAWYER: Yes, ma'am. I think we
20 have a -- yes, ma'am. We have a copy of the notice
21 that was published, but I didn't see we included the
22 affidavit of publication which we do have.

23 MS. THOMPSON: You're going to resubmit
24 that with the packet as well?

25 MR. LAWYER: Yes, ma'am.

1 MS. THOMPSON: Okay. I have no other
2 questions.

3 THE HEARING EXAMINER: So can we take
4 this case under advisement and leave the record open
5 until tomorrow for the revised exhibit?

6 MS. THOMPSON: Assuming that the
7 affidavit has been published timely, which I won't be
8 able to see until I -- until it's in the new packet,
9 then, yes.

10 THE HEARING EXAMINER: I think that Mr.
11 Lawyer said that the affidavit was published May --
12 was it 22nd through something?

13 MR. LAWYER: May 22nd through June
14 12th.

15 MS. THOMPSON: Then, yes, that would be
16 okay.

17 THE HEARING EXAMINER: Mr. Lawyer,
18 we'll take --

19 MR. LAWYER: I'm sorry. The sound cut
20 out.

21 THE HEARING EXAMINER: Let me say it
22 again. We'll take this case under advisement with the
23 caveat that you will submit the proper documents by
24 the close of business tomorrow.

25 MR. LAWYER: Yes, sir. I appreciate

1 it.

2 THE HEARING EXAMINER: Okay. Thank
3 you, Mr. Lawyer. Thank you, Mr. Nahm and other
4 witnesses.

5 MR. LAWYER: Thank you.

6 MR. NAHM: Thank you. Thank you.

7 THE HEARING EXAMINER: Yeah. We're off
8 the record in 24493. And we move onto Steward Energy,
9 24496.

10 MS. MCLEAN: Jackie McLean with Hinkle
11 Shanor on behalf of Steward Energy.

12 THE HEARING EXAMINER: Ms. McLean, I
13 don't see any other parties entered on this case.

14 MS. MCLEAN: There are none, Mr.
15 Examiner.

16 THE HEARING EXAMINER: Okay. Please
17 proceed.

18 MS. MCLEAN: Thank you. In case number
19 24496, Steward seeks an order pooling all uncommitted
20 interests within the San Andres formation underlying a
21 320-acre, more or less, standard, overlapping
22 horizontal spacing unit comprised of the west half
23 east half of irregular Sections 11 and 14, Township 13
24 South, Range 38 East, in Lea County.

25 And the unit will be dedicated to the

1 Gale-Fring Federal 3H well. This unit will partially
2 overlap with the spacing unit for the Gale Federal
3 Number 2H well and the Fring Federal Number 2H well.

4 And the exhibits submitted to the
5 Division in this case include a compulsory pooling
6 checklist. Exhibit A, the Self-Affirmed Statement of
7 Taylor Warren. And Mr. Warren has previously
8 testified as an expert in petroleum land matters.

9 Attached to Mr. Warren's testimony are
10 copies of the application and proposed notice of
11 hearing, a C-102 for the well, a plot of tracts,
12 pooled parties list, as well as an overlapping spacing
13 unit map, a sample well proposal letters, an AFE, and
14 a chronology of contact with the pooled parties.

15 Exhibit B is the Self-Affirmed
16 Statement of James Vess. And Mr. Vess has not
17 previously testified before the Division. He has a
18 bachelor's degree in geology and has well over a
19 decade of experience in petroleum geology.

20 Mr. Vess' work history and credentials
21 are set out in detail in his resume, which is attached
22 as Exhibit 1 to his Self-Affirmed Statement. And I'd
23 like to move for Mr. Vess to be qualified by the
24 Division as an expert in petroleum geology. And he is
25 available for questions.

1 THE HEARING EXAMINER: Mr. Vess, would
2 you turn on your camera.

3 MR. VESS: Yes, sir. It is on, Mr.
4 Examiner.

5 THE HEARING EXAMINER: Okay. We're
6 going to find you first. Hold on.

7 MS. MCLEAN: There's Taylor.

8 THE HEARING EXAMINER: Is that --

9 MS. MCLEAN: That's the land witness,
10 Taylor -- Mr. Warren.

11 THE HEARING EXAMINER: We'll find Mr.
12 Vess.

13 MS. MCLEAN: Oh, right there. There's,
14 like, them together sitting in some weird chair. Both
15 of them -- what is that?

16 THE HEARING EXAMINER: There he is.

17 Mr. Vess, would you state and spell
18 your name for the record, please?

19 MR. VESS: Yes, sir. James, J-A-M-E-S,
20 Vess, V as in Victor, E-S-S.

21 THE HEARING EXAMINER: We're going to
22 get you sworn in.

23 THE REPORTER: Mr. Vess, please raise
24 your right hand.

25 //

1 WHEREUPON,

2 JAMES VESS,

3 called as a witness and having been first duly sworn
4 to tell the truth, the whole truth, and nothing but
5 the truth, was examined and testified as follows:

6 THE HEARING EXAMINER: Mr. Vess, what
7 experience do you have that would allow me to qualify
8 you as an expert in petroleum geology?

