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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. 24443, 24445, 24454,	Docket No.
24456, 24467, 24468, 24469,	26-24
24470, 24472, 24605, 24606,	
24444, 24447, 24492, 24508,	
24509, 24517, 24597, 24598,	
24599, 24600, 24601, 24602,	
24603, 24604, 24607, 24609.	

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VIDEOCONFERENCE HEARING

DATE: Thursday, January 18, 2024
TIME: 8:30 a.m.
BEFORE: Hearing Examiner Gregory A. Chakalian
LOCATION: Remote Proceeding
Pecos Hall, Wendell Chino Building
1220 S Saint Francis Drive
Santa Fe, NM 87505
REPORTED BY: James Cogswell, Notary Public
JOB NO.: 6773964

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ALSO PRESENT:

Freya Tschantz, Law Clerk - Oil Conservation
Division

Nathaniel Gilbertson, Geologist (by
videoconference)

Kimberle Davis, Geologist (by videoconference)

Katie Halley, Landman (by videoconference)

Brandon Forteza, Landman (by videoconference)

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I N D E X

WITNESSES:	DX	CX	RDX	RCX
KATELYN HALLEY				
By Mr. McClure	44			
NATHANIEL GILBERTSON				
By Mr. McClure	64			
KIMBERLE DAVIS				
By Mr. McClure	74			
BRANDON FORTEZA				
By Mr. McClure	88			

E X H I B I T S

NO.	DESCRIPTION	ID/EVD
3	Case 24492:	
4	Exhibit A	Compulsory Pooling Checklist
5	Exhibit A-1	Application
6	Exhibit A-2	Affidavit of Katie Halley
7		Land Professional
8	Exhibit A-3	C-102s
9	Exhibit A-4	Lease Tract Map/Summary of
10		Interests
11	Exhibit A-5	Unit Recapitulation
12	Exhibit A-6	Sample Well Proposal Letter
13		And AFEs
14	Exhibit A-7	Summary of Contacts
15	Exhibit B	Self-Affirmed Statement of
16		Kimberle Davis, Geologist
17	Exhibit B-1	Locator Map
18	Exhibit B-2	First Bone Spring Structure
19		Map and Cross-reference
20		Well Locator
21	Exhibit B-3	First Bone Spring
22		Stratigraphic Cross Section
23	Exhibit B-4	Gun Barrel Diagram
24	Exhibit B-5	First Bone Spring Gross
25		Isopach

1	E X H I B I T S (Cont'd)		
2	Case 24492 (Cont'd):		
3	Exhibit B-6	Second Bone Spring Structure	
4		Map and Cross-reference Well	
5		Locator	41/42
6	Exhibit B-7	Second Bone Spring	
7		Stratigraphic Cross Section	41/42
8	Exhibit B-8	Second Bone Spring Gross	
9		Isopach	41/42
10	Exhibit C	Self-Affirmed Statement of	
11		Deana Bennett	42/42
12	Exhibit C-1	Sample Notice Letter	42/42
13	Exhibit C-2	Mailing List of Parties	42/42
14	Exhibit C-3	Certified Mailing Tracking	
15		List	42/42
16	Exhibit C-4	Affidavit of Publication	
17		For May 24, 2024	42/42
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19	NO.	DESCRIPTION	ID/EVD
20	Case 24508:		
21	Exhibit A	Self-Affirmed Statement of	
22		Tyler Jolly, Landman	51/53
23	Exhibit A-1	Draft C-102s	51/53
24	Exhibit A-2	Tract Ownership and	
25		Ownership Breakdown	51/53

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2	Case 24508 (Cont'd):		
3	Exhibit A-3	Sample Well Proposal	
4		Letters and AFEs	51/53
5	Exhibit A-4	Chronology of Contact	51/53
6	Exhibit B	Self-Affirmed Statement of	
7		Tyler Hill, Geologist	51/53
8	Exhibit B-1	Location Map	51/53
9	Exhibit B-2	Structure Map	51/53
10	Exhibit B-3	Stratigraphic Cross-Section	
11		Map	51/53
12	Exhibit C	Self-Affirmed Statement of	
13		Notice	51/53
14	Exhibit D	Affidavit of Publication	51/53
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16	NO.	DESCRIPTION	ID/EVD
17	Case 24509:		
18	Exhibit A	Self-Affirmed Statement of	
19		Tyler Jolly, Landman	51/53
20	Exhibit A-1	Draft C-102s	51/53
21	Exhibit A-2	Tract Ownership	51/53
22	Exhibit A-3	Sample Well Proposal	
23		Letters and AFEs	51/53
24	Exhibit A-4	Chronology of Contact	51/53
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1	E X H I B I T S (Cont'd)		
2	Case 24509 (Cont'd):		
3	Exhibit A-5	Overlap Letter and Notice	
4		List	51/53
5	Exhibit B	Self-Affirmed Statement of	
6		Tyler Hill, Geologist	51/53
7	Exhibit B-1	Location Map	51/53
8	Exhibit B-2	Structure Maps	51/53
9	Exhibit B-3	Stratigraphic Cross-Section	
10		Map	51/53
11	Exhibit C	Self-Affirmed Statement of	
12		Notice	51/53
13	Exhibit D	Affidavit of Publication	51/53
14			
15	NO.	DESCRIPTION	ID/EVD
16	Case 24517:		
17	Exhibit A	Compulsory Pooling Checklist	57/59
18	Exhibit A-1	Application and Proposed	
19		Notice of Hearing	57/59
20	Exhibit A-2	Self-Affirmed Statement of	
21		Larry K. Coshow, Landman	57/59
22	Exhibit A-3	C-102s	57/59
23	Exhibit A-4	Plat of Tracts, Tract	
24		Ownership, Applicable Lease	
25		Numbers	57/59

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

Case 24517 (Cont'd):

Exhibit A-5	Unit Recap, Pooled Parties Highlighted	57/59
Exhibit A-6	Sample Well Proposal Letter and AFEs	57/59
Exhibit A-7	Detailed Summary of Chronology of Contacts	57/59
Exhibit B	Self-Affirmed Statement of Nate Gilbertson, Geologist	57/59
Exhibit B-1	Location Map	57/59
Exhibit B-2	Subsea Structure Map	57/59
Exhibit B-3	Stratigraphical Cross Section	57/59
Exhibit B-4	Gunbarrel Diagram	57/59
Exhibit B-5	Gross Isopach Map	57/59
Exhibit B-6	Existing Vertical Wellbores in Proposed HSU (Plat)	57/59
Exhibit C	Affidavit of Benjamin B. Holliday, Attorney	57/59
Exhibit C-1	Sample Notice Letter to All Interested Parties	57/59
Exhibit C-2	Chart of Notice to All Interested Parties	57/59
Exhibit C-3	Copies of Certified Mail Receipts and Returns	57/59

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

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Exhibit C-4 Affidavit of Publication
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NO. DESCRIPTION ID/EVD

Cases 24597-24601:

Exhibit A Extension Application 67/68

Exhibit B Original Pooling Orders 67/68

Exhibit C Self-Affirmed Statement from
Cori Mathews, Landman 67/68

Exhibit C-1 Update Pooling Exhibit 67/68

Exhibit D Self-Affirmed Statement of
Notice 67/68

Exhibit E Affidavit of Publication 67/68

NO. DESCRIPTION ID/EVD

Cases 24602-24603:

Exhibit A Compulsory Pooling
Application Checklist 84/86

Exhibit B Application of Ameredev
Operating, LLC 84/86

Exhibit C Self-Affirmed Statement of
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Exhibit C-1 C-102 85/86

1	E X H I B I T S (Cont'd)		
2	Cases 24602-24604 (Cont'd):		
3	Exhibit C-2	Land Tract Map	85/86
4	Exhibit C-3	Ownership Breakdown	85/86
5	Exhibit C-4	Sample Well Proposal Letters	
6		with AFE and Lease Offers	85/86
7	Exhibit C-5	Chronology of Contacts	85/86
8	Exhibit D	Self-Affirmed Statement of	
9		Parker Foy, Geologist	85/86
10	Exhibit D-1	Locator Map	85/86
11	Exhibit D-2	Subsea Structure	85/86
12	Exhibit D-3	Cross-section Map	85/86
13	Exhibit D-4	Stratigraphic Cross-section	85/86
14	Exhibit E	Self-Affirmed Statement of	
15		Notice	85/86
16	Exhibit F	Affidavit of Publication	86/86
17			
18	NO.	DESCRIPTION	ID/EVD
19	Case 24609:		
20	Exhibit A	Self-Affirmed Statement of	
21		Lance Young	96/97
22	Exhibit A-1	Application and Proposed	
23		Notice of Hearing	96/97
24	Exhibit A-2	C-102s	96/97
25			

1	E X H I B I T S (Cont'd)		
2	Case 24609 (Cont'd):		
3	Exhibit A-3	Plat of Tracts, Tract	
4		Ownership, Applicable Lease	
5		Numbers, Unit Recapitulation,	
6		Pooled Parties	96/97
7	Exhibit A-4	Sample Well Proposal	
8		Letters and AFEs	96/97
9	Exhibit A-5	Chronology of Contact	96/97
10	Exhibit B	Self-Affirmed Statement of	
11		Matthew Van Wie	96/97
12	Exhibit B-1	Location Map	96/97
13	Exhibit B-2	Subsea Structure Map	96/97
14	Exhibit B-3	Structural Cross-Section	96/97
15	Exhibit B-4	Gun Barrel Diagram	96/97
16	Exhibit B-5	Wellbore Map	96/97
17	Exhibit C	Self-Affirmed Statement of	
18		Dana S. Hardy	96/97
19	Exhibit C-1	Notice Letter to All	
20		Interested Parties	96/97
21	Exhibit C-2	Chart of Notice to All	
22		Interested Parties	96/97
23	Exhibit C-3	Copies of Certified Mail	
24		Receipts and Returns	96/97
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E X H I B I T S (Cont'd)

Case 24609 (Cont'd):

Exhibit C-4 Affidavit of Publication
for June 26, 2024

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P R O C E E D I N G S

THE HEARING EXAMINER: All right. It is 8:30 on July 11, 2024. These are the hearings of the Oil Conservation Division. This is the regularly scheduled docket the first of the month. We will have another docket in two weeks.

We are on the record, and I am going to begin by calling four consolidated cases. They are numbered 24443, 45, 54, and 56, Franklin Mountain Energy.

Entries of appearance, please.

MS. BENNETT: Good morning. I'm Deana Bennett on behalf of Franklin Mountain Energy.

MS. VANCE: Paula Vance on behalf of XTO.

THE HEARING EXAMINER: And Ms. Vance, did you file an objection?

MS. VANCE: We did.

THE HEARING EXAMINER: Okay. And for what reason?

MS. VANCE: We were having negotiations with Franklin Mountain, and I think Ms. Bennett and I spoke this morning, those are still ongoing and so yeah. I'll let her talk more about that.

THE HEARING EXAMINER: Sure. My

1 question to you is, do you anticipate filing competing
2 applications?

3 MS. VANCE: Not at this time. We're
4 just waiting on finishing negotiations at this point.

5 THE HEARING EXAMINER: Okay.

6 Ms. Bennett?

7 MS. BENNETT: Thank you. Yes. It's my
8 understanding that the parties are in discussions and
9 they're close to reaching an agreement and for that
10 reason, I would ask that these cases be continued to
11 the August 8th docket for an affidavit hearing. And
12 I'm fairly confident that the parties will have
13 reached an agreement by August 8th, but if not, we
14 could, at that time, ask for an additional
15 continuance.

16 THE HEARING EXAMINER: And do you know
17 when these cases were filed?

18 MS. BENNETT: Yes, sir. They were
19 filed on April 2nd.

20 THE HEARING EXAMINER: Perfect. So
21 August 8th will be the --

22 Freya, do we have room on August 8th
23 for an affidavit hearing?

24 MS. TSCHANTZ: We do.

25 THE HEARING EXAMINER: All right. We

1 will wait for your continuance to the August 8th. Are
2 there any other cases consolidated with these four?

3 MS. BENNETT: No, sir.

4 THE HEARING EXAMINER: Okay. August
5 8th for an affidavit hearing. If for some reason
6 negotiations haven't concluded by that point, we will
7 convert to a status conference, but it will be the
8 final status conference and we'll set for a contested
9 hearing.

