| 1 | CHARL OF NEW MEXTOO | |
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| 1 | STATE OF NEW MEXICO | |
| 2 | OIL CONSERVATION COMMISSION | |
| 3 | SANTA FE, NEW MEXICO | |
| 4 | | |
| 5 | IN THE MATTER OF THE HEARING | |
| 6 | CALLED BY THE OIL CONSERVATION | |
| 7 | DIVISION FOR THE PURPOSE OF | |
| 8 | CONSIDERING: | |
| 9 | | |
| 10 | UPDATE ON APPLICATION OF TITUS Case No. | |
| 11 | OIL & GAS PRODUCTION, LLC FOR 21872 | |
| 12 | APPROVAL OF PRODUCTION ALLOCATION, | |
| 13 | LEA COUNTY, NEW MEXICO, | |
| 14 | | |
| 15 | ADOPTION OF FINAL ORDER IN Case No. | |
| 16 | APPLICATION OF PINON MIDSTREAM, 22977 | |
| 17 | LLC TO AMEND COMMISSION ORDER | |
| 18 | NO. R-21455-A TO INCREASE THE | |
| 19 | MAXIMUM DAILY INJECTION RATES FOR | |
| 20 | THE INDEPENDENCE AGI #1 AND #2 | |
| 21 | WELLS, LEA COUNTY, NEW MEXICO, | |
| 22 | | |
| 23 | APPLICATION OF CIMAREX ENERGY Case No. | |
| 24 | CO. FOR COMPULSORY POOLING, 23049 | |
| 25 | EDDY COUNTY, NEW MEXICO, | |
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| 1 | APPLICATION OF CIMAREX ENERGY | Case No. |
|----|-------------------------------|----------|
| 2 | CO. FOR COMPULSORY POOLING, | 22510 |
| 3 | EDDY COUNTY, NEW MEXICO, | |
| 4 | | |
| 5 | APPLICATION OF CHEVRON U.S.A. | Case No. |
| 6 | INC. FOR COMPULSORY POOLING, | 22343 |
| 7 | EDDY COUNTY, NEW MEXICO, | |
| 8 | | |
| 9 | APPLICATION OF CHEVRON U.S.A. | Case No. |
| 10 | INC. FOR COMPULSORY POOLING, | 22344 |
| 11 | EDDY COUNTY, NEW MEXICO, | |
| 12 | | |
| 13 | APPLICATION OF WPX ENERGY | Case No. |
| 14 | PERMIAN, LLC FOR COMPULSORY | 22506 |
| 15 | POOLING, EDDY COUNTY, | |
| 16 | NEW MEXICO, | |
| 17 | | |
| 18 | APPLICATION OF WPX ENERGY | Case No. |
| 19 | PERMIAN, LLC FOR APPROVAL OF | 23087 |
| 20 | AN 862.40-ACRE NON-STANDARD | |
| 21 | HORIZONTAL WELL SPACING UNIT | |
| 22 | AND COMPULSORY POOLING, | |
| 23 | EDDY COUNTY, NEW MEXICO, | |
| 24 | | |
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| 1 | | VIDEOCONFERENCE HEARING |
|-----|--------------|----------------------------|
| 2 | DATE: | Thursday, October 13, 2022 |
| 3 | TIME: | 10:03 a.m. |
| 4 | LOCATION: | Remote Proceeding |
| 5 | | Santa Fe, NM 87501 |
| 6 | REPORTED BY: | Dana Fulton, Notary Public |
| 7 | JOB NO.: | 5 4 9 5 2 0 4 |
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| 1 | APPEARANCES |
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| 2 | List of Attendees: |
| 3 | Adrienne Sandoval, Madam Chair, Director of the |
| 4 | Oil Conservation Division |
| 5 | Chris Moander, Esquire, State of New |
| 6 | Mexico Oil Conservation Commission |
| 7 | Greg Bloom, PhD., Designee of Commissioner of |
| 8 | Public Lands |
| 9 | William Ampomah, PhD., Professor at New Mexico |
| 10 | Tech, and Designee of the New Mexico Energy Secretary |
| 11 | Dylan Fuge, Esquire, Energy, Minerals and Natural |
| 12 | Resources Department of New Mexico |
| 13 | Sharon Shaheen, Esquire |
| 14 | |
| 15 | ALSO PRESENT: |
| 16 | Florence Davidson, Clerk to the State of New |
| 17 | Mexico Oil Conservation Commission |
| 18 | Jaime Barcus, Walters Richardson, PLLC |
| 19 | |
| 20 | |
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| 1 | PROCEEDINGS |
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| 2 | MS. SANDOVAL: My name is Andrienne |
| 3 | Sandoval. I am the Director of the Oil Conservation |
| 4 | Division. Will the other two Commissioners please |
| 5 | introduce yourselves for the record. |
| 6 | MR. BLOOM: Hi. Good morning, |
| 7 | everyone. My name is Greg Bloom, and I am the |
| 8 | designee of Commissioner of Public Lands. Thanks. |
| 9 | DR. AMPOMAH: Good morning. I am |
| 10 | Dr. William Ampomah. I'm a professor at New Mexico |
| 11 | Tech, and also designee of the Energy Secretary. |
| 12 | Thank you. |
| 13 | MS. SANDOVAL: Also with us is Chris |
| 14 | Moander, counsel to The Commission, and Florence |
| 15 | Davidson, clerk to The Commission. |
| 16 | First item on the Agenda is Approval of |
| 17 | the Agenda. A couple notes, case nos. 6 through 9 on |
| 18 | the Agenda were continued to January 12, 2023. |
| 19 | Mr. Moander, 10 and 11, are those being |
| 20 | formally moved? |
| 21 | MR. MOANDER: So, Madam Chair, |
| 22 | yesterday afternoon counsel for WPX Energy Permian |
| 23 | submitted a Notice of Dismissal for Case Nos. 23087 |
| 24 | and 22506. So at this point, unless for some strange |
| 25 | reason there's opposition to that, Madam Chair, I |
| | |

