

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

**IN THE MATTER OF THE HEARING CALLED  
BY THE OIL CONSERVATION DIVISION FOR  
THE PURPOSE OF CONSIDERING:**

**APPLICATION OF APACHE CORPORATION  
FOR COMPULSORY POOLING AND  
APPROVAL OF A HORIZONTAL SPACING  
UNIT FOR A POTASH DEVELOPMENT  
AREA AND PILOT PROJECT,  
EDDY COUNTY, NEW MEXICO**

**Case Nos. 21489, 21490, and 21491**

**IN ITS RELATION TO THE FOLLOWING:**

**APPLICATION OF ASCENT ENERGY, LLC  
FOR COMPULSORY POOLING, EDDY COUNTY  
NEW MEXICO**

**OCD Case Nos. 16481 and 16482  
OCC Case Nos. 21277 and 21278**

**AMENDED APPLICATIONS OF APACHE  
CORPORATION FOR COMPULSORY POOLING  
AND APPROVAL OF HORIZONTAL SPACING  
UNIT AND POTASH DEVELOPMENT AREA,  
EDDY COUNTY, NEW MEXICO**

**OCD Case Nos. 20171 and 20202  
OCC Case Nos. 21279 and 21280**

**APPLICATION OF MEWBOURNE OIL  
COMPANY FOR COMPULSORY POOLING,  
EDDY COUNTY, NEW MEXICO**

**OCD Case Nos. 21361, 21362, 21363  
and 21364**

**APPLICATION OF ASCENT ENERGY,  
LLC, FOR COMPULSORY POOLING,  
EDDY COUNTY, NEW MEXICO**

**OCD Case Nos. 21393 and 21394**

**ORDERS OF THE COMMISSION**

**Order Nos. R-21454  
and R-21454-A**

**SCHEDULING ORDER ON MOTION TO DISMISS APPLICATIONS**

Ascent Energy, LLC, filed on October 29, 2020, a Motion to Dismiss Apache's applications in Case Nos. 21489, 21490, and 21491, and on the same grounds, to dismiss Mewbourne's applications in Case Nos. 21362 and 21364.


Ascent states in support of its motion that the Division is barred by *res judicata* from hearing Apache's Case Nos. 21489-91 and Mewbourne's Case Nos. 21362 and 21364, and that the Commission is barred by Section 70-2-13 from hearing Apache's Cases 21489-91.

Apache and Mewbourne oppose Ascent's motion; Oxy USA and EOG have not taken a position on the motion.

The following deadlines are set in order to brief the motion for the Director's decision:

1. Responses to Ascent's motion to dismiss shall be filed by 5 p.m. on November 20, 2020.
2. Replies to any responses filed shall be filed by 5 p.m. on November 30, 2020.
3. Arguments will be held on the motion as part of the Division hearing docket on December 3, 2020.

STATE OF NEW MEXICO  
OIL CONSERVATION DIVISION



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FELICIA L. ORTH  
HEARING EXAMINER

Date: \_\_\_\_\_

11/9/20