10 MS. BENNETT: Understood. Thank you.

11 THE HEARING EXAMINER: Okay. Thank
12 you.

13 We're off the record in those four
14 cases.

15 Moving on to the next set of
16 consolidated cases.

17 It looks like these are yours as well,
18 Ms. Bennet. These are 24467, 68, 69, and 70.

19 Entries of appearance, please.

20 MS. BENNETT: Thank you. Deana Bennett
21 on behalf of Franklin Mountain Energy.

22 THE HEARING EXAMINER: Thank you.

23 MS. VANCE: Paula Vance on behalf of
24 XTO and then Apache entered an appearance in Case No.
25 24468.

1 THE HEARING EXAMINER: And are you
2 representing Apache in both?

3 MS. VANCE: That's correct.

4 THE HEARING EXAMINER: Okay.

5 MS. VANCE: Well, in that one case.

6 THE HEARING EXAMINER: That's what I
7 meant. Thank you.

8 MR. PADILLA: Mr. Examiner, did you
9 call 24472?

10 THE HEARING EXAMINER: Not yet. No, I
11 did not. That was not consolidated by my records, so
12 I have not called that one yet, Mr. Padilla.

13 So okay. Once again, Ms. Vance, did
14 you file an objection?

15 MS. VANCE: Yes. Similar in nature.
16 The parties are still negotiating and hopefully,
17 they're working towards a solution there and we can
18 continue those. And they can move -- Franklin
19 Mountain can move forward and maybe at the next
20 hearing.

21 THE HEARING EXAMINER: Ms. Bennett?

22 MS. BENNETT: Thank you. Again,
23 Franklin Mountain Energy would ask that these four
24 cases be continued to the August 8th docket with the
25 goal of presenting the cases by affidavit.

1 THE HEARING EXAMINER: And you believe
2 you'll be ready by then?

3 MS. BENNETT: Yes.

4 THE HEARING EXAMINER: Okay. Okay.
5 The same determination for these four cases. We will
6 have an affidavit hearing August 8th, or we will have
7 a final status conference depending.

8 Okay. We are in recess on these four
9 cases.

10 Now, Mr. Padilla, we move on to 24472.
11 Entries of appearance, please.

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

15 MR. PADILLA: Mr. Examiner, Ernest L.
16 Padilla for North Fork Management Company.

17 THE HEARING EXAMINER: And Mr. Padilla,
18 did you file an objection?

19 MR. PADILLA: Yes, I did.

20 THE HEARING EXAMINER: Why?

21 MR. PADILLA: We filed an objection; we
22 amended it to begin with. We found out that we didn't
23 have a working interest on the compulsory pooling
24 portion of the case. We did have an objection with
25 the regard to collision of the horizontal wellbore

1 with an existing vertical well on the proposed spacing
2 unit. And we also have a problem with coordinating
3 the hydraulic fracturing when the well is going to be
4 drilled.

5 THE HEARING EXAMINER: Okay. Thank
6 you. Is your client in negotiation with Franklin
7 Mountain?

8 MR. PADILLA: They are but I'm a little
9 disappointed because a couple of days ago I did ask
10 where they were, and they said they hadn't
11 contacted -- they hadn't had any discussion with
12 Franklin Mountain. And so they need to do that.

13 To me, it's a simple thing of
14 coordinating when the drilling is going to occur
15 protecting my client's well, and making sure there's
16 no collision of the wellbore when the drilling occurs.
17 So they need -- I think, technically, they can figure
18 that out, but Ms. Bennett can speak to Franklin
19 Mountain's issues.

20 THE HEARING EXAMINER: Ms. Bennett?

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

22 First of all, I checked yesterday and
23 there was not an amended objection that had been
24 filed. So if that has been filed, it's not reflected
25 in the case files. And we talked about doing that on

1 June 13th at the status conference and it has not yet
2 been done. I just double-checked again in the case
3 files in case I missed it yesterday, and I still don't
4 see an amended objection.

5 And the objection that's in the case
6 files is patently incorrect. And for that reason
7 alone, I think the objection should be dismissed.
8 Mr. Padilla has had since June 13th, almost a month,
9 to correct his objection and has not done so. So
10 before I get to anything else, I'd like to ask the
11 Division to consider denying his objection on the
12 grounds that it has not been properly lodged.

13 THE HEARING EXAMINER: Mr. Padilla?

14 MR. PADILLA: That's news to me. I
15 know I drafted one and I don't know why it wasn't
16 filed.

17 THE HEARING EXAMINER: And Mr. Padilla,
18 just to verify, we are talking about Case No. 24472.

19 MR. PADILLA: Correct. Let me look and
20 see what I find.

21 THE HEARING EXAMINER: Freya, is it
22 possible that there's something in the queue?

23 MS. TSCHANTZ: Let me check.

24 THE HEARING EXAMINER: Thanks.

25 MR. PADILLA: Mr. Examiner, it would've

1 been filed about ten days ago.

2 THE HEARING EXAMINER: You never know.
3 That's why she's checking the queue.

4 MS. TSCHANTZ: There are only requests
5 for hearing and two motions to continue in the queue.

6 THE HEARING EXAMINER: Okay. Thank
7 you.

8 You said about ten days ago,
9 Mr. Padilla?

10 MR. PADILLA: Yes, Mr. Examiner.

11 THE HEARING EXAMINER: Okay. The only
12 thing that fits into that timeframe and looks -- our
13 imaging system does not provide titles of documents,
14 so we have to kind of go by what they look like in
15 miniature and dates.

16 MR. PADILLA: It could be a mix-up at
17 my office.

18 THE HEARING EXAMINER: It would have to
19 be because there's nothing there. The only thing I
20 have is an unopposed motion for a continuance filed by
21 Franklin Mountain to this docket. And that was filed
22 on 6/25. I have nothing -- then before that, I have a
23 Notice of a Revised Exhibit Packet from Franklin
24 Mountain and that's in early June. So it's definitely
25 not here. She's correct. When would you be able to

1 file that?

2 MR. PADILLA: Probably today. I know
3 it's --

4 THE HEARING EXAMINER: Well, I'm going
5 to give you a deadline of today.

6 MR. PADILLA: Okay.

7 THE HEARING EXAMINER: Okay. So if
8 it's not today then I'm going to basically ignore your
9 objection or deny it. I don't know that I have a
10 basis to deny.

11 I've never denied an objection before,
12 Ms. Bennett?

13 MS. BENNETT: I don't know that you
14 have but the objection that's in the docket is
15 incorrect. It's legally insufficient.

16 THE HEARING EXAMINER: So in other
17 words, then if an objection, as it stands now has no
18 basis in fact, then I would think a motion to in some
19 way disregard the objection and proceed by hearing by
20 affidavit would be potentially appropriate, I'm not
21 sure.

22 But Mr. Padilla, I know you're going to
23 file a revised objection or an amended objection
24 today. What would be the basis of that objection? Is
25 it what you stated earlier?

1 MR. PADILLA: What I stated earlier.

2 THE HEARING EXAMINER: Okay. Now,
3 Ms. Bennett, hearing what Mr. Padilla said as a basis
4 of objection, how do you consider that objection?

5 MS. BENNETT: Well, first of all,
6 Franklin Mountain Energy has reached out to North
7 Fork, so there has been discussions between North Fork
8 and Franklin Mountain Energy.

9 And second of all, this is -- it's a
10 common -- I won't say common, but it's not an
11 infrequent situation and it's resolved through -- and
12 by the situation, I mean a horizontal well that's
13 within the same spacing unit as a vertical well, or
14 two horizontal wells that are in proximity to each
15 other -- the resolution is for the operators to work
16 together to allow, in this case, Franklin Mountain
17 Energy would alert North Fork when it intends to
18 commence -- spud the well and frac the well and it's
19 my understanding that at that time, North Fork would
20 temporarily shut in its well so that it's not impacted
21 by the frac process.

22 So this isn't, you know, a situation
23 that rises to the level of having a contested hearing,
24 but that's what I see on the horizon and so if the
25 Division -- assuming Mr. Padilla files his objection

1 today, I would ask that the Division today, set a
2 contested hearing for as soon as possible.

3 THE HEARING EXAMINER: Okay.

4 Mr. Padilla?

5 MR. PADILLA: I don't have a problem.

6 THE HEARING EXAMINER: Okay.

7 Freya, when is our next contested
8 hearing availability?

9 MS. TSCHANTZ: We have August 1st. I
10 don't know if that's too soon.

11 THE HEARING EXAMINER: Let me look.
12 Sounds like that would work. It looks like a
13 Thursday. So we have docket on the 25th. August 1st.
14 Let me propose August 1st to the parties.

15 Mr. Padilla?

16 MR. PADILLA: That's acceptable to me.

17 THE HEARING EXAMINER: Ms. Bennett?

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

19 THE HEARING EXAMINER: Fine.

20 So Freya, we'd issue a pre-hearing
21 order for August 1st for a contested hearing, if
22 Mr. Padilla files his amended objection today. If
23 there is no amended objection today, then we would put
24 it on the August 8th docket for an affidavit hearing.

25 MS. BENNETT: Thank you. And just as a

1 reminder, the only issue that's outstanding is whether
2 we completed the notice process.

3 THE HEARING EXAMINER: I see.

4 MS. BENNETT: We've already put this
5 case on by affidavit several months ago.

6 THE HEARING EXAMINER: I didn't know
7 that.

8 MS. BENNETT: And the only outstanding
9 issue was notice to the overlapping -- or to the
10 operators of the -- excuse me, the operators of the
11 well and the overlapping spacing unit which is North
12 Fork. So we completed the notice process. So the
13 affidavit hearing would be very brief.

14 THE HEARING EXAMINER: Short. Very
15 short. Okay.

16 Okay. Mr. Padilla, anything else on
17 this case?

18 MR. PADILLA: No. No.

19 THE HEARING EXAMINER: Ms. Bennett?

20 MS. BENNETT: Nothing else. Thank you.

21 THE HEARING EXAMINER: We're in recess
22 on this case.

23 Moving on to number ten on our docket,
24 24605 and 24606, FAE II Operating.

25 Entries of appearance, please.

1 MR. PADILLA: Mr. Examiner, Ernest L.
2 Padilla for FAE II Operating.

3 THE HEARING EXAMINER: Thank you.

4 MS. VANCE: Mr. Hearing Examiner, Paula
5 Vance with the Santa Fe office of Holland and Hart on
6 behalf of OXY.

7 THE HEARING EXAMINER: Are there any
8 other parties entered, Mr. Padilla, that you know of?

9 MR. PADILLA: I don't know of any
10 others. So we had this case originally. We've been
11 through it. And we filed at that time, the old case,
12 there were other interest owners who were -- who made
13 appearances, but they're not in this case now. The
14 only party that I know of is OXY and there's another
15 company that entered appearances.

16 MS. VANCE: Yes.

17 MR. PADILLA: With Holland and Hart.

18 MS. VANCE: Yeah.

19 THE HEARING EXAMINER: Okay. I'm a
20 little confused.

21 So Mr. Padilla, are you saying that
22 this case is another case that was filed, and then,
23 you what? Dismissed that case and --

24 MR. PADILLA: We dismissed the earlier
25 case of the North Fork Unit -- North Jal Unit and we

1 had to refile it and gave notice again so it's an
2 entirely new case.

3 THE HEARING EXAMINER: And why did you
4 have to refile it?

5 MR. PADILLA: There were negotiations
6 going on that were critical in terms of participation
7 by some of the parties. And that's my understanding
8 and so we withdrew the earlier case. The case for
9 enhanced oil recovery, that just goes along with the
10 statutory unitization case so if -- and that's
11 dependent on whether there's an approval or fee
12 hearing on the statutory unitization case.

13 THE HEARING EXAMINER: Thank you. So
14 Mr. Padilla, these are your cases.

15 And OXY did you file an objection?

16 MS. VANCE: We did. And just to
17 Mr. Padilla's point, the other party is Kerr McGee,
18 which is an affiliate of OXY.