| 1 | would construe those as dismissed. |
|----|---|
| 2 | MS. SANDOVAL: Okay. So then Case No. |
| 3 | 22506 and 23087, which were numbers 10 and 11 on the |
| 4 | docket, will be dismissed and not heard today. With |
| 5 | those changes, is there a Motion to Adopt the Agenda? |
| 6 | MR. BLOOM: Madam Chair, I so move to |
| 7 | adopt the Agenda as modified. |
| 8 | DR. AMPOMAH: Madam Chair, I do second. |
| 9 | MS. SANDOVAL: Mr. Moander, would you |
| 10 | do a roll-call vote, please? |
| 11 | MR. MOANDER: Happily, Madam Chair. |
| 12 | Mr. Ampomah? |
| 13 | DR. AMPOMAH: Approved. |
| 14 | MR. MOANDER: Commissioner Bloom? |
| 15 | MR. BLOOM: Approved. |
| 16 | MR. MOANDER: Madam Chair? |
| 17 | MS. SANDOVAL: Approved. |
| 18 | MR. MOANDER: The Motion carries. |
| 19 | MS. SANDOVAL: All right. Next item is |
| 20 | Approval of the September 8, 2022 Meeting minutes; is |
| 21 | there a Motion to Adopt the Meeting Minutes? |
| 22 | MR. BLOOM: Madam Chair, I so move. |
| 23 | DR. AMPOMAH: Madam Chair, I second. |
| 24 | MR. SANDOVAL: Could you do a roll-call |
| 25 | vote, please, Mr. Moander? |
| | |