9 MR. VESS: Yes, sir. So I've had quite
10 a vast experience working these type of reservoirs
11 throughout my career. I have previously testified for
12 the Wyoming Oil and Gas Conservation Commission as
13 well as the North Dakota Industrial Commission for
14 expert witness testimony while I was at Enduro
15 Resource Partners as you can see on my resume on page
16 32 of 48 here. So have -- have quite a bit of
17 experience. Just not done it for New Mexico just yet.

18 THE HEARING EXAMINER: Okay. And would
19 you describe your work experience with Roxo Energy?

20 MR. VESS: Yes, sir. I co-founded that
21 company back in 2015. We took acreage in Howard
22 County for Wolfcamp Spraberry unconventional play.
23 And we also purchased a waterflood not too far away
24 from those assets for Roxo 2. So we worked
25 unconventional resource play as well as a vertical

1 waterflood in the Fusselman in that same area of
2 Howard County basically for Roxo 1 and 2.

3 THE HEARING EXAMINER: Okay. And what
4 is your degree in?

5 MR. VESS: Bachelor's degree in
6 geology, business minor. Played football also at TCU.

7 THE HEARING EXAMINER: Okay. All
8 right. Mr. Vess, you are qualified as an expert in
9 petroleum geology before this Division.

10 Ms. McLean?

11 MS. MCLEAN: Thank you. And attached
12 to Mr. Vess' testimony are a location map of the unit,
13 subsea structure map, and a stratigraphic cross
14 section.

15 Finally, we have Exhibit C, which is
16 the notice testimony. And attached to that are copies
17 of the notice letter sent to the interested parties,
18 copies of certified mail receipts and returns, and an
19 affidavit of publication for May 23, 2024.

20 And I ask that Exhibits A, B, and C be
21 admitted into the record in case number 24496.

22 THE HEARING EXAMINER: Are there any
23 objections? Exhibits A, B, and C are admitted into
24 evidence.

25 //

1 (24496 Exhibit A, Exhibit B, and
2 Exhibit C were marked for
3 identification and received into
4 evidence.)

5 Ms. Thompson?

6 MS. THOMPSON: No questions.

7 THE HEARING EXAMINER: Okay. Striking
8 a hundred today. This is case is taken under
9 advisement, Ms. McLean.

10 MS. MCLEAN: Thank you.

11 THE HEARING EXAMINER: Thank you. All
12 right. Let's move onto 24497, Avant Operating.

13 MS. BENNETT: Good afternoon, everyone.
14 Deana Bennett, Modrall Sperling, on behalf of Avant
15 Operating.

16 THE HEARING EXAMINER: Good afternoon.
17 Are there any other entries of appearance?

18 MR. FELDEWERT: Mr. Examiner, Michael
19 Feldewert, Santa Fe office of Holland and Hart,
20 appearing on behalf of Fasken Oil and Ranch.

21 THE HEARING EXAMINER: Mr. Feldewert,
22 any objection to this case proceeding by affidavit?

23 MR. FELDEWERT: I am looking at page 26
24 of their 102-page PDF and it looks like Fasken has
25 been removed as a pooled party, so we do not object to

1 them proceeding by affidavit.

2 THE HEARING EXAMINER: Thank you. And
3 will there be any objections to any of the exhibits?

4 MR. FELDEWERT: No, sir.

5 THE HEARING EXAMINER: Thank you.

6 Ms. Bennett?

7 MS. BENNETT: Thank you. In this case,
8 Avant is seeking to pool all uncommitted interests in
9 a 640-acre standard Bone Spring spacing unit.

10 And we timely submitted exhibits and
11 they include the compulsory pooling checklist, the
12 affidavit of Tiffany Sarentinos [ph] who's previously
13 testified before the Division, and the supporting
14 exhibits that the Division expects to see.

15 Exhibit B is the Self-Affirmed
16 Statement of John Harper. Mr. Harper is a geologist.
17 He's previously testified before the Division and his
18 credentials have been accepted as a matter of record.
19 And we've included the original suite of geology
20 exhibits behind his application -- I'm sorry --
21 affidavit.

22 And then Exhibit C is a Self-Affirmed
23 Statement from myself where I provide examples of the
24 notice list, the mailing, and the affidavit of
25 publication which was timely published.

1 And with that, I would ask that the
2 exhibits in case 24497 be admitted into the record and
3 the case taken under advisement.

4 THE HEARING EXAMINER: Are there any
5 objections? Not hearing any, your Exhibits A, B, and
6 C are admitted into evidence.