19 THE HEARING EXAMINER: Okay. Thank
20 you.

21 MS. VANCE: So just want to clarify
22 that.

23 THE HEARING EXAMINER: And Ms. Vance,
24 before you turn your microphone off, why did you
25 object to his cases?

1 MS. VANCE: It's my understanding that
2 the parties are negotiating right now. And
3 Mr. Padilla and I spoke yesterday, and we asked if it
4 was possible to continue these cases so that the
5 parties can finish up those negotiations. We proposed
6 a date to them but wanted to come to hearing today to
7 confirm that with them.

8 THE HEARING EXAMINER: Okay.

9 Mr. Padilla, these are your cases.
10 When did you file these cases, do you know?

11 MR. PADILLA: I don't have it handy
12 here.

13 THE HEARING EXAMINER: I'll look it up.
14 I'll look it up. Give me a minute.

15 MR. PADILLA: I think, Mr. Examiner, it
16 was in March. Somewhere in there.

17 THE HEARING EXAMINER: I'll look it up.
18 Well, I have June 5th is when you filed your refiled
19 application.

20 MR. PADILLA: Okay. Yeah.

21 THE HEARING EXAMINER: I'm not going by
22 the original; I'm going by this case which will buy
23 you a little time. Okay.

24 Mr. Padilla, how much more time do you
25 need for negotiations?

1 MR. PADILLA: Well, I had a discussion
2 with a representative of FAE yesterday and they want
3 me to ask for a firm setting in August. But Ms. Vance
4 and I talked, and I think we could go into September.
5 I'm not trying to be hard on this thing. I do know
6 that we do have the Empire cases in September -- late
7 September so I don't want any setting into late
8 September.

9 THE HEARING EXAMINER: So if there was
10 a setting in August, what kind of a setting would you
11 want?

12 MR. PADILLA: Hearing on the merits.

13 THE HEARING EXAMINER: Oh. Hearing on
14 the merits. Okay. And that would give you enough
15 time to conclude your negotiations?

16 MR. PADILLA: We think so, but, you
17 know, it's sort of hard to figure this out in terms of
18 the speed of negotiations. My understanding is that
19 they're somewhat close.

20 THE HEARING EXAMINER: Well, my
21 experience is that when the parties have a hearing
22 date, they tend to resolve their issues. That's what
23 I've seen. So I'll give you a hearing in August on
24 the merits.

25 Freya?

1 MS. TSCHANTZ: August 29th. Is that
2 okay?

3 THE HEARING EXAMINER: Good. August
4 29th.

5 Mr. Padilla, we'll issue a pre-hearing
6 order for August 29; does that date work for you?

7 MR. PADILLA: Yes. Yes, sir.

8 THE HEARING EXAMINER: It's about six
9 weeks from today so it gives you time to prepare.

10 And Ms. Vance?

11 MS. VANCE: I mean, Mr. Padilla alluded
12 to it, but our preference would be September 12th. We
13 feel that that will give adequate time to wrap up
14 those negotiations but understand if the Examiner
15 wants to set for the August 29th. We may continue,
16 you know, work towards a continuance for that
17 September date.

18 THE HEARING EXAMINER: You know, the
19 way I look at these cases, Ms. Vance, is that they are
20 Mr. Padilla's cases. I try to give the applicant the
21 benefit of the setting and his client has asked for an
22 August setting so I'm going to accommodate that. It
23 seems to me that if I get into September, it's also
24 starting to get a little close to the Commission trial
25 that's going to take a week and I'd like to avoid that

1 if possible. I know Mr. Padilla's involved in that
2 case. I don't know if you're involved in that as
3 well.

4 MS. VANCE: I am.

5 THE HEARING EXAMINER: You are involved
6 so okay. So we'll issue a pre-hearing order for
7 August 29.

8 And Mr. Padilla, if the parties do
9 settle their differences before that, we will have an
10 affidavit hearing on August 29.

11 MR. PADILLA: Very good.

12 THE HEARING EXAMINER: Okay. All
13 right. Is there anything further from the parties on
14 these two cases?

15 MR. PADILLA: Not from me.

16 THE HEARING EXAMINER: No. Okay. All
17 right. We are in recess on items 10 and 11 on our
18 docket.

19 We're moving to item 12 on our docket,
20 Franklin Mountain Energy. It looks like we have an
21 uncontested hearing in Case No. 24444; is that
22 correct?

23 MS. BENNETT: Good morning,
24 Mr. Examiner, Deana Bennett on behalf of Franklin
25 Mountain Energy. Actually, we filed continuances

1 yesterday or the day before yesterday, I can't
2 remember, for 24444 and 24447 and had requested that
3 these cases be continued to August 8th for an
4 affidavit hearing.

5 THE HEARING EXAMINER: For an affidavit
6 hearing, okay. And the reason why?

7 MS. BENNETT: I was under the mistaken
8 impression, as it turns out, that XTO had objected to
9 these cases as well and the Division -- these are
10 companion cases to the other Norte cases that we
11 talked about this morning, but XTO -- the Division was
12 kind enough to alert me to the fact that XTO had not
13 objected to these two cases and I went back in the
14 case files and confirmed that and by the time I
15 realized that, it was too late to submit exhibits.

16 THE HEARING EXAMINER: Okay. We will
17 look for your continuances to the August 8th docket
18 for an affidavit hearing.

19 MS. BENNETT: Thank you. And I did
20 already file the continuances. I think we were
21 just --

22 THE HEARING EXAMINER: So we just have
23 to approve it?

24 MS. BENNETT: Yes.

25 THE HEARING EXAMINER: So Freya, would

1 you just approve those to the August 8th docket for a
2 uncontested hearing?

3 MS. TSCHANTZ: Yes.

4 THE HEARING EXAMINER: Thank you,
5 Freya.

6 We are in recess on those two cases.
7 We are now on number 14, Chevron USA Case No. 24492.

8 MS. BENNETT: Good morning,
9 Mr. Examiner. Deana Bennett on behalf of Chevron USA
10 Inc.

11 THE HEARING EXAMINER: Good morning.
12 Are there any other parties that you know of?

13 MS. BENNETT: Yes, there are. I
14 believe that ConocoPhillips has entered an appearance
15 in this case.

16 THE HEARING EXAMINER: Ms. Vance?

17 MS. VANCE: Yes. Sorry. Paula Vance
18 with the Santa Fe office of -- wow. Sorry. Just one
19 of those mornings.

20 Good morning. Paula Vance with the
21 Santa Fe office of Holland and Hart on behalf of
22 ConocoPhillips.

23 THE HEARING EXAMINER: Good morning.

24 MS. BENNETT: And Mr. Examiner,
25 Mewbourne and Kaiser-Francis filed an entry of

1 appearance yesterday which is after I had already
2 submitted the revised exhibit packet, so they're not
3 reflected in our Compulsory Pooling Checklist, but
4 they did file an entry of appearance yesterday but did
5 not object. And Mr. Bruce may be on; I'm not sure.

6 MR. BRUCE: Mr. Examiner, yeah. Jim
7 Bruce here representing Kaiser-Francis and Mewbourne.
8 And they're just looking out for their interest. No
9 objection to anything.

10 THE HEARING EXAMINER: Thank you,
11 Mr. Bruce.

12 Okay, Ms. Bennett.

13 MS. BENNETT: Thank you. We intend to
14 proceed by affidavit if that's not clear already.

15 THE HEARING EXAMINER: Please proceed.
16 Please proceed.

17 MS. BENNETT: So in Case No. 24492,
18 Chevron seeks an order from the Division pooling
19 uncommitted interest owners and at this point, the
20 only parties or interest owners that Chevron is
21 seeking to pool are overriding royalty interest
22 owners. When I originally filed the application,
23 Chevron was seeking to pool working interest owners
24 and overrides, but in the intervening weeks, Chevron
25 has reached a voluntary agreement with all of the

1 working interest owners and so is no longer seeking to
2 pool any working interest owners.

3 THE HEARING EXAMINER: So do the
4 exhibits reflect that?

5 MS. BENNETT: They do. The revised
6 exhibit packet that I submitted was revised to remove
7 the working interest owners from the pooled party
8 list.

9 THE HEARING EXAMINER: And before you
10 continue --

11 Freya, is there a way to mute any
12 participants, any virtual participants because I'm
13 hearing noises that are distracting?

14 MS. TSCHANTZ: Yes.

15 THE HEARING EXAMINER: All right.
16 Thank you.

17 Okay. Please proceed.

18 MS. BENNETT: Thank you. So in this
19 case, Chevron seeks to pool the overriding royalty
20 interest owners in a horizontal spacing unit comprised
21 of the east half of Sections 15 and 22, Township 26
22 South, Range 32 East, Lea County, New Mexico; and we
23 have provided -- we tally filed our exhibits and then
24 we filed a revised exhibit packet.

25 The exhibit packet includes Exhibit A,

1 which is the Compulsory Pooling Checklist. And it
2 also includes the Application; the Affidavit of Katie
3 Halley, the land professional from Chevron who's
4 previously testified before the Division, and her
5 credentials have been accepted as a matter of record.
6 Behind her affidavit are the usual suite of land
7 exhibits.

8 (Case 24492 Exhibits A-1 through A-7
9 were marked for identification.)

10 I would note that when we prepared this
11 exhibit packet to begin with, we were seeking to pool
12 the working interest owners and so there's additional
13 exhibits that I didn't remove but are no longer
14 relevant such as the Proposal Letter and AFEs.

15 THE HEARING EXAMINER: Thank you.

16 MS. BENNETT: Exhibit B is the
17 Self-Affirmed Statement of Kimberle Davis, the
18 geologist for Chevron. And she's previously been
19 testified before the Division and her credentials have
20 been accepted as a matter of record. And behind her
21 Self-Affirmed Statement are the usual suite of geology
22 exhibits.

23 (Case 24492 Exhibits B-1 through B-8
24 were marked for identification.)

25 And then finally Exhibit C is a notice

1 affidavit or declaration prepared by myself. And that
2 includes a Sample Notice Letter, the Mailing List of
3 the Parties, the Tracking, and the Notice of
4 Publication.

5 (Case 24492 Exhibits C-1 through C-4
6 were marked for identification.)

7 So with that, I would ask that the
8 exhibits in Case 24492 be admitted into the record and
9 the case be taken under advisement.

10 THE HEARING EXAMINER: Any objections?

11 MS. VANCE: None. No.

12 MR. BRUCE: No.

13 THE HEARING EXAMINER: Thank you,

14 Mr. Bruce.

15 Ms. Vance, your exhibits are entered in
16 evidence.

17 (Case 24492 Exhibits A-1 through A-7,
18 Exhibits B-1 through B-8, and Exhibits
19 C-1 through C-4 were received into
20 evidence.)

21 Mr. McClure, any questions for any of
22 the witnesses?

23 MR. MCCLURE: Yes, I do, Mr. Hearing
24 Examiner.

25 THE HEARING EXAMINER: Which witness

1 would you like us to get sworn in?

2 MR. MCCLURE: I'm thinking the landman.
3 The landman should be able to answer my questions.

4 THE HEARING EXAMINER: Okay. Okay.
5 Perfect. So can we get Ms. Halley on the screen?

6 MS. HALLEY: Hello.

7 THE HEARING EXAMINER: Good morning,
8 Ms. Halley. Would you state and spell your last name
9 for the record?

10 MS. HALLEY: It is Halley, H-A-L-L-E-Y.

11 THE HEARING EXAMINER: And your first
12 name?

13 MS. HALLEY: Is Katelyn, K-A-T-E-L-Y-N.

14 THE HEARING EXAMINER: Thank you.
15 Would you raise your right hand?

16 WHEREUPON,

17 KATELYN HALLEY,
18 called as a witness and having been first duly sworn
19 to tell the truth, the whole truth, and nothing but
20 the truth, was examined and testified as follows:

21 THE HEARING EXAMINER: Okay.

22 Mr. McClure?

23 MR. MCCLURE: Thank you, Mr. Hearing
24 Examiner.

25 //

1 DIRECT EXAMINATION

2 BY MR. MCCLURE:

3 Q Ms. Halley, is Chevron still requesting
4 drilling and production supervision costs?

5 A No, we're not. But that is part of our
6 voluntary agreement with the working interest owners.

7 Q Okay. Thank you. Hold on, it looks like
8 our page numbers are a little bit different now.
9 Broken off a new exhibit packet. Let me see if I can
10 find my page number.

