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

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

Case Nos. 23274, 23042,	Docket No.
23279, 23302, 23206, 23248,	05-23
23249, 23250, 23251, 23252,	
23253, 23342, 23343,	
23376, 23377, 23202, 23360,	
23362, 23363, 23346, 23325,	
23326, 23327, 23328, 23329,	
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7 23394, 23395, 23396, 23315, 23316,
8 23318, 23319, 23320, 23321, 23020,
9 23021, 23022, 23023, 23024, 23025,
10 22161, 22162, 22163, 22164

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12 VIDEOCONFERENCE HEARING

13 DATE: Thursday, March 2, 2023

14 TIME: 9:16 a.m.

15 BEFORE: Hearing Examiner Bill Brancard

16 LOCATION: Remote Proceeding

17 Santa Fe, New Mexico 87501

18 REPORTED BY: Dana Fulton, Notary Public

19 JOB NO.: 5528823

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A P P E A R A N C E S

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videoconference)
Jonathan Samaniego, American Energy Resources,
LLC (by videoconference)
Mr. Gilbertson [ph], Geologist for Silverback (by
videoconference)
Marlene Salvidrez, Host (by videoconference)

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I N D E X

WITNESS:	DX	CX	RDX	RCX
SEAN MILLER				
By Mr. McClure	206			
STEVEN DRAKE				
By Mr. Rankin	258			
By The Hearing Examiner		283		

E X H I B I T S

NO.	DESCRIPTION	ID/EVD
Case 23274:		
Exhibit A	Unknown	41/43
Exhibit B	Resume of Geologist Jason	
	Asmus [ph]	37/43
Exhibit C	Affidavit of Publication	
	and Service, Letters	
	Sent to Owners	38/43
	(Exhibits retained by counsel.)	
NO.	DESCRIPTION	ID/EVD
Cases 23279, 23302:		
Exhibit B	Notice Affidavit	51/
	(Exhibits retained by counsel.)	

1 E X H I B I T S (Cont'd)

2 NO. DESCRIPTION ID/EVD

3 Case 23206:

4 Exhibit 1 Unknown 56/60

5 Exhibit 2B Unknown 56/60

6 Exhibit 8 C-102 Form 56/60

7 Exhibit 9 Notice Letter Sent to Interest

8 Owners 57/60

9 (Exhibits retained by counsel.)

10

11 NO. DESCRIPTION ID/EVD

12 Case 23376:

13 Exhibit A Extension Application 80/84

14 Exhibit B Copy of Original Order 80/84

15 Exhibit C Self-Affirm Statement of

16 Landman Bailor Mitchell [ph] 80/84

17 Exhibit C1 Bailor Mitchell [ph]'s Resume 80/84

18 Exhibit C2 Original Notice List 81/84

19 Exhibit C3 Revised and Updated Exhibit C3,

20 List of Pool Parties 81/84

21 Exhibit D Self-affirm Statement of

22 Notice, Sample Letters, 82/84

23 Exhibit E Affidavit of Notice of

24 Publication 82/84

25 (Exhibits retained by counsel.)

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case 23377:		
4	Exhibit A	Copy of Extension	
5		Applications	85/
6	Exhibit B	Copy of Original Order	85/
7	Exhibit C2	Copy of Original Notice List	85/
8	Exhibit C3	Revised and Updated	
9		Exhibit C3	85/
10	Exhibit D	Self-Affirm Statement of	
11		Notice, Sample Letters	86/
12	Exhibit E	Affidavit of Notice of	
13		Publication	86/
14	(Exhibits retained by counsel.)		
15			
16	NO.	DESCRIPTION	ID/EVD
17	Cases 23202, 23360:		
18	Exhibit A	Copy of Compulsory Pooling	
19		Checklists	91/96
20	Exhibit B	Copy of Applications	91/96
21	Exhibit C	Self-Affirm Statement of	
22		Landman Peter Vanlue [ph]	92/96
23	Exhibit C1	Copy of C-102 Forms	92/96
24	Exhibit C2	Tract Map, List of Record	
25		Title Owners	92/96

1		E X H I B I T S (Cont'd)	
2	Exhibit C3	Copy Of The Compulsory	
3		Pooling Correspondence Log	93/96
4	Exhibit D	Self-Affirm Statement of	
5		Geologist Mr. Brazell [ph]	93/96
6	Exhibit D1	Locator Map Identifying	
7		Spacing Units Locations	93/96
8	Exhibit D2	Structure Maps For Intervals	
9		Within Bone Spring and Wolf Camp	
10		Formations	94/96
11	Exhibit D3	Cross Sections Identifying	
12		Target Intervals	94/96
13	Exhibit E	Affidavit Prepared by	
14		Attorney Rankin	95/96
15	Exhibit F	Unknown	95/96
16		(Exhibits retained by counsel.)	
17			
18	NO.	DESCRIPTION	ID/EVD
19	Cases 23362, 23363:		
20	Exhibit C	Landman Nicholas Weeks' [ph]	
21		Affidavit	99/110
22	Exhibit C1	C-102 Forms	99/110
23	Exhibit C2	Land Tract Map	99/110
24	Exhibit C3	List of Various Owners	99/110
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1	E X H I B I T S (Cont'd)		
2	Exhibit C4	Sample Well Proposal Letters	99/110
3	Exhibit C5	Chronology of Contacts	99/110
4	Exhibit D	Geologist Andrew	
5		Parker's [ph] Affidavit	100/110
6	Exhibit D1	Locator Map	100/110
7	Exhibit D2	Bone Springs Subsea	
8		Structure Map and Cross	
9		Section	100/110
10	Exhibit D3	Bone Springs Stratigraphic	
11		Cross Section	100/110
12	Exhibit E	Self-Affirm Statement of	
13		Notice, Sample Letters	101/110
14	Exhibit F	Affidavit of Notice of	
15		Publication	101/110
16	(Exhibits retained by counsel.)		
17			
18	NO.	DESCRIPTION	ID/EVD
19	Case 23346:		
20	Exhibit A	Landman Derick Smith's [ph]	
21		Self-Affirm Statement	112/118
22	Exhibit A1	C-102 Forms	112/118
23	Exhibit A2	Land Tract Map, Ownership	
24		Schedule	112/118
25	Exhibit A3	Chronology of Contacts	112/118

1		E X H I B I T S (Cont'd)	
2	Exhibit B	Geologist Charles	
3		Sadler's [ph] Self-Affirm	
4		Statement	112/118
5	Exhibit B1	Locator Map	112/118
6	Exhibit B2	Acreage and Position Map	112/118
7	Exhibit B3	Project Area and Type Log	
8		Subsea Structure Map	112/118
9	Exhibit B4	Cross Section Map and	
10		Stratigraphic Cross Section	112/118
11	Exhibit C	Self-Affirm Statement of	
12		Notice, Sample Letters	113/118
13	Exhibit D	Affidavit of Notice of	
14		Publication	113/118
15		(Exhibits retained by counsel.)	
16			
17	NO.	DESCRIPTION	ID/EVD
18	Cases 23325, 23326:		
19	Exhibit A	Testimony of Landman	
20		Christine Ramos [ph],	
21		Related Land Documents	122/124
22	Exhibit B	Testimony of Geologist	
23		David Childers [ph],	
24		Related Maps	122/124
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E X H I B I T S (Cont'd)

Exhibit C Notice Testimony of
 Ms. Hardy, Sample Notice
 Letter, Chart of Pool Parties
 Certified Mail Documents,
 Affidavit of Publication 122/124
(Exhibits retained by counsel.)

NO.	DESCRIPTION	ID/EVD
Cases 23333, 23334:		
Exhibit A4	Tract Ownership Information, Pooled parties	126/133
Exhibit A6	Map of Nonstandard Spacing Unit	127/133
Exhibit A8	Waiver From An Owner Party	127/133
Exhibit C	Notice Affidavit	127/133
(Exhibits retained by counsel.)		

NO.	DESCRIPTION	ID/EVD
Cases 23337, 23338:		
Exhibit A	Testimony of Landman Mark Haddock [ph]	135/136
Exhibit B	Notice Affidavit	135/136
(Exhibits retained by counsel.)		

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E X H I B I T S (Cont'd)

NO.	DESCRIPTION	ID/EVD
Cases 23340, 23341:		
Exhibit A	Plat Track Ownership Interests, Pool Party List, Well Proposal Letter, AFEs, Summary of Communications	141/144
Exhibit B	Testimony of Geologist David Childers [ph], Related Maps	142/144
Exhibit C	Notice Testimony of Ms. Hardy, Sample Notice Letter, Chart of Pool Parties Certified Mail Documents, Affidavit of Publication	142/144
(Exhibits retained by counsel.)		
NO.	DESCRIPTION	ID/EVD
Case 23347:		
Exhibit A	Landman's Testimony, Application and Notice of Hearing, C-102 Forms, Chronology of Contact	145/148
Exhibit A3	Plat of Tracts Ownership Interest, Pool Parties List	145/148

1	E X H I B I T S (Cont'd)		
2	Exhibit B	Geologist's Testimony,	
3		Related Maps	145/148
4	Exhibit C	Notice Affidavit, Notice	
5		Dates Chart, Certified Mail	
6		Receipts	145/148
7	(Exhibits retained by counsel.)		
8			
9	NO.	DESCRIPTION	ID/EVD
10	Cases 23349-23352:		
11	Exhibit A1	Landman Gianna Romero's [ph]	
12		Resume	158/161
13	Exhibit A4	Plat of Tracts Ownership	
14		Information, Pool Party List	158/161
15	Exhibit B1	Geologist Christopher	
16		Ray's [ph] Resume	159/161
17	Exhibit B3	Unknown	161/161
18	Exhibit B4	Unknown	161/161
19	Exhibit C	Notice Affidavit	159/161
20	(Exhibits retained by counsel.)		
21			
22	NO.	DESCRIPTION	ID/EVD
23	Case 23364:		
24	Exhibit A3	Tract Ownership and Pooled	
25		Parties Information	162/169

1		E X H I B I T S (Cont'd)	
2	Exhibit B	Geologist Testimony and	
3		Related Maps and Diagrams	163/169
4	Exhibit B1	Unknown	164/169
5	Exhibit C	Notice Affidavit, Notice	
6		Dates Chart, Certified Mail	
7		Receipts, Notice of	
8		Publication	163/169
9		(Exhibits retained by counsel.)	
10			
11	NO.	DESCRIPTION	ID/EVD
12	Case 23372:		
13	Exhibit A	Landman Matt Solomon's [ph]	
14		Self-Affirm Statement,	
15		C-102 Forms, Well Proposal	
16		Letter, AFEs, Chronology of	
17		Contacts	172/181
18	Exhibit A2	Ownership Breakdown	172/181
19	Exhibit B	Geologist Jason Asmus's [ph]	
20		Self-Affirm Statement,	
21		Related Geology Documents	173/181
22	Exhibit C	Notice Affidavit, Notice	
23		of Publication	173/181
24		(Exhibits retained by counsel.)	
25			

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case 23373:		
4	Exhibit A	Landman Matt Solomon's [ph]	
5		Self-Affirm Statement,	
6		C-102 Forms, Well Proposal	
7		Letter, AFEs, Chronology of	
8		Contacts	173/181
9	Exhibit A-2	Pooled Parties List	173/181
10	Exhibit B	Geologist Jason Asmus's [ph]	
11		Self-Affirm Statement,	
12		Related Geology Documents	174/181
13	Exhibit C	Notice Affidavit, Notice	
14		of Publication	174/181
15	(Exhibits retained by counsel.)		
16	NO.	DESCRIPTION	ID/EVD
17	Case 23374:		
18	Exhibit A	Landman Matt Solomon's [ph]	
19		Self-Affirm Statement,	
20		C-102 Forms, Ownership	
21		Breakdown, Well Proposal	
22		Letter, AFEs, Chronology of	
23		Contacts	175/181
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1 E X H I B I T S (Cont'd)

2 Exhibit B Geologist Jason Asmus's [ph]

3 Self-Affirm Statement,

4 Related Geology Documents 175/181

5 Exhibit C Notice Affidavit, Notice

6 of Publication 175/181

7 (Exhibits retained by counsel.)

8

9 NO. DESCRIPTION ID/EVD

10 Case 23375:

11 Exhibit B Geologist Jason Asmus's [ph]

12 Self-Affirm Statement,

13 Related Geology Documents 176/181

14 Exhibit C Notice Affidavit 176/181

15 (Exhibits retained by counsel.)

16

17 NO. DESCRIPTION ID/EVD

18 Case 23382:

19 Exhibit A Landman Aaron Young's [ph]

20 Self-Affirm Statement,

21 C-102 Form, Ownership

22 Breakdown, Well Proposal

23 Letter, AFE, Proposal

24 Clarification Supplement,

25 Chronology of Contacts 183/188

1	E X H I B I T S (Cont'd)		
2	Exhibit B	Geologist Josh O'Brian's [ph]	
3		Self-Affirm Statement	184/188
4	Exhibit B1	Cross Section Structure Map	184/188
5	Exhibit B2	Stratigraphic Cross Section	
6		With Landing Zones	184/188
7	Exhibit C	Notice Affidavit,	
8		Publication Notice	184/188
9	(Exhibits retained by counsel.)		
10			
11	NO.	DESCRIPTION	ID/EVD
12	Case 23383:		
13	Exhibit A	Landman Aaron Young's [ph]	
14		Self-Affirm Statement,	
15		C-102 Forms, Ownership	
16		Breakdown, Well Proposal	
17		Letter, AFE, Proposal	
18		Clarification Supplement,	
19		Chronology of Contacts	185/188
20	Exhibit B	Geologist Josh O'Brian's [ph]	
21		Self-Affirm Statement	185/188
22	Exhibit B1	Cross Section Structure Map	185/188
23	Exhibit B2	Stratigraphic Cross Section	
24		With Landing Zones	185/188
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E X H I B I T S (Cont'd)

Exhibit C Notice Affidavit,
Publication Notice 185/188
(Exhibits retained by counsel.)

NO.	DESCRIPTION	ID/EVD
Case 23385:		
Exhibit A	Landman Jake Norris's [ph] Self-Affirm Statement, C-102 Forms, Ownership Breakdown, Well Proposal Letter, AFE, Chronology of Contacts	191/197
Exhibit B	Geologist Joe Dixon's [ph] Self-Affirm Statement, Standard Geology Documents	191/197
Exhibit C	Notice Affidavit, Notice of Publication	192/197
(Exhibits retained by counsel.)		

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E X H I B I T S (Cont'd)

NO.	DESCRIPTION	ID/EVD
Case 23386:		
Exhibit A	Landman Jake Norris's [ph] Self-Affirm Statement, C-102 Forms, Ownership Breakdown, Well Proposal Letter, AFE, Chronology of Contacts	193/197
Exhibit B	Geologist Joe Dixon's [ph] Self-Affirm Statement, Standard Geology Documents	193/197
Exhibit C	Notice Affidavit, Notice of Publication	193/197
(Exhibits retained by counsel.)		

NO.	DESCRIPTION	ID/EVD
Cases 23387-23389:		
Exhibit A3	Tract Ownership and Pooled Parties List	200/201
Exhibit B1	Geologist Christopher Cantin's [ph] Resume	200/201
Exhibit C	Notice Affidavit	200/201
(Exhibits retained by counsel.)		

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E X H I B I T S (Cont'd)

NO.	DESCRIPTION	ID/EVD
Cases 23391, 23392:		
Exhibit B	Geologist Desiree Jennings's [ph] Affidavit, Related Maps	203/208
Exhibit C	Ms. Hardy's Self-Affirm Statement About Notice	204/208
(Exhibits retained by counsel.)		

NO.	DESCRIPTION	ID/EVD
Case 23381:		
Exhibit 1	Unknown	210/211
Exhibit 2	Landman Brad Dunn's [ph] Affidavit	209/211
Exhibit 3	Statement of Notice	210/211
(Exhibits retained by counsel.)		

NO.	DESCRIPTION	ID/EVD
Case 23390:		
Exhibit 1	Application, Proposed Notice	213/222
Exhibit 2	Landman's Affidavit, Land Plats, Pooled Parties List	213/222
Exhibit 2B	Landman's Affidavit	212/222

1		E X H I B I T S (Cont'd)	
2	Exhibit 2E	List of Affected Entities	
3		For Pooling and Nonstandard	
4		Unit	214/222
5	Exhibit 3	Structure Map, Cross	
6		Section	214/222
7	Exhibit 4A	Notice Letter of Forced	
8		Pooling and of Nonstandard	
9		Unit	214/222
10	Exhibit 4B	Notice Letter of Only	
11		Nonstandard Unit	215/222
12	Exhibit 5A	Notice Affidavit of Forced	
13		Pooling and of Nonstandard	
14		Unit	215/222
15	Exhibit 5B	Notice Affidavit of Only	
16		Nonstandard Unit	215/222
17	Exhibit 6	Pooling Checklist	216/222
18		(Exhibits retained by counsel.)	
19			
20	NO.	DESCRIPTION	ID/EVD
21	Case 23396:		
22	Exhibit 1	Application	223/229
23			
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E X H I B I T S (Cont'd)

Exhibit 2	Landman Adriana Salgado's [ph] Affidavit, C-102 Form, Tract Ownership List, Summary of Communications, Proposal Letter, AFEs	223/229
Exhibit 3	Geologist Charlie Crosby's [ph] Affidavit, Structure Map, Cross Section	224/229
Exhibit 4	Notice Affidavit	224/229
Exhibit 5B	Publication Notice for Notice of Overlapping Units	225/229
Exhibit 6	Pooling Spreadsheet	225/229
(Exhibits retained by counsel.)		

NO.	DESCRIPTION	ID/EVD
Case 23315:		
Exhibit A2	Revised Ownership Report	232/236
(Exhibits retained by counsel.)		

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case 23359:		
4	Exhibit 1	Application and Proposed Ad	237/252
5	Exhibit 1A	Letter Submitted to State	
6		Land Office, Copy of Proposed	
7		Unit Agreement, Geologic	
8		Write-Up	238/252
9	Exhibit 1C	Notice of State Land Office	
10		Final Approval	239/252
11	Exhibit 2	Landman Mark Hoffman's [ph]	
12		Self-Affirm Statement	238/252
13	Exhibit 3	Geologist Jeremy	
14		Kelley's [ph] Affidavit	239/252
15	(Exhibits retained by counsel.)		
16			
17	NO.	DESCRIPTION	ID/EVD
18	Case 23339/Goodnight:		
19	Exhibit 1	Well File of EMSU 462 Well	261/282
20	Exhibit 2	Empire's Sworn Statement	264/282
21	Exhibit 3	Map Showing the Area of	
22		Review Surrounding EMSU 462	
23		Well	265/282
24			
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E X H I B I T S (Cont'd)

Exhibit 5	Copy of The New Mexico Administrative Code Rule 19.15.7.16(a)	278/282
Exhibit 6	Notice Affidavit	287/288
(Exhibits retained by counsel.)		

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P R O C E E D I N G S

THE HEARING EXAMINER: We've got a long docket of cases that are actually scheduled for hearing as opposed to just lots of status conferences.

So let's begin. It is Thursday, March 2, 2023. These are the hearings of the New Mexico Oil Conservation Division. I'm your hearing examiner, Bill Brancard. With me today is technical examiner, Mr. Dean McClure.

Are you with us, Dean?

I see a thumbs up.

MR. MCCLURE: -- I am.

THE HEARING EXAMINER: Hailee Thompson will be assisting. Is that correct?

MS. THOMPSON: Yes.

THE HEARING EXAMINER: Thank you.

All right. And so as always, the worksheet is on our website. As I said, 63 cases. Unfortunately, we've had a fair number of late filed pleadings that, sort of, change the status of a few cases. So we'll have to try to work our way through. We also may have a 64th case.

Mr. Savage, is Silverback ready to present 23315?

MR. SAVAGE: Yes, Mr. Examiner. Thank

1 you. And we have our geologist available to answer
2 any questions on the Yeso.

3 THE HEARING EXAMINER: All right. So
4 we're going to put that one at the end. Sorry.

5 MR. SAVAGE: Okay. That's fine. I
6 appreciate that.

7 THE HEARING EXAMINER: Might be later
8 this morning, hopefully.

9 So let's start with the beginning. As
10 always, we have a lot people participating. So mute
11 yourself if you're not talking. Please speak clearly
12 and slowly for court reporter.

13 And we will begin with item number one,
14 case 23274.

15 MR. PADILLA: Mr. Examiner, Ernest L.
16 Padilla for the applicant Earthstone Operating, LLC.

17 THE HEARING EXAMINER: Thank you. We
18 have entries from MRC Permian, MRC Delaware, XTO
19 Energy.

20 MR. RANKIN: Mr. Examiner, may it
21 please the Division. Adam Rankin with the Santa Fe
22 office of Holland & Hart appearing on behalf of the
23 Matador entities and XTO Energy.

24 THE HEARING EXAMINER: Thank you.
25 You're a little quiet there, so.

1 And this was set for a status
2 conference, but my understanding is that Matador,
3 which had objected, has withdrawn its objecting. Is
4 that correct, Mr. Rankin?

5 MR. RANKIN: That is correct.

6 THE HEARING EXAMINER: Is there anyone
7 else here for case 23274?

8 Hearing none. I guess, are you ready
9 to proceed, Mr. Padilla, with a hearing, or do you
10 want to --

11 MR. PADILLA: Yes, I am, Mr. Examiner.

12 THE HEARING EXAMINER: So let me check
13 with Mr. McClure.

14 Are you ready to proceed with the
15 hearing on 23274?

16 All right. Well, then let's just do
17 it.

18 Earthstone Operating, please proceed.

19 MR. PADILLA: Mr. Examiner, this is a
20 compulsory pooling action brought by Earthstone
21 Operating for drilling six wells in the east half of
22 Section 23, 19 South, 34 East. The wells are designed
23 to target the First Bone and Second Bone and Third
24 Bone Springs formation.

25 We have submitted exhibits, the

1 self-affirm statements of Matt Solomon [ph], the
2 landman, Jason Asmus [ph], a geologist whose
3 credentials have not been accepted by the Oil
4 Conservation Division.

5 His resume is attached to Exhibit B.
6 And in my view, it's very impressive. Mr. Asmus [ph]
7 has master's degrees in geology and did very well in
8 his endeavors, his work for Cimerax [ph], and in
9 Denver, and in Midland, and is familiar with objective
10 now. He's also worked for EOG Resources [ph] as a
11 geologist. So we tender his credentials as acceptable
12 as a drilling geologist.

13 (Exhibit B was marked for
14 identification.)

15 The parties to be pooled in this case
16 are XTO [ph], PBEX [ph], and MRC Delaware. I think
17 the self-affirm statements of Mr. Solomon [ph] and the
18 geologic presentation is also very good.

19 These cases have been going on for
20 forever, it seems like. Looking at my own sheets,
21 they started way back last year and have been
22 continued. And they're now ready for drilling.

23 I think all the talking and all the
24 trades, even yesterday -- I'm not sure I can
25 disclose -- or I don't know what happened yesterday in

1 terms of negotiation for Delaware to drop its
2 objection to an affidavit case.

3 Exhibit C is my exhibit, my affidavit
4 of publication and service. Attached to that is the
5 letters that we sent out to the various owners,
6 including overriding royalty interests.

7 (Exhibit C was marked for
8 identification.)

9 The notice of publication in Lea County
10 occurred way back in January. No one has objected to
11 this compulsory pooling application.

12 In the interest of covering everybody,
13 we included everybody in that notice of publication
14 that we published in Lea County.

15 With that, I stand for questions if you
16 have any questions with regard to the exhibits that we
17 filed.

18 THE HEARING EXAMINER: Thank you.

19 Mr. Rankin, I assume you don't have any
20 questions?

21 MR. RANKIN: Mr. Examiner, as noted, we
22 will be filing a formal notice, if we haven't already,
23 that MRC, the Matador entities, have withdrawn its
24 objections to the case proceeding by affidavit.

25 XTO is not objecting to the case

1 proceeding by affidavit, but XTO does have concerns
2 about the surface locations of these wells and has
3 expressed that to Earthstone.

4 And I've been requested to make a note
5 on the record that there is some confusion, I think,
6 from XTO about what the locations are going to be, the
7 surface locations, and also just to clarify that, you
8 know, XTO, as we understand, some or all of the
9 surface locations are proposed to be in Section 26,
10 which is where XTO has an operated unit.

11 And I just want to make clear that, as
12 and until XTO waives or gets agreement with Earthstone
13 for those locations, they'll need a waiver or some
14 sort of agreement with XTO to locate their wells on
15 XTO's operated section.

16 THE HEARING EXAMINER: Thank you.

17 Mr. McClure, any questions?

18 MR. MCCLURE: I don't have any
19 questions, Mr. Brancard.

20 THE HEARING EXAMINER: Hailee, any
21 questions?

22 MS. THOMPSON: No questions --

23 THE HEARING EXAMINER: All right. So I
24 have two questions, Mr. Padilla. And I think you've
25 answered one of them, which is who are you pooling

1 here? You specifically list the working interest
2 owners, three of them, I believe, to overriding
3 royalty interest owners.

4 MR. PADILLA: Yes, we did. We sent
5 notices to every overriding royalty interest owner.
6 Not just the notice of publication, but they were
7 sent -- and on Exhibit C, we have the green cards that
8 we got back. Some of them, we didn't. And so
9 therefore, we needed to publish in Lea County.

10 THE HEARING EXAMINER: Thank you. So
11 my suggestion would be, because your checklist only
12 references the part of your exhibits that list the
13 working interest owners, you could revise your
14 checklist where it says who is being pooled to
15 reference a page in your exhibits that also list the
16 overriding royalty interest owners.

17 MR. PADILLA: Mr. Examiner, we sent
18 separate applications or separate notices to the
19 overrides. So in addition -- well, this is a simple
20 case in terms of working interest owners. There is
21 only four working interest owners in the spacing unit.
22 But in the -- we did send a separate, and that is on
23 page 21 through 25 of Exhibit C.

24 Now, if I understand your question, you
25 want us to identify those overrides that don't have

1 pooling agreements or don't have a pooling provision
2 in their overriding royalty interest.

3 THE HEARING EXAMINER: Well, I'm just
4 referring to your checklist, the item that says, what
5 are the pool parties? And you referred to those pages
6 in the exhibits you just referenced, which list the
7 working interest owners.

8 If you also want to pool the overriding
9 royalty interest owners in this application, you
10 should have a reference in your checklist to where a
11 list of those overriding royalty owners are. That's
12 all I'm saying. It's up to you.

13 MR. PADILLA: Okay. We'll submit a
14 revised -- I think --

15 THE HEARING EXAMINER: Just list
16 somewhere in your exhibits --

17 MR. PADILLA: Yeah. In Exhibit A, I
18 think at page 23 to 24, we only have the working
19 interest owners. So we'll add the overrides.

20 (Exhibit A was marked for
21 identification.)

22 THE HEARING EXAMINER: Okay. Thank
23 you.

24 And so the other question is, what's
25 your spacing unit? Your application said it's the

1 east half. Your landman says the west half. And your
2 checklist doesn't say anything. So --

3 MR. PADILLA: I think the confusion
4 arises because the west half -- it's only the east
5 half of Section 23. That's the spacing unit.

6 THE HEARING EXAMINER: Okay. So again,
7 my suggestion is, if you look at your checklist, it
8 doesn't list an east half or west half. It just
9 mentions the section number.

10 MR. PADILLA: Okay.

11 THE HEARING EXAMINER: So if you could
12 put in "west half" in the checklist?

13 MR. PADILLA: I will do that.

14 THE HEARING EXAMINER: I
15 mean -- sorry -- east half. Because it's in your
16 application; it's in the notice documents. So that's
17 fine. It's just the checklist, then, that needs to be
18 corrected.

19 MR. PADILLA: Oh, got it.

20 THE HEARING EXAMINER: So any further
21 comments or questions on 23274?

22 Hearing none. The witnesses will be
23 accepted as experts. The evidence will be admitted to
24 the record. And this case will be taken under
25 advisement, the record left open for a revised

1 checklist. Thank you.

2 (Exhibit A, Exhibit B, and Exhibit C
3 were received into evidence.)

4 MR. PADILLA: Thank you.

5 THE HEARING EXAMINER: So with that, I
6 believe we're on item number two, a status conference
7 for case 23042. Mewbourne Oil Company.

