

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

**APPLICATIONS OF READ & STEVENS, INC.
FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

CASE NOS. 24941-24942

**APPLICATIONS OF READ & STEVENS, INC.
FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

CASE NOS. 25145-25148

**APPLICATIONS OF V-F PETROLEUM INC.
FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

CASE NOS. 24994-24995 & 25116

**APPLICATIONS OF V-F PETROLEUM INC.
FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

CASE NOS. 25115 & 25117

**V-F PETROLEUM INC.'S MOTION FOR WRITTEN ORDER
WITH FINDINGS AND CONCLUSIONS OF LAW
OF THE DIVISION'S DECISION TO DENY ITS MOTION
TO DISMISS CASE NOS. 24145-24148**

Given the possibility that the Division may decide to exclude Carlyn Beall from participation in the contested hearing for the above-referenced cases based on a response to her Intervention to be filed by Permian Resources Operating, LLC ("Permian"), V-F Petroleum, Inc. ("V-F") submits to the Oil Conservation Division ("Division" or "OCD") this Motion for Written Order with Findings and Conclusions of Law of the Division's Decision to Deny V-F Petroleum's Motion to Dismiss Case Nos. 24145-24148. In support thereof, V-F states the following:

1. On January 17, 2025, Permian Resources Operating, LLC ("Permian") and V-F submitted a joint motion for the continuance of contested involving Case Nos. 24941, 24942, 24994, 24995, and 25116, in order to allow Permian to consolidate additional cases 25145 –

25148 and 25115 and 25117, in a manner that allows for proper notice prior to the scheduled hearing as prescribed by statute and administrative code. The contested hearing date had been set for January 28, 2025, and new applications in Case Nos. 24145 – 25148 were filed by Permian on January 14, 2025.

2. On the same day, January 17, 2025, the Division issued an order denying the continuance thereby maintaining the January 28, 2025, hearing date, but consolidating the new Cases 24145 – 24148 with the other contested cases to be heard together on that date. Permian sent notice letters for Cases 24145-24148 on January 24, 2025, just four days before the scheduled hearing; thus, Permian had not provided notice pursuant to 19.15.4.12(B) which requires notice letters be sent 20 days prior to the scheduled hearing; furthermore, the Division had not provided public notice for Cases 24145-24148 at least 20 days prior to the hearing scheduled for January 28, 2025, as required by 19.15.4.9(B) NMAC.

3. On January 21, 2025, V-F Petroleum submitted a motion requesting that Cases 25145 – 24148 be dismissed from the contested hearing and be properly filed later when notice could be satisfied pursuant to statute and administrative rule, or in the alternative, that all the contested cases be dismissed and refiled later so that notice could be satisfied uniformly, or that the Division reconsider and grant the initial joint request for the continuance so that notice could be properly satisfied. The Division informed the parties that it would give a ruling on the V-F's Motion as a preliminary matter before the hearing on January 28, 2025.

4. Prior to the hearing, the Hearing Examiner verbally denied V-F's Motion and proceeded with the contested hearing, giving a short comment on the record that he did a work around the notice requirements by leaving the record open after the hearing for any party to appear post-hearing and enter an objection. The Division then proceeded with the contested hearing that morning, which included the hearing of Cases 24145 – 25148.

5. The denial of V-F's Motion was a final order that allowed the hearing to proceed on January 28, 2025 in an accelerated manner. Under New Mexico case law, a hearing examiner and administrative agency are obligated to provide the basis and reasoning for an order issued. *See, e.g. Atlixco Coalition v. Maggiore*, 1998-NMCA-134, 125 N.M. 786, 965 P.2d 370, 377 (*citing Motor Vehicle Mfrs.. Ass'n.*, 463 U.S. 29, 43) (stating that "one of the purposes of requiring a statement of reasons is to allow for meaningful judicial review..."); *see also Akel v. N.M. Human Servs. Dep't*, 1987-NMCA-154, 106 N.M. 741, 749 P.2d 1120, 1122, stating that for adequate appellate review "the hearing officer's decision [must] adequately reflect the basis for [the] determination and the reasoning used in arriving at such determination").

6. As a result, V-F joins respectfully asks the Division to issue a written order that reflects the basis and reasoning of its denial of the V-F's Motion so that the issue may be preserved for appeal. The Hearing Examiner's order was issued verbally on January 28, 2025; therefore, it is requested that the written order be issued in a timely manner prior to the 30-day deadline for appeal, or if the Division decides not to issue a written order, V-F respectfully asks that the Hearing Examiner timely deny this request for a written order. Counsel has been notified of this Motion, and Permian expresses its opposition.

Respectfully Submitted,

ABADIE & SCHILL, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed with the New Mexico Oil Conservation Division and was served on counsel of record via electronic mail on February 6, 2025:

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