11 Ms. Halley could I direct your attention to
12 page 14 of 66. I believe this is your affidavit?

13 A Yes.

14 Q Here in your paragraph 18, you reference a
15 depth severance; is that correct?

16 A That is correct.

17 Q In this depth severance there's some depths
18 as mentioned here. One of those -- where are those
19 from?

20 A The excluded depths between 11667 and 12356
21 are derived from a trade agreement between Mewbourne
22 and Chevron. Those excluded depths are depths that
23 Chevron only partially owns in so we have a interest
24 in the east half of Section 15 but at those depths, we
25 do not have an interest in the east half of Section

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1 22. And therefore, we are not seeking to pool them
2 and do not have any development plans for those
3 depths.

4 Q Are those depths in relation to a specific
5 well?

6 A So those depths should be in relation to the
7 Wolfcamp A wells that are the existing one-mile wells,
8 but they are a little bit broader than those specific
9 wells so it's basically 11667 to 12356 would be
10 between a portion of the Third Bone Spring and the
11 base of the Wolfcamp A roughly.

12 Q Did you just state that the top of this
13 depth is a portion of the Third Bone Spring; is that
14 what you just said?

15 A Yes.

16 Q Do you know any more details in regards
17 to -- is it the top of the Third Bone Spring sand or
18 is it somewhere in the middle of the Third Bone Spring
19 sand?

20 A I do not. I would have to defer to the
21 geologist on that.

22 Q Additionally, presumably the nearby wells
23 have different ground elevations. Do you know what
24 specific well these very specific depths is based
25 upon?

1 A I would have to go consult a map. Not off
2 the top of my head.

3 Q Okay. Thank you. Now, within this same
4 paragraph of your affidavit, that being paragraph 18,
5 you've referenced that Chevron is seeking to pool from
6 the top of the First Bone Spring Formation to the top
7 of the Wolfcamp Formation; is that correct?

8 A That's correct.

9 Q Now, based upon this depth severance, is it
10 more accurate to state that Chevron is actually
11 seeking to pool from the First Bone Spring to the
12 depth severance?

13 A Yes. That would be correct.

14 Q Okay. Thank you.

15 Ms. Halley, can I direct your attention to
16 page 5 of 66. This should be the Compulsory Pooling
17 Application Checklist.

18 A Yes.

19 Q Do you see where it says "Formation/Pool"?

20 A I'm going to have to defer to Deana -- or
21 not Deana -- yeah, Deana on the Checklist questions
22 because I did not prepare them.

23 Q Okay. I guess, in regards to our earlier
24 conversation in regards to -- let me start again.

25 Are you in agreement that a more accurate

1 description of the vertical integral that Chevron is
2 seeking to pool would be from the First Bone Spring to
3 the top of that depth severance?

4 A Yes. The First Bone Spring to 11667 feet.

5 MR. MCCLURE: Okay. I believe that's
6 all of my questions, but I will have a request of
7 Ms. Bennett in regards to this submissions.

8 THE HEARING EXAMINER: Mr. McClure, do
9 you have any questions for the geologist?

10 MR. MCCLURE: Unless the geologist is
11 able to answer the questions that I guess that I have
12 for Ms. Halley, then -- I mean, you made a good point,
13 Mr. Hearing Examiner. I can try to direct that
14 question to the geologist and see if he happens -- or
15 she happens to know.

16 THE HEARING EXAMINER: Okay. Let's get
17 the geologist sworn in.

18 Can we get you on the screen, please?

19 Ms. Bennett, do you know who the
20 geologist is?

21 MS. BENNETT: Yes. It's Kimberle
22 Davis.

23 THE HEARING EXAMINER: Ms. Davis?

24 Ms. Halley, are you able to get
25 Ms. Davis for us?

1 THE WITNESS: I was checking to see if
2 she was online, and I just sent her a message, but she
3 appears to have stepped away from her computer.

4 THE HEARING EXAMINER: Okay. We can
5 come back to this case. We can be in recess on this
6 case and come back as soon as the witness is
7 available.

8 Will you let us know, Ms. Halley?

9 THE WITNESS: Yes, I will.

10 THE HEARING EXAMINER: All right.
11 Thank you.

12 Ms. Bennett, we're going to go off the
13 record on this case and proceed and then we'll come
14 back to it as soon as we see that witness; okay?

15 MS. BENNETT: Thank you.

16 THE HEARING EXAMINER: Okay. We're now
17 calling Case 15 and 16 on our docket is Mewbourne Oil
18 Case No. 24508, 24509.

19 Entries of appearance, please.

20 MS. VANCE: Yes. Good morning,
21 Mr. Hearing Examiner. Paula Vance with the Santa Fe
22 office of Holland and Hart on behalf of Mewbourne.

23 THE HEARING EXAMINER: Do we have
24 anyone else?

25 MS. HARDY: Yes. Good morning,

1 Mr. Examiner. Dana Hardy with the Santa Fe office of
2 Hinkle Shanor on behalf of Devon Energy Production.

3 THE HEARING EXAMINER: Thank you. And
4 are there any objections to proceeding by affidavit?

5 MS. HARDY: We do not object.

6 THE HEARING EXAMINER: Have you
7 reviewed the exhibits?

8 MS. HARDY: Yes, I have.

9 THE HEARING EXAMINER: And will there
10 be any objection to their entry into evidence?

11 MS. HARDY: No.

12 THE HEARING EXAMINER: Perfect.

13 Ms. Vance?

14 MS. VANCE: Thank you, Mr. Hearing
15 Examiner.

16 So both of these cases I'll present as
17 consolidated cases.

18 THE HEARING EXAMINER: Thank you.

19 MS. VANCE: And all of the acreage is
20 in Township 18 South, Range 33 East and that's in Lea
21 County, New Mexico, and the pool is its Bone Spring
22 Formation and the pool is the Mescalero Escarpe Bone
23 Spring, Pool Code 45793.

24 So in Case 24508, Mewbourne is seeking
25 to pool the uncommitted interests in a standard 320

1 acre, more or less, horizontal well spacing unit and
2 that's comprised of the east half east half of
3 Sections 23 and 14 and dedicate this to the Stone Cold
4 23/14 Fed Com 521H.

5 And then in Case No. 24509,
6 Mewbourne seeks to pool the uncommitted interests in a
7 standard 320 acre, more or less, horizontal well
8 spacing unit and that's comprised of the west half of
9 the east half of Sections 23 and 14 and dedicate that
10 spacing unit to the Stone Cold 23/14 Fed Com 523H.

11 And I would note in that case
12 there was a request for approval for an overlapping
13 spacing unit. Notice was sent out and we've included
14 a copy of the Notice Letter in the exhibits with that
15 exhibit packet or hearing packet and we did not get
16 any objection from the operator of that existing well.

17 So in these cases, we have
18 provided a copy of the Applications, the Compulsory
19 Pooling Checklist, as well as the Self-Affirmed
20 Statements of landman, Tyler Jolly and geologist,
21 Tyler Hill, both of whom have previously testified
22 before the Division and their credentials have been
23 accepted as a matter of record.

24 And in Mr. Jolly's exhibits, we've got
25 his statement which is Exhibit A and then includes all

1 the standard required sub-exhibits.

2 (Case 24508 Exhibits A-1 through A-4
3 and Case 24509 Exhibits A-1 through A-5
4 were marked for identification.)

5 And that's followed by Mr. Hill's
6 statement which is Exhibit B. It includes all the
7 standard geology exhibits.

8 (Cases 24508, 24509 Exhibits B-1
9 through B-3 were marked for
10 identification.)

11 In both cases, Mr. Hill did not observe
12 any faulting pinch-outs or other geologic impediments
13 to the horizontal drilling of these wells.

14 And then lastly, we have a
15 Self-Affirmed Statement of Notice from my colleague,
16 Mr. Feldewert. And a sample copy of the notice that
17 was sent out, timely mailed, on May 24, 2024.

18 (Case 24508, 24509 Exhibit C was marked
19 for identification.)

20 And then the last exhibit there is the
21 Affidavit of Notice of Publication which was timely
22 published on May 30th.

23 (Case 24508, 24509 Exhibit D was marked
24 for identification.)

25 I did notice in Case No. 24509 the

1 sample copy of the Notice Letter was missing, so I'm
2 happy to just file a revised exhibit packet and
3 include that.

4 THE HEARING EXAMINER: Okay. The
5 revised exhibit packet in 24509 will contain the
6 published notice; is that right?

7 MS. VANCE: It's just a copy of the
8 letter notice that went out.

9 THE HEARING EXAMINER: Letter. Thank
10 you. And I notice in -- I'm looking at 24508 -- I
11 noticed that Exhibit C doesn't have the typical
12 subparts to C. Is that because there weren't
13 mailings? Or is it just the way the Index, the Table
14 of Contents is set up?

15 MS. VANCE: Can you explain what you're
16 talking about? I'm sorry.

17 THE HEARING EXAMINER: Sure.
18 Typically, when I see a Self-Affirmed Statement Of
19 Notice, I see then sub-exhibits for notice and I don't
20 see any sub-exhibits for notice here. And I'm just
21 wondering are they there and it's just not in the
22 table of contents or are they missing?

23 MS. VANCE: Oh. Typically, for our
24 hearing packets, we only put a Exhibit C as a
25 Self-Affirmed Statement of Notice, and then included

1 in that is the sample copy of the Notice Letter. So
2 if you go to Exhibit C and scroll past Mr. Feldewert's
3 Self-Affirmed Statement, there's a sample copy of the
4 Notice Letter and then following that is the mailing
5 report that has the tracking information for the
6 letters that were sent out.

7 THE HEARING EXAMINER: All right. Let
8 me look at page 29. I see. Okay. Okay. I see it.
9 Thank you.

10 So we're moving these into evidence?

11 MS. VANCE: Yes. I would ask that the
12 exhibits and all sub-exhibits be admitted into the
13 record and that these cases be taken under advisement.

14 THE HEARING EXAMINER: In Case 24508
15 and Case 24509, I will admit all of the exhibits into
16 evidence understanding that an amended exhibit packet
17 with cover letter will be filed -- later today?

18 MS. VANCE: Yes.

19 THE HEARING EXAMINER: Later today in
20 24509.

21 (Case 24508 Exhibits A-1 through A-4,
22 Exhibits B-1 through B-3, Exhibit C,
23 Exhibit D and Case 24509 Exhibits A-1
24 through A-5, Exhibits B-1 through B-3,
25 Exhibit C, and Exhibit D were received

1 into evidence.)

2 And I go to Mr. McClure for any
3 questions.

4 MR. MCCLURE: Mr. Hearing Examiner, I
5 have no questions for either of these cases.

6 THE HEARING EXAMINER: So Ms. Vance, we
7 will take both cases under advisement with the caveat
8 that we will receive that additional information by
9 the end of today.

10 MS. VANCE: Absolutely. Thank you.

11 THE HEARING EXAMINER: If there's some
12 reason why you can't file it by the end of today, just
13 send an email and explain what's going on.

14 MS. VANCE: Okay. Thank you,
15 Mr. Hearing Examiner.

16 THE HEARING EXAMINER: Thank you.

17 Let's go back on the record in 24492
18 and do we have our witness with us?

19 Ms. Davis?

20 Ms. Halley, any communication with
21 Ms. Davis?

22 MS. HALLEY: We are working on tracking
23 her down right now.

24 THE HEARING EXAMINER: Wonderful. All
25 right. Very good. Thank you.

1 Freya, can she use the chat to alert
2 us? Is there a chat feature here?

3 MS. TSCHANTZ: There is, however, it
4 may be turned off for this meeting.

5 THE HEARING EXAMINER: Okay. All
6 right. How will Ms. Halley --

7 MS. HALLEY: I could probably raise my
8 hand if that would work?

9 THE HEARING EXAMINER: Perfect. That
10 definitely works. Thank you.

11 Okay. We are off the record in 24508
12 and 09.

13 We are at Silverback Operating 24517.
14 It is number 17 on our docket.

15 Entries of appearance, please.

16 MR. HOLLIDAY: Good morning,
17 Mr. Hearing Examiner. Ben Holliday with the San
18 Antonio office of Holliday Energy Law Group appearing
19 on behalf of the applicant, Silverback.

20 THE HEARING EXAMINER: Good morning.
21 Are there any other parties that you know of that have
22 entered an appearance?