8 MR. RANKIN: Good morning,
9 Mr. Examiner. Adam Rankin appearing on behalf of
10 Mewbourne Oil Company in this case, of the Santa Fe
11 office of Holland & Hart.

12 THE HEARING EXAMINER: Thank you.
13 Endeavor Energy Resources.

14 MS. SHAHEEN: Good morning,
15 Mr. Examiner. Sharon Shaheen, Montgomery & Andrews,
16 on behalf of Endeavor Energy Resources.

17 THE HEARING EXAMINER: All right. Any
18 other interested persons for case 23042?

19 Hearing none. Last we heard, you all
20 were working toward an agreement. Where are we?
21 Let's start with you.

22 MR. RANKIN: Mr. Examiner, thank you
23 very much. So far, we have progressing towards a
24 resolution of this matter. Endeavor has filed a
25 request to dismiss or remove the injection authority

1 for its well.

2 We're waiting now on the Division to
3 issue an order dismissing that injection authority.
4 And once we have that order from the Division,
5 Mr. Examiner, we'll be dismissing this case from the
6 docket.

7 So given that status, we would ask that
8 this case be continued to the April 6th hearing docket
9 for a status conference. And in the event we receive
10 the dismissal order from the Division, in the
11 intervening time, we'll go ahead and dismiss this
12 case.

13 THE HEARING EXAMINER: Thank you.

14 Endeavor, any comments, concerns?

15 MS. SHAHEEN: No, that's fine.

16 THE HEARING EXAMINER: Okay. So with
17 that, case 23042 will be set for a status conference
18 on April 6th.

19 MS. SHAHEEN: Thank you.

20 THE HEARING EXAMINER: We're on number
21 three, case 23361. Texas Standard Operating NM LLC.

22 MR. BRUCE: Mr. Examiner, Jim Bruce
23 representing the applicant.

24 THE HEARING EXAMINER: Thank you.

25 BTA Oil Producers.

1 MS. HARDY: Good morning, Mr. Examiner.
2 Dana Hardy with the Santa Fe office of Hinkle Shanor
3 on behalf of BTA Oil Producers, LLC.

4 THE HEARING EXAMINER: Any other
5 interested persons for case 23361?

6 Hearing none. I believe we have an
7 objection from BTA.

8 MS. HARDY: That's correct,
9 Mr. Examiner. BTA is planning to file a competing
10 application. It has submitted well proposals. And I
11 believe once it files the application, it should be
12 set on the May docket.

13 THE HEARING EXAMINER: Okay. So we
14 would like a hearing on the May 4th docket. Is that
15 correct?

16 MR. BRUCE: Well -- virtual
17 connectivity interruption -- application by next
18 Tuesday, why not go for the April docket?

19 MS. HARDY: The well proposals were
20 just sent out this week, so to comply with the 30-day
21 period for parties to elect to participate, I think
22 that filing by April for the May docket is more
23 appropriate.

24 MR. BRUCE: Well, I think once the
25 cases are at issue, I don't think that 30 days

1 necessarily applies.

2 THE HEARING EXAMINER: We like to have
3 the 30 days done before somebody files an application.
4 So I say we set this for a contested hearing on May
5 4th.

6 MS. HARDY: That's fine with BTA,
7 Mr. Examiner.

8 THE HEARING EXAMINER: And of course,
9 please let us know when you file competing
10 applications that they apply to this case because we
11 will be issuing a prehearing order soon.

12 MS. HARDY: We will do that,
13 Mr. Examiner.

14 THE HEARING EXAMINER: Thank you.

15 All right. Next items are cases four
16 and five. These are case numbers 23365, 23366.

17 Mewbourne Oil Company.

18 MR. BRUCE: Mr. Examiner, Jim Bruce
19 representing Mewbourne.

20 THE HEARING EXAMINER: We have
21 Earthstone Operating.

22 MR. SAVAGE: Good morning,
23 Mr. Examiner. Darin Savage with the Santa Fe office
24 of Abadie & Schill on behalf of Earthstone Operating.

25 THE HEARING EXAMINER: And we have

1 another entry from MRC Permian Company.

2 MS. VANCE: Yes. Good morning,
3 Mr. Hearing Examiner. I'm Paula Vance with the
4 Santa Fe office of Holland & Hart on behalf of the
5 applicant, MRC Permian Company.

6 THE HEARING EXAMINER: Well, you're not
7 an applicant, but you're --

8 MS. VANCE: I'm sorry. Sorry. On
9 behalf of MRC Permian Company.

10 THE HEARING EXAMINER: So anyone else
11 here for cases 23365, 366?

12 I'll turn to Mewbourne. I think we
13 have an objection from Earthstone. Is that correct?

14 MR. BRUCE: Yeah.

15 THE HEARING EXAMINER: Okay.
16 Earthstone, are you preparing to submit competing
17 applications?

18 MR. SAVAGE: Yes, Mr. Examiner. This
19 is similar to the previous case. We have competing
20 applications. We sent out the well proposals on
21 February 26th. Based on the previous discussion, it
22 looks like May would be the appropriate hearing date,
23 May 4th or May 18th. Either one would be fine with
24 us.

25 MR. BRUCE: I'd prefer for the May 4th.

1 THE HEARING EXAMINER: Yeah, because
2 then you'd have to continue the new applications to
3 May 18th.

4 Any comments from MRC?

5 MS. VANCE: No, Mr. Hearing Examiner.

6 THE HEARING EXAMINER: All right. Why
7 don't we set this for contested hearing on May 4th?

8 MR. BRUCE: Thank you, Mr. Examiner.

9 MR. SAVAGE: Thank you.

10 THE HEARING EXAMINER: All right. We
11 are on item six in, I guess, maybe seven. These are
12 cases 23279, 23302.

13 Ridge Runner Resources Operating.

14 MS. HARDY: Mr. Examiner, Dana Hardy
15 with Hinkle Shanor on behalf of Ridge Runner Resources
16 Operating.

17 THE HEARING EXAMINER: And do you want
18 to combine these two cases?

19 MS. HARDY: Yes, please.

20 THE HEARING EXAMINER: And XTO Energy.

21 MR. RANKIN: Good morning,
22 Mr. Examiner. May it please the Division. Adam
23 Rankin appearing on behalf of XTO Energy,
24 Incorporated, with the Santa Fe office of
25 Holland & Hart.

1 THE HEARING EXAMINER: All right.
2 There was an objection, is that right, Mr. Rankin, and
3 then withdrawn? Is that correct? Did I get that
4 right?

5 MR. RANKIN: That's correct. XTO had
6 objected. And in the interim, XTO has entered into a
7 joint operating agreement with Ridge Runner in these
8 cases, and therefore, has withdrawn its objection.

9 THE HEARING EXAMINER: Okay. Is there
10 anyone here for cases 23279, 23302?

11 Hearing none. Ridge Runner may
12 proceed.

13 MS. HARDY: Thank you. In case number
14 23279, Ridge Runner seeks an order amending order
15 number R-21587-A to extend the deadline to commence
16 drilling operations to one year from the date of the
17 amended order.

18 Order number R-21587 pooled all
19 uncommitted interest in the Wolfcamp formation
20 underlying a standard 480-acre spacing unit comprised
21 of the southwest quarter of Section 3 and the west
22 half of Section 10, Township 20 South, Range 35 East
23 in Lea County, and dedicated the unit Thunderbird 310
24 Fed Com W 1H and 2H wells.

25 There was an order extending the

1 drilling deadline previously, and that is order number
2 R-21586-A. And that extension was granted to January
3 21, 2023.

4 In case number 23302, Ridge Runner
5 seeks an order amending order number R-21586-A to
6 similarly extend the drilling deadline to one year
7 from the date of the amended order.

8 The original order, which was R-21586,
9 pooled uncommitted mineral interest in the Bone Spring
10 formation underlying a standard 480-acre horizontal
11 spacing unit comprised of the southwest quarter of
12 Section 3 and the west half of Section 10, Township 20
13 South, Range 35 East in Lea County, and dedicated the
14 unit to the Thunderbird 310 Fed Com B 1H, 2H, 3H, and
15 4H wells.

16 And as in the prior case, there was a
17 prior order extending the drilling deadline
18 previously, which was order number R-21586-A. And
19 that extension also was granted until January 21,
20 2023.

21 In both cases, Ridge Runner has
22 experienced delays associated with the issuance of
23 drilling permits, supply chain, and rig availability,
24 and also due to the fact that these wells are located
25 within or are very close to lesser prairie chicken

1 habitat and are subject to the BLM's drilling
2 restrictions.

3 But as stated in our exhibit packet, in
4 the affidavit of Mr. Burk [ph], Ridge Runner has
5 obtained drilling permits and has commenced
6 construction at the surface locations. So they are
7 planning to drill these wells and are working on it
8 and expect to do so this year.

9 Exhibit B is my notice affidavit. We
10 provided notice to the two parties who were pooled
11 under the original orders, one of whom was XTO. But
12 as Mr. Rankin has stated, XTO and Ridge Runner have
13 entered into a JOA. So XTO is no longer subject to
14 the pooling order.

15 (Exhibit B was marked for
16 identification.)

17 So at this point, it is only, I
18 believe, EOG who is subject to the order. So both
19 parties received notice, and we also did timely
20 publish.

21 With that, unless there are questions,
22 I request that the exhibits be admitted and that these
23 cases be taken under advisement. Thank you.

24 THE HEARING EXAMINER: Thank you. Any
25 questions from XTO?

1 MR. RANKIN: No questions,
2 Mr. Examiner. I appreciate the acknowledgement of the
3 JOA. Thank you.

4 THE HEARING EXAMINER: Thank you.

5 Mr. McClure, any questions?

6 MR. MCCLURE: Yes, Mr. Brancard, I do.

7 Ms. Hardy, I guess you specifically
8 requested that the extension be granted from one year
9 from the date of issuance of such an order, and if
10 such, you are requesting greater than one year
11 extension. Is that correct?

12 MS. HARDY: Well, I think one year from
13 the date of the issuance of the order. Or, I suppose,
14 if there are concerns with that, it could be one year
15 from the date when the current order expires on
16 January 21, 2023, which would extend it to January 21,
17 2024. I think either way, Ridge Runner is planning to
18 drill the wells this year.

19 But we had asked for an extension based
20 on the date of the amended order.

21 MR. MCCLURE: Yeah, that's kind of the
22 reason I'm asking. 'Cause I -- Mr. Brancard can
23 correct me if I'm wrong, but I believe current policy
24 is to extend from the date of when the last order
25 essentially terminates rather than date of issuance of

1 the new order.

2 And as such, I just wanted to confirm
3 that Ridge Runner's drilling plans is to have it
4 completed by the January 21st of 2024. And that's
5 correct; right?

6 MS. HARDY: That's correct.

7 MR. MCCLURE: Okay. A reference is
8 made to difficulty finding rigs. Does Ridge
9 Runner -- is Ridge Runner on -- on one of the rig
10 schedules now, then, where they are going to have a
11 rig later this year? Or what's the current plan then?

12 MS. HARDY: Yes, they are.

13 MR. MCCLURE: Okay. As far
14 as -- there's mention that the BLM APDs are proved
15 now, correct, based off of the application?

16 MS. HARDY: Correct.

17 MR. MCCLURE: Okay. Are these the ones
18 that was approved in November and December of 2022, to
19 your understanding? I don't know if you got that in
20 depth, I guess.

21 MS. HARDY: That's correct,
22 Mr. McClure.

23 MR. MCCLURE: Okay. Okay. So then all
24 of them are proved with the BLM now?

25 MS. HARDY: That's correct.

1 MR. MCCLURE: Okay. I think those are
2 the only questions I have. Thank you, Ms. Hardy.

3 Thank you, Mr. Brancard.

4 MS. HARDY: Thank you.

5 THE HEARING EXAMINER: Hailee, any
6 questions?

7 MS. THOMPSON: No questions --

8 THE HEARING EXAMINER: Thank you.

9 So my only thing to note, Ms. Hardy, is
10 your notice letter that mailed out in December. It
11 has an incorrect address for our e-permitting system
12 in it.

13 MS. HARDY: Apologies for that. We've
14 been correcting that. And I guess this one slipped
15 through.

16 THE HEARING EXAMINER: Yeah. And while
17 those used to go to the new address, now they just go
18 off into the unknown ether when you click on that
19 link.

20 MS. HARDY: Okay. We will --

21 THE HEARING EXAMINER: You got the
22 website for the hearings correct, so that's what
23 matters.

24 MS. HARDY: Okay. We will make sure
25 that we catch that -- thank you -- going forward.

1 THE HEARING EXAMINER: All right.
2 Other than that, are there any other -- and this is
3 both cases you presented right now?

4 MS. HARDY: That's correct,
5 Mr. Examiner.

6 THE HEARING EXAMINER: So with that,
7 cases 23279, 23302, are there any other interested
8 persons or comments?

9 Hearing none. These cases will be
10 taken under advisement. I think I agree with
11 Mr. McClure that any order that we issue extending
12 simply extends the existing deadline for one year, so.

13 MS. HARDY: Understood. Thank you.

14 THE HEARING EXAMINER: Thank you.

15 So with that, we are on item number
16 eight, case 23206.

17 Mewbourne Oil Company.

18 MR. BRUCE: Mr. Examiner, Jim Bruce
19 here on behalf of Mewbourne.

20 THE HEARING EXAMINER: We have an entry
21 from ConocoPhillips.

22 MS. MUNDS-DRY: Good morning,
23 Mr. Hearing Examiner. Ocean Munds-Dry with
24 ConocoPhillips.

25 THE HEARING EXAMINER: Thank you. And

1 so this case was -- any other entries of appearance
2 then for case 23206?

3 Hearing none. This case was continued
4 from February 16th. I believe Mewbourne had to
5 provide us some additional information.

6 Where are we, Mr. Bruce?

7 MR. BRUCE: Yes, Mr. Examiner. The
8 chief issue was that, when notice was sent out, I
9 received back green cards from everyone except Oxy.
10 So I had to publish a notice in the newspaper. Did
11 that quite late. And so I ask that the matter
12 be -- this date.

13 I have submitted additional Exhibit 1
14 and additional Exhibit 2B, which we collected that
15 ConocoPhillips Company and COG Operating, LLC are not
16 being pooled because they signed the JOA.

17 (Exhibit 1 and Exhibit 2B were marked
18 for identification.)

19 And I submitted another package with
20 the affidavit of publication. And then I also owed
21 you a form C-102 for one of the wells, and that's
22 marked Exhibit 8.

23 (Exhibit 8 was marked for
24 identification.)

25 And then there are overlapping well

1 units, which we did not request approval in the
2 hearing application. But I submitted as Exhibit 9 the
3 notice letter that was sent out to the interest owners
4 regarding the overlapping well units.

5 (Exhibit 9 was marked for
6 identification.)

7 And so with that, I move the admission
8 of the additional exhibits and ask that the matter be
9 taken under advisement.

10 THE HEARING EXAMINER: Thank you.

11 Any questions or concerns from Conoco?

12 MS. MUNDS-DRY: No questions. No
13 concerns. Thank you.

14 THE HEARING EXAMINER: Any questions
15 from Dean, Hailee?

16 MR. MCCLURE: Mr. Brancard, I have a
17 quick question for Mr. Bruce.

18 THE HEARING EXAMINER: Okay.

19 MR. MCCLURE: Just for confirmation, on
20 the -- virtual connectivity interruption -- certified
21 tracking numbers for your overlapping spacing unit, I
22 believe, is what this notice is for. Within your
23 table, the later numbers only have six digits.

24 Just to confirm -- I would
25 speculate -- but just for confirmation, you have the

1 same initial four groups of numbers and then these are
2 just replacing the last set of numbers; right?

3 MR. BRUCE: Yes, that is correct.

4 Those three, generally, when you grab the green cards
5 at the post office, those first three groups of
6 numbers are always, pretty much, the same.

7 MR. MCCLURE: Yeah. Yeah, but I -- I
8 absolutely agree. I was going to say, other than when
9 they're not -- which then does throw me through a loop
10 when we go to pull the USPS report. But if only five
11 of them, I would definitely assume they're all the
12 same. But I just wanted to confirm.

13 Okay. Thank you, Mr. Bruce. That was
14 the only question I had.

15 MR. BRUCE: Thank you.

16 THE HEARING EXAMINER: Thank you.

17 Hailee, any questions?

18 MS. THOMPSON: Yeah, Mr. Brancard.

19 THE HEARING EXAMINER: Hailee, if you
20 could speak up a bit? You're not coming in very loud.
21 Sorry.

22 MS. THOMPSON: Okay. I saw that the
23 supervisor fees were a little higher than the rest of
24 them, 1,000 and 10,000. Is there a reason for that?

25 MR. BRUCE: Yeah. And I would refer

1 you back to -- I don't have the case numbers handy.
2 At a prior hearing, Mewbourne ordered -- I believe it
3 was its Bondurant [ph] wells. It asked for 10,000 and
4 1,000 dollar overhead rates.

5 And if you'd like, I can dig up the
6 landman's affidavit from that case. And he went into
7 a little detail about why they were seeking the higher
8 rates. And if that would be acceptable to you, it'll
9 give you some background.

10 And you know, we're at the mercy of the
11 Division. Mewbourne has told me they will live with
12 whatever the Division decides on the overhead rates.
13 But if you'd like, I'll get that landman's exhibit
14 from the prior hearing so you can see what he said
15 regarding requesting and increase in the overhead
16 rate.

17 MS. THOMPSON: That would be great.
18 Thank you.

19 I have no other questions.

20 THE HEARING EXAMINER: Thank you.

21 So with that, are there any other
22 interested persons for case 23206?

23 Hearing none. The supplemental
24 exhibits will be admitted into the record. The case
25 will be taken under advisement and the record left

1 open for the supplemental evidence regarding the
2 supervision charges.

3 (Exhibit 1, Exhibit 2B, Exhibit 8, and
4 Exhibit 9 were received into evidence.)

5 MR. BRUCE: Thank you.

6 THE HEARING EXAMINER: With that, we
7 are on items, I guess, nine through 14. These are
8 cases 23248, 23249, 23250, 23251, 23252, 23253. The
9 applicant is Matador Production Company.

10 MS. VANCE: Good morning, Mr. Hearing
11 Examiner, Mr. McClure, and Ms. Thompson. Paula Vance.
12 And also with me is Mr. Rankin with the Santa Fe
13 office of Holland & Hart on behalf of the applicant,
14 MRC Permian Company. Actually here for the applicant
15 this time.

16 THE HEARING EXAMINER: Thank you.

17 We have a number of entries of
18 appearance. Let me start from the top here.

19 Coterra Energy.

20 MR. SAVAGE: Good morning, Mr. Hearing
21 Examiner. Good morning, technical examiners. Darin
22 Savage with the Santa Fe office of Abadie & Schill on
23 behalf of Coterra Energy, et al.

24 THE HEARING EXAMINER: Novo Oil &
25 Gas [ph].

1 MS. BENNETT: Good morning, everyone.
2 Deana Bennett from Modrall Sperling on behalf of
3 Novo [ph].

4 THE HEARING EXAMINER: Mr. Samaniego,
5 are you with us?

6 Marlene, have you heard anything from
7 Mr. Samaniego this morning?

8 MS. SALVIDREZ: I see a call-in user
9 four and five. I was assuming --

10 THE HEARING EXAMINER: Mr. Samaniego,
11 are you there?

12 MR. SAMANIEGO: Samaniego on behalf of
13 American Energy Resources.

14 THE HEARING EXAMINER: Thank you.

15 And I don't know -- we have a number of
16 parties here. If you check the case file, there was
17 an entry of appearance from American Energy
18 Producers [ph] filed yesterday and an objection to
19 this case incurred by affidavit. Is that correct,
20 Mr. Samaniego?

21 MR. SAMANIEGO: Yes.

22 THE HEARING EXAMINER: All right. So
23 we started with the hearing on February 16th, but now
24 we have an objection filed to the hearing going
25 forward by affidavit.

1 So I think we're going to turn this
2 hearing into a status conference and look for a time
3 to finish up this hearing.

4 MS. VANCE: Mr. Hearing Examiner, we
5 would oppose that. We feel -- and I am ready to just
6 provide a simple fact and two points so that we can
7 move forward with these cases and they can be taken
8 under advisement.

9 And if the Division will, before
10 setting this for a status conference, allow for that,
11 in particular because, you know, at least at the last
12 hearing, Mr. Samaniego made a late file entry of
13 appearance. We just got this objection last night.

14 And it would be a request from our end
15 that we're at least allowed to provide some
16 clarification of where we see these cases and the
17 status of where they are right now.

18 THE HEARING EXAMINER: That's fine.
19 You can give us your position on where you think these
20 cases are headed.

21 MS. VANCE: Yes. Thank you,
22 Mr. Hearing Examiner. As I said, I'd like to just
23 point out one simple fact about this case and then
24 just make two simple points.

25 A fact here is that Mr. Samaniego

1 recognizes that these are leased mineral interests
2 that he owns, that they are leased to Matador.

3 And the reason why we know that is
4 because, after the hearing on February 16th, Matador
5 received a letter from Mr. Samaniego and these other
6 two companies. I believe it's a Black Gold Developers
7 [ph] and American Energy Resources that we're really
8 not sure of what their connection to these cases is.

9 But we received this letter from
10 Mr. Samaniego and these companies stating that the
11 lease terminated. So in effect, he's saying he
12 recognizes that these interests are leased to Matador.

13 And he, in this letter that is dated
14 February 15th, conveniently dated prior to the date of
15 the hearing, which was February 16th, was not received
16 or sent via email to Matador until February 21st.

17 So very clear, Mr. Samaniego understand
18 that these interests are leased to Matador. He is
19 making a claim in this letter -- there's no
20 letterhead, no contact information whatsoever -- that
21 these have terminated. And there is no basis in the
22 letter for why they have terminated.

23 And based on that, to get to my two
24 points that I would like to make -- and hopefully the
25 Division understands and will consider this -- is that

1 there's precedence here. The Division does not have
2 jurisdiction over these claims of title.

3 If he is making the claim that there is
4 a title defect, the Division does not have
5 jurisdiction here under Order R14304, the Division
6 said the Division does not have jurisdiction to
7 determine who owns an interest in real property or
8 whether or not their interest is marketable. Point
9 blank, this is not an issue that the Division has
10 jurisdiction over.

11 Furthermore, second point is, because
12 he is making a claim about a defect in title or wants
13 to make a claim that this lease has terminated, it's
14 not a basis for these cases to be continued.

15 In Chisholm's cases 20520 and 20501,
16 Chisholm had cases they brought for compulsory
17 pooling. Marathon sought to continue these cases in
18 order to present evidence of an alleged working
19 interest.

20 And the Division denied it because,
21 again, although the Division did not expand in its
22 decision that it issued denying that continuance, the
23 basis of the argument from Chisholm in their response
24 brief cited to order Division Order R-11700-B that
25 says, the Division has no jurisdiction to determine

1 the validity of any title or the validity or
2 continuation in force and effect of any oil and gas
3 lease. Exclusive jurisdiction of such matters resides
4 in the courts of the State of New Mexico.

5 If Mr. Samaniego wants to make a claim
6 that this lease has terminated, he needs to bring that
7 claim to the district court. Matador has complied
8 with all of the requirements of the Division for -- a
9 compulsory pooling application.

10 And furthermore, as I've already
11 pointed out, Mr. Samaniego recognizes that Matador has
12 a valid lease. And he has no right to make this
13 filing saying that he is going to -- that this
14 company, American Energy [ph], is going to file
15 competing applications. He has no working interest.
16 He has no right to send out proposals.

17 And in summation, because of that,
18 these cases should move forward. The Division should
19 take them under advisement and follow its own
20 precedence. And thank you for allowing me to take
21 that time to cover those points.

22 THE HEARING EXAMINER: So if we move
23 forward with this matter today, the result would be
24 that you're not pooling any interest of American
25 Energy Producers [ph] or Mr. Samaniego; correct?

1 MS. VANCE: That is correct. We have
2 outlined in our applications who we plan to pool. If
3 Mr. Samaniego would like to bring a case in a district
4 court and a district court makes a decision that that
5 lease terminated, then we will come back for an
6 additional pooling case.

7 But right now, we are not pooling Mr.
8 Samaniego, we are not pooling this Black Gold
9 Developers [ph], and we are not pooling American
10 Energy Resources. And we would ask, respectfully, for
11 the Division to take these cases under advisement.

12 THE HEARING EXAMINER: Mr. Samaniego,
13 I'll allow you to respond.

14 MR. SAMANIEGO: Yes. Mr. Examiner, to
15 terminate a lease doesn't require a district court.
16 It simply requires a written notification to the
17 producer. And grounds of not producing the paying
18 quantities is grounds of terminating any lease.

19 On top of that, Matador ignored in
20 total disregard of the rules, statutes, policy, the
21 Oil and Gas Act, 19.15.5.11, conducting an activity
22 pursuant to the permit shall comply with every term,
23 condition, and provision of the permit, 19.15.16.15
24 (b)(1)(c), (b)(5)(a), (b)(c)(d), (10), 19.15.4.9,
25 (b)(2), 19.15.4.12, (a)(1), (a)(5)(3), (b)(c)(1), (2),

1 (3), and (d), 19.15.5.9, 19.15.15.10, 19.15.15.11,
2 (b)(1), (3), (4), (5).

3 This is the third time dealing with
4 Matador in this particular area of not following
5 proper procedure and the proper obligated duty
6 required.

7 I had contacted, on behalf of American,
8 Mrs. Hanna Bollenbach [ph], who assists vice president
9 Jonathan Filbert [ph] and senior landman Chris
10 Carlton [ph]. My phone conversation with Hanna
11 Bollenbach [ph] was in good faith efforts to find a
12 resolution. And Ms. Bollenbach [ph] stated to me that
13 she would get back to me, and never did.

14 Hanna Bollenbach [ph] had ample time to
15 negotiate with me. And her failed attempts shows the
16 lack of good faith efforts Matador has made to
17 fulfilling their obligation duties of the statutes,
18 rules, policy and the Oil and Gas Act.

19 Not being notified is infringement on
20 one's rights, the statutes something policy, the oil
21 and gas act, and my fifth amendment of the
22 Constitution.

23 Matador intentionally ignored and
24 failed notice requirements and duties for compulsory
25 pooling. Matador's application must be denied,

1 canceled, and terminated for such failure and total
2 disregard for such obligated requirements and duties.

3 Matador to not give proper notice
4 requirements is nothing more than a tactical scheme to
5 not have any opposition at the compulsory pooling
6 hearing. Matador application is with intentional
7 negligence to cause harm of bad faith efforts and bad
8 intentions.

9 Matador is intentionally undermining
10 the Division and hearing examiners by misleading bad
11 faith efforts and bad intentions. Rules and statute
12 17.28 and 17.31 (a), (b), (c), (d) under the statutes,
13 rules, policy and the Oil and Gas Act, a penalty must
14 be imposed on Matador for violating the oil and gas
15 act obligation and duty requirements and compulsory
16 pooling. c

17 Matador misled Holland & Hart law firm
18 and attorneys in their application. Holland & Hart
19 has submitted a misleading application with bad faith
20 efforts.

21 Let's see. 19.15.5.8, the Division and
22 hearing examiners are charged with a duty and
23 obligation of enforcing the State's rules, statutes,
24 policy and the Oil and Gas Act and protection of
25 rights. The Division is committed to making sure the

1 oil and gas industry is acting responsibly and in good
2 faith efforts.

3 For the Division and hearing examiners
4 to approve Matador's application is reckless under the
5 circumstances that will have damaging future
6 consequences setting precedence for the future
7 compulsory pooling requirements, obligations, duties,
8 and will render the hearing examiner position and
9 compulsory hearing very purpose useless and defeated.

10 The Division and hearing examiners must
11 impose penalties against Matador for their unethical,
12 bad faith intentions and to prevent further future bad
13 efforts from reoccurring. Matador application is with
14 unclean hands and is not complete. And the Division
15 shall issue an order based on this record and deny,
16 cancel, and terminate Matador's permit.

17 Matador, by not giving proper notice
18 that is required under the statutes, rules, policy, and
19 the Oil and Gas Act, is with bad faith efforts and has
20 no stand.

21 19.15.5.10(a), a violation of The Oil
22 and Gas Act has been committed of any rule or permit,
23 Division sanctions must be imposed. 19.15.5.10(b)(1)
24 civil penalty, (b)(2), cancellation or termination of
25 a permit, and (b)(8), any other remedies authorized by

1 law.