7 (24497 Exhibit A, Exhibit B, and
8 Exhibit C were marked for
9 identification and received into
10 evidence.)

11 Ms. Thompson?

12 MS. THOMPSON: No questions.

13 THE HEARING EXAMINER: Taken under
14 advisement. Thank you.

15 MS. BENNETT: Thank you.

16 THE HEARING EXAMINER: I'm now calling
17 case number 24501. It is number 74 on our docket.
18 Steward Energy.

19 MS. MCLEAN: Jackie McLean on behalf of
20 Steward Energy.

21 THE HEARING EXAMINER: Are there any
22 other parties that you know of?

23 MS. MCLEAN: No, Mr. Examiner.

24 THE HEARING EXAMINER: Okay. Please
25 continue.

1 MS. MCLEAN: Thank you. In case number
2 24501, Steward pooling all uncommitted interests in
3 the San Andres formation underlying a 478.52-acre,
4 non-standard, overlapping horizontal spacing unit
5 comprised of the east half southwest quarter of
6 irregular Section 35, Township 13 South, Range 38
7 East, the east half west half of irregular Section 2,
8 Township 14 South, Range 38 East, and the northeast
9 quarter northwest quarter and Lots 1 through 4 of
10 irregular Section 11, Township 14 South, Range 38
11 East, in Lea County.

12 And this unit will be dedicated to the
13 Broken Bar State 4H well. The unit partially overlaps
14 with the spacing units for the Broken Spoke 2 State
15 Com Number 5 well, the Dog Bar 11 Fee 1H well, and the
16 Dog Bar 11 Fee 2H well.

17 And in this application, Steward also
18 requests approval of a nonstandard spacing unit which
19 will allow it to best produce the underlying reserves
20 due to the irregular section and locations of other
21 wells. The approval of the nonstandard spacing unit
22 is necessary to prevent waste and protects correlate
23 rights.

24 We did file an amended exhibit packet
25 on June 11th after I realized I forgot a page of the

1 exhibits. And that was submitted to the Division with
2 the compulsory pooling checklist.

3 Exhibit A, the Self-Affirmed Statement
4 of Taylor Warren which includes all the typical land
5 exhibits with the addition of an overlapping spacing
6 unit map that has -- and also the nonstandard spacing
7 unit map that shows the list of the offset parties.

8 And then, Exhibit B, Self-Affirmed
9 Statement of James Vess. And attached to his
10 testimony are location maps, subsea structure map, and
11 stratigraphic cross section.

12 And finally, Exhibit C, the notice
13 testimony with the notice letter sent to the
14 interested parties, copies of the certified mail
15 receipts and returns, and an affidavit of publication
16 for May 21, 2024.

17 I've been talking too much. With that,
18 I ask that Exhibits A, B, and C be admitted into the
19 record in case number 24501, and that the case be
20 taken under advisement.

21 THE HEARING EXAMINER: Are there any
22 objections? Not hearing any, Exhibits A, B, and C
23 from your revised amended exhibit packet are admitted
24 into evidence.

25 //

1 (24501 Exhibit A, Exhibit B, and
2 Exhibit C were marked for
3 identification and received into
4 evidence.)

5 Ms. Thompson?

6 MS. THOMPSON: No questions.

7 MS. MCLEAN: Thank you, Ms. Thompson.

8 THE HEARING EXAMINER: Taken under
9 advisement.

10 MS. MCLEAN: Thank you.

11 THE HEARING EXAMINER: Thank you.

12 MS. MCLEAN: I'm still here.

13 THE HEARING EXAMINER: It looks like
14 the next five or six cases are yours.

15 MS. MCLEAN: Yes. Yes.

16 THE HEARING EXAMINER: Okay. Case
17 number 24503, Permian Resources.

18 MS. MCLEAN: That would be me, Jackie
19 McLean, on behalf of Permian Resources. And we would
20 ask that it be consolidated with 24504.

21 THE HEARING EXAMINER: And calling
22 24504. Are there any other entries of appearance that
23 you know of, Ms. McLean?

24 MS. MCLEAN: No, Mr. Examiner.

25 THE HEARING EXAMINER: Okay. Why don't

1 you present them as a packet?

2 MS. MCLEAN: Okay. Perfect. In case
3 numbers 24503 and 24504, these applications are
4 seeking to pool the entire west half of Section 12 and
5 13, Township 21 South, Range 34 East, in Lea County.
6 And the west half west half unit will be dedicated to
7 the Chokeberry 13-12 State Com Number 121H well. And
8 the east half west half unit will be dedicated to the
9 Chokeberry 13-12 State Com Number 122H well.

10 And the exhibits packets submitted to
11 the Division for these cases include the compulsory
12 pooling checklist.

13 Exhibit A, the Self-Affirmed Statement
14 of Mason Maxwell with the typical land exhibits.
15 Nothing interesting here.

