

1 State of New Mexico Oil Conservation Division Meeting

2  
3 Docket No. 50-24

4 Case Nos. 24963; 24698; 24828, 24585, 24586, 24829,  
5 24843 & 24844; 24710 & 24711; 24872 & 24873; 24930,  
6 24931, & 24933; 25031; 24977 & 24978

7  
8  
9 Moderated by Gregory A. Chakalian

10 Thursday, December 19, 2024

11 9:00 a.m.

12  
13  
14 Pecos Hall, Wendell Chino Building

15 1220 S. Saint Francis Drive

16 Santa Fe, NM 87505

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21 Reported by: James Cogswell

22 JOB NO: 6774000

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A P P E A R A N C E S

List of Attendees:

Gregory A. Chakalian, Hearing Examiner, State of New Mexico Oil Conservation Division

Madai Corral, Law Clerk, State of New Mexico Oil Conservation Division

Freya Tschantz, Law Clerk, State of New Mexico Oil Conservation Division (by videoconference)

Paula M. Vance, Attorney, Holland & Hart LLP

Michael H. Feldewert, Attorney, Holland & Hart LLP

Jonathan Samaniego, Attorney, American Energy Resources (by videoconference)

Christy B. Trevino, Attorney, State of New Mexico Oil Conservation Division

Jordan L. Kessler, Attorney, EOG Resources, Inc. (by videoconference)

Michael Rodriguez, Attorney, Civitas Permian Operating, LLC

Deana M. Bennett, Attorney, Modrall Sperling (by videoconference)

Dana S. Hardy, Attorney, Hinkle Shanor LLP

Darin C. Savage, Attorney, Abadie & Schill, P.C.

Benjamin B. Holliday, Attorney, Holliday Energy Law Group, PC

Keri L. Hatley, Attorney, ConocoPhillips

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

Sharon T. Shaheen, Attorney, Spencer Fane  
Michael T. Jewell, Attorney, Jewell Jimmerson Natural  
Resources Law LLC (by videoconference)  
Kaitlyn A. Luck, Attorney  
Joe L. Tarver, Respondent, Tarco Energy (by  
videoconference)  
Ben Walker, Respondent, M E W Enterprise (by  
videoconference)

E X H I B I T S

NO.	DESCRIPTION	ID/EVD
1	Affidavit of Nicholas Karns	31/32
2	Nicholas Karns Curriculum Vitae	31/32
3	Notice of Violation Against M E W Enterprise and Exhibits	31/32
4	Certified Mail Notice of NOV	31/32
5	Affidavit of Madai Corral Regarding Docketing Notice	31/32
6	Docketing Notice Supporting Documents	31/32

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P R O C E E D I N G S

MR. CHAKALIAN: Good morning. It is 9 a.m. on December 19, 2024. These are the hearings of the Oil Conservation Division. This is the docket of the month where we generally only discuss status conferences because we do not have a technical reviewer with the hearing examiner this morning.

My name is Gregory Chakalian, and I'm going to call the first case on our published final docket worksheet. That is case 24963, Permian Resources. Entries of appearance, please.

MS. VANCE: Good morning, Mr. Hearing Examiner. Paula Vance and Michael Feldewert with the Santa Fe office of Holland & Hart.

MR. CHAKALIAN: Good morning. Do we have any other entries of appearance this morning on this case? I believe Mr. Jonathan Samaniego entered an appearance on this case. Are you with us, sir?

MR. SAMANIEGO: Yes, Mr. Examiner. Jonathan Samaniego, representing American Energy Resources.

MR. CHAKALIAN: Good morning, sir, and merry Christmas to you.

Okay. So let me recap where we are for

1 the record. We had a motion to strike the entry of  
2 appearance and objection in this application for a  
3 compulsory pooling case. And we received a response  
4 from Mr. Samaniego with a self-affirmed statement from  
5 a landman, Ms. Sandoval.

6 We conducted the first part of the  
7 hearing two weeks ago on the record, where we found  
8 that Ms. Sandoval had an instrument -- an ownership  
9 instrument, it was claimed to be -- and it was sent  
10 for the first time to counsel for Permian and to my  
11 hearing clerk.

12 I instructed that we would go in recess  
13 in that case to give the opportunity for Permian  
14 Resources to further investigate the instrument to  
15 determine its validity and to see whether or not they  
16 had an argument regarding that instrument.

17 I also left it open to Mr. Samaniego to  
18 respond to the briefing that was filed as ordered last  
19 Thursday. I have received all the documents and I've  
20 looked through the case file, and that's where we are  
21 this morning.

22 So I'm going to go first to Ms. Vance,  
23 and then, Mr. Samaniego, I'll give you an opportunity  
24 to respond.

25 Ms. Vance, how do you want to proceed?

1 MS. VANCE: I just would like to make a  
2 quick opening statement. Obviously, this morning I  
3 sent an email regarding our motion to withdraw our  
4 Motion to strike, to withdraw the withdrawal.

5 But, basically, we do have a title  
6 opinion related to one of the quitclaim deeds that is  
7 in the chain of title. And we would like to provide  
8 that to Mr. Samaniego and Ms. Sandoval for them to  
9 take a look at because we do believe that that causes  
10 an issue and basically invalidates that conveyance.

11 So we would like to provide that as an  
12 opportunity for them to review because we do not  
13 believe that Mr. Samaniego or AER has an interest in  
14 Permian's proposed spacing unit.

15 That being said, we don't want to delay  
16 these hearings. And if it does work, we would like  
17 to, you know, give them that opportunity but not delay  
18 these hearings.

19 If we can set a contested hearing date,  
20 we would like that. It's my understanding that a  
21 January 14th contested hearing date has become  
22 available, and we would request that contested hearing  
23 date so that we can move forward with this pooling.

24 MR. CHAKALIAN: Okay. And  
25 Mr. Samaniego?

1 MR. SAMANIEGO: Yes, Mr. Examiner. I  
2 object to all of Mrs. Vance's requests and statements.  
3 Her and her team and her client have had ample time  
4 given by the examiner under strict deadlines and  
5 guidelines to follow, which has now lapsed, passed,  
6 ended. The time to present is over.

7 This motion today, I thought, was  
8 regarding the motions to strike. There has to be a  
9 determination made. I have now filed three motions to  
10 strike in this case. All have fallen on deaf ears,  
11 and every single one of Ms. Vance's are being answered  
12 and given special allowances.

13 I mean, Mrs. Vance and her client have  
14 no interest in this pool, therefore, has no right to  
15 speak, make requests of any sort of kind. And  
16 therefore, American insists, under the color of the  
17 Oil and Gas Act, to dismiss, void, and cancel this  
18 pooling application and Permian's drilling permits in  
19 this proposed pool.

20 MR. CHAKALIAN: Okay. Thank you,  
21 Mr. Samaniego. I understand your frustration. I've  
22 been thinking about this motion to strike, and I'm  
23 going to deny the motion to strike. So your entry of  
24 appearance is still valid. Your objection is valid.

25 And now we need to set a contested

1 hearing for this case. So first, I'm going to go to  
2 the applicant because I always give the applicant the  
3 benefit of the doubt. I mean, they have something  
4 that they're trying to achieve, and I want it to be  
5 timely. I want the Division to handle it in a timely  
6 manner, however the contested hearing plays out.

7 So, Ms. Vance, you said January 14?

8 MS. VANCE: That's correct.

9 MR. CHAKALIAN: All right. Madai, do  
10 we have cases on a January 14 docket already?

11 MS. TSCHANTZ: Mr. Hearing Examiner?

12 MR. CHAKALIAN: Yes?

13 MS. TSCHANTZ: This is Freya.

14 MR. CHAKALIAN: Hi. Good morning.

15 MS. TSCHANTZ: I have the spreadsheet  
16 up -- good morning. We have two separate contested  
17 hearings scheduled on the 14th already.

18 MR. CHAKALIAN: Okay. Got it.

19 MS. VANCE: Would we -- Mr. Hearing  
20 Examiner, I'm not sure --

21 MR. SAMANIEGO: Mr. Hearing Examiner,  
22 if I could push it off to March? I'm a one-man band  
23 over here. I have a --

24 MR. CHAKALIAN: Okay. Mr. Samaniego, I  
25 didn't invite you to speak at this point. I didn't



1 call on you.

2 MR. SAMANIEGO: No, I'm just --

3 MR. CHAKALIAN: You're going to have to  
4 wait --

5 Madai, would you please mute the  
6 microphone?

7 Mr. Samaniego, for you to avoid being  
8 muted by us, you need to wait your turn. This is an  
9 orderly proceeding. And I will call on you to get  
10 your input, but please don't just interject in the  
11 middle of it.

12 Now I'm speaking with Madai and Freya,  
13 the hearing clerks. So you're saying we already have  
14 two sets of contested hearings on a trailing docket  
15 January 14; is that right?

16 MS. TSCHANTZ: That is correct. We did  
17 have a third one, so Ms. Vance is correct. It did  
18 move to the 28th.

19 MR. CHAKALIAN: Right. And that's on  
20 the 28th. And what does the 28th look like?

21 MS. TSCHANTZ: We now have three  
22 separate contested hearings on the 28th.

23 MR. CHAKALIAN: All right. So that's  
24 not going to work there.

25 And, Ms. Vance, I would give you an

1 opportunity to present at the first docket on the 9th  
2 of January because that's when we have a technical  
3 examiner scheduled, and we need a technical examiner  
4 to be part of this contested hearing. But we already  
5 have a hundred-and-something, and we're going to have  
6 to cut about half of those from that docket and move  
7 them elsewhere.

8 MS. VANCE: May I just add one thing?

9 MR. CHAKALIAN: Yes.

10 MS. VANCE: It's my understanding that  
11 one of those cases on the January 14th contested  
12 hearing date is probably going to go away.

13 MR. CHAKALIAN: Can you be specific?  
14 Can we talk about case numbers here?

15 MR. FELDEWERT: Which ones? Can you --

16 MR. CHAKALIAN: I can. Sure. Give me  
17 a second. Let me get this up and running. So let's  
18 see. January 14. I'm looking at the special assorted  
19 cases. Okay. On that docket, we have eight cases.

20 Now, I don't know, are you representing  
21 Permian Resources in that?

22 MS. VANCE: In the Outlaw cases, yes.

23 MR. CHAKALIAN: Outlaw, yes.

24 MS. VANCE: But there's another set.

25 MR. CHAKALIAN: Okay. So Outlaw cases

1 are 24798, 24800 -- let's see, what else? -- 24803 and  
2 24804, 24805, -06 -- okay. And then we have Avant  
3 Lobo cases on that docket, as well. Those must be the  
4 second. Although they say hearing by affidavit, so I  
5 don't know.

6 Freya, case numbers -7 and -8 on that  
7 docket, they say hearing by affidavit, but are they  
8 really contested hearings?

9 MS. TSCHANTZ: They are. We just need  
10 to update the hearing module.

11 MR. CHAKALIAN: Could you change that  
12 status?

13 MS. TSCHANTZ: I will.

14 MR. CHAKALIAN: Okay. So those are the  
15 Permian cases. Are you saying that you think those  
16 will settle?

17 MS. VANCE: Not the Permian Outlaw  
18 cases, but the Avant cases, I believe, are the ones  
19 that are going to go forward by affidavit.

20 MR. FELDEWERT: They were going to be  
21 contested by the PBEX bond. But the PBEX, the Lobo  
22 Loco -- parties entered into a letter agreement. The  
23 Lobo Loco cases are going to be dismissed.

24 MR. CHAKALIAN: So, in other words,  
25 these will be uncontested, and we'll move those to

1 another docket for a hearing by affidavit.

2 MR. FELDEWERT: The -- what, that  
3 second set of cases?

4 MR. CHAKALIAN: Yes. And that would be  
5 24945 and 24946. Do you want to double-check that,  
6 Ms. Vance, and make sure that we're talking about the  
7 right cases?

8 MS. VANCE: Yes, if you just give me a  
9 second.

10 MR. CHAKALIAN: All right. So if  
11 that's the case, and if these two cases disappear,  
12 then we do have a possibility of January 14. If not,  
13 we're looking at some time, really, I think it would  
14 be in March, which Mr. Samaniego seems to favor.

15 Mr. Samaniego, would you unmute your  
16 microphone and tell me -- I'm going to give you some  
17 dates in March that we have available, and I'm going  
18 to ask you to commit to one. Okay. I have here March  
19 the 4th.

20 MR. SAMANIEGO: No, sir.

21 MR. CHAKALIAN: You're going to have to  
22 be a little bit more -- you're going to have to tell  
23 me why you can't commit to March the 4th.

24 MR. SAMANIEGO: Yeah. The first week  
25 of March, I've got other hearings that I'm dedicated

1 to. To burden me with this, with overwork, it's not  
2 fair upon unaffected parties. So --

3 MR. CHAKALIAN: Okay. What hearings is  
4 it? Can you be specific about what hearings you are  
5 already committed to?

6 MR. SAMANIEGO: Alpha case 249- -- give  
7 me one moment, just one moment.

8 MR. CHAKALIAN: Sure.

9 MR. SAMANIEGO: And then while I'm  
10 getting that case number, I've already got -- I'm  
11 dealing with Mr. Rob Jackson with the Division, and I  
12 am reworking a few wells at the moment.