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| 1 | MR. MOANDER: Yes, Madam Chair. |
|----|--|
| 2 | Commissioner Ampomah? |
| 3 | DR. AMPOMAH: Approved. |
| 4 | MR. MOANDER: Commissioner Bloom? |
| 5 | MR. BLOOM: Approved. |
| 6 | MR. MOANDER: Madam Chair? |
| 7 | MS. SANDOVAL: Approved. |
| 8 | MR. MOANDER: The Motion carries. |
| 9 | MS. SANDOVAL: All right. Onto item |
| 10 | no. 4, Update on Case No. 21872, which was Application |
| 11 | of Titus Oil & Gas Production for Approval of |
| 12 | Production Allocation. I believe Mr. Fuge is on the |
| 13 | line with EMNRD to provide an update on that, or to |
| 14 | answer questions, or both. |
| 15 | MR. FUGE: Good morning, Madam Chair. |
| 16 | I was asked to I provided an update at the last |
| 17 | Commission meeting, which I'm happy to recap, but I |
| 18 | believe I was asked I was asked to appear today to |
| 19 | address any questions after providing a copy of the |
| 20 | executed MOA with the Railroad Commission to |
| 21 | Mr. Moander who I understand distributed it to the |
| 22 | rest of the Commission. So I'm appearing today to |
| 23 | answer any questions that the Commission may have. |
| 24 | MS. SANDOVAL: Would you mind just |
| 25 | doing, like, the 40,000-foot view of what the |
| | |

| 1 | agreement was, and then, Commissioners, as you have |
|----|--|
| 2 | questions, you can ask them of Mr. Fuge. |
| 3 | MR. FUGE: Sure. I'm happy to. I |
| 4 | think as everyone will recall, Titus, you know, |
| 5 | presented its case to the Commission in seeking to |
| 6 | develop a cross-border well with surface facilities |
| 7 | located in New Mexico, but producing intervals in both |
| 8 | New Mexico and Texas from the same well bore. The Oil |
| 9 | Conservation Division, and ultimately the OCD, through |
| 10 | its Order, took the position that such development of |
| 11 | that nature could not proceed until there was an |
| 12 | imminent place between the Railroad Commission and the |
| 13 | OCD concerning the, you know, sort of, co-management |
| 14 | of such wells. |
| 15 | And so the MOA that I presented last |
| 16 | week that was executed earlier this year was fully |
| 17 | executed earlier this year, provides such a structure |
| 18 | for the OCD and the Railroad Commission to exercise |
| 19 | their, sort of, respective jurisdictions over the |
| 20 | facilities. |
| 21 | It includes provisions for allocation |
| 22 | of production from the well bore. It discusses, you |
| 23 | know, compliance with various regulatory requirements. |
| 24 | You know, the environmental for example, the |
| 25 | environmental requirements that might apply to |
| | |

| 1 | facility construction are going to be dependent upon |
|----|--|
| 2 | the location of surface facilities. It address |
| 3 | reporting; for the most part, reporting relating to |
| 4 | production. Whether it's water, venting, flaring, et |
| 5 | cetera, all are going to be in a proportional basis, |
| 6 | you know, tracking the same formula used to allocate |
| 7 | production. |
| 8 | And then it finally includes provisions |
| 9 | related to financial assurance. Any operator that |
| LO | wishes to develop such a well has to maintain |
| L1 | financial assurance in both states, as if the wells |
| L2 | were exclusively there, and has to make available |
| L3 | information related to both gross and allocated |
| L4 | production and any other sort of reported volumes that |
| L5 | are required. |
| L6 | And then, finally, there are provisions |
| L7 | for the Railroad Commission and the OCD to coordinate |
| L8 | related to inspection and enforcement activities to |
| L9 | the extent such activities become necessary in the |
| 20 | future and share information. |
| 21 | So at a high level, it, again, you |
| 22 | know, reflects the coordination necessary for the, you |
| 23 | know, OCD and the Railroad Commission to exercise our |
| 24 | respective authority over the wells. At this point |

