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PUBLIC HEARING
STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

Pecos Hall, 1st Floor, Wendell Chino Building
1220 S. Saint Francis Drive
Santa Fe, New Mexico

TRANSCRIPT OF PROCEEDINGS
March 4, 2026

COMMISSION MEMBERS:

- MR. ALBERT C.S. CHANG, Chair
- DR. WILLIAM AMPOMAH, Member
- MR. GREG BLOOM, Member

COUNSEL TO THE COMMISSION:

- ZACHARY SHANDLER, ESQ.

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A P P E A R A N C E S

FOR DEVON ENERGY PRODUCTION CO., LP:

ABADIE & SCHILL, P.C.
214 McKenzie Street
Santa Fe, New Mexico 87501
BY: Darin Savage
darin@abadieschill.com

FOR NEW MEXICO OIL CONSERVATION DIVISION:
NM ENERGY, MINERALS AND NATURAL RESOURCES DEPT.
1220 South St. Francis Drive
Santa Fe, New Mexico 87505
BY: Chris Moander
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1 (On the record at 9:01 a.m.)

2 TRANSCRIPT OF PROCEEDINGS

3 CHAIR CHANG: Good afternoon. This is
4 Albert Chang, Chair of the New Mexico Oil
5 Conservation Commission. Noting the time is just
6 after 9 o'clock on March 4th of 2026, I'd like to
7 call the Oil Conservation Commission meeting to
8 order.

9 Commission clerk, may we please call the
10 roll?

11 MS. APODACA: Yes.

12 Commissioner Ampomah.

13 COMMISSIONER AMPOMAH: Present.

14 MS. APODACA: Commissioner Chang.

15 CHAIR CHANG: Present.

16 MS. APODACA: Commissioner Bloom.

17 COMMISSIONER BLOOM: Present.

18 CHAIR CHANG: Wonderful. We have a
19 relatively short proposed agenda today. Is there any
20 discussion, additions comments?

21 COMMISSIONER BLOOM: Mr. Chair, I would move
22 to approve the agenda for today's meeting.

23 CHAIR CHANG: Thank you.

24 COMMISSIONER AMPOMAH: I second it.

25 CHAIR CHANG: All right. We have a motion

1 and a second. Is there any opposition? Hearing
2 none, so approved. Thank you very much.

3 (Motion approved.)

4 CHAIR CHANG: The next item on the agenda is
5 the approval of the meeting minutes for the
6 Commission's February 12th, 2026, meeting.

7 Is there any edits, discussion or
8 questions, comments on the February 12th, 2026,
9 minutes?

10 COMMISSIONER BLOOM: Mr. Chair, I reviewed
11 the minutes, did not have any changes or questions.
12 I would move to approve the minutes.

13 COMMISSIONER AMPOMAH: Mr. Chair, I do
14 second.

15 CHAIR CHANG: Motion and a second. Is there
16 any opposition? Hearing no opposition, so adopted.

17 (Motion approved.)

18 CHAIR CHANG: In that case, we move to Item
19 Number 4 on our agenda. We're just zipping through
20 this morning. That would be Case Number 25876,
21 application of Devon Energy Company for a de novo
22 hearing to review Division Order R-24123, Division
23 Case 25296, regarding a compulsory pooling
24 application in Lea County, New Mexico.

25 May I have appearances of counsel for

1 the parties.

2 MR. SAVAGE: Good morning, Commissioners,
3 Commission Chair and Counsel. Darin Savage, with
4 Abadie & Schill on behalf of Devon Energy Production
5 Company, LP.

6 MR. MOANDER: And Chris Moander appearing on
7 behalf of the New Mexico Oil Conservation Division,
8 and appearing remotely.

9 CHAIR CHANG: Thank you, Mr. Moander.

10 I see that we are -- well, we have a
11 series of filings before, but I think the latest
12 filing is the joint motion. Would either one of you
13 like to speak to that joint motion?