13 And I got to get these done. I can't  
14 continually be messing with Mrs. Vance's continuous  
15 motions to burden the unaffected party. I mean, this,  
16 this has become --

17 MR. CHAKALIAN: Do you have a case  
18 number, sir?

19 MR. SAMANIEGO: Yes, sir. I'm going  
20 through all Mrs. Vance's filings to find the Alpha  
21 case. If you can just give me a moment, there's a  
22 lot.

23 MR. CHAKALIAN: I think these cases are  
24 set -- yes, I found the cases. They're already on  
25 March the 4th. I know what Alpha cases you're talking

1 about. 24944, does that sound familiar?

2 MR. SAMANIEGO: Two-four -- yes, sir.

3 MR. CHAKALIAN: Okay.

4 MR. SAMANIEGO: I'm preparing for that  
5 one; that one's a bigger pool. I'm preparing for that  
6 one. It's taking a lot of my time to prepare for two.  
7 It's --

8 MR. CHAKALIAN: Okay. Now, when you  
9 say you are preparing, are you planning on bringing  
10 witnesses to the case?

11 MR. SAMANIEGO: Witnesses, evidence,  
12 and everything that went on in this case. I mean, the  
13 same thing; everything.

14 MR. CHAKALIAN: Okay. Okay. All  
15 right.

16 MR. SAMANIEGO: I mean, it takes time.  
17 I mean, I've been handling these 24-hour deadlines --

18 MR. CHAKALIAN: Okay, Mr. Samaniego. I  
19 got, Mr. Samaniego.

20 Madai, would you mute the microphone,  
21 please?

22 Mr. Samaniego, we're talking about  
23 almost three months from now, March the 4th. This  
24 applicant, Permian Resources, would obviously prefer  
25 to have the hearing today. I can't accommodate that.

1 I most likely can't accommodate any  
2 date until March the 4th, unless I grant January the  
3 14th, which I know you are objecting to. But I'm  
4 certainly not going to delay them past March the 4th.  
5 So if you have to prepare for two hearings, then you  
6 have to prepare for two hearings.

7 At this point, Ms. Vance --

8 MR. SAMANIEGO: -- Mr. Examiner?

9 MR. CHAKALIAN: No, not now,  
10 Mr. Samaniego. You're going to have to wait until  
11 Ms. Vance answers my next question.

12 So did you have anything else to say,  
13 Ms. Vance?

14 MS. VANCE: Yes. I think Mr. Feldewert  
15 was going to clear up the issue regarding that second  
16 hearing.

17 MR. CHAKALIAN: Go ahead.

18 MR. FELDEWERT: So, Mr. Examiner, you  
19 issued a pre-hearing order in a set of cases, one of  
20 which was 24185.

21 MR. CHAKALIAN: Two-four-one?

22 MR. FELDEWERT: 24185.

23 MR. CHAKALIAN: Okay.

24 MR. FELDEWERT: Yeah. And you'll see  
25 in the pre-hearing order that it's set for January

1 14th. But the parties have reached an agreement. And  
2 Yvonne is going to be dismissing either today or  
3 tomorrow the cases that are under that pre-hearing  
4 order.

5 And so the remaining cases will be able  
6 to proceed by affidavit. And under the pre-hearing  
7 order, they'll be moved to February 13th. So those  
8 cases are not going to be on the January 14th docket.

9 MR. CHAKALIAN: Okay. Do you have case  
10 numbers for the ones you're talking about?

11 MR. FELDEWERT: I do. So it'd be  
12 24185, 24886; those are the cases that will remain.  
13 The cases that are being dismissed are 24945 and  
14 24946.

15 MR. CHAKALIAN: So in other words, they  
16 were not joined -- let me look at one of those 24945  
17 cases because I'm wondering why we don't have those  
18 case numbers you just gave me as part of this one.

19 MR. FELDEWERT: I went into the  
20 Division's file, and you'll find a pre-hearing order.

21 MR. CHAKALIAN: Thank you. I just want  
22 to see why we didn't join.

23 Freya, are you on the line?

24 MS. TSCHANTZ: Yes, I am.

25 MR. CHAKALIAN: It sounds to me like



1 the two cases that are on the January 14 docket,  
2 numbers -7 and -8, are actually joined to two other  
3 cases. But it sounds like those were not continued to  
4 January 14. I wonder, is it in the notes that they  
5 are joined?

6 MS. TSCHANTZ: The cases I have joined  
7 are 24185, 24886, 24945, and 24946.

8 MR. CHAKALIAN: Okay,

9 MS. TSCHANTZ: I think we're missing  
10 24886 on the docket. That's a PBEX case.

11 MR. CHAKALIAN: Yeah. And we don't  
12 have 24185 on the docket, either.

13 MS. TSCHANTZ: That's -- that's E.G.L.,  
14 so also related to PBEX.

15 MR. CHAKALIAN: Okay.

16 MS. TSCHANTZ: They may be Mr. Bruce's  
17 cases.

18 MR. CHAKALIAN: Ah, okay. That answers  
19 the question. Thank you.

20 Okay. So what I'm hearing from counsel  
21 is that the cases that end in -45 and -46 are most  
22 likely going to go away because there's an agreement.

23 MR. FELDEWERT: Yes.

24 MR. CHAKALIAN: Okay. So that means on  
25 that docket, we'll just have those contested cases

1 that we've already mentioned. You know, if  
2 Mr. Samaniego did not object to the January 14, I'd  
3 add it to the trailing docket. My concern is that he  
4 is a party. You know, I've declined to grant the  
5 motion to strike the entry of appearance and  
6 objection.

7 I mean, I can't force a party to go to  
8 a contested hearing. And to put that case on a  
9 trailing docket makes me nervous because that case  
10 could go on for quite some time, the way I'm looking  
11 at it.

12 So I'll set that for March the 4th. I  
13 know it's not what you want. I understand. I also  
14 wonder about a quiet title suit, if that would be the  
15 way to go with that. But that's just thinking out  
16 loud.

17 Okay. So, Mr. Samaniego, I know that  
18 you don't want me to set this case for March 4, but  
19 I'm not going to delay it. The applicant is prepared  
20 for a contested hearing on January 14, and I'm taking  
21 your objection to that date seriously.

22 But if you want to be part of this, you  
23 will be ready for March 4th. I know you already have  
24 a case on March 4th, so any witnesses that you have  
25 for that, we can use for this other contested hearing.

1 So, Mr. Samaniego, please unmute your microphone and  
2 let me know if there's anything further that you have  
3 to say about this case.

4 MR. SAMANIEGO: Yes, Mr. Examiner.  
5 Ms. Vance and her client Permian have brought forth no  
6 proof to validate moving forward with their motion to  
7 strike.

8 MR. CHAKALIAN: It's been denied,  
9 sir --

10 MR. SAMANIEGO: They're asking --

11 MR. CHAKALIAN: Mr. Samaniego, if  
12 you're following along what we're doing here, I've  
13 already denied that motion. So you still are a party,  
14 and your objection stands; that's why we're having  
15 this hearing in March. Otherwise, we'd be having this  
16 hearing in January, sir.

17 MR. SAMANIEGO: Can they send me the  
18 proof? I mean, this is being granted on their behalf  
19 with no proof whatsoever at all on the record.

20 MR. CHAKALIAN: Mr. Samaniego, do you  
21 understand the difference between granted and denied?  
22 I have denied their motion.

23 MR. SAMANIEGO: You've muted me so many  
24 times, I can't hear nothing you're saying. It talks  
25 for a minute about how I've been muted. I've missed

1 half of the conversations of this hearing.

2 MR. CHAKALIAN: I've clarified it for  
3 you. I've denied the motion to strike your entry of  
4 appearance.

5 MR. SAMANIEGO: Okay. Thank you,  
6 Mr. Examiner.

7 MR. CHAKALIAN: Okay. So I'm going to  
8 reset this for a contested hearing March the 4th,  
9 which is the same day that you have another case that  
10 you all have an entry of appearance in and an  
11 objection to that's going to a contested hearing, and  
12 that's the one that we already spoke about. Is there  
13 anything further, Mr. Samaniego?

14 MR. SAMANIEGO: No, Mr. Examiner.

15 MR. CHAKALIAN: Okay. Very good.  
16 Thank you for your participation this morning. We  
17 have another case with you involved, I believe, coming  
18 up, so please don't leave yet.

19 Ms. Vance, anything further?

20 MS. VANCE: Just one thing to add to  
21 that.

22 MR. CHAKALIAN: Yeah. Go ahead.

23 MS. VANCE: We understand that that's  
24 going to be the contested hearing date. But Permian  
25 does have a drill schedule for these, and we want to

1 stick to that date. We would ask, since we are  
2 getting pushed out three months, that the Division  
3 consider accelerating a review and issuing an order  
4 when we get to that contested hearing date.

5 MR. CHAKALIAN: That's a fair request.  
6 Thank you.

7 MS. VANCE: Thank you.

8 MR. CHAKALIAN: Okay. We are in recess  
9 in case number 24963.

10 And we will issue a pre-hearing order,  
11 Madai, for a contested hearing on that March 4th  
12 trailing docket. It'll be the second case to be  
13 heard.

14 Okay. We're in recess on that case.  
15 We're going to number 2 on the docket. It is 24992.  
16 We have the Oil Conservation Division as the  
17 complainant, and M E W Enterprise as the respondent.  
18 Entries of appearance, please.

19 MS. TREVINO: Christy Trevino for the  
20 Oil Conservation Division.

21 MR. CHAKALIAN: Good morning. And do  
22 we have anyone from M E W Enterprise?

23 MR. WALKER: Yes.

24 MR. CHAKALIAN: Ms. Trevino, what is  
25 the name of the respondent?

1 MS. TREVINO: The name of the  
2 respondent is M E W Enterprise, Inc., and it should be  
3 Mr. Ben Walker.

4 MR. CHAKALIAN: Okay. Mr. Ben Walker,  
5 are you with us?

6 MS. TREVINO: That is the operator of  
7 record.

8 MR. WALKER: Yes, sir. I am.

9 MR. CHAKALIAN: Thank you. Was there  
10 any indication that Mr. Walker would participate  
11 today?

12 MR. WALKER: I am --

13 MS. TREVINO: No. We did receive a  
14 motion to continue yesterday morning that we did  
15 forward to the clerks.

16 MR. CHAKALIAN: Uh-huh.

17 MS. TREVINO: However, we're going to  
18 oppose that motion if it's accepted.

19 MR. WALKER: I am here --

20 MR. CHAKALIAN: Okay. Well, I was  
21 calling this case to discuss the motion to --

22 MR. WALKER: I --

23 MR. CHAKALIAN: Do I hear someone?

24 MR. WALKER: I am here. This is Ben  
25 Walker with M E W. I am here. Sorry.

1 MR. CHAKALIAN: Oh, good. Okay. Good  
2 morning, Mr. Walker. Thank you. Did you enter an  
3 appearance on this? Oh, I guess you don't need to  
4 enter an appearance; you're the respondent. So why  
5 did you file a motion to continue?

6 MR. WALKER: I have a sales and  
7 purchase agreement from Mr. Samaniego for my company.  
8 He has --

9 MR. CHAKALIAN: Okay. And can you  
10 speak a little louder? It is a little hard for the  
11 court reporter to catch what you are saying. Would  
12 you repeat what you said?

13 MR. WALKER: Yes, sir. I have a sales  
14 and purchase agreement for the purchase of M E W from  
15 Mr. Samaniego.

16 MR. CHAKALIAN: Okay. But currently,  
17 you're the operator of record?

18 MR. WALKER: Yes, sir.

19 MR. CHAKALIAN: Okay. So then you are  
20 the respondent. Unless you're going to give me a  
21 legal argument about why you're not the respondent,  
22 I'm considering you the respondent, at least at this  
23 point, since you are still the operator of record.

24 Is there a report or something that  
25 someone needs to file once they sell their interest?

1 MS. TREVINO: Yes. They need to file  
2 C-145s for change of ownership.

3 MR. CHAKALIAN: Okay. Perfect.

4 MS. TREVINO: However, we issued this  
5 NOV on September 25th, and in the motion to continue  
6 the sale was made on November 5th. So at the time the  
7 NOV was issued, it was to Mr. Walker.

8 MR. CHAKALIAN: Okay. Mr. Walker, did  
9 you understand that?

10 MR. WALKER: Yes, sir. I do.

11 MR. CHAKALIAN: Okay. So basically,  
12 Mr. Walker, what you do after the NOV is issued  
13 doesn't have any bearing on the NOV itself. It was  
14 for, you know, alleged wrongdoing before you  
15 transferred your interest. Do you understand that?

16 MR. WALKER: Yes, sir. I do.

17 MR. CHAKALIAN: Okay. Very good. So,  
18 Mr. Walker, would you like to -- I know that there are  
19 two options when you receive the NOV. One is that you  
20 can either try to work it out with the Division, or  
21 the other option is to have a hearing on the merits.  
22 What are you asking?