2 So American obtained the non-leased
3 mineral interest and made bonafide good faith efforts
4 in contacting Matador to find a resolution.

5 Therefore, the statutes, rules, policy,
6 and the Oil and Gas Act weigh in in protecting the
7 rights of a party who showed bonafide good faith
8 efforts and must ensure that American's rights are not
9 infringed upon.

10 American does have plans on compulsory
11 pooling the section and own rights that must be
12 protected 72.17(a) to allow the opportunity to produce
13 one just and equitable share of the oil and gas,
14 72.17(b), the protection of rights and royalty owner
15 rights.

16 And by Matador saying that the Division
17 doesn't have jurisdiction of title -- Matador has no
18 title for the termination of the lease. It's been
19 commenced. It's been terminated. And the interests
20 are -- they now are not -- they're un-leased. The
21 lease is terminated, period.

22 American is a small oil company for
23 which loans have been obtained for thus and bear the
24 contract obligations for a loan, and would be a
25 violation of the New Mexico Constitution.

1 I further respectfully request the
2 Division and hearing examiners to deny, cancel, and
3 terminate all of Matador's applications in these
4 cases.

5 MS. VANCE: You're on mute,
6 Mr. Brancard.

7 THE HEARING EXAMINER: Thank you,
8 Mr. Samaniego.

9 As I see it, there are two separate
10 sets of issues here. I agree with Counsel that we
11 don't resolve title issues in these hearings. And
12 Matador can take the risk of going forward even with a
13 pending title issue. That's their risk.

14 But there's a second issue here, which
15 is that American Energy Producers [ph], Mr. Samaniego
16 have filed an objection to this case proceeding by
17 affidavit, okay. That is an entirely separate issue.
18 So our rules specifically say -- and I'll read
19 them -- at an interested person's request or upon the
20 Department's own initiative, the Division shall set a
21 pooling application for full hearing with oral
22 testimony by the applicant.

23 So we are going to have to have a full
24 hearing on this matter. Now, a lot of evidence has
25 already been submitted. It is a part of the record.

1 Really, what the hearing would be would be to make
2 people available for cross-examination who have
3 provided the testimony, at least from the applicant's
4 point of view.

5 And so that leaves the choice up, I
6 believe, to the applicant in this case, whether you
7 want to proceed with a hearing just on who you have
8 sought to pool at this point, which we'll make it
9 quite clear, does not include American Energy
10 Producers [ph] or Mr. Samaniego, or whether you'd like
11 a hearing at some -- a little later, perhaps, in which
12 you try to address these issues and then proceed.

13 So partly, it's a sooner or later,
14 partly it's a scope question. So we can do this in
15 another month or we can do this in May.

16 MS. VANCE: Mr. Hearing Examiner, I
17 have two thoughts. One, to just respond to the second
18 point of an interested person here. Mr. Samaniego and
19 this company, American Energy Resources, they're not a
20 proper -- you know, we would argue that they're not a
21 proper party here. They're not the applicant.
22 They're not a party requiring notice. And they have
23 not properly intervened.

24 Their point is to stall and delay these
25 applications from being taken under advisement. And

1 they have no basis, and no basis has been provided in
2 such filing other than to say that they plan to file
3 competing proposals.

4 And they don't have a right.

5 Mr. Samaniego and this company, American Energy
6 Resources, does not have a working interest and a
7 right to say that they are going to provide proposals.
8 They do not have the right.

9 And with regard to whether or not we
10 want to have this heard, previously, at the
11 February 16th hearing, I presented both of these
12 cases. And so they've already been -- I've already
13 presented these cases. And so I would just ask again
14 that they be taken under advisement.

15 We continued these cases to give
16 Mr. Samaniego an opportunity to go forward with
17 presenting some evidence of why he was attempting to
18 intervene or these companies were attempting to
19 intervene. But from our end, we've already presented
20 these cases, and we're ready to have the Division take
21 them under advisement.

22 THE HEARING EXAMINER: I'm sorry. But,
23 you know, there's no question here that American
24 Energy Producers [ph] is, at minimum, an interested
25 person in this matter. Whether they are a full party

1 or not, obviously, that depends on how you view the
2 documents that have been submitted and their validity.

3 So we have to have a full hearing on
4 this matter, okay. As I said, all the evidence has
5 already been submitted. Really, the hearing, from the
6 applicant's point of view, if they're not going to
7 present any additional evidence, would be to simply
8 have their witnesses available for questioning.

9 MS. VANCE: Well, Mr. Examiner, based
10 on that --

11 THE HEARING EXAMINER: So the question
12 is, do you want to just do that, or do you want to
13 make a larger hearing where you address these issues
14 and pool any interest that might be out there of
15 American Energy Producers [ph] or Mr. Samaniego?

16 MS. VANCE: If we need to make a
17 decision on that, I'd like to confer with my client
18 and get back to the Division. I'm happy to do that.
19 I think we've already reached out.

20 And hopefully, at some point during the
21 hearing today, I can jump back on and let the examiner
22 know, if that's acceptable.

23 THE HEARING EXAMINER: All right. So
24 April 20th is open. May 4th is open. May 18th is
25 open.

1 MS. VANCE: The soonest available, we
2 would --

3 MR. SAMANIEGO: I'm going to step in
4 and say that if we could stretch it out to May 18th,
5 that would be acceptable on my time.

6 MS. VANCE: No. Mr. Examiner, we would
7 very much -- you asked us when we would like to have
8 this hearing. And we would request the date that you
9 presented, which is April 20th, or whichever was the
10 earliest date possible.

11 THE HEARING EXAMINER: All right.
12 Well, I also would want to hear from American Energy
13 Producers [ph] about their availability. That's all.

14 All right. So you would like for us
15 to, sort of, temporarily continue this matter until
16 later in the day, and you will get back to us?

17 MS. VANCE: Yes, Mr. Hearing Examiner.
18 That would be appreciated.

19 THE HEARING EXAMINER: All right.
20 Why don't we schedule a check-in at
21 11 a.m.?

22 MS. VANCE: That sounds perfect. Thank
23 you, Mr. Hearing Examiner.

24 THE HEARING EXAMINER: That way
25 Mr. Samaniego will know when to tune in also.

1 MS. VANCE: Thank you, Mr. Hearing
2 Examiner.

3 Thank you, Mr. McClure and
4 Ms. Thompson.

5 MR. SAMANIEGO: Thank you,
6 Mr. Examiner.

7 THE HEARING EXAMINER: Thank you.
8 We are now on items 15 and 16.
9 Franklin Mountain Energy.

10 MS. BENNETT: Good morning, everyone.
11 Deana Bennett from Modrall Sperling on behalf of
12 Franklin Mountain Energy.

13 THE HEARING EXAMINER: Are there any
14 other interested persons for cases 23342, 23343?

15 Hearing none. Franklin Mountain may
16 proceed.

17 MS. BENNETT: Thank you very much. In
18 these two cases, Franklin Mountain Energy is seeking a
19 one-year extension of time to commence drilling its
20 initial wells under the orders.

21 And these are companion cases to cases
22 that I put on in January and then were continued to
23 February for notice purposes. So these are additional
24 cases within the same unit.

25 In the January/February cases, those

1 cases covered the east half of sections 14 and 23,
2 Township 24 South, Range 35 east. And these cases
3 that I'm presenting today, 23342 and 23343, cover the
4 west half of Sections 14 and 23, Township 24 South,
5 Range 35 east.

6 And we timely submitted exhibits on
7 Tuesday. The exhibits include the self-affirm
8 declaration of Alona Huang [ph]. And she has
9 previously testified before the Division, and her
10 credentials have been accepted as a matter of record.

11 And in her declaration, she outlines
12 the reasons for needing the extension of time, which
13 is that an issue had arisen with the BLM lease. But
14 that issue has now been largely resolved. And
15 Franklin Mountain Energy is moving forward with its
16 plans for both the east half and the west half wells
17 and units.

18 I've also included behind her
19 declaration the application we filed, the orders, the
20 parties that we pooled in the previous cases, and then
21 my notice declaration, which includes the notice
22 letter that we sent out, the mailing list, the
23 certified mail tracking information, which shows the
24 status of the mailings, and then the affidavit of
25 publication.

1 I think that's it. Franklin Mountain
2 Energy is seeking an extension of time through
3 April 4, 2024. The original orders will expire in
4 April 2023. So Franklin Mountain Energy is seeking a
5 one-year extension of time through April 4, 2024.

6 With that, I would ask that the
7 exhibits in cases 23342 and 23343 be taken into the
8 record, be admitted into the record, and the cases
9 taken under advisement. Thank you.

10 THE HEARING EXAMINER: Thank you.

11 Mr. McClure, any questions?

12 MR. MCCLURE: Mr. Brancard, I -- I have
13 no questions for either of these cases.

14 THE HEARING EXAMINER: Thank you.
15 Hailee?

16 MS. THOMPSON: No questions, Hearing
17 Examiner.

18 THE HEARING EXAMINER: Thank you.
19 Anyone else interested in cases 23342,
20 23343?

21 Hearing none. These cases will be
22 taken under advisement after we admit all of the
23 evidence into the record. Thank you.

24 MS. BENNETT: Thank you very much.
25 Have a good rest of the day.

1 THE HEARING EXAMINER: Thank you.

2 With that, we are on item number 17,
3 case 23376. COG Operating. And I'm not sure if you
4 want to combine this with 23377.

5 MS. VANCE: You know, if it's okay with
6 the examiner, I'll keep them separate because there's
7 a couple of little nuances between them. But they
8 should move rather quickly.

9 So good morning, Mr. Hearing Examiner.
10 Good morning, Mr. McClure, and Ms. Thompson. Paula
11 Vance with the Santa Fe office of Holland & Hart on
12 behalf of the applicant, COG Operating, LLC.

13 THE HEARING EXAMINER: Thank you.

14 So we're on case 23376. Any other
15 interested persons?

16 Hearing none. COG may proceed.

17 MS. VANCE: Thank you, Mr. Hearing
18 Examiner. In case number 23376, COG seeks to amend
19 the Division orders for its Gin and Tectonic wells.
20 That's the 701H, 702H, 703H, and 704H, all Gin and
21 Tectonic Fed Com wells.

22 And it is respectfully requesting an
23 extension of time to commence drilling the initial
24 wells under the orders for these under the orders for
25 those wells.

1 In the exhibit packet, we have provided
2 the extension application, which is Exhibit A, a copy
3 of the original order, which is Exhibit B, a
4 self-affirm statement of landman Bailor Mitchell [ph],
5 which is Exhibit C.

6 (Exhibit A, Exhibit B, and Exhibit C
7 were marked for identification.)

8 And I will go ahead and just point out,
9 Mr. Mitchell [ph] has not previously testified before
10 the Division. Therefore, we have provided his resume,
11 which is Exhibit C1, or Sub-Exhibit C1.

12 (Exhibit C1 was marked for
13 identification.)

14 And just to give a little brief
15 overview of his resume, he's a relatively recent grad
16 of Texas Tech and has a bachelor of business degree in
17 energy commerce. He has been with Concho [ph] and
18 ConocoPhillips full time for a number of years as a
19 lang negotiator now.

20 And based on his background and
21 qualifications and educational experience, I would
22 tender Mr. Mitchell [ph] an expert in land matters and
23 ask that his credentials be accepted as a matter of
24 record before the Division.

25 THE HEARING EXAMINER: Hearing no

1 objections, so accepted.

2 MS. VANCE: Thank you, Mr. Hearing
3 Examiner.

4 So in Exhibit C, Mr. Mitchell [ph]
5 attests as to why there is good cause to extend these
6 orders. And it's basically due to a change in
7 shifting rig schedule and some movement on COG's end.
8 This project is not set to start until late 2023. And
9 therefore, we're asking for this extension of time to
10 commence drilling.

11 Additionally, sub-exhibits that we have
12 included are Sub-Exhibit C2, which is the original
13 notice list. And I'll point out why I've included
14 that. And also Exhibit C3, which is a revised updated
15 Exhibit C3, which lists all of our pool parties.

16 (Exhibit C2 and Exhibit C3 were marked
17 for identification.)

18 Mentioned in Mr. Mitchell's [ph]
19 self-affirm statement -- I believe it's
20 paragraph 5 -- we have a change in ownership, which
21 is -- we also noticed this time around Northern Oil
22 and Gas, Inc. [ph]. They acquired half of Alpha
23 Energy Partner, LLC's [ph] working interest.

24 And that should be updated on Exhibit
25 C3 for the Division to see. They're not a pooled

1 party, but they are nonetheless that interest change.
2 So we've included that.

3 Also, a change was in the overrides.
4 If you look at page 18, our original notice list, two
5 of the overrides, which were originally Whirl
6 Investment Corporation [ph] and Scott Wynn, LLC [ph],
7 they sold to Apollo Permian, LLC [ph] and HW Land
8 Company, LLC [ph]. And you will see on our Exhibit C3
9 listing the overrides that we have included them.

10 Additionally, in our exhibits, we've
11 included a self-affirm statement of notice, which is
12 Exhibit D, with sample letters that were timely mailed
13 on February 10, 2023, and an affidavit of notice of
14 publication, which is Exhibit E, which was timely
15 published on February 12, 2023.

16 (Exhibit D and Exhibit E were marked
17 for identification.)

18 And unless there are any questions, I
19 would ask that all exhibits and sub-exhibits be
20 admitted into the record and that case number 23376 be
21 taken under advisement by the Division at this time.
22 And I stand by for any questions.

23 THE HEARING EXAMINER: Thank you.

24 Any questions, Dean?

25 MR. MCCLURE: Yes, Mr. Brancard, I do

1 just have a quick question.

2 Ms. Vance, was all of the same persons
3 notified again? I'm just trying to look at the
4 overall list. I didn't go one by one. Looks like
5 maybe there was more on the list the first time. Or
6 am I wrong?

7 MS. VANCE: No, it's the same exact
8 list, just those parties that I pointed out --

9 MR. MCCLURE: Referenced?

10 MS. VANCE: -- that were a change. If
11 you want to set them side by side, I essentially used
12 the same exact notice list from the first pooling and
13 just changed out the couple of interests that I
14 mentioned.

15 We included Northern [ph]. And then we
16 didn't end up noticing Whirl [ph] or Scott Wynn [ph]
17 because their interest was sold to Apollo [ph] and
18 HW Land [ph]. And we did notice them.

19 MR. MCCLURE: Okay. Very good. Yeah,
20 I was just -- it's a slightly different format, and it
21 looks like there's, like, more pages to the first one.
22 And I didn't actually go one by one on them.

23 But thank you. Very good. Thank you.
24 No -- no more questions.

25 MS. VANCE: Sure. Thank you,

1 Mr. McClure.

2 THE HEARING EXAMINER: Thank you.
3 Hailee?

4 MS. THOMPSON: No questions.

5 THE HEARING EXAMINER: Thank you.
6 All right. Any other interested
7 persons then, case 23376?

8 Hearing none. The exhibits will be
9 admitted into the record, and this case will be taken
10 under advisement.

11 (Exhibit A through Exhibit E were
12 received into evidence.)

13 MS. VANCE: Thank you, Mr. Hearing
14 Examiner.

15 THE HEARING EXAMINER: With that, we
16 are on item 18, case 23377. COG Operating.

17 MS. VANCE: Hello again, Mr. Hearing
18 Examiner, Mr. McClure, and Ms. Thompson. Paula Vance
19 with the Santa Fe office of Holland & Hart on behalf
20 of the applicant, COG Operating, LLC.

21 THE HEARING EXAMINER: Any other
22 interested persons for case 23377?

23 Hearing none. COG may proceed.

24 MS. VANCE: Thank you, Mr. Hearing
25 Examiner. In case number 23377, COG seeks to amend

1 the Division orders for the Gin and Tectonic wells,
2 which, under this case, are the 705H, 706H, 707H, and
3 the 708H, all Gin and Tectonic Fed Com wells.

4 And it is respectfully requesting an
5 extension of time to commence drilling the initial
6 wells under the orders for those wells.

7 In the exhibit packet, we have provided
8 a copy of the extension applications, which is
9 Exhibit A, a copy of the original order, which is
10 Exhibit B, a self-affirm statement of landman
11 Mr. Bailor Mitchell [ph].

12 (Exhibit A and Exhibit B were marked
13 for identification.)

14 Again, we included as a sub-exhibit his
15 resume to cover all bases. But he has been admitted
16 as a technical expert, so I don't need to cover that.

17 And then we have also included
18 Exhibit C2, again, a copy of the original notice list.
19 And then Exhibit C3, a revised updated Exhibit C3.

20 (Exhibit C2 and Exhibit C3 were marked
21 for identification.)

22 Originally, there was not actually a
23 change to this. But yesterday, we became aware
24 of -- let me go to it. If you go to Exhibit C3,
25 page 21, you will see Beetlejuice Production [ph].

1 Beetlejuice Production [ph], we got a call from them.
2 They sold their interest to Cibola Oil & Gas,
3 LLC [ph].

4 Our landman, Mr. Mitchell [ph],
5 coordinated contact with Cibola Oil & Gas, LLC [ph].
6 They are aware of this pooling application. They are
7 fine with it. They understand that they are subject
8 to the pooling, the original pooling order.

9 So that was the only change. And
10 obviously, we had already filed our exhibits. So that
11 is the only piece that was not actually updated.

12 This is followed by a self-affirm
13 statement of notice, which is Exhibit D, with sample
14 letters that were timely mailed on February 10, 2023,
15 and an affidavit of notice of publication, which is
16 Exhibit E, which was timely published on February 12,
17 2023.

18 (Exhibit D and Exhibit E were marked
19 for identification.)

20 Unless there are any questions, I would
21 ask that all exhibits be admitted into the record and
22 that case number 23377 be taken under advisement at
23 this time. And I stand by for any questions.

24 THE HEARING EXAMINER: Thank you.

25 Okay. Questions, Mr. McClure?

1 MR. MCCLURE: Mr. Brancard, I don't
2 know if I have any questions other than just wondering
3 if we would want an amended pooled parties list or
4 not. I don't know what your thoughts are.

5 THE HEARING EXAMINER: Well Ms. Vance,
6 what you just discussed about this new party, that's
7 not in your exhibits; correct?

8 MS. VANCE: Right. We just got a call
9 from Beetlejuice Production [ph] explaining to us that
10 after the pooling order was issued, they ended up
11 subsequently selling that interest to Cibola Oil &
12 Gas [ph]. And we just became aware of that yesterday.

13 The landman did discuss --
14 Mr. Mitchell [ph] did discuss with both the contact at
15 Beetlejuice Production [ph] and also at Cibola Oil &
16 Gas [ph]. They're aware of the order and have no
17 issue, and as far as I understand, in support of it.

18 And so that was the only thing that
19 changed. But we had already filed our exhibits and
20 only became aware of that yesterday.

21 THE HEARING EXAMINER: So I'm wondering
22 if you could just give us, you know, a supplement to
23 the landman's affidavit where they explain this?

24 MS. VANCE: Sure. That is --

25 THE HEARING EXAMINER: So we're not

1 relying on your hearsay here. It sounds like your
2 landman was doing all the work on this.

3 MS. VANCE: That's completely fair. We
4 can file a supplement. And we're happy to update that
5 little change there in the exhibit and make sure it's
6 correct on the record.

7 THE HEARING EXAMINER: Thank you.
8 Anything further, Hailee?

9 MS. THOMPSON: No questions.

10 THE HEARING EXAMINER: Thank you.

11 All right. Once again, anyone else
12 interested in case 23377?

13 Hearing none. 23377 will be taken
14 under advisement, record left open for supplement to
15 the landman's affidavit explaining the current
16 situation with the parties.

17 MS. VANCE: Thank you, Mr. Hearing
18 Examiner.

19 Thank you, Mr. McClure and
20 Ms. Thompson.

21 THE HEARING EXAMINER: Okay. We are
22 now on item 19 and 20, cases 23202, 23360. Oxy USA
23 Inc.

24 MR. RANKIN: Good morning,
25 Mr. Examiner. May it please the Division. This is

1 Adam Rankin appearing on behalf of the applicant in
2 these cases with the Santa Fe office of Holland &
3 Hart.

4 THE HEARING EXAMINER: And you want
5 these cases consolidated; correct?

6 MR. RANKIN: I think it's just as well
7 to go ahead and consolidate them. Thank you.

8 THE HEARING EXAMINER: You can tell us
9 the story, the saga of these cases.

10 MR. RANKIN: No saga. No saga.

11 THE HEARING EXAMINER: Are there any
12 other interested parties for cases 23202, 23360?

13 Hearing none. Oxy may proceed.

14 MR. RANKIN: Thank you, Mr. Examiner.
15 In case number 23202, Oxy seeks an order pooling all
16 uncommitted interests in the Wolf Camp formation
17 underlying a standard 639.88 acre, more or less,
18 horizontal well spacing unit, which is comprised of
19 the east half of Section 6 and 7, all within
20 Township 24 South, Range 29 East, in Eddy County.

21 Oxy seeks to dedicate three existing
22 drilled and producing wells to the spacing unit. It
23 had previously pooled this acreage under Order Number
24 R-20318, subsequently believed that all interest
25 owners had been voluntarily committed, and so

1 therefore requested that the Division rescind the
2 order.

3 Oxy has since, however, determined that
4 additional record title owners must be pooled for
5 purposes of obtaining a federal communitization
6 agreement with the BLM, thereby necessitating a new
7 pooling order.

8 Similarly, in the companion case 23360,
9 Oxy seeks an order pooling all uncommitted interests
10 in the Bone Spring formation underlying the same
11 acreage. And it would dedicate six wells, existing
12 and producing within that acreage, to the spacing
13 unit.

14 That spacing unit is in enlarged on the
15 basis of a proximity well, which is the Length CC 6 7
16 Federal Com well number 25H, which is within 330 feet
17 of offsetting quarter-quarter sections or equivalent
18 tracts enabling those offsetting tracts to be included
19 in this standard horizontal well spacing unit.

20 As with the prior case, this spacing
21 unit had previously been pooled under Division Order
22 R-20320. And similarly, Oxy had believed that all
23 interests had been voluntarily committed, and so
24 therefore requested that the Division rescind that
25 pooling order.

1 And as with the prior case, the same
2 partis Oxy has identified and come to understand that
3 it did not have the record title owners on federal BLM
4 register page necessary for a communitization
5 agreement, and so therefore, is seeking to pool them
6 in this case as well.

7 On Tuesday, Mr. Examiner, we submitted
8 an exhibit packet for each of these cases containing
9 Exhibits A through F. A is a copy of the compulsory
10 pooling checklist for each of the cases, identifying
11 the pools, pool codes, acreage, orientation of the
12 well, and other material elements of the pooling
13 necessary for an order.

14 (Exhibit A was marked for
15 identification.)

16 Exhibit B is a copy of the applications
17 for each of these cases.

18 (Exhibit B was marked for
19 identification.)

20 Exhibit C is a copy of the self-affirm
21 statement of Oxy's landman, Mr. Peter Vanlue [ph].
22 Mr. Vanlue [ph] has previously testified and has had
23 his credentials as an expert in petroleum land matters
24 accepted as a matter of record in the past.

25 //

1 (Exhibit C was marked for
2 identification.)

3 He reviews in his self-affirm statement
4 the request that Oxy is making here to pool all these
5 uncommitted owners of record title, explains that they
6 are bare record title owners and do not own the
7 operating interests or working interests of any kind.
8 He identifies the acreage and the spacing units as
9 well as the wells that have been drilled and are
10 dedicated producing under each of these spacing units.

11 His Exhibit C1 is a copy of the C-102s
12 as drilled for each of the wells in these two cases.

13 (Exhibit C1 was marked for
14 identification.)

15 Exhibit C2 is a tract map identifying
16 the spacing units, area, and acreage for each of these
17 spacing units, as well as the federal leases and fee
18 leases underlying them.

19 (Exhibit C2 was marked for
20 identification.)

21 And that map identifies the particular
22 federal lease that requires these record title owners
23 to be pooled for purposes of communitization. That's
24 the one, you know, identified in gray and marked on
25 the exhibit.

1 Second page of C2 is a list of the
2 record title owners who require pooling for purposes
3 of creating these CAs.

4 Exhibit C3 is a copy of the compulsory
5 pooling contact log or correspondence log identifying
6 Mr. Value's [ph] efforts to identify, locate, and
7 reach ratification, get a ratification from each of
8 these various owners, and the dates and so forth and
9 his efforts to do so.

10 (Exhibit C3 was marked for
11 identification.)

12 Exhibit D is a copy of the self-affirm
13 statement of Oxy's geologist. Mr. Brazell [ph] has
14 previously testified and has been accepted as an
15 expert in petroleum geology by the Division.

16 (Exhibit D was marked for
17 identification.)

18 His Exhibit D1 is a locator map that
19 identifies the general location of these spacing units
20 within the township.

21 (Exhibit D1 was marked for
22 identification.)

23 Exhibit D2 is a copy of the structure
24 maps for each of the intervals within the Bone Spring
25 and Wolf Camp formations that Oxy has targeted and has

1 developed, along with a cross section map from X to
2 X prime identifying the location of the wells used to
3 construct the cross sections in the following
4 exhibits.

5 (Exhibit D2 was marked for
6 identification.)

7 D3 are the cross sections identifying
8 the target intervals for these wells and confirming in
9 Mr. Brazell's [ph] analysis that the target intervals
10 and formations exist and are a consistent thickness
11 across the entire spacing unit.

12 (Exhibit D3 was marked for
13 identification.)

14 And he confirms that this acreage is
15 appropriate for developing with horizontal wells and
16 that each tract will contribute more or less equally
17 to production and has been more or less equally
18 contributing to production.

19 Exhibit E is the affidavit prepared by
20 myself and our office reflecting that we provided
21 notice to each of the parties identified in these
22 exhibits who are pooling as well as the dates that
23 certified mailing were sent and a notice of
24 publication was published in newspapers identifying
25 each of these parties by name.

1 (Exhibit E was marked for
2 identification.)

3 I guess, with that, Mr. Examiner,
4 unless there's any questions, I would ask that
5 Exhibits A through F be accepted into the record. And
6 withstand for any questions if the examiners have any
7 for me.

8 (Exhibit F was marked for
9 identification.)

10 THE HEARING EXAMINER: Thank you.
11 Start with Hailee. Any questions?

12 MS. THOMPSON: No questions.

13 THE HEARING EXAMINER: Thank you.
14 Mr. McClure?

15 MR. MCCLURE: Mr. Brancard, I -- I
16 don't have any questions for you or these cases
17 either.

18 THE HEARING EXAMINER: Thank you.
19 I guess my only comment is, this is
20 just record title owners; correct?

21 MR. RANKIN: Yes, Mr. Examiner, record
22 title only, which is why in the compulsory pooling
23 checklist, you'll see that we specifically confirm
24 that we're not seeking -- as well as an
25 affidavit -- that Oxy is not seeking the imposition of

1 any risk penalty or overhead charges or rates against
2 any of these owners because they are not a cost
3 bearing interest.

4 THE HEARING EXAMINER: Right. So you
5 will likely receive our shorter form pooling order
6 then.

7 MR. RANKIN: Any order is a good order.
8 I shouldn't say that. Any order approving is a good
9 order.

10 THE HEARING EXAMINER: Thank you.

11 Are there any other interested persons
12 then? We are on cases 23202, 23360.

13 Hearing none. These cases will be
14 taken under advisement, and all of the exhibits will
15 be admitted into the record.

16 (Exhibit A through Exhibit F were
17 received into evidence.)

18 MR. RANKIN: Thank you.

19 THE HEARING EXAMINER: With that, we
20 are on items 21 and 22, case numbers 23362, 23363.
21 MRC Permian Company.

22 MS. VANCE: Good morning, Mr. Hearing
23 Examiner. Before I enter my appearance, I'm
24 backtracking one. I think on my case 23377, I did not
25 point out that the good cause is the same as in the

1 23376. And I just wanted to make sure that I put that
2 on the record just based off of a change in drill
3 schedule for COG.

4 THE HEARING EXAMINER: I assume that's
5 in your land person's affidavit?

6 MS. VANCE: It is. But I didn't say
7 it, and I just wanted to make sure that I said that on
8 the record.

9 THE HEARING EXAMINER: Thank you.

10 MS. VANCE: So good morning,
11 Mr. Hearing Examiner. Good morning, Mr. McClure, and
12 Ms. Thompson. Paula Vance with the Santa Fe office of
13 Holland & Hart on behalf of the applicant, MRC Permian
14 Company.