14 MR. SAVAGE: I don't mind speaking very
15 briefly here. So we had an opportunity to confer and
16 reach a resolution. We entered into a joint motion,
17 with two proposed orders. It was very fruitful.

18 We were able to express our position and
19 concerns, and the division was able to express its
20 position and concerns on these matters, and we were
21 able to reach common ground.

22 CHAIR CHANG: Excellent.

23 Mr. Moander, anything to add?

24 MR. MOANDER: Just briefly, Mr. Chair.

25 OCD would agree with Mr. Savage's

1 presentation. We reached a mutually agreeable
2 resolution that OCD believes its interests are
3 protected, and also that Devon is getting what they
4 need out of the pooling process.

5 And so OCD would just request entry of
6 the orders, and we can proceed from there.

7 CHAIR CHANG: Okay.

8 MR. SAVAGE: Mr. Chair, if I may just add
9 one quick item.

10 I just want to let the Commissioners
11 know that Devon has witnesses available should you
12 want to ask any questions about the exhibits and
13 hearing packet.

14 And procedurally, you know, I defer to
15 the Commission's discretion, but it seems like there
16 would be an order to admit the exhibits into the
17 record and take them under advisement, since the two
18 orders are being considered.

19 I don't know if that -- Mr. Moander may
20 have some thoughts on that option, as well.

21 THE CHAIR: I'm not sure I follow what
22 you're suggesting.

23 MR. SAVAGE: So as I understand it, we have
24 two proposed orders, and those orders address the
25 approval of the exhibits and the hearing packet and

1 the pooling of the subject lands.

2 So it would be my understanding that --
3 I don't believe -- the exhibits have been submitted,
4 filed to the commission, but they haven't been
5 admitted to the record and they haven't been -- the
6 case hasn't been taken under advisement. That would
7 be my understanding of the procedural posture at this
8 point.

9 But, you know, I defer to the
10 Commission. And Mr. Moander may have some thoughts
11 on how best to proceed in this matter.

12 CHAIR CHANG: Mr. Moander.

13 MR. MOANDER: First of all, OCD would
14 absolutely object to solicitation of testimony at
15 this point. We have a motion for adoption, an order
16 that's agreed to.

17 This does start to smell a little bit
18 like gamesmanship, because obviously OCD had no
19 intention of presenting a hearing today, which is
20 essentially what appears.

21 You know, I'm at a point with this,
22 Mr. Chair, where if Devon and its counsel continue to
23 try to modify things bit by bit, then there's clearly
24 going to be a lack of trust in the negotiation
25 process here. And if the hearing --

1 CHAIR CHANG: Mr. Moander.

2 MR. MOANDER: -- is going to be --

3 CHAIR CHANG: Mr. Moander. Mr. Moander,
4 before we get too far.

5 If I understand, Mr. Savage, you're
6 merely saying that you have witnesses available if
7 the Commission has questions; you're not intending to
8 put them on unless the Commission finds that helpful,
9 right?

10 MR. SAVAGE: That is absolutely correct.

11 CHAIR CHANG: As to the other parts of
12 your -- or the other half of your comments just now,
13 I think you're just addressing the procedural
14 mechanics, that you would like the joint motion and
15 the three -- I have three exhibits here. I have A, B
16 and C. You would like them all entered into the
17 record?

18 MR. SAVAGE: Well, I guess I'm just raising
19 the question. And I'm not trying to offend the
20 Division or offend the Commission.

21 But it's my understanding that these
22 orders -- and perhaps the -- these orders are based
23 on the Division's review of the hearing packet that
24 we submitted to the Commission. The hearing packet
25 that we submitted to the Commission is the most

1 current hearing packet, with all the correct
2 exhibits, and it's updated based on the three pools
3 and three pool codes.

4 So I guess my question I raise, and not
5 necessarily anything -- and, in fact, I even asked
6 for Mr. Moander's thoughts and discretion. And I
7 don't understand why he's becoming very aggressive in
8 this matter.

9 So my question is, for procedural
10 posture, should we assume that the OCD has already
11 reviewed the exhibits filed with the Commission and
12 that these orders are going to be entered pursuant to
13 the case being -- those exhibits being taken under
14 advisement?