23 MR. WALKER: I would like to work it  
24 out with the Division.

25 MR. CHAKALIAN: Okay. Where are we,



1 Ms. Trevino?

2 MS. TREVINO: We're going to also  
3 oppose that. The time for informal resolution is 30  
4 days.

5 MR. CHAKALIAN: Right.

6 MS. TREVINO: We haven't heard anything  
7 from Mr. Walker until yesterday.

8 MR. CHAKALIAN: Okay. Mr. Walker, it  
9 sounds like that window has closed.

10 MR. WALKER: Okay.

11 MR. CHAKALIAN: So it sounds like we  
12 need to have a hearing. Now, Mr. Walker, you don't  
13 have to come to Santa Fe for the hearing. You can, if  
14 you want to. You're more than welcome to participate  
15 virtually.

16 You have the right to present evidence  
17 at the hearing. You have a right to cross-examine the  
18 witnesses that the state offers in support of their  
19 case. Do you understand that?

20 MR. WALKER: Yes, sir. I do.

21 MR. CHAKALIAN: Okay. Good. Do you  
22 have access to the New Mexico Administrative Code?

23 MR. WALKER: I'm sorry?

24 MR. CHAKALIAN: Do you have access to  
25 the New Mexico Administrative Code where the rules and

1 regulations reside?

2 MR. WALKER: Yes, I do.

3 MR. CHAKALIAN: Okay. Very good. Just  
4 to be clear with you, the accurate place to find those  
5 rules and regulations is the state archives. You can  
6 find them online, and that's the official version.  
7 Anything else is questionable.

8 MR. WALKER: Understood.

9 MR. CHAKALIAN: Ms. Trevino, what rule  
10 will we be operating under?

11 MS. TREVINO: 19.15.510 for enforcement  
12 and compliance.

13 MR. CHAKALIAN: Okay. Fine.

14 Mr. Walker, did you catch that  
15 citation? I'll give it to you, if you don't have it,

16 MR. WALKER: Please repeat it.

17 MR. CHAKALIAN: 19.15.5 NMAC; N-M-A-C.  
18 N-M-A-C stands for New Mexico Administrative Code. So  
19 if you would read that entire rule, it's a couple of  
20 pages, it will help inform you of your rights during  
21 the hearing.

22 MR. WALKER: Okay.

23 MR. CHAKALIAN: It will also inform you  
24 how to file evidence.

25 MR. WALKER: Okay.

1 MR. CHAKALIAN: Okay. Do you have  
2 any --

3 So first of all, we need to have a date  
4 for this, Ms. Trevino.

5 MS. TREVINO: We're opposing the motion  
6 to continue. We're prepared for a hearing today.  
7 We've heard nothing from Mr. Walker. We issued the  
8 NOV September 25th. He received it USPS September  
9 30th. It was indicated that it was left with an  
10 individual.

11 And then we docketed this December 3rd.  
12 And we didn't hear anything until yesterday, December  
13 18th. So we're ready to proceed to a hearing. We  
14 were prepared for a hearing by affidavit. We do have  
15 our witnesses prepared and present. So we're ready to  
16 go today.

17 MR. CHAKALIAN: Okay. Mr. Walker, did  
18 you hear that?

19 MR. WALKER: Yes, I did.

20 MR. CHAKALIAN: Okay. Do you have some  
21 reason why I should not conduct the hearing today?

22 MR. WALKER: No, sir. I do not.

23 MR. CHAKALIAN: Okay. All right. So,  
24 Mr. Walker, I'm not your attorney. I'm the hearing  
25 examiner. I'm supposed to be fair and impartial. But

1 I will tell you, since you haven't had time to read  
2 the rule, you have the right to present evidence.

3 I don't know if it will be objected to  
4 because it hasn't been timely filed with the Division,  
5 so there's that aspect of it. You also have the right  
6 to cross-examine any witness that is brought in  
7 today's hearing. Do you understand that?

8 MR. WALKER: Yes, sir.

9 MR. CHAKALIAN: Okay. Very good. Then  
10 we're going to begin.

11 Ms. Trevino, do you want to make a very  
12 brief opening statement?

13 MS. TREVINO: Yes, we will.

14 MR. CHAKALIAN: Go ahead.

15 MS. TREVINO: We have M E W  
16 Enterprises, they're operator of 46 wells, two of  
17 which are inactive. They lack sufficient financial  
18 assurances for their wells. And they also have -- I  
19 just need a moment. They have failed to file C-115s  
20 since last November of 2023 for all 46 of their wells.

21 So we're going to request a plugging  
22 authorization on the two wells, increase in financial  
23 assurances or forfeiture of them, and then revoke  
24 their authorization to transport on all 46 wells.

25 MR. CHAKALIAN: Mr. Walker, did you

1 understand that?

2 MR. WALKER: Yes, I do.

3 MR. CHAKALIAN: Do you understand the  
4 allegations against you?

5 MR. WALKER: Yes, I do.

6 MR. CHAKALIAN: Okay. Very good.

7 Okay. Ms. Trevino, why don't we talk  
8 about the exhibits. Does Mr. Walker -- has he been  
9 served with your exhibits?

10 MS. TREVINO: He has not been served,  
11 but they have been filed, and I believe I included him  
12 on that email filing.

13 MR. CHAKALIAN: Well, when you say you  
14 believe you included him --

15 MS. TREVINO: I'd have to double-check.

16 MR. CHAKALIAN: Would you please  
17 double-check?

18 MS. TREVINO: But they're in the case  
19 file.

20 MR. CHAKALIAN: Does Mr. Walker have  
21 access to the case file?

22 MS. TREVINO: He should, as he's an  
23 operator in New Mexico. He has an OGRID; he has  
24 access to our website

25 MR. CHAKALIAN: Okay. And I'd like to

1 look at the case file while we talk. What is the --  
2 oh, I have it in front of me; 24992.

3 So, Mr. Walker, I don't know if you  
4 have access to the case files.

5 MR. WALKER: I'm sorry. What is the  
6 question?

7 MR. CHAKALIAN: I don't have a question  
8 for you. What I'm saying to you is, Ms. Trevino has  
9 asserted here this morning that you have access to the  
10 exhibits in this case.

11 MR. WALKER: I do have access to their  
12 website, yes.

13 MR. CHAKALIAN: Okay. I heard the word  
14 yes. So when you speak, just speak a little louder,  
15 if you would.

16 MR. WALKER: That is correct, sir.  
17 Sorry.

18 MS. TREVINO: And, Mr. Hearing  
19 Examiner, I did email him at the email that he sent  
20 the continuance from on --

21 MR. CHAKALIAN: Okay. He's not -- he's  
22 already said he has access to the exhibits, so we're  
23 fine.

24 MS. TREVINO: Oh, okay. I didn't hear  
25 that. I'm sorry.

1 MR. CHAKALIAN: I just want to make  
2 sure that he sees what we're looking at. Okay. So  
3 I'm in the case file now myself, 24992. Let me look  
4 at your -- when did you file your exhibits?

5 MS. TREVINO: On December 12th.

6 MR. CHAKALIAN: December 12th, so a  
7 week ago. I see it here. Okay. All right. So which  
8 exhibits are you seeking admission into evidence of?

9 MS. TREVINO: We're going to seek  
10 admission for Exhibits 1 through 6. And the first  
11 exhibit is the affidavit for Mr. Nicholas Karns. The  
12 second is his curriculum vitae.

13 The third is the notice of violation  
14 against M E W, and then its subsequent exhibits, which  
15 are included in the NOV. Exhibit 4 for the certified  
16 mailing of the NOV. Exhibit 5 is the affidavit of  
17 Ms. Corral for the docketing notice. And then Exhibit  
18 6 for the supporting documents for the docketing  
19 notice.

20 (Exhibits 1 through 6 were marked for  
21 identification.)

22 MR. CHAKALIAN: Okay. Mr. Walker, do  
23 you understand which exhibits the Division is seeking  
24 to admit into evidence?

25 MR. WALKER: Yes, I do.

1 MR. CHAKALIAN: Okay. Do you object to  
2 any of them?

3 MR. WALKER: No, I do not.

4 MR. CHAKALIAN: Okay. Ms. Trevino,  
5 your exhibits are admitted into evidence.

6 (Exhibits 1 through 6 were received  
7 into evidence.)

8 MR. CHAKALIAN: Now, Mr. Walker, the  
9 evidence against you is admitted into evidence through  
10 your stipulation. Would you like to cross-examine any  
11 of the witnesses, because they are here?

12 MR. WALKER: No, I would not.

13 MR. CHAKALIAN: Okay. Then does that  
14 conclude your case-in-chief, Ms. Trevino?

15 MS. TREVINO: I would like to note that  
16 we are requesting civil penalties in the amount of  
17 856,000 for the lack of C-115s for the past 11 months,  
18 so one day per month. So I just wanted to lay that  
19 out for you, Mr. Hearing Examiner.

20 MR. CHAKALIAN: Okay. We're not in the  
21 penalty phase right now. We're dealing first with the  
22 allegations of wrongdoing.

23 Mr. Walker, do you have any evidence  
24 that you would like to present to controvert the  
25 evidence the Division has admitted?



1 MR. WALKER: No, I do not.

2 MR. CHAKALIAN: Are you disputing any  
3 of the allegations?

4 MR. WALKER: No.

5 MR. CHAKALIAN: Okay. Is it your  
6 intent to negotiate a lower civil penalty?

7 MR. WALKER: I would be interested in  
8 that. And I have filed the C-115s with the OCD.

9 MS. TREVINO: He did, but after the NOV  
10 was issued.

11 MR. CHAKALIAN: Okay. All right.

12 Okay. So, Mr. Walker, are you -- do  
13 you have a case-in-chief?

14 MR. WALKER: I'm sorry? The last part  
15 trailed off.

16 MR. CHAKALIAN: Do you have a case-in-  
17 chief? What I mean by case-in-chief is, do you have  
18 any evidence that you are trying to present that says  
19 that you are not admitting to any of these -- let me  
20 ask it a different way. Are you admitting to these  
21 allegations?

22 MR. WALKER: Yes.

23 MR. CHAKALIAN: Okay. Then I find that  
24 you have provided enough evidence, a sufficient amount  
25 of evidence, to support your allegations, and we have

1 the admission from Mr. Walker. Do you want an  
2 opportunity to negotiate with Mr. Walker on the fine,  
3 or do you not?

4 MS. TREVINO: I do not.

5 MR. CHAKALIAN: You do not.

6 MS. TREVINO: And the implications with  
7 failing to file C-115s can be kind of grave in these  
8 situations because we have royalties and taxes  
9 associated with the production reports and knowing  
10 what is being produced.

11 And then on the other side, the concern  
12 is having inactive wells for a long period of time is  
13 a big concern for Division. So we feel like these  
14 penalties are reasonable.

15 MR. CHAKALIAN: And the penalties all  
16 stem from the lack of the form being filed?

17 MS. TREVINO: Yes.

18 MR. CHAKALIAN: It's not the inactive  
19 well, it's the lack of the form?

20 MS. TREVINO: No. So at the time of  
21 this NOV, he had two inactive wells. He currently has  
22 seven, but we're not going to be seeking the plugging  
23 authorization for those at this time. We'll set that  
24 for a later date. But we're focused on the C-115 and  
25 failing to file monthly reports for those wells.

1 MR. CHAKALIAN: And there is a penalty  
2 for each day a C-115 is not filed?

3 MS. TREVINO: Yes. However, we used  
4 our discretion on these penalties and only did one day  
5 per month. So it's been 11 months, so 11 days --

6 MR. CHAKALIAN: I see. So you're not  
7 seeking, I see, 11 months' worth of, you're seeking  
8 one day per 11 months. So it's 11, and then multiply  
9 by 46 wells?

10 MS. TREVINO: Yes.

11 MR. CHAKALIAN: Okay. Mr. Walker, do  
12 you understand that the Division, in its discretion,  
13 has reduced the penalty? It sounds like it could have  
14 found you liable for every day that you did not file a  
15 C-115 for each of your 46 wells, but instead, it has  
16 reduced those by about a factor of 30 so that you were  
17 only assessed a penalty one day per each month.

18 MR. WALKER: Yes, I do.

19 MR. CHAKALIAN: Okay. Well, I find  
20 that the Division is within its legal grounds to  
21 establish the civil penalty, and that it's used its  
22 discretion to reduce the penalty for the 46 wells.

23 So is there anything further,  
24 Mr. Walker, before we conclude this hearing?

25 MR. WALKER: No, there is not.

1 MR. CHAKALIAN: Okay. Mr. Walker,  
2 thank you for your participation today. There'll be a  
3 order drafted and sent to the director for his  
4 signature. If he signs that order, you will receive a  
5 copy of it. I think that you have a right to appeal  
6 this, if you so choose, and that will be part of the  
7 mailing that you get.

8 MR. WALKER: I understand. Thank you.

9 MR. CHAKALIAN: Thank you, Mr. Walker.  
10 Thank you, Ms. Trevino. We're in  
11 recess on this case.

12 MS. TREVINO: Thank you.

13 MR. CHAKALIAN: And you will draft a  
14 proposed order?

15 MS. TREVINO: Yes, Mr. Hearing  
16 Examiner.

17 MR. CHAKALIAN: All right. I am now  
18 calling number 3 on our docket. It is case 24698. It  
19 is the Oil Conservation Division as the complainant  
20 vs. Tarco Energy, the respondent. Entry of  
21 appearance, please.