15 THE HEARING EXAMINER: Thank you.

16 Are there any other interested persons
17 for cases 23362, 23363?

18 Hearing none. MRC may proceed.

19 MS. VANCE: Thank you, Mr. Hearing
20 Examiner. So in cases 23362 and 23363, MRC seeks to
21 pool all uncommitted interests in the Bone Spring
22 formation. And the pool is the Hackberry Bone Spring
23 North, and the pool code is 97056. And the acreage is
24 all underlying acreage in Township 19 South, Range 28
25 East, Eddy County, New Mexico.

1 And in case 23362, MRC seeks to pool a
2 standard 360-acre, more or less, horizontal well
3 spacing unit comprised of the north half of the
4 southeast quarter of Section 3, the north half of the
5 south half of Section 2, and the north half of the
6 southwest quarter in the northwest quarter of the
7 southeast quarter of Section 1, and dedicate this
8 proposed initial spacing unit to the Jimmy Anderson
9 0301 Fed Com 123H well.

10 And then in case 23363, MRC seeks to
11 pool a standard 400-acre, more or less, horizontal
12 well spacing unit comprised of the south half of the
13 southeast quarter of Section 3 and the south half
14 south half of Sections 1 and 2, and dedicate this
15 initial proposed spacing unit to the initial Jimmy
16 Anderson 0301 Fed Com 124H.

17 In these cases, we have included a copy
18 of the application by the applicant in which we have
19 also asked that the designated operator be Matador
20 Production Company.

21 We provided the compulsory pooling
22 checklist as well as affidavits of landman Nicholas
23 Weeks [ph] and geologist Andrew Parker [ph], both of
24 whom have previously testified before the Division.
25 And their credentials have been accepted as a matter

1 of record.

2 Mr. Weeks' [ph] affidavit is Exhibit C,
3 which includes Sub-Exhibit C1, the C-102s, C2, the
4 land tract map, C3, a list of uncommitted working
5 interest owners, overriding royalty interest owners,
6 and non-participating royalty interest owners. This
7 is followed by Sub-Exhibit C4, sample well proposal
8 letters and AFEs, and C5, a chronology of contacts.

9 (Exhibit C through Exhibit C5 were
10 marked for identification.)

11 And just to hit on a couple of items in
12 the landman affidavit and a suite of exhibits, you
13 will notice -- and I'm sure it already may have caused
14 a question to pop into any of the examiners'
15 heads -- with respect to case number 23362, if you go
16 to paragraph 7, we have discussed specifically why
17 with respect to this spacing unit we did not include
18 one of the tracts.

19 And that is because that acreage is
20 comprised -- it's the northeast quarter of the
21 southeast quarter of Section 1. That is an unleased
22 federal unit. Therefore, Matador did not include that
23 acreage. But it may be developed from both the east
24 or from the north.

25 Additionally, just wanted to bring it

1 to the examiners' attention with respect to
2 Sub-Exhibit C2, just want to note that those tracts
3 that we have identified, one through six for the 123H,
4 and then the tracts one through six, 124H, those are
5 not the same exact tracts. If you'll just -- if
6 you're following it, just make sure to note that
7 those -- to look at the associated leases listed
8 there.

9 Additionally, we did send out an
10 amended proposal letter, which is also included. And
11 that is on page 39. That corrects the footages for
12 the 123H. And that was timely sent out.

13 And then lastly, one last thing with
14 the landman exhibits, we are no longer seeking to pool
15 Mortray Properties, LLC [ph]. We have reached
16 voluntary joinder with them. So we are no longer
17 seeking to pool them.

18 Moving on, this is followed by
19 Mr. Parker's [ph] affidavit, which is Exhibit D, and
20 includes Sub-Exhibits D1, a locator map, D2, a Bone
21 Spring subsea structure map, and cross section, and
22 D3, a Bone Spring stratigraphic cross section.

23 (Exhibit D through Exhibit D3 were
24 marked for identification.)

25 In these cases, Mr. Parker [ph] did not

1 observe any faulting, pinch-outs, or other geologic
2 impediments to the horizontal drilling of these wells.

3 And then lastly is Exhibit E, a
4 self-affirmed statement of notice with sample letters
5 that were timely mailed on February 10, 2023, and
6 Exhibit F, affidavit of notice of publication, which
7 was timely published on February 12, 2023.

8 (Exhibit E and Exhibit F were marked
9 for identification.)

10 Unless there are -- oh, and one other
11 item that I do want to point out that we just got
12 notification of and confirmation this morning, is you
13 will notice on our pooling, Exhibit C3, specifically
14 in the first case involving the Jimmy Anderson 123H,
15 you go to page 28 of the PDF, we have listed there
16 Chevron Midcontinent, L.P. [ph].

17 Unfortunately, they were not on the
18 notice list for this particular application. However,
19 we did follow up with Chevron [ph], and we have
20 received confirmation stating that they have agreed to
21 allow us to go forward in both cases. And we're happy
22 to file a supplement on the record to make sure that
23 that's satisfactory for the Division to take these
24 cases under advisement.

25 And unless there are any questions, I

1 would ask that the exhibits and sub-exhibits be
2 admitted into the record and that cases 23362 and
3 23363 be taken under advisement by the Division at
4 this time. Thank you. I stand by for any questions.

5 THE HEARING EXAMINER: Thank you.

6 Mr. McClure?

7 MR. MCCLURE: Yes, Mr. Brancard. I do
8 have a few questions.

9 In regard to that quarter-quarter
10 that's missing, is there a presumption that it will
11 not be leased out any time soon? Is that the thought
12 process here?

13 MS. VANCE: I don't know exactly. And
14 I'm happy to follow up with Matador. But I believe
15 that that is correct. And therefore, we have not
16 included it. But I am happy to follow up with Matador
17 to get a more precise answer on that.

18 MR. MCCLURE: Now, you also reference
19 that it wouldn't be stranded from the north. But with
20 these wells being east west, is there a reason to
21 think there'd be a north south well there to come down
22 and pick it up?

23 MS. VANCE: Again, I would probably
24 defer and ask Matador or, you know, ask their
25 geologist to see, you know, if there's any particular

1 reason, you know, why development from one end, you
2 know, either north south or east west. I don't think
3 that there's a preference, necessarily.

4 Just, we wanted to make it clear in our
5 affidavit that it is open for development. But we
6 just did not include it.

7 MR. MCCLURE: And I apologize. I guess
8 I didn't see that specific paragraph when you
9 referencing it. But within that paragraph, the
10 geologist is outright already stating that it would be
11 assessable from the north or the east. Is that
12 correct?

13 MS. VANCE: So it's actually in our
14 landman's statements.

15 MR. MCCLURE: Landman's. I'm sorry.

16 MS. VANCE: And it's paragraph 7. It's
17 page 18 of the PDF. And we have basically made it
18 clear that this acreage may be developed from the east
19 or from the north. So it looks like there's, you
20 know, ample acreage there to be developed. So that
21 acreage would not itself be left stranded.

22 MR. MCCLURE: Okay. Yeah, I don't -- I
23 don't think we'll need anything in addition to this if
24 he's -- yeah. I think we should be fine on that here
25 unless one of the other examiners would like to see

1 something in addition.

2 Another question I had, on your summary
3 of interest, so everybody listed here are the parties
4 that you're requesting to pool; correct? I mean, with
5 the exception of -- of what you talked about earlier.

6 MS. VANCE: That's correct. So if you
7 look at the way we've laid out our summary of
8 interest, we list the interests, the working interests
9 for MRC Permian Company, MRC Delaware Resources
10 Company.

11 And that compulsory pool -- for
12 example, in the first case, which is the 123H, and on
13 page 28, that 27 point, you know, extended number
14 percentage, if you add up all of the interest owners
15 that are actually listed out there, that is where you
16 get your 27 percent. So that's just broken out there.

17 And then we just collectively list out
18 our voluntary joinder, which is that 6 percent. And
19 the same would go for the 124H. And that's just
20 followed by the summary of interest with the overrides
21 and then our record title holders.

22 MR. MCCLURE: Okay. Very -- very good.
23 I was just kind of wondering considering that there is
24 a category just for voluntarily. I was almost
25 wondering if that wasn't the case.

1 I guess I'm not sure if we actually
2 even need to see the interest for voluntarily joined
3 or not. So I'll, of course, leave that to whatever
4 Mr. Brancard is thinking there. I'm assuming not,
5 though. I think the -- the people that we're pooling
6 is the people we're actually interested in.

7 Earlier, you reference that
8 Chevron [ph] is being pooled but yet was not noticed,
9 but you had a follow-up communication with them where
10 they acknowledged receipt of this and do not wish to
11 protest. Is that what you have?

12 MS. VANCE: In essence. But
13 essentially, they have said that they would allow us
14 to move forward. They do not have issue. Obviously,
15 you know, if we need to get something on the record,
16 we're happy to do that so that we can move forward
17 with these cases.

18 They were on the notice list for the
19 124H, just they ended up not on the notice for the
20 123H. And we just wanted to make sure we cover all
21 bases. And so we did get confirmation from them this
22 morning that they have no issue with us moving forward
23 in both cases.

24 MR. MCCLURE: I have no more questions.
25 Thank you, Ms. Vance.

1 MS. VANCE: Thank you, Mr. McClure.

2 THE HEARING EXAMINER: Thank you.

3 Hailee, any questions?

4 MS. THOMPSON: No questions.

5 THE HEARING EXAMINER: To address one
6 of Mr. McClure's concerns, in looking at your
7 geologist's exhibits, it does appear that there are
8 both stand-up and lay-down wells in this vicinity.
9 And in fact, to the north, like one section up, they
10 are actually stand-up, so.

11 MR. MCCLURE: I do see that now that
12 you say that. I'm with you.

13 THE HEARING EXAMINER: Okay. So we
14 need to deal with this Chevron [ph] issue here. So if
15 I understand, looking your summary of interest,
16 they're not titled. But it appears that there are two
17 summary of interests. One is for case 362, and one is
18 for case 363?

19 MS. VANCE: What page are you on,
20 Mr. Hearing Examiner? I'm sorry.

21 THE HEARING EXAMINER: I think I'm on
22 28 of your PDF.

23 MS. VANCE: Right. So you'll see on
24 page 28, I think like right in the middle, we've got
25 Chevron Midcontinent, L.P. [ph] working interest --

1 THE HEARING EXAMINER: I'm just saying
2 you're not labeling these. There's two consecutive
3 summaries of interest. They're not labeled, but one
4 is for case 362, and the second one is for case 363?

5 MS. VANCE: That's right. If you
6 actually look to the bottom left, this is for the
7 123H. And then if you scroll to page 31, you'll see
8 them again. And that one is for the 124H.

9 We sent out separate notice for the two
10 applications. They were on the notice for the 124H.
11 They did not get noticed, unfortunately, for the 123H.
12 And so we reached out to them to see if we could
13 coordinate so we could avoid any issues with notice
14 and move forward with these cases.

15 THE HEARING EXAMINER: And just to
16 clarify again, for the record, on this exhibit, even
17 though the line above, interest owner, says, voluntary
18 joiner, really, what the interest owners are are the
19 compulsory pool interest owners, the line above that?

20 MS. VANCE: Yes. That's correct. The
21 compulsory pool, which is, for example, if you're
22 still on page 28, that's 27 percent. That breakdown
23 of all those interests is what you see under the
24 interest owners starting with Oxy and then proceeding
25 from there. So that's the full breakdown of that

1 27 percent.

2 THE HEARING EXAMINER: Okay. So I
3 think we can go ahead with 363, but I think we need to
4 continue 362 to deal with the Chevron [ph] notice
5 issue.

6 MS. VANCE: Would it be sufficient
7 since we have gotten confirmation from them that they
8 have no issue if we could just file something
9 supplement -- file a supplement onto the record so
10 that --

11 THE HEARING EXAMINER: If you can get
12 them to waive notice. I think we've done this before.
13 But I regretted doing it after I did it because it
14 took forever. You could get them to waive notice.
15 That would be fine. If not, you need to just mail
16 them a letter.

17 MS. VANCE: Okay. Will we have the two
18 weeks to be able to get that done and get it filed on
19 the record?

20 THE HEARING EXAMINER: Yes. And I'm
21 assuming that they will confirm they got the letter
22 and you will have evidence they confirmed they got the
23 letter. And therefore, you don't need to do another
24 newspaper publication.

25 MS. VANCE: Correct. We will make sure

1 that we provide sufficient waiver of notice to
2 hopefully satisfy the Division.

3 THE HEARING EXAMINER: Okay.

4 All right. Any other interested
5 persons then, cases 23362, 23363?

6 MR. MCCLURE: Mr. Brancard, were we
7 going to get an amended pooling list based off
8 of -- there was a change on the Mortray
9 Properties [ph]; right? Or did I mishear that?

10 THE HEARING EXAMINER: Did you say --

11 MR. MCCLURE: Didn't you reference that
12 earlier, Ms. Vance? Maybe I'm wrong.

13 MS. VANCE: No, you're correct. We
14 have voluntary joinder from Mortray Properties [ph].

15 MR. MCCLURE: Oh, so they're no longer
16 being pooled on one of them or on both of them?

17 MS. VANCE: -- being pooled. And we
18 were hoping it was sufficient enough to just, you
19 know, state that on the record without having to
20 update the exhibits. But they are not being pooled
21 anymore. We were able to reach voluntary joinder for
22 both cases.

23 THE HEARING EXAMINER: I think that's
24 fine, I mean, putting it on the record here.
25 Sometimes the party who has reached joinder wants

1 their name off, and therefore, you would have to file
2 something. But if that's not the case here, then we
3 can just go ahead with what you provided us.

4 All right. So the exhibits and
5 evidence in cases 23362, 23363 will be admitted into
6 the record. Case 23363 will be taken under
7 advisement. Case 23362 will be continued to our next
8 hearing date to provide additional notice information
9 regarding Chevron Midcontinent [ph].

10 (Exhibit C through Exhibit F were
11 received into evidence.)

12 MS. VANCE: Thank you, Mr. Hearing
13 Examiner.

14 Thank you, Mr. McClure and
15 Ms. Thompson.

16 THE HEARING EXAMINER: Thank you.

17 Okay. Where are we? All right.

18 Item 23, case 23346. Pecos Oil & Gas, LLC.

19 MS. VANCE: Good morning, Mr. Hearing
20 Examiner, Mr. McClure, and Ms. Thompson. Paula Vance
21 with the Santa Fe office of Holland & Hart on behalf
22 of the applicant, Pecos Oil & Gas, LLC.

23 THE HEARING EXAMINER: Thank you.

24 Any other interested persons for case
25 23346?

1 Hearing none. Pecos may proceed.

2 MS. VANCE: Thank you, Mr. Hearing
3 Examiner. In case 23346, Pecos seeks an order pooling
4 all uncommitted interests in the Yeso Formation.

5 The pool is Red Lake Glorietta
6 Yeso [ph], and the pool code is 51120. That's
7 underlying a standard 160-acre, more or less,
8 horizontal spacing unit comprised of the south half of
9 the north half of Section 15, Township 18 South, Range
10 26 East, Eddy County, New Mexico.

11 Pecos seeks to pool and initially
12 dedicate this Yeso spacing unit to the proposed Elm
13 Fee 1H, 2H, 3H, and 4H.

14 In this case, we have provided a copy
15 of the application in which we request that the
16 Division designate Redwood Operating LLC as the
17 operator, the compulsory pooling checklist, as well as
18 self-affirm statement of landman Derick Smith [ph] and
19 geologist Charles Sadler [ph], both of whom have
20 previously testified before the Division. And their
21 credentials have been accepted as a matter of record.

22 Mr. Smith's [ph] self-affirm statement
23 is Exhibit A, which includes Sub-Exhibits A1, the
24 C-102s, A2, a land tract map and ownership schedule,
25 and A3, a chronology of contacts.

1 (Exhibit A through Exhibit A3 were
2 marked for identification.)

3 I will note that you'll notice that
4 there were no proposal letters or AFEs because, if you
5 go to -- I'm sorry. I think I said -- oh, I'm
6 sorry -- if you go to Exhibit A and go to paragraph 6,
7 you'll see that the landman discusses -- Pecos, in
8 this case, we're pooling and seeking authority to pool
9 because we are pooling leasers whose lease instruments
10 do not authorize pooling more than 40 acres. So there
11 weren't any proposal letters or AFEs.

12 This is followed by Mr. Sadler's [ph]
13 self-affirm statement, which is Exhibit B, and
14 includes Sub-Exhibits B1, a locator map, B2, an
15 acreage and position map, B3, a project area and type
16 log, subsea structure map, and B4, a cross section map
17 and stratigraphic cross section.

18 (Exhibit B through Exhibit B4 were
19 marked for identification.)

20 In this case, Mr. Sadler [ph] did not
21 observe any faulting, pinch-outs, or other geologic
22 impediments to the horizontal drilling of these wells.

23 I also did want to raise -- because I
24 believe in the last hearing, Mr. Rose-Coss mentioned
25 and brought up was a concern regarding the Yeso

1 formation. There are no active vertical wells in this
2 spacing unit. So there should be no concern of
3 migration of frac fluids. And there has been no
4 report of anything related to that from our geologist
5 or landman.

6 Lastly is Exhibit C, self-affirm
7 statement of notice with sample letters that were
8 timely mailed on February 10, 2023, and Exhibit D, an
9 affidavit of notice of publication, which was timely
10 published on February 14, 2023.

11 (Exhibit C and Exhibit D were marked
12 for identification.)

13 So unless there are any questions, I
14 would ask that all exhibits and sub-exhibits be
15 admitted into the record and that case 23346 be taken
16 under advisement by the Division at this time. I
17 stand by for any questions.

18 THE HEARING EXAMINER: Thank you.

19 Dean, any questions?

20 MR. MCCLURE: Yeah, Mr. Brancard.

21 Ms. Vance, so the pooled parties are
22 these ones that's highlighted in yellow in the -- I
23 guess in the pages 18 and 19 of the PDF. Is that
24 correct?

25 MS. VANCE: Yes, That's correct. And I

1 meant to mention that because I don't think we
2 provided a little legend. But yes, the pooled parties
3 are the ones that are highlighted in yellow.

4 MR. MCCLURE: And the reason for no
5 AFEs being included was because -- could you say that
6 one more time?

7 MS. VANCE: There is insufficient in
8 the instrument conveying those interests. So, you
9 know, this is -- I believe what it is is those
10 instruments don't allow for pooling more than 40 acres
11 for oil wells. They're old instruments. And
12 obviously, with the advent of horizontal drilling,
13 doesn't exactly match up. That's why we're here
14 requesting this pooling.

15 MR. MCCLURE: So I guess is the -- I
16 guess the argument -- is the argument that these
17 working interests that's being -- these are working
18 interests that's being pooled here; right?

19 MS. VANCE: I believe they are leased
20 mineral interest. They're fee mineral interest.

21 MR. MCCLURE: So these are not working
22 interest owners then?

23 MS. VANCE: No, that's correct. These
24 are just mineral interests --

25 MR. MCCLURE: So these have royalties?

1 MS. VANCE: That's correct.

2 MR. MCCLURE: Oh, okay. So they're not
3 on the hook for -- I apologize. Continue, Ms. Vance.
4 Go ahead.

5 MS. VANCE: No, that's correct. It is
6 simply because the instruments that convey their
7 interests don't allow for pooling more than 40 acres.
8 And so that's why we're seeking pooling.

9 MR. MCCLURE: All right. But
10 essentially, they're not on the hook for any of the
11 costs, and that's why the AFEs aren't included because
12 they're mineral interest, and they're only included
13 here because of the original lease agreements not
14 already having the clause allowing pooling then. Is
15 that correct?

16 MS. VANCE: That's correct.

17 MR. MCCLURE: Okay. Yeah. Which, I
18 suppose is what you've been saying all along. But I'm
19 with you now.

20 MS. VANCE: I apologize if I did not
21 convey that articulately. So but --

22 MR. MCCLURE: Oh, no. You -- I'm --
23 I'm sure you did fine. It was on my side, I'm sure.
24 But anyway, I think that's all the questions I have.
25 Thank you, Ms. Vance.

1 Thank you, Mr. Brancard.

2 THE HEARING EXAMINER: Thank you.

3 Hailee?

4 MS. THOMPSON: No questions.

5 THE HEARING EXAMINER: Thank you.

6 So okay, so just to circle back to
7 Mr. McClure's point, Pecos has 100 percent of the
8 working interests here? They have leased everything
9 in this unit?

10 MS. VANCE: That's my understanding.
11 Yes, Mr. Examiner.

12 THE HEARING EXAMINER: Well, it better
13 be right.

14 MS. VANCE: I stand by that statement.
15 Yes, they do.

16 THE HEARING EXAMINER: Okay. So again,
17 similar to situation with the record title owners,
18 we're dealing with a, sort of, shorter form pooling
19 here. We're not dealing with supervision charges or
20 risk charges, et cetera?

21 MS. VANCE: That's correct. Yes,
22 Mr. Examiner.

23 THE HEARING EXAMINER: But we are
24 dealing with designating a different operator?

25 MS. VANCE: That is correct. You may

1 recognize at least the substance of this case. We
2 previously filed under Redwood. But the working
3 interest owner is Pecos.

4 So as I pointed out as I was speaking,
5 in this application, if you go to page 6, which is a
6 copy of the application, the working interest owner is
7 the entity that has filed this application, which is
8 Pecos Oil & Gas. And we have simply -- not sure what
9 happened to the numbering -- but in paragraph 2 there,
10 applicant seeks to designate Redwood Operating as the
11 operator.

12 And I believe we may have had a
13 discussion following the previous case that was
14 dismissed how we could appropriately file this under
15 the applicant and requesting the designation of
16 Redwood as the operator and holder of the --

17 THE HEARING EXAMINER: Right. And
18 paragraph 2 of your landman's affidavit explains this
19 in a little more detail about who Redwood is.

20 MS. VANCE: That's correct.

21 THE HEARING EXAMINER: I'm sort of
22 debating whether we need a piece of paper from Pecos.
23 But maybe we do. Maybe we need something from Pecos
24 that just sort of says, we are contracted with Redwood
25 as the operator. Just because this is out of the norm

1 here. Normally, the applicant is the operator.

2 So I know you provided us letters in
3 the past from Pecos that states about the relationship
4 of Redwood. So that would be fine.

5 MS. VANCE: Okay. We can do that. We
6 were hoping that this paragraph in the landman's
7 statement would cover that. But if the Division would
8 like that, we can follow up.

9 THE HEARING EXAMINER: So just one more
10 time to clarify, the parties being pooled here are
11 mineral interest owners who have leased their
12 interests, but their leases -- the pooling clauses in
13 their leases you believe are insufficient to deal with
14 a horizontal well greater than 40 acres?

15 MS. VANCE: That's correct, Mr. Hearing
16 Examiner.

17 THE HEARING EXAMINER: Thank you.

18 All right. With that, any other
19 questions or concerns?

20 Hearing none. Case 23346, the exhibits
21 will be admitted into the record. Case will be taken
22 under advisement. And then we'll simply need a letter
23 from Pecos confirming the relationship with Redwood.

24 (Exhibit A through Exhibit D were
25 received into evidence.)

1 MS. VANCE: We can do that. Thank you,
2 Mr. Hearing Examiner.

3 THE HEARING EXAMINER: Thank you.

4 MS. VANCE: Thank you Mr. McClure and
5 Ms. Thompson.

6 THE HEARING EXAMINER: Dean, do we need
7 anything else? Was there anything you needed?

8 MR. MCCLURE: No, I don't -- I don't
9 think so. I think just -- I mean, unless we wanted
10 something in writing in regards to the not being
11 working interests. But I think we've had them, you
12 know, say it several times here on record, so -- but
13 if you're thinking nice bows --

14 THE HEARING EXAMINER: Yeah -- clarify
15 who is being pooled -- so.

16 Okay. Let me just check in with our
17 court reporter, see how we're doing.

18 Dana?

19 THE REPORTER: Doing good.

20 THE HEARING EXAMINER: Okay. We'll go
21 a little while further here.

22 All right. We're on items 24 and 25.
23 These are cases 23325, 23326. BTA Oil Producers.

24 MS. HARDY: -- examiners. Dana Hardy
25 with Hinkle Shanor on behalf of BTA Oil Producers,

1 LLC.

2 And I would like to introduce
3 Ms. Yarithza Pena with our office who is an associate
4 working on our OCD matters. And she is going to
5 present this matter.

6 THE HEARING EXAMINER: Thank you.

7 MS. PENA: Yarithza Pena with the
8 Santa Fe office of Hinkle Shanor on behalf of BTA Oil
9 Producers, LLC.

10 THE HEARING EXAMINER: Thank you.

11 Well, first let me check. Are there
12 any other interested persons for cases 23325, 23326?

13 Hearing none. BTA may proceed.

14 MS. PENA: Thank you, Mr. Hearing
15 Examiner. In case number 23325, BTA seeks to pool all
16 uncommitted interests in the Pennsylvanian Shale
17 formation underlying a 240-acre standard horizontal
18 spacing unit comprised of the east half, east half of
19 Section 13, and the east half northeast quarter of
20 Section 24, Township 17 South, Range 35 East in Lea
21 County, New Mexico.

22 This spacing unit will be dedicated to
23 the Hideout 22115 24-3 State Com number 1H well, which
24 will be drilled in the surface hole location in
25 southeast quarter, northeast quarter unit H of

1 Section 24 to a bottom hole location in the northeast
2 quarter, northeast quarter unit A of Section 13.

3 And in case number 23326, BTA seeks to
4 pool all uncommitted interests in the Pennsylvanian
5 Shale formation underlying 240-acre standard
6 horizontal spacing unit comprised of the west half,
7 east half of Section 13 and the west half, northeast
8 quarter of Section 24, Township 17 South, Range 35
9 East in Lea County, New Mexico.

10 And this spacing unit will be dedicated
11 to the Hideout 22115 24-3 State Com 2H well, which
12 will be drilled from a surface hole location in the
13 southwest quarter, northeast quarter unit G of
14 Section 24 to a bottom hole location in the northwest
15 quarter, northeast quarter unit B of Section 13.

16 In each case, we have provided the
17 affidavits of landman Christine Ramos [ph] and
18 geologist David Childers [ph].

19 The exhibit packets submitted to the
20 Division for both cases include Exhibit A, which is
21 the land professional testimony of Ms. Ramos [ph] and
22 the related standard land exhibits, which include the
23 plat of tracts ownership interests, pooled parties,
24 the well proposal letter and AFEs, and a summary of
25 communications.

1 (Exhibit A was marked for
2 identification.)

3 We just wanted to let the Division know
4 that we will be providing an updated A3 exhibit as BTA
5 has reached agreements with CLM Production
6 Company [ph] and SBI West Texas, LLC [ph], and is no
7 longer to seek these parties. But this information
8 came to us after we had submitted exhibits.

9 Exhibit B includes the geology
10 testimony of Mr. Childers [ph], which includes a
11 location map, subsea structure map, stratigraphic
12 cross section, and a gross isopach map.

13 (Exhibit B was marked for
14 identification.)

15 And then Exhibit C includes a notice
16 testimony of Dana Hardy, which includes the sample
17 notice letter sent to the parties, a chart of the
18 parties to be pooled, copies of certified mail green
19 cards and white slip returns, as well as the affidavit
20 of publication from January 22nd.

21 (Exhibit C was marked for
22 identification.)

23 We received all but two of the green
24 cards back and provided the return to sender notices.

25 And with that, unless there are any

1 additional questions, I ask that Exhibits A, B, and C
2 be admitted into the record for case numbers 23325 and
3 23326 and the let the cases be taken under advisement.
4 Thank you.

5 THE HEARING EXAMINER: Thank you.
6 Questions, Dean?

7 MR. MCCLURE: No -- no questions here,
8 Mr. Brancard.

9 THE HEARING EXAMINER: Thank you.
10 Hailee?

11 MS. THOMPSON: No questions.

12 THE HEARING EXAMINER: I'll just ask
13 either of you, do we have a -- Does the Pennsylvanian
14 have any issues with vertical wells?

15 MR. MCCLURE: Some parts of it has
16 vertical wells for sure. I don't know about in this
17 specific area or not, though. I didn't look at that.

18 THE HEARING EXAMINER: -- in the
19 geologic exhibit, there seem -- what I think
20 are -- looking at dots on the map here -- the green
21 dots on Exhibit B4, are those all vertical wells?