15 Or should the Commission take the
16 exhibits under advisement since they have been filed
17 but they haven't been admitted into the record?

18 So at the Division level, when you issue
19 a pooling order, as we are asking the Commission to
20 issue, you would admit the cases into the record --
21 you admit the exhibits into the record. That would
22 be standard procedure.

23 But if the OCD wants to bypass that and
24 consider it as appropriate just to ratify and issue
25 the orders as submitted, that's fine with us. I just

1 want to make sure we're all on the same track
2 procedurally.

3 CHAIR CHANG: Okay. If I follow -- well,
4 why don't we do it this way. Let me ask this
5 question.

6 Mr. Moander, would you have an objection
7 to the record in the underlying case in front of the
8 Division being admitted as part of the record here?
9 And the joint motion and the exhibits that you have
10 files, that you have jointly filed, being moved --
11 you know, being adopted and accepted into the record?

12 MR. MOANDER: No, Mr. Chair. To answer the
13 answer your question directly, no, OCD would not.

14 But to clarify the record, of course OCD
15 reviewed all these filings and exhibits and
16 everything else and found they were sufficient to
17 justify the mutual motion.

18 I have to confess, I've never had this
19 much trouble getting a stipulated set of records in
20 place. Because they're agreed, we've recognized the
21 evidentiary basis for the orders, thus we've agreed
22 to them. And so I think the only issue here really,
23 at the end of the day, is whether the orders will be
24 ultimately accepted and entered by the OCC.

25 I'm just confused, because I think this

1 was all essentially agreed to already, and I think
2 we're retreading ground that is both obvious and
3 somewhat unnecessary under the circumstances.

4 CHAIR CHANG: Perhaps. But if Mr. Savage
5 prefers to do things belt and suspenders and make
6 sure that the record is properly admitted, I'm
7 probably fine with that.

8 But before we get too far down, I'm
9 seeing confused looks from some of my
10 Co-Commissioners. So is there any questions we need
11 to address?

12 COMMISSIONER AMPOMAH: Yeah, Mr. Chair, I do
13 have a question.

14 So let's say we do have these proposed
15 three motions, orders for our consideration.

16 CHAIR CHANG: Yes.

17 COMMISSIONER AMPOMAH: Now, how do we
18 consider these if we do not have any evidence
19 admitted into the record? So why are we even looking
20 at it? I mean, OCD believes that everything has been
21 agreed on; why is it here?

22 MR. MOANDER: May I respond, Mr. Chair?

23 CHAIR CHANG: May I try? Well, sure,
24 Mr. Moander, I'll give you the first shot.

25 MR. MOANDER: Dr. Ampomah, so I see what

1 you're saying here. The point of this motion is to
2 obviate the hearing and to provide all the evidence
3 and testimony.

4 And that's why I commented earlier that
5 I'm a little confused about the level of discussion
6 here. Because OCD has reviewed the record, that
7 includes Devon's exhibits. It has reached a mutual
8 agreement between the parties that satisfies OCD.
9 And at this point, OCD's position is there really
10 isn't a conflict between the parties. We resolved
11 the matter.

12 So I would not anticipate providing
13 testimony in support of a stipulated motion because
14 the work has already been done and the underlying
15 disagreement has been resolved.

16 CHAIR CHANG: That's fine, Mr. Moander. I
17 think -- if I understand it correctly, right now,
18 we're just trying to dot the I's and cross the T's
19 and make sure that the underlying record in the
20 Division is admitted as evidence so that there is a
21 proper evidentiary record.

22 And I think you said to me earlier that
23 there is no objection to admitting your own joint
24 motion as part of the record and admitting the
25 underlying Division case records and documents,

1 everything else, as part of just dotting the I's and
2 saying it's formally part of the record.