16 And then, Exhibit B, Self-Affirmed
17 Statement of Chris Cantin. Again, just typical
18 geology map exhibits attached to his Self-Affirmed
19 Statement. Both Mr. Maxwell and Mr. Cantin have
20 previously testified before the Division.

21 And finally, Exhibit C, notice
22 testimony which includes a copy of the notice letter
23 sent to all interested parties, chart setting out the
24 date the letters were sent, copies of the certified
25 mail receipts and returns, and an affidavit of

1 publication for May 14, 2024.

2 And I now ask that Exhibits A, B, and C
3 and all subexhibits be admitted into record for case
4 numbers 24503 and 24504.

5 THE HEARING EXAMINER: Are there any
6 objections? Not hearing any, I am admitting Exhibits
7 A, B, and C in case number 24503 into evidence.

8 (24503 Exhibit A, Exhibit B, and
9 Exhibit C were marked for
10 identification and received into
11 evidence.)

12 Ms. Thompson?

13 MS. THOMPSON: No questions.

14 THE HEARING EXAMINER: Okay. Now let
15 me turn to 24504. In case 24504, I have Exhibits A,
16 B, and C. Are there any objections? Not hearing any,
17 these exhibits are admitted into evidence.

18 (24504 Exhibit A, Exhibit B, and
19 Exhibit C were marked for
20 identification and received into
21 evidence.)

22 Ms. Thompson?

23 MS. THOMPSON: No questions.

24 THE HEARING EXAMINER: Taken under
25 advisement both.

1 MS. MCLEAN: Thank you.

2 THE HEARING EXAMINER: Now calling
3 24510, 11, 13, and 14.

4 MS. MCLEAN: Yes. Jackie McLean on
5 behalf of Permian Resources.

6 MS. KESSLER: Good afternoon. Jordan
7 Kessler, on behalf of EOG Resources.

8 THE HEARING EXAMINER: And, Ms.
9 Kessler, is there any objection to proceed by
10 affidavit?

11 MS. KESSLER: There's not.

12 THE HEARING EXAMINER: Are there any
13 objections to any of the exhibits?

14 MS. KESSLER: No, sir.

15 THE HEARING EXAMINER: Okay.

16 Ms. McLean?

17 MS. MCLEAN: Thank you. In case
18 numbers 24501 [sic], 24511, 24513, and 24514, Colgate
19 seeks to pool all uncommitted interests in the
20 Wolfcamp formation underlying Sections 17 and 18 --

21 THE HEARING EXAMINER: Colgate?

22 MS. MCLEAN: Yes. So Permian Resources
23 is the parent of Colgate.

24 THE HEARING EXAMINER: Oh, thank you.

25 MS. MCLEAN: In our applications, we've

1 asked for Permian to be designated as the operator.

2 THE HEARING EXAMINER: I understand.

3 Thank you.

4 MS. MCLEAN: And so these applications
5 seek to pool the Wolfcamp formation for the entirety
6 of Sections 17 and 18, Township 20 South, Range 28
7 East, in Eddy County.

8 In case number 23510 [sic], that unit
9 will be dedicated to the Esky 17 Fed Com 201H well.
10 And that's in north half north half of those sections.
11 24511 is the south half north half of the sections,
12 and that would be dedicated to the 202H well.

13 Case number 24513 is the north half
14 south half of Sections 17 and 18, and that unit will
15 be dedicated to the 203H well. And then finally, in
16 24514, that is the south half south half of Sections
17 17 and 18, and that unit will be dedicated to the Esky
18 17 Fed Com 204H well.

19 And the exhibit packets submitted to
20 the Division for these cases are identical. And all
21 include compulsory pooling checklists.

22 We have the Self-Affirmed Statement of
23 Ryan Curry which is Exhibit A. He has previously
24 testified before the Division. And attached to that
25 are just the standard land exhibits.

1 Exhibit B, the Self-Affirmed Statement
2 of Chris Cantin. He has also previously testified
3 before the Division. And attached to his Self-
4 Affirmed Statement are the typical geology exhibits.

5 And then finally, Exhibit C, notice
6 testimony which includes the copy of the notice
7 letter, returns, et cetera, and an affidavit of
8 publication for May 24, 2024.

9 And I ask that Exhibits A, B, and C and
10 all subexhibits be admitted into record in case
11 numbers 24510, 24511, 24513, and 24514.

12 THE HEARING EXAMINER: And, Ms. McLean,
13 are the same expert witnesses submitting affidavits in
14 each of the four cases?

15 MS. MCLEAN: Yes, Mr. Examiner.

16 THE HEARING EXAMINER: All right.

17 Are there any objections? Okay.

18 Your Exhibits A, B, and C are admitted
19 in cases 24510, 24511, 24513, 24514.

20 (24510 Exhibit A, Exhibit B, and
21 Exhibit C were marked for
22 identification and received into
23 evidence.)