22 MS. PENA: So we did talk to our
23 geologist about that, Mr. Examiner. And we asked him
24 about any vertical wells in that area and the
25 surrounding -- in the spacing unit.

1 And he did let us know that the
2 vertical wells in the spacing unit are either plugged,
3 dry holes, or completed in the different formations
4 that wouldn't be impacted by our proposals.

5 THE HEARING EXAMINER: Well, thank you.

6 All right. Are there any other
7 interested persons then for cases 23325, 23326?

8 Hearing none. So you need an
9 Exhibit A3 in one case, is that correct, or both?

10 MS. PENA: So it will be for both set
11 of exhibits. We'll just be providing that updated A3
12 to take away two of those parties that are initially
13 highlighted as yellow to be pooled, but they've
14 reached an agreement with BTA, so longer need to be
15 identified as pool parties.

16 THE HEARING EXAMINER: Okay. Thank
17 you.

18 So with that, the exhibits will be
19 admitted into the record, and cases 23325, 23326 will
20 be taken under advisement, the record left open for a
21 revised Exhibit A3.

22 (Exhibit A, Exhibit B, and Exhibit C
23 were received into evidence.)

24 MS. PENA: Thank you, Mr. Hearing
25 Examiner.

1 THE HEARING EXAMINER: With that, we
2 are on cases 23333, 23334. COG Operating.

3 MS. HARDY: Mr. Examiner, Dana Hardy
4 with Hinkle Shanor on behalf of COG Operating.

5 THE HEARING EXAMINER: Are there any
6 other interested persons for cases 23333, 23334?

7 Hearing none. COG may proceed.

8 MS. HARDY: Thank you. In case number
9 23333, COG applies for an order establishing a
10 960-acre, more or less, nonstandard horizontal spacing
11 unit comprised of the south half of Section 12 and all
12 of Section 13, Township 25 South, Range 34 East in Lea
13 County, and seeks to pool all uncommitted interests
14 from the base of the Avalon interval of the Bone
15 Spring formation to the base of the Bone Spring
16 underlying the spacing unit.

17 This spacing unit will be dedicated to
18 the Bandana Fed Com 601H, 602H, 603H, and 604H wells.
19 There is a depth severance in the Bone Spring
20 formation within the spacing unit, and as a result, we
21 are seeking to pool the base of the Avalon to the base
22 of the Bone Spring which are stratigraphic equivalents
23 of approximately 10,625 feet to 12,671 feet.

24 In case number 23334, COG applies for
25 an order establishing a 960-acre, more or less,

1 nonstandard horizontal spacing unit comprised, again,
2 of the south half of Section 12 and all of Section 13,
3 Township 25 South, Range 34 East.

4 And COG seeks to pool uncommitted
5 interests in the Wolfcamp formation underlying the
6 spacing unit. And that spacing unit will be dedicated
7 to the Bandana Fed Com 702H, 703H, and 704H wells.

8 In each case, we've provided affidavits
9 of landman Sean Miller and geologist Desiree
10 Jennings [ph]. Mr. Miller has not previously
11 testified before the Division, and we have provided
12 his resume as an exhibit. And based on that resume, I
13 would request that he be considered in petroleum land
14 matters.

15 THE HEARING EXAMINER: There are no
16 objections. Thank you.

17 MS. HARDY: Thank you. Mr. Miller
18 provides the standard land exhibits. The tract
19 ownership information and pooled parties are
20 identified in Exhibit A4.

21 (Exhibit A4 was marked for
22 identification.)

23 His affidavit also explains that a
24 nonstandard spacing unit will allow COG to consolidate
25 surface facilities and thereby reduce surface economic

1 and environmental waste.

2 Exhibit A6 is a map of the nonstandard
3 unit that identifies ownership in the surrounding
4 tracts. Those parties were noticed of this case, and
5 we did receive a waiver from one party, which is
6 provided in Exhibit A8.

7 (Exhibit A6 and Exhibit A8 were marked
8 for identification.)

9 Ms. Jennings [ph] geology testimony and
10 exhibits include a location map, structure map, cross
11 section map, and cross section.

12 Exhibit C is my notice affidavit. All
13 affected parties were noticed. And we have return
14 receipts or provided delivery confirmation for all of
15 the parties. We did also timely publish.

16 (Exhibit C was marked for
17 identification.)

18 With that, unless there are questions,
19 I request that the exhibits be admitted and that these
20 cases be taken under advisement. Thank you.

21 THE HEARING EXAMINER: Thank you.

22 Dean, questions?

23 MR. MCCLURE: Yes, Mr. Brancard, I do.

24 Ms. Hardy, for case 23333 -- four
25 threes if I didn't say all four -- the one with a

1 depth severance, so the pool -- which is the other
2 question I -- I had for you, is it looks like you have
3 the pool name, but you're missing the pool code.

4 I don't know if there's a slight typo
5 here or not on your C-102 for -- or excuse me, for
6 your checklist for both of these.

7 MS. HARDY: Okay. I can check that.
8 Let me look at the C-102.

9 So is your question whether
10 the -- we've got the C-102 identifying the pool code.
11 And I think we should have that same code in the
12 checklist. Is there a mismatch? Or is your concern
13 that that's not the correct pool code?

14 MR. MCCLURE: My concern is there isn't
15 a pool code in your checklist. I also don't -- now
16 I'm looking at the C-102s, which is maybe the lesser.
17 The checklist is the more greater concern.

18 I don't think your C-102s has the pool
19 code either -- excuse me -- the pool ID, I guess. It
20 has the pool name, but not the pool ID. There should
21 be, like, a five-digit number associated with that.

22 MS. HARDY: Okay.

23 MR. MCCLURE: Now, I don't know it's a
24 major deal. I'm just assuming you have it since you
25 have the pool name. So we may want to update the

1 checklist just to include that for completeness.

2 MS. HARDY: Sure. We can do that.

3 MR. MCCLURE: As to my more relevant
4 question, though, on this depth severance -- I mean,
5 considering that we're pooling the Wolfbone, is the
6 intent of this pooling order to only include part of
7 the Wolfbone then, I mean, since you're leaving out
8 the -- the equivalent of Wolfcamp, part of the
9 Wolfbone? Is that correct?

10 MS. HARDY: That is my understanding,
11 Mr. Examiner.

12 MR. MCCLURE: Okay. I'm just checking
13 on that. I don't think that's -- I can't imagine
14 that's necessarily a big deal. But just making sure
15 of what we're looking at.

16 And then I -- I believe that's all the
17 questions I had. Thank you, Ms. Hardy.

18 Thank you, Mr. Brancard.

19 THE HEARING EXAMINER: Thank you.

20 Hailee?

21 MS. THOMPSON: No questions.

22 THE HEARING EXAMINER: Let me just be
23 sure, Dean. What was missing from the checklist?

24 MR. MCCLURE: The pool ID. I mean,
25 it -- it looks like they have the pool name. Though,

1 I haven't -- I haven't checked to make sure that it's
2 exactly correct, the pool name. But there should be a
3 pool ID associated with that pool name, like a
4 five-digit number.

5 THE HEARING EXAMINER: I see pool name
6 Wolfbone pool and then a code number.

7 MR. MCCLURE: Yeah, but the code should
8 have five digits after it. There's a typo there. The
9 wildcat dash "zill" two three, that's the start of the
10 pool name rather than the -- rather than the pool code
11 or the pool ID, whatever we want to call it.

12 THE HEARING EXAMINER: Okay. So
13 Ms. Hardy, nonstandard spacing unit.

14 MS. HARDY: Yes.

15 THE HEARING EXAMINER: I'm looking at
16 the C-102s. Am I correct that what we're looking at
17 here are two standard tracts being combined into one
18 nonstandard?

19 MS. HARDY: Yes, that is correct.
20 Well, it could be separate or combined.

21 THE HEARING EXAMINER: You have
22 proximately wells; right?

23 MS. HARDY: Right.

24 THE HEARING EXAMINER: But the east
25 half and the west half could be their own standard

1 units?

2 MS. HARDY: Correct.

3 THE HEARING EXAMINER: Okay. All
4 right. And so the reason then is surface facilities?

5 MS. HARDY: Correct.

6 THE HEARING EXAMINER: And those are
7 located on the BLM land to the north?

8 MS. HARDY: Based on the C-102s and the
9 surface locations, yes.

10 THE HEARING EXAMINER: Because I'm
11 looking at page 39 and 40. Are those where the
12 surface facilities are?

13 MS. HARDY: So Mr. Examiner, are you
14 looking at --

15 THE HEARING EXAMINER: -- surface hole
16 locations?

17 MS. HARDY: Those are the surface hole
18 locations.

19 THE HEARING EXAMINER: But there would
20 be other surface facilities somewhere else then? This
21 is not indicative of that.

22 MS. HARDY: That I would need to
23 confirm. I can confirm that with COG.

24 THE HEARING EXAMINER: Because that
25 seems to be their primary argument for having a

1 nonstandard unit here.

2 MS. HARDY: Right.

3 THE HEARING EXAMINER: Okay. Yeah, if
4 you could just give us a little more information,
5 then, on the basis for the nonstandard in terms of
6 where the surface locations are -- surface facilities
7 are. Sorry.

8 MS. HARDY: Okay. And you know,
9 Mr. Examiner, I do have a correction. In case 23333,
10 we are not pooling the Wolfbone pool. We're pooling
11 the Bone Spring from the Avalon to the base of the
12 Bone Spring. So I need to submit a corrected
13 checklist and, I think, C-102s also. And that's --

14 MR. MCCLURE: Was that for both cases,
15 Ms. Hardy, or just the one then is it Bone Spring and
16 not Wolfbone?

17 MS. HARDY: I believe that's only for
18 the Bone Spring case, I think, for 23333. And 23334
19 we have the Wolfbone pool listed. But I may need to
20 confirm that with COG also that that's the correct
21 pool. I think our application is just for the
22 Wolfcamp. So I would need to confirm with them that
23 that's the correct pool. But I will do that.

24 THE HEARING EXAMINER: Okay. Any
25 further questions, then, on these cases?

1 Hearing none. The exhibits in cases
2 23333, 23334 will be admitted into the record. And
3 cases will be taken under advisement. We will need,
4 if necessary, a revised checklist to confirm that
5 we're in the right pools.

6 (Exhibit A4 through Exhibit C were
7 received into evidence.)

8 MS. HARDY: Correct.

9 THE HEARING EXAMINER: And then just
10 sort of a little further elaboration on the
11 justification for the nonstandard spacing unit in
12 terms of where are the surface facilities located.

13 MS. HARDY: We will provide that,
14 Mr. Examiner. Thank you.

15 THE HEARING EXAMINER: Thank you.

16 Okay. With that, we are on items 28
17 and 29, cases 23335, 23336. Colgate Operating.

18 MS. HARDY: Mr. Examiner, Dana Hardy
19 with Hinkle Shanor on behalf of Colgate Operating.

20 THE HEARING EXAMINER: Are there any
21 other interested persons for cases 23335, 336?

22 Hearing none. Colgate may proceed.

23 MS. HARDY: Thank you. In these cases,
24 Colgate seeks a one-year extension of time to commence
25 drilling the wells authorized by order numbers R-22072

1 and R-22073.

2 Order number R-22072 pooled at
3 uncommitted interests in the Bone Spring formation
4 underlying a 320-acre standard horizontal unit
5 comprised of the south half of the south half of
6 Section 16 and 17, Township 19 South, Range 28 East in
7 Eddy County and dedicated the unit to the Black Cat 16
8 State Com 122H and 132H wells.

9 Order number R-22073 pooled all
10 uncommitted interests in the Bone Spring formation
11 underlying a 320-acre standard horizontal spacing unit
12 comprised of the north half of the north half of
13 Section 16 and 17, Township 19 South, Range 28 East in
14 Eddy County and dedicated the unit to the Black Cat 16
15 State Com 121H and 131H wells.

16 The orders designated Colgate as
17 operator of the units and wells. The orders require
18 Colgate to commence drilling within one year of the
19 date of the orders unless good cause is shown for an
20 extension.

21 In this case, good cause exists to
22 extend the drilling deadline due to delays resulting
23 from limited rig availability, the supply chain, and
24 also delays that occurred due to the merger of Colgate
25 and Centennial [ph], which, it's my understanding

1 impacted the rig availability and scheduling of rigs.

2 So Colgate does intend to commence
3 drilling these wells within the next six months. The
4 exhibit packets submitted to the Division contain
5 Exhibit A, which is testimony of landman Mark
6 Haddock [ph] setting out the reasons for the requested
7 extension.

8 (Exhibit A was marked for
9 identification.)

10 And Exhibit B is my notice affidavit,
11 which sets out when the notice letter of the hearing
12 was sent. And all parties did receive notice,
13 although we also timely published.

14 (Exhibit B was marked for
15 identification.)

16 With that, I ask that the exhibits be
17 admitted and that the cases be taken under advisement.

18 THE HEARING EXAMINER: Thank you.

19 Dean, any questions?

20 MR. MCCLURE: No. No questions,
21 Mr. Brancard.

22 THE HEARING EXAMINER: Hailee, any
23 questions?

24 MS. THOMPSON: No questions,
25 Mr. Brancard.

1 THE HEARING EXAMINER: Okay. Are these
2 linked to the next two cases?

3 MS. HARDY: Yes, they are,
4 Mr. Examiner.

5 THE HEARING EXAMINER: Okay. Are there
6 any other interested persons then for cases 23335,
7 23336?

8 Hearing none. The exhibits will be
9 admitted into the record, and the cases will be taken
10 under advisement.

11 (Exhibit A and Exhibit B were received
12 into evidence.)

13 MS. HARDY: Thank you.

14 THE HEARING EXAMINER: With that, we
15 call items 30 and 31, cases 23337, 23338. Colgate
16 Operating.

17 MS. HARDY: Dana Hardy with Hinkle
18 Shanor on behalf of Colgate Operating.

19 THE HEARING EXAMINER: Are there any
20 other interested persons for cases 23337, 23338?

21 Hearing none. Colgate may proceed.

22 MS. HARDY: Thank you. In these cases,
23 Colgate seeks a one-year extension of time to commence
24 drilling the wells authorized by order numbers R-22072
25 and 22073.

1 Order number R-22072 pooled uncommitted
2 interests -- I actually am thinking that I might have
3 misread my notes and presented case numbers 23337 and
4 38 previously. And now I'm -- I think that's
5 possible.

6 THE HEARING EXAMINER: I was wondering.
7 The legal descriptions got me confused there.

8 MS. HARDY: I believe that that's what
9 I did. And I apologize.

10 THE HEARING EXAMINER: We'll treat it
11 all as one consolidated hearing.

12 MS. HARDY: That sounds perfect. Okay.
13 Thank you.

14 In case -- then okay. Now I will talk
15 about case numbers 23335 --

16 THE HEARING EXAMINER: Just give us the
17 legal descriptions. I think that's what we need.

18 MS. HARDY: I will do that. Okay.

19 So now I am talking about extensions on
20 order numbers R-22070 and 22071. Order R-22070 pooled
21 interest in the Bone Spring underlying a 320-acre unit
22 comprised of the north half of the south half of
23 Section 16 and 17, Township 19 South, Range 28 East
24 and dedicated the unit to the Blackhawk 16 State Com
25 133H and 123H wells.

1 Order number R-22071 pooled interest in
2 the Bone Spring underlying a 320-acre unit comprised
3 of the south half of the south half of Section 16 and
4 17, Township 19 South, Range 28 East and dedicated the
5 unit to the Blackhawk 16 State Com 124H and 134H
6 wells.

7 And in these cases, just as in the
8 cases I discussed previously, the orders require
9 Colgate to commence drilling within one year. And
10 Colgate seeks extensions to commence drilling due to
11 the delays regarding rig availability, supply chain,
12 and the drilling schedule.

13 So again, in these cases, the exhibit
14 packet includes the landman's testimony setting out
15 the reason for extension and my notice testimony
16 showing that all parties were given and received
17 notice.

18 So with that, unless there are
19 questions, I would ask that case numbers 23335 and
20 23336 as well as the cases I mentioned previously,
21 23337 and 23338 be accepted into the record and that
22 the cases be taken under advisement.

23 THE HEARING EXAMINER: Let's start.
24 Mr. McClure, questions?

25 MR. MCCLURE: Mr. Brancard, no

1 questions on -- on any of these cases.

2 THE HEARING EXAMINER: Thank you.

3 Ms. Thompson?

4 MS. THOMPSON: No questions.

5 THE HEARING EXAMINER: Thank you.

6 So I don't have any questions. I think
7 I've figured it out.

8 So let me just open it up. Are there
9 any other interested persons, cases -- and we'll do
10 all four of them -- 23335, 336, 337, 338?

11 Hearing none. The exhibits in all four
12 cases will be admitted into the record. And these
13 cases will be taken under advisement.

14 MS. HARDY: Thank you very much.

15 THE HEARING EXAMINER: With that, we
16 are on items 32 and 33, cases 23340, 23341. BTA Oil
17 Producers.

18 MS. HARDY: Mr. Examiner, Dana Hardy
19 with Hinkle Shanor and Ms. Pena again on behalf of
20 BTA. And I expect that Ms. Pena will keep track of
21 which cases she is presenting. Thank you.

22 THE HEARING EXAMINER: Thank you.

23 MS. PENA: Mr. Hearing Examiner,
24 Yarithza Pena with the Santa Fe office of Hinkle
25 Shanor on behalf of BTA Oil Producers, LLC.

1 THE HEARING EXAMINER: Thank you.

2 Any other interested persons for cases
3 23340, 23341?

4 Hearing none. BTA may proceed.

5 MS. PENA: Mr. Hearing Examiner, in
6 case number 23340, BTA seeks to pool all uncommitted
7 interests in the Pennsylvanian Shale formation
8 underlying a 240-acre standard horizontal spacing unit
9 comprised of the east half, west half of Section 13
10 and the east half, northwest quarter of Section 24,
11 Township 17 South, Range 35 East in Lea County,
12 New Mexico.

13 This spacing unit will be dedicated to
14 the Box Elder 22115 24-3 State Com number 1H well,
15 which will be drilled from a surface hole location in
16 the southeast quarter, northwest quarter unit F of
17 Section 24 to a bottom hole location in the northeast
18 quarter, northwest quarter unit C of Section 13.

19 In case number 23341, BTA seeks to pool
20 all uncommitted interests in the Pennsylvanian Shale
21 formation underlying a 240-acre standard horizontal
22 spacing unit comprised of the west half, west half of
23 Section 13 and the west half, northwest quarter of
24 Section 24, Township 17 South, Range 35 East.

25 And this spacing unit will be dedicated

1 to the Box Elder 22115 24-3 State Com number 2H well
2 to be drilled from a surface hole location in the
3 southwest quarter, northwest quarter unit E of
4 Section 24 to a bottom hole location in the northwest
5 quarter, northwest quarter unit D of Section 13.

6 In both of these cases, we provided the
7 affidavits of landman Christine Ramos [ph] and
8 geologist David Childers [ph].

9 The exhibit packets submitted for the
10 Division in both of these cases include Exhibit A with
11 the related standard land exhibits, which includes the
12 plat track ownership interest, the pool party list,
13 well proposal letter, and AFEs, and the summary of
14 communications.

15 (Exhibit A was marked for
16 identification.)

17 And the same update with these ones.
18 For the A3 exhibit, BTA would like to submit an
19 updated pooled party list as they have reached an
20 agreement with CLM Production Company [ph] and SBI
21 West Texas One, LLC [ph], and is no longer to seek to
22 pool these parties.

23 Exhibit B, the geology testimony of
24 Childers [ph], includes the location map, subsea
25 structure map, stratigraphic cross section, and a

1 gross isopach map.

2 (Exhibit B was marked for
3 identification.)

4 Exhibit C includes the notice testimony
5 of Dana Hardy, which includes the sample notice letter
6 sent to the parties, the chart of the parties to
7 be -- that we were seeking to pool, copies of
8 certified mail green cards and white slips, and an
9 affidavit of publication from the Hobbs News-Sun from
10 January 22nd.

11 (Exhibit C was marked for
12 identification.)

13 And we received all but five green
14 cards and provided the postal service summary for
15 those notices that we did not get back by the time we
16 filed these exhibits.

17 And with that, unless there are
18 additional questions, I ask that Exhibits A, B, and C
19 be admitted into the record in case numbers
20 23325 [sic] and 23326 [sic] and that the cases be
21 taken under advisement. Thank you.

22 THE HEARING EXAMINER: Thank you.

23 Questions, Mr. McClure?

24 MR. MCCLURE: No questions for either
25 of these cases, Mr. Brancard.

1 THE HEARING EXAMINER: Thank you.

2 Ms. Thompson?

3 MS. THOMPSON: No questions for either
4 cases.

5 THE HEARING EXAMINER: Thank you.

6 I guess I have the same question as
7 before. I noticed from the geologist's exhibits,
8 there are vertical wells in this spacing units. Did
9 you have any further information about those?

10 MS. PENA: The same as for the previous
11 cases as well. We talked to the geologist, and he
12 provided us information for both spacing units in
13 these four cases. So the existing vertical wells are
14 either plugged, dry holes, or completed in different
15 formations.

16 THE HEARING EXAMINER: Thank you.

17 Are there any other persons here for
18 cases 23340, 23341?

19 Hearing none. So I believe you wanted
20 to update an Exhibit A3 in or one or both of these
21 cases?

22 MS. PENA: It will be for both of these
23 cases as well to remove those parties that have agreed
24 with BTA.

25 THE HEARING EXAMINER: With that, the

1 exhibits will be admitted into the record. And cases
2 23340, 23341 will be taken under advisement.

3 (Exhibit A, Exhibit B, and Exhibit C
4 were received into evidence.)

5 MS. PENA: Thank you, Mr. Hearing
6 Examiner.

7 THE HEARING EXAMINER: All right.
8 Let's try to do one more here. Item 34, case 23347.
9 Spur Energy Partners.

10 MS. HARDY: Mr. Examiner, Dana Hardy
11 with Hinkle Shanor on behalf of Spur Energy Partners.

12 THE HEARING EXAMINER: Thank you.

13 Are there any other interested persons
14 for case 23347?

15 Hearing none. Spur may proceed.

16 MS. HARDY: Thank you. Spur seeks an
17 order pooling all uncommitted interests in the Yeso
18 formation underlying a 320-acre standard horizontal
19 spacing unit comprised of the east half of Section 10,
20 Township 17 South, Range 32 East in Lea County. The
21 unit will be dedicated to the Nelson 10 Federal 10H,
22 11H, 20H, 60H, 70H, and 71H wells.

23 This is a proximity tract unit with the
24 20H being the proximity defining well. The exhibit
25 packet submitted to the Division include Exhibit A,

1 which is our landman's testimony and the related land
2 exhibits, including the application and notice of
3 hearing, C-102s, plat of tracts ownership interest,
4 and list of uncommitted interests to be pooled, as
5 well as a chronology of contact.

6 (Exhibit A was marked for
7 identification.)

8 And the tract ownership and pool
9 parties are identified on Exhibit A3.

10 (Exhibit A3 was marked for
11 identification.)

12 Exhibit B is our geologist's testimony
13 and associated exhibits, which include a regional
14 locator map, subsea structure map, cross section maps,
15 and a gun barrel diagram.

16 (Exhibit B was marked for
17 identification.)

18 Exhibit C is my notice affidavit
19 setting out when we sent the notice letter to the
20 interested parties, a chart that identifies the dates
21 of notice, and the certified mail receipts. We also
22 did timely publish notice.

23 (Exhibit C was marked for
24 identification.)

25 With that, unless there are questions,

1 I ask that the exhibits be admitted and that the case
2 be taken under advisement. Thank you.

3 THE HEARING EXAMINER: Thank you.

4 Dean, any questions?

5 MR. MCCLURE: Yeah, Mr. Brancard, I do
6 have a very quick question for Ms. Hardy.

7 I'm assuming it's a typo. SEP Permian
8 Holding Corporation [ph]. It is Spur; right?

9 MS. HARDY: That's correct.

10 MR. MCCLURE: Okay. On your pool
11 parties list, it looks like you have them highlighted
12 as yellow for tract one. So I'm assuming that's a
13 typo; correct?

14 MS. HARDY: That is correct.

15 MR. MCCLURE: Okay. That was the only
16 question I had.

17 MS. HARDY: Okay. That's correct.

18 MR. MCCLURE: Wait, wait. I'm sorry.
19 It's correct that it's a typo? It's -- the pooled
20 party is not correct; correct?

21 MS. HARDY: That's correct. If you
22 look at the recapitulation, it lists SEP Permian [ph],
23 and they're not highlighted as being pooled. So it's
24 just -- they shouldn't have been highlighted under
25 that tract one portion.

1 MR. MCCLURE: Yeah, I was kind of
2 wondering. 'Cause I know on that right list, I
3 was -- yeah, I mean, I was wondering why they would be
4 pooling themselves regardless. But why would they
5 pool them in one -- one part and not -- anyway.

6 Okay. Yeah, that -- thank you,
7 Mr. Brancard.

8 MS. HARDY: Thank you.

9 THE HEARING EXAMINER: Ms. Thompson?

10 MS. THOMPSON: No questions.

11 THE HEARING EXAMINER: Okay, Ms. Hardy.
12 I'm confused about which well is your proximity well.
13 What you just stated and all your applications say the
14 20H. When I look at the C-102 from the 20H, it says
15 that it's 1656 from the east line. Doesn't that put
16 it outside the 330? Wouldn't the 330 be 1650?

17 MS. HARDY: I believe that you are
18 correct. So I will need to check with Spur to see if
19 they need to correct the C-102.

20 THE HEARING EXAMINER: Well, if you go
21 down to 60H, that does appear to be a proximity well.

22 MS. HARDY: Based on the C-102s.

23 THE HEARING EXAMINER: So I wonder
24 whether you need to change your checklists. Maybe
25 give us something from your -- I don't know

1 who -- your landman who would've put this in their
2 affidavit.

3 MS. HARDY: Right. Let me check and
4 confirm that. And I will provide supplemental
5 information.

6 THE HEARING EXAMINER: Yeah, or you can
7 do a new C-102 for the 20H.

8 MS. HARDY: Right. Okay. I will do
9 that.

10 THE HEARING EXAMINER: Okay. Any other
11 questions, concerns from folks?

12 Hearing none. We are looking at case
13 23347, and we are admitting all of the evidence into
14 the record, taking the case under advisement, but
15 needing more information on who is the real proximity
16 well.

17 (Exhibit A through Exhibit C were
18 received into evidence.)

19 MR. MCCLURE: And do we also want an
20 updated pooling parties with the typo corrected, or --

21 THE HEARING EXAMINER: That's just your
22 call, Mr. McClure, if you think that's necessary.

23 MR. MCCLURE: Well, I mean, I -- I
24 guess it seems pretty clear that it's a typo. But if
25 we want the record to be completely clear, we could

1 always have a revised copy.

2 THE HEARING EXAMINER: I'm okay with
3 the recapitulation making it clear, so.

4 MR. MCCLURE: Okay.

5 THE HEARING EXAMINER: So with that,
6 case 23347 is taken under advisement.

7 MS. HARDY: Thank you.

8 THE HEARING EXAMINER: So we're going
9 to take a little break here, give our court reporter a
10 break. We will be back at 11. And at 11, we will
11 hopefully have an update on cases 23248 through 23253.

12 Thank you, everyone. See you shortly.
13 (Off the record.)

14 THE HEARING EXAMINER: As promised, I
15 said we would return at 11 a.m. to cases 23248, 249,
16 250, 251, 252, and 253.

17 When we last left our contestants, we
18 were discussing a date for a hearing with testimony.
19 Matador said they would get back to us. And so,
20 Matador --

21 MS. VANCE: Yes.

22 THE HEARING EXAMINER: Let me just make
23 sure we have all of the parties.

24 MS. VANCE: Absolutely.

25 THE HEARING EXAMINER: Coterra Energy.

1 Novo Oil & Gas [ph].

2 American Energy. Mr. Samaniego.

3 MR. SAMANIEGO: Yes, Mr. Examiner.

4 THE HEARING EXAMINER: Okay.

5 MS. BENNETT: And Mr. Examiner, this is
6 Deana Bennett on behalf of Novo [ph]. I'm here.

7 THE HEARING EXAMINER: Thank you.

8 All right. So Matador, you were going
9 to get back to us.

10 MS. VANCE: Mr. Hearing Examiner, our
11 preference would be for a April 20th hearing on what
12 we have filed in these cases, so a case with
13 examination, cross-examination based on what we have
14 filed in these cases.

