

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

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

Application of EOG Resources, Inc.  
for Compulsory Pooling,  
Lea County, New Mexico

Case No. 20424

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

THURSDAY, JUNE 17, 2021

This matter came on for hearing before the  
New Mexico Oil Conservation Division, Legal  
Examiner William Brancard, Technical Examiner  
Leonard Lowe, on Thursday, June 17, 2021, via  
the Webex virtual Conferencing platform.

Reported by: Mary Therese Macfarlane  
New Mexico CCR No. 122  
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1 A P P E A R A N C E S.

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15 C O N T E N T S

16	CASE No. 20424	PAGE
17	CASE CALLED:	3
18	Status Conference Scheduled for 8/19/21	6

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1 (Time noted 8:58 a.m.)

2 EXAMINER BRANCARD: I'm going to call No. 8 on  
3 the agenda, Case 20424 EOG Resources, Holland & Hart.

4 MS. LUCK: Good morning. Kaitlyn Luck with the  
5 Santa fe office of Holland & Hart for EOG.

6 EXAMINER BRANCARD: And we've an entry from  
7 Marathon Oil.

8 MS. BRADFUTE: Yes. Good morning, Mr. Examiner.  
9 Jennifer Bradfute on behalf of Marathon Oil Permian, LLC.

10 EXAMINER BRANCARD: Good to see you.

11 MS. BRADFUTE: Same.

12 EXAMINER BRANCARD: We have a motion for  
13 continuance here, unopposed, but my question, Ms. Luck,  
14 and I'll throw this out to both parties, I guess: This  
15 application was filed April, 2019, 26 months ago. Why  
16 should we continue this? Why shouldn't the Division just  
17 dismiss this?

18 MS. LUCK: These cases are wrapped up with  
19 another set of cases called the Silver Train and Marathon  
20 PI cases. Those are 20344 through -47, as well as 20309  
21 through 20310.

22 These cases were meant to be continued all  
23 together, including 20424; however, this case was  
24 inadvertently left off. It's my understanding the parties  
25 are still working towards a deal, and that's why we would

1 like to go ahead and keep the case at this point.

2 MS. BRADFUTE: Mr. Examiner, the parties have  
3 been engaged in productive negotiations related to all of  
4 these cases. Those negotiations did pause during Covid  
5 in 2020, and have recommenced, and the parties have been  
6 making good progress.

7 EXAMINER BRANCARD: Okay. So why are we not  
8 combining all these cases?

9 MS. LUCK: They should all be consolidated,  
10 essentially, but they are not under the Prehearing Order  
11 at this point. They have all been continued at each  
12 subsequent hearing date. And so that's why we would like  
13 to go ahead and continue this case for the remainder.

14 I can provide you with those case numbers  
15 again, if you would like.

16 EXAMINER BRANCARD: Yes. I think they were on  
17 the docket and they filed earlier motions; is that  
18 correct?

19 MS. LUCK: That's right. And this one should  
20 have been filed at the same time but we overlooked the  
21 case number on our motions.

22 EXAMINER BRANCARD: So when were those cases  
23 continued to and when do you propose continuing this case  
24 to?

25 MS. LUCK: August 18th for all of them, and the

1 original motions I think for the other cases have already  
2 been approved by Marlene, and so --

3 (Note: Reporter inquiry.)

4 MS. LUCK: Let me see if I can turn on my  
5 microphone on my computer and see if that helps.

6 Can you hear me now?

7 EXAMINER BRANCARD: Okay.

8 MS. LUCK: Again, those case numbers for the  
9 other cases are 20344 through 20347. Those are the EOG  
10 Silver Trains. And then the Marathon companion cases are  
11 20309 and 20310. Those are the PI wells.

12 EXAMINER BRANCARD: Ms. Bradfute, do you agree  
13 these cases all should be heard together if they ever get  
14 heard?

15 MS. BRADFUTE: Yes, Mr. Hearing Examiner, I do.

16 EXAMINER BRANCARD: So since the mode seems to  
17 be negotiation rather than heading toward a big hearing,  
18 why don't I issue a Scheduling Order For August 19th but  
19 we will call it a status conference.

20 MS. BRADFUTE: That would work for the parties.

21 EXAMINER BRANCARD: At this point when these  
22 cases are so old I think we kind of need to keep track of  
23 them and find out whether they really should be continued  
24 or dismissed or whatever.

25 Marlene does a phenomenal job of tracking

1 all these cases, but, you know, at some point it's a lot.

2 MS. BRADFUTE: Mr. Examiner, may I ask a  
3 question?

4 EXAMINER BRANCARD: Sure.

5 MS. BRADFUTE: Do we continue to file  
6 continuances, even though its on the status report that  
7 the parties do negotiate a further continuation?

8 EXAMINER BRANCARD: No, you will come into the  
9 status conference and discuss the next date and tell me  
10 how you're doing in your negotiations.

11 MS. BRADFUTE: Okay. Thank you. Great.

12 EXAMINER BRANCARD: All right. So I will issue  
13 a Scheduling Order, and this will be a status conference  
14 for August 19th for all these cases.

15 MS. LUCK: Thank you.

16 MS. BRADFUTE: Thank you.

17 EXAMINER BRANCARD: Thanks.

18 (Time noted 9:01 a.m.)

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1 STATE OF NEW MEXICO )  
2 : SS  
3 COUNTY OF TAOS )

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REPORTER'S CERTIFICATE

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I, MARY THERESE MACFARLANE, New Mexico Reporter  
CCR No. 122, DO HEREBY CERTIFY that on Thursday, June 17,  
2021, the proceedings in the above-captioned matter were  
taken before me; that I did report in stenographic  
shorthand the proceedings set forth herein, and the  
foregoing pages are a true and correct transcription to  
the best of my ability and control.

I FURTHER CERTIFY that I am neither employed by  
nor related to nor contracted with (unless excepted by the  
rules) any of the parties or attorneys in this case, and  
that I have no interest whatsoever in the final  
disposition of this case in any court.

/s/ Mary Macfarlane

\_\_\_\_\_  
MARY THERESE MACFARLANE, CCR  
NM Certified Court Reporter No. 122  
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