3 MR. MOANDER: That is correct, Mr. Chair.

4 CHAIR CHANG: Okay. I think that was all
5 that we were trying to get to.

6 MR. SAVAGE: Yes. And if I just may add to
7 the record.

8 And so I completely agree with
9 Dr. Ampomah and to his insight into that.

10 And I just would like to state from an
11 e-mail I sent to Mr. Moander yesterday, in which I
12 raised this question, and I said, (reading) "Since we
13 proposed the orders, I assume that the OCC will need
14 to take the exhibits and case under advisement as
15 part of the procedures to review the joint motion and
16 proposed orders. That's the reason for the witness'
17 availability.

18 "Do you agree with the procedural
19 approach? Just want to make sure that we both are
20 coordinated. See you tomorrow. Let me know if I can
21 address any questions."

22 So, I mean, given that e-mail yesterday
23 explaining my position, I don't understand the OCD
24 being upset that I raised it as a consideration.

25 CHAIR CHANG: I appreciate both of you. I

1 think we can -- yeah, this feels a lit tempest in a
2 teapot.

3 So, there is no opposition to the
4 existing record being admitted. So unless I'm
5 hearing any objections from Commission counsel or the
6 rest of the Commissioners, without objection, I'm
7 going to admit it into the record.

8 (The Existing Record was admitted.)

9 CHAIR CHANG: Okay. So now you have your
10 joint motion and your exhibits, your three exhibits.
11 And I think we've -- let me summarize the way I
12 understand the factual basis here.

13 You've got an application for 14 total
14 wells, right? I'm looking at Page 3 of either
15 Exhibit B or Exhibit C. You have got an application
16 for 14 total wells.

17 Six of those are -- well, let me count,
18 one, two, three, four, five, six, seven, eight. So
19 you've got six in the upper zone, and eight in the
20 lower zone.

21 MR. SAVAGE: That's correct.

22 CHAIR CHANG: Right? That's Paragraph 15
23 and Paragraph 16. Okay?

24 The reason this application was
25 originally denied at the Division level is because

1 these two pools, for various legal reasons that you
2 walked through on Pages 4 and 5, jointly walked
3 through, hopefully you guys are on the same page now,
4 but at a least of your joint motions, they need to
5 be -- two are separate orders because there are two
6 sources of supply here that have not gone through
7 nomenclature to consolidate.

8 So, really, all we need to do to resolve
9 the matter here is to issue two orders, one for the
10 upper, one for the lower.

11 MR. SAVAGE: That is correct. And in our
12 application, we asked to pool the Bone Spring
13 formation, and we didn't mention the pools, but just
14 the Bone Spring formation, because the includes the
15 two pools. And then in our testimony, we asked for
16 two orders.

17 But the OCD felt like it was prudent.
18 They weren't sure if they could have the authority to
19 issue those two orders that we requested, so they
20 denied the application.

21 So we asked -- we both mutually believe
22 that the Commission has the authority to issue those
23 two orders.

24 CHAIR CHANG: Fair enough.

25 I'd like to turn to my Commissioners and

1 see if there's any questions. Or does that make
2 sense to everybody? Is there anything that you'd
3 like to -- or any questions? Because I'll have some
4 in a minute.

5 COMMISSIONER BLOOM: No questions,
6 Mr. Chair.

7 COMMISSIONER AMPOMAH: No questions,
8 Mr. Chair.

9 CHAIR CHANG: Thank you.

10 We will take this under advisement. But
11 I'm trying to do a little bit of light editing before
12 I can straight up sign this thing, I think.

13 Because first off, in the order numbers,
14 it looks like you've got an Exhibit A, an Exhibit B
15 and an Exhibit C. But what you're looking for is two
16 orders. Exhibit A seems to be, for the most part,
17 almost like a cover letter for the other two orders.

18 MR. SAVAGE: I believe that's something that
19 the OCD put in there. It's an adoption of the
20 orders. And we would defer to Mr. Moander to explain
21 the full purpose of that.