15 THE HEARING EXAMINER: Okay. So as I
16 understand it, you will continue, but you will not be
17 attempting to pool American Energy [ph] or
18 Mr. Samaniego or -- I forgot what the other entity was
19 that transferred into American Energy [ph].

20 MS. VANCE: I believe it was Black Gold
21 Developers, LLC [ph]. No, we will not be seeking to
22 pool Mr. Samaniego, Black Gold Developers, LLC [ph],
23 and American Energy Resources, LLC.

24 We'd like to go to hearing based on
25 what we have filed with the Division without further

1 delay.

2 THE HEARING EXAMINER: All right. So
3 Mr. Samaniego, we are setting up a hearing, then, for
4 April 20th.

5 MR. SAMANIEGO: I'd say I'm more
6 comfortable having it May 18th. I got -- I got
7 obligations on other hearings on -- on other -- on
8 other matters. And I -- I will be free the middle of
9 May. So that -- that would fit my schedule better.

10 THE HEARING EXAMINER: Okay. So you
11 have conflicts for the April 20th and the early May
12 hearing?

13 MR. SAMANIEGO: I'm one person. I'm
14 not an office of ten or 12. So for -- for my other
15 obligations, I -- I'm -- my time is obligated.
16 If -- if -- I -- I ask of the -- the Division and
17 hearing examiner to please -- I'd feel more better
18 May 18th.

19 MS. VANCE: Mr. Hearing Examiner, I'd
20 just like to make sure that we have a chance to
21 respond to that because we most certainly oppose those
22 dates.

23 MR. SAMANIEGO: I also oppose
24 Holland & Hart's statement of American not owning any
25 interest. Holland & Hart is not landmen. They

1 don't -- they don't run title. So for them to even
2 have grounds to continue a hearing is irrelevant.
3 And -- and by that hearsay of Holland & Hart of
4 American not owning interest is -- it -- it should be
5 rendered irrelevant.

6 THE HEARING EXAMINER: Well, I think
7 the point that they are making, Mr. Samaniego, is that
8 they are not going to seek to pool American Energy.
9 That doesn't decide the question of whether American
10 Energy has an interest that should be pooled. It is
11 apparently willing to run the risk that they may not
12 be pooling all the parties they should be pooling.

13 So it's -- determine that American
14 Energy has an interest that must be pooled, they will
15 need to come back for another hearing then.

16 MR. SAMANIEGO: The Division has
17 obligations and duties to help prevent violation of
18 the statutes, rules, and policy and the Oil and Gas Act
19 from being violated and from occurring or reoccurring
20 violations, the prevention of violations.

21 And by allowing Matador to pool whether
22 or not they have interest to do so or -- or to not
23 give notice to parties who are affected by this
24 pooling is not preventing violations from happening.

25 THE HEARING EXAMINER: Well, notice

1 needs to be provided to you, and is being --

2 MR. SAMANIEGO: American
3 made -- American made good faith efforts and produced
4 documented evidence of proof of production for the
5 record of the Division examiners' request at the
6 hearing of February 16th. And such presented
7 documents must not be ignored or overlooked.

8 THE HEARING EXAMINER: Well, that's
9 Matador's job to not ignore the documents.

10 MR. SAMANIEGO: And it's a -- and it's
11 the Division's obligation and duties to prevent
12 violations from happening in the first place.

13 I think it is necessary that -- that a
14 signed, sworn affidavit by a landman swearing under
15 oath would be necessary to such a statement of -- of
16 Matador and Holland & Hart stating American not owning
17 any interest in the pooling area.

18 I can't emphasize enough 72.31(a), (b),
19 (d), and the evidence of perjury taking place.

20 THE HEARING EXAMINER: Oh,
21 Mr. Samaniego, we are going to issue -- regardless of
22 when we pick the date -- a prehearing order. The
23 prehearing order will establish what documents need to
24 be filed and when prior to the hearing, okay. And
25 these are important deadlines, so I hope you take it

1 seriously, and obviously, Matador and any other party
2 take it seriously.

3 Matador has already presented evidence.
4 But obviously, they are free to offer new or amended
5 evidence for the hearing because their witnesses will
6 have to answer questions regarding their testimony.

7 And so with that, I will set the
8 hearing, then, given Mr. Samaniego's schedule for
9 May 18th. And I will issue a prehearing order.

10 MS. VANCE: I'm sorry, Mr. Examiner.
11 You said May 18th?

12 THE HEARING EXAMINER: Yes.

13 MS. VANCE: I'm just, you know,
14 wondering why we are delaying that far out. You know,
15 we're not waiting on competing applications or
16 anything like that. Matador is ready to go. And this
17 puts a -- virtual connectivity interruption -- to have
18 to push out this far.

19 We've already delayed two weeks waiting
20 for Mr. Samaniego to provide additional information or
21 evidence into the record, which he hasn't, that gives
22 reason to why we would need to pool his interest. We
23 are not seeking to pool him.

24 We have provided everything that's
25 required by the Division for a pooling application.

1 We have provided a landman statement that addresses
2 the issue that Mr. Samaniego has, that Matador has
3 conducted a thorough search of the public records, and
4 based on that search, has listed the parties it seeks
5 to pool.

6 This, again, puts a significant burden
7 on Matador. It's a waste of time, money, and
8 resources. It prevents the timely development of this
9 acreage, which is a number one priority for this
10 division, is preventing waste. And right now, that's
11 what this delay is causing. And we would advocate
12 strongly for an April 20th hearing on what we have
13 provided in the record.

14 THE HEARING EXAMINER: Thank you. I
15 appreciate your position, but in scheduling, I have to
16 consider the interests of all the parties to this.
17 American Energy has intervened.

18 American Energy has provided documents
19 that, you know, Matador can choose to ignore at the
20 next hearing or they can provide additional testimony
21 responding to those documents. And you will have
22 plenty of time to get your documents ready for the
23 hearing then.

24 So I will issue a prehearing order, and
25 we will be set for May 18th. Thank you.

1 MS. VANCE: I just have one question
2 since we are opposed to this continuance. Will
3 Mr. Samaniego be filing the continuance then?

4 THE HEARING EXAMINER: We're setting it
5 today at hearing, so no parties need to file a
6 continuance.

7 So with that, we are back on our
8 regularly scheduled agenda. I think we are on
9 items 35 through 38. These are cases 23349, 23350,
10 23351, 23352. COG Operating.

11 MS. HARDY: Mr. Examiner, Dana Hardy
12 with Hinkle Shanor on behalf of COG Operating.

13 THE HEARING EXAMINER: Are there any
14 other interested persons, then, for cases 23349,
15 23350, 23351, 23352?

16 Hearing none. COG may proceed.

17 MS. HARDY: Thank you -- virtual
18 connectivity interruption -- 3349, COG seeks an order
19 pooling uncommitted interests in the Bone Spring
20 formation underlying a 320-acre standard horizontal
21 spacing unit comprised of the east half of the east
22 half of Sections 5 and 8, Township 26 South, Range 29
23 East in Eddy County. That unit will be dedicated to
24 the Hambone Federal Com 501H well.

25 In case number 23350, COG seeks to pool

1 interest in the Bone Spring underlying a 320-acre unit
2 comprised of the west half of the east half of
3 Sections 5 and 8. That unit will be dedicated to the
4 Hambone Federal Com 502H well.

5 In case number 23351, COG seeks to pool
6 interest in the Bone Spring underlying a 280-acre
7 standard horizontal unit comprised of the east half of
8 the west half of Section 5 and the east half of the
9 northwest quarter and northeast quarter, southwest
10 quarter of Section 8. That unit will be dedicated to
11 the Hambone Federal Com 505H well.

12 And finally, in case number 23352, COG
13 seeks to pool interest in the Bone Spring underlying a
14 280-acre unit comprised of the west half of the west
15 half of Section 5 and the west half of the northwest
16 quarter and the northwest quarter of the southwest
17 quarter of Section 8. That unit will be dedicated to
18 the Hambone Federal Com 506H well.

19 In each case, we've provided the
20 self-affirm statements of landman Gianna Romero [ph]
21 and geologist Christopher Ray [ph].

22 Ms. Romero [ph] has not previously
23 testified before the Division. And we have provided
24 her resume as Exhibit A1. Based on her qualifications
25 and resume, I request that she be considered an expert

1 in petroleum land matters.

2 (Exhibit A1 was marked for
3 identification.)

4 THE HEARING EXAMINER: Hearing no
5 objections, so qualified.

6 MS. HARDY: Thank you. Ms. Romero [ph]
7 provides the standard land exhibits, the plat of
8 tracts ownership information, and pooled party list
9 are included in Exhibit A4.

10 (Exhibit A4 was marked for
11 identification.)

12 And in both of these cases -- well,
13 actually, in case numbers 23349 and 23350, we are only
14 pooling one overriding royalty interest owner, and
15 have indicated in our checklist that the cost
16 provisions of the pooling orders do not apply.

17 In case numbers 23351 and 52, we are
18 pooling working interest owners as well as overring
19 royalty interest and record title owners.

20 With respect to the geology exhibits,
21 Mr. Ray [ph] has also not previously testified. And
22 we have provided his resume as Exhibit B1. Based on
23 his qualifications and resume, I request that he be
24 considered an expert in geology matters.

25 //

1 (Exhibit B1 was marked for
2 identification.)

3 THE HEARING EXAMINER: Hearing no
4 objection, so --

5 MS. HARDY: Exhibit C is my notice
6 affidavit. We have provided delivery confirmation for
7 all parties. In all of the cases other than for two
8 of the overriding royalty interest owners in case
9 number 23352 where we did not receive return receipts
10 for them, but we did timely publish notice.

11 (Exhibit C was marked for
12 identification.)

13 With that, unless there are questions,
14 I request that the exhibits be admitted and that these
15 cases be taken under advisement. Thank you.

16 THE HEARING EXAMINER: Thank you.
17 Questions, Mr. McClure?

18 Mr. McClure, you are muted. You're
19 looking excited, too.

20 MR. MCCLURE: Yeah, well, I'm not going
21 to say I was super excited. But I didn't realize I
22 was muted. Thank you.

23 I did have a quick question for
24 Ms. Hardy, as I guess might be obvious from the fact I
25 was trying to speak. Just to confirm, it was the

1 first two cases do not have working interest owners,
2 and the later two cases do have working interest
3 owners; correct?

4 MS. HARDY: That is correct.

5 MR. MCCLURE: Okay. That was quite
6 literally my only question. Thank you.

7 MS. HARDY: Thank you.

8 THE HEARING EXAMINER: Ms. Thompson?

9 MS. THOMPSON: No questions.

10 THE HEARING EXAMINER: Thank you.

11 So I believe it's the last two
12 proposals are 280 acres. There's like a little
13 80-acre south half of the southwest quarter that's
14 been left out. I don't see where you've discussed it,
15 but maybe you have somewhere.

16 MS. HARDY: My understanding,
17 Mr. Examiner, that that acreage is committed to other
18 development. But if you'd like, I can provide a
19 supplemental affidavit from our land person on that.

20 THE HEARING EXAMINER: Okay. There may
21 be something in -- it's shown on your geologist's
22 exhibits as COG acreage.

23 MS. HARDY: Let me just get to those
24 exhibits.

25 THE HEARING EXAMINER: I'm looking at

1 Exhibit B4, B3.

2 (Exhibit B4 and Exhibit B3 were marked
3 for identification.)

4 MS. HARDY: Correct. I can confirm the
5 reason that that acreage isn't included --

6 THE HEARING EXAMINER: Okay. That
7 would --

8 MS. HARDY: -- in these two spacing
9 units.

10
11 THE HEARING EXAMINER: That's the only
12 questions I have. So then are there any other
13 interested persons for cases 23349, 350, 351, 352?

14 Hearing none. These cases, the
15 exhibits will be admitted into the record. The cases
16 will be taken under advisement and the record left
17 open for further explanation of the excluded 80-acre
18 tract in the southwest quarter of the section.

19 (Exhibit A1 through Exhibit C were
20 received into evidence.)

21 MS. HARDY: Thank you.

22 THE HEARING EXAMINER: With that, we
23 are on item 39, case 23364. Earthstone Operating.

24 MS. HARDY: Mr. Examiner, Dana Hardy
25 again with Hinkle Shanor on behalf of Earthstone

1 Operating.

2 THE HEARING EXAMINER: Are there any
3 other interested persons for case 23364?

4 Hearing none. Earthstone may proceed.

5 MS. HARDY: Thank you. Earthstone
6 seeks an order pooling uncommitted interest in the
7 Bone Spring formation underlying a 319.95-acre
8 standard horizontal spacing unit comprised of the west
9 half of the east half of Section 34, Township 19
10 South, Range 33 East, and Lot 2 and southwest quarter
11 of the northeast quarter and the west half of the
12 southeast quarter of irregular Section 3, Township 20
13 South, Range 33 East in Lea County. The unit will be
14 dedicated to the Jade 34-3 Fed 1BS Com 11H well.

15 Our exhibits packet submitted to the
16 Division includes our landman's testimony and
17 associated land exhibits, which include the
18 application and notice of hearing, C-102s, the plat of
19 tracts and ownership interest, and a list of
20 uncommitted interests to be pooled, along with a
21 chronology of contacts.

22 And the tract ownership and pooled
23 parties information is included in Exhibit A3.

24 (Exhibit A3 was marked for
25 identification.)

1 Exhibit B is the testimony of our
2 geologist who provides a regional locator map, subsea
3 structure map, structural cross section, and gun
4 barrel development diagram.

5 (Exhibit B was marked for
6 identification.)

7 Exhibit C is my notice affidavit, which
8 includes a chart showing when notice was sent and
9 received, the certified mail receipts, and also a
10 notice of publication. All parties did receive notice
11 and were also included in the affidavit of
12 publication.

13 (Exhibit C was marked for
14 identification.)

15 With that, unless there are questions,
16 I ask that the exhibits be admitted and that the case
17 be taken under advisement. Thank you.

18 THE HEARING EXAMINER: Thank you.
19 Questions, Mr. McClure?

20 MR. MCCLURE: Yes, Mr. Brancard.

21 On your page 24 of 37 on the PDF, the
22 well that's listed there as being the first Bone
23 Spring in the Bushy Canyon, are those -- do those
24 have -- are those horizontal wells? They look like
25 have laterals involved there.

1 MS. HARDY: Yeah, I'm trying to -- are
2 you referring to the geology affidavit or the exhibit,
3 Mr. McClure?

4 MR. MCCLURE: Yes, I believe
5 Exhibit -- Exhibit B1. It's like right after -- it's
6 like the maps right after the --

7 (Exhibit B1 was marked for
8 identification.)

9 MS. HARDY: I see, yes. So the
10 existing wells in the spacing unit, your question is
11 whether they're vertical wells?

12 MR. MCCLURE: Or whether they're
13 horizontal wells. I'm wondering if we have some
14 overlapping spacing units, I guess -- give you some
15 context.

16 MS. HARDY: I don't believe there are
17 overlapping spacing units. We had pooled the adjacent
18 acreage in a prior case. And so I don't believe there
19 are overlapping spacing units. But I can confirm
20 that.

21 I believe the wells are in different
22 formations that are shown there. But I'd be happy to
23 confirm that with the geologist.

24 MR. MCCLURE: I was going to say, the
25 Bushy Canyon would be in a different pool. But that

1 Bone Spring 1, I would assume, based off the pool name
2 of what's on your checklist, considering it's
3 just -- it's just Bone Spring pool rather than upper
4 and lower Bone Spring pool, I would assume that we're
5 in the same pool even if we're not in the same target
6 horizon.

7 And as such, the HSU that was
8 established for -- the horizontal spacing unit that
9 was established for that -- let me get back down to
10 the -- yeah. And I guess the name of the well really
11 isn't identified. And I'm just assuming it belongs to
12 that yellow circle there that indicates the first Bone
13 Spring.

14 MS. HARDY: Oh, I see.

15 MR. MCCLURE: Yeah. So assuming it's
16 the same pool, then it's the -- would be the same -- I
17 mean, assuming it's in the Bone Spring, it should be
18 the same pool as these wells.

19 Therefore, assuming that it does take
20 up the entirety of that lateral and that isn't, like,
21 the curve or something or if it's on a deviated well,
22 then the assumption would be that there is a
23 horizontal spacing unit for that well. But I -- I
24 guess I don't see, like, a number or anything
25 identifying what well that is.

1 MS. HARDY: Okay. I don't either. I
2 can find that out.

3 MR. MCCLURE: Yeah, we may want to
4 check into that because we may need to -- I guess as
5 far as the operator, is the operator of these
6 wells -- of that -- is all the operators of that
7 spacing unit the -- virtual connectivity
8 interruption -- interest or just the operator in
9 the -- when it's an overlapping spacing unit?

10 Do you remember, Mr. Brancard? I'm
11 sure you do. I'm putting you on the spot, I guess.

12 THE HEARING EXAMINER: I always have to
13 look it up.

14 MR. MCCLURE: 'Cause in theory, if it's
15 the -- I mean, if it's all the same operator, then
16 maybe it --

17 THE HEARING EXAMINER: Well, in judging
18 from the lateral, I'm wondering it's a diagonal or
19 deviated well.

20 MR. MCCLURE: It could very well be.
21 And if that's the case, it doesn't have an HSU -- or
22 horizontal spacing unit. Excuse me. And then it
23 wouldn't be --

24 THE HEARING EXAMINER: The bottom hole
25 being in the next part of the section.

1 MR. MCCLURE: Exactly. And with it,
2 you know, kind of going how it's angled at an angle
3 there and the fact it's only a quarter mile
4 long -- well, maybe it's a little more than a quarter
5 mile -- but that's definitely a question.

6 So maybe we don't have anything. But
7 it may be something worth looking into and just seeing
8 if we do an overlapping spacing unit. And then we may
9 have a notice issue there, I suppose.

10 MS. HARDY: I'll confirm that
11 with -- it does look like a deviated well. But I'll
12 confirm that with them.

13 MR. MCCLURE: I wonder.

14 MS. HARDY: Yeah. I think if it were
15 an overlapping spacing unit, then we would need to go
16 through the administrative approval process for an
17 overlapping spacing unit with notice; correct?

18 MR. MCCLURE: Yeah, I think it's just
19 notice. I don't think there's really an
20 administrative process, per se.

21 THE HEARING EXAMINER: All right. Then
22 you may have to demonstrate that all at the APD
23 stage.

24 MS. HARDY: Right. I'll confirm the
25 status of that well with Earthstone.

1 MR. MCCLURE: Okay. Thank you.
2 I do not think I had another question.
3 Thank you, Ms. Hardy.

4 MS. HARDY: Thank you.

5 THE HEARING EXAMINER: Ms. Thompson?

6 MS. THOMPSON: Yes. I saw on your
7 checklist that your supervising fee was different than
8 the fee shown on the landman's statement. Do you know
9 which one is correct?

10 MS. HARDY: The overhead fee? The
11 landman's statement is correct.

12 MS. THOMPSON: Are able to -- that?

13 MS. HARDY: So let me -- sure. Yeah,
14 we will do that.

15 MS. THOMPSON: That's the only question
16 I have.

17 MS. HARDY: Okay. Thank you.

18 THE HEARING EXAMINER: Thank you. Good
19 catch. If we catch those later, we always go with the
20 lower number, so.

21 MR. MCCLURE: Which is the correct
22 number in this case, I guess.

23 MS. HARDY: I think it is in this case.
24 But sometimes it might not be.

25 THE HEARING EXAMINER: So yeah, so if

1 you could update the checklist then, conform with the
2 land person's affidavit.

3 MS. HARDY: I will do that.

4 MR. MCCLURE: Are we wanting anything
5 on the -- virtual connectivity
6 interruption -- Mr. Brancard, or what are you
7 thinking?

8 THE HEARING EXAMINER: Yes, yes. If
9 you could just confirm that that -- if it is a
10 diagonal deviated well, then that's the answer to the
11 question right there.

12 MR. MCCLURE: Exactly. Yeah.

13 MS. HARDY: I will confirm that. Thank
14 you.

15 THE HEARING EXAMINER: Any other
16 questions or concerns from any parties, case 23364?

17 Hearing none. The exhibits will be
18 admitted into the record, the case taken under
19 advisement. And then simply clarify the vertical well
20 issue and revise the checklist for the charges.

21 (Exhibit A3 through Exhibit C were
22 received into evidence.)

23 MS. HARDY: Thank you. I will do that.

24 THE HEARING EXAMINER: And as always,
25 you know the rules. Got to be within two weeks, any

1 of these filings. Thank you.

2 So now we're on items 40 through 43,
3 cases 23368, 369, 370, 371. But I think we may have a
4 motion to dismiss. Earthstone Operating.

5 MR. SAVAGE: Good morning. May it
6 please the examiners. Darin Savage with
7 Abadie & Schill on behalf of Earthstone Operating.

8 And that is correct. We have a motion
9 to dismiss. Parties arrived at a last-minute
10 agreement. And so we filed that accordingly.

11 THE HEARING EXAMINER: Thank you.

12 Are there any objections?

13 Hearing none. We will process the
14 motion to dismiss. Thank you.

15 MR. SAVAGE: Thank you.

16 THE HEARING EXAMINER: With that, we
17 are on item 44, case 23372, 45, 46, 47, 23373, 374,
18 and 23375. Earthstone Operating.

19 MR. SAVAGE: Good morning. Darin
20 Savage on behalf of Earthstone Operating.

21 THE HEARING EXAMINER: Thank you. And
22 for two of these cases, I believe we have an entry
23 from MRC Permian.

24 MS. VANCE: That's correct, Mr. Hearing
25 Examiner.

1 Paula Vance on behalf of MRC Permian.

2 THE HEARING EXAMINER: Thank you. Does
3 MRC object to these cases going forward by affidavit?

4 MS. VANCE: No, we do not.

5 THE HEARING EXAMINER: Thank you.

6 Are there any other interested persons,
7 cases 23372, 373, 374, 375?

8 Hearing none. Earthstone may proceed.

9 MR. SAVAGE: Thank you. We are
10 presenting these cases, 23372, 23373, 23374, and 23375
11 in consolidated form since these cases in the
12 aggregate cover the lands in Sections 9 and 10,
13 Township 19 South, Range 33 East, Lea County,
14 New Mexico.

15 The landman, Matt Solomon [ph], for
16 these cases testified before the Division as an expert
17 witness and his credentials have been accepted and
18 made a matter of record.

19 Also, the geologist, Jason
20 Asmus [ph] -- virtual connectivity interruption --
21 before the Division as an expert witness, and his
22 credentials have been accepted as a matter of record.

23 In these four cases, all of the
24 proposed wells are oriented west to east in lay-down
25 units. And all of the wells have standard locations.

1 In case number 23372, Earthstone seeks
2 an order establishing a standard 320-acre, more or
3 less, spacing unit covering the north half north half
4 of Sections 9 and 10 and pooling all uncommitted
5 interests in the Bone Spring formation, an oil pool
6 underlying the unit.

7 The unit is dedicated to two initial
8 wells, the DeLorean 9-10 Fed 1BS Com 1H well and the
9 DeLorean 9-10 Fed 2BS Com 5H well.

10 Mr. Solomon's [ph] Exhibit A for case
11 23372 includes his landman self-affirm statement,
12 C-102s, and the ownership breakdown, the well proposal
13 letter with AFEs, and the chronology of contacts.

14 (Exhibit A was marked for
15 identification.)

16 Mr. Examiner, on the ownership
17 breakdown, Exhibit A2, the specific party to be pooled
18 is clearly listed separately, as is in each of these
19 cases.

20 (Exhibit A2 was marked for
21 identification.)

22 Mr. Asmus's [ph] Exhibit B for this
23 case includes his geology self-affirm statement along
24 with seven geology exhibits showing the potential for
25 development as described in his statement.

1 (Exhibit B was marked for
2 identification.)

3 Exhibit C provides the affidavit of
4 notice for mailings and the publication notice.
5 Notice was timely mailed, and all working interest
6 owners were locatable. Service of notice by
7 publication was timely.

8 (Exhibit C was marked for
9 identification.)

10 In the next case, 23373, Earthstone
11 seeks an order establishing a standard 320-acre, more
12 or less, spacing unit covering the north half south
13 half of Sections 9 and 10 and pooling all uncommitted
14 interests in the Bone Spring formation, again, an oil
15 pool underlying the unit.

16 The unit is dedicated to two initial
17 wells, the DeLorean 9-10 Fed 1BS Com 3H well and the
18 DeLorean 9-10 Fed 2BS Com 7H well.

19 Mr. Solomon's [ph] Exhibit A for case
20 23373 lists the same four exhibits, and the parties to
21 be pooled are listed separately in Exhibit A-2.

22 (Exhibit A and Exhibit A-2 were marked
23 for identification.)

24 Mr. Asmus's [ph] Exhibit B for this
25 case includes, again, his statement along with the

1 seven geology exhibits showing potential for
2 development.

3 (Exhibit B was marked for
4 identification.)

5 Exhibit C provides the affidavit of
6 notice for mailings and the publication notice.
7 Notice was timely mailed, and all working interest
8 owners were locatable. And service of notice by
9 publication was timely to account for any
10 contingencies in notice.

11 (Exhibit C was marked for
12 identification.)

13 Next case, 23374, in this one,
14 Earthstone seeks an order establishing a standard
15 320-acre, more or less, spacing unit covering the
16 south half north half of Sections 9 and 10 and pooling
17 all uncommitted interests in the Bone -- virtual
18 connectivity interruption --

19 The unit is dedicated to two initial
20 wells. These would be the DeLorean 9-10 Fed 1BS Com
21 2H well and the DeLorean 9-10 Fed 2BS Com 6H well.

22 Mr. Solomon's [ph] Exhibit A includes
23 his self-affirm statement, C-102, ownership breakdown,
24 including the list of the party to be pooled, the well
25 proposal letter with AFE, and a chronology of

1 contacts.

2 (Exhibit A was marked for
3 identification.)

4 The geologist's Exhibit B includes his
5 self-affirm statement along with the seven geology
6 exhibits showing potential for development as
7 described in his statement.

8 (Exhibit B was marked for
9 identification.)

10 Exhibit C provides, again, the
11 affidavit of notice for the mailings and the
12 publication notice. Notice was timely, and all
13 working interest owners were locatable.

14 (Exhibit C was marked for
15 identification.)

16 In the final case, 23375, Earthstone
17 seeks an order establishing a standard 320-acre, more
18 or less, spacing unit covering the south half south
19 half of Sections 9 and 10 and pooling all uncommitted
20 interests in the Bone Spring formation.

21 The unit is dedicated, again, to two
22 initial wells, those being the DeLorean 9-10 Fed 1BS
23 Com 4H well and the DeLorean 9-10 Fed 2BS Com 88H
24 well.

25 And again, Mr. Solomon's [ph] exhibit

1 for 23375 includes his statement, the C-102s, the
2 ownership breakdown with the list of the party to be
3 pooled clearly identified, the well proposal letter
4 with AFE, and a chronology of contacts.

5 And Mr. Asmus' [ph] Exhibit B for this
6 case includes his statement and the seven geology
7 exhibits showing potential for development.

8 (Exhibit B was marked for
9 identification.)

10 Finally, Exhibit C provides the
11 affidavit of notice. All notice was timely mailed and
12 published, and working interest owners were locatable.

13 (Exhibit C was marked for
14 identification.)

15 Mr. Examiner, in all four cases, both
16 Mr. Solomon [ph] and Mr. Asmus [ph] affirm that the
17 approval of these applications are in the best
18 interest of conservation, protection of correlative
19 rights, and the prevention of waste, and will prevent
20 the drilling of unnecessary wells.

21 At this time, I move that the
22 Exhibits A, B, and C and all sub-exhibits be admitted
23 into the record for the four cases, 23372, 73, 74, and
24 75, and that these cases be taken under advisement.
25 I'm available for any questions. Thank you.

1 THE HEARING EXAMINER: Thank you.
2 Start with Mr. McClure.

3 MR. MCCLURE: Mr. Brancard, I -- I
4 don't have any questions for any of these cases.

5 THE HEARING EXAMINER: All right.
6 Ms. Thompson?

7 MS. THOMPSON: Yeah. I just noticed
8 that on all of your C-102 forms that you don't have
9 the pool name, pool code, or acreage on any of them.