24 //

25 //

1 (24511 Exhibit A, Exhibit B, and
2 Exhibit C were marked for
3 identification and received into
4 evidence.)

5 (24513 Exhibit A, Exhibit B, and
6 Exhibit C were marked for
7 identification and received into
8 evidence.)

9 (24514 Exhibit A, Exhibit B, and
10 Exhibit C were marked for
11 identification and received into
12 evidence.)

13 Ms. Thompson?

14 MS. THOMPSON: No questions.

15 THE HEARING EXAMINER: Amazing.

16 MS. MCLEAN: Only got three more to go.

17 THE HEARING EXAMINER: Okay.

18 MS. MCLEAN: We'll see how it goes.

19 THE HEARING EXAMINER: We will take --
20 we will take those cases under advisement.

21 Ms. McLean, you said that you have
22 three more to go?

23 MS. MCLEAN: Well, in this series, and
24 then we're done -- the docket.

25 THE HEARING EXAMINER: I don't see any

1 more with Finkle Shanor on them.

2 MS. MCLEAN: Well, yeah, no. Just,
3 like, for these Esky 77 through 80.

4 THE HEARING EXAMINER: We've done all
5 four.

6 MS. MCLEAN: Oh, did you --

7 THE HEARING EXAMINER: Yes. We did all
8 four.

9 MS. MCLEAN: Oh. Oh, okay. I thought
10 we were going one-by-one.

11 THE HEARING EXAMINER: No.

12 MS. MCLEAN: Okay. Perfect.

13 THE HEARING EXAMINER: Not at this
14 time.

15 MS. MCLEAN: Well, then, I'm done. You
16 can be done with me.

17 THE HEARING EXAMINER: You --

18 MS. MCLEAN: Thank you.

19 THE HEARING EXAMINER: Thank you, Ms.
20 McLean.

21 MS. MCLEAN: Thank you.

22 THE HEARING EXAMINER: I'm now calling
23 number 81 on our docket. This is 24512. Oh, we've
24 already dealt with this case. This case is done.

25 24537 is number 82 on our docket.

1 MS. VANCE: Good afternoon, Mr.
2 Examiner. Paula Vance with the Santa Fe office of
3 Holland and Hart on behalf of the EOG.

4 THE HEARING EXAMINER: And are you
5 consolidating the case with 24538?

6 MS. VANCE: That's correct.

7 THE HEARING EXAMINER: Okay. Very
8 good. Are there any other parties entered on these
9 two cases?

10 MS. VANCE: No.

11 THE HEARING EXAMINER: I didn't think
12 so. Thank you. Okay. Proceed please.

13 MS. VANCE: Thank you. So in case
14 24537, EOG seeks to pool the uncommitted interests in
15 the Lower Bone Spring formation. And I guess, really
16 quick, let me just step back because both of these
17 cases involve the same acreage. They're just
18 different pools in the Bone Spring. So there's an
19 Upper Bone Spring pool and a Lower Bone Spring pool.

20 So case 24537 is the Lower Bone Spring
21 and then 24538 will be the Upper Bone Spring pool.
22 But again, the same exact acreage here, which is --
23 both are 960-acre, more or less, horizontal well
24 spacing unit comprised of the west half of Sections
25 15, 22, and 27, in Township 25 South, Range 34 East,

1 and that's in Lea County, New Mexico.

2 So again, in case 24537, which is the
3 Lower Bone Spring pool, and that pool is Red Hills
4 Lower Bone Spring. The pool code is 51020. EOG seeks
5 to initially dedicate that spacing unit to the
6 Pistolero 15 Fed Com 301H, 307H, 103H, 308H, 505H,
7 506H, and 507H.

8 And I would note as we did in the
9 compulsory pooling checklist that the 506H is the
10 proximity well pooling in those tracts to allow for
11 the enlarged spacing unit.

12 And then in case 24538, that's going to
13 be that Upper Bone Spring pool. And that is the Red
14 Hills Upper Bone Spring Shale, and the pool code is
15 97900. And those initial wells are the Pistolero 15
16 Fed Com 202H and 203H.

17 And I would note, in the checklist, we
18 did -- I did put in the checklist as well as it's
19 noted in the landman statement that an NSP was applied
20 for separately and is pending for that, because there
21 isn't a proximity well in this case.

22 So in both cases in both hearing
23 packets, we have included a copy of the application,
24 the checklist, as well as the self-affirmed statements
25 of landman, Laci Stretcher, and geologist, Terra

1 George. Both of whom have previously testified before
2 the Division and their credentials have been accepted
3 as a matter of record.

