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

In THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
DIVISION FOR THE PURPOSE OF
CONSIDERING:

Case Nos.	Docket No.
24043, 24044, 24152,	
24153, 24178, 24180, 24255,	24-24
24275, 24276, 24287, 24288,	
24289, 24290, 24291, 24292,	
24293, 24294, 24295, 24296,	
24297, 24304, 24305, 24306,	
24307, 24308, 24309, 24310,	
24311, 24312, 24313, 24322,	
24323, 24366, 24396, 24397,	
24407, 24408, 24409, 24410,	
24411, 24412, 24502, 24515,	
24516, 24518, 24519, 24520,	
24521, 24522, 24523, 24524,	
24525, 24526, 24527, 24529,	
24530, 24531, 24532, 24533,	
24534, 24535, 24536, 24543,	
24544, 24545, 24546, 24547,	

1 24548, 24549, 24550, 24553,
2 24554, 24556, 24557, 24558,
3 24560, 24561, 24562, 24563,
4 24564, 24565, 24566, 24567,
5 24568, 24569, 24570, 24571,
6 24572, 24573, 24574, 24575,
7 24576, 25477, 24578, 24580,
8 24581, 24585, 24586.

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10

HEARING

11

DATE: Thursday, June 27, 2024

12

TIME: 8:30 a.m.

13

BEFORE: Hearing Examiner Gregory Chakalian

14

LOCATION: Pecos Hall

15

Wendell Chino Building

16

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.: 6724137

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A P P E A R A N C E S

ON BEHALF OF EGL RESOURCES, MEWBOURNE OIL COMPANY,
KAISER-FRANCIS OIL COMPANY, AND PBEX LLC:

JAMES G. BRUCE, ESQUIRE
PO Box 1056
Santa Fe, NM 87504
jamesbruc@aol.com
505-982-2043

ON BEHALF OF EGL RESOURCES; EARTHSTONE OPERATING LLC;
MURCHISON OIL AND GAS, LLC; AND PERMIAN RESOURCES
OPERATING:

DANA S. HARDY, ESQUIRE
Hinkle Shanor LLP
218 Montezuma Avenue
Santa Fe, NM 87501
dhardy@hinklelawfirm.com
505-982-4554

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

ON BEHALF OF MARLIN OPERATING, LLC; BTA OIL PRODUCERS;
AND COLGATE PRODUCTION:

JACLYN M. MCLEAN
Hinkle Shanor LLP
218 Montezuma Avenue
Santa Fe, NM 87501
jmclean@hinklelawfirm.com
505-982-4554

ON BEHALF OF MRC PERMIAN COMPANY; COG OPERATING LLC;
MATADOR PRODUCTION COMPANY; READ & STEVENS; PERMIAN
RESOURCES OPERATING, LLC; AND XTO HOLDINGS:

PAULA M. VANCE, ESQUIRE
Holland & Hart LLP
110 North Guadalupe Street #1
Santa Fe, NM 87501
pmvance@hollandhart.com
505-988-4421

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

ON BEHALF OF MRC PERMIAN COMPANY; FASKEN OIL AND
RANCH, LTD.; COG OPERATING LLC; XTO ENERGY, INC.; OXY
USA, INC.; AND MATADOR PRODUCTION COMPANY:

MICHAEL H. FELDEWERT, ESQUIRE

Holland & Hart LLP

110 North Guadalupe Street #1

Santa Fe, NM 87501

mfeldewert@hollandhart.com

505-988-4421

ON BEHALF OF AVANT OPERATING LLC:

KAITLYN LUCK, ESQUIRE

Beatty & Wozniak, P.C.

500 Don Gaspar Avenue

Santa Fe, NM 87505

kluck@bwenergyllaw.com

505-983-8545

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

ON BEHALF OF AVANT OPERATING LLC AND RILEY PERMIAN
OPERATING COMPANY:

SOPHIA A. GRAHAM, ESQUIRE (by videoconference)
Beatty & Wozniak, P.C.
500 Don Gaspar Avenue
Santa Fe, NM 87505
sgraham@bwenergyllc.com
505-983-8545

ON BEHALF OF LARIO OIL & GAS COMPANY AND AVANT
OPERATING LLC:

MIGUEL A. SUAZO, ESQUIRE
Beatty & Wozniak, P.C.
310 Ashburn Cove
Austin, TX 78738
msuazo@bwenergyllc.com
202-251-7768

1 ON BEHALF OF PERMIAN RESOURCES OPERATING AND FLAT
2 CREEK RESOURCES:

3 SHARON T. SHAHEEN, ESQUIRE (by videoconference)
4 Montgomery & Andrews P.A.
5 325 Paseo De Peralta
6 Santa Fe, NM 87501
7 sshahaheen@montand.com
8 505-986-2678

9

10 ON BEHALF OF FRANKLIN MOUNTAIN ENERGY, MARATHON OIL
11 PERMIAN LLC, AVANT OPERATING LLC, AND WATERBRIDGE
12 STATELINE LLC:

13 DEANA M. BENNETT, ESQUIRE
14 Modrall Sperling
15 500 4th Street Northwest #1000
16 Albuquerque, NM 87102
17 deana.bennett@modrall.com
18 505-848-1800

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

ON BEHALF OF DEVON ENERGY PRODUCTION COMPANY L.P. AND
PRIMA EXPLORATION INCORPORATED:

DARIN C. SAVAGE, ESQUIRE
Abadie & Schill P.C.
555 Rivergate Lane, Suite B4-180
Durango, CO 81301
darin@abadieschill.com
970-385-4401

ON BEHALF OF CIVITAS PERMIAN OPERATING, LLC:

MICHAEL RODRIGUEZ, ESQUIRE
Civitas Permian Operating, LLC
309 Johnson Street
Santa Fe, NM 87501
mrodriguez@civiresources.com
303-312-8518

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

ON BEHALF OF PERMIAN RESOURCES OPERATING:

BENJAMIN B. HOLLIDAY, ESQUIRE (by
videoconference)
Holliday Energy Law Group, PC
107 Katherine Court
San Antonio, TX 78209
ben@theenergylawgroup.com
210-469-3197

ALSO PRESENT:

Hailee Thompson, Technical Examiner, OCD (by
videoconference)
Million Gebremichael, Technical Examiner, OCD
Freya Tschantz, Law Clerk, OCD

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I N D E X

WITNESS(ES) :	DX	CX	RDX	RCX
THOMAS TOMASTIK				
By Mr. Gebremichael	133			
OLIVER SEEKINS				
By Mr. Gebremichael	144			
By Ms. Bennett			145	
JOSHUA BURRUS				
By Mr. Chakalian	163			
VIDAL QUEVEDO				
By Mr. Chakalian	175			
DALLAS RYSAVY				
By Mr. Chakalian	177			
MARILYN ZORN				
By Mr. Chakalian	217			

E X H I B I T S

NO.	DESCRIPTION	ID/EVD
Case No. 24322:		
Exhibit A	Extension Applications	163/166
Exhibit B	Original Pooling Orders	163/166
Exhibit C	Self-Affirmed Statement of Hawks Holder, Landman	163/166
Exhibit D	Self-Affirmed Statement of Joshua Burrus, Geologist	163/166
Exhibit E	Self-Affirmed Statement of Notice	163/166
Exhibit F	Affidavit of Publication	163/166

NO.	DESCRIPTION	ID/EVD
Case No. 24323:		
Exhibit A	Extension Applications	166/167
Exhibit B	Original Pooling Orders	166/167
Exhibit C	Self-Affirmed Statement of Hawks Holder, Landman	166/167
Exhibit D	Self-Affirmed Statement of Joshua Burrus, Geologist	166/167
Exhibit E	Self-Affirmed Statement of Notice	166/167
Exhibit F	Affidavit of Publication	166/167

1	E X H I B I T S (Cont'd.)		
2	NO.	DESCRIPTION	ID/EVD
3	Case No. 24407:		
4	Exhibit A	Extension Application	169/170
5	Exhibit B	Original Pooling Orders	169/170
6	Exhibit C	Self-Affirmed Statement of	
7		Hawks Holder, Landman	169/170
8	Exhibit D	Updated Pooling Order	169/170
9	Exhibit E	Self-Affirmed Statement of	
10		Notice	169/170
11	Exhibit F	Affidavit of Publication for	
12		Each Case	169/170
13			
14	NO.	DESCRIPTION	ID/EVD
15	Case No. 24408:		
16	Exhibit A	Extension Application	169/170
17	Exhibit B	Original Pooling Orders	169/170
18	Exhibit C	Self-Affirmed Statement of	
19		Hawks Holder, Landman	169/170
20	Exhibit D	Updated Pooling Order	169/170
21	Exhibit E	Self-Affirmed Statement of	
22		Notice	169/170
23	Exhibit F	Affidavit of Publication for	
24		Each Case	169/170
25			

1	E X H I B I T S (Cont'd.)		
2	NO.	DESCRIPTION	ID/EVD
3	Case No. 24409:		
4	Exhibit A	Extension Application	169/170
5	Exhibit B	Original Pooling Orders	169/170
6	Exhibit C	Self-Affirmed Statement of	
7		Hawks Holder, Landman	169/170
8	Exhibit D	Updated Pooling Order	169/170
9	Exhibit E	Self-Affirmed Statement of	
10		Notice	169/170
11	Exhibit F	Affidavit of Publication for	
12		Each Case	169/170
13			
14	NO.	DESCRIPTION	ID/EVD
15	Case No. 24410:		
16	Exhibit A	Extension Application	169/170
17	Exhibit B	Original Pooling Orders	169/170
18	Exhibit C	Self-Affirmed Statement of	
19		Hawks Holder, Landman	169/170
20	Exhibit D	Updated Pooling Order	169/170
21	Exhibit E	Self-Affirmed Statement of	
22		Notice	169/170
23	Exhibit F	Affidavit of Publication for	
24		Each Case	169/170
25			

1	E X H I B I T S (Cont'd.)		
2	NO.	DESCRIPTION	ID/EVD
3	Case No. 24411:		
4	Exhibit A	Extension Application	169/170
5	Exhibit B	Original Pooling Orders	169/170
6	Exhibit C	Self-Affirmed Statement of	
7		Hawks Holder, Landman	169/170
8	Exhibit D	Updated Pooling Order	169/170
9	Exhibit E	Self-Affirmed Statement of	
10		Notice	169/170
11	Exhibit F	Affidavit of Publication for	
12		Each Case	169/170
13			
14	NO.	DESCRIPTION	ID/EVD
15	Case No. 24412:		
16	Exhibit A	Extension Application	169/170
17	Exhibit B	Original Pooling Orders	169/170
18	Exhibit C	Self-Affirmed Statement of	
19		Hawks Holder, Landman	169/170
20	Exhibit D	Updated Pooling Order	169/170
21	Exhibit E	Self-Affirmed Statement of	
22		Notice	169/170
23	Exhibit F	Affidavit of Publication for	
24		Each Case	169/170
25			

1	E X H I B I T S (Cont'd.)		
2	NO.	DESCRIPTION	ID/EVD
3	Case No. 24502:		
4	Exhibit A	Filed Application	N/A/186
5	Exhibit B	Affidavit of Mark Smith,	
6		Senior Landman	N/A/186
7	Exhibit C	Notice Affidavit	N/A/186
8	Exhibit D	Affidavit of Publication	N/A/186
9	Exhibit E	Revised Lease and Well Data	
10		Spreadsheet	186/186
11			
12	NO.	DESCRIPTION	ID/EVD
13	Case No. 24515:		
14	Exhibit A	Self-Affirmed Statement of	
15		Vidal Quevedo	179/179
16	Exhibit B	Self-Affirmed Statement of	
17		Dallas Rysavy	179/179
18	Exhibit C	Self-Affirmed Statement of	
19		Dana S. Hardy	179/179
20			
21	NO.	DESCRIPTION	ID/EVD
22	Case No. 24516:		
23	Exhibit A	Self-Affirmed Statement of	
24		Vidal Quevedo	179/179
25			

1	E X H I B I T S (Cont'd.)		
2	NO.	DESCRIPTION	ID/EVD
3	Case No. 24516:		
4	Exhibit B	Self-Affirmed Statement of	
5		Dallas Rysavy	179/179
6	Exhibit C	Self-Affirmed Statement of	
7		Dana S. Hardy	179/179
8			
9	NO.	DESCRIPTION	ID/EVD
10	Case No. 24518:		
11	Exhibit A	Extension Application	182/182
12	Exhibit B	Original Pooling Orders	182/182
13	Exhibit C	Self-Affirmed Statement from	
14		Mark Hadjik, Landman	182/182
15	Exhibit D	Self-Affirmed Statement of	
16		Notice	182/182
17	Exhibit E	Affidavit of Publication	182/182
18			
19	NO.	DESCRIPTION	ID/EVD
20	Case No. 24519:		
21	Exhibit A	Extension Application	182/182
22	Exhibit B	Original Pooling Orders	182/182
23	Exhibit C	Self-Affirmed Statement from	
24		Mark Hadjik, Landman	182/182
25			

E X H I B I T S (Cont'd.)		
NO.	DESCRIPTION	ID/EVD
Case No. 24519:		
Exhibit D	Self-Affirmed Statement of Notice	182/182
Exhibit E	Affidavit of Publication	182/182
Case No. 24520:		
Exhibit A	Extension Application	182/182
Exhibit B	Original Pooling Orders	182/182
Exhibit C	Self-Affirmed Statement from Mark Hadjick, Landman	182/182
Exhibit D	Self-Affirmed Statement of Notice	182/182
Exhibit E	Affidavit of Publication	182/182
Case No. 24521:		
Exhibit A	Extension Application	182/182
Exhibit B	Original Pooling Orders	182/182
Exhibit C	Self-Affirmed Statement from Mark Hadjick, Landman	182/182
Exhibit D	Self-Affirmed Statement of Notice	182/182

1	E X H I B I T S (Cont'd.)		
2	NO.	DESCRIPTION	ID/EVD
3	Case No. 24521:		
4	Exhibit E	Affidavit of Publication	182/182
5			
6	NO.	DESCRIPTION	ID/EVD
7	Case No. 24522:		
8	Exhibit A	Extension Application	182/182
9	Exhibit B	Original Pooling Orders	182/182
10	Exhibit C	Self-Affirmed Statement from	
11		Mark Hadjik, Landman	182/182
12	Exhibit D	Self-Affirmed Statement of	
13		Notice	182/182
14	Exhibit E	Affidavit of Publication	182/182
15			
16	NO.	DESCRIPTION	ID/EVD
17	Case No. 24523:		
18	Exhibit A	Extension Application	182/182
19	Exhibit B	Original Pooling Orders	182/182
20	Exhibit C	Self-Affirmed Statement from	
21		Mark Hadjik, Landman	182/182
22	Exhibit D	Self-Affirmed Statement of	
23		Notice	182/182
24	Exhibit E	Affidavit of Publication	182/182
25			

1	E X H I B I T S (Cont'd.)		
2	NO.	DESCRIPTION	ID/EVD
3	Case No. 24524:		
4	Exhibit A	Extension Application	182/182
5	Exhibit B	Original Pooling Orders	182/182
6	Exhibit C	Self-Affirmed Statement from	
7		Mark Hadjik, Landman	182/182
8	Exhibit D	Self-Affirmed Statement of	
9		Notice	182/182
10	Exhibit E	Affidavit of Publication	182/182
11			
12	NO.	DESCRIPTION	ID/EVD
13	Case No. 24525:		
14	Exhibit A	Self-Affirmed Statement of	
15		Adams Davenport	188/189
16	Exhibit B	Notice Affidavit	188/189
17			
18	NO.	DESCRIPTION	ID/EVD
19	Case No. 24526:		
20	Exhibit A	Self-Affirmed Statement of	
21		Adams Davenport	188/189
22	Exhibit B	Notice Affidavit	188/189
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E X H I B I T S (Cont'd.)

NO.	DESCRIPTION	ID/EVD
Case No. 24527:		
Exhibit A	Self-Affirmed Statement of Adams Davenport	188/189
Exhibit B	Notice Affidavit	188/189
NO.	DESCRIPTION	ID/EVD
Case No. 24529:		
Exhibit A	Self-Affirmed Statement of Ryan Curry	192/192
Exhibit B	Self-Affirmed Statement of Christopher Cantin	192/192
Exhibit C	Notice Affidavit	192/192
NO.	DESCRIPTION	ID/EVD
Case No. 24530:		
Exhibit A	Self-Affirmed Statement of Ryan Curry	192/192
Exhibit B	Self-Affirmed Statement of Christopher Cantin	192/192
Exhibit C	Notice Affidavit	192/192

1	E X H I B I T S (Cont'd.)		
2	NO.	DESCRIPTION	ID/EVD
3	Case No. 24531:		
4	Exhibit A	Self-Affirmed Statement of	
5		Ryan Curry	192/192
6	Exhibit B	Self-Affirmed Statement of	
7		Christopher Cantin	192/192
8	Exhibit C	Notice Affidavit	192/192
9			
10	NO.	DESCRIPTION	ID/EVD
11	Case No. 24532:		
12	Exhibit A	Self-Affirmed Statement of	
13		Ryan Curry	192/192
14	Exhibit B	Self-Affirmed Statement of	
15		Christopher Cantin	192/192
16	Exhibit C	Notice Affidavit	192/192
17			
18	NO.	DESCRIPTION	ID/EVD
19	Case No. 24533:		
20	Exhibit A	Self-Affirmed Statement of	
21		Ryan Curry	192/192
22	Exhibit B	Self-Affirmed Statement of	
23		Christopher Cantin	192/192
24	Exhibit C	Notice Affidavit	192/192
25			

1	E X H I B I T S (Cont'd.)		
2	NO.	DESCRIPTION	ID/EVD
3	Case No. 24534:		
4	Exhibit A	Self-Affirmed Statement of	
5		Ryan Curry	192/192
6	Exhibit B	Self-Affirmed Statement of	
7		Christopher Cantin	192/192
8	Exhibit C	Notice Affidavit	192/192
9			
10	NO.	DESCRIPTION	ID/EVD
11	Case No. 24535:		
12	Exhibit A	Self-Affirmed Statement of	
13		Ryan Curry	192/192
14	Exhibit B	Self-Affirmed Statement of	
15		Christopher Cantin	192/192
16	Exhibit C	Notice Affidavit	192/192
17			
18	NO.	DESCRIPTION	ID/EVD
19	Case No. 24536:		
20	Exhibit A	Self-Affirmed Statement of	
21		Ryan Curry	192/192
22	Exhibit B	Self-Affirmed Statement of	
23		Christopher Cantin	192/192
24	Exhibit C	Notice Affidavit	192/192
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E X H I B I T S (Cont'd.)

NO.	DESCRIPTION	ID/EVD
Case No. 24543:		
Exhibit A	Compulsory Pooling Application Checklists	226/226
Exhibit B	Filed Applications & Proposed Notices of Hearing	226/226
Exhibit C	Prepared by Sophia Guerra, Senior Landman	226/226
Exhibit D	Prepared by John Harper, Senior Geologist	226/226
Exhibit E	Notice Affidavit	226/226
Exhibit F	Affidavit of Publication	226/226

NO.	DESCRIPTION	ID/EVD
Case No. 24553:		
Exhibit 1	Pooling Checklist	196/196
Exhibit 2	Landman's Affidavit	196/196
Exhibit 3	Geologist's Affidavit	196/196
Exhibit 4	Affidavit of Mailing	196/196
Exhibit 5	Affidavit of Publication	196/196
Exhibit 6	Application and Proposed Notice	196/196

1	E X H I B I T S (Cont'd.)		
2	NO.	DESCRIPTION	ID/EVD
3	Case No. 24554:		
4	Tab A	Affidavit of Sophia	
5		Guerra, Land Professional	198/200
6	Tab B	Declaration of Deana M.	
7		Bennett	198/200
8			
9	NO.	DESCRIPTION	ID/EVD
10	Case No. 24556:		
11	Exhibit 1	Pooling Checklist	206/206
12	Exhibit 2	Landman's Affidavit	206/206
13	Exhibit 3	Geologist's Affidavit	206/206
14	Exhibit 4	Affidavit of Mailing	206/206
15	Exhibit 5	Affidavit of Publication	206/206
16	Exhibit 6	Application and Proposed	
17		Notice	206/206
18			
19	NO.	DESCRIPTION	ID/EVD
20	Case No. 24557:		
21	Exhibit 1	Pooling Checklist	206/209
22	Exhibit 2	Landman's Affidavit	206/209
23	Exhibit 3	Geologist's Affidavit	206/209
24	Exhibit 4	Affidavit of Mailing	206/209
25	Exhibit 5	Affidavit of Publication	206/209

1	E X H I B I T S (Cont'd.)		
2	NO.	DESCRIPTION	ID/EVD
3	Case No. 24557:		
4	Exhibit 6	Application and Proposed	
5		Notice	206/209
6			
7	NO.	DESCRIPTION	ID/EVD
8	Case No. 24558:		
9	Exhibit 1	Pooling Checklist	206/209
10	Exhibit 2	Landman's Affidavit	206/209
11	Exhibit 3	Geologist's Affidavit	206/209
12	Exhibit 4	Affidavit of Mailing	206/209
13	Exhibit 5	Affidavit of Publication	206/209
14	Exhibit 6	Application and Proposed	
15		Notice	206/209
16			
17	NO.	DESCRIPTION	ID/EVD
18	Case No. 24560:		
19	Exhibit A	Self-Affirmed Statement of	
20		Ryan Curry	213/213
21	Exhibit B	Self-Affirmed Statement of	
22		Christopher Cantin	213/213
23	Exhibit C	Notice Affidavit	213/213
24			
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1	E X H I B I T S (Cont'd.)		
2	NO.	DESCRIPTION	ID/EVD
3	Case No. 24561:		
4	Exhibit A	Self-Affirmed Statement of	
5		Ryan Curry	213/213
6	Exhibit B	Self-Affirmed Statement of	
7		Christopher Cantin	213/213
8	Exhibit C	Notice Affidavit	213/213
9			
10	NO.	DESCRIPTION	ID/EVD
11	Case No. 24562:		
12	Exhibit A	Self-Affirmed Statement of	
13		Ryan Curry	213/213
14	Exhibit B	Self-Affirmed Statement of	
15		Christopher Cantin	213/213
16	Exhibit C	Notice Affidavit	213/213
17			
18	NO.	DESCRIPTION	ID/EVD
19	Case No. 24563:		
20	Exhibit A	Self-Affirmed Statement of	
21		Ryan Curry	213/213
22	Exhibit B	Self-Affirmed Statement of	
23		Christopher Cantin	213/213
24	Exhibit C	Notice Affidavit	213/213
25			

1	E X H I B I T S (Cont'd.)		
2	NO.	DESCRIPTION	ID/EVD
3	Case No. 24564:		
4	Exhibit A	Self-Affirmed Statement of	
5		Ryan Curry	213/213
6	Exhibit B	Self-Affirmed Statement of	
7		Christopher Cantin	213/213
8	Exhibit C	Notice Affidavit	213/213
9			
10	NO.	DESCRIPTION	ID/EVD
11	Case No. 24565:		
12	Exhibit A	Self-Affirmed Statement of	
13		Ryan Curry	213/213
14	Exhibit B	Self-Affirmed Statement of	
15		Christopher Cantin	213/213
16	Exhibit C	Notice Affidavit	213/213
17			
18	NO.	DESCRIPTION	ID/EVD
19	Case No. 24566:		
20	Exhibit A	Self-Affirmed Statement of	
21		Ryan Curry	213/213
22	Exhibit B	Self-Affirmed Statement of	
23		Christopher Cantin	213/213
24	Exhibit C	Notice Affidavit	213/213
25			

1	E X H I B I T S (Cont'd.)		
2	NO.	DESCRIPTION	ID/EVD
3	Case No. 24567:		
4	Exhibit A	Self-Affirmed Statement of	
5		Ryan Curry	213/213
6	Exhibit B	Self-Affirmed Statement of	
7		Christopher Cantin	213/213
8	Exhibit C	Notice Affidavit	213/213
9			
10	NO.	DESCRIPTION	ID/EVD
11	Case No. 24568:		
12	Exhibit A	Affidavit of Oliver Seekins	131/131
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P R O C E E D I N G S

THE HEARING EXAMINER: Good morning.
It is 8:30 a.m. on June 27. These are the Oil
Conservation Division docket for today. And my name
is Gregory Chakalian. I'm the hearing examiner.

Today we have Ms. Hailee Thompson as
the technical examiner for most of our cases. We also
have Million Gebremichael who is a technical examiner
for several of the injection cases.

So we're on the record. And I received
a joint motion to vacate an upcoming hearing, which I
am going to call because the parties are here in front
of me.

And we're going to discuss this. So
this is not on our docket but these cases have been
properly noticed in the past. Some of them are quite
old.

I'm calling Case No. 24043-44, 24152,
24153. These are applications of EGL Resources for
compulsory pooling in an overlapping well unit. We
have competing applications from MRC Permian, Case
Nos. 24287 through 97 and 24304 through 13. Enters of
appearance, please?

MR. BRUCE: Mr. Jim Bruce on behalf of
EGL.

1 THE HEARING EXAMINER: Good morning.

2 MR. FELDEWERT: Good morning, Mr.

3 Examiner. Michael Feldewert, Santa Fe office of

4 Holland & Hart for MRC Permian Company.

5 THE HEARING EXAMINER: Good morning.

6 Do we have any other parties?

7 MR. SUAZO: Miguel Suazo with the Santa

8 Fe office of Beatty & Wozniak on behalf of Lario Oil.

9 THE HEARING EXAMINER: I'm sorry, on
10 behalf of who? Lario?

11 MR. SUAZO: Yes.

12 THE HEARING EXAMINER: Thank you. And

13 is Deana Bennett not on this case anymore? I think

14 she was originally.

15 MR. BRUCE: That is correct. She

16 stepped aside --

17 MS. BENNETT: Good morning, Mr.

18 Hearing --

19 THE HEARING EXAMINER: Morning.

20 MS. BENNETT: -- Examiner. Deana

21 Bennett on behalf of Franklin Mountain Energy.

22 THE HEARING EXAMINER: Are you still in
23 this case?

24 MS. BENNETT: I am.

25 THE HEARING EXAMINER: You are still in

1 the case? Okay. I have a joint motion to vacate the
2 pre-hearing order in this case, which sets these
3 multiple cases for a contested hearing July 16.

4 I was reviewing the verbatim
5 transcripts. Some of these cases were filed in
6 November, which makes them old in my opinion. We have
7 competing applications filed in March by MRC Permian.
8 And Mr. Bruce, what's been happening since November in
9 these cases?

10 MR. BRUCE: Well, yeah, I did file a
11 couple of cases in November and I filed two more I
12 think in late January. Really nothing's been
13 happening because MRC came in and filed theirs.

14 And then of course there is the Avant-
15 Lario matter. Franklin Mountain at one point was more
16 heavily involved. And I believe they're on the
17 sidelines now.

18 But the parties -- EGL and MRC -- have
19 been in discussion for quite some time. And what kind
20 of slowed it down at first was the Lario case because
21 that -- those well units intersect at some of MRC's.
22 Not EGL's. But it still got kind of convoluted.

23 Mr. Suazo has dismissed Lario's case
24 now. And from what my clients tell me they're
25 virtually done with the deal. And I think Mr.

1 Feldewert has more on it.

2 But rather than having a contested
3 hearing the parties would settle out and there would
4 be no contested hearing. There might be some pooling
5 of minor interest owners but not a contested hearing.

6 And so rather than taking up a day of
7 the Division's time probably take a half an hour of
8 the Division's time so that's -- but I've been told by
9 my client at least three or four times that they're
10 really, really close to a deal. And Mr. Feldewert, if
11 you could step in on one issue?

12 THE HEARING EXAMINER: It's okay. I'll
13 call him when we're done. So from your understanding
14 when will this deal be done?

15 MR. BRUCE: They hope to get it
16 done -- my understanding is that it's a title issue.
17 And title issues, as you've noticed in these things,
18 can be longer-term than just simple negotiations.

19 They got to clear up title so that each
20 party knows what they're getting in a trade deal. And
21 my client seems to think it should be in August. But
22 title matters need to be -- there needs to be a lot of
23 clean-up material done.

24 THE HEARING EXAMINER: So if this title
25 is cleaned up as you say and the deal goes through

1 wouldn't you be presenting your case by affidavit?

2 MR. BRUCE: It depends on what -- I'm
3 not sure what the deal is. But yes, I would be
4 presenting by affidavit whatever they decide to -- I
5 think they'll split up development of the acreage
6 involved I think. But either party would go forward
7 by affidavit and not be fighting each other.

