

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:

CASE NOS: 21851-21854

APPLICATION OF APACHE CORPORATION,  
FOR COMPULSORY POOLING,  
EDDY COUNTY, NEW MEXICO.

21825-21826

APPLICATION OF COLGATE OPERATING LLC  
FOR COMPULSORY POOLING,  
EDDY COUNTY, NEW MEXICO.

REPORTER'S TRANSCRIPT OF VIRTUAL PROCEEDINGS  
EXAMINER HEARING  
DECEMBER 2, 2021  
SANTA FE, NEW MEXICO

This matter came on for virtual hearing before  
the New Mexico Oil Conservation Division, HEARING OFFICER  
WILLIAM BRANCARD and TECHNICAL EXAMINERS DEAN McCLURE and  
DYLAN ROSE-COSS on Thursday, December 2, 2021, through the  
Webex Platform.

Reported by: Irene Delgado, NMCCR 253  
PAUL BACA PROFESSIONAL COURT REPORTERS  
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1 A P P E A R A N C E S

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12 For Colgate Operating:

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18 For EOG Resources:

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24 For Petro Gulf:

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26 I N D E X

27	CASE CALLED	
28	STATUS CONFERENCE	03
29	REPORTER CERTIFICATE	07
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1 HEARING EXAMINER BRANCARD: With that, I will  
2 call cases three through eight on our agenda. That's 21851,  
3 852, 853, 854, Apache Corporation; and 21825, 826, Colgate  
4 Operating. Apache?

5 MR. MOELLENBERG: Mr. Hearing Examiner, Dal  
6 Moellenberg from Gallagher & Kennedy in Santa Fe for Apache  
7 Corporation.

8 HEARING EXAMINER BRANCARD: Thank you, Mr.  
9 Moellenberg. We have had some new lawyers jump in here,  
10 although it's unclear whether the old lawyers have  
11 withdrawn.

12 MR. FELDEWERT: I'll address that now that  
13 Mr. Moellenberg has entered an appearance for Apache in  
14 these matters, we will be withdrawing and transferring the  
15 files to him. So I will no longer be participating in these  
16 matters.

17 HEARING EXAMINER BRANCARD: Thank you. And also  
18 for Colgate, who is now on board for Colgate?

19 MR. PADILLA: Mr. Examiner, this is Ernest  
20 Padilla. Dana Hardy has taken over these cases for me, so I  
21 will be withdrawing or I'm not counsel of record, let me put  
22 it that way.

23 HEARING EXAMINER BRANCARD: Thank you.

24 Ms. Hardy, is that correct?

25 MS. HARDY: That's correct, Mr. Examiner. Dana

1 Hardy on behalf of Colgate.

2 HEARING EXAMINER BRANCARD: All right. So I have  
3 a few other entries of appearance here. MRC Permian?

4 (No audible response.)

5 HEARING EXAMINER BRANCARD: Did I get that wrong?  
6 EOG Resources?

7 MR. RITTENHOUSE: Yes, sir, Mr. Examiner this is  
8 Joby Rittenhouse from Beatty and Wozniak appearing on behalf  
9 of EOG.

10 HEARING EXAMINER BRANCARD: And I have Petro Gulf  
11 Corporation.

12 (No audible response.)

13 HEARING EXAMINER BRANCARD: Mr. Bruce, are you  
14 representing any of those folks?

15 MR. BRUCE: Yes, Mr. Examiner. Jim Bruce  
16 representing Petro Gulf and I have written down the wrong  
17 name, but I have also entered an appearance for MRC Permian.

18 HEARING EXAMINER BRANCARD: Thank you. All  
19 right. So we have new counsel. Where are we headed with  
20 this? I will start with you, Mr. Moellenberg.

21 MR. MOELLENBERG: Thank you, Mr. Examiner. I  
22 think Ms. Hardy has some news regarding Colgate, but -- that  
23 will change things perhaps a little bit, but I expect after  
24 we hear from Ms. Hardy we will probably want to do a status  
25 conference perhaps in January or perhaps set a hearing after

1 we hear from Ms. Hardy.

2 HEARING EXAMINER BRANCARD: Ms. Hardy?

3 MS. HARDY: Thank you. We are going to be  
4 amending and refileing Colgate's applications in these cases.  
5 And the well location will not change, we are just  
6 reconfiguring the spacing unit.

7 The acreage will still overlap the way it does  
8 now with Apache's application, so we will still have  
9 competing applications involving the same acreage, and we  
10 would ask that these matters be set for contested hearing in  
11 February if that's possible.

12 We are planning to file our amended application  
13 by next week for the January 6 docket, so that would be the  
14 initial docket on which it would be set.

15 HEARING EXAMINER BRANCARD: Okay.

16 Mr. Moellenberg, any thoughts?

17 MR. MOELLENBERG: Yes, I believe a hearing  
18 settling in February would be, would be fine for Apache.

19 HEARING EXAMINER BRANCARD: Let's go around.

20 Mr. Rittenhouse?

21 MR. RITTENHOUSE: No objection from EOG.

22 HEARING EXAMINER BRANCARD: Mr. Bruce?

23 MR. BRUCE: No objection.

24 HEARING EXAMINER BRANCARD: Thank you. All  
25 right. All right. Why don't we set a contested hearing

1 then for February 17. I think we have prehearing orders out  
2 so I need to do a new one, but more importantly, Ms. Hardy,  
3 you need to let us know when you file new applications and  
4 put in a request to amend the prehearing order at that  
5 point.

6 MS. HARDY: We will do that, Your Honor.

7 HEARING EXAMINER BRANCARD: Thank you. Anything  
8 else on these cases, 21851 through 854, 21825, 21826?

9 (No audible response.)

10 HEARING EXAMINER BRANCARD: Hearing none, we are  
11 set for hearing on February 17. Thank you.

12 (Concluded.)

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1 STATE OF NEW MEXICO  
2 COUNTY OF BERNALILLO

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4 REPORTER'S CERTIFICATE

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6 I, IRENE DELGADO, New Mexico Certified Court  
7 Reporter, CCR 253, do hereby certify that I reported the  
8 foregoing virtual proceedings in stenographic shorthand and  
9 that the foregoing pages are a true and correct transcript  
10 of those proceedings to the best of my ability.

11 I FURTHER CERTIFY that I am neither employed by  
12 nor related to any of the parties or attorneys in this case  
13 and that I have no interest in the final disposition of this  
14 case.

15 I FURTHER CERTIFY that the Virtual Proceeding was  
16 of reasonable quality.

17 Dated this 2nd day of December 2021.

18

/s/ Irene Delgado

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Irene Delgado, NMCCR 253  
License Expires: 12-31-21

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