4 And then, also included are all of the
5 normal, standard landman and geology exhibits. I
6 won't go through them because we're at the end of the
7 day. Ms. George -- but I will say Ms. George did not
8 observe any faulting pinch-outs or other geological
9 impediments to the horizontal drilling of these wells.

10 And then lastly, we have our notice for
11 both hearing packets, which is my Self-Affirmed
12 Statement as well as a copy of the notice letter that
13 went out and was timely; both mailed timely on May 24,
14 2024. And then -- and there's only one party in these
15 cases that we're pooling, and they did receive notice,
16 but I did throw in the NOP there which was timely
17 published on May 30, 2024.

18 I am going to call myself out on one
19 thing on the checklist for one of the cases, and I
20 will be filing a revised exhibit packet. On the
21 checklist for case 24538, I marked yes that there was
22 an NSP, and it should be on that one -- wait a second.
23 I got to check myself. I know I did something. Hold
24 on one second. Yeah. Yes. Yes.

25 I just wanted to note in there that

1 they filed separately, administratively, and that on
2 the proximity tracts -- there aren't proximity tracts;
3 I put yes. So anyway, I will file a revised hearing
4 packet for that so you have the correct checklist.

5 But other than that, I would ask that
6 all exhibits and subexhibits be admitted into the
7 record, and that these cases be taken under advisement
8 at this time.

9 THE HEARING EXAMINER: Are there any
10 objections? Not hearing any, your exhibits in case
11 number 24537 and 24538 are admitted into evidence.
12 Those are Exhibits A, B, C, and D.

13 (24537 Exhibit A through Exhibit D were
14 marked for identification and received
15 into evidence.)

16 (24538 Exhibit A through Exhibit D were
17 marked for identification and received
18 into evidence.)

19 Ms. Thompson?

20 MS. THOMPSON: No questions.

21 THE HEARING EXAMINER: These cases are
22 taken under advisement. Thank you.

23 And now I'm calling the last two cases
24 of the day, 24539 and 24540.

25 MS. VANCE: Paula Vance with the Santa

1 Fe office of Holland and Hart on behalf of the EOG.

2 THE HEARING EXAMINER: Now, are there
3 any other parties entered on these cases?

4 MS. VANCE: No.

5 THE HEARING EXAMINER: Please proceed.

6 MS. VANCE: Thank you. Again, in this
7 case, it's going to be involving the same overlapping
8 acreage, but one is in the Bone Spring and one is in
9 the Wolfcamp. So the acreage in both of these cases
10 is the west half of Sections 20, 29, and 32, Township
11 22 South, Range 32 East, and that's in Lea County, New
12 Mexico.

13 And then in case 24539, EOG seeks to
14 pool the uncommitted interests in the Bone Spring
15 formation. And that pool is the Bilbrey Basin Bone
16 Spring South, pool code 97366. And I am not going to
17 list out all the wells, because there are 25 of them.
18 And I will go over that as it relates to one of our
19 subexhibits. And again, in this case, EOG applied
20 separately for an NSP administratively.

21 And then in case 24540, that is the
22 Wolfcamp case. So EOG seeks to pool the uncommitted
23 interests in the Wolfcamp. And that pool -- that's a
24 Wildcat. I'm not going to go through all the letters
25 and numbers. But the pool code is 98166 on that.

1 Again, this one involves 11 wells. And
2 EOG did apply separately for an NSP for administrative
3 approval.

4 So in this case, we have provided in
5 both hearing packets a copy of the application as well
6 as the compulsory pooling checklist and the Self-
7 Affirmed Statement of Laci Stretcher, and also
8 geologist, Jake Sleight.

9 Ms. Stretcher has appeared before the
10 Division; Mr. Sleight has not. And so we have
11 included a copy of his resume. And I'll just go ahead
12 and direct you to his resume in the hearing packet for
13 24539.

14 THE HEARING EXAMINER: Let me get
15 there.

16 MS. VANCE: Sure.

17 THE HEARING EXAMINER: I'm there. What
18 page number?

19 MS. VANCE: So in that one it's going
20 to be page 99.

21 THE HEARING EXAMINER: And do we have
22 him on the video?

23 MS. VANCE: Yes.

24 THE HEARING EXAMINER: Okay. Mr.
25 Sleight?

1 MR. SLEIGHT: Yes, sir.

2 THE HEARING EXAMINER: There you go.
3 We see you. Would you state and spell your name?

4 MR. SLEIGHT: Jake Sleight. J-A-K-E
5 S-L-E-I-G-H-T.

6 THE HEARING EXAMINER: Okay. Great.
7 And just speak up a little louder in the future.
8 We're going to get you sworn in.