8 THE HEARING EXAMINER: Okay. So for
9 your cases, your cases won't survive and they'll go
10 forward by affidavit?

11 MR. BRUCE: I think so, yeah. And --

12 THE HEARING EXAMINER: Well, what's the
13 other option then if they don't go forward by
14 affidavit?

15 MR. BRUCE: If they don't go forward by
16 affidavit -- it depends on what the terms of the trade
17 deal are. I might be required to dismiss my cases and
18 refile with a different acreage configuration.

19 THE HEARING EXAMINER: Okay. So based
20 on when I was reviewing the January -- or is this the
21 December transcript? I forgot to look at the date on
22 the transcript.

23 I was looking back at December 7
24 transcript where you were asking for a contested
25 hearing. It was deemed being too early for a

1 contested hearing at that point. How has your
2 client's interests changed over time?

3 MS. BENNETT: Thank you. I haven't had
4 a chance myself to look at the December 7th
5 transcript. But I imagine that might have been me
6 asking on behalf of Avant Operating LLC rather than on
7 behalf of Franklin Mountain Energy.

8 And Avant Operating has subsequently
9 entered into a trade or some other deal with Lario so
10 Avant no longer owns its interest in that acreage.
11 And subsequent or after that happened then Lario
12 dismissed the Avant cases.

13 So I was asking for a contested hearing
14 but on behalf of Avant. And Avant is no longer in
15 these cases. I am still in these cases for Franklin
16 Mountain Energy and essentially monitoring the cases
17 on their behalf at this point.

18 THE HEARING EXAMINER: Okay. Thank
19 you, Ms. Bennett. Mr. Suazo?

20 MR. SUAZO: Thank you, Mr. Hearing
21 Examiner. As Ms. Bennett just mentioned, Lario has
22 dismissed its application. So you know, they don't
23 oppose this motion to vacate.

24 And I'm just essentially monitoring the
25 matter at this juncture. But there's really no

1 substantive interest from Lario at this point.

2 THE HEARING EXAMINER: So when you
3 entered your appearance in this case you didn't file
4 for an objection?

5 MS. BENNETT: Mr. Hearing Examiner, if
6 I could answer that question?

7 THE HEARING EXAMINER: Yes.

8 MS. BENNETT: Avant Operating did file
9 an objection. And Lario essentially succeeded to that
10 objection.

11 But that objection I believe would
12 be -- and I'm not speaking for Lario -- but from Avant
13 in any way would be -- would have been resolved by
14 virtue of Avant and no longer having an application
15 that competes with these two -- with the applications
16 that are before the Division in this motion.

17 THE HEARING EXAMINER: So Mr. Suazo, do
18 you have an objection?

19 MR. SUAZO: No.

20 THE HEARING EXAMINER: You don't have
21 an objection?

22 MR. SUAZO: No objection, Mr. Hearing
23 Examiner.

24 THE HEARING EXAMINER: I'd like to
25 clean up the record then. So since you've succeeded

1 to their interest and they had an objection -- and
2 that objection has not been withdrawn; right?

3 MS. BENNETT: Mr. Hearing Examiner, I
4 would have to look back at the record. I can't say
5 for sure. I intended to withdraw entirely from these
6 cases. But I think that my withdrawal was only on
7 behalf of Avant and did not withdraw the objection as
8 I recall.

9 THE HEARING EXAMINER: Right. That's
10 what I see in the record. So Mr. Suazo, would you
11 please file a notice of withdrawal of objection on
12 behalf of your client to -- I guess it's the EGL
13 cases. I don't know if you have -- if you ever had an
14 objection to the MRC cases?

15 MR. SUAZO: I would have to go back and
16 look at the record. You know, ever since we withdrew
17 the applications, you know, this hasn't really been on
18 the radar so apologies.

19 THE HEARING EXAMINER: That's okay.
20 Just it's my understanding that you don't have to -- I
21 mean, whether or not you have applications doesn't
22 really affect whether you object, right? I mean --

23 MR. SUAZO: Correct.

24 THE HEARING EXAMINER: -- just trying
25 to clean this up a little bit. Ms. Bennett, do you

1 know whether you objected -- did Avant object not only
2 to EGL but to MRC as well?

3 MS. BENNETT: Sitting here right now I
4 can't say for sure. But I believe I would have
5 objected to the MRC cases as well because the
6 MRC -- in fact I think I would have objected to the
7 MRC cases and not the EGL cases because it was the MRC
8 cases that directly competed with the Avant cases.

9 I probably entered an appearance in the
10 EGL cases on Avant's behalf because they also were so
11 interrelated. But based on my experience and
12 recollection I think I would have entered and objected
13 to the MRC cases.

14 THE HEARING EXAMINER: Thank you. So
15 Mr. Suazo, do you have an objection to the MRC cases?

16 MR. SUAZO: I would need to check on
17 the record to see if we objected at that time. We
18 would have assumed whatever Avant had, you know, done.
19 So if there's an objection to the MRC cases at that
20 time, at this time there's not.

21 THE HEARING EXAMINER: That's what I
22 was asking. At this time there's not?

23 MR. SUAZO: Correct.

24 THE HEARING EXAMINER: Okay. So would
25 you -- I'm going to make a note. But would you please

1 file withdrawal of objections in both cases if
2 necessary, in one case, whatever it may be? Okay.

3 MR. SUAZO: Yes.

4 THE HEARING EXAMINER: Mr. Feldewert?

5 MR. FELDEWERT: What do you need to
6 hear from me?

7 THE HEARING EXAMINER: Well, first of
8 all your involvement in these cases. I mean, you
9 filed this joint motion?

10 MR. FELDEWERT: Correct.

11 THE HEARING EXAMINER: And your cases
12 are from March but they compete with cases from
13 November.

14 MR. FELDEWERT: And January.

15 THE HEARING EXAMINER: And January.
16 Exactly. So what's your understanding of this title
17 issue?

18 MR. FELDEWERT: Well, I don't have any
19 detailed understanding of the title issue. When I
20 talked to the client -- and I think the record
21 reflects that, you know, MRC and EGL had been in
22 discussions and that the entry by Avant and then
23 subsequently Lario kind of threw a wrench into what
24 they had been doing.

25 But the point where we're at is that

1 there's apparently a title issue that needs to be
2 resolved to effectuate an agreement between the
3 parties. So they hope to get that done as soon as
4 possible.

5 But I think what you'll -- what you've
6 seen here is that since our April status conference
7 there has been a lot of productive activity, which has
8 resulted now in the cases back just between MRC and
9 EGL.

10 So they've been able to focus on
11 getting those matters resolved without dealing with
12 other applicants for pooling cases. They've been
13 diligently working forward.

14 And as a result there's grounds here to
15 vacate a contested hearing because I think ultimately
16 you're going to find it would be a waste of time
17 because the parties are -- now it's just MRC and EGL.
18 They're going to get this resolved.

19 THE HEARING EXAMINER: I can understand
20 the parties' position that it would be a waste of time
21 to go to a contested hearing if all that's to be
22 resolved is a title issue. Mr. Feldewert, if the
23 title issue is worked out how do you plan to proceed
24 with the MRC cases?

25 MR. FELDEWERT: It's my understanding

1 that the trade is going -- well, I don't have any
2 details about the trades.

3 But I think Mr. Bruce said it correctly
4 that there will probably be some remaining pooling
5 that would be required that would not be in a
6 contested setting. The configuration of the spacing
7 units may change, okay?

8 But at this point it's clear to me that
9 we're not going to need a contested hearing. The most
10 that we're going to need is an uncontested pooling
11 matter, perhaps by EGL and MRC or just one or the
12 other.

13 THE HEARING EXAMINER: Okay. And the
14 motion asks that I reset this for a status conference
15 in August.

16 MR. FELDEWERT: Or later.

17 THE HEARING EXAMINER: I saw that.

18 MR. FELDEWERT: Gave you a lot of
19 flexibility.

20 THE HEARING EXAMINER: I saw that.
21 Okay. I'm going to vacate the contested hearing on
22 July 16. I'll file an order to do that. I'm going to
23 put this on the August 22nd docket not as a status
24 conference but as a hearing by affidavit.

25 And Mr. Bruce, if you're not able to go

1 forward at that time then I'll have to look at setting
2 another status -- another contested hearing date by
3 then because by then your cases will be very old in my
4 opinion, okay?

5 So that's what I'll do with these cases
6 here. And I'll put them all on the same docket for a
7 hearing by affidavit. And Mr. Bruce, if you
8 can't -- if you know you can't proceed on that date,
9 please file a motion and let me know what's going on.

10 I have a problem with setting these for
11 one status conference after another when the parties
12 have been talking to each other for this long of a
13 period of time.

14 MR. BRUCE: Yes, sir.

15 THE HEARING EXAMINER: All right. Is
16 there anything else on these cases?

17 MR. BRUCE: No.

18 THE HEARING EXAMINER: No? Thank you.
19 From anyone? No? Okay. All right, I'll file that
20 later today. Thank you.

21 Okay, now we're going to go to our
22 regular docket. I am calling a status conference on
23 EGL Resources Case Nos. 24178, 180, and 24366. Enters
24 of appearance, please?

25 MS. HARDY: Good morning, Mr. Examiner.

1 Dana Hardy with Hinkel Shanor on behalf of EGL
2 Resources.

3 THE HEARING EXAMINER: Good morning.
4 Good morning, Mr. Examiner. Michael
5 Feldewert, Santa Fe office of Holland & Hart, on
6 behalf of MRC Permian.

7 THE HEARING EXAMINER: Okay. Ms.
8 Hardy, these are your cases; right?

9 MS. HARDY: Correct. EGL's
10 applications were filed in February and Matador's
11 application was filed at the end of March.

12 This is a bit of an unusual situation
13 because it involves EGL's proposal and application to
14 drill infill wells in Matador -- a unit that Matador's
15 currently operating.

16 The parties are in discussions and are
17 making good progress. I'm optimistic that they'll
18 reach an agreement. So EGL would request that these
19 cases be set for another status conference on the
20 first August docket.

21 And at that point we would hope,
22 hopefully, to have them resolved. And if they are
23 resolved then EGL's applications I believe would be
24 dismissed.

25 THE HEARING EXAMINER: You said that

1 this was a -- I'm not sure if the word you used was
2 "tricky" but it was something about that they were
3 infill wells and that made it a little different
4 than -- what did you mean by that?

5 MS. HARDY: What I meant was that this
6 is a unit operated by Matador and EGL is interest
7 owner in the unit and proposed to drill infill wells
8 in the unit.

9 And so that's what our application has
10 proposed. And then Matador's application also
11 proposes basically an infill well in the unit. So
12 that's the situation. It all complies with the rules.
13 It's just a little bit unusual. We don't see it that
14 often.

15 THE HEARING EXAMINER: Okay. Thank
16 you. Mr. Feldewert?

17 MR. FELDEWERT: I agree with what Ms.
18 Hardy said. The parties have been in productive
19 discussions. I anticipate an agreement that would
20 result in the dismissal of the EGL cases. So I think
21 a status conference in August or September would make
22 sense.

23 THE HEARING EXAMINER: Okay. We'll set
24 this -- since it is -- since this was filed in
25 February or March, we'll set this for the first docket

1 in August.

2 Freya, when is the first docket in
3 August?

4 THE CLERK: August 8th.

5 THE HEARING EXAMINER: Sorry, I didn't
6 hear you.

7 THE CLERK: The 8th.

8 THE HEARING EXAMINER: The 8th of
9 August. We'll set these for -- well, the parties will
10 continue these three cases for the August 8th docket
11 for a status conference. And I'll mark that as a
12 final status conference, Ms. Hardy?

13 MS. HARDY: That's fine, Mr. Examiner.

14 THE HEARING EXAMINER: Because at that
15 point I would think either you'll know what's
16 happening or we'll have a contested hearing.

17 MS. HARDY: Yes, understood.

18 THE HEARING EXAMINER: Or at least set
19 it. Anything further, Mr. Feldewert?

20 MR. FELDEWERT: No, thank you.

21 THE HEARING EXAMINER: Thank you. I'm
22 calling Mewbourne Oil Case 24255, 24275, and 24276.
23 Entries of appearance, please.

24 MR. BRUCE: Mr. Examiner, Jim Bruce
25 representing Mewbourne.

1 THE HEARING EXAMINER: Morning.

2 MR. HOLLIDAY: Good morning, Mr.
3 Examiner. Ben Holliday representing Permian Resources
4 Operating.

5 THE HEARING EXAMINER: Morning, Mr.
6 Holliday.

7 MR. HOLLIDAY: Good morning.

8 MR. SAVAGE: Morning, Mr. Hearing
9 Examiner. Darin Savage with Abadie & Schill on behalf
10 of Devon Energy Production Company LP.

11 THE HEARING EXAMINER: Thank you. Good
12 morning. Mr. Bruce, who filed objections?

13 MR. BRUCE: Mr. Holliday's client,
14 Permian.

15 MR. HOLLIDAY: Permian Resources.

16 THE HEARING EXAMINER: Okay, not Devon.
17 Devon, you didn't file an objection?

18 MR. SAVAGE: We did not --

19 THE HEARING EXAMINER: Okay. Are you
20 just monitoring?

21 MR. SAVAGE: That's correct.

22 THE HEARING EXAMINER: Monitoring. Mr.
23 Holliday, you filed an objection when?

24 MR. HOLLIDAY: Oh, gosh. I'd have to
25 go back and look. I believe it was just before the

1 April -- the first April docket.

2 THE HEARING EXAMINER: Okay. And why
3 did you file an objection?

4 MR. HOLLIDAY: Permian Resources has
5 competing development plans for the area. And those
6 have since been shared with Mewbourne.

7 My understanding is the parties have
8 entered into productive negotiations and we expect
9 this to get resolved whereby we would be able to
10 remove our objection.

11 THE HEARING EXAMINER: Okay. Mr.
12 Bruce, they're your cases. What do you want to do?

13 MR. BRUCE: Mr. Holliday had suggested
14 in an email set them for a status conference on August
15 8th. And I think things are -- seem to be pretty well
16 toward a resolution. And if not, maybe set them for a
17 hearing -- a contested hearing if necessary.

18 THE HEARING EXAMINER: Okay. And Mr.
19 Bruce, when did you file your case?

20 MR. BRUCE: I think I filed them in
21 March or early April. Around then, yes. And there's
22 been no activity other than the objection and today's
23 hearing.

24 THE HEARING EXAMINER: All right,
25 perfect. Okay, Mr. Holliday, is there anything

1 further on these cases?

2 MR. HOLLIDAY: No, sir.

3 THE HEARING EXAMINER: All right. Then
4 we will set these upon the party's motion for a
5 continuance on the August 8th docket for a status
6 conference. Thank you.

7 MR. HOLLIDAY: Thank you.

8 THE HEARING EXAMINER: I'm now calling
9 24396, Fasken Oil, and 24397. Entries of appearance,
10 please?

11 MR. FELDEWERT: May it please the
12 Examiner, Michael Feldewert, Santa Fe office of
13 Holland & Hart, on behalf of Fasken Oil and Ranch.

14 THE HEARING EXAMINER: Thank you.

15 MS. HARDY: Good morning, Mr. Examiner.
16 Dana Hardy with Hinkel Shanor on behalf of Earthstone
17 Operating.

18 THE HEARING EXAMINER: Good morning.

19 MS. BENNETT: Good morning, Mr.
20 Examiner. Deana Bennett on behalf of Marathon Oil
21 Permian.

22 THE HEARING EXAMINER: Good morning.

23 MR. RODRIGUEZ: Good morning. Michael
24 Rodriguez on behalf of the interveners, Civitas
25 Permian Operating, LLC.

1 THE HEARING EXAMINER: Thank you. Good
2 morning. And I have your notice of intervention, Mr.
3 Rodriguez, and I've reviewed it. And there are
4 grounds here. Does anyone object to this
5 intervention? Ah, Mr. Feldewert.

6 MR. FELDEWERT: Yeah.

7 THE HEARING EXAMINER: You object. Why
8 do you object?

9 MR. FELDEWERT: Well, if I may, let me
10 talk a little bit about this case and then I'll
11 address the intervention.

12 THE HEARING EXAMINER: They're your
13 cases. Please.

14 MR. FELDEWERT: Thank you. So as you
15 know, this case involves an effort -- a request to
16 extend the drilling obligation under pooling orders
17 that were issued back in twenty -- May of 2022, okay?

18 May of last year Fasken filed
19 applications to extend the drilling deadlines under
20 those pooling orders because they're waiting on BLN
21 permits.

22 And the record reflects that those
23 permits were issued in June -- I mean, filed in June
24 of 2022. So it's been sitting with the BLM for some
25 time.

1 All the parties received notice of
2 those extensions and nobody objected. And so the
3 Division entered its order granting the extension of
4 the time to drill under the pooling orders.

5 THE HEARING EXAMINER: So in other
6 words you've received one extension already?

7 MR. FELDEWERT: Correct.

8 THE HEARING EXAMINER: This would be
9 the second?

10 MR. FELDEWERT: Correct. The BLM still
11 has not issued the drilling permits so that's why we
12 filed these applications with the Division for a
13 second extension and sought for the same reason -- for
14 something that's outside of everyone's control.

15 And there's been no cash call on
16 Marathon or any other working interest owner subject
17 to this pooling order.

18 Marathon now objects after having a
19 period in the pooling cases two years ago and not
20 objecting and also not objecting last year. And now
21 Civitas has filed this notice of intervention.

22 So I want to address those separately.
23 But first I think we need to understand what's at
24 issue here. And if you look at the -- if I may
25 share -- if you look at the pooling order that has

1 been issued in this case --

2 THE HEARING EXAMINER: The extension or
3 the original?

4 MR. FELDEWERT: The original, yeah. It
5 should be up on the screen. So this is the one that
6 was issued in April of 2022. I'm sorry, that's when
7 they had the hearing.

8 And then the order was issued after
9 that. Again nobody objected to the pooling. Nobody
10 filed an appeal of the order. We now have an order in
11 effect. And the only issue that's before the Division
12 under our application is under Paragraph 20.

13 And that is the order shall terminate
14 automatically if the operator fails to comply with
15 Paragraph 19 -- that's the drilling -- unless the
16 operator obtains an extension by amending this order
17 for good cause shown. So the only issue here in these
18 cases is whether there's good cause to extend the
19 pooling order.

20 Marathon. They have now objected. And
21 my understanding is because they want to pursue
22 competing development plans. They sent out well
23 proposals. They intend to file applications to
24 apparently relitigate this order that was entered two
25 years ago.

1 Now the time to submit competing
2 pooling applications or submit competing development
3 plans was two years ago.

4 And they are not at liberty two years
5 later to suddenly change their mind and seek to
6 collaterally attack this pooling order with some new
7 development plan.

8 Any objection to this pool decree has
9 been waived by Marathon. They participated in the
10 proceedings, didn't appeal, and res judicata prevents
11 Marathon from now seeking to reopen this existing
12 pooling order.

13 Civitas. They're not a party subject
14 to this pooling order. They're not a successor in
15 interest to anyone subject to this pooling order.
16 They are not a working interest owner in this pooled
17 unit as far as I understand.

18 Their notice of intervention claims a
19 right because they have a competing development plan.
20 They say that and they say that they are the -- they
21 are subject to notice for Fasken's federal development
22 area.

23 Now that may or not be true. But it
24 doesn't matter because they -- whether they have a
25 right to notice for a federal development area is a

1 federal matter -- a BLM matter. It has nothing to do
2 with the Division.

3 And their involvement in any federal
4 development area does not confer standing to contest
5 two years later a Division pooling order. It does not
6 confer standing and they don't have a right to
7 intervene in this matter.

8 They have expressed no legitimate basis
9 to intervene because what they state -- and if you
10 look at the end of their request here, Mr. Examiner,
11 they oppose the extension of these orders until all
12 competing development plans have been considered by
13 the Division. That's what we did two years ago.

14 The only issue now is whether there's
15 good cause for an extension. They got no standing to
16 collaterally attack this order. They are collaterally
17 stopped just like Marathon from contesting two years
18 later this Division pooling order.

19 So we do object to their intervention.
20 And I would submit to you that you have to find these
21 parties collaterally stop. You have a lot of pooling
22 orders that have been issued by the Division over the
23 last two years.

24 And operators under those pooling
25 orders are in various stages of implementing the

1 drilling and development under those pooling orders,
2 meetings with the BLM for development areas, meetings
3 with the BLM for drilling windows where you got the
4 prairie-chicken, sagebrush lizard, other federal
5 issues.

6 And you got these pooling orders. So
7 they're staking locations. They're filings federal
8 APDs. Many operators are waiting on federal APDs
9 under your pooling orders.

10 These operators have been contracting
11 with rigs to drill wells, building locations,
12 executing contracts for oil and gas takeaway -- all
13 the stuff you do as an operator under a pooling order
14 to get the acreage drilled.

15 And I'm going to ask you -- and you
16 tell me. But let's say when you issue a pooling order
17 can somebody come in three months later and say,
18 "Well, we think we have a better development plan now.
19 We want you to relitigate the pooling order"?

20 Is the Division going to allow that?
21 Are you going to allow it six months later? What
22 about a year later? What about a year and a half
23 later? Or, like we have here, what about two years
24 later?

25 These long dockets are going to get a

1 lot longer if I can bring a client two years later and
2 contest a pooling order because now we think we have a
3 better development plan. I wouldn't do that. The
4 Division shouldn't do that. And the Division can't do
5 that.

6 There's only one basis set forth in the
7 regulations to reopen a case. And that is you can
8 open a pooling case under 19.15.4.12D, as in David,
9 when there is evidence of a failure to provide proper
10 notice of the hearing. That's the only basis in the
11 Division's regulations to reopen a case.

12 Neither of these parties can claim
13 that. Marathon certainly cannot. They participated
14 in the hearings.

15 Civitas has made no claim that they
16 were entitled to notice of the Division's pooling
17 order. They're not an affected working interest owner
18 in that order or in this -- his request for an
19 extension.

20 So it seems to me -- and what we
21 request from the Division -- is that you need -- we
22 ask you to set this case for a hearing on the only
23 issue that is before the Division under these
24 applications, and that is whether there's a good cause
25 to extend the drilling obligation.

1 You deny Civitas's request to
2 intervene. They're not an affected party and they
3 don't have standing.

4 And you reject Marathon and Civitas's
5 request to turn back the clock and entertain now
6 competing development plans for acreage that was
7 pooled by the Division two years ago.

8 THE HEARING EXAMINER: Thank you. Mr.
9 Rodriguez?

10 MR. RODRIGUEZ: Although I agree with
11 some of the procedural points Mr. Feldewert brought
12 up, I do -- I don't agree with the fact that the
13 development area is strictly a federal matter.

14 It's required to develop the space you
15 need to issue to OCD. Without that they cannot
16 develop that acreage. And what had happened is Fasken
17 just recently filed for their development area -- I
18 believe last month.

19 And that's when we should have received
20 notice, which we didn't. But their document -- their
21 application shows that we are well within
22 our -- within their notice area to receive notice of
23 their DA because we're an operating rights owner
24 within the section to the north in Section 10.

25 And unfortunately in the potash area

1 there are issues with availability of areas to
2 surface. And this is evident in this situation more
3 so than in most because there is one drill island that
4 is in the -- located in the south corner of Section 22
5 that is available to drill this acreage.

6 And through multiple conversations with
7 the BLM we've understood that that is our only access
8 to develop our acreage within Section 10.

9 And our proposal is that we had issued
10 -- we sent out -- I believe last week -- for our
11 competing development plan, which is called the Triple
12 Stamp Development.

13 It is a three-mile development that
14 will develop Sections 22, 15, and 10, which overlaps
15 with Fasken's units that are in 15 and 10. And so I
16 believe that that alone should allow us an opportunity
17 to intervene in these cases.

18 THE HEARING EXAMINER: Ms. Bennett,
19 I'll get to you in just a moment. So under the Rules
20 for Intervention, Mr. Rodriguez, can you -- do you
21 have the rule handy?

22 MR. RODRIGUEZ: No, I don't.

23 THE HEARING EXAMINER: All right. I'll
24 pull it up. Do you have a -- Freya, are you able to
25 put the rule on the screen? Are you able to share a

1 screen and put it up?

2 THE CLERK: I can. This will just take
3 a second.

4 THE HEARING EXAMINER: Thanks.

5 THE CLERK: Was it 12 that we're going
6 to?

7 THE HEARING EXAMINER: 19.15.4.11.

8 THE CLERK: Eleven.

9 THE HEARING EXAMINER: Okay. So Mr.
10 Rodriguez, under the Intervention Rule it requires you
11 to file a notice, which I have in front of me, with
12 your name and your address.

13 And No. 3 says the nature of the
14 intervenor's interest in the application. So let's
15 start with that. What is the nature of your interest
16 in the application?

17 MR. RODRIGUEZ: The nature of the
18 interest is that we're filing competing development
19 plans that overlap entirely with Fasken's units that
20 were issued in these cases.

21 And it also has -- I believe it also
22 will -- this intervention will also contribute
23 substantially to the prevention of waste and the
24 protection of correlative rights. I think that --

25 THE HEARING EXAMINER: I know those are

1 the magic words, Mr. Rodriguez. But by just -- by
2 saying them doesn't make me find an interest here.
3 What I'm looking for is I'm specifically looking for
4 your interest in this area. So you're saying you are
5 filing -- you have overlapping plans?

6 MR. RODRIGUEZ: Yes, there's
7 no -- Civitas does not have a working interest in 15
8 or 22. But by the virtue of the development area that
9 was filed last month by Fasken we were supposed to
10 receive notice of this -- of Fasken's units. And
11 that's what triggered us to move forward with our
12 development plan.

13 THE HEARING EXAMINER: I'm trying to
14 understand. What was filed last month?

15 MR. RODRIGUEZ: Fasken filed its
16 applications for a development area with the BLM.

17 THE HEARING EXAMINER: Based on the
18 approval that they had received two years ago?

19 MR. RODRIGUEZ: They don't have
20 an -- they have OCD orders, yes, but they don't have
21 any federal permits yet. It's just the process that
22 these operators go through to file.

23 THE HEARING EXAMINER: What I'm asking
24 you is this plan that they -- that you say that they
25 filed a month ago -- was it based on some approval

1 from the OCD that they've already secured? Mr.
2 Feldewert is shaking his head no.

3 MR. RODRIGUEZ: I think it's
4 independent of that.

5 THE HEARING EXAMINER: Independent?
6 Let's go back to Mr. Feldewert for a minute. Do you
7 understand what he's talking about when he says a
8 month ago you filed something?

9 MR. FELDEWERT: Certainly, yeah. The
10 BLM has its own process for when you file APDs, you
11 meet with the BLM, you go through various discussions,
12 including federal development areas.

13 You deal with the potash lessees, which
14 again is a federal issue out there. That takes time.
15 You attempt to reach an agreement with the potash
16 lessees, which Fasken was able to do.

17 And then you're in a position to pursue
18 with the BLM a federal development area. It has
19 nothing to do with the Division or the Division
20 process. It is completely independent.

21 THE HEARING EXAMINER: Mr. Rodriguez,
22 is there any other basis for an interest besides a
23 plan that you received a month ago that I guess in
24 some way -- and how does that plan involve you?

25 MR. RODRIGUEZ: Well, that development

1 area is what triggered our understanding of Fasken's
2 development entirely. We were unaware that this was
3 happening until recently.

4 THE HEARING EXAMINER: But, okay, I
5 understand that. But how does that then involve
6 you -- your client?

7 MR. RODRIGUEZ: Well, like, it was
8 referring back to what I was saying earlier.
9 Unfortunately there is only one place to surface in
10 that area. And that is in the south corner of Section
11 22.

12 And if I could try to visualize
13 this -- our development, Civitas's development plan,
14 is a three-mile development plan containing Sections
15 10, 15, and 22. Fasken's development plan is 15 and
16 22.

17 The only place to surface is on the
18 south part of that development. And because of that
19 we decided that we needed to intervene in these cases
20 so that we can try to avoid Section 10 from being
21 unable to be developed.

22 THE HEARING EXAMINER: Okay. It sounds
23 to me like you have an issue with the BLM and not with
24 the OCD. That's what it sounds to me like. Is that
25 wrong?

1 MR. RODRIGUEZ: I'm not sure I'd call
2 it an issue. I think that's just functionally what's
3 available for us at the BLM level. But also there's
4 other impediments to developing this acreage around
5 where we're at.

6 And had we -- had the order of
7 operations with Fasken been different and the DAs been
8 filed sooner, we certainly would have entered an
9 appearance at that point as well. But it just so
10 happens that -- not that it was improper but that it
11 was just an unfortunate circumstance.