10 MR. SAVAGE: That's correct. But it
11 provides -- virtual connectivity interruption --
12 various operators provide -- and with different, as
13 Mr. Brancard pointed out, variations of draft. And we
14 tried to give as much information on that as possible.
15 Unfortunately on this one, it looks like some of that
16 information was not provided.

17 So I can apologize for that. But we
18 can follow up with revised or updated C-102s if that
19 would help the Division.

20 MS. THOMPSON: Yes. Thank you.
21 That's the only question I have.

22 THE HEARING EXAMINER: Thank you.
23 In looking at your checklist --

24 Maybe you can help me, Mr. McClure. On
25 the checklists here, we have on the second categories,

1 formation pool. We ask for the formation name. Then
2 in the third question, we say, pooling this vertical
3 extent. And I think most people just give a formation
4 or sub-formation. Is that correct? Is that what we
5 expect in that answer?

6 MR. MCCLURE: I was going to say, I
7 think typically, we just have, like, Bone Spring 1 or
8 Bone Spring 2.

9 THE HEARING EXAMINER: Right.

10 MR. MCCLURE: Correct. Yeah, I think
11 you're correct. But I -- I guess I'm not sure what's
12 in this paragraph 6 and 7 for --

13 THE HEARING EXAMINER: -- the vertical
14 depths of the wells.

15 MR. SAVAGE: Yes, Mr. Examiner. That's
16 correct. There was some ambiguity in that and how to
17 interpret that particular item. You know, we had
18 listed the formation. It says, formation to vertical
19 extent initially. And that would be the Bone Spring
20 formation.

21 That'd be the -- and then to, I guess,
22 like, more specify, we felt like it would be
23 appropriate to list the paragraphs that discuss the
24 vertical depths of the wells, you know, corresponding
25 to their target formations. And that's what we did.

1 But I can understand that you may want
2 something such as a sub-formation such as the First
3 Bone Spring or the Second, whatever would best help.

4 THE HEARING EXAMINER: Yeah. Or if
5 it's the whole Bone Spring, you can just say, "Bone
6 Spring," again.

7 MR. SAVAGE: Okay.

8 THE HEARING EXAMINER: You know.

9 MR. SAVAGE: Bone Spring, Bone Spring.

10 THE HEARING EXAMINER: Well, yeah. If
11 you go back -- and I was just looking at some of the
12 previous cases. They said, "Bone Spring, Bone
13 Spring." They said it twice.

14 MS. HARDY: All right.

15 THE HEARING EXAMINER: As time goes on,
16 much of the logic of this form is lost on those of us
17 who weren't there drafting the original one, so.

18 MR. SAVAGE: Some nice epiphanies for
19 the future; right?

20 THE HEARING EXAMINER: Yeah. We have
21 gone back and changed a few things that we don't
22 understand in here. So maybe we need to change that
23 more, make it clearer.

24 But apparently, to the people who
25 originally drafted this checklist, it was very clear

1 to them what it meant, so.

2 So anyway, whatever the formation or
3 sub-formation is at that point. Because that
4 subsection is just about formations and pools. So
5 when you get down to the wells, you can talk about any
6 depth or anything, so.

7 MR. SAVAGE: Will do. Thank you.

8 THE HEARING EXAMINER: All right. What
9 were we looking for here? We had asked another
10 question before.

11 MR. MCCLURE: C-102s, I think.

12 THE HEARING EXAMINER: C-102s, yes.

13 If you could just provide a
14 little -- whatever information you have right now.
15 Because obviously, they are in draft form. You know,
16 a final version will be filed at some point later.

17 But to the extent that you could just,
18 you know, put the pool names, et cetera. You know, I
19 don't know if you have API numbers. You probably
20 don't. Or maybe you do; maybe you don't.

21 MR. SAVAGE: APIs are pending. But we
22 will fill in what we can at this time, certainly.

23 THE HEARING EXAMINER: Okay. Are there
24 any other questions, concerns? We are on, I believe,
25 items 23372, 373, 374, 375.

1 And let me, first -- I forgot to ask.
2 Does MRC Permian have any questions?

3 MS. VANCE: No, we do not. Thank you,
4 Mr. Hearing Examiner.

5 Thank you, Mr. Savage, for the
6 presentation.

7 THE HEARING EXAMINER: Thank you.

8 MR. SAVAGE: Thank you.

9 THE HEARING EXAMINER: With that, the
10 exhibits will be admitted into the record. Cases will
11 be taken under advisement. And if we could just
12 expand the C-102 and maybe just revise the checklist
13 with the formation names.

14 (Exhibit A through Exhibit C were
15 received into evidence.)

16 MR. SAVAGE: We'll do that. Thank you.

17 THE HEARING EXAMINER: And just in
18 general to folks, remember, with your checklists, the
19 more specific you can be the better because that
20 checklist will get attached to the order, whereas all
21 those exhibits that are referenced in the checklist
22 will not be attached to the order.

23 So anyway, with that, we are on
24 items 48 and 49, cases 23382, 23383. Devon Energy
25 Production Company.

1 MR. SAVAGE: Yes. Darin Savage with
2 Abadie & Schill on behalf of Devon Energy Production
3 Company, L.P.

4 THE HEARING EXAMINER: Thank you.

5 Are there any other interested parties
6 for case 23382, 23383?

7 Hearing none. Devon may proceed.

8 MR. SAVAGE: This morning we are
9 presenting cases 23382 and 23383, which cover lands in
10 Section 13 and 24, Township 23 South, Range 31 East,
11 Eddy County, New Mexico.

12 The landman, Aaron Young [ph], for
13 these cases, testified before the Division as an
14 expert witness, and his credentials have been accepted
15 and made a matter of record. As well as the
16 geologist, Josh O'Brian [ph], who has testified
17 previously before the Division as an expert witness,
18 and his credentials have been accepted as a matter of
19 record.

20 In case number 23382, Devon seeks an
21 order establishing a standard 640-acre, more or less,
22 spacing unit covering the east half of Section 13 and
23 24 and pooling all uncommitted interests in the
24 Wolfcamp formation, designated as an oil pool
25 underlying the unit.

1 The unit is dedicated to five initial
2 wells. These are the Bora Bora 13-24 Fed Com wells,
3 which include the 623H well, 624H well, 625H well, the
4 713H well, and the 714H well.

5 All the proposed wells are orthodox in
6 their locations except for the 623H well, which is
7 nonstandard. Devon has applied to the OCD for
8 administrative approval of this nonstandard location.

9 The 624H well is the proximity well.
10 And proximity tracts will be utilized to create the
11 larger east half unit.

12 Mr. Young's Exhibit A for case 23382
13 includes his landman self-affirm statement, C-102, an
14 ownership breakdown, the well proposal letter with
15 AFE, as well as a supplemental to the well proposal
16 for clarification, and the chronology of contacts.

17 (Exhibit A was marked for
18 identification.)

19 Mr. O'Brian's [ph] Exhibit B for this
20 case includes his self-affirm statement along with a
21 cross section structure map represented in Exhibit B1
22 and a stratigraphic cross section with landing zones
23 represented in Exhibit B2 showing the potential for
24 development as described in his statement.

25 //

1 (Exhibit B, Exhibit B1, and Exhibit B2
2 were marked for identification.)

3 Exhibit C provides the affidavit of
4 notice for mailings and publication notice. Notice
5 was timely mailed. Devon found all working interest
6 owners and overriding royalty interest owners to be
7 locatable. Service of notice by publication was
8 timely to account for any contingencies in notice.

9 (Exhibit C was marked for
10 identification.)

11 The next case, 23383, Devon seeks an
12 order establishing a standard 640-acre, more or less,
13 spacing unit covering the west half of Section 13 and
14 24 and pooling all uncommitted interests in the
15 Wolfcamp formation, again, this one designated as an
16 oil pool underlying the unit.

17 The unit is dedicated to four initial
18 wells. These, again, are the Bora Bora 13-24 Fed Com
19 wells, and include the 621H, the 622H well, the 711H,
20 and the 712H.

21 Orientation of the wells are stand-up
22 north to south. All the proposed wells are orthodox
23 in their locations. The 622H is the proximity well.
24 And proximity tracts will be utilized in this unit to
25 create the larger west half unit.

1 Mr. Young's Exhibit A for case 23383
2 includes his landman self-affirmed statement, C-102s,
3 an ownership breakdown, the well proposal with AFE,
4 including a supplement to the well proposal, and the
5 chronology of contacts.

6 (Exhibit A was marked for
7 identification.)

8 Mr. O'Brian's [ph] Exhibit B for this
9 case includes his geology self-affirm statement along
10 with a cross section structure map depicted in
11 Exhibit B1 and a stratigraphic cross section with
12 landing zones depicted in Exhibit B2 showing the
13 potential for development as he describes in his
14 statement.

15 (Exhibit B, Exhibit B1, and Exhibit B2
16 were marked for identification.)

17 Exhibit C provides the affidavit of
18 notice for mailings and publication notice. And in
19 this particular case, notice was timely mailed. Devon
20 found all working interest owners and overriding
21 royalty interest owners to be locatable. Service of
22 notice by publication was timely to account for any
23 contingencies in the notice.

24 (Exhibit C was marked for
25 identification.)

1 In both cases, Mr. Young [ph] and
2 Mr. O'Brian [ph] affirm that the approval of these
3 applications is in the best interest of conservation,
4 protection of correlative rights, and the prevention
5 of waste, and will prevent the drilling of unnecessary
6 wells.

7 At this time, I move that Exhibit A, B,
8 C and all sub-exhibits be admitted into the record for
9 cases 23382 and 23383 and that these case be taken
10 under advisement. And I stand available for any
11 questions that you may have. Thank you.

12 THE HEARING EXAMINER: Thank you.

13 Mr. McClure, any questions?

14 MR. MCCLURE: Yes, Mr. Brancard.

15 Mr. Savage, I may have misheard you.
16 Did you say that you're applying for NSP
17 administratively, or did I mishear that?

18 MR. SAVAGE: No NSP.

19 MR. MCCLURE: Okay.

20 MR. SAVAGE: The proximity tracts
21 should provide for the standard units.

22 MR. MCCLURE: Yes, I believe you're
23 correct. That's why -- well, I was like --

24 MR. SAVAGE: You must have misheard
25 them pour out of my mouth. That's a frightening

1 thing.

2 MR. MCCLURE: Oh, it's -- you didn't
3 say it. I was just -- for some reason, I -- I thought
4 I heard you say something that you were filing for
5 something administratively. And I -- I must've just
6 misheard.

7 MR. SAVAGE: No, no. There is a
8 nonstandard location.

9 MR. MCCLURE: Oh, oh. Oh, USL.

10 MR. SAVAGE: -- 23H well. And we did
11 apply administratively for that.

12 MR. MCCLURE: Okay. Okay, yeah. Okay.
13 That is what I heard, and I just misheard and for some
14 reason heard NSP for some reason. And I was kind of
15 confused as to why you'd even need an NSP.

16 But okay. Very good. Thank you. That
17 was the only question I had.

18 THE HEARING EXAMINER: Thank you.

19 Ms. Thompson?

20 MS. THOMPSON: No questions.

21 THE HEARING EXAMINER: Thank you.

22 I have no questions. So are there any
23 other interested persons, then?

24 MR. MCCLURE: Did you want them to
25 correct the same thing on these checklists as well,

1 Mr. Brancard?

2 THE HEARING EXAMINER: Oh, that's true.
3 We have the same checklist issue for the formation.

4 MR. MCCLURE: Yeah, and I think we have
5 the same C-102 issue as well, I believe. If I did
6 scroll back down, I guess, so.

7 MR. SAVAGE: Yes. I think they're on
8 that one. That is the case. The next one, I think
9 everything should be accounted for in the C-102.

10 THE HEARING EXAMINER: That's true.

11 Okay. So with that, are there any
12 other interested persons, then, for cases 23382,
13 23383?

14 Hearing none. These cases will be
15 taken under advisement, the record left open for a
16 revised checklist and C-102s. And all of the exhibits
17 will be admitted into the record.

18 (Exhibit A through Exhibit C were
19 received into evidence.)

20 MR. SAVAGE: Thank you.

21 THE HEARING EXAMINER: So with that, we
22 are now on items 50 and 51, cases 23385, 23386. Devon
23 Energy Production.

24 MR. SAVAGE: Good morning. Darin
25 Savage with the Santa Fe office of Abadie & Schill

1 appearing on behalf of Devon Energy Production
2 Company, L.P.

3 THE HEARING EXAMINER: Thank you.

4 And we have an entry of appearance from
5 Foran Oil Company.

6 MR. BRUCE: Yes, Mr. Examiner. Jim
7 Bruce representing Foran Oil Company and also Joseph
8 William Foran.

9 And for the court reporter, that's
10 spelled F-O-R-A-N, since it doesn't show up on the
11 docket.

12 And we have no objection to the cases
13 proceeding by affidavit. We not object to the
14 granting of these cases.

15 THE HEARING EXAMINER: Thank you.

16 Are there any other interested persons
17 for cases 23385, 23386?

18 Hearing none. Devon may proceed.

19 MR. SAVAGE: Thank you. We are
20 presenting cases 23385 and 23386 in consolidated form,
21 both of which cover lands in Sections 13 and 14,
22 Township 22 South, Range 27 East, Eddy County,
23 New Mexico.

24 The landman, Jake Norris [ph], for the
25 cases has not previously testified before the Division

1 as an expert witness. He graduated in 2018 from the
2 University of Tulsa with a bachelor's in energy
3 management and finance. He has worked for Devon for
4 approximately two years and in New Mexico for
5 approximately one year.

6 Mr. Examiner, I have filed a one-page
7 resume for the Division's review -- I did that as a
8 notice of filing -- that further describes his
9 credentials. I ask that Mr. Norris [ph] be accepted
10 by the Division as an expert witness in petroleum land
11 matters.

12 THE HEARING EXAMINER: Hearing no
13 objections, so accepted.

14 MR. SAVAGE: The geologist, Joe
15 Dixon [ph], has testified previously before the
16 Division as an expert witness, and his credentials
17 have been accepted as a matter of record.

18 In case number 23385, Devon seeks an
19 order establishing a standard 640-acre, more or less,
20 spacing unit covering the north half of Sections 13
21 and 14 and pooling all uncommitted interests in the
22 Wolfcamp formation, a gas pool, from the top of the
23 formation to a depth of 10,104 feet underlying the
24 unit.

25 The unit is dedicated to two initial

1 wells, the Tomahawk 13-14 Fed Com 620H well and the
2 Tomahawk 13-14 Fed Com 621H well.

3 Orientation of the wells and unit is
4 lay-down east to west. The two wells are unorthodox
5 in their locations as the end points extend beyond the
6 setbacks designated by the special rules for this
7 formation. Devon will apply to the OCD for
8 administrative approval of the nonstandard locations.

9 Mr. Norris's [ph] Exhibit A for case
10 23385 includes his landman self-affirm statement,
11 C-102s, an ownership breakdown, the well proposal
12 letter with AFE, and the chronology of contacts.

13 (Exhibit A was marked for
14 identification.)

15 And Mr. Dixon's [ph] Exhibit B for this
16 case includes his self-affirm geology statement along
17 with the five standard geology exhibits showing
18 potential for development of the unit as he describes
19 in his statement.

20 (Exhibit B was marked for
21 identification.)

22 Mr. Dixon [ph] was traveling at the
23 time of the final stages of preparation for this case
24 without access to IT support or a scanner, and
25 therefore, we had Mr. Dixon [ph] sign his statement by

1 email which shows his official email address, date of
2 signature, and myself and Mr. Norris's [ph] recipience
3 of the email for purposes of authentication. And I
4 hope the Division will be willing to accept that as
5 proper signature.

6 Exhibit C provides the affidavit of
7 notice for mailings and the publication notice.
8 Notice was timely mailed. Devon found all working
9 interest owners to be locatable. A letter to one
10 overriding royalty interest owner was returned.
11 Service of notice by publication was timely to account
12 for any contingencies in notice.

13 (Exhibit C was marked for
14 identification.)

15 The next case, number 23386, Devon
16 seeks an order establishing a standard 640-acre, more
17 or less, spacing unit covering the south half of
18 Section 13 and 14 and pooling all uncommitted
19 interests in the Wolfcamp formation, a gas pool, from
20 the top of the formation to a depth of 10,104 feet
21 underlying the unit.

22 The unit is dedicated to two initial
23 wells, the Tomahawk 13-14 Fed Com 622H well and the
24 Tomahawk 13-14 Fed Com 623H well.

25 Orientation of the wells is lay-down

1 east to west. The two wells, again, are unorthodox in
2 their locations because the end points extend beyond
3 the setbacks as designated by the special rules for
4 the formation. Devon will apply to the OCD
5 administratively for approval of the nonstandard
6 locations.

7 Mr. Norris's [ph] Exhibit A for case
8 23386, again, includes his landman self-affirm
9 statement, C-102s, the ownership breakdown, the well
10 proposal with AFEs, and the chronology of contacts.

11 (Exhibit A was marked for
12 identification.)

13 And Mr. Dixon's [ph] Exhibit B includes
14 his self-affirm statement along with the five standard
15 geology exhibits showing potential the unit as
16 described in his statement.

17 (Exhibit B was marked for
18 identification.)

19 Exhibit C provides the affidavit of
20 notice for mailings and publication notice. Notice
21 was timely. Devon found all the working interest
22 owners to be locatable.

23 (Exhibit C was marked for
24 identification.)

25 And the one overriding royalty interest

1 owner, there was on that had a returned letter, return
2 mail envelope as undeliverable. Service of notice by
3 publication was timely -- I'm sorry. And service of
4 publication was timely as well.

5 In both cases, Mr. Norris [ph] and
6 Mr. Dixon [ph] affirm that the approval of these
7 applications is in the best interest of conservation,
8 protection of correlative rights, and the prevention
9 of waste, and will prevent the drilling of unnecessary
10 wells.

11 At this time, I move that Exhibits A,
12 B, and C, and all sub-exhibits be admitted into the
13 record for these two cases, 23385 and 23386 and that
14 these cases be taken under advisement. And I stand
15 available for any questions you may have. Thank you.

16 THE HEARING EXAMINER: Thank you.

17 So questions from Foran?

18 MR. BRUCE: No questions, Mr. Examiner.

19 THE HEARING EXAMINER: Thank you.

20 Mr. McClure?

21 MR. MCCLURE: Yes, Mr. Brancard.

22 Mr. Savage, on your pooled party list,
23 for at least two of the parties I see, there's a star
24 stating, title curative. I mean, we've probably
25 discussed this in the past or during hearings in the

1 past, but just briefly, I guess, is there something
2 specific that's being called out by that?

3 MR. SAVAGE: Well, that's probably why
4 Mr. Bruce is here with Foran Oil Company. But as I
5 understand this, there were some curative issues. And
6 they weren't certain who had marketable title in the
7 end.

8 And so therefore, as a curative measure
9 and a precaution, they listed both parties. And we'll
10 go through the curative title process to see which one
11 would be the final owner or if there is ownership
12 between the two for that 6.25 percent interest.
13 That's how I understand it.

14 MR. MCCLURE: Oh, okay. So
15 essentially, you don't know for sure which one owns
16 it, whether it's this -- I'm probably going to
17 mispronounce it -- but Foran or Magnum Hunter [ph]?
18 Is that essentially what's going on?

19 MR. SAVAGE: To the standard of
20 marketable title, that would be correct. We do know
21 for certain that one or the other owns marketable
22 title under the conditions of some curative measures
23 to be taken. So that's the parameters of ownership
24 are those two parties. And then it'd be a matter of
25 making the determination.

1 Both of those parties are sophisticated
2 oil and gas parties. They understand this procedure
3 that we go through to establish marketable title. So
4 I don't think there's any concern that they would
5 have.

6 MR. MCCLURE: And I was going to say,
7 Mr. Bruce is here, so I'm assuming he would speak
8 up -- or he already had a chance to speak up -- if he
9 had -- if he was concerned, I guess.

10 MR. BRUCE: Yeah. Mr. Examiner, we're
11 not concerned. I entered an appearance for both
12 parties. I believe that Joseph Foran has conveyed
13 most of his interest to Foran Oil Company.

14 And kind of supplementing what
15 Mr. Savage said, Joe Foran is the chief executive of
16 Matador Production Company. And he's been in the oil
17 and gas business for decades and decades. So there's
18 really no concern there. They're just settling
19 matters.

20 MR. MCCLURE: Oh, yeah. Very good.
21 That was the only question I had.
22 Thank you.

23 THE HEARING EXAMINER: Ms. Thompson?

24 MS. THOMPSON: No questions.

25 THE HEARING EXAMINER: Thank you.

1 All right. Are there any other
2 interested persons, then, for cases 23385, 23386?

3 Hearing none. The exhibits in these
4 cases will be admitted into the record. Cases will be
5 taken under advisement.

6 (Exhibit A through Exhibit C were
7 received into evidence.)

8 I think your C-102s look fine. But if
9 you could give us a revised checklist, that would be
10 great.

11 MR. SAVAGE: We'll do that. Thank you.

12 THE HEARING EXAMINER: All right.
13 Well, I'll check in with our team here. How are we
14 all doing? Is anybody ready for a lunch break, or we
15 want to keep going?

16 Dean?

17 MR. MCCLURE: It doesn't matter to me.
18 I was going to say we kind -- we have a little bit of
19 a natural stopping point before we get into the more
20 complicated cases. But then again, I mean, how long
21 is it going to take to get there? So it doesn't
22 matter to me what you want to do, though,
23 Mr. Brancard.

24 THE HEARING EXAMINER: Hailee?

25 MS. THOMPSON: Doesn't matter to me

1 either. We can keep going.

2 THE HEARING EXAMINER: Check in with
3 our court reporter.

4 Dana, how are you doing?

5 THE REPORTER: I'm doing fine.

6 THE HEARING EXAMINER: All right.

7 Well, let's try a few more cases then. So our next
8 items on the agenda are items 52, 53, 54. Permian
9 Resources Operating for cases 23387, 23388, 23389.

10 MS. HARDY: Mr. Examiner, Dana Hardy
11 with Hinkle Shanor on behalf of Permian Resources.

12 THE HEARING EXAMINER: Thank you.

13 Are there any other interested parties
14 for cases 23387, 388, 389?

15 Hearing none. Permian Resources may
16 proceed.

17 MS. HARDY: Thank you. In case number
18 23387, Permian Resources seeks an order pooling
19 uncommitted interests in the Bone Spring formation
20 underlying a 322.73-acre standard horizontal spacing
21 unit comprised of Lot 1, the northeast quarter of the
22 northwest quarter and the north half of the northeast
23 quarter, which is the north half north half equivalent
24 of irregular Section 7, and the north half of the
25 north half of Section 8, Township 20 South, Range 28

1 East in Eddy County. And that unit will be dedicated
2 to the Wallaby 7 Fed Com 121H and 131H wells.

3 In case number 23388, Permian Resources
4 seeks an order pooling uncommitted interests in the
5 Bone Spring underlying a 322.67-acre, more or less,
6 standard horizontal spacing unit comprised of Lot 2,
7 the southeast quarter of the northwest quarter and the
8 south half of the northeast quarter, which is the
9 south half north half equivalent of irregular
10 Section 7, and the south half of the north half of
11 Section 8. That unit will be dedicated to the Wallaby
12 7 Fed Com 122H and 132H wells.

13 Finally, in case number 23389, Permian
14 Resources seeks an order pooling uncommitted interests
15 in the Wolfcamp formation underlying a 322.67-acre,
16 more or less, standard horizontal spacing unit
17 comprised of Lot 2, the southeast quarter of the
18 northwest quarter and the south half of the northeast
19 quarter, which is the south half north half equivalent
20 of irregular Section 7, and the south half of the
21 north half of Section 8. That unit will be dedicated
22 to the Wallaby 7 Fed Com 201H well.

23 We've provided with our exhibits the
24 self-affirm statement of landman Mark Hajdik [ph] and
25 geologist Christopher Cantin [ph]. Mr. Hajdik [ph]

1 provides the standard land exhibits. The tract
2 ownership and pooled parties are included in
3 Exhibit A3.

4 (Exhibit A3 was marked for
5 identification.)

6 Mr. Cantin [ph] has not previously
7 testified before the Division. And we have provided
8 his resume as Exhibit B1. I request that he be
9 considered an expert in geology matters before the
10 Division.

11 (Exhibit B1 was marked for
12 identification.)

13 THE HEARING EXAMINER: Hearing no
14 objections, so qualified.

15 MS. HARDY: Thank you. Mr. Cantin [ph]
16 provides a location map, cross section map, structure
17 map, and gun barrel diagram.

18 Exhibit C is my notice affidavit. We
19 did provide the chart of certified mail dates along
20 with the receipts. We also did timely publish notice.
21 And we have provided confirmation of delivery status
22 for almost all of the parties.

23 (Exhibit C was marked for
24 identification.)

25 I think there were a couple where we

1 didn't receive receipts. But we did timely publish.

2 With that, unless there are questions,
3 I request that the exhibits be admitted and that these
4 cases be taken under advisement. Thank you.

5 THE HEARING EXAMINER: Thank you.

6 Questions, Dean?

7 MR. MCCLURE: Mr. Brancard, I do not
8 believe I have any questions for any of these three
9 cases.

10 THE HEARING EXAMINER: Thank you.

11 Hailee?

12 MS. THOMPSON: I have no questions for
13 any of the cases.

14 THE HEARING EXAMINER: Thank you.

15 I don't believe I have any questions.
16 So let's just check again one more time. Are there
17 any other interested persons here for cases 23387,
18 23388, 23389?

19 Hearing none. These cases will have
20 their exhibits admitted into the record and will be
21 taken under advisement.

22 (Exhibit A3, Exhibit B1, and Exhibit C
23 were received into evidence.)

24 MS. HARDY: Thank you.

25 THE HEARING EXAMINER: With that, we

1 are on items 55 and 56. These are cases 23391, 23392.
2 COG Operating.

3 MS. HARDY: Mr. Examiner, Dana Hardy
4 with Hinkle Shanor on behalf of COG Operating.

5 THE HEARING EXAMINER: Are there any
6 other interested persons for cases 23391, 23392?

7 Hearing none. COG Operating may
8 proceed.

9 MS. HARDY: Thank you. In case number
10 23391, COG seeks an order pooling uncommitted
11 interests in the Wolfbone Pool underlying a 160-acre,
12 more or less, standard horizontal spacing unit
13 comprised of the west half of the east half of
14 Section 8, Township 25 South, Range 35 East in Lea
15 County, and proposes to dedicate that unit to the
16 Deerstalker Federal Com 601H well.

17 In case number 23392, COG seeks an
18 order pooling interest in the Wolfbone Pool underlying
19 a 400.82-acre, more or less, standard horizontal
20 spacing unit comprised of the east half of the
21 southeast quarter of Section 32, Township 24 South,
22 Range 35 East and Lot 1, the southeast quarter of the
23 northeast quarter, and the east half of the southeast
24 quarter of irregular Section 5, Township 25 South,
25 Range 35 East, and the east half of the east half of

1 Section 8, Township 25 South, Range 35 East. This
2 unit will be dedicated to the Deerstalker Federal Com
3 701H well.

4 The exhibit packets that we've provided
5 to the Division include the self-affirmed statement of
6 landman Sean Miller. Mr. Miller provides with his
7 exhibits the application and notice of hearing,
8 C-102s, the plat of tracts and ownership interest, and
9 a list of uncommitted interests to be pooled along
10 with a chronology of contacts.

11 We also did provide, I believe,
12 Mr. Miller's resume. But he was recognized earlier
13 this morning as an expert in one of our prior cases.

14 Exhibit B is the affidavit of our
15 geologist, Desiree Jennings [ph]. And
16 Ms. Jennings [ph] provides a regional locator map,
17 subsea structure map, cross section maps, and
18 stratigraphic cross sections.

19 (Exhibit B was marked for
20 identification.)

21 Exhibit C in each case is my
22 self-affirmed statement establishing the dates when we
23 mailed and received notice. Well, we mailed notice
24 and received return receipts. We also did timely
25 publish notice. I believe we received return receipts

1 from all parties other than one overriding royalty
2 interest. But that party was included in our
3 publication notice.

4 (Exhibit C was marked for
5 identification.)

6 So with that, unless there are
7 questions, I request that the exhibits be admitted and
8 that these cases be taken under advisement. Thank
9 you.