there is only the one well that Titus has put forward,

25

| | but I understand from their submissions in the prior |
|----|--|
| 2 | case that those that there are additional wells |
| 3 | coming in. |
| 4 | I will close with this: You know, this |
| 5 | was an MOA that was delegated to the OCD to execute. |
| 6 | So it is not actually before the Commission for any |
| 7 | sort of approval, but it has been presented to the |
| 8 | Commission in satisfaction of the condition in the |
| 9 | Titus Order that required my office to provide |
| LO | periodic updates to the Commission with the full |
| L1 | execution of the MOA. That you know, my office |
| L2 | views that condition as satisfied. |
| L3 | And with that, I'm happy to address any |
| L4 | specific questions. |
| L5 | MR. MOANDER: Madam Chair, just a brief |
| L6 | note: I think that Mr. Fuge and I are in agreement. |
| L7 | It is I'll pull this out quickly, so we have an |
| L8 | accurate record. It's Order R-21831-A, paragraph 29 |
| L9 | that requires Mr. Fuge, or someone from his office, to |
| 20 | appear every 90 days until an MOA is executed. At |
| 21 | this point it's my opinion, and I think Mr. Fuge |
| 22 | agrees with me, that that condition is satisfied. And |
| 23 | so his obligation, the agency's obligation to appear |
| 24 | before The Commission on this matter, is now |
| 25 | extinguished. |
| | |

| 1 | MS. SANDOVAL: Thank you for the |
|----|--|
| 2 | clarification. Commissioners, do you have any |
| 3 | questions regarding the agreement now that you have |
| 4 | had an opportunity to review it? |
| 5 | MR. BLOOM: Madam Chair, I don't know |
| 6 | that I've seen a copy of the final executed MOA, so if |
| 7 | that could be sent to me, I would appreciate it. I |
| 8 | didn't find it in my mailbox. |
| 9 | DR. AMPOMAH: Yeah. I can't find it |
| 10 | here. |
| 11 | MR. MOANDER: One moment. I will find |
| 12 | it for you. |
| 13 | MR. BLOOM: I don't have any questions |
| 14 | right now. And I don't expect to. Thank you. |
| 15 | DR. AMPOMAH: Madam Chair, I also do |
| 16 | not have any questions on that. |
| 17 | MS. SANDOVAL: Okay. Ms. Shaheen |
| 18 | appears to have a question. If it's brief, |
| 19 | Ms. Shaheen, you can ask Mr. Fuge. |
| 20 | MS. SHAHEEN: Thank you, Madam Chair. |
| 21 | First, Titus would like to thank the Division and the |
| 22 | Commission for all the work that they've done to make |
| 23 | this a possibility. And I'd like to personally thank |
| 24 | Mr. Fuge, as well. The one question that I have is I |
| 25 | understand that there will be a Notice to operators |
| | |

| 1 | that will be posted, and I'm just wondering if there's |
|----|--|
| 2 | an update on the timeframe when that may be posted? |
| 3 | MR. FUGE: My hope is that that will be |
| 4 | posted by the end of the week. |
| 5 | MS. SHAHEEN: Thank you very much. |
| 6 | MS. SANDOVAL: All right. Thank you, |
| 7 | Mr. Fuge. I think we can Commissioners, if there's |
| 8 | nothing additional, I think we can move on to agenda |
| 9 | item number 5. |
| 10 | All right. Agenda item number 5 is |
| 11 | Adoption of a Final Order in Case No. 22977. This was |
| 12 | the Application of Pinon Midstream to Amend Commission |
| 13 | Order No. R-21455-A. Is there a Motion to Adopt the |
| 14 | Final Order? |
| 15 | MR. BLOOM: Madam Chair, I so move. |
| 16 | MS. SANDOVAL: I will second that. And |
| 17 | then, Mr. Moander, would you, please, do a roll-call |
| 18 | vote? |
| 19 | MR. MOANDER: Happily, Madam Chair. |
| 20 | Mr. Ampomah? |
| 21 | DR. AMPOMAH: Approved no |
| 22 | MS. SANDOVAL: One question, I'm sorry, |
| 23 | Mr. Moander, is Commissioner Ampomah voting on the |
| 24 | Final Order? I believe it's just Commissioner Bloom |
| 25 | and I. |
| | |