12 THE HEARING EXAMINER: You also say
13 here in the fourth paragraph "CIVI also has standing
14 to intervene in these cases because it is an
15 operator -- it is an operating rights owner." What do
16 you mean by that?

17 MR. RODRIGUEZ: An operating rights
18 owner in Section 10. So there's a working -- we have
19 a twenty -- roughly 26 percent working interest in
20 Section 10, which entitles Civitas to notice of
21 Fasken's development area.

22 THE HEARING EXAMINER: In Section 10?

23 MR. RODRIGUEZ: Correct.

24 THE HEARING EXAMINER: And Mr.

25 Feldewert, I don't remember you addressing -- I

1 remember you addressing interest as you discuss
2 competing development plan. I don't remember you
3 addressing interest as to operating rights owner.

4 MR. FELDEWERT: So I did -- well, I
5 attempted to indirectly probably in that sense that he
6 says that they have -- and this is what -- and I have
7 it highlighted and circled. That's what I meant to
8 address.

9 Because they're an operating rights
10 owner entitled to notice of Fasken's proposed
11 development area for the wells at issue in this
12 captioned case, okay, that's under the BLM rules.
13 Purely under the BLM rules.

14 Apparently they're claiming that they
15 have their interest in Section 10, which is to the
16 north. Fasken's development area is to the south.
17 They are claiming that since they have that interest
18 in Section 10 they receive notice under the BLM
19 provisions of that federal development area.

20 And they're claiming, "Well, that's the
21 only area that -- there's only one drilling island,
22 therefore BLM, you got to deny their permits." Okay?
23 That's going to be addressed by the BLM. We disagree.
24 Fasken disagrees with that. There are other options
25 out there.

1 But that's a matter that's going to be
2 addressed by the BLM as part of their
3 application -- as part of their approval of the
4 drilling permits, okay? It has nothing to do with
5 your pooling order. It has nothing to do with the
6 Division.

7 THE HEARING EXAMINER: When you say it
8 has nothing to do with the pooling order, does the
9 pooling order not include Section 10?

10 MR. FELDEWERT: It does not.

11 THE HEARING EXAMINER: Then, Mr.
12 Rodriguez, how do you have an interest in this pooling
13 order?

14 MR. RODRIGUEZ: It's not a direct
15 interest within those sections. But we do have, like
16 the motion states, we are proposing competing
17 developments that will pool this acreage.

18 THE HEARING EXAMINER: Okay, all right.
19 Thank you. Ms. Bennett?

20 MS. BENNETT: Thank you, Mr. Examiner.
21 First off I would just say that Mr. Feldewert -- the
22 parade of horrible that he laid out if the Division
23 were to accept Marathon's position here will not
24 occur.

25 This is not a situation -- at least

1 there's nothing in the record, I guess, that would
2 show that Fasken has built locations, has done all of
3 this stuff that Mr. Feldewert -- I know they've taken
4 some steps on paper.

5 But in terms of the parade of
6 horrible -- that just doesn't ring true with the
7 situation we have here where an operator has been
8 holding onto a permit -- I mean, onto a pooling order
9 for multiple years -- for two years. If this
10 extension is granted it'll be another year.

11 And Marathon has a significant interest
12 in these -- in this unit. It has 24 percent of the
13 unit. Marathon has a right to, after two years,
14 change its mind and say, "This is taking too long.
15 And we're ready to develop. And we want to develop."

16 Now Mr. Feldewert said that the
17 Division cannot allow Marathon to collaterally attack
18 the order. That just isn't accurate. There is
19 precedent for setting aside or allowing competing
20 applications to be filed after an order has been
21 issued.

22 And that is in a series of cases
23 between Apache, Ascent, and Mewbourne. And in those
24 cases Ascent made the same argument that Mr. Feldewert
25 is making today.

1 Ascent argued that Apache's motion,
2 which was a motion to the Commission at the time, was
3 fatally flawed because the Division has already
4 approved Ascent's pooling and spacing applications for
5 the lands at issue thus the Division lacks the
6 jurisdiction to consider Apache's pooling
7 applications, which were filed a couple of years
8 later.

9 The Commission disagreed. And the
10 Commission said that -- and this is in Order No. R-
11 21454.

12 THE HEARING EXAMINER: Say that again.

13 MS. BENNETT: Order R-21454.

14 THE HEARING EXAMINER: Okay.

15 MS. BENNETT: The Commission said, "In
16 order to prevent waste and protect correlative rights,
17 it is in the best interest of the public and the
18 parties that all of the related applications be heard
19 in conjunction with one another or be entirely
20 consolidated for hearing."

21 And that's the situation in the Apache,
22 Ascent, and Mewbourne cases. It's not directly the
23 same as here because the Ascent orders were
24 pending -- were on appeal to the Commission.

25 But that could happen here. I mean, if

1 Fasken's extension request is approved Marathon has
2 the right to appeal that. Then the appeal would be
3 pending before the Commission. And Marathon could
4 submit its competing applications and this order from
5 the Commission would control that exact circumstance.

6 And the Commission then went on to say,
7 "Given that these potentially competing applications
8 are not all right for review by the Commission" -- and
9 that was because Apache at that time had not even
10 filed its competing pooling applications but was
11 intending to file competing pooling
12 applications -- "it is not currently appropriate for
13 the Commission to review this -- the competing
14 applications. They should be heard by the Division."

15 And then only after they were
16 heard -- all of the competing applications were heard
17 by the Division would the applications be heard by the
18 Commission only after all of the competing
19 applications had been heard by the Division.

20 And so this line of cases or this
21 series of cases is directly analogous here because the
22 Commission Apache -- excuse me, Ascent order
23 argued -- I don't know if they particularly argued res
24 judicata or collateral estoppel. I don't know if
25 those words appeared in their briefing.

1 But that was the thrust of their
2 argument -- that Apache could not come in and
3 collaterally attack an existing order that had been in
4 place for two years by filing competing applications
5 nor could Mewbourne do that.

6 That did not withstand the Commission's
7 scrutiny. Those cases were all consolidated for
8 hearing before the Division. And so the Division does
9 have authority and there is precedent for doing
10 exactly what Marathon is requesting.

11 I would also just point out for
12 the -- to add some clarity to what Mr. Rodriguez was
13 saying -- not that I'm trying to make his argument for
14 him -- but I did draw this really sketchy schematic
15 which shows Section 10, 15, and 22.

16 And it's my understanding that Civitas
17 intends to propose wells that traverse all three of
18 these sections. And 15 and 22 are the sections that
19 are at issue in the Fasken extension request.

20 And so Civitas's plans will completely
21 overlap with the existing Fasken order, which I think
22 is what Mr. Rodriguez was saying. And Marathon has
23 sent out competing applications -- or excuse me,
24 competing proposals.

25 And I think those would be ripe -- I'm

1 not sure when Civitas is planning on sending out
2 competing proposals, but I think Marathon's competing
3 proposals would be ripe for a hearing in September.

4 This is not something we're seeking to
5 delay further. I believe at the last hearing on these
6 matters Mr. Feldewert agreed that there's no rush
7 because BLM hasn't issued the APDs yet.

8 So this is a situation where
9 either -- primarily there's not going to be a huge
10 delay by allowing Marathon to submit competing
11 applications. Those will be ripe in September and
12 we'd be ready to go to hearing.

13 THE HEARING EXAMINER: Thank you. I'll
14 come back to you, Mr. Feldewert.

15 MR. FELDEWERT: Okay.

16 THE HEARING EXAMINER: I'm just
17 thinking for a moment. So Mr. Rodriguez, I'm trying
18 to understand your interest here. And I have Ms.
19 Bennett elaborating on what you said before.

20 Mr. Feldewert, these two order
21 numbers -- 22121 and 22122 -- what sections do these
22 order numbers deal with?

23 MR. FELDEWERT: Asking me?

24 THE HEARING EXAMINER: Yes.

25 MR. FELDEWERT: 15 and 22.

1 THE HEARING EXAMINER: 15 and 22.

2 Thank you. And --

3 MR. FELDEWERT: And I should -- well,
4 let me clarify that.

5 THE HEARING EXAMINER: Yes.

6 MR. FELDEWERT: The west half of
7 Sections 15 and 22. So there's two -- one's the west
8 half, west half; one's the east half, west half.

9 THE HEARING EXAMINER: Well, you lost
10 me on that part so hold on there. I have two
11 sections -- 15 and 22. They're north and south of
12 each other; right?

13 MR. FELDEWERT: Correct.

14 THE HEARING EXAMINER: 15 is above and
15 22 is below; right?

16 MR. FELDEWERT: Correct.

17 THE HEARING EXAMINER: Okay, fine. Now
18 you're saying these orders deal with what parts of
19 these sections?

20 MR. FELDEWERT: West half.

21 THE HEARING EXAMINER: Of both
22 sections?

23 MR. FELDEWERT: Yes.

24 THE HEARING EXAMINER: Okay. Because I
25 didn't understand the east part that you mentioned.

1 MR. FELDEWERT: I think the reason
2 there's two cases is because there's a west half, west
3 half spacing unit and then there's an east half, west
4 half spacing unit.

5 THE HEARING EXAMINER: Oh, but they're
6 both in the -- okay. I got it now, okay. Mr.
7 Rodriguez, where is your interest in these two
8 sections?

9 MR. RODRIGUEZ: Civitas does not have a
10 working interest in 22 or 15. But its proposals are
11 for 10, 15, and 22 --

12 THE HEARING EXAMINER: I understand.
13 So you have an interest in 10?

14 MR. RODRIGUEZ: Correct.

15 THE HEARING EXAMINER: And 10 is due
16 north of 15?

17 MR. RODRIGUEZ: Correct.

18 THE HEARING EXAMINER: I see. So
19 there's three sections north and south. And you have
20 an interest in 10. What part of 10?

21 MR. RODRIGUEZ: I'm not sure. At least
22 in the -- where we proposed -- which is the west half
23 of all three of those sections -- we have a 26 percent
24 working interest in 10.

25 THE HEARING EXAMINER: And Ms. Bennett,

1 I understand your argument regarding what the
2 Commission said in their Order 21454. I understand
3 your argument.

4 And I also understand that after a
5 certain period of time your client is getting
6 frustrated with the lack of development.

7 And I also understand that Mr.
8 Feldewert said that it's -- you know, they're waiting
9 on the BLM -- that they don't have control over this
10 delay and that they've already put things into action.

11 But I just don't understand your
12 argument -- but I don't understand your argument when
13 it comes to someone having an interest in Section 10
14 and wanting to propose -- I don't understand that that
15 gives them a right -- that gives them a standing or a
16 right to intervene in this case here.

17 MS. BENNETT: Thank you, Mr. Examiner.
18 Again not trying to make --

19 THE HEARING EXAMINER: Well, you are.

20 MS. BENNETT: Yes.

21 THE HEARING EXAMINER: You may not be
22 trying to but you are.

23 MS. BENNETT: Yes.

24 THE HEARING EXAMINER: Why don't you
25 continue?

1 MS. BENNETT: The goal of the pooling
2 process is to allow a company or an operator with an
3 interest in one tract to bring in interest in other
4 tracts in which it doesn't have an interest.

5 And so what I understand Civitas's plan
6 is to pool in Sections 15 and 22 to create three-mile
7 laterals that would include Section 10. And so
8 without the ability to intervene in these cases it
9 cannot protect its interest in its competing proposals
10 that would cover Sections 15 and 22.

11 THE HEARING EXAMINER: I understand.
12 Thank you. Mr. Feldewert, you've heard a different
13 argument. What do you have to say?

14 MR. FELDEWERT: So first off let's go
15 to the order that Ms. Bennett cited -- 21454. Big
16 difference. It's a de novo appeal. There was no
17 final order.

18 There's no final pooling order issued
19 until after the Commission addressed the competing
20 development plans back when it was time to address the
21 competing development plans.

22 We have a different circumstance here.
23 Marathon was in the pooling case. They participated
24 in the pooling proceedings. We received the order and
25 they did not file a de novo appeal.

1 We now have a final order, okay? Once
2 you have a final order the only process available
3 under the regulations to reopen that final order is
4 for lack of notice, which is not the case here. So
5 there's no basis now for you to reopen this order two
6 years later.

7 Secondly, the only issue here as a
8 result is whether there's good cause for an extension.
9 A party wanting to come in and now collaterally attack
10 the pooling order with some pre-thought competing
11 development plan is completely outside that issue and
12 is a full-scale collateral attack on the pooling
13 order.

14 So this is not the forum and this is
15 not the hearing to do that. And they haven't even
16 moved to reopen the pooling order. So the only issue
17 before you is whether there's good cause.

18 And if they want to examine our
19 witnesses about that good cause at a hearing that's
20 fine. And you recall we had hoped that this was going
21 to be an affidavit hearing. It was scheduled for an
22 affidavit hearing or a final status conference hoping
23 that Marathon was going to withdraw their objection.

24 They haven't, okay, which is why let's
25 get a hearing scheduled to address the issue in this

1 case. And that is whether there's -- only whether
2 there's good cause for an extension.

3 You should not be setting a hearing for
4 the purpose of considering Civitas's competing
5 development plans or Marathon's competing development
6 plans or any other operator's competing development
7 plans for an acreage that was pooled two years ago
8 under a final order.

9 THE HEARING EXAMINER: Okay, I
10 understand. I think this is an issue that needs
11 briefing because to sit here and to listen to this
12 without having the ability to see each party's
13 authority is not doable for me. This is a new issue
14 for me and I need to see the law.

15 So Mr. Rodriguez, I'm not going to deal
16 with your notice of intervention. It's as of record.
17 I'm not going to approve it or deny it at this point.
18 I don't have enough information to -- I mean, at
19 first, you know, I have an initial thought about it
20 but I'm not going to go with what I initially think.

21 I'm going to give you the benefit of
22 the doubt and file a motion to go with this notice of
23 intervention on why I should allow you to intervene in
24 this case.

25 I'm also going to let Mr. Feldewert of

1 course respond to that because he's objecting to it.
2 If there was no objection that would be different.
3 But there is an objection.

4 So please file a motion why I should
5 allow intervention based on the circumstances in this
6 case. And I'll expect Mr. Feldewert's response
7 after -- how long will you need to file that?

8 MR. RODRIGUEZ: I think two weeks
9 should be acceptable.

10 THE HEARING EXAMINER: All right. Just
11 in my mind I wonder about --

12 MR. RODRIGUEZ: Actually being that
13 that's the 4th of July week can we push that maybe
14 three weeks?

15 THE HEARING EXAMINER: I wonder about
16 the delay here in these amended -- these applications
17 for a good-cause amendment. Mr. Feldewert, does
18 that -- does this delay in some way -- I mean, because
19 you filed it so you've asked for the -- does that put
20 a marker -- does that toll the time for you?

21 MR. FELDEWERT: Yes.

22 THE HEARING EXAMINER: Okay. So I'm
23 not worried about that anymore then. Do you have a
24 date, Mr. Rodriguez? I need a date. Then I'll come
25 to you, Ms. Bennett.

1 MR. RODRIGUEZ: How about July 19th?

2 THE HEARING EXAMINER: July 19th for
3 your motion to intervene. Mr. Feldewert, when would I
4 benefit from your response?

5 MR. FELDEWERT: How about August 2nd?

6 THE HEARING EXAMINER: Okay, August 2nd
7 response. Mr. Rodriguez, there won't be a reply.
8 This is a one-shot deal.

9 MR. RODRIGUEZ: That's fair.

10 MR. FELDEWERT: I'd say no later than
11 August 2nd. If I can get it in sooner I will.

12 THE HEARING EXAMINER: Fine. That
13 sounds fine. And now, Ms. Bennett, your motion
14 to -- let's see. What would it be titled? The motion
15 to what?

16 MS. BENNETT: Well, it's almost a
17 motion to, I suppose, reopen the cases.

18 THE HEARING EXAMINER: Yeah, okay.

19 MS. BENNETT: And I suppose that's what
20 it will be captioned. I don't know that that is
21 ultimately what the relief will be. But that's what
22 the motion will be captioned.

23 And then I -- otherwise I would say
24 that the onus might be on Mr. Feldewert to file a
25 motion to dismiss our competing applications. But we

1 won't have them filed by that time.

2 THE HEARING EXAMINER: All right. So
3 your motion would be to reopen the orders?

4 MS. BENNETT: Yes.

5 THE HEARING EXAMINER: When would I
6 receive that?

7 MS. BENNETT: July 19th.

8 THE HEARING EXAMINER: July 19th. Mr.
9 Feldewert, your response?

10 MR. FELDEWERT: Same deal. Same
11 schedule.

12 THE HEARING EXAMINER: August 2nd.
13 Perfect. Okay. And Ms. Bennett, there won't be a
14 reply. So what we'll do is we'll put these on the
15 docket for August 8th.

16 And at the status conference if you
17 have a verbal reply I'll hear it at that point. But
18 otherwise this is going to go back in court for a
19 while.

20 The rule doesn't allow -- doesn't
21 require me to allow a reply -- the August 8th status
22 conference.

23 So Fasken Oil will be reset August 8th
24 along with every other case that we've had so far for
25 another status conference. And we'll have the benefit

1 of briefing so I can make some decisions on how to
2 proceed in these cases.

3 Mr. Feldewert, I didn't understand one
4 argument you made originally, which was you were
5 talking about res judicata and collateral estoppel.
6 Now and I wasn't present obviously for the hearing
7 that occurred -- was it 2022? Is that when it
8 occurred?

9 MR. FELDEWERT: April.

10 THE HEARING EXAMINER: April of '22.
11 Why would res judicata and collateral estoppel
12 prevent -- is it Marathon?

13 MS. BENNETT: Yes.

14 THE HEARING EXAMINER: Marathon from
15 attacking these orders?

16 MR. FELDEWERT: Well, because they were
17 a party to the case.

18 THE HEARING EXAMINER: They were a
19 party to the case.

20 MR. FELDEWERT: They were a party to
21 the case. So as a direct party to the case res
22 judicata would apply. Civitas is more of a collateral
23 estoppel type of attack.

24 THE HEARING EXAMINER: Okay. Let's get
25 to that in just a moment. So Ms. Bennett, do you have

1 a response to the res judicata argument?

2 MS. BENNETT: I mean, I'm looking
3 forward to briefing that issue.

4 THE HEARING EXAMINER: Ah, you're going
5 to brief that issue?

6 MS. BENNETT: Yes. But I would say
7 that the order that I referred to earlier -- Order
8 R-21258 -- excuse me, I don't have the order in front
9 of me right now.

10 THE HEARING EXAMINER: Do you --

11 MS. BENNETT: Yeah. Ascent made very
12 similar arguments. And I understand Mr. Feldewert's
13 point that there is a final order here and -- but the
14 overarching decision by the Commission was that it was
15 most efficient to hear all competing applications at
16 once.

17 And that has been the Division's
18 practice since that order was issued. And so I think
19 that that would be the controlling issue is whether --
20 what's the most efficient for the Division. And that
21 was what the Commission's ultimate goal was was
22 efficiency.

23 And I understand the res judicata
24 argument. And I will need to look into it a bit
25 further.

1 But I do think that there are reasons
2 that we would not be -- Marathon would not be barred
3 by res judicata from seeking to reopen the cases if
4 for no other reason than good cause can't just be
5 limited, as Mr. Feldewert is indicating, to the BLM
6 approval.

7 That might be why the orders -- or why
8 Fasken hasn't yet commenced its drilling. But that
9 doesn't mean that that still is good cause to have an
10 operator hold on to acreage for two to three or four
11 years when there are other operators who are willing
12 to step into the breach and get started.

13 So good cause -- it might be that the
14 BLM -- in other circumstances the BLM's approval or
15 lack thereof might be good cause, but I think that
16 there are grounds for Marathon to challenge whether
17 there is good cause here when there are other
18 circumstances and other operators who are willing to
19 step forward.

20 THE HEARING EXAMINER: So you're saying
21 that based on the good cause issue alone that might
22 give you the ability to not only challenge the good
23 cause but present your own competing plans?

24 MS. BENNETT: Yes, I think that's the
25 nub of what Marathon's issue is here is that it is not

1 in anyone's interest to allow this acreage to go
2 undeveloped. And so that goes both to good cause and
3 to Marathon's competing proposal.

4 If we were talking about an interest
5 owner that had 1 percent or 2 percent or 3 percent
6 that would be different. I would completely
7 understand Mr. Feldewert's argument on this point.

8 But we're talking about an interest
9 owner with 24 percent. And they have a strong desire
10 in seeing this acreage get developed. And so in their
11 view it isn't -- there is not good cause to extend
12 these orders.

13 Rather they should be -- the extension
14 should be denied or at a minimum the Division should
15 consider whether there are more efficient and more
16 effective development plans that could be implemented
17 more quickly.

18 THE HEARING EXAMINER: Okay, thank you.
19 Okay, so you will brief -- that'll be in your
20 briefing. And we'll hear a response. And we're set
21 for a status conference August 8th. Is there anything
22 further, Mr. Feldewert?

23 MR. FELDEWERT: You know, my only
24 immediate response is twofold. One, if there's not
25 good cause then the pooling orders expire.

1 And then Civitas, Marathon, Fasken, and
2 any other operator that wants to come in with plans to
3 develop that acreage can, recognizing you're resetting
4 the clock on the BLM approval of the APD, okay, which
5 doesn't seem very efficient to me.

6 So if Marathon was really interested in
7 getting this acreage developed they would not be
8 resetting the clock on the BLM APD approval.

9 THE HEARING EXAMINER: Thank you.

10 MR. FELDEWERT: This is all about them
11 wanting to come in and relitigate the pooled acreage,
12 which I'm suggesting if you allow that to happen your
13 docket's going to get much bigger.

14 THE HEARING EXAMINER: Thank you. Mr.
15 Rodriguez, anything further?

16 MR. RODRIGUEZ: No, I agree with Ms.
17 Bennett though regarding good cause. I think it
18 should not be limited to just waiting on permits. I
19 believe it's also the actions of the -- the lack of
20 actions by an operator, an applicant to demonstrate
21 that good cause has occurred.

22 And here I believe that the fact that
23 Fasken still has -- they just recently applied for the
24 development area -- I think that to me is questionable
25 as to whether or not they are serious about developing

1 this acreage.

2 And at this point Civitas has filed I
3 believe all federal permit applications as its
4 competing well proposals sent out and is prepared to
5 file competing applications by the August 8th docket.

6 THE HEARING EXAMINER: Okay. Well,
7 we'll come back on August 8th after the briefing.
8 We'll decide how to proceed. And it sounds like we'll
9 either have a hearing by affidavit or we'll have a
10 contested hearing.

11 And I'll be setting it, it sounds like,
12 in September. So hopefully the parties can discuss
13 dates in September that they can have their witnesses
14 here in Pecos Hall or at least virtually available.
15 All right. Thank you.

16 MR. FELDEWERT: Thank you.

17 THE HEARING EXAMINER: We're going to
18 move on.

19 MR. RODRIGUEZ: Thank you.

20 THE HEARING EXAMINER: Thank you.
21 We're in recess on those cases. I'm now calling Item
22 No. 10. This is Avant Operating -- nope. Wait a
23 minute. Yes, on No. 9 -- 24543 and 24544. This is
24 Avent Operating. Entries of appearance, please.

25 MR. SUAZO: Yes, good morning, Mr.

1 Hearing Examiner. Miguel Suazo with the Santa Fe
2 office of Beatty & Wozniak on behalf of Avant
3 Operating LLC, joined today by my colleagues Sophia
4 Graham and Kaitlyn Luck.

5 THE HEARING EXAMINER: Thank you.

6 MR. FELDEWERT: Morning, Mr. Examiner.
7 Michael Feldewert of the Santa Fe office of Holland &
8 Hart appearing on behalf of COG Operating.

9 THE HEARING EXAMINER: Thank you.

10 MR. BRUCE: Mr. Examiner, Jim Bruce
11 representing Kaiser-Francis Oil Company.

12 MR. SAVAGE: Mr. Examiner, Darin Savage
13 on behalf of Prima Exploration Incorporated.

14 THE HEARING EXAMINER: You said Prima?

15 MR. SAVAGE: Prima, P-R-I-M-A.

16 THE HEARING EXAMINER: And Mr. Bruce,
17 you said Kaiser?

18 MR. BRUCE: Yeah. EGL is --

19 THE HEARING EXAMINER: Right. We'll
20 fix that. Thank you. K-A-I-S-E-R?

21 MR. BRUCE: Yes.

22 THE HEARING EXAMINER: Okay, got it.
23 Okay, Mr. Suazo, these are your cases. When were they
24 filed?

25 MR. SUAZO: I believe they were filed

1 on May 13th.

2 THE HEARING EXAMINER: And who
3 objected?

4 MR. SUAZO: Kaiser-Francis.

5 THE HEARING EXAMINER: Kaiser. Why did
6 you object?

7 MR. BRUCE: Kaiser-Francis was trying
8 to work out a JOA with Avant. And things were moving
9 slowly and they wanted more time.

10 Just so you know because you probably
11 haven't seen it yet, they did sign a JOA late, late
12 yesterday. And so first thing this morning about 6:30
13 I did withdraw the objection.

14 THE HEARING EXAMINER: And Mr. Suazo,
15 is that the only objection was EGL?

16 MR. SUAZO: No --

17 THE HEARING EXAMINER: Kaiser. I'm
18 saying EGL.

19 MR. SUAZO: I believe that Prima has
20 also entered an objection.

21 THE HEARING EXAMINER: Mister --

22 MR. SAVAGE: Yes, Mr. Hearing Examiner,
23 thank you. Prima entered an objection to the case
24 going forward by affidavit in Case 24544, which is the
25 Bone Spring application.

1 THE HEARING EXAMINER: And why did you
2 file an objection?

3 MR. SAVAGE: We filed an objection for
4 a number of reasons. And I just noticed that Avant
5 has provided a response to our objection. Do you want
6 me to go through the --

7 THE HEARING EXAMINER: Yeah.

8 MR. SAVAGE: -- and respond to the --

9 THE HEARING EXAMINER: Yeah.

10 MR. SAVAGE: Okay. So I guess I would
11 do this in the context of a response to Avant's
12 response that they provided. So first of all, I don't
13 understand quite the nature of the response.

14 It looks like they are asking the
15 Division to deny a motion for continuance. And we did
16 not file a motion for continuance. We filed an
17 objection to the case going forward by affidavit.

18 So a few years ago the Division put a
19 procedure in place for managing the docket which has
20 become very useful for the practitioners -- it seems
21 also as well for the Division and in this procedure.
22 And this procedure's outlined in the note of the OCD's
23 notice dated July 22, 2020.

24 So the procedure is set up so it
25 inquires if the parties agree that a case -- whether a

1 case can go forward by affidavit.

2 If the Division finds that the parties
3 do not agree that it can go forward and they do not
4 agree to a motion to continue and the parties have,
5 you know, have discussed the motion to continue
6 previously, then the Hearing Examiner will conduct a
7 status conference, which is -- we're involved in
8 currently -- and at the status conference set the case
9 for a hearing date.

10 So Prima objected to the case going
11 forward by affidavit. Under the procedure that would
12 put in place the procedure to set a hearing date and
13 to do this status conference today in lieu of a
14 hearing -- contested hearing.

15 So Prima is the working interest owner
16 in the Bone Spring unit. We actually received notice
17 that we were working interest owners in both the Bone
18 Spring and the Wolfcamp and so we made an appearance
19 in both cases. But it looks like it has been
20 clarified that our working interest is in the Bone
21 Spring.

22 So Prima views the Bone Spring
23 applications as flawed applications or flawed pooling
24 applications in light of the Division's hearing
25 updates and clarifications -- a process issued April

1 24, 2024.

2 So Avant's pooling application for the
3 Bone Spring was submitted, as Mr. Suazo says, on May
4 13, 2024. And Prima has concern that the application
5 fails to meet the standards of the clarifications, in
6 particular the number of wells that can be drilled
7 within the year.

8 Avant proposes to drill within the year
9 12 initial wells. And if you add that to the sister
10 application that comes to an additional 4 -- so 16
11 wells for the subject lands.

12 And Prima's concerned that the drilling
13 of this many wells is not feasible and will result in
14 an invalid pooling order in the end, especially given
15 the number of wells.

16 THE HEARING EXAMINER: All right, Mr.
17 Savage --

18 MR. SAVAGE: Yes?

19 THE HEARING EXAMINER: -- I understand
20 the issue now.

21 MR. SAVAGE: Well, okay.

22 THE HEARING EXAMINER: Is there more?

23 MR. SAVAGE: Well, yeah, there's a
24 couple of things more.

25 THE HEARING EXAMINER: But ultimately

1 the objection is over flawed plans; is that right?

2 MR. SAVAGE: Basically. And there's a
3 number of concerns. You know, they're asking for a
4 nonstandard unit. You know, they're asking for a
5 pretty large nonstandard unit. It's a 1280.