22 But as I said, that is a type of -- it
23 places the two orders in context, and B and C are
24 actually the orders.

25 CHAIR CHANG: For your client, yeah.

1 I'm trying to number these. Oftentimes
2 in a case, when we have multiple orders in a case,
3 you know, it's the number -A, -B, -C. That typically
4 implies that they were sequential and almost
5 amendments to each other.

6 Would there be any objection if I
7 sua sponte bifurcated so that you have two orders
8 with two numbers -- or at least for the two
9 substantive orders, two orders with two different
10 order numbers?

11 MR. SAVAGE: I don't see a problem with that
12 myself.

13 MR. MOANDER: Mr. Chair, I think that
14 actually makes a lot more sense. You're right about
15 the typical sequence of order of the OCD, so that
16 sounds prudent.

17 Just one comment on the adoption order.
18 The purpose of that was to provide the financial
19 background in support so that way if there were
20 issues down the road, the factual predicates and so
21 on are already laid out, and underlying pooling
22 orders were not just assigned sort of out of nowhere.

23 So there's a connective -- basically a
24 nexus from the motion to the last of the pooling
25 orders. My understanding is the OCC chooses to do

1 this differently.

2 The only comment I have about editing,
3 Mr. Chair, is so long as ultimately the pooling
4 orders are issued, I think OCD will be satisfied.
5 Because those two are really the focal point of the
6 case ultimately.

7 CHAIR CHANG: Yes. No, I'm not trying to
8 change any wells on anybody or any locations. I'm
9 just trying to make sure that formatting-wise,
10 procedurally, that it's as clean as we can make it.

11 I don't want to commit to anything, and
12 I'll try to be as light touch as I can. But I think
13 I might be able to consolidate your Exhibit A into a
14 couple of paragraphs that are simply inserted into
15 the other two orders so that that way we only issue
16 two orders. That way it's clear to explain --
17 because the whole point is, you wanted two orders.
18 So I didn't want to keep three and keep going on
19 these.

20 So at the risk of playing Goldilocks, I
21 think I'm going to do that and give it two separate
22 order numbers.

23 Because I'm planning to do a little bit
24 of light editing and review, I would like to ask my
25 Commissioners -- I mean, they're welcome to simply

1 delegate everything to me, but if the Commissioners
2 would like to review the final draft, could we
3 schedule -- I think we need to give 72 hours' notice
4 to have a follow-up meeting. And that will give me
5 just enough time to finish any sort of editing, make
6 sure things are numbered correctly and that
7 references match.

8 I understand that Dr. Ampomah is
9 traveling. Is there a chance that you might be able
10 to jump on any time next week for a really quick
11 Teams meeting for, you know, 10, 15 minutes, just to
12 approve whatever sign-off on the last -- on whatever
13 is available?

14 We could do it with only two of us, too.
15 We have a quorum if it --

16 COMMISSIONER AMPOMAH: Depending on the
17 time. So where I'm going to be, we do have about six
18 hours time difference. So just let me know the time.

19 CHAIR CHANG: Shall we find the time now for
20 next week?

21 COMMISSIONER AMPOMAH: Yes.

22 CHAIR CHANG: I really shouldn't need more
23 than -- we'll block it for half an hour, but I
24 shouldn't need more than 10 minutes of all of your
25 time.

1 I don't think there's substantive
2 concerns from any of us here, any parties or any
3 Commissioners. So it's really just the mechanics.
4 And I just want to make sure that people review and
5 make sure I don't have any typos.

6 MR. SAVAGE: I defer to the full discretion
7 of the OCC and their wisdom. This is their call,
8 this is their orders.

9 CHAIR CHANG: I appreciate it. And I
10 promise, we're not going to make -- I promise we're
11 all on the same page substantively. I just want to
12 make sure that I have the time to look through it
13 paragraph by paragraph.

14 So, Commissioners, what would be a good
15 time next week?

16 COMMISSIONER BLOOM: I'd say that I'm open
17 all day Thursday. Nothing I couldn't move around.
18 Thursday, the 12th.

19 COMMISSIONER AMPOMAH: What about Tuesday?

20 COMMISSIONER BLOOM: Yeah, I can find time
21 on Tuesday, as well. 8:00 a.m., 9:00 a.m., 11:00
22 a.m.

23 CHAIR CHANG: Is late in the day better for
24 you, or early in the day better for you?

25 COMMISSIONER AMPOMAH: No. Earlier in the

1 day.