23 MR. HOLLIDAY: There are none that
24 we're aware of. No, sir.

25 THE HEARING EXAMINER: Okay. So you're

1 proceeding by affidavit?

2 MR. HOLLIDAY: Yes, sir.

3 THE HEARING EXAMINER: Please proceed.

4 MR. HOLLIDAY: Thank you, Mr. Hearing
5 Examiner.

6 In Case 24517, Silverback Operating II
7 seeks to pool all uncommitted interests within the
8 standard 320-acre horizontal well spacing unit within
9 the Atoka Glorieta-Yeso Formation, Pool Code No. 3250.

10 The proposed spacing unit is comprised
11 of the south half south half of Section 2 and the
12 north half north half of Section 11, both of which are
13 located in Township 19 South, Range 25 East in Eddy
14 County, and will be dedicated to the Roche 101H, 102H,
15 and 103H wells.

16 Our exhibit packet provides the updated
17 Compulsory Pooling Checklist and Application along
18 with the Notice that we submitted with the docket.
19 Silverback's witnesses in this matter are Larry Coshow
20 and geologist Nate Gilbertson, both of whom have been
21 previously qualified as experts by the Division.

22 Turning now to Exhibit A, these are
23 Silverback's plan exhibits which include the
24 Self-Affirmed Statement of Larry Coshow, the landman.
25 He provides a number of exhibits, including Exhibits

1 A-1 through A-7 which represent the standard suite of
2 land exhibits for Compulsory Pooling matters.

3 (Case 24517 Exhibits A-1 through A-7
4 were marked for identification.)

5 Skipping down to Exhibit Packet B,
6 these are Silverback's geology exhibits. These
7 include the Self-Affirmed Statement of the geologist,
8 Mr. Gilbertson. He provides Exhibits B-1 through B-6
9 which, like land exhibits, are the standard geology
10 exhibits submitted in compulsory pooling matters.

11 (Case 24517 Exhibits B-1 through B-6
12 were marked for identification.)

13 To add detail to Mr. Gilbertson's
14 Self-Affirmed Statement, he did not observe any
15 faulting pinch-outs or other geological impediments to
16 horizontal development within the spacing unit.

17 Finally, we move down to Exhibit Packet
18 C. This is my Self-Affirmed Statement of Notice
19 providing that notice was timely provided to the
20 parties of this matter. In C-1 I have our Sample
21 Notice Letter and I provided a Chart of Notice. I
22 will say, for Exhibit C-3, that's our copies of
23 mailing receipts.

24 (Case 24517 Exhibits C-1 through C-4
25 were marked for identification.)

1 From the time we filed the exhibits
2 last week to today, we have actually received all
3 remaining green card confirmations that all parties
4 received certified notice and I can provide an updated
5 exhibit packet with cover letters today to reflect
6 that.

7 THE HEARING EXAMINER: Mr. Holliday, I
8 didn't catch whether you said whether the geologist
9 had been previously qualified as an expert.

10 MR. HOLLIDAY: Yes. I'm sorry. Yes.
11 Both Mr. Coshow and Mr. Gilbertson have previously
12 been qualified as experts by the Division.

13 THE HEARING EXAMINER: Thank you. And
14 are you familiar with our -- of how we deal with our
15 amended exhibit packets?

16 MR. HOLLIDAY: I can use a refresher.

17 THE HEARING EXAMINER: Okay. Sure.

18 MR. HOLLIDAY: My understanding is I
19 submit a cover letter --

20 THE HEARING EXAMINER: Yes.

21 MR. HOLLIDAY: -- detailing that the
22 exhibit --

23 THE HEARING EXAMINER: Yes. Exactly.
24 A cover letter and then the entire packet with the
25 amended exhibit in the entire packet. That way the

1 Division has one packet to look at and doesn't have to
2 try to refer to different file links.

3 MR. HOLLIDAY: Yes, sir. Understood.

4 THE HEARING EXAMINER: Sure.

5 MR. HOLLIDAY: So again, there was no
6 unlocatable parties, but out of an abundance of
7 caution, I caused notice to be run into Carlsbad Argus
8 more than ten days advance of the hearing and C-4
9 reflects both the Affidavit and the Notice that was
10 provided.

11 So that, Mr. Examiner and Mr. Technical
12 Advisor, we ask that all exhibits, including A, B, and
13 C be admitted into evidence and that the Division take
14 this matter under advisement.

15 THE HEARING EXAMINER: Thank you,
16 Mr. Holliday.

17 Are there any objections?

18 Not hearing any. Your exhibits are
19 admitted into evidence with the understanding that
20 you're filing a revised exhibit packet.

21 (Case 24517 Exhibits A-1 through A-7,
22 Exhibits B-1 through B-6, and Exhibits
23 C-1 through C-4 were received into
24 evidence.)

25 When will you be filing that?

1 MR. HOLLIDAY: I should be able to file
2 that no later than tomorrow.

3 THE HEARING EXAMINER: Okay. Tomorrow
4 is Friday, so you'll have a deadline of July 12 close
5 of business, 5 p.m. We'll leave the record open for
6 that amended exhibit packet with cover letter. And
7 I'll go to Mr. McClure.

8 Mr. McClure, any questions for the
9 witnesses?

10 MR. MCCLURE: Mr. Hearing Examiner, I
11 do not have questions of the witnesses, but I do have
12 some questions for Mr. Holliday.

13 THE HEARING EXAMINER: Go right ahead.

14 MR. MCCLURE: All right. Thank you,
15 sir.

16 Mr. Holliday, do you know what I mean
17 when I say "APD"?

18 MR. HOLLIDAY: Yes, sir.

19 MR. MCCLURE: Within your application
20 packet, it seems that the APDs for these wells were
21 included; is that correct?

22 MR. HOLLIDAY: Yes. When I received
23 the C102 packages from Silverback, they were inclusive
24 of the C101s and 102s and a bunch of superfluous
25 information. Previously, we filed that and -- in an

1 effort to be overinclusive. I did try to reference in
2 our -- in the cover letter for our exhibits the page
3 numbers for the actual C102s that depict the plats for
4 all wells.

5 MR. MCCLURE: I guess, the request I
6 would make of you is in the future, if we could maybe
7 trim it down just a little bit more.

8 MR. HOLLIDAY: Right.

9 MR. MCCLURE: We really don't need to
10 see the entirety of the APD here in these compulsory
11 pooling applications.

12 MR. HOLLIDAY: Yes, sir. I anticipated
13 that request.

14 MR. MCCLURE: Thank you, sir. And then
15 earlier you mentioned, and I missed it, you said you
16 were submitting an amended application packet. What
17 was it that was getting changed?

18 MR. HOLLIDAY: Sure. So when we
19 submitted our packet last week, we had received three
20 of the five green cards and just this morning received
21 the final two.

22 MR. MCCLURE: Okay. Thank you, sir.
23 Additionally, may I direct your attention to your
24 Compulsory Pooling Application Checklist. This is on
25 page 5 of 201.

1 MR. HOLLIDAY: Okay.

2 MR. MCCLURE: Do you see that section
3 that's "Formation/Pool"?

4 MR. HOLLIDAY: Yes.

5 MR. MCCLURE: And after that -- or
6 immediately following in that field you have "Atoka;
7 Glorieta-Yeso 3250"; is that correct?

8 MR. HOLLIDAY: Yes, sir.

9 MR. MCCLURE: Okay. That is a -- that
10 seems to be a pool name and a pool code -- the
11 incorrect one.

12 MR. HOLLIDAY: Okay.

13 MR. MCCLURE: Additionally to that, I
14 guess, we wouldn't really include the pool name and
15 code in this particular bill. What we're looking for
16 specifically is the formation. Was it your intent to
17 include the pool or just the formation?

18 MR. HOLLIDAY: My understanding is
19 that -- and this would be a question for
20 Mr. Gilbertson who's on the line. He may have more
21 context in this. My guess would be you would be
22 looking to include the entire Atoka Glorieta-Yeso
23 Pool. But that's a question perhaps Mr. Gilbertson
24 can supply some color to that.

25 THE HEARING EXAMINER: Mr. McClure, do

1 you want to ask that question to that witness?

2 MR. MCCLURE: Yes, I do, Mr. Hearing
3 Examiner.

4 THE HEARING EXAMINER: Okay. Let's get
5 Mr. Gilbertson sworn in.

6 First of all, Mr. Gilbertson, would you
7 state and spell your last name for the record?

8 MR. GILBERTSON: Gilbertson,
9 G-I-L-B-E-R-T-S-O-N.

10 THE HEARING EXAMINER: And what is your
11 first name?

12 MR. GILBERTSON: Nathaniel.

13 THE HEARING EXAMINER: Okay. Thank
14 you.

15 Would you raise your right hand?

16 WHEREUPON,

17 NATHANIEL GILBERTSON,
18 called as a witness and having been
19 first duly sworn to tell the truth, the whole truth,
20 and nothing but the truth, was examined and testified
21 as follows:

22 THE HEARING EXAMINER: Okay. Thank
23 you.

24 Mr. McClure?

25 MR. MCCLURE: Thank you, Mr. Examiner.

1 DIRECT EXAMINATION

2 BY MR. MCCLURE:

3 Q Mr. Gilbertson, what extent is Silverback
4 asking to pool?

5 A We are asking to pool the Yeso formation.
6 These wells are targeted within the Yeso, so we are
7 looking for pooling within the Yeso. That's -- does
8 that answer your question, Mr. Examiner?

9 Q I believe so. Earlier Mr. Holliday had
10 referenced a pool, to your understanding, you're
11 requesting the Yeso formation be pooled; is that
12 correct?

13 A Yes. It's the Yeso formation that --
14 that -- yes.

15 Q Okay. Thank you, Mr. Gilbertson.

16 MR. MCCLURE: Mr. Holliday, when you
17 submit your amended application packet, can you change
18 that line? That's at the "Formation Names or Vertical
19 Extent."

20 MR. HOLLIDAY: Yes, sir.

21 MR. MCCLURE: Instead of what you
22 currently have there, please include the Yeso.

23 MR. HOLLIDAY: I will submit that along
24 with our amended exhibit packet --

25 MR. MCCLURE: Okay. Thank you.

1 MR. HOLLIDAY: -- by end of business
2 tomorrow.

3 MR. MCCLURE: Okay. Thank you, sir.
4 No more questions, Mr. Examiner.

5 THE HEARING EXAMINER: Thank you,
6 Mr. McClure.

7 Okay. Mr. Holliday, we will take this
8 case under advisement as soon as we get the revised
9 exhibit packet.

10 MR. HOLLIDAY: Thank you.

11 THE HEARING EXAMINER: Thank you.

12 We're off the record.

13 Do we have any information from
14 Ms. Bennett's witness?

15 MS. BENNETT: Still looking.

16 THE HEARING EXAMINER: Still looking.
17 Okay.

18 MS. BENNETT: And, I mean, if we're
19 unable to find -- oh.

20 THE HEARING EXAMINER: Ms. Davis?

21 MS. HALLEY: Oh. I was going to say,
22 she should be signing on in a minute. I found her.

23 THE HEARING EXAMINER: Oh, wonderful.
24 Thank you.

25 MS. BENNETT: Great. Thanks.

1 MS. HALLEY: And she's trying to join
2 the Teams link right now.

3 THE HEARING EXAMINER: Thank you.
4 We'll take another case and we'll come back. Thank
5 you.

6 So we're going to move on to Chevron
7 USA 24597, 98, 99, 600 -- well, I'll say it
8 differently -- 24600 and 24601. These are amendment
9 applications.

10 Entries of appearance, please.

11 MS. VANCE: Good morning again,
12 Mr. Hearing Examiner. Paula Vance with the Santa Fe
13 office of Holland and Hart on behalf of Chevron.

14 THE HEARING EXAMINER: Are there any
15 other parties that you know of?

16 MS. VANCE: No.

17 THE HEARING EXAMINER: Okay. Are you
18 presenting these as a group?

19 MS. VANCE: I am.

20 THE HEARING EXAMINER: Perfect. Go
21 right ahead.

22 MS. VANCE: Thank you, Mr. Hearing
23 Examiner.

24 So as you pointed out, these are
25 extension cases so I will keep this short and simple,

1 hopefully. We have included a copy of the extension
2 applications as well as the original orders and then a
3 Self-Affirmed Statement from Landman Cori Mathews who
4 has previously testified before the Division and her
5 credentials have been accepted as a matter of record.