22 MS. TREVINO: Christy Trevino for the  
23 Oil Conservation Division.

24 MR. CHAKALIAN: Thank you. Who do we  
25 have from Tarco Energy?

1 Ms. Trevino, do you have a name?

2 MS. TREVINO: It should be Mr. Joe  
3 Tarver.

4 MR. CHAKALIAN: Tarver?

5 MS. TREVINO: T-A-R-V-E-R.

6 MR. CHAKALIAN: Mr. Tarver, are you  
7 with us? You may have to unmute your microphone,  
8 Mr. Tarver, to speak.

9 Ms. Trevino, was it --

10 MR. TARVER: Can you hear me now?

11 MR. CHAKALIAN: I hear you, barely, and  
12 there was a lot of interference. Would you say it  
13 louder, please?

14 MR. TARVER: Yes. This is Joe Tarver.  
15 Can you hear me?

16 MR. CHAKALIAN: Okay. I hear --  
17 Mr. Tarver, are you connected more than one way to  
18 this hearing today?

19 MR. TARVER: I'm hearing a lot of  
20 static on the phone.

21 MR. CHAKALIAN: Yeah. That's you.  
22 Okay. Mr. Tarver, what phone number are you calling  
23 from?

24 MR. TARVER: Pardon me?

25 MR. CHAKALIAN: I said what phone

1 number are you calling from?

2 MR. TARVER: (806) 787-5138.

3 MR. CHAKALIAN: All right. Madai, can  
4 you isolate that number?

5 MR. TARVER: I have now. Can you hear  
6 me better?

7 MR. CHAKALIAN: Yes. We can hear you  
8 clearly now. Thank you.

9 So, Mr. Tarver, have you received the  
10 notice of violation from the Division?

11 MR. TARVER: Yes.

12 MR. CHAKALIAN: Okay. Very good.  
13 Okay. Let's stop there for a moment.

14 Ms. Trevino, how do you want to proceed  
15 today?

16 MS. TREVINO: We are requesting a  
17 continuance to the January 23rd docket of 2025 for  
18 this case. This case has passed a couple hands in our  
19 division. It is on my caseload now.

20 We've been in negotiations with  
21 Mr. Tarver. However, we have kind of hit a stalemate,  
22 if you will, and we will be proceeding to a hearing on  
23 January 23rd. We will not be continuing this or  
24 continuing negotiations for these wells.

25 MR. CHAKALIAN: Okay. What are the

1 issues in this case? What's Mr. Tarver accused of?

2 MS. TREVINO: A inactive well under  
3 20.58 and .59.\*

4 MR. CHAKALIAN: How many inactive  
5 wells?

6 MS. TREVINO: Fourteen.

7 MR. CHAKALIAN: Fourteen. Okay.

8 MS. TREVINO: At the time of the  
9 issuance of the NOV, he has dropped that to 12, I  
10 believe. Mr. Tarver, and I don't want to speak for  
11 him, would like to convert a couple of the wells into  
12 injection wells. That creates a lot of other issues,  
13 but it doesn't change the fact that these wells have  
14 been inactive for a few years now.

15 MR. CHAKALIAN: Okay. So we just have  
16 inactive wells; we don't have non-reporting?

17 MS. TREVINO: I believe so. I have to  
18 double-check. But I haven't had time to review this  
19 case in depth.

20 MR. CHAKALIAN: There's an NOV filed?

21 MS. TREVINO: Yes.

22 MR. CHAKALIAN: In our docketing? In  
23 our --

24 MS. TREVINO: Yes.

25 MR. CHAKALIAN: Okay. Let me look up

1 the case. 24698.

2 Mr. Tarver, are you aware of the  
3 allegations against you?

4 MR. TARVER: Yes. We've been in very  
5 frequent conversations about this. We're working --

6 MR. CHAKALIAN: Okay. So, Mr. Tarver,  
7 in your understanding, what are the allegations  
8 against you?

9 MR. TARVER: Okay. We operate wells  
10 close to these, and we have engineering that shows  
11 that these wells should have been produced in a  
12 different way.

13 And we purchased the lease with that  
14 intention, knowing that all these wells were not  
15 operable when we bought them. And about that time,  
16 COVID came along and delayed our plans for doing this.

17 But now, we have -- for the 12 wells,  
18 we have 9 wells operational. Three was put into  
19 operation this morning after Central Valley Electric  
20 finished their work. We have two wells waiting,  
21 Central Valley's continued -- Central Valley Electric  
22 is the power source that gives us the power, they're  
23 working over their lines.

24 And then we have three of the wells  
25 that we're finishing now, and we need a little bit of



1 time to finish those three. So we made a lot of  
2 progress in addition to building a new tank --

3 MR. CHAKALIAN: Okay. So, Mr. Tarver,  
4 before you continue, this isn't the hearing, so you  
5 don't need to provide an explanation of why you've  
6 done --

7 MR. TARVER: Okay.

8 MR. CHAKALIAN: The only question I  
9 asked you was, do you understand the allegations  
10 against you? I'm looking at the NOV myself, at this  
11 point. I found it.

12 MR. TARVER: Yes.

13 MR. CHAKALIAN: I see a lot of  
14 documents in this case, Ms. Trevino. There are -- why  
15 are there so many documents in this case?

16 MS. TREVINO: We've continued it a few  
17 times, and this was originally with another individual  
18 in our division that's no longer with us.

19 MR. CHAKALIAN: I see.

20 MS. TREVINO: But it looks like the  
21 docketing documents are in here.

22 MR. CHAKALIAN: I see that, too. And I  
23 do see the motions to continue. I've seen one in  
24 September or October. Was there a reason why you  
25 continued this case so frequently?

1 MS. TREVINO: So we issued the NOV, and  
2 then Mr. Tarver didn't respond to the NOV until we had  
3 already docketed it. So we extended the informal  
4 resolution because he did reach out after it was  
5 docketed.

6 We've tried to come to an agreement.  
7 However, the injection issues are a little more  
8 layered and complicated. He had requested permits for  
9 injection years ago, and those have since lapsed  
10 because he didn't act on them, which would be  
11 presented at the hearing.

12 MR. CHAKALIAN: Mr. Tarver, are you  
13 going to hire counsel to represent you at the hearing?

14 MR. TARVER: Yes.

15 MR. CHAKALIAN: Okay. All right.  
16 Mr. Tarver, there are some tight deadlines for your  
17 getting that in place so that they can enter an  
18 appearance. Also, if you want to file evidence on  
19 your behalf, there are tight deadlines for that. Are  
20 you aware of that?

21 MR. TARVER: Would you explain the  
22 tight deadlines?

23 MR. CHAKALIAN: I think -- I'm not in a  
24 position to explain it, but I'm happy to give you the  
25 rule. It's the same rule I gave someone else earlier

1 today. I don't know if you were writing this down,  
2 but it's 19.15.5 NMAC. N-M-A-C is NMAC.

3 MR. TARVER: Okay.

4 MR. CHAKALIAN: And you can look up  
5 that rule on the only reliable source there is, which  
6 is the state archives, and that's www.srca.nm.gov.  
7 And when you get there, look for NMAC, and you'll find  
8 NMAC. And then if you go into the administrative code  
9 and the titles, you'll find exactly what I'm talking  
10 about.

11 MR. TARVER: Yeah. I -- I thought you  
12 were talking about a calendar deadline.

13 MR. CHAKALIAN: Oh, okay. Anyway, so  
14 whatever attorney that you hire should be familiar  
15 with this rule. But if not, I've just given you the  
16 rule for your attorney to brush up on and to abide by.

17 MR. TARVER: Okay -- okay.

18 MR. CHAKALIAN: We're thinking of  
19 setting this for January 23rd.

20 MS. TREVINO: Yes, Mr. Hearing  
21 Examiner.

22 MR. CHAKALIAN: Yes. A January 23rd  
23 hearing, sir. That's in a little over a month from  
24 now. Does that give you time to hire an attorney and  
25 to get your evidence together?

1 MR. TARVER: Yes.

2 MR. CHAKALIAN: Okay. Good. Then I'm  
3 going to set this for a hearing January 23rd. Now,  
4 January 23rd doesn't generally have a technical  
5 examiner as part of it. Do you anticipate the need  
6 for a technical examiner from the Division to be part  
7 of this?

8 MR. TARVER: I don't think so.

9 MS. TREVINO: No.

10 MR. CHAKALIAN: Oh, and, Mr. Tarver, I  
11 was actually asking counsel for the Division first.  
12 That's not a concern of yours, so don't worry. I'll  
13 ask you if there is something I think you should be  
14 concerned about.

15 MS. TREVINO: No. We'll be strictly  
16 sticking to the NOV, so won't require a technical  
17 examiner.

18 MR. CHAKALIAN: Okay. Perfect. Okay.  
19 So would you continue this case into  
20 that docket for a hearing?

21 Okay. Is there anything else?

22 MS. TREVINO: No, Mr. Hearing Examiner.

23 MR. CHAKALIAN: Okay. Mr. Tarver, this  
24 case will be heard on January 23rd. It is typically a  
25 docket that we reserve for status conferences, but I

1 think I'll set this at the end of that docket to give  
2 you more time.

3 And you will, of course, receive the  
4 agenda for that day as long as we have your -- and I  
5 think the Office of General Counsel nods that they  
6 have your email and that they'll send you the agenda  
7 so that your attorney and you will know what position  
8 your case will be in on the docket.

9 MR. TARVER: Okay.

10 MR. CHAKALIAN: Is there anything else  
11 you want me to consider at this time?

12 MR. TARVER: Are you asking me?

13 MR. CHAKALIAN: My name is Gregory. Is  
14 that what you said, my name?

15 MR. TARVER: No. I said, "Are you  
16 asking me?" Or are you asking -- I -- I'm not sure.  
17 No, I don't have any other things. I -- I believe I  
18 understand what this is altogether.

19 MR. CHAKALIAN: From my understanding,  
20 sir, the allegations are outlined in the NOV. It  
21 sounds like you've been working with the Division to  
22 try to resolve your case.

23 It seems like the Division feels like  
24 that you're at an impasse. So a settlement agreement  
25 will not be possible at this time, the way they

1 understand your terms. And we're scheduled now for a  
2 hearing on January 23rd.

3 MR. TARVER: It was my understanding  
4 that if I had all the wells operational that that  
5 would change the need for a hearing.

6 MR. CHAKALIAN: This case has been  
7 continued multiple times. It was supposed to be heard  
8 in September, and now we're going to hear it in  
9 January. It sounds like the Division has given you  
10 the benefit of the doubt to try to come to some  
11 agreement, which, it sounds like, is at an impasse at  
12 this point.

13 MR. TARVER: Well, I -- I asked for  
14 more time back in August, and they generously gave me  
15 another month. But the other advances, it seems they  
16 did on their own, which I appreciated because we  
17 needed that time.

18 And are we saying now that if I get all  
19 the wells in operations, which was a problem to start  
20 with, that we'll still need to have a hearing? Is  
21 that right?

22 MR. CHAKALIAN: Well, Mr. Tarver, the  
23 way these allegations work is for wrongdoing at that  
24 time. So when this NOV was issued, there had been --  
25 it's not been proved yet, but there's a reason to

1 believe that you had, for some reason, violated the  
2 Division's rules or regulations or the statutes in the  
3 Oil and Gas Act at that time.

4 So what you've done since that time may  
5 be taken into consideration to maybe help reduce the  
6 ultimate civil penalty, if one is determined. And I'm  
7 not saying that there is one yet. But it's for  
8 wrongdoing up to that time. Do you understand the  
9 difference?

10 MR. TARVER: Yes, I believe I do.

11 MR. CHAKALIAN: Okay. So is there  
12 anything further? Would you like me to know anything  
13 else in setting this hearing for January 23rd?

14 MR. TARVER: No. I -- I think that's  
15 covered it all.

16 MR. CHAKALIAN: Excellent. Well, good  
17 luck with your health issues with your wife, and merry  
18 Christmas to you. We're going to be --

19 MR. TARVER: She -- thank you.

20 MR. CHAKALIAN: You're welcome.

21 MR. TARVER: She's in the hospital  
22 right now. She'll be out after a while, I think. I  
23 appreciate your consideration.

24 MR. CHAKALIAN: I hope so, sir.

25 Okay. We're in recess on this case.

1 Thank you, Ms. Trevino.

2 MS. TREVINO: Thank you.

3 MR. CHAKALIAN: Okay. We're going to  
4 move on with our docket. We're now at number 4. It  
5 looks like it's consolidated with other cases I'll  
6 call, and I see Ms. Bennett on the screen.

7 Ms. Bennett, you didn't come up and  
8 visit us today in Santa Fe?

9 MS. BENNETT: No, I didn't. I'm sad  
10 not to be there.

11 MR. CHAKALIAN: Okay. Well, that's  
12 your prerogative. I am calling cases 24828,  
13 24585, -86, 24829, -43, and -44. Entry of appearance,  
14 please.

15 MS. VANCE: Good morning, Mr. Hearing  
16 Examiner. Paula Vance with the Santa Fe office of  
17 Holland & Hart on behalf of OXY.