2 MR. MOANDER: Mr. Chair, I do have a
3 physician appointment from 11:30 to 12:30 on the
4 10th.

5 CHAIR CHANG: Okay.

6 COMMISSIONER BLOOM: Dr. Ampomah, you said
7 afternoon is better for you on the 10th?

8 COMMISSIONER AMPOMAH: Morning.

9 COMMISSIONER BLOOM: Morning? Okay. So
10 8:00, 9:00 or --

11 CHAIR CHANG: Is 9 o'clock okay? 8 o'clock?

12 MR. MOANDER: No objection from OCD.

13 COMMISSIONER AMPOMAH: I can do 8:00.

14 CHAIR CHANG: Eight o'clock?

15 COMMISSIONER AMPOMAH: Mm-hmm.

16 COMMISSIONER BLOOM: Works for me, yeah.

17 CHAIR CHANG: Is 9 o'clock too late for you?

18 COMMISSIONER AMPOMAH: No.

19 CHAIR CHANG: If we could do 9:00, that
20 would avoid me having to move one meeting.

21 COMMISSIONER BLOOM: Sure.

22 CHAIR CHANG: 9:00 to 9:30 on Tuesday, the
23 10th?

24 COMMISSIONER BLOOM: Yeah.

25 CHAIR CHANG: Okay. Any objections or

1 concerns or thoughts from Commission counsel on that?

2 COMMISSIONER AMPOMAH: No.

3 COMMISSIONER BLOOM: No.

4 CHAIR CHANG: In that case, I think we're
5 ready to move on from Case Number 25876. So thank
6 you, Counsel. I appreciate it.

7 MR. SAVAGE: Thank you.

8 MR. MOANDER: Thank you.

9 CHAIR CHANG: Moving on to Agenda Item
10 Number 5, which is pending OCC litigation. Do we
11 have any updates that we need to go into closed
12 session for?

13 MR. SHANDLER: No.

14 CHAIR CHANG: Thank you very much.

15 No updates or no concerns or questions
16 from Commissioners on that, right?

17 COMMISSIONER BLOOM: No, Mr. Chair.

18 CHAIR CHANG: Thank you very much.

19 So moving on to other business. Any
20 other business that we need to discuss today?

21 COMMISSIONER BLOOM: Mr. Chair, I don't have
22 anything, no.

23 CHAIR CHANG: The agenda currently notes
24 that our next standard meeting is April 9th. But of
25 course we just discussed that on March 10th we are

1 going to do a quick online only virtual special
2 meeting.

3 So with that, we've reached adjournment,
4 so I will take a motion to adjourn.

5 COMMISSIONER BLOOM: Mr. Chair, I so move.

6 COMMISSIONER AMPOMAH: Mr. Chair, I second.

7 CHAIR CHANG: Thank you very much.

8 Without objection, so ordered.

9 (Motion approved.)

10 CHAIR CHANG: Thank you. We are adjourned.
11 See you all next time.

12 (Proceedings adjourned at 9:25 a.m.)

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AFFIRMATION OF COMPLETION OF TRANSCRIPT

I, Kelli Gallegos, DO HEREBY AFFIRM that on March 4, 2026, a hearing of the New Mexico Oil Conservation Commission was taken before me via video conference.

I FURTHER AFFIRM that I did report in stenographic shorthand the proceedings as set forth herein, and the foregoing is a true and correct transcript of the proceedings to the best of my ability.

I FURTHER AFFIRM that I am neither employed by nor related to any of the parties in this matter and that I have no interest in the final disposition of this matter.



Kelli Gallegos
VERITEXT LEGAL SOLUTIONS
500 Fourth Street, NW- Suite 105
Albuquerque, New Mexico 87102

[& - appearances]

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