6 (Cases 24597-24601 Exhibit A and
7 Exhibit B were marked for
8 identification.)

9 We have included in her statement a
10 reasoning why we have asked for the extension.
11 Chevron completed some additional title and so needed
12 some time for that. We did also include an updated
13 pooling exhibit and the only changes there were two
14 overrides that changed.

15 (Cases 24597-24601 Exhibit C-1 was
16 marked for identification.)

17 And then that's followed by my
18 Self-Affirmed Statement of Notice, a copy of the
19 Notice Letter that was timely mailed out on June 21,
20 2024, in all of the cases, and then a copy of the
21 Affidavit of Notice of Publication for each of the
22 cases which was timely published on June 28, 2024.

23 (Cases 24597-24601 Exhibit D and
24 Exhibit E were marked for
25 identification.)

1 And unless there are any questions, I
2 would ask that the exhibits and the sub-exhibit be
3 admitted into the record and these cases be taken
4 under advisement.

5 THE HEARING EXAMINER: Thank you,
6 Ms. Vance.

7 Are there any objections?

8 Hearing none, the exhibits in Case Nos.
9 24597, 98, 99, 24600, 24601 are admitted into
10 evidence.

11 (Cases 24597-24601 Exhibit A, Exhibit
12 B, Exhibit C-1, Exhibit D, and Exhibit
13 E were received into evidence.)

14 Mr. McClure, any questions on these
15 cases?

16 MR. MCCLURE: Mr. Hearing Examiner, I
17 likely don't have questions for the witnesses, but I
18 will have questions for Ms. Vance.

19 THE HEARING EXAMINER: Okay. Please.

20 MR. MCCLURE: Ms. Vance, when was
21 public notice for all the cases conducted?

22 MS. VANCE: Are you referring to -- in
23 these Chevron cases?

24 MR. MCCLURE: That is correct. I
25 believe we're hearing six or maybe there's five.

1 MS. VANCE: I think you might be --

2 MR. MCCLURE: Yes. It's five Chevron
3 cases. Is that not the ones that we're talking about?

4 MS. VANCE: Yes. That's correct. So
5 it was June 28th was the public notice.

6 MR. MCCLURE: What date would public
7 notice have had to have been conducted to be timely
8 for this hearing?

9 MS. VANCE: Give me one second, I will
10 count. Okay. So I see that you're saying it needed
11 to be conducted one day earlier, which that's fine.
12 We would just ask that because I have a notice of
13 publication issue in my next three cases, if it's
14 possible, that we just continue these cases to perfect
15 notice.

16 And actually, in my other cases, we
17 weren't able to get the notice done timely and those
18 will be perfected on the 17th of this month. If it's
19 possible to continue this set of cases and the next
20 three cases to a special hearing date just to perfect
21 the notice on those, I know the Hearing Examiner has
22 done that previously, that's what I would ask or
23 propose.

24 THE HEARING EXAMINER: All right.
25 Let's deal with these five and then we'll deal with

1 the three when we call them.

2 So we will continue these five cases.
3 When would you like to have the special hearing?

4 MS. VANCE: If we could do it on July
5 17th to consolidate with the next three cases that I
6 have, that would be appreciated.

7 THE HEARING EXAMINER: July 17 is a
8 Wednesday.

9 Freya, do we have -- it would be a
10 virtual hearing for about five minutes I would think.
11 Do we have some time on the 17th?

12 MS. TSCHANTZ: We do.

13 THE HEARING EXAMINER: Okay.

14 Ms. Vance, what time do you want?

15 MS. VANCE: Whatever works best for the
16 Hearing Examiner. Happy to accommodate.

17 THE HEARING EXAMINER: 17th.

18 Freya?

19 MS. TSCHANTZ: 8:30?

20 THE HEARING EXAMINER: Let's do
21 9 o'clock.

22 Okay. We will continue these five
23 cases to July 17 to hold a special hearing at 9 a.m.
24 just to perfect the notice.

25 Okay. We're in recess on these --

1 Mr. McClure, did you finish your
2 questions?

3 MR. MCCLURE: Mr. Hearing Examiner,
4 that was the end of my questions.

5 THE HEARING EXAMINER: Okay.

6 MR. MCCLURE: So yes. Yes, I did.

7 THE HEARING EXAMINER: All right. And
8 Mr. McClure, I don't know that you need to participate
9 in this special hearing if you're busy. It'll just be
10 that we'll be reopening the administrative record and
11 then --

12 Mr. Cogswell, are you going to be
13 available on the 17th?

14 THE REPORTER: Yes.

15 THE HEARING EXAMINER: Thank you. At 9
16 a.m.?

17 THE REPORTER: Yes.

18 THE HEARING EXAMINER: It'll be very
19 short and be virtual.

20 Okay. We are in recess on these five
21 cases.

22 Do we have to notice -- no. We don't
23 have to notice these do we?

24 MS. VANCE: I don't believe so. We've
25 already noticed for this case and there's information

1 in the Public Notice to check the case file for any
2 changes in the cases.

3 THE HEARING EXAMINER: So you'll be
4 filing a continuance then.

5 MS. VANCE: I'm happy to file
6 continuance in these cases and the next one so that we
7 can present but just continue so we can perfect
8 notice.

9 THE HEARING EXAMINER: So Freya, will
10 you set up a special hearing in the hearing's module
11 for July 17 at 9 a.m.?

12 MS. TSCHANTZ: Yes, I will.

13 THE HEARING EXAMINER: You will. All
14 right.

15 That's where they'll be going when you
16 file your continuances.

17 Okay. Let's now -- so we're in recess
18 on your five cases, Ms. Vance, until that date and
19 we'll look for your continuances.

20 Let's go back to -- I'm going to
21 recall -- I have to find this case now. Hold on.

22 Ms. Bennett, what case number are we
23 going back to?

24 MS. BENNETT: Thank you. 24492 Chevron
25 USA Inc. It's number 14 on the docket.

1 THE HEARING EXAMINER: Thank you.
2 We're back on the record in 24492.
3 Do we have Ms. Davis with us?
4 MS. DAVIS: Yes. I'm here.
5 THE HEARING EXAMINER: Would you turn
6 on your camera?
7 MS. DAVIS: Yes. I turned on the
8 camera.
9 THE HEARING EXAMINER: We see you.
10 Thank you, Freya.
11 Ms. Davis, please raise your right
12 hand.
13 WHEREUPON,
14 KIMBERLE DAVIS,
15 called as a witness and having been
16 first duly sworn to tell the truth, the whole truth,
17 and nothing but the truth, was examined and testified
18 as follows:
19 THE HEARING EXAMINER: Would you spell
20 your name for the record?
21 THE WITNESS: K-I-M-B-E-R-L-E, last
22 name, D-A-V-I-S.
23 THE HEARING EXAMINER: Thank you. You
24 can put your hand down.
25 Mr. McClure?

1 MR. MCCLURE: Thank you, Mr. Hearing
2 Examiner.

3 DIRECT EXAMINATION

4 Q Ms. Davis, if I can draw your attention to
5 page 14 of 67 of the exhibit packet.

6 A I have to apologize, but should I have the
7 exhibit package?

8 MS. BENNETT: May I interject?

9 Ms. Davis, I emailed you the exhibit
10 packet last night, yesterday afternoon.

11 THE WITNESS: Okay. Give me a second.
12 I apologize.

13 MS. BENNETT: Sure. And unfortunately,
14 I don't have my computer set up to share my screen
15 with you, but the question is about the depth
16 severance in Ms. Halley's declaration -- affidavit.

17 THE WITNESS: Okay. Okay. Give me a
18 second, please.

19 Okay. I -- I do see that. All right.
20 I do have a copy of the -- of the page.

21 BY MR. MCCLURE:

22 Q All right. Ms. Davis, do you see the
23 paragraph of Ms. Halley's affidavit?

24 A Yes, I do.

25 Q And within that paragraph, do you see where

1 those depths are referenced for the depth severance?

2 A Yes, I do.

3 Q Do you know from which well those specific
4 depths were derived?

5 A We did that off of a type well close to our
6 area which was shown in the exhibits.

7 Q Okay. So do you know which well that was?

8 A Would you like a well name or an API number?

9 Q Both would be ideal.

10 A There are two type wells in the area. It
11 would be Salado Draw SWD 13 in a quarter ground pilot
12 well. I don't know if I have APIs on the exhibit.

13 Q Are these wells included in your
14 cross-section?

15 A Yes, they are. Yes. On Exhibit C-4
16 cross-section.

17 Q Within paragraph 18 of Ms. Halley's
18 affidavit there's very specific depths selected here,
19 which one of those two wells are these depths from?

20 A Okay. Let me -- let me look at the exhibits
21 again. The Salado Draw SWD well.

22 Q In regards to the formations, is there a
23 specific formation top that's identified that these
24 are representative of?

25 A Yes, we've identified those to be a part of

1 the Third Bone Spring and the Wolfcamp A base. I'm
2 sorry. The top.

3 Q So is the depth severance in reference to a
4 specific formation?

5 A Not to a specific formation. It's actually
6 two formations. Third Bone Springs and a part of the
7 Wolfcamp A.

8 Q In reference to the Third Bone Spring, do
9 you mean the entirety of the Third Bone Spring?

10 A No. No.

11 Q So in the agreement that created this depth
12 severance, was it based upon a specific marker band or
13 something in regards to the formation?

14 A No, I don't think so.

15 Q Okay. So was that agreement based upon a
16 specific total vertical depth or measured depth in a
17 specific well?

18 A No, I don't think so. When we -- when we --
19 when I looked -- when I reviewed this, I looked at the
20 two close offset wells that are in the exhibit to
21 identify what those -- what those locations were.

22 Q But what did you use to make the
23 determination that the depth severance is at this
24 depth? Where did that come from is what I'm trying to
25 ask you.

1 A That came -- I think I'm going to defer back
2 to my land person because she provided me these depths
3 and I'll let her answer that.

4 MR. MCCLURE: Ms. Halley --

5 THE WITNESS: And I was -- I'm sorry.
6 Go ahead.

7 MR. MCCLURE: No. Go ahead and finish
8 your statement. Go ahead, Ms. Davis.

9 THE WITNESS: Ms. Halley, Katie, and I
10 had this conversation about those depths, and I want
11 to defer back to her on this.

12 MR. MCCLURE: Okay. Thank you,
13 Ms. Davis.

14 Ms. Halley, are you still with us?

15 MS. HALLEY: Yes, I am.

16 MR. MCCLURE: Were you following the
17 discussion that I had with Ms. Davis?

18 MS. HALLEY: I was. So the depth
19 severances that are spelled out in the proposed
20 compulsory pooling order are a result of contract
21 negotiations between Mewbourne and Chevron. They're
22 not pegged to a specific depth, like, formation.

23 MR. MCCLURE: Okay. So then they
24 are -- okay presumably it's one of two things. On or
25 related to a specific depth then?

1 MS. HALLEY: They're related to the
2 existing one-mile wellbores which are located in the
3 Wolfcamp A and the depth severance dips into the Third
4 Bone Spring because, I believe, Mewbourne wanted a
5 little bit of wiggle room as to how close we could get
6 to their wells. But it's not -- it's not based on the
7 top or the bottom of the Third Bone Spring or any
8 specific depth, it's just a negotiated exclusion
9 between the two companies that both companies could
10 agree on.

11 MR. MCCLURE: Okay. So, I guess, let
12 me ask you one more time. So is this related to a
13 specific total vertical depth then?

14 MS. HALLEY: Let me double-check. I
15 believe yes. So yes. The depth severance was
16 based -- it was written in TVD on the assignment.

17 MR. MCCLURE: Okay. Thank you. And is
18 this total vertical depth determined from a specific
19 surface location?

20 MS. HALLEY: Yes, it is.

21 MR. MCCLURE: And do you have -- do you
22 know which half of wells this total vertical depth
23 relates to?

24 MS. HALLEY: I do. It is -- so on the
25 agreement where we acquired these depths, it's

1 described as the interval between 11667 feet and 12356
2 feet as described on the Gamma Ray Neutron/Density Log
3 for the Maelstrom SMD number one at API No.
4 30-025-45127.