6 These are oil spacing units. Typically
7 a standard unit is, you know, built on 40-acre tracts.
8 So that's quite a leap. We're concerned about some
9 correlative right issues. We'd like some time to
10 evaluate that.

11 We'd like some time -- we believe that
12 with the -- not only do -- the number of wells might
13 not be able to be completed or drilled within the year
14 but we also think that Avant is over-drilling the unit
15 and therefore doing some unnecessary wells and
16 burdening a working interest such as Prima's. And --

17 THE HEARING EXAMINER: So Mr. Savage,
18 so you filed an objection. What do you want? I'm
19 going to go to Mr. Suazo in a moment. But what do you
20 want? Are you going to file a competing application?

21 MR. SAVAGE: No. You know, we're a
22 minor working interest. So we're interested in
23 protecting this interest --

24 THE HEARING EXAMINER: I see.

25 MR. SAVAGE: -- and not burdening it.

1 So what we would be interested in is opportunity to
2 evaluate the situation, August 8th or August 22nd as a
3 hearing date.

4 And we're also considering what we
5 think may be beneficial to the working interest
6 owners, to Prima, and to the Division is that --
7 filing a motion to dismiss this application and then,
8 you know, have a review or argument of whether or not
9 those number of wells need to be modified.

10 THE HEARING EXAMINER: On what grounds?
11 On what grounds do you have the right to dismiss
12 someone else's applications?

13 MR. SAVAGE: Well, there would be
14 several grounds. First of all, we don't believe that
15 they meet the standards of that clarification letter.
16 So that would be the primary reason.

17 We believe that they're over-drilling.
18 And that would be -- you know, so there's a -- we
19 would state that in the motion to dismiss.

20 THE HEARING EXAMINER: Okay. Thank
21 you, Mr. Savage.

22 MR. SAVAGE: Yeah, thank you.

23 THE HEARING EXAMINER: Mr. Suazo, these
24 are your cases. And I haven't called on the other
25 parties yet. These are your cases; right?

1 MR. SUAZO: Yes.

2 THE HEARING EXAMINER: Okay. You've
3 heard what Mr. Savage said. How do you want to
4 proceed?

5 MR. SUAZO: Well, for starters we'd
6 like to oppose Prima's request for a continuance. And
7 we obviously disagree with his characterization of the
8 compliance with, you know, the drilling proposals.

9 Their working interest is really minor.
10 And, you know, I'm glad that Mr. Savage clarified that
11 Prima does not have an interest in Case No. 24543.

12 And it sounds like there's some
13 concerns around 24544. But if they acknowledge
14 there's no issue with 24543 we'd like to proceed with
15 that case at the very least today. And --

16 THE HEARING EXAMINER: Are you saying
17 that you have filed your exhibits?

18 MR. SUAZO: Yes. We filed the
19 exhibits -- here, just a second. So we're prepared to
20 submit those with our -- if the case is allowed to
21 proceed by affidavit today we're prepared to submit
22 those.

23 There wouldn't be time for the
24 technical review or to review exhibits that haven't
25 been submitted timely.

1 THE HEARING EXAMINER: Yeah. Let me
2 just confirm --

3 MS. GRAHAM: If I may interject
4 quickly, those exhibits were filed last Thursday on --

5 THE HEARING EXAMINER: Thank you.
6 Okay, thank you. Yeah. Thank you, Ms. Graham. So is
7 there a pre-hearing statement filed as well?

8 MR. SUAZO: Yes. Avant just filed a
9 pre-hearing statement. Prima has not.

10 THE HEARING EXAMINER: And Mr. Suazo,
11 are you saying that there are no objections to Case
12 No. 24543 proceeding by affidavit?

13 MS. GRAHAM: That is correct, Mr.
14 Hearing Examiner.

15 THE HEARING EXAMINER: Okay. Thank
16 you, Ms. Graham. So Mr. Suazo, we can put 25443 at
17 the end of our docket to give Ms. Thompson time to
18 review the exhibits.

19 And if she's able to review the
20 exhibits then we'll hold that hearing at the end of
21 our docket, okay? When it comes to 254544, how do you
22 want to proceed there? Do you want me to schedule a
23 contested hearing?

24 MR. SUAZO: Well, I think there's some
25 concerns with us. I think Avant feels that they are

1 objecting here in bad faith. The parties have been
2 communicating extensively about this development.

3 And I think this is more of an attempt
4 to leverage the negotiation given they're a, you know,
5 very minor interest owner here. They haven't
6 submitted a competing development plan. They haven't
7 presented any evidence against Avant's development
8 plan.

9 Avant has approved permits to drill.
10 It has a drill schedule in place. So you know, under
11 the circumstances, you know, we really object with,
12 you know, Prima's entire posture here.

13 THE HEARING EXAMINER: That being said,
14 I understand your objection. How do you want me to
15 proceed with this case?

16 MR. SUAZO: Well, we'd like for you to
17 let us proceed by affidavit. But --

18 THE HEARING EXAMINER: There's an
19 objection filed. And I have no -- I don't know that I
20 have any grounds to ignore an objection. So that
21 being said, how do you want for me to proceed?

22 MR. SUAZO: We can set this for a
23 contested case in August. That's fine.

24 THE HEARING EXAMINER: Okay, fine. It
25 seems to me -- okay. Let me next go to Mr. Feldewert

1 on this case.

2 MR. FELDEWERT: My understanding is
3 that Avant has reached an agreement with COG
4 Operating. We withdrew our objection.

5 THE HEARING EXAMINER: Oh, you withdrew
6 your objection?

7 MR. FELDEWERT: Well, I'm not sure we
8 filed an objection. We didn't file an objection.

9 THE HEARING EXAMINER: Okay.

10 MR. FELDEWERT: They've come to an
11 agreement so we're just monitoring the case.

12 THE HEARING EXAMINER: Okay, fantastic.
13 And then Mr. Bruce?

14 MR. BRUCE: Kaiser-Francis has no
15 objection to Avant proceeding.

16 THE HEARING EXAMINER: In both cases or
17 just one case?

18 MR. BRUCE: Both cases.

19 THE HEARING EXAMINER: In both cases?

20 Thank you. Well, Mr. Savage, it sounds to me like
21 Avant wants to schedule a contested hearing in Case
22 44. I'm looking at either August or September. What
23 month works for you since it's your case?

24 MR. SAVAGE: The sooner the better from
25 our standpoint.

1 THE HEARING EXAMINER: That's what I
2 thought. So August?

3 MR. SAVAGE: Yes.

4 THE HEARING EXAMINER: August. Mr.
5 Savage --

6 MR. SAVAGE: How about split the
7 difference and do August 22nd?

8 THE HEARING EXAMINER: I'm sorry. Will
9 you say that again?

10 MR. SAVAGE: Split the difference.
11 It'd be August 22nd.

12 THE HEARING EXAMINER: Sir, we're not
13 setting this -- are you asking for August 22nd -- is
14 that a docket --

15 MR. SAVAGE: I believe that's a docket.

16 THE HEARING EXAMINER: Yeah, so we're
17 not setting these on dockets. We're setting these on
18 other days because these can run long.

19 MR. SAVAGE: Okay.

20 THE HEARING EXAMINER: Too much in one
21 day.

22 MR. SAVAGE: Yep. Whatever the OCD
23 finds.

24 THE HEARING EXAMINER: Okay. So you're
25 available in August?

1 MR. SAVAGE: We'd be available in
2 August. And also I'd like to ask some opportunity and
3 time to do that motion to dismiss.

4 THE HEARING EXAMINER: By all means.
5 By all means. Why don't you think of a deadline? I
6 mean, I'm thinking July 19th since it seems to be a
7 good day for everyone.

8 I've given you plenty of time -- three
9 weeks from now. So we'll say July 19th for your
10 motion to dismiss first of all. And response by
11 August 2nd?

12 MR. SUAZO: That works.

13 THE HEARING EXAMINER: Okay. When do
14 you want to have the contested hearing, Mr. Suazo?

15 MR. SUAZO: As early in August as --

16 THE HEARING EXAMINER: I got --

17 MR. SUAZO: -- you're available.

18 THE HEARING EXAMINER: Give me a date.
19 And Freya, do we have dates in August that we can hold
20 a contested hearing?

21 THE CLERK: We have August 20th
22 available. That's a Tuesday.

23 THE HEARING EXAMINER: Mr. Suazo,
24 August 20th?

25 MR. SUAZO: That works for us. I can

1 confirm with Avant that our calendar's clear right
2 now.

3 THE HEARING EXAMINER: Okay, perfect.
4 Then we'll issue a pre-hearing order in this case for
5 August 20th even before I read the motion to dismiss,
6 Mr. Savage. Obviously if I grant it then we'll vacate
7 it. Is there anything further, Mr. Suazo, on
8 254 -- excuse me, 24544?

9 MR. SUAZO: No, Mr. Hearing Examiner.

10 THE HEARING EXAMINER: Okay. Thank
11 you. We will move on now to Mewbourne Cases Buffalo
12 Thunder 24545, 46, 47, 48, 49, 50. And I believe
13 these are related to other cases that we have a
14 contested hearing scheduled for August 7th. Entries
15 of appearance, please.

16 MR. BRUCE: Mr. Examiner, Jim Bruce on
17 behalf of Mewbourne.

18 THE HEARING EXAMINER: Thank you. Do
19 we have someone representing ConocoPhillips?

20 MR. BRUCE: Mr. Examiner, Sharon
21 Shaheen is representing Permian Resources. And
22 they're the applicants in the other case that we
23 just --

24 THE HEARING EXAMINER: The ones that
25 are going to the contested hearing?

1 MR. BRUCE: On August 7th, yes. And
2 these Buffalo Thunder cases -- they were set for
3 today. This is their first setting --

4 THE HEARING EXAMINER: Yes.

5 MR. BRUCE: -- on a regular docket.

6 THE HEARING EXAMINER: Yeah. And we
7 had -- I think there's Ms. Shaheen now.

8 MS. SHAHEEN: I am here now. Thank
9 you, Mr. Bruce, for reminding me. I'm looking through
10 my file here. Not having seen the firm's name on the
11 docket I did not realize that I needed to be paying
12 attention.

13 THE HEARING EXAMINER: So Ms. Shaheen,
14 have you entered an appearance in these Buffalo
15 Thunder cases?

16 MS. SHAHEEN: It looks like I have
17 entered an appearance on behalf of Permian Resources
18 in all of the -- is it five Buffalo Thunder cases?

19 THE HEARING EXAMINER: Okay.

20 MS. SHAHEEN: And again I apologize
21 because I believe we have competing applications in
22 the Mudshark --

23 THE HEARING EXAMINER: Yes.

24 MS. SHAHEEN: And we have a contested
25 hearing set for August; is that right, Mr. Bruce?

1 MR. BRUCE: We do. August 7th.

2 THE HEARING EXAMINER: So Mr. Bruce, is
3 it just you and Ms. Shaheen?

4 MR. BRUCE: That's my understanding,
5 yes.

6 THE HEARING EXAMINER: Fine. So if I'm
7 not mistaken we've already dealt with these cases in
8 that we're going to I think amend our pre-hearing
9 order --

10 MR. BRUCE: Yeah.

11 THE HEARING EXAMINER: -- to add these
12 cases?

13 MR. BRUCE: Yes. I'll get you the info
14 on the other cases later.

15 THE HEARING EXAMINER: Thank you.
16 Freya, did we issue an amended pre-hearing with these
17 case numbers?

18 THE CLERK: The pre-hearing order
19 included these cases.

20 THE HEARING EXAMINER: Mr. Bruce, you
21 don't have to. We have a pre-hearing order that
22 includes these case numbers.

23 MR. BRUCE: Okay, thank you.

24 THE HEARING EXAMINER: Okay. So are
25 the parties prepared for an August 7 contested

1 hearing?

2 MR. BRUCE: Yes, sir.

3 THE HEARING EXAMINER: You are? Okay.
4 Ms. Shaheen?

5 MS. SHAHEEN: Yes, we are.

6 THE HEARING EXAMINER: You are? Very
7 good. Ms. Shaheen, am I missing any other parties or
8 is it just Permian and Mewbourne?

9 MS. SHAHEEN: If you give me a sec I'll
10 be able to look --

11 MR. BRUCE: Mr. Examiner, let me step
12 in. I was looking at the record. I know Conoco -- or
13 COG Operating LLC, Contra Oil & Gas LLC, and Mongoose
14 Minerals LLC have appeared in these cases.

15 THE HEARING EXAMINER: Are you
16 representing them?

17 MR. BRUCE: I am pointing that out as
18 their -- yes, I'll represent them today.

19 MS. SHAHEEN: Yeah, I'm not finding any
20 entries of appearance by anyone else in our files.
21 But I have not looked in the OCD imaging files.

22 THE HEARING EXAMINER: Mr. Feldewert,
23 which cases are you representing ConocoPhillips and
24 the other entities -- which I didn't catch their name?
25 Is it these cases?

1 MR. FELDEWERT: So let me -- it's just
2 an entry of appearance?

3 THE HEARING EXAMINER: Yes.

4 MR. FELDEWERT: It's in the Permian
5 cases. And I assume we're on that pre-hearing order.
6 And it includes -- that entry includes the cases on
7 the docket today from Mewbourne.

8 THE HEARING EXAMINER: Okay. I
9 understand. Will you be participating in the actual
10 contested hearing on August 7th?

11 MR. FELDEWERT: To be determined. At
12 this point they just entered an appearance. There
13 hasn't been an objection.

14 THE HEARING EXAMINER: I see. So you
15 don't know whether or not you'll be submitting any
16 evidence?

17 MR. FELDEWERT: Correct.

18 THE HEARING EXAMINER: Okay, very good.
19 Okay. But Mr. Bruce, you'll be submitting evidence?

20 MR. BRUCE: Correct.

21 THE HEARING EXAMINER: And Ms. Shaheen
22 will be submitting evidence?

23 MS. SHAHEEN: That is correct.

24 THE HEARING EXAMINER: Wonderful.
25 Okay, is there anything further on these cases that we

1 need to deal with before the contested hearing on
2 August 7?

3 MR. BRUCE: No, sir.

4 THE HEARING EXAMINER: No. Ms.
5 Shaheen?

6 MS. SHAHEEN: Not at this time, thank
7 you.

8 THE HEARING EXAMINER: Okay, thank you.
9 Mr. Feldewert?

10 MR. FELDEWERT: No, sir. Thank you.

11 THE HEARING EXAMINER: Okay, we're in
12 recess on the Mewbourne-Buffalo Thunder cases. I'm
13 now going to Marathon Oil 24574, 75. I think those
14 are the only two. Entries of appearance, please.

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

18 THE HEARING EXAMINER: Thank you.

19 MS. SHAHEEN: Good morning, Mr.
20 Examiner, everyone. Sharon Shaheen on behalf of Flat
21 Creek Resources.

22 THE HEARING EXAMINER: Thank you.

23 MS. HARDY: Mr. Examiner, Dana Hardy
24 with Hinkel Shanor on behalf of Murchison Oil and Gas,
25 LLC.

1 THE HEARING EXAMINER: Sorry, who?

2 MS. HARDY: Murchison.

3 THE HEARING EXAMINER: Murchison.

4 MS. HARDY: Yes. And I filed a notice
5 of intervention and objection yesterday.

6 THE HEARING EXAMINER: Ah, thank you.
7 So you filed an objection. And Ms. Shaheen, did you
8 file an objection too?

9 MS. SHAHEEN: I believe we did. We
10 have competing applications.

11 THE HEARING EXAMINER: Very good.
12 Thank you. And why did Murchison object?

13 MS. HARDY: Mr. Examiner, Murchison
14 owns working interest -- a substantial amount of the
15 working interest -- in the adjacent acreage and is
16 working with another operator to propose a development
17 plan that encompasses Murchison's acreage and the
18 acreage being pooled or proposed to be pooled by
19 Marathon --

20 THE HEARING EXAMINER: Thank you.

21 MS. HARDY: -- in these cases.

22 THE HEARING EXAMINER: All right, Ms.
23 Bennett. And I think we have an intervention as well.
24 Let me find it. I think I've printed it here. Yes,
25 we have an intervention. Oh, this is by Ms. Hardy.

1 MS. HARDY: Correct.

2 THE HEARING EXAMINER: So you filed for
3 a notice of intervention. Okay. Are there any
4 objections to this intervention?

5 MS. BENNETT: Yes. That's Marathon
6 objects.

7 THE HEARING EXAMINER: And why do you
8 object?

9 MS. BENNETT: Thank you. First I did
10 just want to mention that the Marathon cases that the
11 Division just called are consolidated with Flat Creek
12 Resources cases 24259, 24260, 24262, and 24263, which
13 are set for a contested hearing on September 5, 2024.

14 THE HEARING EXAMINER: All right. Let
15 me make a note. I wasn't sure if they were on today's
16 docket. Flat Creek contested hearing. What date?

17 MS. BENNETT: September 5th.

18 THE HEARING EXAMINER: September 5th.
19 And we just set that as I remember.

20 MS. BENNETT: That's right.

21 THE HEARING EXAMINER: After Labor Day,
22 okay. And what are those case numbers again?

23 MS. BENNETT: 24259, 24260, 24262,
24 24263.

25 THE HEARING EXAMINER: And whose cases

1 are those?

2 MS. BENNETT: Flat Creek Resources.

3 THE HEARING EXAMINER: But who's
4 representing Flat Creek?

5 MS. BENNETT: Ms. Shaheen.

6 THE HEARING EXAMINER: Ah, Ms. Shaheen.
7 Very good. Okay, so Ms. Shaheen, have you
8 entered -- you have. Okay, very good. So we're
9 there. Now I understand what's going on.

10 MS. BENNETT: Thank you.

11 THE HEARING EXAMINER: Okay. So your
12 objection to the intervention?

13 MS. BENNETT: Thank you. The notice of
14 intervention filed by Murchison does not identify any
15 reason to allow Murchison to intervene in these cases
16 for a couple of reasons.

17 First, looking at Paragraph 2 of the
18 notice of intervention, it states that Murchison
19 supports competing development plans that involve its
20 acreage in Section 23 and the acreage that Marathon
21 seeks to pool in Section 22.

22 There's no indication in the notice of
23 intervention however what those competing development
24 plans are, whether they're right, whether those
25 competing development plans will be before the

1 Division. So this is a purely hypothetical interest
2 at this particular moment.

3 In addition, if Murchison is supporting
4 Flat Creek, which is not at all evident from this
5 filing or from Ms. Hardy's statements this morning,
6 Flat Creek has only proposed Bone Spring wells.

7 And Marathon has proposed both Bone
8 Spring and Wolfcamp wells. And therefore any
9 intervention or purported intervention by Murchison in
10 Marathon's Wolfcamp case would be completely
11 inappropriate.

12 Beyond that, in Paragraph 3 the notice
13 states "Murchison has standing because Marathon's
14 proposed development plan overlaps with and precludes
15 the plan development of Murchison's acreage."

16 That is inaccurate. Well, first I
17 would say I would have expected to see an affidavit or
18 some sort of evidence to support this statement. This
19 is a statement by counsel. It does not act as
20 evidence. So on its face this notice of intervention
21 is insufficient.

22 Beyond that though I took a look at
23 the -- well, I created a rather -- again a rather
24 simplistic sketch, which I'm happy to hand out to the
25 Division if that would be useful and to hand out to

1 Ms. Hardy.

2 But overall -- well, let me show you
3 this first. This is from the OCD's -- yes, I wish I
4 had it on my computer but I don't. But this is from
5 the OCD's GIS.

6 And it shows that with respect to
7 Section 23, which is the acreage that Murchison or
8 that counsel for Murchison asserts that Murchison
9 holds, is able to be developed north to south from 23
10 to 26.

11 There are no existing wells in 26 that
12 would preclude development in Section 23. And there's
13 also no existing wells that appear to preclude
14 development in Section 24. So Murchison could develop
15 23 to 24.

16 Section 23 is not involved in
17 Marathon's pooling applications nor is it -- it is
18 involved in Flat Creek's. So perhaps Murchison meant
19 to intervene in Flat Creek's cases and not Marathon's
20 cases.

21 So there's no basis to assert that
22 Marathon's development plan will impede Murchison or
23 preclude the development of Murchison's acreage.

24 Not only that, as Ms. Hardy knows, the
25 Division has held that one-mile laterals are

1 appropriate that does not result in stranding. So
2 Murchison could have its acreage developed by one-mile
3 laterals.

4 So there is no preclusion or no issue
5 with developing Murchison's acreage in 23 by virtue of
6 Marathon's proposals in Sections 15 and 22.

7 In addition, to the extent that
8 Murchison is seeking to support Flat Creek, which
9 again isn't clear to me, although the Division's rules
10 don't have this as a factor it is in the Rules of
11 Civil Procedure that if someone's interests will be
12 adequately protected by another party then
13 intervention isn't necessarily warranted.

14 And here to the extent that Murchison
15 is going to be supporting Flat Creek or is aligned
16 with Flat Creek, Flat Creek has the ability to protect
17 Murchison's interests adequately and so there would
18 not be a need for Murchison to intervene in this
19 matter.

20 So in Marathon's opinion Murchison
21 lacks standing because it hasn't shown by any
22 competent evidence that its interests will in fact be
23 impaired by Marathon's development plan and as a
24 result its motion to intervene should be denied.

25 THE HEARING EXAMINER: Okay. Ms.

1 Hardy?

2 MS. HARDY: Mr. Examiner, I vehemently
3 disagree, unsurprisingly. Murchison is not supporting
4 Flat Creek. It's going through a transaction to sell
5 its interests to another operator that is an
6 experienced operator. It's regularly in cases before
7 the Division.

8 That operator will propose to develop
9 this acreage using east-west two-mile laterals, which
10 it will show is the most efficient way to develop it
11 and best prevents waste and protects correlative
12 rights.

13 So Murchison absolutely has standing.
14 They are not required under the Division's rules in a
15 notice of intervention to provide evidence and
16 affidavit, although I'm happy to submit one if that
17 would be helpful.

18 Their interest is implicated by these
19 applications. Marathon's developments would impair
20 their interests. And they're absolutely entitled to
21 appear and present evidence in this case. I don't
22 think there's any doubt about that under the
23 Division's rules.

24 So that's our position. I think that
25 we would file competing applications that would be

1 consolidated with these cases for hearing. And I
2 think we would also intervene in the -- or enter an
3 appearance I suppose in the Flat Creek cases.

4 THE HEARING EXAMINER: Okay. Ms.
5 Shaheen?

6 MS. SHAHEEN: Thank you. I would note
7 first that Flat Creek will be filing applications in
8 the north half -- Wolfcamp applications in the north
9 half that will compete in part with Case No. 24575.

10 And I'm not sure if Mr. Rodriguez has
11 spoken up yet, but we understand that Civitas may be
12 filing Wolfcamp applications in the south half that
13 would compete with 24575 as well. So I thought I
14 would offer that to complicate matters a little
15 further.

16 And of course to the extent that any
17 unnamed operator here is planning to file competing
18 applications, it's time for them to stand up and do
19 so.

20 I don't believe that Murchison should
21 be allowed to intervene based on some unnamed
22 operator's plans to file competing applications in the
23 future, excuse me, when we have a contested hearing
24 set for September 5th.

25 THE HEARING EXAMINER: I see. And you

1 mentioned Mr. Rodriguez. Did you enter an appearance,
2 Mr. Rodriguez?

3 MR. RODRIGUEZ: No, I did not. And I'm
4 unaware of Civitas filing competing proposals or
5 applications in the Wolfcamp. But I guess we could
6 take this as my entry of appearance in these matters.

7 THE HEARING EXAMINER: Well, to enter
8 an appearance don't you have to have a standing or
9 some interest?

10 MR. RODRIGUEZ: To be determined. I'll
11 look into that and see if we do have interest in
12 Wolfcamp.

13 THE HEARING EXAMINER: All right. But
14 I'm going -- let's not deal with an entry of
15 appearance at this time until you're sure that you
16 have an interest.

17 So Ms. Shaheen, you're opposed to
18 Murchison intervening. Ms. Bennett is opposed to
19 Murchison intervening basically because of the -- I'm
20 going to use Ms. Bennett's word -- the hypothetical
21 interest in Paragraph 2.

22 However, Ms. Hardy has represented --
23 and I'm not sure that she needs evidence to represent
24 this. I mean, we are -- you know, lawyers do have a
25 duty of candor to the tribunal.

1 So I take what each person tells me as
2 true unless I find out that they're not being honest
3 with me. And then that won't continue.

4 But Ms. Hardy, you were saying that you
5 are in a trade deal with another party, which you
6 weren't naming, which is fine -- to what? To gain an
7 interest or to sell an interest?

8 MS. HARDY: No, Murchison is selling
9 its interest --

10 THE HEARING EXAMINER: Selling
11 interest.

12 MS. HARDY: -- to another operator.

13 THE HEARING EXAMINER: And you have an
14 interest in which section?

15 MS. HARDY: Murchison's interest is in
16 the adjacent acreage. Marathon seeks to pool Section
17 22 and Murchison's interest -- its substantial
18 interest is in Section 23. So it's the acreage to
19 the --

20 THE HEARING EXAMINER: Yes.

21 MS. HARDY: -- east.

22 THE HEARING EXAMINER: I understand.

23 Okay. And Ms. Bennett, your cases are in Section 23?

24 MS. BENNETT: No, sir. They're not.

25 THE HEARING EXAMINER: No, they're not?

1 MS. BENNETT: No.

2 MS. HARDY: I would note that --

3 THE HEARING EXAMINER: Are they in 22?

4 MS. BENNETT: Yes, sir. Marathon's
5 cases are in 15 and 22.

6 THE HEARING EXAMINER: Ah, you're in 15
7 and 22.

8 MS. BENNETT: And --

9 THE HEARING EXAMINER: And Ms. Shaheen,
10 where are your cases?

11 MS. SHAHEEN: Flat Creek's cases are in
12 Sections 23 and 22. And I'm a little confused. And
13 perhaps Ms. Hardy and I should talk offline because my
14 understanding was that Flat Creek acquired its
15 interest in the Bone Spring from Murchison.

16 So I'm not sure what other operator
17 would have an interest in the Bone Spring that Flat
18 Creek is seeking to pool. So it might be helpful for
19 us to talk offline about that.

20 THE HEARING EXAMINER: Sounds like it
21 would be. Ms. Shaheen, your competing cases are just
22 in the Bone Spring?

23 MS. SHAHEEN: The current cases are --

24 THE HEARING EXAMINER: Yes.

25 MS. SHAHEEN: -- in the Bone Spring.

1 But we will be filing applications in the -- for the
2 Wolfcamp in the north half of Sections 23 and 22.

3 THE HEARING EXAMINER: Are those also
4 going to be part of the contested hearing in
5 September?

6 MS. SHAHEEN: Yes, we will be filing
7 those applications. And they will be ready for
8 hearing by September 5th.

9 THE HEARING EXAMINER: Okay. But the
10 pre-hearing order that's been issued does not include
11 those at this time?

12 MS. SHAHEEN: That's correct. And
13 there's another little complicating factor with
14 respect to procedure. I'm sure you don't recall.

15 But a couple of weeks ago we determined
16 that we were going to be refiling the application to
17 clarify the depth to which the Bone Spring will be
18 pooled.

19 And we are planning to file -- refile
20 those applications to make that clarification and will
21 be filing a motion to amend the pre-hearing order to
22 substitute those new case numbers for the old case
23 numbers to add the Wolfcamp application and to also
24 include the Marathon application for which we're not
25 on the pre-hearing order issued this week.

1 THE HEARING EXAMINER: Okay. That's
2 fine. Ms. Bennett?

3 MS. BENNETT: Thank you. I think what
4 today's discussion has shown is that this notice of
5 intervention is premature. Perhaps once the trade is
6 completed and there is an actual operator who's
7 proposing competing development plans at that point
8 that party could enter an appearance.

9 As Ms. Shaheen noted, it's her
10 understanding that Flat Creek actually acquired
11 Murchison's interest. And they need to work that out
12 offline.

13 So if Ms. Shaheen is correct then
14 Murchison would have no reason to intervene in the
15 Bone Spring case. And as I mentioned earlier, I don't
16 understand the intervention in the Wolfcamp
17 cases -- or Marathon's Wolfcamp case.

18 And in addition, Ms. Hardy noted that
19 Murchison is selling its interest. So again that does
20 not -- Murchison has a fleeting interest in these
21 cases.

22 And it's clear it's only trying to --
23 excuse me. It has a fleeting interest in these cases.
24 The motion to intervene is premature. At best it
25 should be -- the Division should deny it or stay a

1 decision on the motion to intervene until there's
2 further detail on the trade and the operator can be
3 known and the competing applications can be submitted.