18 MR. CHAKALIAN: Thank you.

19 MS. BENNETT: Good morning,  
20 Mr. Examiner. Deana Bennett on behalf of Avant  
21 Operating.

22 MR. CHAKALIAN: Thank you.

23 MS. KESSLER: Good morning,  
24 Mr. Examiner. Jordan Kessler on behalf of EOG  
25 Resources, Inc. Just monitoring this case.



1 MR. CHAKALIAN: Ms. Kessler, good  
2 morning. You have a very interesting background. You  
3 are black --

4 MS. KESSLER: We don't have heat in our  
5 office for no explainable reason today, so I am  
6 working from home.

7 MR. CHAKALIAN: I'm sorry, but it's  
8 very cool --

9 MS. KESSLER: Oh, my gosh. I am  
10 completely black. That's so weird.

11 MR. CHAKALIAN: Oh, okay. Okay. But  
12 it was very cool. It was, like, an old black and  
13 white photo. It was very interesting. Well, anyway,  
14 good morning to you.

15 Any other -- Mr. Bruce, do we have you?

16 I see an entry of appearance -- right,  
17 Ms. Vance? -- from Ms. Bruce?

18 MS. VANCE: Yes, that's correct.  
19 Actually, I reached out to Ms. Bennett and a couple of  
20 other folks to try and see if -- you know, what the  
21 status of Mr. Bruce was, and if anyone else would be  
22 okay stepping in his place today.

23 MR. CHAKALIAN: Okay. Ms. Bennett,  
24 what did you understand from Mr. Bruce?

25 MS. KESSLER: I don't have any further

1 information on Mr. Bruce's health at this point. I do  
2 think that he had filed something, and I'm happy to  
3 look that up in a moment. But I do think he had filed  
4 something in these cases; I just can't remember what  
5 it was.

6 MR. CHAKALIAN: Okay. Well --

7 MS. KESSLER: In the OXY cases, that  
8 is.

9 MR. CHAKALIAN: Okay. Perfect. Why  
10 don't you hold off on that, Ms. Bennett? It's not  
11 your job to do that.

12 Ms. Vance, are these all your cases?

13 MS. VANCE: Just the OXY cases. So it  
14 would be case numbers -- give me one moment.

15 MR. CHAKALIAN: While you're looking  
16 up --

17 Ms. Bennett, do you have competing  
18 cases?

19 MS. KESSLER: Mr. Examiner, we did have  
20 competing cases, but I filed a notice of dismissal, a  
21 couple days ago. And so we no longer have competing  
22 cases and we no longer object to the Oxy cases moving  
23 forward by affidavit.

24 MR. CHAKALIAN: Oh. Wonderful. Which  
25 were your cases, Ms. Bennett?

1 MS. KESSLER: They don't show on the  
2 docket. They were the Lobo Loco --

3 MR. CHAKALIAN: Okay.

4 MS. KESSLER: I'm sorry not the Lobo  
5 Loco, but the Wolf Tank cases. So I can look up the  
6 case numbers in a minute here.

7 MR. CHAKALIAN: No, no. It's --

8 MS. KESSLER: But they're not on the  
9 docket anymore.

10 MR. CHAKALIAN: Thank you. So it's  
11 none of the cases that I called?

12 MS. KESSLER: That's right.

13 MR. CHAKALIAN: Okay. So, then,  
14 Ms. Vance, which are your cases?

15 MS. VANCE: So ours are 24828 and  
16 24829.

17 MR. CHAKALIAN: Okay.

18 MS. VANCE: And I do have an update  
19 from my end, you know, and I'm happy to share that.  
20 But again, you know, because Mr. Bruce is not here, I  
21 can't really, obviously, speak for him.

22 MR. CHAKALIAN: So you have two cases.  
23 So then who has all the other cases? There are, like,  
24 four other cases here.

25 MS. VANCE: I believe that those are

1 Mr. Bruce's; the E.G.L. Goldeneye cases.

2 MR. CHAKALIAN: Oh. I see. Okay.

3 MS. VANCE: And if I can't -- so it's  
4 my understanding that OXY has come to an agreement  
5 with the other two parties.

6 MR. CHAKALIAN: I see.

7 MS. VANCE: And that they will be, as  
8 Ms. Bennett indicated, she'll be dismissing her cases.  
9 And it's my understanding that E.G.L. will be  
10 dismissing theirs. Again, I just haven't been able to  
11 confer with counsel to confirm that as of right now.

12 MR. CHAKALIAN: So who has 24585  
13 and -86; do you know that?

14 MS. BENNETT: Mr. Hearing Examiner,  
15 this is Deana Bennett.

16 MR. CHAKALIAN: Yes?

17 MS. BENNETT: And those are actually  
18 the former Avant case numbers.

19 MR. CHAKALIAN: Those are former Avant  
20 cases. Okay.

21 MS. BENNETT: Yes, that I dismissed  
22 earlier this week.

23 MR. CHAKALIAN: Oh, okay. So we  
24 still -- so some of the cases that you requested the  
25 Division to dismiss, which I might have signed the

1 order this morning for, are actually a part of this  
2 docket, then?

3 MS. BENNETT: As indicated as a related  
4 case, but they're not being separately called. They  
5 don't have their own line item on the docket  
6 worksheet, I guess, is the way I would try to clarify  
7 that.

8 MR. CHAKALIAN: Okay. But they're  
9 joined, and I did call them this morning. Okay. So  
10 those are the two Avant cases here. So then we still  
11 have competing E.G.L. cases that haven't been  
12 dismissed yet, but we don't know the status of those,  
13 although it sounds like you're saying a deal has been  
14 worked out with both Avant and E.G.L.?

15 MS. VANCE: That's correct, Mr. Hearing  
16 Examiner.

17 MR. CHAKALIAN: Okay. So it sounds  
18 like your cases will proceed to hearing by affidavit  
19 after the other cases are dismissed?

20 MS. VANCE: No. What we are waiting  
21 for is -- obviously, Ms. Bennett has dismissed her  
22 cases, but we are waiting for E.G.L. to dismiss their  
23 cases. And then we will mutually agree to dismiss our  
24 cases once E.G.L.'s cases are dismissed.

25 MR. CHAKALIAN: So all cases will be

1 dismissed, then?

2 MS. VANCE: That's correct.

3 MR. CHAKALIAN: I see. Okay.

4 Ms. Bennett, is there anything further?

5 MS. BENNETT: Nothing further from me.

6 Thank you.

7 MR. CHAKALIAN: Wonderful. And just so  
8 you know, Ms. Bennett, your microphone is muffled and  
9 low, so it was hard to hear you during this. So if we  
10 have other cases that we call that you are involved  
11 with, maybe you can do something to make it a bit  
12 louder. Thank you. Thank you.

13 All right. So, Ms. Vance, is there  
14 anything further on these cases?

15 MS. VANCE: No, not at this point. If  
16 we are able to get ahold of Mr. Bruce and we're able  
17 to get their cases dismissed, then we'll follow up and  
18 just let the Division know when we've dismissed our  
19 cases.

20 MR. CHAKALIAN: But it seems to me that  
21 something has to happen to the cases until that  
22 happens. Should we continue them to another docket?

23 MS. VANCE: I think so, just for right  
24 now. Just for, you know --

25 MR. CHAKALIAN: How about January 23rd?

1 MS. VANCE: That sounds perfect.

2 MR. CHAKALIAN: All right. So then I'm  
3 going to --

4 Ms. Hardy, any idea about Mr. Bruce? I  
5 know you sometimes know.

6 MS. HARDY: I do know that he has been  
7 ill, but I don't have any details.

8 MR. CHAKALIAN: Thank you.

9 Okay. So, Ms. Vance, will you continue  
10 your cases to the January 23rd docket for a status  
11 conference?

12 MS. VANCE: Yes.

13 MR. CHAKALIAN: All right. Thank you.

14 Okay. We are in recess on these six  
15 cases. I'm now going to call -- and I'll note for the  
16 record that Mr. Bruce never joined us either in person  
17 or virtually. So I'm now going to move to Civitas  
18 Permian cases. These are 24710 and -11. Entry  
19 appearance, please.

20 MR. RODRIGUEZ: Good morning. Michael  
21 Rodriguez on behalf of the applicant.

22 MR. CHAKALIAN: Thank you.

23 MS. BENNETT: Good morning. Deana  
24 Bennett on behalf of Chevron.

25 MR. CHAKALIAN: Thank you.

1 MS. BENNETT: And I'm going to do my  
2 best just to speak louder because there's nothing I  
3 can do about my microphone. I just tried.

4 MR. CHAKALIAN: I understand. But I  
5 can hear you, so it's perfect. Thank you.

6 MS. BENNETT: Thank you.

7 MR. SAVAGE: Good morning. Darin  
8 Savage on behalf of Cimarex Energy Company.

9 MR. CHAKALIAN: Good morning. Are  
10 those all the -- yes. Okay.

11 MR. RODRIGUEZ: I believe so.

12 MR. CHAKALIAN: So, Mr. Rodriguez, are  
13 these your cases?

14 MR. RODRIGUEZ: They are.

15 MR. CHAKALIAN: Okay. And how do you  
16 want to proceed?

17 MR. RODRIGUEZ: So these cases were  
18 originally filed on July 8, 2024. There have been two  
19 continuances. The last one was a joint motion to  
20 continue between Chevron and Civitas, noting that the  
21 parties anticipated finalizing negotiations.

22 Those haven't been finalized as of  
23 today, but they're inching closer to the finish line.  
24 And based on that and the age of these cases, we would  
25 request a contested hearing date.



1 I spoke with Ms. Bennett yesterday and  
2 today, and in order to accommodate her schedule, as  
3 well, we'd request a contested hearing date sometime  
4 after February 2025.

5 MR. CHAKALIAN: Okay. Hold on a  
6 second. Let me get our calendar here.

7 Freya, you had mentioned March 4 was  
8 the first date, but now we just added a case to that  
9 docket, and I don't believe that case will be settled.  
10 So I think we can cross that date off the possible  
11 hearing dates. Would you agree with that?

12 MS. TSCHANTZ: I agree. So the next  
13 date would be March 18th.

14 MR. CHAKALIAN: I see that.

15 So, Mr. Rodriguez, I'll start with you  
16 first. March 18?

17 MR. RODRIGUEZ: Yes. Tentatively, that  
18 sounds like it'll work. And I also want to note that  
19 the expectation is that these negotiations would be  
20 resolved and these cases would have a clear path  
21 forward, one way or the other, proceeding at that  
22 time. And I also understand that Chevron filed  
23 competing applications, as well, that have been set  
24 for the first docket in January.

25 MR. CHAKALIAN: Okay. We'll get to Ms.

1 Bennett in just a moment. But March 18?

2 MR. RODRIGUEZ: Yes, tentatively.

3 MR. CHAKALIAN: Okay. So March 18 is  
4 agreed upon by the applicant in this case.

5 Mr. Savage?

6 MR. SAVAGE: Yeah. No objection to  
7 that. We're just monitoring.

8 MR. CHAKALIAN: Oh, you're monitoring?  
9 Okay. Just monitoring. Okay.

10 Ms. Bennett?

11 MS. BENNETT: Thank you. As  
12 Mr. Rodriguez indicated, we did file competing  
13 applications on behalf of Chevron, and those are case  
14 numbers 25025 and 25026.

15 MR. CHAKALIAN: So they should be  
16 joined?

17 MS. BENNETT: Yes, they should be.

18 MR. CHAKALIAN: Okay. Freya, would you  
19 make a note to join 25025, 25026 to these two cases,  
20 24710 and -11?

21 MS. TSCHANTZ: Yes.

22 MR. CHAKALIAN: Okay. Thank you.

23 And now, Ms. Bennett, March 18th?

24 MS. BENNETT: That's workable.

25 MR. CHAKALIAN: I think you also have

1 other contested hearings in March, if I'm not  
2 mistaken.

3 MS. BENNETT: I do. So I'm fingers  
4 crossed that this is going to get resolved.

5 MR. CHAKALIAN: Right.

6 MS. BENNETT: I think my preference --  
7 I mean, honestly, my preference would have been to set  
8 this for another status conference in January rather  
9 than setting for a contested hearing in March.

10 But I also understand that the Civitas  
11 cases have been on the docket for a while, so I  
12 understand the need to keep things moving. And the  
13 March 18th date seems hopefully hopeful. I'm hopeful;  
14 fingers crossed, like I said.

15 MR. CHAKALIAN: Okay. Thank you,  
16 Ms. Bennett.

17 You know, Mr. Rodriguez, if you want  
18 another status conference before the hearing, we can  
19 have one if you think that would be useful. But  
20 otherwise, the parties can also file a motion to  
21 vacate if they come to an agreement, as well.

22 MR. RODRIGUEZ: I like the latter plan.

23 MR. CHAKALIAN: Okay. All right.

24 MR. RODRIGUEZ: I believe if we had a  
25 status conference, I'd still caveat that with saying

1 that Civitas would prefer keeping a tight hearing  
2 deadline.

3 MR. CHAKALIAN: Sure. Sounds good. I  
4 mean, and that's not really a tight deadline; that's  
5 nine months later.

6 MR. RODRIGUEZ: It's tight as it can  
7 be, I guess, under the circumstances.

8 MR. CHAKALIAN: Okay. Ms. Bennett, is  
9 there anything further -- now, your competing  
10 applications, are they on a particular docket?

