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Received by
NM Oil Conservation
Division via
USPS Mail on 6/12/26

June 2, 2026

VIA U.S. Certified MAIL AND Email

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Gregory Chakalian, Hearing Examiner
New Mexico Oil Conservation Division
Hearing Bureau
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

**Re: Case No. 26145 — Application of DJR Operating, LLC for Approval of Surface
Commingling, Ponderosa F31-2409 Pad**

**Protest of June 2, 2026 telephonic-only denial of continuance, and renewed motion
to continue**

Dear Mr. Chakalian:

I am the protestant in the above-captioned matter and the only mineral owner who timely objected to DJR's administrative application. I write to protest, and to preserve for the record, the manner in which my request for a continuance of the June 4, 2026 hearing has been handled, and to renew that request on the grounds set out below.

1. Notice of the denial.

At approximately 3:10 p.m. Mountain Time today, June 2, 2026, I was advised by telephone that my request to continue the June 4 hearing has been denied. I have received no written order, no docket entry, and no email or mailed communication identifying the grounds for the denial, the rule relied upon, or the official who entered the ruling. The hearing is set to begin in less than 48 hours. I respectfully request that a written, reasoned order denying the continuance be entered on the docket and served on me by mail and by facsimile before the hearing convenes, so that the record reflects the basis for the ruling.

2. The hearing schedule, as currently set, denies me a meaningful opportunity to be heard.

The relevant timeline is in the record and is not disputed:

- DJR's certified-mail notice was dated April 3, 2026 but not received by me until April 13, 2026, leaving seven days of the stated twenty-day objection window.
- I filed my written objection on April 20, 2026; both NMOCD and Enduring Resources receipted certified-mail copies on April 23, 2026.
- Mr. Dean McClure of NMOCD confirmed by telephone on April 28, 2026 that my objection was timely.
- The Hearing Notice in this case is dated May 5, 2026, was postmarked May 8, 2026, and was received by me on May 18, 2026 — sixteen days before the June 4 hearing.
- A third certified-mail packet from Holland & Hart, dated May 15, 2026, was received by me on May 19, 2026, advising for the first time that I must file a Pre-Hearing Statement four business days before the hearing in order to participate as a party.

I am 70+ years of age, in poor health, residing in Oklahoma, without internet access at my residence, and without legal counsel. The applicant is represented by a major regulatory firm with three attorneys of record. A 16-day window between receipt of the Hearing Notice and the hearing — much of it consumed by mail delivery and by the layered notice requirements imposed only after I objected — does not permit me a reasonable opportunity to retain counsel, prepare a Pre-Hearing Statement, or otherwise meaningfully participate.

3. Federal trust responsibility.

My mineral interest in the lands subject to this application is held in trust for me as a Navajo allottee. The application's own filings reflect that the Bureau of Indian Affairs, the Federal Indian Minerals Office, and the Bureau of Land Management are notified parties (Admin. Application Checklist, boxes D, E, and G). The applicant's interest-owner exhibits were filed confidentially per the applicant's agreement with FIMO. Federal trust obligations to Indian allottees inform what process is due to me in this proceeding, and a schedule that effectively forecloses my participation is not consistent with those obligations.

4. Renewed motion to continue.

I respectfully renew my request that the June 4, 2026 hearing be continued for a reasonable period — not less than ninety (90) days — to permit me to (a) retain counsel, (b) prepare and file a Pre-Hearing Statement, (c) obtain disclosure of the confidential Exhibits 4 and 5

to the administrative application, which are necessary to identify my own interest and the interests of similarly situated allottees, and (d) arrange any accommodations required for my telephonic participation given my health and lack of internet access.

5. In the alternative.

If the continuance is again denied, I respectfully request, on the record:

- a. A written order setting out the grounds for denial and identifying the rule under which the denial is entered;
- b. Leave to participate in the June 4 hearing by telephone, with a dial-in number provided to me by mail or facsimile no later than 5:00 p.m. Mountain Time on June 3, 2026;
- c. Leave to submit my Pre-Hearing Statement and any supporting documents by U.S. mail and facsimile, rather than electronically, given my lack of internet access; and
- d. Leave to have my April 20, 2026 written objection treated as my statement of position for purposes of the hearing, to the extent a formal Pre-Hearing Statement is not feasible within the time remaining.
- e. Leave to designate a third party as my tribal advocate to help me with the hearing process. I am authorizing Adam Valdez to participate in any hearings and to submit any documents I have reviewed and approved electronically.

6. Reservation of rights.

Nothing in this letter is intended to waive, and I expressly preserve, all objections to the adequacy of notice, the adequacy of the opportunity to be heard, the timing and manner of service of rulings, and any other procedural defects in this proceeding, including for purposes of any appeal or further administrative review.

I ask that this letter be entered on the docket in Case No. 26145.

Respectfully submitted,



Retha Murdock

Protestant, pro se

- ✓ cc: Albert Chang, Division Director, NMOCD
- ✓ Freya Tschantz, Hearing Bureau Law Clerk, NMOCD
- Paula M. Vance, Esq., Holland & Hart LLP, counsel for DJR Operating, LLC and Enduring Resources San Juan, LLC

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