4 And I agree with Ms. Shaheen that
5 allowing someone to intervene and potentially disrupt
6 the process that's been set now for September 5th
7 is -- seems untimely.

8 THE HEARING EXAMINER: Okay, thank you.
9 Ms. Hardy, do you have -- does your client have an
10 interest in the -- just the Bone Spring itself or the
11 Wolfcamp as well?

12 MS. HARDY: I know they have an
13 interest in the Wolfcamp. I need to confirm on the
14 Bone Spring.

15 THE HEARING EXAMINER: Okay.

16 MS. HARDY: I believe they do but I
17 would need to confirm that.

18 THE HEARING EXAMINER: Okay, and --

19 MS. HARDY: But I do --

20 THE HEARING EXAMINER: Go ahead.

21 MS. HARDY: -- think that their
22 interest is not fleeting. It's not fleeting when you
23 own 100 percent of some of the adjacent tracts and
24 those tracts are implicated by a development plan.
25 That's simply not true.

1 THE HEARING EXAMINER: Well, whether or
2 not I allow Ms. Hardy's client to intervene, it will
3 not delay the September 5th contested hearing. So we
4 will still have the September 5th contested hearing.

5 Ms. Hardy, what I'd prefer is for you
6 to file a notice of intervention and objection that
7 has more detail in it, okay? We're not going to hear
8 it until September so you have some time, okay?

9 MS. HARDY: Sure.

10 THE HEARING EXAMINER: Why don't you
11 work out the sale or at least give me information
12 about that? Maybe include in the affidavit -- I do
13 agree that this Paragraph 2 is hypothetical.

14 And I don't believe this by itself
15 gives you the right to intervene. But maybe you can
16 make a better case a few weeks or a month down the
17 road when you have some more information to do so.

18 MS. HARDY: Sure.

19 THE HEARING EXAMINER: So at this point
20 I'm not going to make a decision about this, okay?
21 Ms. Shaheen, anything further?

22 MS. SHAHEEN: Excuse me. Not from me,
23 thank you, Mr. Examiner.

24 THE HEARING EXAMINER: You're welcome.
25 Ms. Bennett?

1 MS. BENNETT: Nothing further. Thank
2 you.

3 THE HEARING EXAMINER: Okay. Ms.
4 Hardy, anything further?

5 MS. HARDY: No, thank you, Mr.
6 Examiner.

7 THE HEARING EXAMINER: Okay, thank you.
8 We're off the record in these cases. Let's move on
9 to --

10 MS. BENNETT: Mr. Examiner?

11 THE HEARING EXAMINER: Yes?

12 MS. BENNETT: Excuse me. I think we're
13 about to move into the regular hearings. And I need a
14 brief moment to set up my materials so I would
15 respectfully request a five-minute break.

16 THE HEARING EXAMINER: By all means.
17 But I --

18 MS. BENNETT: Oh, I'm sorry.

19 THE HEARING EXAMINER: -- don't think
20 that we were quite there yet.

21 MS. BENNETT: My apologies.

22 THE HEARING EXAMINER: So if you don't
23 mind, before we do that -- but I think we have -- and
24 I'm not for sure -- but I think we're on Line 19 I
25 thought. I don't believe I called 248 -- 24585 and

1 24586.

2 MR. BRUCE: That's correct.

3 MS. BENNETT: That's correct. I was --

4 THE HEARING EXAMINER: Okay. Entries
5 of --

6 MS. BENNETT: I was a little premature.

7 THE HEARING EXAMINER: -- appearance,
8 please.

9 MS. BENNETT: Good morning, Mr.
10 Examiner. Deana Bennett on behalf of Avant Operating.

11 THE HEARING EXAMINER: Thank you.

12 MR. BRUCE: Mr. Examiner, Jim Bruce
13 representing EGL Resources and its related entity
14 PBEX.

15 THE HEARING EXAMINER: Thank you.

16 MR. FELDEWERT: Morning, Mr. Examiner.
17 Michael Feldewert, Santa Fe office of Holland & Hart,
18 appearing on behalf of XTO Energy, Inc. and then
19 separately appearing on behalf of OXY USA, Inc.

20 THE HEARING EXAMINER: Thank you. Mr.
21 Feldewert, did you file objections?

22 MR. FELDEWERT: OXY did.

23 THE HEARING EXAMINER: Oh, OXY did?
24 Okay. And do you know why?

25 MR. FELDEWERT: They have a competing

1 development proposal that the parties are discussing.
2 Hopefully they can reach a resolution. So they have
3 not filed pooling applications yet.

4 THE HEARING EXAMINER: I see. That's
5 how that works. Mr. Bruce?

6 MR. BRUCE: Mr. Examiner, EGL is
7 interested in what OXY is doing. And they're also
8 potentially looking at competing applications. But
9 these are the first entry on the docket for these two
10 cases so -- and my landman is out of the country right
11 now so I'm kind of short-handed.

12 THE HEARING EXAMINER: Did you file an
13 objection?

14 MR. BRUCE: Yes, I did.

15 THE HEARING EXAMINER: You did file?
16 So there's two objections, okay. And Mr. Bruce, you
17 objected because you're interested in OXY's proposals?

18 MR. BRUCE: Yes.

19 THE HEARING EXAMINER: I see, okay.
20 Ms. Bennett?

21 MS. BENNETT: Thank you. It's my
22 understanding that EGL has also submitted
23 counterproposals -- so for what that's worth.

24 Avant is interested of course in going
25 to hearing but also understands that these new

1 proposals have just been sent out. Or I wasn't aware
2 that OXY had sent out its proposals yet so I was
3 thinking those were going to be forthcoming in the
4 near-term.

5 And so what Avant would like is for
6 these cases to be set for a status conference on July
7 25th. That would allow the parties time to, well, to
8 send out their proposals if they haven't already.

9 And then at that time if there have
10 been discussions between OXY and EGL and they have
11 settled amongst themselves as to who will be filing
12 competing applications we would know that as of that
13 date. And hopefully on July 25th we could then set a
14 contested hearing date.

15 THE HEARING EXAMINER: Thank you. I
16 don't think we have room on the July dockets for your
17 cases. Freya, do we have room August 8th or do we
18 have to move it even further?

19 THE CLERK: August 8th is okay.

20 THE HEARING EXAMINER: We can move it
21 to August 8th --

22 MS. BENNETT: Thank you.

23 THE HEARING EXAMINER: -- for a status
24 conference. Is there anything further, Ms. Bennett?

25 MS. BENNETT: Nothing from me. Thank

1 you.

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

4 MR. FELDEWERT: No, sir. Thank you.

5 THE HEARING EXAMINER: Mr. Bruce?

6 MR. BRUCE: No, sir.

7 THE HEARING EXAMINER: Okay. Now let's
8 take a ten-minute recess.

9 MS. BENNETT: Thank you.

10 THE HEARING EXAMINER: We will come
11 back on the record -- it is 10:16. Let's come back on
12 the record at 10:25. Thank you.

13 (Off the record.)

14 THE HEARING EXAMINER: It is 10:25 a.m.
15 on June 27th. We are continuing and back on the
16 record. I am now calling Case No. 24322, Matador
17 Production. It is consolidated with 24323. Entries
18 of appearance, please.

19 MS. BENNETT: Mr. Hearing Examiner, I
20 was under the impression that you were going to be
21 calling Cases 21 and -- well, Case 21 on the docket,
22 which is -- WaterBridge Stateline is the applicant.
23 And it's an application for a saltwater disposal well.

24 THE HEARING EXAMINER: Thank you. Let
25 me call those cases then. Okay. I am instead calling

1 Case Nos. 24568, 24569, and 24570. Entry of
2 appearance, please.

3 MS. BENNETT: Thank you, Mr. Examiner.
4 Deana Bennett on behalf of WaterBridge Stateline.

5 THE HEARING EXAMINER: And are there
6 any other parties entering an appearance?

7 MS. BENNETT: No, there are not.

8 THE HEARING EXAMINER: Okay. And we
9 have Million Gebremichael as our technical examiner
10 today in these cases. Please proceed.

11 MS. BENNETT: Thank you. I would
12 actually like to take these cases serially. It's fine
13 to consolidate them for hearing. But we'll be
14 presenting the information on a case-by-case basis.

15 THE HEARING EXAMINER: Thank you.

16 MS. BENNETT: And there are no
17 objections to these cases moving forward by affidavit,
18 which is my intent today. But we also do have with us
19 today Mr. Oliver Seekins -- and Mr. Seekins is here
20 with us today.

21 And he is a consultant for WaterBridge.
22 And he worked on the C-108, which is what we'll be
23 discussing today. And so he's here in person to
24 ask -- answer any questions the Division may have.

25 And then we also have Mr. Reed Davis

1 and Thomas Tomastik on the phone -- well, on the Zoom
2 -- Teams. Teams.

3 THE HEARING EXAMINER: Thank you.

4 MS. BENNETT: And so they will be
5 available as well. And Mr. Seekins, Mr. Davis, and
6 Mr. Tomastik have all previously testified before the
7 Division. And their credentials have been accepted as
8 a matter of record.

9 THE HEARING EXAMINER: Thank you.

10 MS. BENNETT: So in Case No. 24568
11 WaterBridge is seeking authorization to produce inject
12 water -- to inject produced water into the Glorieta
13 Sandstone Formation through the FPNM SWED #1 well.
14 And Mr. Seekins' declaration -- affidavit describes
15 the surface location for the proposed well.

16 WaterBridge is seeking authority to
17 inject produced water at a formation depth of
18 approximately 5,350 feet to 5,725 feet and has -- is
19 requesting a maximum daily injection rate of 20,000
20 barrels per day.

21 This will be a commercial well. And
22 WaterBridge intends to commence drilling the well as
23 soon as possible after receiving all required orders
24 and then will commence injection within one year of
25 receiving the approved order, which is the timeframe

1 set out in the order.

2 And so in the exhibits I've presented,
3 Tab A is the Affidavit of Mr. Seekins. And behind Tab
4 A is the application that I filed along with the C-
5 108. And the C-108 is the guts of the application.
6 It has all of the technical information to support the
7 application. So that's Exhibit A1 to Mr. Seekins'
8 affidavit.

9 Exhibit B is the affidavit of Thomas
10 Tomastik. And Mr. Tomastik -- as part of the C-108
11 there's a requirement that the applicant show that
12 there's no hydrologic connection with underground
13 sources of drinking water or other water sources or
14 things like that.

15 And Mr. Tomastik undertook that
16 analysis. And so his affidavit provides a bit more
17 detail about the analysis he undertook.

18 And then Mr. Davis -- Exhibit C is the
19 affidavit of Mr. Davis. And Mr. Davis undertook the
20 seismic study as well as the geologic study.

21 And so his affidavit describes the
22 portions of the C-108 that address those two items --
23 primarily the fact that there's an upper-confining
24 area and lower-confining area above and below the
25 target injection zone, which will keep the fluids from

1 moving or causing -- you know, leaving the target
2 injection interval and also that there's very low risk
3 of induced seismicity from this well.

4 Exhibit D is my self-affirmed
5 statement. And it includes a sample notice letter, a
6 mailing list of interested parties, a certified
7 mailing tracking list, and the affidavit of
8 publication. And so with that I would ask that the
9 exhibits in Case 24568 be admitted into the record.

10 (Exhibit A through Exhibit D were
11 marked for identification.)

12 THE HEARING EXAMINER: And are there
13 any objections? Not hearing any, Exhibits A, B, C,
14 and D are so admitted.

15 (Exhibit A through Exhibit D were
16 received into evidence.)

17 MS. BENNETT: Thank you. And at this
18 point I'm happy to walk through any of the specific
19 exhibits if either you or Mr. Million -- or
20 Gebremichael have any questions about the specific
21 exhibits.

22 And as I mentioned, we have our
23 witnesses here today if you have any questions for the
24 witnesses.

25 THE HEARING EXAMINER: Thank you. Hold

1 on one moment. Okay, Mr. Davis and Mr. Tomastik,
2 we're going to get you sworn in. Would you first
3 start, Mr. Davis, by stating and spelling your name
4 for the record?

5 MR. DAVIS. Yes. My name is Reed
6 Davis, R-E-E-D, D-A-V-I-S.

7 THE HEARING EXAMINER: Okay. And Mr.
8 Tomastik?

9 MR. TOMASTIK: Yes. It's Thomas E.
10 Tomastik. Last name is T-O-M-A-S-T-I-K.

11 THE HEARING EXAMINER: And the first
12 name?

13 MR. TOMASTIK: Is Thomas. T-H-O-M-A-S.

14 THE HEARING EXAMINER: Okay. We're
15 going to get you both sworn in.

16 THE REPORTER: Please raise your right
17 hands.

18 WHEREUPON,

19 THOMAS TOMASTIK,
20 called as a witness and having been first duly sworn
21 to tell the truth, the whole truth, and nothing but
22 the truth, was examined and testified as follows:

23 THE HEARING EXAMINER: Okay. Mr.
24 Gebremichael, which witness do you want to start with?

25 THE TECHNICAL EXAMINER: I'm not sure

1 whether Tomastik or Reed could, you know, address this
2 question. But it is about the well completion in
3 regard to the well construction. Maybe Tomastik --

4 THE HEARING EXAMINER: Is there an
5 exhibit number that you're referring to?

6 THE TECHNICAL EXAMINER: Well, it is
7 from the original application. But they would have
8 it -- yeah, right here. Yeah.

9 So my question is the USDW, you know,
10 the source of the drinking water and grass water, you
11 specified the range is between 875 to 1,130 feet; is
12 that right? Somewhere around there for the grass
13 water.

14 THE WITNESS: We stated that a 1,055.

15 THE TECHNICAL EXAMINER: Yes.

16 THE WITNESS: And then that would be
17 the base of the --

18 THE TECHNICAL EXAMINER: The --

19 THE WITNESS: -- USDW.

20 THE TECHNICAL EXAMINER: Yes, sir. So
21 my question is -- I'm okay with the two wells being
22 FPNM 3, FPNM 6. The surface casing pretty much
23 covers -- oh, okay. Sorry, I thought it was on.

24 Yeah, the surface casing pretty much
25 covers the USDW. But however, for the SWD #1 -- FPNM

1 SWD #1 -- your surface casing is set at 1,080.

2 I know you're pretty much restricted by
3 the drilling map envelope or window there. But is
4 there any way you could extend it to 1,130 so it
5 covers the entire USDW or the first well?

6 THE WITNESS: Yeah, I don't see a
7 problem with that. I mean, the evaluation for the
8 base of the USDW was the evaluation of geophysical
9 logs that were available and would have covered that.
10 But I don't see a problem extending that to 1,130 as
11 long as we're not penetrating into the slot up.

12 THE TECHNICAL EXAMINER: Yes, no, I
13 understand that. The reason I'm saying that is you
14 got an active pool of water while that project is
15 going on directly to the west.

16 And then that utilized area is growing.
17 So even though you have protection with the three
18 streams, having four casing streams protecting that
19 USDW would be preferrable. And then I would really
20 appreciate it if you could consider that one.

21 THE WITNESS: Sounds good.

22 THE TECHNICAL EXAMINER: All right.
23 Perfect. So I think I can proceed with the next
24 question I guess. Probably to you, Mr. Tomastik. In
25 regard to the upper and lower-confining zones --

1 THE WITNESS: Yes?

2 THE TECHNICAL EXAMINER: Yeah, so you
3 stated that the upper-confining zone is the lower part
4 of San Andreas. And then based on the snippet of the
5 log that you provided us you say, you know, that its
6 low porosity and then high resistivity I guess?

7 THE WITNESS: Yes.

8 THE TECHNICAL EXAMINER: And then your
9 lower-confining zone to prevent downward migration is
10 going to be Glorieta, which is an injection formation.
11 At the same time also it is the confining zone -- the
12 lower part of it; right?

13 THE WITNESS: That's correct.

14 THE TECHNICAL EXAMINER: Yes. So what
15 I have in here is is there any way you could quantify
16 the porosity and permeability? The reason I'm worried
17 is, you know, the Glorieta is serving both as an
18 injection zone at the same time also it is -- it's
19 lower part is also serving as the confining.

20 So I mean, based on the -- that log
21 that you provided as -- if you could attach some
22 values to the porosity and permeability that would be
23 great to the OCD.

24 Because when you say it's low porosity
25 it's a very relative term. But I would like to see

1 values. You know, and then if you could work on that
2 one we would really appreciate it.

3 THE WITNESS: Okay. Yeah, I don't know
4 about permeability data. But --

5 THE TECHNICAL EXAMINER: Well, at least
6 the porosity and the resistivity would be -- suffice.

7 THE WITNESS: Yeah. Yeah, that's fine.

8 THE TECHNICAL EXAMINER: Yeah, yeah.
9 The next question is probably to you, Mr. Tomastik.
10 But it is in regard to the reservoir characterization.
11 You state that within two miles you believe that there
12 is no presence of hydrocarbons in that area.

13 But from what I learned is from our
14 resident geologist is the Glorieta is very disperse
15 and then there could be a pocket of reservoirs with
16 hydrocarbons.

17 And then OCD would like you to present
18 us with a mud log so we are sure that there's no
19 presence of any hydrocarbon or commercially-viable
20 hydrocarbon in that area.

21 Because there could be a pocket of
22 reservoirs where these three wells are being drilled.
23 And then please consider providing the, you know, the
24 Division with a mud log would be good.

25 THE WITNESS: Okay. So the mud log and

1 then the open pool log would be provided.

2 THE TECHNICAL EXAMINER: Okay. All
3 right. Just give me one second. Yeah, probably it's
4 you again, Mr. Tomastik. This one is in regard to the
5 water analysis.

6 You provided us both the source water
7 analysis where the inject type is on the receiving
8 formation as well.

9 But in your table I didn't see -- it
10 seems it's kind of -- it's a little bit curtailed.
11 You know, it's a condensed form. I don't see a full
12 water analysis report there, like, the cations and
13 anions.

14 And also, even though I believe there
15 is no H2S in this area, but the Division would like to
16 see the zero percent H2S confirmed by the report.

17 I don't see that one there. And then
18 I'm sure that the full report should specify that
19 there is no H2S. And then we'd like to see that one
20 if we could.

21 THE WITNESS: Yes. That actually would
22 be Oliver Seekins that compiled the water analysis.
23 So I'm sure we can get what we need there.

24 THE TECHNICAL EXAMINER: Yes. Because
25 you specified just a few comments in there. But if

1 you provide us the full report I'm pretty sure that
2 specifies, you know, all the cations, anions, and then
3 H2S.

4 I believe maybe there's no issue as to
5 there. But we'd like to see a zero percent of H2S --
6 either the inject tape or the receiving formation
7 water analysis.

8 THE WITNESS: All right.

9 THE TECHNICAL EXAMINER: All right.
10 This one is most probably it's for Mr. Davis or
11 Tomastik -- one of you could answer it.

12 This is in regard to your statement --
13 the maximum injection rate, which is around 20,000
14 barrels per day. I would like to know how did you
15 determine this value?

16 THE WITNESS: I believe that's what the
17 applicant had requested.

18 THE TECHNICAL EXAMINER: Okay. So
19 you're not sure how it was determined; right?

20 THE WITNESS: Typically I'll inject the
21 rates. That is a request. As you're well aware, no
22 injection well averages 20,000 barrels a day every
23 day.

24 So it's based on supply and demand.
25 But that's what they asked in the application and an

1 average injection rate of 15,000 per day.

2 THE TECHNICAL EXAMINER: Yes. But OCD
3 now -- the way we determine the maximum injection rate
4 is, for instance, let's say if we drill wells in the
5 DNG area, as a prerequisite we have the operators come
6 back to SRT.

7 And then based on that SRT, you know,
8 the pressure -- that causes a fracture -- the
9 formation fracture. So --

10 THE WITNESS: Yes.

11 THE TECHNICAL EXAMINER: So the
12 corresponding rate minus 10 percent will be the
13 governing injection rate. So you didn't
14 specify -- you guys mention a couple SRT bodies in the
15 Glorieta.

16 I think which was -- what is it, like,
17 0.226 PSI per feet and the 0.39 PSI per feet. I'm not
18 worried you guys are adhering to the 0.22 PSI per feet
19 prescribed by OCD.

20 However if you could go refer to those
21 SRTs in the offsetting wells and then see the
22 corresponding injection rate minus 10 percent that
23 would be your maximum injection rate.

24 Because just, you know, going forward,
25 you know, just throwing a number -- 20, 30, 40,000

1 maximum injection rate will not cut it with the OCD.

2 We would like to know the actual rate
3 that corresponds to the fracture rate minus some
4 safety factor. So if you could look into that I would
5 really appreciate it.

6 THE WITNESS: Okay.

7 THE TECHNICAL EXAMINER: Just give me
8 one second. I think pretty much those are the
9 questions I have.

10 THE HEARING EXAMINER: Okay. Before we
11 continue, Mr. Tomastik, I'd like you to reiterate the
12 list of information that Mr. Gebremichael has
13 requested you supply the Division before we take this
14 case under advisement.

15 THE WITNESS: Okay. We will revise the
16 base of the USDW on the FPNM #1 to 1,130 feet --

17 THE HEARING EXAMINER: You said 1,150;
18 didn't you?

19 THE WITNESS: -- and the service
20 casings that -- to adhere to that also. We will
21 obtain porosity and resistivity values for the
22 Glorieta for the lower-confining zone to ensure that
23 we have low --

24 THE TECHNICAL EXAMINER: Ah, Mr.
25 Tomastik? Right here also I would appreciate also if

1 you could provide us values for the lower part of San
2 Andreas, the upper-confining zone.

3 THE WITNESS: All right. So the
4 porosity and --

5 THE TECHNICAL EXAMINER: The
6 resistivity.

7 THE WITNESS: Resistivity. Okay. For
8 the lower San Andreas, okay. And then a copy of the
9 mud log and the open pool logs will be submitted with
10 the well completion.

11 And then a full report analysis of the
12 potential for H2S and all cations and the anions from
13 the analysis of the injection fluids and the actual
14 fracture gradient from several Glorieta wells that
15 have performed separate testing. And then to
16 determine the maximum allowable injection rate.

17 THE TECHNICAL EXAMINER: Yes. And then
18 don't forget whatever the -- those corresponding
19 injection rate for those SRT values minus that 10
20 percent --

21 THE WITNESS: 10 percent safety factor.

22 THE TECHNICAL EXAMINER: Yes, sir.

23 THE WITNESS: Yep.

24 THE TECHNICAL EXAMINER: You pretty
25 much got it. Thank you.

1 THE HEARING EXAMINER: Ms. Bennett,
2 hold on one moment. So Ms. Bennett, in my discussion
3 with the technical examiner he has the same requests
4 for each of the three cases. So are there any
5 redirect questions for your witnesses based on what
6 Mr. Gebremichael asked?

7 MS. BENNETT: No redirect. But I do
8 have some follow-up questions myself from Mr.
9 Gebremichael on the form of materials that we need to
10 submit.

11 THE HEARING EXAMINER: How do you want
12 them to submit this information?

13 MS. BENNETT: I have a specific -- one
14 specific question about the water analyses because
15 that can be quite voluminous.

16 It's very hard to condense down and so
17 it would be hard to provide in a format that would be
18 easily digestible for the Division through the e-
19 filing portal.

20 And so I would ask if I could email
21 that report to the Division rather than submitting it
22 through the e-filing portal.

23 THE TECHNICAL EXAMINER: Absolutely.
24 That's fine.

25 THE HEARING EXAMINER: Okay. Hold on

1 one more moment. Okay, Ms. Bennett.

2 MS. BENNETT: Mr. Examiner, I do have a
3 redirect question. But it would be -- as Mr. Tomastik
4 stated, the water analyses was compiled by Mr.
5 Seekins.

6 And so if I could ask that Mr. Seekins
7 be sworn in so that I can in a bit of an unusual
8 fashion ask him a redirect question?

9 THE HEARING EXAMINER: Okay. What is
10 your name, sir?

11 MR. SEEKINS: Oliver Seekins.

12 THE HEARING EXAMINER: Mr. Seekins,
13 would you please come to the witness stand? Turn off
14 your microphone.

15 Mr. Seekins, would you state and spell
16 your name for the record?

17 MR. SEEKINS: Yes. My name is Oliver
18 Seekins, O-L-I-V-E-R. Seekins, S-E-E-K-I-N-S.

19 THE HEARING EXAMINER: Will you swear
20 him in?

21 THE REPORTER: Please raise your right
22 hand.

23 //

24 //

25 //

1 WHEREUPON,

2 OLIVER SEEKINS,

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: So Ms. Bennett,
7 since the question wasn't asked to this witness,
8 what -- Mr. Gebremichael, would you ask the question
9 again to this witness that she's going to ask her
10 redirect question on?

11 THE TECHNICAL EXAMINER: Absolutely.
12 Yeah, my question, Mr. Seekins, is as far as the water
13 analysis for both the source and then the injectate
14 is -- it seems to me it's a condensed report that you
15 presented us.

16 So we would like a full -- you know,
17 including the cations, anions, and then also -- even
18 though I believe there may not be -- there's no H₂S,
19 but we would like to see a zero percent H₂S in your
20 report. That's my question.

21 THE WITNESS: So I understand your
22 request. However, we generally use the publicly-
23 available GO-TECH data for the produced water and the
24 injection formation that's managed by the State.

25 And we provided the complete dataset

1 that appeared to apply to this case. And I have
2 reviewed it real quickly from the back and they do not
3 have any H2S data available in this area.

4 So while we could take that under
5 consideration and we could work with our client on if
6 they can get produced water from any of these
7 formations for that additional analysis, I can see
8 that being rather cumbersome and time-consuming. So
9 I'll have to see if we could find somebody to work out
10 that access too if you request that data.

11 THE TECHNICAL EXAMINER: Well, what we
12 need is confirmation that -- a recent confirmation
13 saying that there is zero percent H2S.

14 THE WITNESS: Understood.

15 THE HEARING EXAMINER: Ms. Bennett?

16 MS. BENNETT: Thank you.

17 REDIRECT EXAMINATION

18 BY MS. BENNETT:

19 Q Mr. Seekins, how if -- so what you testified
20 to a moment ago is that you're using the publicly-
21 available data about produced water from the State's
22 website?

23 A Yes. I believe GO-TECH is actually from the
24 State University's website. But yes.

25 Q And the GO-TECH website does -- or data for

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1 this area does not include the H2S?

2 A Correct. It's not listed as an issue that
3 they test for within their whole dataset.

4 Q How about cations and anions? Do you know
5 if they test for that?

6 A That data is hit and miss so I'll have to
7 review specifically. I guess one follow-up question
8 for Million would be within what radius of the
9 proposed surface levels would OCD consider acceptable
10 for this analysis.

11 Q So we can address that in a minute. But in
12 order to then -- I understand Mr. Gebremichael is
13 requesting WaterBridge to confirm that there is zero
14 percent H2S in the injectate. And how would
15 WaterBridge be able to accomplish that if there's no
16 publicly-available data?

17 A I can't say with absolute certainty here.
18 But as they are the stream operator and they receive
19 a -- collect water from other operators in their
20 pipeline system and that's what will be injected into
21 these wells, I believe they could take a sample out of
22 that stream. However yet an individual sample of the
23 injection zone will be more challenging.

24 Q So there is a mechanism by which WaterBridge
25 can test water -- or that comes within its own

1 control. And is that what you would be proposing to
2 do?

3 A Yes.

4 MS. BENNETT: Okay. Thank you.

5 THE HEARING EXAMINER: Okay. Is that
6 the -- Ms. Bennett, does that conclude your
7 presentation of evidence today on this case?

8 MS. BENNETT: It does subject to any
9 further questions that Mr. Million Gebremichael may
10 have.

11 THE HEARING EXAMINER: Okay. Did you
12 have further questions?

13 THE TECHNICAL EXAMINER: No.

14 THE HEARING EXAMINER: Okay. Thank
15 you. Now you can turn your microphone off. All
16 right. So Ms. Bennett, this case -- I know you have
17 two other cases. But from my discussion with Mr.
18 Gebremichael a moment ago -- he's going to want the
19 same information for all three of the cases. So --

20 THE TECHNICAL EXAMINER: Just change it
21 over there?

22 THE HEARING EXAMINER: Certainly. Just
23 speak here. Just speak here.

24 THE TECHNICAL EXAMINER: Oh, okay. So
25 the only exception to this is about the surface casing

1 one because the SWD \$2 and the #6 were okay where it's
2 banked. So but with the SWD \$1 -- that's where I want
3 the grass water being covered.