11 MS. BENNETT: Yes. Right now, they're  
12 set for January 9th. And I don't know; I've only  
13 emailed Mr. Rodriguez the case numbers yesterday, so  
14 he probably hasn't had a chance to enter an appearance  
15 and object yet. But once he does that, then I can  
16 continue the cases to the March 18th docket.

17 MR. CHAKALIAN: Okay. Perfect.  
18 Perfect. Yeah. Otherwise, we don't need to have  
19 another status conferences on your cases unless you  
20 think that would be beneficial.

21 MS. BENNETT: No.

22 MR. CHAKALIAN: No. Very good. Okay.

23 So, Mr. Rodriguez, once you object to  
24 25025 and -26, Ms. Bennett will move those to the  
25 March 18 docket for the contested hearing.

1 MR. RODRIGUEZ: Yes. I'll file that  
2 today.

3 MR. CHAKALIAN: All right. Anything  
4 further, Mr. Rodriguez?

5 MR. RODRIGUEZ: No, sir.

6 MR. CHAKALIAN: Ms. Bennett?

7 MS. BENNETT: Nothing from me. Thank  
8 you.

9 MR. CHAKALIAN: Very good. We're in  
10 recess on these two cases. I'm now moving to line  
11 item 10 and 11. This is Avant Operating, 24872  
12 and -73. Entries, please.

13 MR. HOLLIDAY: Morning, Mr. Examiner.  
14 This is Ben Holliday on behalf of Avant Operating.

15 MR. CHAKALIAN: Good morning.

16 MR. FELDEWERT: Morning, Mr. Examiner.  
17 Michael Feldewert with the Santa Fe office of Holland  
18 & Hart appearing on behalf of Mewbourne Oil Company,  
19 also appearing on behalf of Permian Resources  
20 Operating, and finally appearing on behalf of Apache  
21 Corporation.

22 MR. CHAKALIAN: Thank you.

23 MS. HATLEY: Good morning,  
24 Mr. Examiner. Keri Hatley appearing on behalf of  
25 ConocoPhillips.

1 MR. CHAKALIAN: Good morning. Are you  
2 just monitoring, Ms. Hatley?

3 MS. HATLEY: No. We're objecting in  
4 these cases.

5 MR. CHAKALIAN: You are objecting.  
6 And I should have asked you,  
7 Mr. Feldewert, did you object in these cases?

8 MR. FELDEWERT: Initially, Permian  
9 objected, but it has withdrawn that objection.  
10 Initially, Apache objected, but that's been withdrawn.

11 MR. CHAKALIAN: What about Mewbourne?

12 MS. BENNETT: Mewbourne is currently  
13 just appearing.

14 MR. CHAKALIAN: Okay. So at this  
15 point, you don't have an objection?

16 MR. FELDEWERT: Correct.

17 MR. CHAKALIAN: Okay. Very good.

18 So, Ms. Hatley, you have an objection;  
19 what are you objecting to?

20 MS. HATLEY: Mr. Examiner, the parties  
21 are trying to work an agreement in this case, but we  
22 haven't reached one yet.

23 MR. CHAKALIAN: Okay. Thank you,  
24 Ms. Hatley.

25 MS. HATLEY: We'd like a little bit

1 more time.

2 MR. CHAKALIAN: Yes, by all means.

3 Okay.

4 And I think -- do we have any other  
5 entries of appearance before we continue?

6 MS. KESSLER: Good morning,  
7 Mr. Examiner. Jordan Kessler with EOG Resources. And  
8 we are not objecting just yet.

9 MR. CHAKALIAN: Okay. Thank you.

10 Is that all the entries of appearance?  
11 I felt like there was someone else.

12 MR. JEWELL: Mr. Examiner, did you call  
13 -873, as well? I apologize. I didn't hear.

14 MR. CHAKALIAN: I did. I called 24872  
15 and -73.

16 MR. JEWELL: Yes. For 24873, Michael  
17 Jewell, Jewell Jimmerson National Resources Law, on  
18 behalf of Paloma Resources. Thank you.

19 MR. CHAKALIAN: Hold on. Don't go so  
20 fast. Who are you representing?

21 MR. JEWELL: Paloma Permian Asset Co.

22 MR. CHAKALIAN: Okay. Very good.  
23 Paloma. Did you object?

24 MR. JEWELL: Yes, we did. Thank you.

25 MR. CHAKALIAN: You did? Okay. And

1 why did you object?

2 MR. JEWELL: We objected because we are  
3 acquiring an asset in this pooling circumstance, and  
4 we have a competing arrangement for this drilling  
5 layout. And we have a few concerns that we are  
6 discussing with the applicant that we believe should  
7 hopefully get us on resolution before this gets to  
8 hearing.

9 MR. CHAKALIAN: Okay. So when you say  
10 you have competing -- I forgot the word you said after  
11 the word competing, but are you intending to file  
12 competing applications?

13 MR. JEWELL: That would be the plan.  
14 Yes, sir.

15 MR. CHAKALIAN: Well, let me go back to  
16 Mr. Holliday.

17 Mr. Holliday, when were these cases  
18 filed?

19 MR. HOLLIDAY: These cases were  
20 originally filed in September of this year.

21 MR. CHAKALIAN: Okay. September 24th.  
22 So, Mr. Jewell, if you plan on filing  
23 competing applications, you're going to have to do it  
24 very quickly because I'm not going to delay. These  
25 are already three months old.



1                   Mr. Holliday, were the well proposals  
2 sent out, you know, 30 days before you filed the  
3 applications?

4                   MR. HOLLIDAY: To the best of my  
5 knowledge, they were, yes, sir. This case was filed  
6 by Ms. Bennett and I took it over. But I believe the  
7 standard procedure was followed.

8                   MR. CHAKALIAN: Okay. So, Mr. Jewell,  
9 your client has known about these applications since  
10 August, by my understanding of the way this works. Is  
11 that wrong?

12                   MR. JEWELL: I don't believe it's  
13 wrong. We are acquiring a very large interest that  
14 may have come about after these notices have been  
15 filed. But we're concerned that Avant is going to be  
16 able to drill the wells as proposed. We believe Avant  
17 is not going to have the permits and will be acquired  
18 by another party. So --

19                   MR. CHAKALIAN: Okay. That's fair. I  
20 understand.

21                   And, Ms. Hatley, would you be -- is  
22 your client contemplating competing applications, as  
23 well?

24                   MS. HATLEY: Well, Mr. Examiner, we're  
25 trying to work a JOA with Avant, and we're very

1 optimistic we'll be able to get that done. We just  
2 need a bit more time.

3 MR. CHAKALIAN: Okay. Thank you,  
4 Ms. Hatley.

5 And, Mr. Jewell, are you suggesting  
6 that the JOA is out of the question?

7 MR. JEWELL: A JOA is not out of the  
8 question in this matter. We would like to see one  
9 from Avant, as well.

10 MR. CHAKALIAN: Okay. So,  
11 Mr. Holliday, with all that information, what do you  
12 want to do?

13 MR. HOLLIDAY: I do want to move this  
14 case along. And I would note that Avant has an  
15 objection to Paloma's entry of appearance in this  
16 case.

17 They have not yet acquired interest. I  
18 think they have an interest under PSA. So our  
19 position is they don't have standing to object at this  
20 point. The proper party would be the seller, and I'm  
21 not clear who that party is at this point.

22 MR. CHAKALIAN: Okay. Mr. Jewell?

23 MR. HOLLIDAY: Umm --

24 MR. CHAKALIAN: Well, hold on,  
25 Mr. Holliday. You made an objection, so let's deal

1 with it.

2 MR. HOLLIDAY: Yes, sir.

3 MR. CHAKALIAN: Mr. Jewell?

4 MR. JEWELL: Thank you, Mr. Examiner.

5 I believe my client does have a foothold in standing  
6 from Prima, and that that standing will be perfected  
7 at closing.

8 And I think it does stand to reason  
9 that Avant also will probably be on the way out. So  
10 by the time this might get continued, the Commission  
11 will be looking at different parties altogether within  
12 a very short amount of time.

13 So by the time my client can get a  
14 different development filed, by the time we may have  
15 JOAs with the other opposing party and my client, the  
16 Commission is looking at a totally different set of  
17 parties and can have a clearer picture of the actual  
18 development in this unit.

19 MR. CHAKALIAN: So, Mr. Jewell, just to  
20 make a slight adjustment to what you've been saying:  
21 You're not in front of the Commission; you're in front  
22 of the Division at this point?

23 MR. JEWELL: Yes, sir. My apologies.

24 MR. CHAKALIAN: If you appeal a  
25 decision by the Division, then you'd be in front of

1 the Commission.

2 MR. JEWELL: Yes, sir.

3 MR. CHAKALIAN: Okay. So  
4 Mr. Holliday's objection was to -- has there been  
5 actually an entry of appearance? Did you actually  
6 file one, Mr. Jewell?

7 MR. JEWELL: Yes, sir. We have.

8 MR. CHAKALIAN: Okay. You did. Okay.  
9 And it's on behalf of Paloma, you said?

10 MR. JEWELL: Correct.

11 MR. CHAKALIAN: Okay. And are you  
12 saying that Paloma owns an interest now, today?

13 MR. JEWELL: We're under a PSA  
14 agreement.

15 MR. CHAKALIAN: Okay. It's hard to  
16 hear you. So you're under a PSA?

17 MR. JEWELL: Correct.

18 MR. CHAKALIAN: And is that some sort  
19 of an agreement? What is PSA?

20 MR. JEWELL: A purchase and sale  
21 agreement to acquire all the interest that agreement  
22 has.

23 MR. CHAKALIAN: So are you saying it's  
24 been signed and finalized?

25 MR. JEWELL: Correct. It's been

1 signed.

2 MR. CHAKALIAN: Mr. Holliday?

3 MR. HOLLIDAY: The purchase and sale  
4 agreement has been finalized, but there's no  
5 instrument of record granting Paloma a working  
6 interest or otherwise interest in the mineral estate  
7 in these lands at this time.

8 MR. CHAKALIAN: Mr. Jewell?

9 MR. JEWELL: That is correct.

10 MR. CHAKALIAN: Okay. So then you  
11 don't have standing at this point.

12 MR. JEWELL: I believe we have a  
13 foothold in that because, as most of these PSAs go,  
14 there's just a due diligence period to, you know,  
15 ensure there's no minor defects to title. That'll be  
16 done within a few weeks. And by the time this reaches  
17 hearing, we will have that completed.

18 MR. CHAKALIAN: Well, I understand, you  
19 know, your forward-looking philosophy, Mr. Jewell.  
20 But you know, I do have to follow the rules, and the  
21 rules state that a party can either enter an  
22 appearance as of right with an ownership interest or  
23 they can intervene.

24 Maybe you should file a motion to  
25 intervene at this point since you don't have a right

1 to -- so I'm going to grant the motion to strike the  
2 EOA.

3 So, Madai or Freya, would you please  
4 remove the EOA from Paloma at this time?

5 Mr. Jewell, I leave it up to your  
6 discretion to file a notice of intervention and  
7 explain why so that I can either grant it or not. And  
8 then as soon as you do own an interest, you're more  
9 than welcome to file another EOA and an objection, if  
10 you so choose. But I do have to follow the rules, and  
11 Mr. Holliday is correct.

12 Okay. Mr. Holliday, back to the  
13 question I was asking originally. You have two cases;  
14 how do you want to proceed? It sounds like you want a  
15 hearing date.

16 MR. HOLLIDAY: I think my first  
17 preference, given the position of ConocoPhillips, is  
18 to set it for one final status conference on the 23rd  
19 of January to give the parties a little space to  
20 reconvene after the holidays.

21 MR. CHAKALIAN: Okay. Sure.

22 MR. HOLLIDAY: At that point, we could  
23 set it for a contested hearing, if need be.

24 MR. CHAKALIAN: Okay. I'm going to  
25 mark this as a final status conference.

1 MR. HOLLIDAY: Yes, sir.

2 MR. CHAKALIAN: Okay. So we will see  
3 the parties in about a month in these two cases for a  
4 final status conference. At that time, either the  
5 parties will have worked out their agreements or we  
6 will set it for a contested hearing. And maybe  
7 Mr. Jewell will have an ownership interest at that  
8 time or will have a notice of intervention that I can  
9 deal with.

10 Anything further?

11 MR. HOLLIDAY: Nothing from Avant, sir.

12 MR. CHAKALIAN: Okay. I see a lot of  
13 shaking of the heads. So we are in recess --

14 MR. JEWELL: Nothing here.

15 MR. CHAKALIAN: Thank you, sir.

16 We are in recess these two cases, and  
17 we're going to move on to number 12 on our docket. It  
18 is 24874. It's another Avant Operating case.

19 MR. HOLLIDAY: Good morning,  
20 Mr. Examiner. This is Ben Holliday on behalf of the  
21 applicant, and I've been asked to enter an entry of  
22 appearance for Cimarex in this matter, as well.