| 1 | MR. MOANDER: That's right. You are |
|----|--|
| 2 | correct. So Commissioner Ampomah should not vote on |
| 3 | this. With that in mind, we will do Commissioner |
| 4 | Bloom. |
| 5 | MR. BLOOM: Approved. |
| 6 | MR. MOANDER: Madam Chair? |
| 7 | MS. SANDOVAL: Approved. |
| 8 | MR. MOANDER: The Motion carries. I |
| 9 | was just nervous when there's two votes, because then |
| LO | you can get stuck. |
| L1 | MS. SANDOVAL: I will just note that |
| L2 | two is the majority in a Quorum, so we just need two |
| L3 | votes for it to be approved. |
| L4 | MR. MOANDER: That is correct. |
| L5 | MS. SANDOVAL: All right. As we |
| L6 | mentioned earlier, let's see, agenda item numbers 6 |
| L7 | through 9 were continued until January 12th. And then |
| L8 | agenda items 10 and 11 were dismissed. And so that |
| L9 | will put us at agenda item number 12, which is pending |
| 20 | litigation. |
| 21 | MR. MOANDER: Madam Chair, in the A-1- |
| 22 | CA-39578, which has been I've been updating pretty |
| 23 | much every meeting since, basically, last November or |
| 24 | October; it's been about a year. On October 5th, we |
| 25 | received Notice from the Court of Appeals that the |

| 1 | matter has been submitted to a three-judge panel for |
|----|--|
| 2 | consideration. So I'm anticipating we should, maybe |
| 3 | not by November, but I would think by December, we |
| 4 | should get an opinion on that. |
| 5 | D-101-CV-2002-00791 to the Ragsdale |
| 6 | matter; I don't believe we have a hearing set. |
| 7 | Luckily Ms. Shaheen is on this morning; she may know a |
| 8 | little bit more about that at the moment. But I think |
| 9 | we're just waiting for on a setting from the Court |
| 10 | to deal with at least preliminary issues and maybe |
| 11 | even proceed to a Merits Hearing. |
| 12 | MS. SANDOVAL: Okay. Are there any |
| 13 | questions? |
| 14 | DR. AMPOMAH: No. |
| 15 | MR. BLOOM: No, Madam Chair. |
| 16 | MS. SANDOVAL: All right. Any other |
| 17 | business? Our next meeting will be November 10, 2022. |
| 18 | And with that, we are done for the morning. Thank |
| 19 | you, everybody. And we will see you next month. |
| 20 | UNIDENTIFIED SPEAKER: Thanks, |
| 21 | everyone. Good-bye. |
| 22 | DR. AMPOMAH: Thank you. |
| 23 | (Whereupon, at 10:17 a.m., the |
| 24 | proceeding was concluded.) |
| 25 | |
| | |

1 CERTIFICATE OF DEPOSITION OFFICER I, DANA FULTON, the officer before whom the 2 3 foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, 4 5 prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced 6 to typewriting by a qualified transcriptionist; that 7 said digital audio recording of said proceedings are a 8 9 true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, 10 11 related to, nor employed by any of the parties to the action in which this was taken; and, further, that I 12 am not a relative or employee of any counsel or 13 14 attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of 15 16 this action. Dane Filton 17 18 DANA FULTON 19 Notary Public in and for the State of Missouri 20 21 22 23 24 2.5 Page 15

1 CERTIFICATE OF TRANSCRIBER 2 I, MICHELLE GROSSMANN, do hereby certify 3 that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said 4 5 transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and 6 7 ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in 8 which this was taken; and, further, that I am not a 9 relative or employee of any counsel or attorney 10 employed by the parties hereto, nor financially or 11 12 otherwise interested in the outcome of this action. 13 14 15 MICHELLE GROSSMANN 16 17 18 19 20 21 22 23 24 25 Page 16

[& - bye]

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