4 MS. BENNETT: Thank you. I have --

5 THE TECHNICAL EXAMINER: Otherwise the
6 rest is for all of them.

7 MS. BENNETT: Thank you. That was my
8 understanding -- that the first request applied to the
9 #1 well and that the #3 and #6 well were okay in that
10 regard.

11 THE HEARING EXAMINER: In that item.

12 MS. BENNETT: In that item, yes.

13 THE HEARING EXAMINER: Okay.

14 MS. BENNETT: That single item. May I
15 ask one follow-up question?

16 THE HEARING EXAMINER: Yes.

17 MS. BENNETT: In terms of the mud log
18 and open pool -- that would be submitted with the well
19 completion report. Is that what you're requesting?

20 THE TECHNICAL EXAMINER: With the
21 geology and then the -- yeah.

22 MS. BENNETT: As part of --

23 THE TECHNICAL EXAMINER: As part of the
24 appraisal for characterization in the geology.

25 MS. BENNETT: The mud log and open pool

1 would not be -- are you asking for a mud log for this
2 particular well or nearby wells?

3 THE TECHNICAL EXAMINER: Well,
4 strategically it could serve as -- but either way was
5 in the -- that characterization -- the reservoir.

6 MS. BENNETT: Okay. So I think I was
7 under the impression -- and maybe Mr. Tomastik was as
8 well -- that this is something we'd be submitting to
9 the OCD post-drilling the well. But it's something
10 you're requesting as --

11 THE TECHNICAL EXAMINER: It's going to
12 be post-drilling.

13 MS. BENNETT: Okay, thank you.

14 THE TECHNICAL EXAMINER: Unless you
15 have -- so, yeah, thank you for that. I just needed
16 to clarify that if you could provide us strategically-
17 correlated reservoir with the mud log it's going to be
18 before we take this to the advisement. But however if
19 he cannot it's going to be the only way he can acquire
20 is during drilling. Thank you.

21 THE HEARING EXAMINER: Okay. So Ms.
22 Bennett, is that clear? Have we clarified what we
23 need before we take this case under advisement?

24 MS. BENNETT: One final --

25 THE HEARING EXAMINER: Yes?

1 MS. BENNETT: -- question, which is
2 about the scope for review for the cations and anions.
3 What radius would you like WaterBridge to review? How
4 far out from the well would you like their review to
5 extend for this analysis?

6 THE TECHNICAL EXAMINER: Well, for the
7 zones, right, where they're going to inject --

8 MS. BENNETT: Yes.

9 THE TECHNICAL EXAMINER: Yes. Yeah.
10 And then the thing is I know you are referring to the
11 publicly-available information, but it's not unusual
12 for the operators to conduct their own water analysis.
13 And to never present a water analysis would be a
14 surprise.

15 MS. BENNETT: Thank you. And so would
16 that be within the half-mile area of review that
17 you're thinking? Okay.

18 THE TECHNICAL EXAMINER: Half-mile is
19 good.

20 MS. BENNETT: Thank you.

21 THE HEARING EXAMINER: Okay, Ms.
22 Bennett, is there anything further on this case?

23 MS. BENNETT: Nothing on this case
24 except that I would ask that the Division take this
25 case under advisement.

1 THE HEARING EXAMINER: Right. And so
2 Mr. Gebremichael clarified a few minutes ago that we
3 can't take this case under advisement until he
4 receives this additional information.

5 MS. BENNETT: Thank you.

6 THE HEARING EXAMINER: And I don't
7 know -- how big is your exhibit packet? How many
8 pages is it in this case?

9 MS. BENNETT: In this case it's 110
10 pages.

11 THE HEARING EXAMINER: Okay. So I
12 think what I'm going to ask you to do is file an
13 amended exhibit packet in this case to include as much
14 of the information that Mr. Gebremichael and you just
15 spoke about as opposed to submitting a supplemental
16 exhibit. That way we'll have one packet of
17 information for Mr. Gebremichael to review.

18 MS. BENNETT: I understand.

19 THE HEARING EXAMINER: Okay. And we'll
20 take it under advisement as soon as we get that
21 information.

22 MS. BENNETT: Thank you. It might take
23 me some time to work with the subject matter experts
24 to get this so I would ask the Division's permission
25 to not set a date by which I have to submit it but

1 allow us to do the -- a full submission.

2 THE HEARING EXAMINER: Fine. We'll
3 take this case under advisement as soon as you file
4 this information in the amended exhibit packet. And
5 there is no deadline but we will keep the hearing
6 record open in this case for that.

7 MS. BENNETT: Thank you.

8 THE HEARING EXAMINER: Okay. Do you
9 want to present your other two cases in a summary
10 fashion?

11 MS. BENNETT: Yes, I'll do that in a
12 very summary fashion. Turning now to Case No. 24569,
13 in this case WaterBridge is seeking authorization to
14 inject produced water into the Glorieta Sandstone
15 Formation through the FPNM SWD #3 well.

16 And we timely submitted exhibits. And
17 the exhibits include the affidavit of Mr. Oliver
18 Seekins, who's previously testified, and his
19 credentials have been accepted as matter of record.
20 His affidavit is Exhibit A1, which includes the
21 application and C-108.

22 We've also included the affidavits of
23 Mr. Thomas Tomastik and Mr. Reed Davis, both of whom
24 have previously testified before the Division and
25 their credentials have been accepted as a matter of

1 record.

2 And their affidavits, along with Mr.
3 Seekins, describe in further detail the relevant
4 provisions of the C-108 for which they prepared or
5 assisted in preparing.

6 Exhibit D is my self-affirmed statement
7 of notice. That includes a sample notice letter, the
8 mailing list of the parties to whom notice was sent,
9 the tracking list, and the affidavit of publication.
10 And with that I would ask that the exhibits in Case
11 No. 24569 be admitted into the record.

12 (Exhibits A through D were marked for
13 identification.)

14 THE HEARING EXAMINER: Any objections?
15 These exhibits are admitted into evidence.

16 (Exhibits A through D were received
17 into evidence.)

18 MS. BENNETT: Thank you. And I
19 understand and the witnesses understand what materials
20 are required to be submitted. And we will submit
21 those as soon as possible.

22 THE HEARING EXAMINER: As an amended
23 exhibit packet. And we'll leave the record open in
24 this case in a similar matter to the other case for
25 that additional information without a deadline. And

1 Ms. Bennett, your third case?

2 MS. BENNETT: Thank you. The third
3 case is Case No. 24570. And in this case WaterBridge
4 seeks authorization to inject produced water into the
5 Glorieta Sandstone Formation through the FPNM SWD #6.

6 And in this case we timely submitted
7 exhibits. And those exhibits include Tab A, the
8 affidavit of Oliver Seekins, who's previously
9 testified and his credentials have been accepted as a
10 matter of record.

11 And behind his affidavit we've included
12 as Exhibit A1 the application and C-108. We've also
13 included the affidavit of Mr. Thomas Tomastik and Mr.
14 Reed Davis, both whom previously testified before the
15 Division. And their credentials have been accepted as
16 a matter of record.

17 Mr. Seekins, Mr. Tomastik, and Mr.
18 Davis's affidavit all address the portions of the C-
19 108 that they prepared and provide further detail.

20 Exhibit D is a self-affirmed statement
21 of myself regarding notice, which includes a sample
22 notice letter, mailing list, tracking list, and the
23 updated publication. With that I would ask that the
24 exhibits in Case 24570 be admitted into the record.

25 //

1 (Exhibits A through D were marked for
2 identification.)

3 THE HEARING EXAMINER: Are there any
4 objections? Not hearing any, your exhibits are
5 admitted into evidence.

6 (Exhibits A through D were received
7 into evidence.)

8 MS. BENNETT: Thank you. And I
9 understand and the witnesses understand the additional
10 exhibits or the revisions to the exhibits that we need
11 to make and the additional exhibits to provide. And
12 we'll prepare an amended exhibit packet to submit.

13 THE HEARING EXAMINER: And the record
14 in Case 24570 will also remain open until we receive
15 an amended exhibit packet with the information
16 requested by Mr. Gebremichael. Is there anything
17 further on these cases?

18 MS. BENNETT: No, thank you. I
19 appreciate the Division's time.

20 THE HEARING EXAMINER: Very good.
21 We're in recess on these cases. Thank you, Ms.
22 Bennett. Okay, I'm now going to call Case 24322 and
23 24323. These are Matador Production Compulsory
24 Pooling cases.

25 MS. VANCE: Mr. Hearing Examiner, I

1 actually am going to ask for a favor regarding a case
2 that is further down -- the Honey Graham. And I
3 really hope my colleagues don't mind.

4 But I have both our landman and
5 geologist here in person. And our geologist has a
6 six-and-a-half-hour drive back to Midland.

7 THE HEARING EXAMINER: Do you have a
8 line number on the --

9 MS. VANCE: It's No. 69. And so if you
10 don't oppose and if it's okay with everyone else I
11 would just ask if that case could be moved up before
12 lunch?

13 THE HEARING EXAMINER: Okay. We are in
14 recess on the cases I just called. And I will call
15 COG Operating Honey Graham case and then amending of
16 compulsory pooling order 24576. Entries of
17 appearance, please.

18 MS. VANCE: Thank you, Mr. Hearing
19 Examiner. Paula Vance on behalf of the applicant COG
20 Operating LLC.

21 THE HEARING EXAMINER: Thank you. Are
22 you ready to proceed?

23 MS. VANCE: Yes, I am.

24 THE HEARING EXAMINER: Please go ahead.

25 MS. VANCE: Thank you. So in Case

1 24576 COG is seeking to amend an existing order. And
2 that order number is R-21107-A to incorporate the
3 acreage under Order No. R-21052 and then dismiss that
4 order and then pool the uncommitted interest.

5 And in this case we have voluntary
6 agreement from all the existing working interest
7 owners. And so it's just pooling an override in an
8 NPRI for purposes of getting approval of the
9 communitization agreement.

10 And this is in the Wolfcamp. And
11 that's the Purple Sage Wolfcamp Pool Code 98220. And
12 that is underlying a standard 1,535.08 acre more or
13 less horizontal well spacing unit.

14 And that would be comprised of Sections
15 20 and 29 in the north half, north half in lots 1
16 through 4 of irregular Section 32. So that ends up
17 being the north-half equivalent. And that is in
18 Township 26 South, Range 28 East, Eddy County, New
19 Mexico.

20 And so I'd like to just give a little
21 bit of background and context so it all makes sense.
22 So the Order No. R-21107-A -- that previously pooled
23 the west half of that acreage. And that's currently
24 dedicated to the drilled and producing Honey Graham
25 State Com 702H and 703H.

1 And then Order R-21052 previously
2 pooled the east half of that acreage. And that's
3 currently dedicated to the drilled and producing Honey
4 Graham State Com 701H. So essentially what we're
5 asking to do is combine all of that acreage and have a
6 new order combining that acreage.

7 In addition we are asking to -- we're
8 adding additional wells. We've got the Honey Graham
9 State Com 704H and then the 706H. And the 706H is a
10 proximity well which will allow for creating that
11 enlarged spacing unit.

12 So in our hearing packet we have
13 included a copy of the application. We have provided
14 an updated compulsory pooling checklist that covers
15 the entirety of that acreage described in addition to
16 those existing wells plus the additional wells that we
17 are adding -- we're requesting to add under the order.

18 And then in addition we've got the
19 self-affirmed statement of landman Shelley Klingler
20 and geologist Jesssica Pontiff, both of whom have
21 previously testified before the Division and their
22 credentials have been accepted as a matter of record.

23 And then we -- in Ms. Klinger's
24 statement and sub-exhibits we have a copy of the
25 original orders -- the C-102s, a land tract map, a

1 pooled party list that was sent to parties that I
2 noted along with a chronology of contacts and attempts
3 to work with those parties to get them to sign the CA.

4 And that's followed by Ms. Pontiff's
5 statement, which includes all the standard geology
6 exhibits. In this case Ms. Pontiff did not observe
7 any faulting, pinch-outs, or other geologic
8 impediments to the horizontal drilling of these wells
9 nor the ones that are existing and producing.

10 And then lastly is my self-affirmed
11 statement of notice and a sample copy of the notice
12 letter that was timely mailed on June 7, 2024, and a
13 copy of the notice of publication affidavit, which was
14 timely published on June 11, 2024.

15 And so as I noted we have both of our
16 experts available should you have any questions. But
17 I would ask that the exhibits and sub-exhibits be
18 admitted into the record and this case be taken under
19 advisement.

20 (Exhibits A through F were marked for
21 identification.)

22 THE HEARING EXAMINER: Are there any
23 objections? Ms. Vance, your exhibits are admitted
24 into evidence. Ms. Thompson, any questions for the
25 witnesses?

1 (Exhibits A through F were received
2 into evidence.)

3 THE TECHNICAL EXAMINER: I have no
4 questions.

5 THE HEARING EXAMINER: Fantastic.
6 Thank you, Ms. Vance. This case will be taken under
7 advisement. And thank you, witnesses, for attending.

8 MS. VANCE: Thank you.

9 THE HEARING EXAMINER: Okay. Now let's
10 go back to the regular order of business. We're on
11 what I show as Line 21. It may not be on other
12 people's. But for me it's Line 21. Matador
13 Production. It is Case 24322 and 34323. Entries of
14 appearance.

15 MR. FELDEWERT: Good morning, Mr.
16 Examiner. Michael Feldewert with the Santa Fe office
17 of Holland & Hart here on behalf of the applicant.

18 THE HEARING EXAMINER: Thank you, Mr.
19 Feldewert. Are there any other parties that have
20 entered in this case?

21 MR. FELDEWERT: I believe that EOG
22 Resources entered an appearance in the case but there
23 was no objection.

24 THE HEARING EXAMINER: I know. I was
25 hoping that EOG would speak up. Do you know who's

1 representing EOG?

2 MR. FELDEWERT: I believe it's Jordan
3 Kessler, who is out of the country.

4 THE HEARING EXAMINER: Okay.

5 MR. FELDEWERT: But I can tell you that
6 they don't object because if there was I'd have a
7 conflict.

8 THE HEARING EXAMINER: All right.

9 MR. FELDEWERT: Or if they did I'd have
10 a conflict.

11 THE HEARING EXAMINER: All right.

12 Sounds good. Would you like to proceed?

13 MR. FELDEWERT: If I may. In these two
14 cases the MRC seeks to pool two standard 320-acre
15 horizontal wells facing units in the Bone Spring
16 formation underlying the south half of Sections 32 and
17 33, 17 South 30 East down there in Eddy County for
18 what they call their Coach Joe wells.

19 The exhibit packages are similar for
20 both matters. So I'm looking at Case 24322, which
21 seeks to pool the north half of the south half -- that
22 particular unit.

23 In each application we have as Exhibit
24 A the -- or I'm sorry, in each hearing packet we have
25 as Exhibit A the compulsory pooling checklist. In

1 Exhibit B is the filed application and docket notice.

2 Exhibit C in each packet is the self-
3 affirmed statement of Hawks Holder. He's the landman
4 with the company who's previously testified as an
5 expert who provides the C-102 for each of the -- each
6 well; a tract map showing the tracts that are
7 involved; the working interest owners, including those
8 that they seek to pool; a sample of the well proposal
9 letter; any fees that went out to the parties; and
10 then a chronology of contacts.

11 Exhibit D as in David is the self-
12 affirmed statement of Joshua Burrus. He's a
13 geologist. He has not previously testified before
14 this Division as an expert.

15 His educational background, his work
16 experience is set forth in Paragraph 2 of his
17 statement, which is Exhibit D. And he notes that he's
18 a member of the -- in addition to all that he's a
19 member of the American Association of Petroleum
20 Geologists.

21 I believe these credentials qualify him
22 to testify as an expert in petroleum geology. And he
23 is available by Teams if you have any questions or
24 concerns.

25 //

1 (Exhibits A through D were marked for
2 identification.)

3 THE HEARING EXAMINER: Okay. Thank
4 you. I'm looking for his -- there it is. Mr. Burrus,
5 are you with us?

6 MR. BURRUS: Yes, Mr. Examiner.

7 THE HEARING EXAMINER: Turn on your
8 camera. There you are. Okay, we're going to get you
9 sworn in after you state and spell your name for the
10 record.

11 MR. BURRUS: Joshua Burrus,
12 J-O-S-H-U-A. Last name, B-U-R-R-U-S.

13 THE REPORTER: Please raise your right
14 hand, Mr. Burrus.

15 WHEREUPON,

16 JOSHUA BURRUS,
17 called as a witness and having been first duly sworn
18 to tell the truth, the whole truth, and nothing but
19 the truth, was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. CHAKALIAN:

22 Q Okay, Mr. Burrus, instead of my reading
23 Paragraph 2 why don't you explain what are you seeking
24 to be admitted as an expert -- in what field?

25 A Geology. Geological sciences.

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1 Q Any particular subsection of geology or just
2 as a geologist?

3 A Petroleum geology.

4 Q Petroleum geology, okay. And what education
5 do you have toward that degree?

6 A I have a bachelor's degree from Oklahoma
7 State University and a master's degree from the
8 University of Texas at Austin.

9 Q Okay. In what fields?

10 A Geology and geological sciences
11 respectively.

12 Q Okay. And when did you earn that degree?

13 A My bachelor's was concluded in 2010 and my
14 master's in 2013.

15 Q Okay. And then what employment history do
16 you have to go toward petroleum geology?

17 A After finishing my master's in 2013 I
18 started with Apache Corporation working in various
19 basins, primarily the Anadarko Basin and the Delaware
20 Basin. And that was until March of 2020. And then I
21 started working with Matador, or MRC Permian Company,
22 in September of 2021. And --

23 Q Okay. Going back to your Apache, what did
24 you do for them? What was your job description?

25 A I was a petroleum geologist mapping various

1 formations and putting together prospects for
2 potential developments.

3 Q Okay. And then for Matador?

4 A I'm a staff geologist with Matador.

5 Q Okay. Can you speak up a little louder so
6 we can capture what you're saying?

7 A Yes, Mr. Examiner.

8 Q So what did you say for Matador?

9 A I am a staff geologist for Matador.

10 Q Okay, that's your title there?

11 A Yes.

12 Q Okay. And so what do you do there?

13 A I map formations in the subsurface, both
14 through well log data and seismic data to put together
15 developments for producing units.

16 Q Okay, thank you. And that's who you're with
17 now?

18 A Yes.

19 THE HEARING EXAMINER: Okay, all right,
20 the Division recognizes you as a petroleum geologist
21 and an expert in that field. Mr. Feldewert?

22 Mr. FELDEWERT: Thank you, Mr.
23 Examiner. Mr. Burrus has provided with his self-
24 affirmed statement as Exhibit D1 a locator map showing
25 the location of the acreage at issue.

1 D2 is a subsidy structure map that is
2 prepared off the base of the Bone Spring formation.
3 And then Exhibit D is a structural cross-section
4 utilizing the logs that are reflected in the prior
5 exhibit.

6 In my Exhibit E is my self-affirmed
7 statement providing evidence of notice. And then
8 finally our Exhibit F as in Frank is the affidavit of
9 publication for the local newspaper noting that the
10 applicant is in the state of Wisconsin.

11 And with that I would ask that Exhibits
12 A, B, C, D, E, and F and all sub-exhibits be admitted
13 into evidence and that both of these applications be
14 taken under advisement.

15 (Exhibit E and Exhibit F were marked
16 for identification.)

17 THE HEARING EXAMINER: Thank you, Mr.
18 Feldewert. Any objection? Not hearing any, these
19 exhibits are admitted into evidence. Ms. Thompson,
20 any questions for their witnesses?

21 (Exhibits A through F were received
22 into evidence.)

23 THE TECHNICAL EXAMINER: No questions.

24 THE HEARING EXAMINER: Okay. And let
25 me look at Case No. 24323 and admit those before we

1 take them under advisement. Ms. Thompson, you don't
2 have any questions for either case or just the one
3 case?

4 THE TECHNICAL EXAMINER: No questions
5 for either case.

6 THE HEARING EXAMINER: Thank you. And
7 in Case 24323 I see the same exhibits A through F.
8 Are there any objections? Not hearing any, they are
9 so admitted into evidence. And we will take both
10 cases under advisement. Thank you, Mr. Feldewert.

11 (Exhibits A through F were received
12 into evidence.)

13 MR. FELDEWERT: Thank you, sir.

14 THE HEARING EXAMINER: Thank you. All
15 right. Matador Production, I think this is your
16 again, Mr. Feldewert?

17 MR. FELDEWERT: No.

18 THE HEARING EXAMINER: Ms. Vance?

19 MS. VANCE: Yes.

20 THE HEARING EXAMINER: 24407, 08, 09,
21 10, and 11 and 12. Entries of appearance, please.

22 MS. VANCE: Yes. Paula Vance with the
23 Santa Fe office of Holland & Hart on behalf of the
24 applicant Matador Production Company.

25 MS. HARDY: Mr. Examiner, Dana Hardy

1 with Hinkel Shanor on behalf of Permian Resources
2 Operating. And we do not object to the presentation
3 of these cases by affidavit.

4 THE HEARING EXAMINER: Thank you. Have
5 you reviewed the exhibits?

6 MS. HARDY: Yes, and I don't have any
7 objection.

8 THE HEARING EXAMINER: Perfect. Ms.
9 Vance, are you able to present these as a group?

10 MS. VANCE: Yes.

11 THE HEARING EXAMINER: Okay, good.
12 Please proceed.

13 MS. VANCE: Thank you, Mr. Hearing
14 Examiner. So these are for a request for a one-year
15 extension.

16 And so in these cases we have provided
17 a copy of the extension application; a copy of the
18 original pooling order; along with the self-affirmed
19 statements of landman Hawks Holder, who has previously
20 testified before the Division and his credentials have
21 been accepted as a matter of record.

22 In his statement he outlines the
23 request -- the good cause requesting the extension.
24 Matador has been working with the BLM to come up with
25 an acceptable surface location and conducted some

1 archaeological studies, which took some time.

2 And so they have filed their APDs just
3 recently in February 2024. Again that's outlined in
4 Mr. Holder's statement. We have included an updated
5 pooling exhibit. And the only change that took place
6 there was that the previously pooled interest of OXY
7 was acquired by Permian.

8 After that we have my self-affirmed
9 statement of the notice, which includes a sample copy
10 of the notice letter that went out in -- on April 26,
11 2024, and then a copy of the affidavit of notice of
12 publication, which was timely published on May 2,
13 2024.

14 And unless there's any questions I
15 would ask that the exhibits and sub-exhibits be
16 admitted in with the record and this case be
17 taken -- or these cases be taken under advisement at
18 this time.

19 (Exhibits A through F were marked for
20 identification.)

21 THE HEARING EXAMINER: Are there any
22 objections?

23 MS. HARDY: No objection.

24 THE HEARING EXAMINER: Okay. So Ms.
25 Vance, I will admit the exhibits in all of these

1 cases -- 24407 through 24412 -- into evidence. And I
2 will now turn to Ms. Thompson to see if she has any
3 questions for any of your witnesses.

4 (Exhibits A through F were received
5 into evidence.)

6 THE TECHNICAL EXAMINER: No questions
7 for any of the cases.

8 THE HEARING EXAMINER: Thank you. We
9 will take them all under advisement.

10 MS. VANCE: Thank you.

11 THE HEARING EXAMINER: Calling now
12 24502, Riley Permian Operating. I believe this is Mr.
13 Suazo's case or someone from your firm?

14 MR. SUAZO: Yes, someone from our firm.
15 Sohpia Graham is handing this proceeding. I believe
16 she's online.

17 THE HEARING EXAMINER: We can come back
18 to it if she's not ready.

19 MR. SUAZO: She might be confirming the
20 witnesses are present.

21 THE HEARING EXAMINER: I'll give her a
22 few more moments and then we'll come back to the case.
23 All right, we'll come back to that case after this
24 case -- 24515, Marin Operating. Entries of
25 appearance, please.

1 MS. MCLEAN: Good morning. Jackie
2 McLean from Hinkle Shanor on behalf of Marlin
3 Operating.

4 THE HEARING EXAMINER: Thank you. Do
5 we have someone from Holland & Hart representing
6 Matador?

7 MS. VANCE: Paula Vance on behalf of
8 Matador.

9 THE HEARING EXAMINER: Thank you, Ms.
10 Vance. Are you standing in?

11 MS. VANCE: I think so.

12 MS. MCLEAN: And Mr. Examiner, they did
13 not object to us proceeding by affidavit. And then
14 also we had filed a consolidated pre-hearing statement
15 to combine 24515 and 24516 for hearing.

16 THE HEARING EXAMINER: So I'll call
17 24516 as well. And I understand, Ms. McLean, you're
18 presenting the cases?

19 MS. MCLEAN: That's correct.

20 THE HEARING EXAMINER: Please proceed.

21 MS. MCLEAN: Thank you, Mr. Examiner.
22 In Case Nos. 24515 and 24516 Marlin seeks to pool all
23 uncommitted interests in the Third Bone Spring
24 Interval as the Bone Spring Formation in the east half
25 of Sections 16 and 21, Township 23 South, Range 35

1 East in Lee County.

2 And there is a depth severance in the
3 Bone Spring Formation, which is why Marlin only seeks
4 to pool the Third Bone Spring.

5 And specifically in Case No. 24515
6 Marlin seeks an order pooling all uncommitted
7 interests in the Third Bone Spring Interval underlying
8 a 320-acre standard horizontal spacing unit comprised
9 of the west half, east half at Sections 16 and 21 and
10 plans to dedicate the unit to the Pegasus 16 State Com
11 No. 353H well.

12 And in Case No. 24516 Marlin seeks an
13 order pooling all uncommitted interests in the Third
14 Bone Spring Interval underlying a 320-acre standard
15 horizontal spacing unit comprised of the east half,
16 east half of Sections 16 and 21 and seeks to dedicate
17 the unit to the Pegasus 16 State Com No. 354H well.

18 The exhibit packets Marlin submitted to
19 the Division in these cases contain a compulsory
20 pooling checklist. And then we have Exhibit A as the
21 land testimony, which includes the self-affirmed
22 statement of Vidal Quevedo.

23 And he has not previously testified as
24 an expert before the Division. So attached as Exhibit
25 A1 is his resume, which details his experience in

1 petroleum land matters. And he is available today if
2 you have any questions.

3 THE HEARING EXAMINER: I do. Mr.
4 Quevedo, would you turn on your camera?

5 MR. QUEVEDO: This is Vidal Quevedo.
6 I'm sitting here with Dallas Rysavy.

7 THE HEARING EXAMINER: I'll wait until
8 you turn your camera on. Ms. McLean, is Mr. Rysavy
9 also a witness of yours?

10 MS. MCLEAN: Yes, Mr. Hearing Examiner.
11 He will also need to be --

12 THE HEARING EXAMINER: Thank you.

13 MS. MCLEAN: -- qualified as an expert.
14 So we could do both at the same time.

15 THE HEARING EXAMINER: Perfect.

16 MS. MCLEAN: Oh, there we go.

17 THE HEARING EXAMINER: Okay, Mr.
18 Quevedo. I see you. Mr. Rysavy, are you with us?
19 Can you turn on your camera?

20 MR. RYSAVY: I'm in the same office
21 here, yeah. I'm trying to get the camera to work.

22 THE HEARING EXAMINER: Okay. Then I'll
23 proceed with Mr. Quevedo. Will you turn off your
24 microphone? Because I was hearing some back noise.
25 Mr. Quevedo, will you turn on your microphone so we

1 can hear you?

2 MR. QUEVEDO: Okay.

3 THE HEARING EXAMINER: Okay. Will you
4 state and spell your name for the record?

5 MR. QUEVEDO: Vidal, V-I-D-A-L.
6 Quevedo, Q-U-E-V-E-D-O.

7 THE HEARING EXAMINER: Okay. We didn't
8 catch the last name so can you speak a little louder?

9 MR. QUEVEDO: Quevedo, Q-U-E-V-E-D-O.

10 THE HEARING EXAMINER: Okay, thank you.
11 Would you swear him in?

12 THE REPORTER: Mr. Quevedo, please
13 raise your right hand. Mr. Quevedo, please raise your
14 right hand. Can you hear me, sir?

15 MR. QUEVEDO: Did you catch that?

16 THE HEARING EXAMINER: Mr. Quevedo,
17 we --

18 MR. QUEVEDO: Q-U-E-V-E-D-O.

19 THE HEARING EXAMINER: You don't need
20 to spell your name again. We got that. We're trying
21 to get you sworn in. So would you raise your right
22 hand, please?