23 MR. CHAKALIAN: So you're representing  
24 both Avant and Cimarex.

25 MR. HOLLIDAY: Yes, sir.

1 MR. CHAKALIAN: Okay. Do we have  
2 any --

3 MR. FELDEWERT: Good morning,  
4 Mr. Examiner. Michael Feldewert with the Santa Fe  
5 office of Holland & Hart appearing on behalf of Devon  
6 Energy Production Company, and we have filed an  
7 objection.

8 MR. CHAKALIAN: Perfect. Why?

9 MR. FELDEWERT: The initial reason was  
10 the parties had not had a chance for a discussion. My  
11 understanding is that representatives from Avant  
12 reached out to Devon just this week, indicated to  
13 Devon that they're not sure what their plans are with  
14 this acreage in light of the pending acquisition by  
15 Coterra/Cimarex.

16 And so at this point, since Avant  
17 doesn't know what they're going to do, Devon's not  
18 sure what their position is here. But they do have  
19 some concerns.

20 There's an existing producing well  
21 operated by Coterra. And Devon may have their own  
22 competing development plans. But like I said, it  
23 sounds like this is -- things are in a flux. So we're  
24 not quite sure what Avant intends to do.

25 MR. CHAKALIAN: I'm not sure if I heard



1 you correctly. Did you say Coterra purchased Devon's  
2 interest?

3 MR. FELDEWERT: No. Coterra, which is  
4 Cimarex, is in the process of acquiring Avant.

5 MR. CHAKALIAN: Thank you.

6 One moment, Mr. Holliday. Avant.

7 Okay. So, Mr. Feldewert, you are representing  
8 Coterra/Cimarex and Devon?

9 MR. FELDEWERT: No.

10 MR. CHAKALIAN: No?

11 MR. FELDEWERT: Just Devon.

12 MR. CHAKALIAN: Just Devon?

13 MR. FELDEWERT: Just Devon.

14 MR. CHAKALIAN: Oh, okay. Got it.

15 Okay.

16 Mr. Holliday?

17 MR. SAVAGE: Mr. Hearing Examiner,  
18 could I clarify one point on this case? I'm listed as  
19 a representative of Cimarex on the docket. And I just  
20 want to clarify that because the matters are in flux,  
21 parties have become realigned, and I have a conflict.  
22 So I will be withdrawing, and Mr. Holliday will be  
23 representing Cimarex Energy.

24 MR. CHAKALIAN: Okay. That was  
25 Mr. Darin Savage, for the record.

1                   And so do we have an entry of  
2 appearance from you, Mr. Savage, and then from  
3 Mr. Holliday?

4                   MR. SAVAGE: Currently, I have not done  
5 a formal withdrawal. I found out about this  
6 yesterday. So I have not filed a formal withdrawal.

7                   MR. CHAKALIAN: Okay. So,  
8 Mr. Holliday, when you entered an appearance, was it a  
9 substitution of counsel?

10                  MR. HOLLIDAY: Yes. To Mr. Savage's  
11 point, this all came about late yesterday afternoon.  
12 I filed an entry appearance this morning, and if it's  
13 more appropriate, can file a substitution.

14                  MR. CHAKALIAN: Yes. I'd appreciate  
15 that. That'll take care of the other issue we have.  
16 Okay. But, Mr. Holliday, now that this is your case,  
17 how do you want to proceed?

18                  MR. HOLLIDAY: I echo Mr. Feldewert's  
19 sentiments. Those are my understanding, as well. And  
20 he can correct me if I'm wrong here, but my  
21 understanding is that once Cimarex acquires Avant's  
22 interest, Cimarex and Devon then would need a little  
23 bit of time to work this out.

24                  And the intent is to at least try to  
25 work it out. So in light of that, it's a bit of a

1 unique circumstance. We got one party requiring  
2 another. There's a lot in flux. I would prefer to  
3 set this for a final status conference on the second  
4 February docket.

5 MR. CHAKALIAN: Uh-huh. Okay. When  
6 did you file this case?

7 MR. HOLLIDAY: This case was also filed  
8 in September.

9 MR. CHAKALIAN: September. So you're  
10 saying that setting it on the January 23rd docket  
11 doesn't give you enough time for everything else to  
12 settle down?

13 MR. HOLLIDAY: I think by that point,  
14 we will have -- that gives us about a month post-close  
15 of the Avant acquisition by Coterra. And that gives  
16 the parties, Devon and Coterra, Cimarex, whomever ends  
17 up with this interest, enough time to determine --

18 MR. CHAKALIAN: Okay, Mr. Holliday.  
19 It's not something I like doing; it's a long time, but  
20 I'll do it because of the things that are out of your  
21 control. So I'll set it for the second docket. I  
22 believe that's February 27.

23 Is that correct, Madai?

24 MS. TSCHANTZ: That's correct.

25 MR. CHAKALIAN: Oh. Thank you,

1 Ms. Tschantz.

2 Okay. So February 27th, you'll  
3 continue this case. It will be a final status  
4 conference. If you're not ready to proceed to  
5 hearing, then we will ask you to dismiss this case  
6 without prejudice, and you can always bring it back in  
7 the future.

8 MR. HOLLIDAY: Yes, sir.

9 MR. CHAKALIAN: Anything further?

10 MR. HOLLIDAY: Nothing from Avant.

11 MR. CHAKALIAN: Mr. Feldewert?

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

13 MR. CHAKALIAN: All right. Thank you.

14 We're moving on to Matador Production. Three cases on  
15 our docket: 24930, -31, and -33. Entries of  
16 appearance, please.

17 MR. FELDEWERT: Good morning,  
18 Mr. Examiner. Michael Feldewert with the Santa Fe  
19 office of Holland & Hart on behalf of the applicant.

20 MR. CHAKALIAN: Thank you.

21 MR. RODRIGUEZ: Good morning. Michael  
22 Rodriguez on behalf of Civitas Permian Operating.

23 MR. CHAKALIAN: Thank you.

24 MS. HARDY: Mr. Examiner, good morning.  
25 Dana Hardy with Hinkle Shanor on behalf of COG

1 Operating. And I haven't yet filed a written entry of  
2 appearance in cases, but I will do so. I have entered  
3 in the competing Civitas case.

4 MR. CHAKALIAN: Okay. I didn't know  
5 that there was a competing Civitas case, but we'll get  
6 to that in just a minute.

7 MS. HARDY: Yes.

8 MR. CHAKALIAN: So are you objecting?

9 MS. HARDY: I do not object to  
10 Matador's applications. We do have an objection to  
11 Civitas's applications.

12 MR. CHAKALIAN: Mr. Rodriguez, am I  
13 supposed to -- okay. So are we missing a case here  
14 that should be connected?

15 MR. RODRIGUEZ: There are two cases  
16 that are competing with Matador's Tony La Russa cases.  
17 Those are 25032 and 25033. There is also an East Half  
18 case that is not involved in these cases, but  
19 originally in previous status conferences, we  
20 anticipated that they might be. They no longer are,  
21 but that case is 25031.

22 MR. CHAKALIAN: This is becoming  
23 clearer now. Is this the case in which I asked you,  
24 before I would join these cases, to discuss with the  
25 parties to see whether they felt it was joinable for a

1 hearing?

2 MR. RODRIGUEZ: That's correct.

3 MR. CHAKALIAN: I thought it was.

4 Okay.

5 MR. RODRIGUEZ: Yes.

6 MR. CHAKALIAN: And what is that third  
7 case number?

8 MR. RODRIGUEZ: The East Half case is  
9 25031, but it's not associated with the Tony La Russa  
10 cases.

11 MR. CHAKALIAN: Okay. Okay. So,  
12 Mr. Feldewert, I called your three cases today, and  
13 they're not currently joined with these Civitas cases  
14 that were filed. These were cases that were dismissed  
15 and refiled, were they not?

16 MR. RODRIGUEZ: Yes, that's correct.

17 MR. CHAKALIAN: That's what I thought.  
18 So this has been ongoing for quite some time?

19 MR. RODRIGUEZ: Yes.

20 MR. CHAKALIAN: Yes. Which were the  
21 original cases? Were they in your cases, the Civitas  
22 cases?

23 MR. RODRIGUEZ: They were originally  
24 Civitas cases that were filed on September 3rd and  
25 were superseded with these subsequent cases.

1 MR. CHAKALIAN: Yes. Okay. There's --  
2 okay. All right.

3 Mr. Feldewert, as you heard today, I  
4 had an issue with joining Civitas case numbers 25032,  
5 -33, and possibly even -31 with your three cases. Do  
6 you have anything to say about that?

7 MR. FELDEWERT: Well, yeah, a couple  
8 things. One, certainly, the new Civitas West Half  
9 cases, which would be 25032 and -33, compete with the  
10 cases you have called.

11 There's also, then, the East Half  
12 acreage that's involved, where Civitas has a  
13 application that will apparently compete with COG's  
14 application.

15 Our cases aren't that old. They were  
16 filed in October. So it does seem to me that -- I  
17 don't know where the parties are in terms of  
18 discussions. Obviously, there's been -- I think  
19 Civitas completely changed the orientation, as I  
20 recall, of their wells, and the acreage that's  
21 involved.

22 MR. RODRIGUEZ: That's correct.

23 MR. FELDEWERT: So there's been quite a  
24 change made by Civitas than what was originally  
25 proposed. So I don't know where the parties are in

1 terms of having discussions about this new now-  
2 competing case. So I don't think they're at an  
3 impasse. And we've had enough changes that, you know,  
4 we probably need some time to discuss.

5 MR. CHAKALIAN: I'm willing to schedule  
6 a hearing on this in April, which gives everyone  
7 plenty of time. Because, you know, the underlying  
8 cases that Civitas filed are from September, and that  
9 means that the parties have been going back and forth.

10 I realize that there's been changes, as  
11 you said, to the orientation of the wells, and maybe  
12 other changes as well that they have to discuss. It's  
13 not like these are brand-new cases.

14 So I'm going to set this for a hearing  
15 in April, a contested hearing in April. I'm not  
16 willing to keep kicking this down the road because the  
17 parties keep revising their applications and -- yeah.

18 So, Mr. Feldewert, we are talking about  
19 your cases, the 24930, -31, and -33. Are you open to  
20 a hearing on April 1st?

21 MR. FELDEWERT: Certainly, our office  
22 could accommodate a hearing on April 1st. Yes.

23 MR. CHAKALIAN: I thought so. Okay.  
24 And I need to deal with this COG thing in just a  
25 minute, but I'm not there yet.



1 So, Mr. Rodriguez, April 1st?

2 MR. RODRIGUEZ: That's fine.

3 MR. CHAKALIAN: Okay. So at this  
4 point, Freya, would you please join 25032 and -33 with  
5 24930, -31, and -33?

6 MS. TSCHANTZ: Yes.

7 MR. CHAKALIAN: All right. Very good.

8 Now, Ms. Hardy, are you going to  
9 participate in that hearing?

10 MS. HARDY: Well it's my understanding,  
11 Mr. Examiner, that Civitas case number 25031 is set  
12 for a contested hearing on March 4th. And COG does  
13 have competing development plans with that application  
14 and will oppose it. COG doesn't need to file a  
15 pooling application because it owns the interest that  
16 it's seeking to develop.

17 MR. CHAKALIAN: Okay. I haven't called  
18 25031, and I didn't even know about 25031 until a  
19 minute ago when Mr. Rodriguez brought it up. And it's  
20 not on the docket today, but I'll call it in just a  
21 moment.

22 But I just want to iron out this April  
23 1st hearing between Civitas and Matador. Civitas's  
24 original cases are from September. They were  
25 dismissed, refiled recently. They're now joined with

1 Matador's cases which were filed -- when was 24930 and  
2 its progeny filed?

3 MR. FELDEWERT: October.

4 MR. CHAKALIAN: October. Thank you.

5 MR. FELDEWERT: Yeah.

6 MR. CHAKALIAN: Okay. So April 1st,  
7 Mr. Rodriguez?

8 MR. RODRIGUEZ: Yes.

9 MR. CHAKALIAN: Yes. Okay. So we're  
10 going to issue a pre-hearing order for April 1st. And  
11 if there's nothing else for those cases, the two  
12 Civitas and the three Matador, I will call -- even  
13 though it's not on our docket; I don't think it's on  
14 our docket -- 25031.

15 And what is your case, Ms. Hardy? This  
16 competing case?

17 MS. HARDY: We don't have a competing  
18 case, but we have a competing development plan. We  
19 don't need to pool because COG owns a hundred percent  
20 of the interest it's proposing to develop.

21 MR. CHAKALIAN: I see. I see. Okay.  
22 Let me call 25031. Entry of appearance, please.

23 MR. RODRIGUEZ: Michael Rodriguez on  
24 behalf of the applicant.

25 MS. HARDY: And Dana Hardy on behalf of

1 COG operating.

2 MR. CHAKALIAN: Okay. So now,  
3 Ms. Hardy, you're objecting to 25031?

4 MS. HARDY: Yes. We have filed an  
5 objection in that case.

6 MR. CHAKALIAN: Okay. You have.

7 MS. HARDY: But I believe it's already  
8 set for a contested hearing on --

9 MR. CHAKALIAN: On March 4th?

10 MS. HARDY: Yes.

11 MR. CHAKALIAN: Let me check.

12 MR. FELDEWERT: I don't think so. I  
13 don't see it in the docket.

14 MR. RODRIGUEZ: I don't think that  
15 that's the case. I think that was already  
16 contemplated for the Matador cases, as well. Nothing  
17 has been filed, though.