9 MR. SLEIGHT: Yes, sir.

10 THE REPORTER: Please raise your right
11 hand, Mr. Sleight.

12 WHEREUPON,

13 JAKE SLEIGHT,
14 called as a witness and having been first duly sworn
15 to tell the truth, the whole truth, and nothing but
16 the truth, was examined and testified as follows:

17 THE HEARING EXAMINER: Are you seeking
18 to be admitted as a petroleum geologist?

19 MR. SLEIGHT: Yes, sir.

20 THE HEARING EXAMINER: Okay. Great.
21 Couple of questions for you. Your educational
22 background, Texas A&M, GPA 4.0. What was the major?

23 MR. SLEIGHT: I have a bachelor of
24 science -- bachelor of science degree in geology.

25 THE HEARING EXAMINER: Okay. And then,

1 your work experience that applies to geology is what?

2 MR. SLEIGHT: I worked since 2021 for
3 EOG Resources as a development geologist which entails
4 asset development. Currently, overseeing our Lea
5 County acreage which involves looking at rocks and
6 evaluating them through well logs, rock data when we
7 have them, production, and making the best business
8 decisions for EOG where we have acreage leased.

9 THE HEARING EXAMINER: Okay. And so
10 before March of 2021, you were an interim?

11 MR. SLEIGHT: Throughout my -- my
12 schooling at Texas A&M, I had several internships.
13 One being with the Newmont Mining which is a goldmine
14 company. And then one with Apache Corporation. And
15 then previously with EOG Resources was the most
16 recent.

17 THE HEARING EXAMINER: All right.
18 Thank you, Mr. Sleight. You are qualified as a
19 petroleum -- in the expert field of petroleum geology
20 before this Division.

21 And, Ms. Vance?

22 MS. VANCE: Excellent. Thank you. And
23 I would just say on the record, as a fellow service
24 member, thank you for your service, Mr. Sleight. So I
25 would be remiss if I didn't say that on the record.

1 So as we move through the hearing
2 packets, we have all of the normal land and geology,
3 but again, I just want to visit on -- and I'll direct
4 you to the pages. It's EOG Exhibit A-6, which is the
5 well drill plans in both of these cases, because in
6 particular, we are asking for a modification to the
7 compulsory pooling order.

8 THE HEARING EXAMINER: I'm listening.

9 MS. VANCE: Oh, okay. I just wanted to
10 make sure. I want to make sure that I'm giving you
11 all the details and that you know what it is we are
12 asking for.

13 But again, so with the drill plans, you
14 will see that they are -- they are extensive. And I
15 would direct your -- well, first of all, I brought
16 paper copies just in case it's easier to see.

17 But essentially, what we've done, based
18 on the guidance that just came out from the Division
19 regarding drilling initial wells during that first
20 year, you can see the EOG has extensive plans for this
21 larger development.

22 And so we've provided an outlook of
23 what those drill plans are and asked that during that
24 first -- that the order under paragraph 12 allow for
25 drilling initial wells outlined in that Exhibit A-6.

1 And then the other initial wells that
2 are also included and outlined in that Exhibit A-6 be
3 allowed to be drilled in that initial second year.
4 Just wanted to make sure that I went over that.

5 So moving -- again, we've included all
6 the other normal exhibits for both the land and
7 geology in this case. Mr. Sleight did not observe any
8 faulting pinch-outs or other geologic impediments to
9 the horizontal drilling of these wells.

10 And then lastly, in terms of the
11 exhibits, I've included my Self-Affirmed Statement of
12 notice, a sample copy of the notice letter that was
13 timely mailed on May 24, 2024, and then an affidavit
14 of notice of publication which was timely published on
15 May 29, 2024.

16 And unless there are any questions, I
17 would ask that the exhibits and subexhibits be
18 admitted into the record.

19 THE HEARING EXAMINER: All right. In
20 case number 24539 -- and you presented the two cases
21 together; didn't you?

22 MS. VANCE: Yes.

23 THE HEARING EXAMINER: Okay. In case
24 24539, I'm admitting Exhibits A, B, C, and D. Are
25 there any objections? Okay.

1 (24539 Exhibit A through Exhibit D were
2 marked for identification and received
3 into evidence.)

4 Ms. Thompson?

5 MS. THOMPSON: I have questions.

6 THE HEARING EXAMINER: Would it be for
7 Mr. Sleight?

8 MS. THOMPSON: It is for Ms. Vance.

9 MS. VANCE: Sure.

10 MS. THOMPSON: When it comes to the
11 drilling schedules, would you be able to provide
12 something on your admitted packet kind of to outline
13 what wells you're wanting to drill first for the first
14 year and which ones for the second year specifically?

15 MS. VANCE: So if you -- and again, I
16 provided a printed copy of that because I think it's
17 easier to actually see it. So if it's okay to
18 approach I can provide a copy.