23 //

24 //

25 //

1 WHEREUPON,

2 VIDAL QUEVEDO,

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 DIRECT EXAMINATION

7 BY MR. CHAKALIAN:

8 Q Okay, Mr. Quevedo, you're seeking to be
9 admitted as an expert in which field?

10 A Petroleum land.

11 Q Okay, very good. What education do you have
12 that goes toward that qualification?

13 A I've got two degrees -- a bachelor's of
14 economics from the University of Texas at Austin.
15 I've got a master's of administration from Texas
16 Christian University. I'm also a certified petroleum
17 landman with the American Association of Professional
18 Landmen.

19 Q Okay. I need more than that to qualify you.
20 So when did you earn the degrees?

21 A I earned the bachelor's degree in 2003, the
22 master's degree in 2009.

23 Q Okay. And when did you become a member of
24 the organization?

25 A I became a member of the AAPL in 2007. I

1 earned my certificate as a CPL in 2012.

2 Q Okay. And what work experience do you have
3 that goes towards petroleum landman?

4 A I've spent most of the past 19 years with
5 XTO Energy in their Land Department serving as a
6 landman, senior landman, regional land manager working
7 in the Fourth Basin, Appalachian Basin, Marseilles
8 Basin, the Balkan, and the Permian Basin as well.

9 THE HEARING EXAMINER: Okay, thank you.
10 So you are recognized from here on out as an expert in
11 petroleum landman. Let's have the other witness turn
12 on their camera.

13 MR. QUEVEDO: I'm going to turn my
14 laptop around to make it easy.

15 THE HEARING EXAMINER: Okay. Can you
16 move the laptop closer to you so we can see and hear
17 you?

18 MR. RYSAVY: Is that better?

19 THE HEARING EXAMINER: It is much
20 better. Would you state and spell your name for the
21 record?

22 MR. RYSAVY: My name is Dallas Rysavy,
23 D-A-L-L-A-S, R-Y-S-A, V as in Victor, Y.

24 THE HEARING EXAMINER: Would you raise
25 your right hand?

1 WHEREUPON,

2 DALLAS RYSAVY,

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 DIRECT EXAMINATION

7 BY MR. CHAKALIAN:

8 Q What field are you seeking to be qualified
9 as an expert?

10 A Petroleum geology.

11 Q Petroleum geology. You heard the questions
12 I asked Mr. Quevedo?

13 A Yes.

14 Q What education do you have toward that?

15 A I have a bachelor's degree in geology from
16 the University of North Dakota in Grand Forks.
17 Graduated in 2000. And then basically the last 20
18 years, 24 years worked at various companies.

19 Started setting reads in the Williston Basin
20 for four years doing well site geology work there and
21 then moved into the office where -- prepared maps,
22 acquisition evaluation, drilling progs, and basically
23 steered hundreds of horizontal and vertical wells.

24 And then worked my way up to geological
25 manager of the Permian. Vice President of Geology at

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1 another company. And now here at Marlin. So
2 encompassed various geological duties during that
3 time.

4 THE HEARING EXAMINER: Okay, thank you.
5 The Division will recognize you as an expert in
6 petroleum geology. Thank you.

7 THE WITNESS: Thank you.

8 THE HEARING EXAMINER: Ms. McLean?

9 MS. MCLEAN: Yes, thank you, Mr.
10 Examiner. Going back to the exhibits, Exhibit A
11 attached to the self-affirmed statement are a copy of
12 the application and proposed notice of hearing, C-102s
13 for the wells, plot of tracts and a list of parties to
14 be pooled, sample of all proposal letters and AFEs,
15 and a chronology of contact with the interest owners.

16 Then Exhibit B, the geology testimony.
17 This tab of exhibits include a location map, subsea
18 structure map, the structural cross-section, and
19 stratigraphic cross-sections.

20 And finally Exhibit C, the notice
21 testimony, which sets out when notice was sent to the
22 interested parties, copies of the certified mail
23 receipts and returns, and an affidavit of publication
24 for June 12, 2024.

25 And with that I ask that Exhibits A, B,

1 and C and all sub-exhibits be admitted into the record
2 in Case Nos. 24515 and 24516 and that the cases be
3 taken under advisement.

4 (Exhibit A, Exhibit B, and Exhibit C
5 were marked for identification.)

6 THE HEARING EXAMINER: Thank you, Ms.
7 McLean. Are there any objections? Hearing none --

8 MS. VANCE: No.

9 THE HEARING EXAMINER: Thank you, Ms.
10 Vance. Hearing none, your exhibits in both cases are
11 admitted in full into evidence. And I'll turn to Ms.
12 Thompson for any questions.

13 (Exhibit A, Exhibit B, and Exhibit C
14 were received into evidence.)

15 MS. MCLEAN: Thank you.

16 THE TECHNICAL EXAMINER: No questions
17 for either.

18 THE HEARING EXAMINER: Okay, thank you,
19 Ms. McLean.

20 MS. MCLEAN: Thank you.

21 THE HEARING EXAMINER: Both cases will
22 be taken under advisement.

23 MS. MCLEAN: Thank you, Mr. Examiner.

24 THE HEARING EXAMINER: I now turn to
25 Permian Resources. It looks like we have several

1 cases but they're not consolidated; is that correct?

2 MS. VANCE: No, they should be
3 consolidated.

4 THE HEARING EXAMINER: They should be?

5 MS. VANCE: Yes. I --

6 THE HEARING EXAMINER: So I have 24518.
7 Do you want me to consolidate them with 19 and 20 and
8 going on?

9 MS. VANCE: Yes, please, Mr. Hearing
10 Examiner.

11 THE HEARING EXAMINER: All right. Down
12 to 24? Would that be right?

13 MS. VANCE: That's correct.

14 THE HEARING EXAMINER: For the Riddler
15 10?

16 MS. VANCE: That is correct.

17 THE HEARING EXAMINER: Okay, very good.
18 I'm calling Cases 24518, 19, 20, 21, 22, 23, and 24.
19 Entries of appearance, please.

20 MS. VANCE: Yes. Paula Vance with the
21 Santa Fe office of Holland & Hart on behalf of the
22 applicant. It's Read & Stevens and Permian Resources
23 Operating, LLC.

24 THE HEARING EXAMINER: Are there any
25 other parties that you know of?

1 MS. VANCE: No.

2 THE HEARING EXAMINER: No? Okay. Are
3 you able to present them as a group?

4 MS. VANCE: Yes.

5 THE HEARING EXAMINER: Good. Please
6 proceed.

7 MS. VANCE: Thank you, Mr. Hearing
8 Examiner. So this is another set of extension
9 requests.

10 So in the packets we have included a
11 copy of the extension application, a copy of the
12 original orders, along with the self-affirmed
13 statement of landman Mark Hadjik, who has previously
14 testified before the Division and his credentials have
15 been accepted as a matter of record.

16 And in his statement he outlines good
17 cause for requesting this extension. Read & Stevens
18 Permian -- they filed federal APDs back in February
19 2023. And they are still waiting on approval for
20 those.

21 And so we also have included as a sub-
22 exhibit an updated pooling exhibit. And the only
23 change that I noted in there was that Union's interest
24 is now owned by Alpha.

25 And that's followed by a self-affirmed

1 statement of notice from myself that includes a copy
2 of the -- a sample copy of the notice letter that went
3 out on June 7, 2024.

4 And then after that is the affidavit of
5 notice of publication, which was timely
6 published -- there's a number of them. But between
7 June 12th and June 13th of 2024.

8 So unless there's any questions I would
9 ask that the exhibits and sub-exhibits be -- or sub-
10 exhibit be admitted into the record and that the cases
11 be taken under advisement at this time.

12 (Exhibits A through E were marked for
13 identification.)

14 THE HEARING EXAMINER: Thank you, Ms.
15 Vance. Are there any objections? Hearing none, the
16 exhibits in the cases I've called are all admitted
17 into evidence in entirety. And I'll turn to Ms.
18 Thompson for any questions.

19 (Exhibits A through E were received
20 into evidence.)

21 THE TECHNICAL EXAMINER: I have no
22 questions.

23 THE HEARING EXAMINER: They're all
24 taken under advisement. Let's go back to -- what was
25 the -- let's go back to Ms. Graham. Is she with us?

1 She is with us.

2 MS. GRAHAM: Yes, I'm here, Mr. Hearing
3 Examiner.

4 THE HEARING EXAMINER: Okay, Ms.
5 Graham. I'm going to recall 24502.

6 MS. GRAHAM: Good afternoon. Sophia
7 Graham with Beatty & Wozniak representing Riley
8 Permian Operating Company. And I am joined today with
9 Miguel Suazo and Kaitlyn Luck.

10 THE HEARING EXAMINER: Good morning.
11 Are your witnesses available for questioning?

12 MS. GRAHAM: I believe Mr. Smith is
13 online. I'm checking for his name. Give me one
14 moment. I apologize for the delay. He should be on
15 but I'm not hearing any response so --

16 THE HEARING EXAMINER: Okay. Well, why
17 don't you present your case and if there are any
18 questions and your witness is not available then we'll
19 continue this to the next docket.

20 MS. GRAHAM: Okay. Well, hopefully
21 he'll be on shortly or --

22 THE HEARING EXAMINER: Okay. Please go
23 ahead.

24 MS. GRAHAM: -- chime in. Mr. Hearing
25 Examiner, I wanted to ask as an initial question were

1 the exhibits admitted into the record at the last
2 hearing or should I walk through them again?

3 THE HEARING EXAMINER: Well, I don't
4 remember what happened at the last exhibit. But if
5 you give me a minute I can find out.

6 MS. GRAHAM: I tried reviewing the
7 transcript but it hadn't been posted online yet so I
8 wasn't sure whether they were officially admitted.

9 THE HEARING EXAMINER: Did you present
10 this case at the last --

11 MS. GRAHAM: I did.

12 THE HEARING EXAMINER: -- docket? You
13 did?

14 MS. GRAHAM: I did present the
15 exhibits. And we received a continuance to allow for
16 the 20-day notice --

17 THE HEARING EXAMINER: Ah. Well, then
18 if that's the case let's just go back and let's get
19 these readmitted if they weren't admitted. We won't
20 take any chances there. Are there any objections to
21 these exhibits in this case? Not hearing any,
22 Exhibits A, B, C, and D are admitted into evidence.
23 Ms. Graham?

24 (Exhibits A through D were received
25 into evidence.)

1 MS. GRAHAM: The only thing I would
2 note is we did file a supplemental exhibit packet last
3 week.

4 THE HEARING EXAMINER: Let me look for
5 it. Okay, I see -- no, that's not it. Last week you
6 said?

7 MS. GRAHAM: We filed it on the 20th.

8 THE HEARING EXAMINER: Maybe it's here.
9 Okay. Notice of Second Supplemental Exhibits?

10 MS. GRAHAM: Correct.

11 THE HEARING EXAMINER: When you say
12 second supplemental exhibits -- is there a first
13 supplemental exhibits?

14 MS. GRAHAM: There was an initial one.
15 And when we submitted that we inadvertently left off
16 the affidavit of publication. So then we submitted a
17 second one that was the full packet. And it also
18 included an updated well data spreadsheet.

19 THE HEARING EXAMINER: Okay. So if I
20 look at the filing from the 21st that will be a
21 complete filing with everything in it?

22 MS. GRAHAM: Correct.

23 THE HEARING EXAMINER: Okay. Let me
24 look at it. Hold on. Okay, so let's see what we
25 have. I have Exhibits A, B, C, D, and E. Is that a

1 complete list of your supplemental and all your
2 exhibits?

3 MS. GRAHAM: Yes.

4 (Exhibit E was marked for
5 identification.)

6 THE HEARING EXAMINER: Okay. Are you
7 asking for everything to be admitted into evidence?

8 MS. GRAHAM: Yes, that's correct, Mr.
9 Hearing Examiner.

10 THE HEARING EXAMINER: Are there any
11 objections? Not hearing any, all of your exhibits in
12 the second supplemental exhibit packet are entered as
13 evidence. And let me turn to Ms. Thompson to see if
14 there are any questions for witnesses that may or may
15 not be here.

16 (Exhibits A through E were received
17 into evidence.)

18 THE TECHNICAL EXAMINER: No questions.

19 THE HEARING EXAMINER: You lucked out,
20 Ms. Graham. We will take this case under advisement.

21 MS. GRAHAM: Thank you, Mr. Hearing
22 Examiner.

23 THE HEARING EXAMINER: Thank you.

24 Let's move on to -- it's 11:37. Let's move on to BTA
25 Oil Producers 24525. It looks like we have two other

1 cases -- 24526 and 24527. Entries of appearance.

2 MS. MCLEAN: Yes, Mr. Examiner. Jackie
3 McLean on behalf of BTA Oil Producers in Case Nos.
4 24525, 26, and 27.

5 THE HEARING EXAMINER: Will you be
6 presenting all three cases as a group?

7 MS. MCLEAN: Yes, mister --

8 THE HEARING EXAMINER: Thank you. And
9 I don't see anyone else entered in this -- in these
10 cases. Do you know of anyone?

11 MS. MCLEAN: No, I do not.

12 THE HEARING EXAMINER: Please proceed.

13 MS. MCLEAN: Thank you. In Case Nos.
14 24525, 24526, and 24527 BTA is requesting a one-year
15 extension of time to commence drilling the Capitan
16 22301 28-33 State Com 9H, 10H, and 11H wells, which
17 were approved by Division-issued Order Nos. R-22724,
18 25, and 36 on June 7, 2023.

19 And good cause exists for the Division
20 to grant a one-year extension of time for BTA to
21 commence drilling the wells because BTA's ability to
22 drill has been delayed by limited gas take-away
23 capacity in the area.

24 And for that reason we're requesting
25 the Division extend the deadline until June 7, 2025,

1 to commence drilling the wells.

2 The exhibit packet submitted to the
3 Division in these cases contain the Exhibit A Self-
4 Affirmed Statement of Adams Davenport, who has
5 previously testified as an expert before the Division
6 in petroleum land matters.

7 And attached to his self-affirmed
8 statement are copies of the application and proposed
9 notice as well as the orders at issue.

10 Exhibit B is a notice testimony which
11 sets out when notice was sent to the parties, copies
12 of the certified mail receipts and returns, and an
13 affidavit of publication.

14 With that I ask that Exhibits A, B, and
15 all sub-exhibits be admitted into the record in Case
16 Nos. 24525, 24526, and 24527 and that the cases be
17 taken under advisement.

18 (Exhibit A and Exhibit B were marked
19 for identification.)

20 THE HEARING EXAMINER: Thank you, Ms.
21 McLean. Are there any objections in these three
22 cases? Not hearing any, your Exhibits A and B in all
23 three cases are admitted into evidence in their
24 entirety. I turn to you, Ms. Thompson.

25 //

1 (Exhibit A and Exhibit B were received
2 into evidence.)

3 THE TECHNICAL EXAMINER: No questions.

4 THE HEARING EXAMINER: Thank you.

5 These cases will be taken under advisement.

6 MS. MCLEAN: Thank you.

7 THE HEARING EXAMINER: Thank you. I go
8 to Permian Resources. These are Case Nos. 24529, 30,
9 31, 32, 33, 34, 35, and 36. Entries of appearance,
10 please.

11 MS. MCLEAN: Yes, Jackie McLean from
12 Hinkel Shanor on behalf of Colgate Production and
13 Permian Resources Operating.

14 THE HEARING EXAMINER: And I see no
15 other entries of appearance in these cases. Do you
16 know of any?

17 MS. MCLEAN: I do not.

18 THE HEARING EXAMINER: Okay. Please
19 proceed.

20 MS. MCLEAN: Thank you. In Case Nos.
21 24529 through 24536 Colgate seeks an order pooling all
22 uncommitted interests in the Second Bone Spring and
23 Third Bone Spring Intervals of the Bone Spring
24 Formation underlying Sections 17 and 18, Township 20
25 South, Range 28 East, in Eddy County.

1 And in Case Nos. 24529, 24530, 24531,
2 and 34532 Colgate requests an order pooling four
3 separate 320-acre Second Bone Spring spacing units.

4 And each one of those will be comprised
5 respectively of the north half, north half; south
6 half, north half; north half, south half; and south
7 half, south half of Sections 17 and 18. And these
8 units will be dedicated to the Esky 17 Fed Com 121H,
9 122H, 123H, and 124H wells.

10 And then in Case Nos. 24533, 24534,
11 24535, and 24536 Colgate seeks an order pooling four
12 separate 320-acre Third Bone Spring standard
13 horizontal spacing units comprised of the north half,
14 north half; south half, north half; north half, south
15 half; and south half, south half of Sections 17 and
16 18.

17 And these units will be dedicated to
18 the Esky 17 Fed Com 131H, 132H, 133H, and 134H wells.
19 And in these cases Colgate is also requesting that
20 Permian Resources Operating be designated operator of
21 the wells and the units.

22 The exhibit packet submitted to the
23 Division for all of these cases include the following.
24 Compulsory pooling checklist; Exhibit A Land
25 Testimony, which is the self-affirmed statement of

1 Ryan Curry, who has previously testified before the
2 Division as an expert in petroleum land matters.

3 And attached to Mr. Curry's self-
4 affirmed statement are a copy of the application,
5 sample proposed notice of hearing, C-102s for the
6 wells, a plot of tracts and ownership interests, an
7 opposed parties list, a sample well proposal letter
8 and AFEs, and a chronology of contact with the working
9 interest owners.

10 Then we have Exhibit B, which is a
11 self-affirmed statement of Chris Cantin. He has
12 previously testified before as an expert in petroleum
13 geology matters.

14 And attached to his self-affirmed
15 statement is regional locator map, a cross-section,
16 location map, subsea structure map, stratigraphic
17 cross-sections, and a gun barrel development plan.

18 Finally, Exhibit C, the notice
19 testimony, which includes a copy of the notice letter
20 sent to all interested parties; a chart setting out
21 the date the letters were sent and when we received
22 certified mail returns; as well as an affidavit of
23 publication for June 7, 2024.

24 And I ask that Exhibits A, B, and C and
25 all sub-exhibits be admitted into the record in Case

1 Nos. 24529 through 24536 and that these cases be taken
2 under advisement.

3 (Exhibit A, Exhibit B, and Exhibit C
4 were marked for identification.)

5 THE HEARING EXAMINER: Thank you, Ms.
6 McLean. Are there any objections to these exhibits in
7 these eight cases being admitted into evidence? Not
8 hearing any, the exhibits in Case Nos. 24529, 30, 31,
9 32, 33, 34, 35, and 36 are admitted into evidence.
10 Ms. Thompson, any questions?

11 (Exhibit A, Exhibit B, and Exhibit C
12 were received into evidence.)

13 THE TECHNICAL EXAMINER: No questions.

14 THE HEARING EXAMINER: Thank you.
15 These cases will be taken under advisement.

16 MS. MCLEAN: Thank you.

17 THE HEARING EXAMINER: Thank you. Mr.
18 Suazo, do you know if Ms. Graham is still with us?
19 That'd be great. I do want to go over something that
20 I --

21 MS. GRAHAM: I am.

22 THE HEARING EXAMINER: Thank you, Ms.
23 Graham.

24 MS. GRAHAM: I am here, Mr. Hearing
25 Examiner.

1 THE HEARING EXAMINER: Ms. Graham, I
2 don't remember whether you mentioned or not -- but I
3 could not find in the Case 24502 -- let me recall that
4 case -- 24502. I didn't see where it said that Mr.
5 Smith had been qualified as a landman -- as an expert.
6 Does it say that somewhere?

7 MS. GRAHAM: Yes, there's an affidavit
8 in there from Mr. Smith where he states that he's been
9 accepted as an expert.

10 THE HEARING EXAMINER: There is an
11 affidavit. Do you know what page that's on?

12 MS. GRAHAM: Give me just one moment
13 and I'll have a quick look.

14 THE HEARING EXAMINER: Thank you. I
15 could not find it. I was looking but I could not find
16 it.

17 MS. GRAHAM: Okay, no worries. Let's
18 see.

19 THE HEARING EXAMINER: I saw a letter
20 dated May 1st, but I didn't --

21 MS. GRAHAM: That's correct. And there
22 is -- sorry, there's kind of a lengthy application
23 exhibit. Let's see. It begins on Page 27 of 53.

24 THE HEARING EXAMINER: Let me get
25 there. Thank you. I do see it. Okay, I do see it.

1 Thank you, Ms. Graham. So we're back off the
2 record --

3 MS. GRAHAM: You're welcome.

4 THE HEARING EXAMINER: -- in that case.
5 Okay, now before I call the next group of cases I want
6 to ask everyone in the room whether they want me to
7 power through the rest of these cases and not take a
8 lunch today?

9 Yes? I mean, I can do that. I have no
10 problem doing it. Maybe just a five-minute break at
11 some point. Ms. Thompson, are you okay with that?
12 Seems like we're moving kind of quickly through --

13 THE TECHNICAL EXAMINER: Yes.

14 THE HEARING EXAMINER: -- these. Okay.
15 All right. I am now calling Mewbourne Oil. This is
16 24553. Mr. Bruce?

17 MR. BRUCE: Yes, sir. Jim Bruce
18 representing Mewbourne, Mr. Examiner.

19 THE HEARING EXAMINER: Any other
20 parties enter an appearance on this case, Mr. Bruce?

21 MR. BRUCE: Not that I am aware of.

22 THE HEARING EXAMINER: Okay, please
23 proceed.

24 MR. BRUCE: Mr. Examiner, there are my
25 usual two parts. Exhibits. Exhibit 1 is the pooling

1 checklist in this matter.

2 Mewbourne seeks to pool in essence the
3 north half of Sections 3 and 4 for the Judge 34 Well
4 Nos. 621H and 623H. This is a nonstandard unit.
5 Mewbourne has filed administratively so we don't have
6 to fuss with that here.

7 Exhibit 2 is the affidavit of the
8 landman Braxton Blandford, who has previously
9 testified before the Division. His statement covers
10 all the usual information on the request. And that's
11 Exhibit 2.

12 Exhibit 2A includes -- and 2B include
13 the plats. Just out of the most interest Exhibit 2B
14 lists all of the tracts and the leases and the
15 interest owners.

16 And on Page 13 it highlights the names
17 of the parties pooled. Of course it contains all the
18 usual proposal letters, et cetera and AFEs. Excuse
19 me.

20 Exhibit 3, self-affirmed statement of
21 Justin Roeder, a landman for geology who is all -- has
22 also previously qualified. And his exhibits contain
23 all the usual information and structure map, cross-
24 section, gives justification for the well orientation
25 as being laid out in units.

1 Exhibit 4 is the affidavit of mailing
2 with the notice letter. And Exhibit 4B is the
3 certified notice spreadsheet, which again lists all of
4 the parties being pooled. There are some letters
5 or -- that I haven't received green cards back yet. I
6 probably have some sitting at the post office today.

7 But Exhibit 5 is the affidavit of
8 publication, which was timely published and shows that
9 everybody did receive notice one way or the other.
10 And then Exhibit 6 is the application of proposed
11 notice. I would move the admission of Exhibits 1, 2,
12 and 3 plus the subparts and ask that the matter be
13 taken under advisement.

14 (Exhibits 1 through 6 were marked for
15 identification.)

16 THE HEARING EXAMINER: 1, 2, and 3.
17 What about 4 and --

18 MR. BRUCE: 4, 5, and 6 too.

19 THE HEARING EXAMINER: Okay, thank you.
20 Okay, any objections?

21 MR. BRUCE: No objections.

22 THE HEARING EXAMINER: Your exhibits
23 are entered as of record in this case. Ms. Thompson?

24 (Exhibits 1 through 6 were received
25 into evidence.)

1 THE TECHNICAL EXAMINER: Yes, I only
2 have one question.

3 THE HEARING EXAMINER: Who is the
4 question for, Ms. Thompson?

5 THE TECHNICAL EXAMINER: For Mr. Bruce.

6 THE HEARING EXAMINER: Okay.

7 THE TECHNICAL EXAMINER: You said that
8 it was a nonstandard location. Did you file the NFP
9 with the Division?

10 MR. BRUCE: It has been filed.
11 Mewbourne Oil Company filed it itself with the
12 Division --

13 THE TECHNICAL EXAMINER: Okay.

14 MR. BRUCE: -- administratively.

15 THE TECHNICAL EXAMINER:
16 Administratively? Okay. That's the only question I
17 have. Thank you.

18 THE HEARING EXAMINER: Thank you, Ms.
19 Thompson. Mr. Bruce, this case will be taken under
20 advisement. I'm going to take a five-minute break.
21 It is 11:50. Let's come back at 11:55. Thank you.

22 (Off the record.)

23 THE HEARING EXAMINER: Okay, let's get
24 back on the record. It is 11:58 a.m. on June 27th.
25 And the parties have indicated that they would rather

1 not take a lunch break and just power through the rest
2 of these cases. And I think that's what we can do.
3 So I am now calling 24554, Avant Operating.

4 MS. BENNETT: Good morning, Mr.
5 Examiner and Technical Examiner. Deana Bennett on
6 behalf of Avant Operating.

7 THE HEARING EXAMINER: Ms. Bennett, are
8 there any other parties that you know of?

9 MS. BENNETT: No.

10 THE HEARING EXAMINER: No? Okay,
11 please proceed.

12 MS. BENNETT: Thank you. In this case
13 Avant Operating is seeking an extension of time to
14 commence drilling under the order. And this is
15 Avant's first request for an extension of time.

16 Behind Exhibit A -- excuse me. I
17 timely filed exhibits. And Tab A is the affidavit of
18 Sophia Guerra, who's previously testified before the
19 Division, and her credentials have been accepted as a
20 matter of record. And in her affidavit she discusses
21 the reasons for Avant requesting the extension.

22 (Exhibit Tab A and Exhibit Tab B were
23 marked for identification.)

24 THE HEARING EXAMINER: And what are
25 they?

1 MS. BENNETT: The reasons are -- well,
2 it's sort of convoluted. But the reasons are that
3 Avant actually thought that they had through the end
4 of August I believe to commence drilling.

5 And the reason for that is that Avant
6 had -- sorry. The Division previously issued an order
7 pooling parties. And that order was issued on March
8 30, 2023.

9 After that order was issued though
10 Avant identified additional parties that needed to be
11 pooled. And so Avant came back to the Division and
12 asked the Division to amend the order to add
13 additional parties.

14 And that order was issued on August 4,
15 2023. So Avant was under the impression that it had
16 through August 2024 to commence drilling, believing
17 that the second order had extended the time.

18 Unfortunately though that's not
19 accurate. Upon further review and in discussions with
20 myself, Avant realized that the second order
21 incorporated all of the ordering provisions of the
22 first order and was limited to amending the order to
23 add additional parties.

24 So the first order, which is Order
25 R-22616, technically expired on March 30, 2024. And

1 so Avant is here -- and I am here -- sort of throwing
2 ourselves at the Division's mercy to allow Avant an
3 extension of time under these circumstances to
4 commence drilling even though the original order has
5 expired by its own terms.

6 THE HEARING EXAMINER: Thank you. So
7 let's get these exhibits into evidence. And you said
8 that Ms. Guerra has been accepted as an expert?

9 MS. BENNETT: She has.

10 THE HEARING EXAMINER: Okay, very good.
11 Are there any objections? Not hearing any, Tab A and
12 B are admitted into evidence in Case No. 24554. Ms.
13 Thompson?

14 (Exhibit Tab A and Exhibit Tab B were
15 received into evidence.)

16 THE TECHNICAL EXAMINER: No questions.

17 THE HEARING EXAMINER: Ms. Thompson,
18 how do you see the Division handling this?

19 THE TECHNICAL EXAMINER: We just have
20 to talk with management to come up with a strategy so
21 I don't want to give a definitive answer.

22 But generally, you know, the rules are
23 laid out in the order and so by it expiring they would
24 have to essentially go back to hearing for another
25 compulsory pooling instead of requesting an extension.

1 THE HEARING EXAMINER: Okay. So you're
2 saying that's what will happen or you think that's
3 what will happen?

4 THE TECHNICAL EXAMINER: I don't make
5 the decision. But I think that might happen.

6 THE HEARING EXAMINER: Might happen.
7 Okay.

8 THE TECHNICAL EXAMINER: Yes.

9 THE HEARING EXAMINER: Okay. We will
10 take this case under advisement.

11 MS. BENNETT: May I just briefly
12 respond to Ms. Thompson's comment?

13 THE HEARING EXAMINER: Sure.

14 MS. BENNETT: I do understand of course
15 where -- why that might be the outcome. The orders do
16 say that they shall terminate unless there's good
17 cause shown.

18 And here I would just point out that
19 there's no opposition to Avant's extension request.
20 There are no other operators that have stepped forward
21 to develop this acreage. And Avant has the majority
22 working interest in this acreage.

23 And so while I understand the
24 Division's -- or the inclination to perhaps disallow
25 this extension, as Ms. Thompson noted, the cure for

1 that is going back to a compulsory pooling hearing.
2 And Avant is prepared to do that.

