

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 OXY USA INC. FOR
APPROVAL OF THE JUNO BONE SPRING
UPPER WOLFCAMP CC 23-24 UNIT, TO
MODIFY THE INJECTION AUTHORITY
APPROVED UNDER ORDER R-21356 AND
EXPAND THAT AUTHORITY TO INCLUDE
ELEVEN ADDITIONAL WELLS IN THE UNITIZED
AREA, AND TO CONTRACT EXISTING BONE
SPRING AND WOLFCAMP POOLS IN FAVOR OF
A NEW OIL POOL COMPRISED OF THE BONE
SPRING FORMATION AND THE UPPER WOLFCAMP
"XY" AND "A" INTERVALS OF THE WOLFCAMP
FORMATION, EDDY COUNTY, NEW MEXICO

CASE NO. 22183

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, OCTOBER 7, 2021

STATUS CONFERENCE

This matter came on for hearing before the
New Mexico Oil Conservation Division, William
Brancard, Esq. Hearing Examiner, Dylan Rose-Coss,
Technical Examiner, on Thursday, October 7, 2021,
via Webex Virtual Conferencing Platform hosted
by the New Mexico Department of Energy, Minerals and
Natural Resources

Reported by: Mary Therese Macfarlane
New Mexico CCR #122
PAUL BACA COURT REPORTERS
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A P P E A R A N C E S

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C O N T E N T S

CASE 22183

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CASE CALLED:

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CONTINUED TO OCTOBER 22, 2021:

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1 (Time noted 8:30 a.m.)

2 EXAMINER BRANCARD: All right. Case 22183, OXY
3 USA.

4 Mr. Feldewert, is that you again?

5 MR. FELDEWERT: Yes, Mr. Examiner. Michael
6 Feldewert with the Santa Fe office of Holland & Hart
7 appearing on behalf applicant, OXY USA, Inc.

8 EXAMINER BRANCARD: All right. XTO Energy.

9 MR. CLOUTIER: Mr. Brancard, Andrew Cloutier,
10 Hinkle Shanor, on behalf of XTO Energy.

11 EXAMINER BRANCARD: Any other parties? I may be
12 missing something here. 22183. Is there another party?
13 (Note: Pause.)

14 Thank you. Hearing none, Mr. Feldewert you
15 have communicated and wish to have this simply moved to
16 the next docket -- well, October 22nd, create a special
17 docket October 22nd. And I just want to have this
18 discussion out in the open here so we can make it clear
19 and everybody is okay with that.

20 Mr. Cloutier, are you aware of this?

21 MR. CLOUTIER: Yes, Mr. Brancard. Mr. Feldewert
22 and Mr. Rankin have both discussed this with me, and
23 that's fine with XTO.

24 EXAMINER BRANCARD: We have a bunch of contested
25 cases on the 21st so far -- although I think some are

1 dropping out -- so they may easily run over into the 22nd,
2 and you-all would be at the end of that docket, just so
3 you're aware. All right?

4 MR. CLOUTIER: We are in discussions about ways
5 to potentially resolve this, as well, Mr. Brancard, but I
6 think it's best we get it on the docket and get going.

7 EXAMINER BRANCARD: All right.

8 MR. FELDEWERT: Mr. Brancard, I have apprised
9 OXY -- first off is, for the record, the reason we are
10 continuing, we HAD to continue this, we had uncovered a
11 Notice issue. So we did provide Notice to this other
12 party the -- it was not XTO, a different affected party --
13 of the October 22nd date, No. 1.

14 No. 2, I did tell OXY that in light of this
15 and given the nature of the docket, that we would
16 essentially be a trailing docket, that we would go
17 whenever the Division can accommodate our case. So they
18 are fully prepared and will be available to present the
19 case whenever the Division can accommodate, you know, this
20 matter.

21 EXAMINER BRANCARD: And so just to clarify our
22 recollections, this is not a contested case but this is a
23 case where you have to have witnesses. Is that correct?

24 MR. FELDEWERT: Correct. There is a number of
25 moving parties to this case. It's got some unique

1 features. OXY is in discussion with XTO about one of the
2 unique features of this matter, so that's why XTO has
3 appeared in this case, and the parties are discussing the
4 concerns.

5 EXAMINER BRANCARD: All right. I see
6 Mr. Cloutier nodding his head, and so...

7 All right. Are there any other interested
8 persons in 22183? If not, this will be scheduled, as Mr.
9 Feldewert notes, on a trailing docket for October 22nd. I
10 don't need to issue a Prehearing Order, so I will just
11 issue a Scheduling Order on that.

12 And I think you may have already filed a
13 continuance, Mr. Feldewert.

14 MR. FELDEWERT: Yes.

15 EXAMINER BRANCARD: Great. Thank you.

16 (Time noted 8:37 a.m.)
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1 STATE OF NEW MEXICO)
2 : ss
3 COUNTY OF TAOS)

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5 REPORTER'S CERTIFICATE

6 I, MARY THERESE MACFARLANE, New Mexico Reporter
7 CCR No. 122, DO HEREBY CERTIFY that on Thursday,
8 October 7, 2021, the proceedings in the above-captioned
9 matter were taken before me; that I did report in
10 stenographic shorthand the proceedings set forth herein,
11 and the foregoing pages are a true and correct
12 transcription to the best of my ability and control.

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

18

 /s/ Mary Macfarlane

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20 _____
21 MARY THERESE MACFARLANE, CCR
 NM Certified Court Reporter No. 122
 License Expires: 12/31/2018

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