19 MS. THOMPSON: Okay.

20 THE HEARING EXAMINER: Who provided it?

21 MS. VANCE: This is --

22 THE HEARING EXAMINER: Who prepared it?

23 MS. VANCE: I -- I prepared -- well, I
24 did not prepare it. I just -- I printed it out.

25 THE HEARING EXAMINER: Who prepared it?

1 MS. VANCE: Ms. Stretcher did.

2 THE HEARING EXAMINER: Okay. And is
3 she with us in case we have questions?

4 MS. VANCE: She is -- she is here in
5 person.

6 THE HEARING EXAMINER: Excellent.
7 Thank you. Thank you. And, Ms. Vance, these are not
8 in the packet?

9 MS. VANCE: They are. They are Exhibit
10 A-6.

11 THE HEARING EXAMINER: They are. A-6.
12 Thank you.

13 MS. THOMPSON: A-6.

14 MS. VANCE: So I am a visual person, so
15 I thought it would be easier to look at these together
16 because you can see -- if you look at the Wolfcamp
17 development you can see starting with the Pretty Good
18 Fed Com 744 the dates going up. The spud dates and
19 then next to that is the completion. You can see that
20 that moves from west to east with their development.

21 So starting with the Wolfcamp and then
22 if you move to the Bone Spring, you'll see that those
23 dates continue in time. So their -- the plan -- the
24 development plan is to drill those Wolfcamp and
25 then -- and again, west to east, and then moving up

1 through to the Bone Spring formation, and continuing
2 that development.

3 And also asking for that allowance for
4 those initial wells outlined for the 2024 and then for
5 2025, it does allow for accommodation for rig
6 movements as well as timing restrictions and
7 activities -- drilling activities that might be
8 limited due to the Lesser Prairie Chicken in the area.

9 MS. THOMPSON: Quick question. I might
10 just be getting the cases confused. Real fast. So
11 one case was the Wolfcamp -- the other case was Bone
12 Spring?

13 MS. VANCE: Correct.

14 MS. THOMPSON: I'm showing that the
15 Bone Spring won't start drilling until 2025, which
16 means that nothing on that application would be
17 drilled for at least a year which could be a problem.

18 MS. VANCE: So it is addressed in our
19 application. And I would direct you to Exhibit -- to
20 the application --in paragraph 3 of the application in
21 which -- I'm just going to read it.

22 "EOG proposes to drill certain initial
23 wells within one year of the issuance of a pooling
24 order and then drill the remaining initial wells
25 within two years of the issuance of the pooling

1 order."

2 And so it relates directly to that
3 guidance and clarification that was just, you know,
4 came from the Division regarding drilling initial
5 wells within a year. So because this is a full
6 development, you know, and there's going to be time
7 requirements due to rig movement in the Lesser Prairie
8 Chicken.

9 That's why we're asking for this to be
10 modified in that paragraph 20 that the Division just
11 provided that guidance on. And it's my understanding
12 that EOG did consult with the Division and this was
13 the approach to take in applying for this.

14 MS. THOMPSON: Okay. Second -- not
15 related to the development plan, but the C-102s. I
16 don't see any of them -- none of the C-102s indicate
17 what pool that you'll be drilling in.

18 MS. VANCE: So these are draft C-102s.
19 And so you know, they'll have as-drilled C-102s that
20 will outline the -- that will have the pool and pool
21 code in there.

22 MS. THOMPSON: I don't think I have any
23 other questions.

24 THE HEARING EXAMINER: All right.
25 Thank you, Ms. Vance. Thank you, Mr. Sleight. And

1 thank you, Ms. Stretcher, for appearing today. These
2 cases will be taken under advisement. And then you're
3 filing one -- of the four EOG cases, you're filing one
4 revised hearing packet in 24538; is that correct?

5 MS. VANCE: That's correct.

6 THE HEARING EXAMINER: All right.
7 Sounds good. So we've admitted your exhibits. Do you
8 remember if I admitted them in 24540? I remember
9 doing it in 24539.

10 MS. VANCE: It's too late in the
11 afternoon. I don't recall, but I'd ask you to do it
12 again anyway.

13 THE HEARING EXAMINER: And I will.
14 Okay. And I'm looking at your exhibit packet here.
15 There are Exhibits A, B, C, and D.

16 Are there any objections? Not hearing
17 any, these exhibits are admitted into evidence.

18 (24540 Exhibit A through Exhibit D were
19 marked for identification and received
20 into evidence.)

21 Do you have any specific questions on
22 this case?

23 MS. THOMPSON: No questions.

24 THE HEARING EXAMINER: No questions.
25 Excellent.

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Thank you, Ms. Vance.

MS. VANCE: Thank you.


THE HEARING EXAMINER: And we're off
the record.

(Whereupon, at 2:54 p.m., the
proceeding was concluded.)

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CERTIFICATE

I, JAMES COGSWELL, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



JAMES COGSWELL
Notary Public in and for the
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, DIANA ROBERSON, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Diana Roberson

DIANA ROBERSON

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