3 In fact we filed a compulsory pooling
4 application that's set for July 25th for the same
5 acreage. And so we're prepared to go to hearing.

6 But it does seem a little -- and I'm
7 not trying to be flippant here -- but it seems a
8 little form over function because there are no other
9 operators and there are no other interest owners that
10 are objecting.

11 And I would just say that there's over
12 300 interested parties or noticed parties. And so,
13 you know, we will of course send them notice of the
14 compulsory pooling process. But also that could end
15 up being somewhat confusing. So I understand where
16 the Division's coming from.

17 And I would just ask that if the
18 Division is inclined to deny Avant's application that
19 to the extent possible we learn of that decision as
20 quickly as possible because our notice letters are due
21 next -- we need to send them out next week in order to
22 meet the timeline for a July 25th hearing.

23 And so I would just ask that to the
24 extent it's possible the Division reach its decision
25 so that we can either send those notice letters out

1 timely or determine we don't need to send them out.

2 THE HEARING EXAMINER: Ms. Thompson, is
3 that possible?

4 THE TECHNICAL EXAMINER: Yeah, I could
5 reach out to you directly. What day did you say your
6 guys' previous application expired?

7 MS. BENNETT: The order expired on
8 March 30, 2023. Sorry, 2024. March 30, 2024, is what
9 I meant to say.

10 THE TECHNICAL EXAMINER: Okay. I'll
11 correspond with you directly to see if I can move that
12 up with a more definitive answer.

13 THE HEARING EXAMINER: Thank you.

14 MS. BENNETT: Thank you very much. I
15 appreciate that.

16 THE HEARING EXAMINER: Yes, let's move
17 on now. I'm now calling Mewbourne Oil Cases 24556,
18 57, and also 24571 and 72 and 73. Entries of
19 appearance, please.

20 MR. BRUCE: Mr. Examiner, Jim Bruce
21 representing Mewbourne.

22 THE HEARING EXAMINER: Are there any
23 other parties who have entered appearances?

24 MR. BRUCE: Not that I'm aware of.

25 THE HEARING EXAMINER: Very good.

1 Please proceed.

2 MR. BRUCE: Mr. Examiner, I'll go
3 through -- the only difference -- there are two groups
4 of cases. There are three cases involving the Bone
5 Spring -- the first three. Second three sets or
6 second three cases involve the Wolfcamp. But the --

7 THE HEARING EXAMINER: So I think I
8 missed a case then. Excuse me.

9 MR. BRUCE: Yeah.

10 THE HEARING EXAMINER: I did not call
11 24558. I apologize.

12 MR. BRUCE: That's correct.

13 THE HEARING EXAMINER: Apologize.

14 MR. BRUCE: Yeah. And so again the
15 exhibit packages are virtually identical for all of
16 them. So I'll go through 24556 and then briefly 24571
17 and get these things admitted.

18 Mr. Examiner, all the exhibit
19 packages -- Exhibit 1 is the pooling checklist. In
20 this particular case Mewbourne seeks to pool the north
21 half, north half of Sections 8 and 7, 20 South, 29
22 East for purposes of drilling a third Bone Spring
23 well -- the Jericho 8/7 611H well.

24 The landman's affidavit by Josh
25 Anderson, who has previously testified, contains all

1 the usual information and requests and overhead rates,
2 risk charge, et cetera.

3 Exhibit 2A are the land plats. Exhibit
4 2B is of course all the tract maps, lease numbers,
5 interest owners. That's 11 -- Pages 11, 12, and 13.
6 Page 13 does highlight those working interest owners
7 who are being pooled.

8 And there's the usual summary of
9 communications, which went on for quite some time, and
10 the proposal letters and the AFEs.

11 The second part of the exhibit package,
12 the geologist's affidavit by Charlie Crosby, who has
13 testified many, many times here before as an expert
14 geologist, goes into the Bone Spring structure, cross-
15 section, well orientation, proffer in this area based
16 on previous developments and contains all the other
17 usual information.

18 Exhibit 4 and it's subparts -- the
19 notice letters, certified notice spreadsheet. And 5,
20 the affidavit of publication, are identical in each
21 exhibit package.

22 And then Exhibit 6 in this case is
23 the -- in every case is the application and proposed
24 notice. So with respect to 556 I would move the
25 admission of Exhibits 1 through 6 plus subparts and

1 ask that the matter be taken under advisement.

2 (Exhibits 1 through 6 were marked for
3 identification.)

4 THE HEARING EXAMINER: Okay. Are there
5 any objections? Not hearing any, in Case No. 24556
6 your exhibits are admitted into evidence. I have a
7 question.

8 (Exhibits 1 through 6 were received
9 into evidence.)

10 MR. BRUCE: Sure.

11 THE HEARING EXAMINER: Your Exhibit No.
12 3B I think it is -- yes, 3B. This is the cross-
13 section exhibit?

14 MR. BRUCE: Yes.

15 THE HEARING EXAMINER: I wonder if Ms.
16 Thompson can read this sufficiently or if she's going
17 to want a supplemental.

18 MR. BRUCE: I could get one in a bigger
19 scale that I could email to her directly. I think
20 this one came out bad because I was reducing it in
21 size that it was upright -- not sideways.

22 THE HEARING EXAMINER: Let me go to Ms.
23 Thompson. Ms. Thompson?

24 THE TECHNICAL EXAMINER: I'm sorry.
25 I'm pulling it up right now.

1 THE HEARING EXAMINER: It's Page 5 of
2 24.

3 THE TECHNICAL EXAMINER: Yes. I would
4 request a --

5 THE HEARING EXAMINER: I thought so.

6 THE TECHNICAL EXAMINER: -- one.

7 MR. BRUCE: Yeah, the other
8 orientation -- and it shows a lot more detail.

9 THE HEARING EXAMINER: So I don't want
10 you to email it to Ms. Thompson though. What I want
11 you to do is I want you to submit an amended exhibit
12 packet substituting the better copy of Exhibit 3B for
13 the one that we have in this packet here.

14 But otherwise all of your exhibits are
15 admitted into evidence in this case. And Ms.
16 Thompson, do you have any questions in this case?

17 THE TECHNICAL EXAMINER: No questions.

18 THE HEARING EXAMINER: No? Okay. So
19 Mr. Bruce, we'll take it under advisement as soon as
20 we get your amended exhibit packet.

21 MR. BRUCE: I will get them all done by
22 tomorrow.

23 THE HEARING EXAMINER: Oh, fantastic.
24 So Mr. Bruce, are you saying that the other cases
25 don't suffer from the same issue here?

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1 MR. BRUCE: No, they -- I will have to
2 submit --

3 THE HEARING EXAMINER: Perfect.

4 MR. BRUCE: -- Part 2 of the exhibits
5 because they all contain the same cross-section.

6 THE HEARING EXAMINER: Oh, they do?

7 MR. BRUCE: Yeah.

8 THE HEARING EXAMINER: Okay, very good.
9 So you're going to submit an amended exhibit packet
10 number two --

11 MR. BRUCE: Yes.

12 THE HEARING EXAMINER: -- for all of
13 the cases?

14 MR. BRUCE: For all of the cases.

15 THE HEARING EXAMINER: And that's six
16 cases?

17 MR. BRUCE: Six cases.

18 THE HEARING EXAMINER: Okay, very good.
19 Do you want me to -- is there anything else that you
20 have to say about the other cases or should I admit
21 the exhibits?

22 MR. BRUCE: The only thing I would
23 point is the next case is a standard unit again. Case
24 24558 is a proximity tract unit. And that's the only
25 difference. But all the exhibits track each other.

1 THE HEARING EXAMINER: Okay, very good.
2 Let me get the exhibits admitted in Cases 24557 and
3 24558. Are there any objections? Hearing none, your
4 exhibits in those cases are admitted as well.

5 And we will keep the record open for
6 your amended exhibit packets to correct 3B in each of
7 the three cases. Is there anything you want to tell
8 me about Cases 24571, 72, and 73?

9 (Exhibits 1 through 6 were received
10 into evidence.)

11 MR. BRUCE: No, the only -- the land
12 testimony is basically the same. Same lands are
13 involved. I would point out that 571 is also a
14 proximity tract unit.

15 The other two cases are standard well
16 units. And again the only difference is the geology
17 is addressed more towards -- Exhibit 3 is addressed
18 more toward the Wolfcamp formation obviously and
19 justifies the well orientation.

20 All the notice materials are the same.
21 But I will correct Part 2 of each of these three
22 exhibit packages also.

23 THE HEARING EXAMINER: And are you
24 using the same two experts in all six cases?

25 MR. BRUCE: Yes.

1 THE HEARING EXAMINER: You are? Okay.
2 Are there any objections in Cases 24571, 72, and 73 to
3 admitting Mr. Bruce's exhibits? Not hearing any, Mr.
4 Bruce, your exhibits are admitted into evidence. Is
5 there anything further?

6 (Exhibits 1 through 6 were received
7 into evidence.)

8 MR. BRUCE: May I be dismissed?

9 THE HEARING EXAMINER: Just one moment.
10 Let me ask Ms. Thompson if she has any questions in
11 any of these six cases. Ms. Thompson?

12 THE TECHNICAL EXAMINER: No, no
13 questions.

14 THE HEARING EXAMINER: Okay, Mr. Bruce.
15 Yes, thank you. We'll take them under advisement as
16 soon as we get your corrected exhibits.

17 MR. BRUCE: Thank you.

18 THE HEARING EXAMINER: You're welcome.

19 MR. BRUCE: Thank you.

20 THE HEARING EXAMINER: Okay, let's make
21 sure I'm not skipping any cases by accident here. I
22 think I'm next at line -- well, I have Line 55. I
23 don't know if that's correct or not. It's Permian
24 Resource cases represented by Hinkel Shanor. 24560,
25 61, 62, 63, 64, 65, 66, and 67.

1 MS. HARDY: That's correct, Mr.
2 Examiner. Dana Hardy with Hinkel Shanor on behalf of
3 Permian Resources Operating.

4 THE HEARING EXAMINER: Good morning.

5 MS. HARDY: Good morning.

6 THE HEARING EXAMINER: Good afternoon.

7 MS. HARDY: Good afternoon.

8 THE HEARING EXAMINER: Yes. Please
9 proceed.

10 MS. HARDY: Thank you. In Case Nos.
11 24560 through 24563 Permian Resources seeks to pool
12 the Third Bone Spring Interval of the Bone Spring
13 Formation from a depth of 7,624 feet to the base of
14 the formation underlying Sections 23 and 24, Township
15 20 South, Range 38 East in Eddy County.

16 In these cases there are four separate
17 320-acre spacing units, each of which includes one
18 well. And those are the Bondi 24 Fed Com 131H, 132H,
19 133H, and 134H.

20 And then in Cases 24564 through 24567
21 Permian Resources seeks to pool the Wolfcamp
22 formation, also underlying Sections 23 and 24,
23 Township 20 South, Range 28 East in Eddy County.

24 There are again four separate 320-acre
25 spacing units, each of which includes one well. And

1 those are the Bondi 24 Fed Com 201H, 202H, 203H, and
2 204H wells.

3 These cases do not involve a depth
4 severance but they do involve overlapping spacing
5 units. And we identified the spacing units for the
6 overlapping wells in our application and also in our
7 exhibit.

8 Our exhibit packets in each case
9 include the compulsory pooling checklist, the
10 affidavit and exhibits of landman Ryan Curry, and the
11 affidavit and exhibits of geologist Christopher
12 Cantin.

13 Mr. Curry and Mr. Cantin have
14 previously testified before the Division as experts in
15 their respective areas.

16 Mr. Curry's exhibits include the
17 standard land exhibits. The plat of tracts, ownership
18 information, and pooled parties are identified in
19 Exhibit A3. And in the Wolfcamp cases that involve
20 overlapping spacing units, Exhibit A3 also shows those
21 overlapping units.

22 Mr. Cantin provides a location map,
23 cross-section map, structure map, stratigraphic cross-
24 section, and gun barrel diagram.

25 Exhibit C is my notice affidavit. We

1 timely provided notice by certified mail. And we also
2 did timely publish notice.

3 On the Wolfcamp cases we did notify the
4 owners in the overlapping spacing units. And those
5 parties also own interest in these spacing units so
6 there was overlap of course between the interest
7 owners.

8 With that unless there are questions I
9 request the exhibits be admitted and that the case be
10 taken under advisement.

11 (Exhibit A, Exhibit B, and Exhibit C
12 were marked for identification.)

13 THE HEARING EXAMINER: Are there any
14 objections? Not hearing any, Ms. Hardy, your exhibits
15 in Case Nos. 24560 through 67 are admitted into
16 evidence. Ms. Thompson, any questions?

17 (Exhibit A, Exhibit B, and Exhibit C
18 were received into evidence.)

19 THE TECHNICAL EXAMINER: No questions.

20 THE HEARING EXAMINER: Ms. Hardy,
21 they're taken under advisement. Thank you.

22 MS. HARDY: Great, thank you very much.

23 THE HEARING EXAMINER: Now let's see.
24 We're skipping those cases because we've already done
25 them. And we're on the last page now. And I believe

1 we've done this case too. So we are now at Line 70.
2 24577, 78, 80. I guess we missed 79. And 81. These
3 are XTO Energy cases.

4 MS. VANCE: Yes. Paula Vance with the
5 Santa Fe office of Holland & Hart on behalf of XTO
6 Holdings.

7 THE HEARING EXAMINER: Thank you, Ms.
8 Vance. Are there any other parties entered in these
9 cases?

10 MS. VANCE: No, there are not.

11 THE HEARING EXAMINER: No? Okay.
12 Please proceed.

13 MS. VANCE: Thank you, Mr. Hearing
14 Examiner. So I will present these as consolidated
15 cases. In all of the cases it involves the Bone
16 Spring.

17 And the pool is the Willow Lake Bone
18 Spring Southeast Pool. And the pool code is 96217.
19 And the acreage is all in Township 25 South, Range 29
20 East, Eddy County, New Mexico.

21 And in each of these cases we are just
22 seeking to pool record title owners for purposes of
23 getting approval of the communitization agreement. So
24 I'll walk through each of the acreages in each of the
25 cases now.

1 So Case 24577 is for a standard 320-
2 acre spacing unit -- horizontal well spacing unit.
3 And that would be comprised of the east half of the
4 west half of Sections 10 and 15. And this is
5 currently dedicated to the producing Corral Canyon 10-
6 15 Fed Com 10H.

7 And then in Case No. 24578 that would
8 be a standard 320-acre more or less horizontal well
9 spacing unit comprised of the east half, east half of
10 Sections 10 and 15. And that's currently dedicated to
11 the drilled and producing Corral Canyon 10-15 Fed Com
12 12H.

13 Then in Case No. 24580 that's a
14 standard 320-acre horizontal well spacing unit
15 comprised of the west half, west half of Sections 10
16 and 15. And that's currently dedicated to the drilled
17 and producing Corral Canyon 10-15 Fed Com 21H.

18 And then lastly in Case 24581 -- 24581
19 rather -- that's a standard 240-acre more or less
20 horizontal well spacing unit comprised of the west
21 half of the southeast corner of Section 10 and the
22 west half of the east half of Section 15, currently
23 dedicated to the drilled and producing Corral Canyon
24 Fed Com 220H.

25 So in each of these cases we have

1 provided a copy of the application along with a -- the
2 compulsory pooling checklist and the self-affirmed
3 statements of landman Vincent Cuccerre and geologist
4 Marilyn Zorn.

5 Mr. Cuccerre has previously testified
6 before the Division and his credentials have been
7 accepted as a matter of record. Ms. Zorn, her -- she
8 has not previously testified.

9 And she is available today. And she
10 already has her camera up ready to go for any
11 questions you might have. And I'll pause there and
12 give you an opportunity to ask her some questions.

13 THE HEARING EXAMINER: Thank you. Good
14 morning or good afternoon, Ms. Zorn. Thank you for
15 joining us. What area of expertise are you seeking to
16 be admitted?

17 MS. ZORN: Good afternoon, Mr.
18 Examiner. I am seeking to be an expert in geoscience.

19 THE HEARING EXAMINER: Ms. Zorn, I
20 would like to be able to hear what you're saying and I
21 can't. Are you relying on the Bluetooth earphones to
22 be a microphone as well?

23 MS. ZORN: I am, yes.

24 THE HEARING EXAMINER: Now I heard you.
25 Okay, so what field are you seeking to be admitted?

1 MS. ZORN: I am seeking to be admitted
2 as an expert in geology.

3 THE HEARING EXAMINER: Geology. Is
4 that petroleum geology specifically or just geology?

5 MS. ZORN: Just geology.

6 THE HEARING EXAMINER: Just geology,
7 okay. Fantastic. We're going to get you sworn in
8 after you state and spell your name for the record.

9 MS. ZORN: Okay. My name is Marilyn,
10 M-A-R-I-L-Y-N. Last name is Zorn, Z-O-R-N.

11 THE HEARING EXAMINER: Okay. Please
12 raise your right hand.

13 WHEREUPON,

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

18 DIRECT EXAMINATION

19 BY MR. CHAKALIAN:

20 Q Would you tell me about the -- your
21 education and when you earned your degrees?

22 A Sure. I earned my bachelor of science
23 degree in paleontology in 2003 and a doctorate degree
24 in earth and atmosphere sciences from the University
25 of Alberta in 2009.

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1 Q Thank you. And then what work experience do
2 you have that would qualify you as a geologist?

3 A So I have worked for the past 15 years with
4 ExxonMobil and its affiliates, focused on both
5 conventional and unconventional geoscience plains in
6 North and South America.

7 My responsibilities in that time have
8 included geological mapping, tetra-physics, and well
9 planning and execution.

10 THE HEARING OFFICER: Okay, thank you,
11 Ms. Zorn. The Division recognizes you as an expert in
12 geology. Thank you.

13 THE WITNESS: Thank you.

14 THE HEARING OFFICER: Ms. Vance?

15 MS. VANCE: Thank you. So we
16 have -- sorry. I lost my place there. So in our
17 hearing packets we've included, like I said, Mr.
18 Cuccerre's statement and which also includes all of
19 the usual sub-exhibits minus a proposal and AFE
20 because we are just seeking to pool those record title
21 holders.

22 But we included the C-102s, land tract
23 map, pool -- a list of pooled parties, and a
24 chronology of contacts. And then this is followed by
25 Ms. Zorn's statement, which includes her resume that

1 you just reviewed with her along with a locator map,
2 subsea structure map, and cross-section map and
3 stratigraphic cross-section.

4 In these cases Ms. Zorn did not observe
5 any faulting, pinch-outs, or other geologic
6 impediments to the horizontal drilling of these wells,
7 which are already drilled and producing.

8 And then lastly is my self-affirmed
9 statement of notice and a sample copy of the notice
10 letter that went out on June 7, 2024. And then that's
11 followed by a copy of the affidavit of notice of
12 publication, which was timely published on June 11,
13 2024.

14 And unless there's any questions I
15 would ask that the exhibits and sub-exhibits be
16 admitted into the record and that these cases be taken
17 under advisement at this time.

18 (Exhibits A through F were marked for
19 identification.)

20 THE HEARING OFFICER: Thank you, Ms.
21 Vance. Are there any objections? Not hearing any,
22 your exhibits in Cases 24577, 78, 80, and 81 are
23 admitted into evidence. Ms. Thompson?

24 (Exhibits A through F were received
25 into evidence.)

1 THE TECHNICAL EXAMINER: I have no
2 questions.

3 THE HEARING OFFICER: Your cases are
4 taken under advisement. Thank you, Ms. Vance.

5 MS. VANCE: Thank you.

6 THE HEARING OFFICER: And Mr. Suazo and
7 Ms. Luck, are you here for a case?

8 MS. LUCK: Yes.

9 MR. SUAZO: Yes. We're going to return
10 to Case 24543.

11 THE HEARING OFFICER: Let me recall it.
12 24543?

13 MR. SUAZO: Yes, Mr. Examiner.

14 THE HEARING OFFICER: Let me find it on
15 the docket.

16 MR. SUAZO: It is No. 9 on the docket.

17 THE HEARING OFFICER: Number 9? Thank
18 you. Let me go over to that there then. Okay, I see
19 Avant Operating. And let's see. We had other parties
20 here.

21 It looks like you withdrew your -- ah,
22 yes, yes, yes. Okay, this is the case that's going
23 forward by affidavit. And we stuck it at the end for
24 Ms. Thompson to have a chance to review the exhibits.

25 MR. SUAZO: That's correct.

1 THE HEARING OFFICER: Now I believe,
2 Ms. Vance, you had -- well, someone from Holland &
3 Hart had entered an appearance in this case?

4 MS. VANCE: Yes, yes. I'm here on
5 behalf of COG.

6 THE HEARING OFFICER: Thank you. I
7 think Jim Bruce was also --

8 MR. SUAZO: He withdrew his objections.

9 THE HEARING OFFICER: He withdrew his
10 objections, okay. Okay, I guess he shouldn't have
11 left so soon.

12 MS. LUCK: Mr. Savage also entered his
13 appearance for Prima. But he doesn't appear to be
14 here either.

15 THE HEARING OFFICER: Okay. Who was
16 that you said?

17 MS. LUCK: Mr. Savage.

18 THE HEARING OFFICER: Savage.

19 MS. LUCK: Darin Savage for Prima.

20 THE HEARING OFFICER: Yes, I remember.
21 Thank you. One moment. Freya, are you able to send
22 an email to Jim Bruce and Mr. Savage letting them know
23 that we're hearing Case 24543 by affidavit right now
24 and that if they have any objection to anything now is
25 the time to let us know?

1 But I'm going to proceed because
2 they've left. And I have no control over their
3 schedule. So Mr. Suazo, please proceed.

4 MR. SUAZO: Thank you. My colleague
5 Kaitlyn Luck is going to present the application.

6 THE HEARING OFFICER: Thank you.

7 MS. LUCK: And I apologize. I think
8 that I'm going to defer to Ms. Graham on the video.

9 THE HEARING OFFICER: I'm sorry, what
10 did you say? I didn't hear you.

11 MS. LUCK: I'm going to defer to Ms.
12 Graham on the video.

13 THE HEARING OFFICER: Oh, so you're not
14 presenting the case -- Ms. Graham is?

15 MS. LUCK: No, I'm here for back-up.
16 Thank you.

17 THE HEARING OFFICER: Okay, very good.
18 Ms. Graham?

19 MS. GRAHAM: Good afternoon, Mr.
20 Hearing Examiner. In this Case 24543 Avant seeks to
21 approve a nonstandard horizontal spacing unit and pool
22 all uncommitted interests in the Wolfcamp formation
23 underlying a 1,280 nonstandard horizontal spacing unit
24 covering all of Sections 25 and 36, Township 18 South,
25 Range 33 East in Lee County, New Mexico.

1 In this case the proposed Wolfcamp unit
2 will be committed to the Royal Oak 25 Fed Com 006H,
3 007H, 008H, and 009H wells.

4 The exhibit packet that was filed on
5 Thursday, June 20th contains the checklist, the
6 application, and the affidavits. Exhibit A is the
7 compulsory pooling checklist. Exhibit B is the
8 application, which was filed on May 13th.

9 Exhibit C is the affidavit of Avant's
10 land witness, Sophia Guerra. Ms. Guerra has
11 previously testified before the Division and has had
12 her qualifications accepted as those of an expert in
13 petroleum land matters. She notes that she's familiar
14 with the lands in this matter.

15 C1 is a general location map. C2
16 contains the form C-102s. C3 depicts the tracts and
17 the spacing units and the wells. C4 -- well, my
18 apologies. I'll skip to C5, which is the ownership
19 within the Wolfcamp unit and identifies the committed
20 parties.

21 I'll just take a moment to pause to
22 explain that C4 pertained to the other case that this
23 was consolidated with so I'll just skip over that if
24 that's okay.

25 I'd also like to note that Avant will

1 be supplementing this exhibit to identify new
2 committed interest owners.

3 Between the time that this was filed
4 and just in the past couple days they've entered into
5 JOAs with a number of new parties. And so the total
6 committed interest in the Wolfcamp unit is now 62.55
7 percent.

8 Exhibit C6 is a map of the nonstandard
9 horizontal spacing unit in relation to a standard
10 unit. And it identifies the offset owners. Exhibit
11 C7 and C8 are the proposal letters and the AFEs, which
12 were sent out back in March and April of 2024.

13 And these mailings comport with the NM
14 OCD requirements regarding proposal letters. C9
15 provides a chronology of contacts summarizing attempts
16 to obtain participation of the pooled parties.

17 Moving along, Exhibit D is the
18 affidavit from Avant's geology witness. And we have
19 Mr. Payne on today. Mr. Payne has previously
20 testified before the Division and had his
21 qualifications also accepted as an expert in petroleum
22 geology. He knows --

23 THE HEARING OFFICER: Ms. Graham?

24 MS. GRAHAM: Yes?

25 THE HEARING OFFICER: I'm sorry, I'm

1 confused. I thought you were talking about a witness
2 named John Harper and somehow we got to Mr. Payne.

3 MS. GRAHAM: Yes. And John Harper and
4 Josh work together at Avant. And so I believe there
5 was collaboration when they work on these exhibits.

6 And Mr. Harper was set to attend this
7 hearing this morning but then was traveling out of the
8 field back home or back to the corporate office and so
9 Mr. Payne had to step in.

10 THE HEARING OFFICER: I see. So he's
11 not available but Mr. Payne, who worked with him, is?

12 MS. GRAHAM: Correct. And worked with
13 him.

14 THE HEARING OFFICER: Okay, all right.
15 Please proceed.

16 MS. GRAHAM: Mr. Payne notes that he is
17 familiar with the lands and the geology in this
18 matter. D1 is the base map. D3 is the structure map
19 for the Wolfcamp.

20 And Mr. Payne -- well, Mr. Harper notes
21 that the wells are representative of the area geology
22 and that he observed no faulting, pinching, or other
23 geologic hazards.

24 D4 includes cross-sections of the
25 Wolfcamp showing gamma ray and resistivity logs which

1 identify the target interval. And D5 include a
2 stratigraphic cross-section flattened on top of the
3 Wolfcamp formation showing details on the targeted
4 interval.

5 Exhibit E is the notice of affidavit
6 showing that notice letters were mailed to the
7 addresses of record to the interested parties and the
8 offset owners in the adjacent lands. And immediately
9 after that are the certified mailing receipts.

10 And lastly Exhibit F is the affidavit
11 of publication in the Hobbs Daily News Sun. And with
12 that I would request that the exhibits be admitted
13 into the record and the matter be taken under
14 advisement.

15 (Exhibits A through F were marked for
16 identification.)

17 THE HEARING OFFICER: Ms. Vance, any
18 objection?

19 MS. VANCE: No.

20 THE HEARING OFFICER: Thank you. Ms.
21 Graham, your Exhibits A through F are admitted into
22 evidence. Ms. Thompson, questions?

23 (Exhibits A through F were received
24 into evidence.)

25 THE TECHNICAL EXAMINER: No questions.

1 THE HEARING OFFICER: Ms. Graham, would
2 you please spell the name of the witness who is here
3 today even though we're not going to ask any questions
4 of Mr. Payne?

5 MS. GRAHAM: Josh Payne, J-O-S-H,
6 P-A-Y-N-E.

7 THE HEARING OFFICER: Thank you. And
8 just for the record, I did receive an email from Darin
9 Savage.

10 And it reads, "Prima entered an
11 appearance in that case" -- meaning 24543 -- "based on
12 notice that Avant had sent to Prima. It has been
13 determined since then that Prima doesn't" -- he left
14 out the word "have" -- "doesn't have an interest in
15 the Wolfcamp units and therefore has no objections to
16 this case."

17 Okay, I don't have any message from Mr.
18 Bruce. But he did withdraw his objection. And I saw
19 that filed as of record. So we will take this case
20 under advisement.

21 Ms. Graham, in the future though if you
22 have a witness who has signed an affidavit I would not
23 have -- if Ms. Thompson had a question for your
24 witness I would not have permitted Mr. Payne to
25 testify in his place.

1 He could have submitted his own
2 affidavit with his own expert opinion and that we
3 could have used. But I would not have substituted the
4 two witnesses in that case. I hope that's
5 understandable.

6 MS. GRAHAM: Yes, Mr. Hearing Examiner.

7 THE HEARING OFFICER: Okay, thank you.
8 So that concludes this case. We will take it under
9 advisement. That concludes today's docket for the Oil
10 Conservation Division. It is 12:34. We're off the
11 record. Thank you.


12 (Whereupon, at 12:34 p.m., the
13 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

July 12, 2024

Notary Public in and for the
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, LEANN TRUMBLE, 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.

July 12, 2024



LEANN TRUMBLE

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