5 MR. MCCLURE: Okay. Thank you,
6 Ms. Halley. That is precisely the information I'm
7 looking for. I'll ask that you amend -- either give
8 us a supplemental exhibit or amend your current
9 exhibit to include that specific information.

10 MS. HALLEY: Okay. And apologies for
11 the confusion here.

12 MR. MCCLURE: Oh, no. If I'd asked
13 better questions, perhaps we would've gotten here a
14 little bit faster. But at least we got here at the
15 end of the day.

16 Ms. Bennett?

17 MS. BENNETT: Yes?

18 MR. MCCLURE: Can I draw your attention
19 to page 5 of 66 of your Compulsory Pooling Application
20 Checklist.

21 MS. BENNETT: Yes. I'm there.

22 MR. MCCLURE: And then do you see the
23 "Formation/Pool" section of that checklist?

24 MS. BENNETT: I do.

25 MR. MCCLURE: Under the "Formation Name

1 or Vertical Extent" and the "Pooling this vertical
2 extent," there's reference to "Bone Spring excluding
3 certain depths identified below"; do you see that?

4 MS. BENNETT: I do.

5 MR. MCCLURE: Please amend that to be
6 more specific. Do you recall my earlier conversation
7 with Ms. Halley in regards to the actual or a more
8 detailed description of the depth that Chevron's
9 actually requesting to pool here?

10 MS. BENNETT: I do recall that, and my
11 notes were that you wanted it -- you were requesting
12 that we say the Bone Spring to the top of the depth
13 severance. But I'm not clear if you want me to
14 include the additional information about the Maelstrom
15 well in this particular cell.

16 MR. MCCLURE: I don't think we would
17 necessarily need to include it in this particular
18 cell, but I do believe that we would be far better
19 served if we were to have a better description here
20 similar to what you just described.

21 MS. BENNETT: Thank you. I can do
22 that.

23 MR. MCCLURE: Thank you. And did you
24 also hear my earlier discussion with Ms. Halley in
25 regards to an amendment to the exhibits?

1 MS. BENNETT: I did. I understood your
2 questioning of her that it could -- paragraph 18 could
3 be written perhaps more accurately, but I also think
4 that paragraph 18 describes the intent of the depth
5 severance. But if it's the Division's preference that
6 we revise her affidavit, we're happy to do that.

7 MR. MCCLURE: Okay. Thank you,
8 Ms. Bennett. I would make the request that Chevron do
9 so.

10 MS. BENNETT: Thank you.

11 MR. MCCLURE: I have no more questions,
12 Mr. Hearing Examiner.

13 THE HEARING EXAMINER: Thank you.

14 Ms. Bennett, when do you anticipate
15 filing an amended exhibit packet?

16 MS. BENNETT: If I could have until
17 Monday close of business that would be helpful.

18 THE HEARING EXAMINER: And what would
19 the date be?

20 MS. BENNETT: Let me look at my
21 calendar real fast. The 15th.

22 THE HEARING EXAMINER: July 15, close
23 of business. Okay. We will keep the hearing record
24 open in Case 24492 to receive an amended exhibit
25 packet in this case and then we will take it under

1 advisement once we get it.

2 MS. BENNETT: Thank you very much.

3 THE HEARING EXAMINER: Thank you very
4 much.

5 I'm now going to Ameredev Operating.
6 We have three cases: 24602, 24603, 24604.

7 Entries of appearance, please.

8 MS. VANCE: Good morning, Mr. Hearing
9 Examiner. Paula Vance with the Santa Fe office of
10 Holland and Hart on behalf of Ameredev Operating.

11 THE HEARING EXAMINER: And are there
12 any other entities have entered an appearance here?

13 MS. VANCE: Not that I'm aware of.

14 THE HEARING EXAMINER: Okay. And
15 you're proceeding by affidavit?

16 MS. VANCE: That's correct.

17 THE HEARING EXAMINER: Now, are these
18 the cases you were referring to before?

19 MS. VANCE: Yes. And I would ask that
20 we be able to present them and then just continue to
21 next Wednesday to perfect the NOPS.

22 THE HEARING EXAMINER: Let me ask
23 Mr. McClure a question.

24 Mr. McClure, have you reviewed the
25 exhibit packet in these three cases?

1 MR. MCCLURE: Yes, I have, Mr. Hearing
2 Examiner.

3 THE HEARING EXAMINER: Okay. And if we
4 delayed hearing these cases today until the 17th at
5 9 a.m., would you have any questions on these cases?

6 MR. MCCLURE: Yes, I do, Mr. Hearing
7 Examiner.

8 THE HEARING EXAMINER: Okay. All
9 right. Then let's get Mr. McClure's questions out of
10 the way after you present your cases.

11 Go ahead, Ms. Vance.

12 MS. VANCE: Thank you, Mr. Hearing
13 Examiner.

14 So in all three of these cases, the
15 acreages in Township 26 South, Range 36 East and
16 that's in Lea County, New Mexico and it's pooling the
17 Wolfcamp and the pool is the WC-025 G-09 S263619C,
18 Wolfcamp, and the pool code is 98234.

19 And I'll walk through each of the
20 cases.

21 So in Case 24602, Ameredev seeks to
22 pool a standard 320-acre, more or less, horizontal
23 well spacing unit and that's comprised of the west
24 half of the east half of Sections 3 and 10 and
25 dedicate that to the Pimento Fed Com 106H.

1 And then in Case No. 24603, Ameredev
2 seeks to pool a 320-acre, more or less, horizontal
3 well spacing unit and that's comprised of the east
4 half of the west half of Sections 3 and 10 and
5 dedicate that to the Pimento Fed Com 113H.

6 And then in Case No. 24604, Ameredev
7 seeks to pool a 320 acre, more or less, horizontal
8 well spacing unit and that would be comprised of the
9 east half of the east half of Sections 3 and 10 and
10 then dedicate that to the Pimento Fed Com 117H.

11 In each of these cases, we have
12 provided a copy of the Application, the Compulsory
13 Pooling Checklist, as well as the Self-Affirmed
14 Statements of Landman Brandon Forteza and Geologist
15 Parker Foy, both of whom have previously testified
16 before the Division and their credentials have been
17 accepted as a matter of record.

18 (Cases 24602-24604 Exhibit A and
19 Exhibit B were marked for
20 identification.)

21 Mr. Forteza's statement is Exhibit C
22 and includes all of the standard required
23 sub-exhibits.

24 //

25 //

1 (Cases 24602-24604 Exhibits C-1 through
2 C-5 were marked for identification.)

3 I will note that we had planned on
4 filing revised hearing packets in Case Nos. 24602 and
5 24603. We have XTO listed as being pooled, they are
6 not being pooled. The parties have reached an
7 agreement.

8 And then in -- that's followed by
9 Mr. Foy's statement and the geology sub-exhibits.

10 (Cases 24602-24604 Exhibits D-1 through
11 D-4 were marked for identification.)

12 In these cases, Mr. Foy did not observe
13 any faulting pinch-outs or other geologic impediments
14 to the horizontal drilling of these wells.

15 And then lastly is a copy of my
16 Self-Affirmed Statement of Notice with the sample
17 letters that were timely mailed on June 21, 2024.

18 (Cases 24602-24604 Exhibit E was marked
19 for identification.)

20 And then that's followed by the
21 Affidavit of Notice of Publication, which was not
22 timely published, unfortunately, and would be
23 perfected by July 17th.

24 (Cases 24602-24604 Exhibit F was marked
25 for identification.)

1 Unless there are any questions, I would
2 ask that the exhibits and sub-exhibits be admitted
3 into the record and that we continue to July 17th to
4 perfect notice.

5 And I standby for any questions from
6 Mr. McClure.

7 THE HEARING EXAMINER: Okay. Are there
8 any objections to these exhibits?

9 Not hearing any, your exhibits are so
10 admitted.

11 (Case 24602-24604 Exhibit A, Exhibit B,
12 Exhibits C-1 through C-5, Exhibits D-1
13 through D-4, Exhibit E, and Exhibit F
14 were received into evidence.)

15 And did I understand you to say that in
16 two cases you're going to file an amended exhibit
17 packet?

18 MS. VANCE: That's correct.

19 THE HEARING EXAMINER: And those are
20 which cases?

21 MS. VANCE: It would be 24602 and
22 24603.

23 THE HEARING EXAMINER: Okay. And the
24 purpose of the amended exhibit is to remove XTO from
25 the pooled parties?

1 MS. VANCE: That's correct.

2 THE HEARING EXAMINER: Okay. All
3 right.

4 Mr. McClure, do you have any questions
5 on these cases?

6 MR. MCCLURE: Yes, I do, Mr. Hearing
7 Examiner --

8 THE HEARING EXAMINER: For which --

9 MR. MCCLURE: The landman.

10 THE HEARING EXAMINER: Landman.

11 Ms. Vance, who is your landman?

12 MS. VANCE: Mr. Brandon Forteza and he
13 is available. I saw him on there.

14 THE HEARING EXAMINER: Okay.

15 Would you turn on your camera?

16 MR. FORTEZA: Hello.

17 THE HEARING EXAMINER: Don't see you
18 yet, but I'm expecting to -- there you are. Well, I
19 thought I saw you. There you are.

20 Okay. Would you spell your name for
21 the record?

22 MR. FORTEZA: B-R-A-N-D-O-N, Forteza,
23 F-O-R-T-E-Z-A.

24 THE HEARING EXAMINER: Would you raise
25 your right hand?

1 WHEREUPON,

2 BRANDON FORTEZA,

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

7 THE HEARING EXAMINER: Mr. McClure?

8 MR. MCCLURE: Thank you, Mr. Hearing
9 Examiner.

10 DIRECT EXAMINATION

11 BY MR. MCCLURE:

12 Q Mr. Forteza, can I direct your attention to
13 page 23 of 39. This should be your Summary of
14 Contacts.

15 A Okay. Yes, sir.

16 Q Do you -- there's a table of contacts here.
17 A number of them have something along the lines of
18 "Leased" or "Participating." Are those persons that
19 are not being pooled in this case?

20 A Well, they've indicated that they would like
21 to participate under the Forced Pooling Order as
22 opposed to entering to a JOA.

23 Q I guess, one quick question, are you looking
24 at Case 24602 by the way?

25 A Which well? Sorry, I don't have the --

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1 24 --

2 Q I see most of your exhibits are similar.
3 Let's make sure we're looking at the same thing.

4 A Yeah. Sure. Which well is that associated
5 with?

6 MS. VANCE: It should be the 106.

7 THE WITNESS: Okay. I'm sorry. I
8 don't have -- okay.

9 BY MR. MCCLURE:

10 Q Okay. Are you on the page 23 of 39 of
11 that -- of Case 24602?

12 A I mean, I don't have the actual page. I
13 have what I submitted, but --

14 MS. VANCE: I just sent them across to
15 you. I'm sorry. I thought I had included those in my
16 email earlier.

17 THE WITNESS: Okay. I didn't get an
18 email.

19 BY MR. MCCLURE:

20 Q I guess, regardless of the page, you're on
21 the Summary of Contacts page; correct?

22 A Yes.

23 Q Okay. Thank you, sir. I mean, like, the
24 first person on this list is, like, Bascom Mitchell
25 Family Partnership?

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1 A Yes, sir.

2 Q And directly following that it says
3 "Leased." What do you mean by that, sir?

4 A They previously leased a -- I don't believe
5 they're listed on the -- the pooling exhibit as being
6 pooled; are they?

7 Q I'm not sure as it is, sir. Mr. Forteza,
8 down below that for, like, Doornbos Mineral Partners,
9 LLC, it states, "Received green card back." Do you
10 see where I'm referring to?

11 A Yes. Yes that means we received a green
12 card back.

13 Q What is the summary of contacts for this
14 particular person? I guess, when did you send them an
15 email? When did you receive the green card back?

16 A I don't have the exact date in front of me.
17 My analyst keeps the date. Let's see. I'd have to
18 follow up with her to see when the exact date was.

19 Q Okay. Thank you, Mr. Forteza. I guess,
20 where I'm going with this is, I request that for each
21 of these cases, we amend this exhibit to include more
22 details in regards to your contacts with each of these
23 persons.

24 A Okay.

25 Q And do you understand, I guess, what I'm

1 asking for?