18 But I do believe that at the last  
19 status conference we were discussing all of these  
20 cases together, but it sounds like now we've scheduled  
21 that for April 1st. But I don't think anything has  
22 happened in 25031 yet. I do know Ms. Hardy has  
23 objected to that case.

24 And my recommendation here would just  
25 to be to treat that separate from the Matador cases,

1 and also just give it the standard treatment of, it's  
2 been objected to, it's set for the first docket in  
3 February, and that now it would be moved to a status  
4 conference and we can establish what we want to do  
5 from that point forward. But I think it might be a  
6 little premature to move forward with a --

7 MR. CHAKALIAN: 25031 is the revised  
8 application from what original case number?

9 MR. RODRIGUEZ: I'd have to -- oh.  
10 It's, I believe, 24929.

11 MR. CHAKALIAN: Okay. Okay. All  
12 right.

13 Now, Ms. Hardy, I don't know, do you  
14 have any reason to think that it's set for a contested  
15 hearing?

16 MS. HARDY: We did have a status  
17 conference. And it was my understanding that it was  
18 going to be set for March 4th once the replacement  
19 applications were filed.

20 MR. CHAKALIAN: You may be right. I  
21 don't know.

22 MS. HARDY: Yeah.

23 MR. CHAKALIAN: I haven't looked at the  
24 verbatim. I don't have time to look at the verbatim  
25 transcript now.

1 MS. HARDY: Right.

2 MR. CHAKALIAN: But I don't believe  
3 it's on our --

4 Freya, do you have a setting for 25031?

5 MS. TSCHANTZ: The next setting I have  
6 is for February 27th for status conference because COG  
7 entered an objection. I think it was previously set  
8 for the February 13th hearing by affidavit docket.

9 MR. CHAKALIAN: Thank you, Freya.

10 So, Mr. Rodriguez, what you said; I  
11 think -- so by the end of February, the parties will  
12 either have negotiated their differences or we'll set  
13 a contested hearing. Does that seem fair?

14 MS. HARDY: Yes.

15 MR. CHAKALIAN: Okay. Because it's not  
16 a new case; it's a September case that's been  
17 dismissed and refiled, and this can go on forever.

18 MS. HARDY: Right. Right.

19 MR. CHAKALIAN: Okay. So, Freya, will  
20 you put a note in that case, 25031, that the February  
21 27 status will be a final?

22 MS. TSCHANTZ: Yes.

23 MR. CHAKALIAN: All right. Anything  
24 further, Mr. Rodriguez?

25 MR. RODRIGUEZ: No. Thank you.

1 MR. CHAKALIAN: Ms. Hardy?

2 MS. HARDY: No. Thank you.

3 MR. CHAKALIAN: All right. Sounds  
4 good.

5 Let's move on. We are on the last two  
6 on our docket. Numbers 16 and 17 are Fasken Oil and  
7 Ranch. We have 24977 and -78. Entries, please.

8 MS. SHAHEEN: Sharon Shaheen on behalf  
9 of the applicant Fasken.

10 MR. CHAKALIAN: Thank you.

11 MS. LUCK: And Kaitlyn Luck appearing  
12 for the intervening parties, Chief Capital (O&G) II  
13 LLC, and WR Non-Op LLC.

14 MR. CHAKALIAN: And you said they're  
15 intervening parties?

16 MS. SHAHEEN: Well, sorry, that might  
17 be a misnomer. They were provided notice, so they are  
18 affected parties under these applications. They're  
19 working interest owners.

20 MR. CHAKALIAN: All right. And you've  
21 entered an appearance?

22 MS. LUCK: Yes.

23 MR. CHAKALIAN: Have you objected?

24 MS. LUCK: Yes.

25 MR. CHAKALIAN: Oh, you have. Okay.

1 And why have you objected?

2 MS. LUCK: In this case, my clients are  
3 mineral interest owners in the proposed pool spacing  
4 units. These are old pooling orders that were pooled  
5 several years ago. And my client's concern here is  
6 the issue is whether or not this operator's actually  
7 intending to develop this acreage in the near term.

8 We do understand that there's surface  
9 issues related to the fact this is federal acreage.  
10 However, these pooling orders have already been  
11 extended previously, and my client believes it's time  
12 to show what the reasons are to extend it a third  
13 time.

14 MR. CHAKALIAN: Okay. So we've dealt  
15 with this issue before. And basically, it sounds like  
16 you're contesting the good cause?

17 MS. LUCK: Yes.

18 MR. CHAKALIAN: Okay. Ms. Shaheen?

19 MS. SHAHEEN: Thank you, Mr. Examiner.  
20 There was a company who objected to the -- these  
21 applications are located in the potash drilling area,  
22 and there was an objection from a potash operator on  
23 the surface location.

24 As of November 29th, Fasken had  
25 received approval of its environmental assessment,

1 which resolved the objection of the potash operator.  
2 They are now on progress to do the NEPA review. They  
3 are meeting with Natural Resources at BLM on January  
4 8th to discuss the NEPA review and get approval of the  
5 APDs after that NEPA approval has been affected.

6 MR. CHAKALIAN: Well, it sounds like  
7 we're going to have a good cause hearing. So there  
8 will be a contested hearing just on the matter of good  
9 cause. We've done this before, so it's not new to the  
10 Division. When someone objects to an amendment being  
11 granted, we have a good cause hearing. When are you  
12 available to do that?

13 MS. SHAHEEN: Fasken would like to do  
14 it either the last half of January or the first half  
15 of February.

16 MR. CHAKALIAN: Okay. It sounds  
17 like -- let's see. It sounded like we had an opening  
18 for -- January 14 is the only opening I can see  
19 between now and early April. So if you could be ready  
20 for January 14 --

21 Do you have something to say,  
22 Mr. Feldewert?

23 MR. FELDEWERT: I do. I just found out  
24 this morning that the hearing that's scheduled on  
25 January 28th, the parties are going to dismiss their



1 applications.

2 MR. CHAKALIAN: Okay. Excellent.

3 MR. FELDEWERT: Okay. So --

4 MR. CHAKALIAN: Now, January 28th, that  
5 was the one that had about six cases on there,  
6 Mr. Feldewert?

7 MR. FELDEWERT: Yes. It was a dispute  
8 between MRC and Marathon.

9 MR. CHAKALIAN: Perfect. Thank you.

10 MR. FELDEWERT: I believe that's the  
11 only matter on that -- well, I don't know if that's  
12 the only matter on that date, but I know that is  
13 scheduled.

14 MR. CHAKALIAN: Before you go, let me  
15 just pull up that docket on January 28th because that  
16 might give another opportunity for what we're talking  
17 about now. Hold on one second.

18 I have the docket in front of me. We  
19 have Matador cases 244- -- they're pretty old -- -81,  
20 24482, it's another Matador case, - 83, -84. Then we  
21 have Marathon Oil, 24231, -32. Okay. Those are the  
22 cases I have. Are those the cases you're talking  
23 about?

24 MR. FELDEWERT: Those are the cases  
25 that will be dismissed, yes.

1 MR. CHAKALIAN: Okay. And you're  
2 representing which party?

3 MR. FELDEWERT: I'm representing MRC.  
4 I believe Ms. Bennett was representing Marathon.  
5 She's the one that sent me the email.

6 MR. CHAKALIAN: Okay. Perfect.

7 MR. FELDEWERT: Yeah. It'll be a joint  
8 dismissal.

9 MR. CHAKALIAN: Okay. In the --  
10 perfect. Okay. So both parties will file motions for  
11 dismissal of their cases?

12 MR. FELDEWERT: Yes, sir.

13 MR. CHAKALIAN: Okay. Perfect. Thank  
14 you for that information.

15 So it sounds like we have an opening on  
16 January 28th, which sounds like it's perfect.  
17 Ms. Luck, does that work for you?

18 MS. LUCK: I think that works best.

19 MR. CHAKALIAN: Good.

20 And, Ms. Shaheen?

21 MS. SHAHEEN: Unfortunately, I have an  
22 oral argument in Albuquerque on behalf of another  
23 client that day.

24 MR. CHAKALIAN: Oh, okay. Well, we  
25 have two dates in January. You can choose one, the

1 14th or the 28th.

2 MS. SHAHEEN: I will choose the 14th.

3 MR. CHAKALIAN: Ms. Luck?

4 MS. LUCK: That will work for us.

5 MR. CHAKALIAN: Thank you. All right.

6 So we're going to issue a pre-hearing order for  
7 January 14 for a contested hearing on the issue of  
8 good cause only. It'll say that in the pre-hearing  
9 order.

10 Is there anything else, Ms. Shaheen?

11 MS. SHAHEEN: Not from Fasken. Thank  
12 you.

13 MR. CHAKALIAN: All right. Now, your  
14 witnesses, they can be virtual or they can be present.  
15 You'll probably want your landman, I'm assuming. How  
16 many witnesses do you anticipate?

17 MS. SHAHEEN: I would expect it would  
18 be just the landman, but I will need to confirm that.

19 MR. CHAKALIAN: Of course.

20 Ms. Luck, do you anticipate any  
21 witnesses?

22 MS. SHAHEEN: Yes, I do anticipate that  
23 we would call a landman.

24 MR. CHAKALIAN: You're going to have a  
25 landman, as well?

1 MS. LUCK: Yes.

2 MR. CHAKALIAN: Perfect. It'll state  
3 in the pre-hearing order the deadlines for submission  
4 of evidence; for a request for a continuance, there  
5 will be a deadline in there, as well; and any  
6 objections that will be addressed in the pre-hearing  
7 order? Is there anything else?

8 MS. SHAHEEN: Mr. Examiner?

9 MR. CHAKALIAN: Yes?

10 MS. SHAHEEN: Now that I'm thinking  
11 about it, I'm wondering if perhaps I should make  
12 arrangements to have someone else do the January 28th  
13 hearing. Because I believe my client is out until the  
14 6th, and for us to be prepared for exhibits on the 7th  
15 might be a little tricky.

16 MR. CHAKALIAN: Okay. Might be.

17 MS. SHAHEEN: Yeah.

18 MR. CHAKALIAN: So do you want to  
19 switch to the 28th?

20 MS. SHAHEEN: Oh, geez. I'm just  
21 thinking out loud here because we had to file  
22 acknowledgements of our appearance at the January 28th  
23 hearing, and --

24 MS. LUCK: Can we go later? Can we  
25 just push it out to February or March?

1 MR. CHAKALIAN: No, those dockets are  
2 full. The next opportunity would be in April  
3 sometime.

4 MS. SHAHEEN: Could we plan on doing it  
5 in the afternoon on the 14th? Because my oral  
6 argument --

7 MR. CHAKALIAN: Yes, I have no problem  
8 with that.

9 MS. SHAHEEN: Let me just double-check  
10 that.

11 MR. CHAKALIAN: Sure. I have no  
12 problem with that. Like, one o'clock is the start  
13 time?

14 MS. SHAHEEN: If you don't mind, just  
15 let me make sure.

16 MR. CHAKALIAN: I don't mind. That's  
17 doable. I'm here all day.

18 MS. SHAHEEN: If we could say 1:30?

19 MR. CHAKALIAN: Uh-huh. Why don't we  
20 say two o'clock?

21 MS. SHAHEEN: Perfect.

22 MR. CHAKALIAN: I thought so. Okay.  
23 So we have January 20 at 2 p.m. will be the start  
24 time, Ms. Luck?

25 MS. LUCK: January 14th at 2 p.m.?

1 MR. CHAKALIAN: No, no. January 28th.  
2 We've moved it now to January 28th.

3 MS. LUCK: Okay. I just want to  
4 confirm. January 28th.

5 MS. SHAHEEN: And I appreciate  
6 everyone's flexibility with my waffling.

7 MS. LUCK: Thanks.

8 MR. CHAKALIAN: Ms. Luck?

9 MS. LUCK: That works.

10 MR. CHAKALIAN: That works. All right.  
11 So we'll issue a pre-hearing order for January 28th at  
12 2 p.m. start time for a good cause hearing.

13 Anything further, Ms. Shaheen?

14 MS. SHAHEEN: No. Thank you.

15 MR. CHAKALIAN: Ms. Luck?

16 MS. LUCK: Nothing further. Thank you.

17 MR. CHAKALIAN: Okay. That concludes  
18 our business today. We're off the record.

19 (Whereupon, the meeting concluded at  
20 10:38 a.m.)  
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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.

January 6, 2025



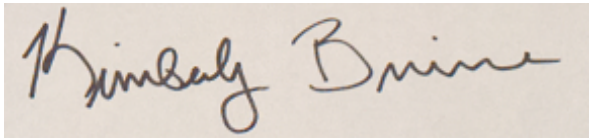
JAMES COGSWELL  
Notary Public in and for the  
State of New Mexico

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January 6, 2025



KIMBERLY BRISCOE



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[chakalian - closer]

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[closing - conversations]

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[go - hearing]

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[hearing - invalidates]

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[investigate - law]

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[lay - mewbourne]

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[mexico - nmac]

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[nods - okay]

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[okay - parties]

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[slight - tarver]

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[tarver - treat]

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[treatment - videoconference]

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