2 A Yeah. You want the exact dates?

3 Q Correct.

4 A Okay.

5 Q That is essentially what I'm looking for.
6 Is that and kind of a summary of, like, "I sent an
7 email this and such date," you know, and if they reply
8 said that they were committed or not, whatever. That
9 kind of sort of thing.

10 A Okay.

11 MR. MCCLURE: Okay. Thank you,
12 Mr. Forteza. I have --

13 Ms. Vance, do you understand what I'm
14 looking for based off my discussion with Mr. Forteza?

15 MS. VANCE: Yes. I think that that's
16 easy for us to accomplish and just include that with
17 the revised exhibits that we're going to -- hearing
18 packets we were going to file anyway. We will include
19 just a updated communications with a little bit more
20 detail including dates and maybe just a summary of
21 what that contact exactly was.

22 MR. MCCLURE: Yes. Thank you,
23 Ms. Vance.

24 I have no other questions or requests,
25 Mr. Hearing Examiner.

1 THE HEARING EXAMINER: Thank you,
2 Mr. McClure. And when we reconvene on July 17, will
3 you need to be present for these cases?

4 MR. MCCLURE: A reviewer should
5 probably look at what's submitted for these summary of
6 contacts and either be present or provide you
7 beforehand whether we're going to have questions or
8 not.

9 THE HEARING EXAMINER: Okay. Thank
10 you, Mr. McClure.

11 MR. MCCLURE: Thank you, Mr. Hearing
12 Examiner.

13 THE HEARING EXAMINER: Okay. We're in
14 recess on these three cases and we will look for
15 Ms. Vance to continue these three to the July 17
16 special docket.

17 MS. VANCE: No problem. I just want to
18 clarify though, does Mr. Forteza, does he need to be
19 present?

20 THE HEARING EXAMINER: I think so.

21 MS. VANCE: Okay.

22 THE HEARING EXAMINER: I think so. I
23 think all your witnesses should be present just in
24 case there are questions.

25 MS. VANCE: Okay. All right. Thank

1 you.

2 THE HEARING EXAMINER: Thank you.

3 MR. MCCLURE: Mr. Hearing Examiner?

4 THE HEARING EXAMINER: Yes?

5 MR. MCCLURE: Is that July 17th?

6 THE HEARING EXAMINER: It is. Does
7 that date not work for you?

8 MR. MCCLURE: Mr. Hearing Examiner,
9 I --

10 THE HEARING EXAMINER: We can move it,
11 Mr. McClure.

12 MR. MCCLURE: I do -- oh. Well, it's
13 just not about my schedule, Mr. Hearing Examiner, I
14 believe that the ten days with consideration to July
15 4th would not -- may not have ran out at the point of
16 July 17th. I don't know if Ms. Vance is in agreement
17 or disagreement on that accounting the time though.

18 THE HEARING EXAMINER: Okay. We'll
19 look to her.

20 MS. VANCE: I believe if it ran on the
21 3rd and you're skipping the 4th, that would be ten
22 business days, but I am not a math teacher. My father
23 is or was.

24 THE HEARING EXAMINER: What date
25 would --

1 Ms. Vance, it's your client, it's your
2 case.

3 MS. VANCE: I believe it was the 17th,
4 that's why I proposed it.

5 THE HEARING EXAMINER: 17th. Okay.

6 Mr. McClure, the counsel for the client
7 is sure that the 17th will work. I'll leave it up to
8 her.

9 If you find out, Ms. Vance, that it
10 doesn't work, you'll contact us, and we'll move this
11 special docket.

12 MS. VANCE: Yes. And in light of the
13 fact that you'd like to have both witnesses available,
14 if I can just confirm with them while you hear the
15 next case --

16 THE HEARING EXAMINER: By all means.

17 MS. VANCE: -- I'd like to do that.

18 THE HEARING EXAMINER: We're in recess
19 on these three cases then.

20 MS. VANCE: Thank you.

21 THE HEARING EXAMINER: I'm now calling
22 number 26 on our docket, 24607, Mewbourne Oil.

23 Entries of appearance, please.

24 MS. HARDY: 24609, Mr. Examiner?

25 THE HEARING EXAMINER: I have Mewbourne

1 Oil as 24607. It's number 26 on our docket.

2 MS. TSCHANTZ: Mr. Hearing Examiner,
3 that case was dismissed last minute yesterday.

4 THE HEARING EXAMINER: Oh. Okay.
5 Didn't know that. Thank you.

6 I'm now calling number 27 on our
7 docket, 24609, Spur Energy Partners.

8 MS. HARDY: Good morning, Mr. Examiner.
9 Dana Hardy with Hinkle Shanor on behalf of Spur Energy
10 Partners.

11 THE HEARING EXAMINER: Are there any
12 other entities entered?

13 MS. HARDY: There are not.

14 THE HEARING EXAMINER: Okay. Please
15 proceed.

16 MS. HARDY: Thank you.

17 In this case, Spur seeks to order
18 pooling uncommitted interests in the Yeso formation
19 underlying a 320-acre, more or less, standard
20 horizontal spacing unit comprised of the south half of
21 the north half and the north half of the south half of
22 Section 14, Township 17 South, Range 32 East in Lea
23 County. The unit will be dedicated to the Miller 14
24 Federal Com 10H, 20H, 70H, 21H, and 71H wells.

25 In our exhibit packets, we've provided

1 the Self-Affirmed statements and exhibits of Landman
2 Lance Young and Geologist Matthew Van Wie.

3 (Case 24609 Exhibits A-1 through A-5
4 and Exhibits B-1 through B-5 were
5 marked for identification.)

6 Both of those witnesses have previously
7 testified before the Division and been accepted as
8 experts in their respective fields.

9 Mr. Young provides the standard land
10 exhibits, the Plat of Tracts Ownership Information and
11 Pooled Parties are identified in Exhibit A-3.

12 Mr. Van Wie provides the standard
13 geology exhibits which include a Location Map, Subsidy
14 Structure Map, Cross-Section Gun Barrel Diagram, and a
15 Wellbore Map.

16 Exhibit C is my Notice of Affidavit and
17 the associated attachments.

18 (Case 24609 Exhibits C-1 through C-4
19 were marked for identification.)

20 We did timely publish notice in this
21 matter and unless there are questions, I would request
22 that the case -- that the exhibits be admitted and the
23 case be taken under advisement. Thank you.

24 THE HEARING EXAMINER: Are there any
25 objections?

1 Not hearing any, your exhibits are
2 admitted in this case.

3 (Case 24609 Exhibits A-1 through A-5,
4 Exhibits B-1 through B-5, and Exhibits
5 C-1 through C-4 were received into
6 evidence.)

7 Mr. McClure, do you have any questions
8 in this case?

9 MR. MCCLURE: Mr. Hearing Examiner, if
10 you could confirm we are on Case 24609; correct?

11 THE HEARING EXAMINER: Yes, we are.
12 Spur Energy.

13 MR. MCCLURE: Okay. Thank you,
14 Mr. Hearing Examiner. I do have a -- I have a
15 request. I don't believe I have a question though.

16 THE HEARING EXAMINER: Okay. What is
17 your request?

18 MR. MCCLURE: I'm just finding the page
19 number here. Scrolling up. Scrolling up.

20 Ms. Hardy, if I can direct your
21 attention to page 47 of 85. This should be Exhibit
22 B-3, A Structural Cross-Section.

23 MS. HARDY: Exhibit B-3?

24 MR. MCCLURE: Yes, ma'am.

25 MS. HARDY: Yes. I'm there.

1 MR. MCCLURE: It seems that the
2 measured depth traps were excluded from the logs for
3 these wells. Please provide an amended exhibit for
4 this that includes those measured depths.

5 MS. HARDY: Okay. We will do that.

6 MR. MCCLURE: Okay. Thank you,
7 Ms. Hardy.

8 I have no further questions or
9 requests, Mr. Hearing Examiner.

10 THE HEARING EXAMINER: Thank you,
11 Mr. McClure.

12 Ms. Hardy, when do you anticipate
13 filing?

14 MS. HARDY: I'll need to check with my
15 geology witness. I would expect we could do that
16 early next week.

17 THE HEARING EXAMINER: What if we
18 say --

19 MS. HARDY: If we could have until
20 Tuesday to be sure.

21 THE HEARING EXAMINER: What if we say
22 Wednesday of next week?

23 MS. HARDY: That would be perfect.
24 Thank you.

25 THE HEARING EXAMINER: Okay. So I'm

1 going to set a deadline of filing for July 17 close of
2 business.

3 MS. HARDY: Thank you. That's fine.

4 THE HEARING EXAMINER: And we will take
5 this case under advisement after you file your amended
6 exhibit packet.

7 Anything further on this case?

8 MS. HARDY: Not from Spur. Thank you.

9 THE HEARING EXAMINER: Okay. That
10 concludes our cases listed on today's docket. Are
11 there any other issues?

12 No? Not hearing any. We are
13 adjourned. Thank you.

14 MR. MCCLURE: Mr. Hearing Examiner,
15 were we going to --

16 MS. VANCE: Yeah. I'm -- sorry.
17 Not -- I think maybe to Mr. McClure's point, I did --

18 THE HEARING EXAMINER: About the
19 witnesses?

20 MS. VANCE: Yes.

21 THE HEARING EXAMINER: Okay.

22 MS. VANCE: Also two points.

23 Mr. Forteza is available. And I did use my date
24 calculator and it is nine days. I was counting both
25 the 3rd and the 17th. I mean, let me -- so sorry. I

1 can ask, I think Mr. Forteza is available on the
2 Thursday. I don't know if the 18th may work instead.

3 THE HEARING EXAMINER: Let me ask
4 Freya.

5 Freya, do we have anything on the 18th
6 of July?

7 MS. TSCHANTZ: Checking right now. OCC
8 has their hearing, but if we conduct this virtually,
9 there's no problem.

10 THE HEARING EXAMINER: I'm sorry, OCD
11 has what?

12 MS. TSCHANTZ: The Commission has their
13 hearing on the 18th, so they'll be occupying the room.
14 But if this is virtual, there's no issue.

15 THE HEARING EXAMINER: Ms. Vance, I
16 don't think you're available on the 18th and I know
17 I'm not. I just realized that. We have the
18 conference. It'd have to wait until the week after.

19 MS. VANCE: Could it go on the Friday,
20 the 19th?

21 THE HEARING EXAMINER: We have the
22 conference on that day too.

23 MS. VANCE: Oh, I'm sorry. Okay.

24 THE HEARING EXAMINER: We're all going
25 to be together over at the convention center. How

1 about the week after?

2 MS. VANCE: That would work but it may
3 be one of my colleagues because I will be gone for a
4 week.

5 THE HEARING EXAMINER: Now I see why
6 you were trying to do it beforehand. I understand
7 perfectly. Okay. Then by all means, let's -- so do
8 you want to -- why don't we do this? Why don't you
9 send an email to Freya and copy me, also copy
10 Mr. McClure, propose a date the following week, we'll
11 all weigh in and then you'll get coverage, and you'll
12 find out from your witnesses if they're available.

13 MS. VANCE: That's perfect. I
14 appreciate that.

15 THE HEARING EXAMINER: You're welcome.
16 So we'll hold off then for that special hearing on the
17 17th.

18 Okay. If there's anything further?

19 No? Then we will adjourn today's
20 docket. Thank you very much.

21 (Whereupon, at 10:04 a.m., the
22 proceeding was concluded.)

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CERTIFICATE

I, JAMES COGSWELL, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



JAMES COGSWELL
Notary Public in and for the
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, BREELYN DEVRIES, 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.



BREELYN DEVRIES

&	102 15:25	16 48:17	210 7:9
& 3:20 4:4,20 5:12 6:4 7:13 8:11	102h 56:14	17 55:14 70:7 70:23 72:11 92:2,15 95:22 99:1	218 6:19 7:22 21h 95:24 22 40:21 45:1 23 50:3,9 88:13 89:10
0	12:20 13:22 16:24 60:24	17th 69:18 70:5 70:11,17 71:13 83:4 85:23 86:3 93:5,16 94:3,5,7 99:25 101:17	23/14 50:4,10 24 11:17 51:17 89:1 24443 1:9 19:9 24444 1:12 36:21 37:2
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