10 THE HEARING EXAMINER: Thank you.

11 Mr. McClure, questions?

12 MR. MCCLURE: Yes, Mr. Brancard. I do
13 have a quick question.

14 Ms. Hardy, it almost looks like -- for
15 the second case, it almost looks like we're only
16 missing the north half of the northeast quarter.

17 But then when we go down to the map
18 that shows the surrounding wells, it almost looks like
19 maybe the reason for that is 'cause we already got
20 existing production up there. But it looks like it
21 extends to the entire northeast quarter of that
22 section. Am I looking at this map wrong, or?

23 MS. HARDY: Mr. McClure, are you
24 looking at one of the geology exhibits? Is it B1? Or
25 can you tell me?

1 MR. MCCLURE: I was going to say, it is
2 page 25 of 39 of the PDF for the second case. B1 is
3 the exhibit, it looks like, for the geology map.

4 And then of course, your checklist has
5 the amount that is being included. But I'm also
6 looking at your page 14 of 39 showing the included
7 area. Unless that map is wrong. I mean, go up to
8 your checklist.

9 MR. MILLER: Mr. Examiner, if I can
10 interject for a moment. My name is Sean Miller. I'm
11 the landman for COG Operating. And I think I can
12 answer your question.

13 THE HEARING EXAMINER: Ms. Hardy, do
14 you want to have your witness sworn in?

15 MS. HARDY: Yes, please. Thank you.

16 THE HEARING EXAMINER: Mr. Miller, can
17 you raise your right hand?

18 WHEREUPON,

19 SEAN MILLER,
20 called as a witness, and having been first duly sworn
21 to tell the truth, the whole truth, and nothing but
22 the truth, was examined and testified as follows:

23 THE HEARING EXAMINER: Thank you.

24 THE WITNESS: So I -- I'm -- I'm not
25 quite sure which -- which map you're looking at. If

1 it's the one that I have in front of me, I made a
2 slight mistake, and I inserted the map into the south
3 half of the northeast when it is, in fact, only the
4 east half of the southeast, Section 32, that we are
5 applying for pooling.

6 So I just extended the map into the
7 northeast quarter by -- by mistake.

8 DIRECT EXAMINATION

9 BY MR. MCCLURE:

10 Q Okay. So it is. Yeah, because when I go to
11 the C-102, there again, it's only in the southeast
12 quarter rather than -- or the east half of the
13 southeast quarter -- excuse me -- rather than --

14 A Yes.

15 Q Okay.

16 A User error on that part.

17 Q Okay. Very good. Okay. That explains my
18 confusion there. Thank you, sir.

19 A Absolutely.

20 MR. MCCLURE: Then, Ms. Hardy, not
21 really a question, but just a point, I guess, is if we
22 could just submit a revised checklist as well
23 including the pool ID.

24 This is similar to the previous -- one
25 of the earlier cases where you have the pool name, and

1 for whatever reason, you have, like, a "code" sitting
2 there, the word "code." But you don't actually have
3 the code ID after the "code."

4 MS. HARDY: The code ID, okay. Sure.

5 MR. MCCLURE: Yeah, there should be a
6 five-digit number associated with this pool that
7 should also be included. I'm sure you guys have it.
8 It's just, I'm not seeing it in -- in any of the
9 statements here. And it's not on that checklist.

10 MS. HARDY: All right. We'll be happy
11 to submit that.

12 MR. MCCLURE: Okay. Thank you. That
13 was -- that was all my questions. Thank you,
14 Ms. Hardy.

15 And thank you, Mr. Brancard.

16 THE HEARING EXAMINER: Thank you.

17 MS. HARDY: Thank you.

18 THE HEARING EXAMINER: Hailee,
19 questions?

20 MS. THOMPSON: I have no questions.
21 Thank you.

22 THE HEARING EXAMINER: Thank you.

23 All right. So it's just the revised
24 checklist, then, Mr. McClure?

25 MR. MCCLURE: Yeah. That's

1 all -- that's all I was requesting, anyway.

2 THE HEARING EXAMINER: So are there any
3 other interested persons for cases 23391, 23392,
4 Deerstalker wells?

5 Hearing none. These cases will have
6 their exhibits admitted into the record and they will
7 be taken under advisement and the record left open for
8 a revised checklist for the pool code.

9 (Exhibit B and Exhibit C were received
10 into evidence.)

11 MS. HARDY: Thank you very much.

12 THE HEARING EXAMINER: All right. So
13 this one should be easy. Item 57, case 23380.
14 Mewbourne Oil Company.

15 MR. BRUCE: Mr. Examiner, Jim Bruce
16 representing Mewbourne.

17 THE HEARING EXAMINER: Okay. And then
18 do we have a motion to dismiss on this case?

19 MR. BRUCE: Yes, Mr. Examiner. This
20 case is tied in with the next case. But when I was
21 preparing the exhibits, I realized that the
22 application had contained one wrong digit in the order
23 number that was set to be amended. So I thought it
24 best to dismiss the case. And I have refiled the
25 corrected application, which is set for April.

1 THE HEARING EXAMINER: All right.

2 Thank you.

3 Anybody objecting to dismissing
4 case 23380?

5 Hearing none. It will be processed.

6 So then we're on item 58, case 23381.
7 Mewbourne Oil Company.

8 MR. MCCLURE: Mr. Examiner, Jim Bruce
9 for Mewbourne.

10 THE HEARING EXAMINER: Thank you.

11 Are there any other interested persons
12 for case 23381?

13 Hearing none. Mewbourne may proceed.

14 MR. BRUCE: Mr. Examiner, in this case,
15 Mewbourne seeks to amend order number R-22066, which
16 first pooled a Bone Spring well in Sections 11 and 2,
17 18 South, 32 East, Lea County. The order was entered
18 March 9, 2022. Mewbourne is seeking to extend the
19 validity of the order for one year to March 9, 2024.

20 Exhibit 2 is the landman's affidavit,
21 Brad Dunn [ph], who was previously qualified as an
22 expert.

23 (Exhibit 2 was marked for
24 identification.)

25 And the reason for the extension is

1 simply Mewbourne and other operators are drilling in
2 this area. And Mewbourne would just -- they intend to
3 drill the well by the end of this year. But they
4 would like a chance to review -- the completion
5 procedures are always changing -- the completion
6 procedures and the production from offset wells before
7 they commence the well. And that's the sole reason.

8 His affidavit contains a copy of the
9 order. And then Exhibit 3 is my statement of notice.

10 (Exhibit 3 was marked for
11 identification.)

12 All of the people who were first pooled
13 in the original case were given certified notice, and
14 they all did receive actual notice. I did not submit
15 a certified notice spread sheet. But if you want me
16 to do so, I will do it. There were four interest
17 owners, and they all received notice.

18 And with that, I would move the
19 admission of Exhibits 1 through 3 and ask that the
20 matter be taken under advisement.

21 (Exhibit 1 was marked for
22 identification.)

23 THE HEARING EXAMINER: Thank you.

24 Questions, Dean?

25 MR. MCCLURE: No questions here,

1 Mr. Brancard.

2 THE HEARING EXAMINER: Thank you.

3 Hailee?

4 MS. THOMPSON: No questions here,

5 Mr. Brancard.

6 THE HEARING EXAMINER: Okay. And so
7 with that, are there anyone else interested in case
8 23381?

9 Hearing none. Exhibits will be
10 admitted into the record, and case 23381 will be taken
11 under advisement.

12 (Exhibit 1, Exhibit 2, and Exhibit 3
13 were received into evidence.)

14 THE HEARING EXAMINER: Mr. Bruce, are
15 you ready to go for two more here?

16 MR. BRUCE: Why not?

17 THE HEARING EXAMINER: All right.
18 We're on item 62, case 23390. Mewbourne Oil Company.

19 MR. BRUCE: Mr. Examiner, Jim Bruce for
20 Mewbourne Oil Company.

21 THE HEARING EXAMINER: Thank you.

22 And we have an entry from MRC Permian
23 Company.

24 MS. VANCE: Good morning, Mr. Hearing
25 Examiner, Mr. McClure, and Ms. Thompson. Or I should

1 say good afternoon. Paula Vance with the Santa Fe
2 office of Holland & Hart on behalf of MRC Permian.

3 THE HEARING EXAMINER: Thank you. Does
4 MRC Permian object to this case going forward by
5 affidavit?

6 MS. VANCE: No, we do not. Thank you,
7 Mr. Hearing Examiner.

8 THE HEARING EXAMINER: Thank you.
9 Any other interested persons in case
10 23390?

11 Hearing none. Mewbourne may proceed.

12 MR. BRUCE: Yes, Mr. Examiner. In this
13 case, Mewbourne seeks to pool the north half of
14 Section 9 and the northeast quarter of Section 8 of 18
15 South, 29 East for purposes of drilling two wells, the
16 Double Stamp B2AB and Double Stamp B2HG.

17 Of course, spacing is 40 acres. They
18 are also seeking a non-standard spacing and proration
19 unit. For which the reason is, if you would look at
20 the landman's affidavit, Exhibit 2B, you can see that
21 the interest ownership is common throughout the total
22 acreage. There are only three cracks.

23 (Exhibit 2B was marked for
24 identification.)

25 And they are doing this just to

1 minimize surface facilities, minimize surface use.
2 And no one is adversely affected because all of the
3 interests -- if they were 240-acre units, the 240-acre
4 units would both have the same mineral interests.

5 So Exhibit 1 is the application and its
6 proposed notice.

7 (Exhibit 1 was marked for
8 identification.)

9 Exhibit 2 is the landman's affidavit
10 containing the usual information, land plats, the
11 interest owners being pooled.

12 (Exhibit 2 was marked for
13 identification.)

14 And just this morning, I received an
15 email. There are only two parties being force pooled,
16 which, one is MRC Delaware Resources, and one is
17 Colkelan NV Corporation. And that's spelled
18 C-O-L-K-E-L-A-N.

19 Colkelan has signed a JOA and is no
20 longer being pooled, so I will have to submit a
21 revised Exhibit 2B showing that it is not being
22 pooled.

23 Then there's the usual summary of
24 communications and the proposal letters and the AFEs.
25 In this case, Mewbourne is requesting \$8,000 a month

1 for a drilling well and \$800 a month for a producing
2 well. Insofar as notice goes, there is -- no, excuse
3 me. The geology, which, of course, is common across
4 the two well units.

5 Marked Exhibit 3 contains the usual
6 structure map, cross section showing that the zone is
7 continuous across the well unit and that all of the
8 quarter quarter sections will contribute more or less
9 equally to production.

10 (Exhibit 3 was marked for
11 identification.)

12 I would refer you to back to
13 Exhibit 2E, which is a list of affected entities for
14 both, of course, pooling and for the nonstandard unit,
15 which includes all of the 40-acre tract surrounding
16 the proposed nonstandard unit.

17 (Exhibit 2E was marked for
18 identification.)

19 When it came to notice, Exhibit 4A is
20 my notice letter shipped to the parties for being
21 force pooled and notified of the nonstandard unit.

22 (Exhibit 4A was marked for
23 identification.)

24 And there are quite a few parties. The
25 only one left to be pooled is MRC Delaware Resources.

1 But of course, notice to the other parties was
2 necessary for the nonstandard unit portion of the
3 application.

4 And Exhibit 4B is the notice that was
5 sent solely to the interest owners in the nonstandard
6 spacing and proration unit, the unit or surrounding
7 the unit.

8 (Exhibit 4B was marked for
9 identification.)

10 And so I believe that proper notice was
11 given to everyone. There are two affidavits of
12 publication. Again, Exhibit 5A is the affidavit as to
13 the parties being pooled and for the nonstandard unit.

14 (Exhibit 5A was marked for
15 identification.)

16 And then Exhibit 5B is the affidavit of
17 notice that was sent only as to the nonstandard
18 portion of the unit. And highlighted in that notice
19 is the fact that they were being notified only for the
20 nonstandard unit, and they were not being force
21 pooled.

22 (Exhibit 5B was marked for
23 identification.)

24 And then Exhibit 6 is the pooling
25 checklist, which I hope is correct. As I said, I will

1 owe an update on Exhibit 2B. And it got late on
2 Tuesday, and I did not do the certified notice
3 spreadsheets, which I will subsequently submit showing
4 the status of notice to everyone.

5 (Exhibit 6 was marked for
6 identification.)

7 But with that, I move the admission of
8 Exhibits 1 through 6 and ask that the case be taken
9 under advisement.

10 THE HEARING EXAMINER: Thank you.

11 Questions, Mr. McClure?

12 Oh, let's start with MRC Permian.

13 MR. MCCLURE: Oh, yeah.

14 MS. VANCE: No, I don't have any
15 questions. Thank you.

16 THE HEARING EXAMINER: Mr. McClure.

17 MR. MCCLURE: Yes, Mr. Brancard.

18 Mr. Bruce, so the first list of noticed
19 or of affected entities, that's for the NSP, or was
20 that for the compulsory pooling?

21 MR. BRUCE: It's for the NSP and the
22 compulsory pooling.

23 MR. MCCLURE: Okay.

24 MR. BRUCE: When you get down -- only
25 MRC needed to be notified of the compulsory pooling.

1 But all of these other parties needed to be notified
2 of the nonstandard unit in both lists.

3 MR. MCCLURE: Okay. Now, maybe -- I'm
4 sure you said it. And I probably just missed it.
5 What was the reason for the two different lists, then,
6 one of them being longer than the other?

7 MR. BRUCE: Well, like I said, when you
8 go to the Exhibits 4A and 4B -- the landman's
9 Exhibit 2E contains a list of all affected entities.
10 And by subsequent communications with them, I isolated
11 which parties needed to be pooled and notified of the
12 NSP, which is Exhibit 4A.

13 And then Exhibit 4B was the parties who
14 only needed to be notified of the nonstandard
15 proration unit.

16 MR. MCCLURE: Well, they -- it looks
17 like they're both marked as Exhibit A on the two
18 different lists. I'm looking at -- there's a list on
19 page 5 and 6. And then there's another list on
20 page 16 and 17. And I'm guessing one is A something
21 and one is A something else. But I'm -- I'm not
22 seeing the differentiation here.

23 But I know the shorter list looks it
24 follows directly after your example letter for the
25 NSP, I believe.

1 MR. BRUCE: Well, Exhibit 4A, if you
2 notice, just says, you're being notified of the
3 compulsory pooling and nonstandard spacing and
4 proration unit. And Exhibit 4B says, attached is the
5 application. But in capital letters, you are being
6 notified only as to your nonstandard unit portion of
7 the application. You are not being force pooled.

8 MR. MCCLURE: Ah, I got you. So the
9 second one, then, is your NSP. Okay. I do see that
10 now that you say that. And then the second one is the
11 list that also has additional persons, then. Or am I
12 missing something here?

13 MR. BRUCE: Well, yeah. Because
14 they -- yeah, the two lists are separate. If you go
15 to the landman's Exhibit 2E, that lists everyone. But
16 the two lists on Exhibits 4A and 4B are completely
17 separate.

18 MR. MCCLURE: Okay, yeah. And see,
19 I -- I was always referring to these two separate
20 lists. I -- I guess I wasn't referring to your
21 landman exhibit.

22 Okay. So then your first list of
23 affected entities is for the compulsory pooling, and
24 the second list is for the NSP only?

25 MR. BRUCE: Yeah. But Exhibit 4A, the

1 first list, was also for -- those people were also
2 notified of the NSP.

3 MR. MCCLURE: Oh, exactly. Because
4 they're in the NSP. Yes, yeah.

5 MR. BRUCE: Yeah. That's all. That's
6 all.

7 MR. MCCLURE: Now, you never
8 reference -- you never identify anywhere in here as to
9 which tracts of land or which of the surrounding
10 tracts each one of these entities were gathered from.
11 Or is that somewhere here?

12 MR. BRUCE: No, it's not. And if you
13 want that, I will get that.

14 MR. MCCLURE: All right. I was going
15 to say, I believe that's what our reviewers have been
16 wanting.

17 Somebody speak up if that's not the
18 case.

19 But I -- I do believe that's what
20 Mr. Lowe [ph] and Mr. Garcia [ph] has been using, is a
21 map with the tracts identified and saying which -- who
22 owns -- who -- who is operating in each one of those,
23 essentially.

24 MR. BRUCE: I think I might have one of
25 those in my file. I do have a plat with surrounding

1 tracts, but I do not have the individual interest
2 owners per tract. And I will get that for you.

3 MR. MCCLURE: Okay. Thank -- thank
4 you, sir. I believe that was my only -- my only
5 question. Thank you, Mr. Bruce.

6 Thank you, Mr. Brancard.

7 THE HEARING EXAMINER: Thank you.
8 Thompson?

9 MS. THOMPSON: I have no questions.

10 THE HEARING EXAMINER: All right.

11 So --

12 MR. MCCLURE: Oh. I -- I apologize,
13 Mr. Brancard. I do -- I do see something else.

14 Do we have the pool code, Mr. Bruce?
15 It looks like your checklist is missing it.

16 MR. BRUCE: Yeah, I will get that. It
17 got kind of late on Tuesday night. And I know I have
18 it somewhere in my rather thick file. I will get that
19 for you, and I will refile the C-102s.

20 MR. MCCLURE: Or the -- the checklist
21 is the big one I'm looking at.

22 MR. BRUCE: The checklist, yes.

23 MR. MCCLURE: Yeah. Okay. Thank you,
24 Mr. Bruce.

25 I'm sorry, Mr. Brancard. Thank you.

1 THE HEARING EXAMINER: That's all
2 right. Let's make sure we get everything here. Let
3 me go through the list of what I think we need.

4 You're going to update Exhibit 2B on a
5 list of parties to be pooled?

6 MR. BRUCE: Yes.

7 THE HEARING EXAMINER: And then your
8 mailing spreadsheet?

9 MR. BRUCE: Yes.

10 THE HEARING EXAMINER: And then a map
11 of the adjacent tracts for purposes of notice?

12 MR. BRUCE: Yeah, identifying which
13 parties are in each tract.

14 THE HEARING EXAMINER: All right. And
15 then finally, just updating the checklist for the pool
16 code?

17 MR. BRUCE: Correct.

18 THE HEARING EXAMINER: So with that,
19 let me ask, are there any other interested persons for
20 case 23390?

21 Hearing none. The exhibits will be
22 admitted into the record, and case 23390 will be taken
23 under advisement and the record left open for the
24 items that we have discussed.

25 //

1 (Exhibit 1 through Exhibit 6 were
2 received into evidence.)

3 MR. BRUCE: Thank you.

4 THE HEARING EXAMINER: All right.

5 Mr. Bruce, you want to do one more before lunch?

6 MR. BRUCE: Oh, what the heck.

7 THE HEARING EXAMINER: All right.

8 Item 60, case 23396. Mewbourne Oil Company.

9 MR. BRUCE: Mr. Examiner, Jim Bruce for
10 Mewbourne Oil Company.

11 THE HEARING EXAMINER: Thank you.

12 Are there any other parties here for
13 case 23396?

14 Hearing none. Mewbourne may proceed.

15 MR. BRUCE: Mewbourne seeks the forced
16 pooling of a proximity tract horizontal spacing unit
17 for the southeast quarter of Section 3 in the south
18 half of Section 2, 18 South, 29 East, for purposes of
19 drilling its Swanson 3/2 B2JI Fed Com Well number 2H.

20 Also requesting approval of overlapping
21 well units because Mewbourne had previously force
22 pooled the Second Bone Spring Sand for the north half
23 of the requested unit and also for the south half of
24 the requested unit.

25 And you know, obviously those parties

1 were given notice, but will not be affected because
2 under the regulations, they will retain whatever
3 rights they have in those two wells. But Mewbourne
4 does seek to force pool the entire Bone Spring.

5 Exhibit 1 contains the application, and
6 Exhibit 2 contains the affidavit of the landman,
7 Adriana Salgado [ph], contains the usual information.
8 You can see she has included a tract map identifying
9 the interest owners, a C-102 -- let me see -- yeah, it
10 does have the pool and pool code on that -- and a list
11 of tract ownership.

12 (Exhibit 1 and Exhibit 2 were marked
13 for identification.)

14 The only party being pooled is John
15 Kennedy [ph]. All the rest of the parties who were
16 notified were simply notified because of the
17 overlapping well units.

18 The landman's exhibit also contains the
19 summary of communications, the proposal letter, and
20 the AFEs.

21 The geologist's affidavit by Charlie
22 Crosby [ph] contains the usual structure map, cross
23 section.

24 And one question I did specifically ask
25 him is would the new well have any effect on the

1 existing wells. Actually, I think the two overlapping
2 well units, one well has been drilled, one is set to
3 spud here in March.

4 And if you would go to paragraph 5 of
5 Exhibit 3, the geologist's affidavit, he explains why
6 there should be no effect on the production from the
7 existing well units because the original two wells
8 drilled or being drilled are lower Second Bone Spring.
9 And this is an upper Second Bone Spring.

10 (Exhibit 3 was marked for
11 identification.)

12 And there's approximately 500 feet of
13 vertical separation, not to mention the horizontal
14 separation between the wells. And obviously, nobody
15 has objected to that.

16 Exhibit 4 is the affidavit of notice
17 given to everyone in the well unit.

18 (Exhibit 4 was marked for
19 identification.)

20 And I do owe you a spreadsheet on this.
21 I was waiting a couple of days to see what other green
22 cards may have come in. But I will provide you with a
23 spreadsheet subsequently.

24 And then there is two publication
25 notices again. The first one is to the parties being

1 force pooled. And the second one -- which is
2 important because I never a green card back from John
3 Kennedy [ph] -- the second one is to the parties being
4 notified of the overlapping well units, Exhibit 5B.

5 (Exhibit 5B was marked for
6 identification.)

7 And then we have the -- Exhibit 6 is
8 the pooling spreadsheet.

9 (Exhibit 6 was marked for
10 identification.)

11 I think everything is in order. Again,
12 I owe you a certified notice spreadsheet. But I would
13 move the admission of Exhibits 1 through 6 and ask
14 that the matter be taken under advisement.

15 THE HEARING EXAMINER: Thank you.
16 Dean, questions?

17 MR. MCCLURE: Yes, Mr. Brancard.

18 Just a quick clarification, Mr. Bruce,
19 like, all this -- this email communication that's in
20 here, that's just referring to them taking an AFE for
21 one well off of an already issued compulsory pooling
22 and putting it on this one? I believe that's what you
23 were explaining; correct?

24 MR. BRUCE: Now, say that again.

25 MR. MCCLURE: Oh, let me slow down. Or

1 let me rephrase it as a question. I believe you
2 already spoke to it, but just to confirm I'm on the
3 same page, there's some email communication in regards
4 to an order R-21962 and a specific well that was
5 included on that. All that we're referring to here is
6 the -- originally proposed under that pooling order,
7 and now it's being proposed under this pooling order;
8 correct?

9 MR. BRUCE: I'm not quite sure I still
10 get it. But this -- you know, is within 100 feet of
11 the center line of the proposed nonstandard unit. And
12 so it's a proximity tract well.

13 The other two wells mentioned in
14 paragraph 5 of the application each have -- what would
15 that be -- 240 acres dedicated to each well. And
16 those wells will be left alone. But obviously, the
17 proximity tract well overlies or -- yeah, for lack of
18 a better term, those well units.

19 But those well units are unaffected.
20 Each interest owner in those two wells will receive
21 the same -- you know, their equity interests and those
22 wells will not change.

23
24 This is just for the purposes of
25 drilling what you might want to call an infill well.

1 But because it is a proximity tract well, I think we
2 need -- the alternative would have been to
3 drill -- ask for a nonstandard location. But that
4 doesn't work too well when there is a difference in
5 ownership between the two originally drilled wells.

6 MR. MCCLURE: Well, within your
7 application, you're including a communication to a
8 John Kennedy [ph]. And within that communication,
9 you're referencing a pooling order number R-21962. Is
10 that for the overlapping spacing unit, is what that
11 order was for?

12 MR. BRUCE: Well, that must have been
13 the original pooling order if you said R --

14 MR. MCCLURE: R-21962.

15 MR. BRUCE: Yeah, that would be the
16 original pooling order for at least one of those
17 overlapped wells.

18 MR. MCCLURE: Okay. I was almost
19 wondering if that was the case. I was just trying to
20 read through this application while we were talking
21 about it, and just making sure I, kind of,
22 understanding what was going on.

23 MR. BRUCE: Yeah. There are two other
24 pooling orders. I probably should've learned and put
25 those order numbers in the application. Then that

1 would have cleared things up.

2 MR. MCCLURE: And it does look like we
3 have reference where you did notice everybody for the
4 overlapping spacing units. Is that correct?

5 MR. BRUCE: Yeah. Everyone with any
6 interest in that 480 acres was notified of the
7 overlapping well units.

8 MR. MCCLURE: I think -- I think that
9 was the only questions I had. Thank you, Mr. Bruce.

10 Thank you, Mr. Brancard.

11 THE HEARING EXAMINER: Thank you.

12 Hailee?

13 MS. THOMPSON: I have no questions.

14 THE HEARING EXAMINER: Thank you.

15 So Mr. Bruce, this is a proximity tract
16 unit; right?

17 MR. BRUCE: Correct.

18 THE HEARING EXAMINER: Okay. Well,
19 your checklist says it's not, so --

20 MR. BRUCE: Oops.

21 THE HEARING EXAMINER: -- change your
22 checklist. Say it's yes and list the proximity wells.

23 MR. BRUCE: You got me again. Is that
24 your specialty, by the way, Mr. Brancard?

25 THE HEARING EXAMINER: It is. I live

1 for that.

2 MR. BRUCE: Enough said.

3 THE HEARING EXAMINER: All right. So
4 anyone else here for case 23396?

5 Hearing none. The exhibits in
6 case 23396 will be admitted into the record, and the
7 case will be taken under advisement, but the record
8 left open. You need to give us a mailing spreadsheet
9 and then a revised checklist for proximity wells.

10 (Exhibit 1 through Exhibit 6 were
11 received into evidence.)

12 MR. BRUCE: Okay.

13 THE HEARING EXAMINER: Thank you.

14 All right. We'll take a break here
15 soon. But I think the next item, 61, case 23384, we
16 have a motion to continue that case. Is that correct,
17 ConocoPhillips?

18 MS. HARDY: That's correct. Dana Hardy
19 for ConocoPhillips. And we did file a motion for
20 continuance late yesterday afternoon after I was
21 contacted by counsel for Cambrian asking for time to
22 sign a voluntary C-145.

23 THE HEARING EXAMINER: All right. So
24 you want to continue to the March 16th docket?

25 MS. HARDY: That's correct.

1 THE HEARING EXAMINER: Okay. So we
2 will do that.

3 MS. HARDY: Thank you.

4 THE HEARING EXAMINER: And then what
5 we're left with are cases 23359, Dakota Resources,
6 23339, Goodnight Midstream. And then we also
7 have -- I guess we'll start with case 23315, a
8 continuation from the last docket.

9 And with that, if we could take a
10 break? How much time do you need, Mr. McClure,
11 Ms. Thompson?

12 MR. MCCLURE: Whatever you want.
13 Whatever you're thinking, Mr. Brancard. I mean, it's
14 normal for an hour. But I -- yeah, my lunch sitting
15 in the fridge over there.

16 MS. THOMPSON: Any time is fine.

17 THE HEARING EXAMINER: All right. How
18 are you doing, Dana? Forty-five minutes okay for a
19 break?

20 THE REPORTER: Perfect for me.

21 THE HEARING EXAMINER: All right. So
22 why don't we do 45 minutes? We're back here at 1:20.

23 Thank you, everyone.

24 (Off the record.)

25 THE HEARING EXAMINER: We are back on

1 the record. Thursday, March 2, 2023, hearings of The
2 New Mexico Oil Conservation Division. We are
3 continuing with today's docket.

4 We have an item that wasn't on our
5 worksheet but was continued to today's hearing. That
6 is item 23315. Silverback Operating.

7 MR. SAVAGE: Good afternoon,
8 Mr. Hearing Examiner. Darin Savage with
9 Abadie & Schill on behalf of Silverback Operating II,
10 LLC.

11 THE HEARING EXAMINER: We had an entry
12 from COG Operating. I don't see anybody on the screen
13 from there.

14 Anyway, we had a hearing on
15 February 16th, and there were a number of items that
16 were needed, particularly maybe some notice questions
17 that need to be clarified.

18 And I believe Silverback has provided a
19 whole series of exhibits filed into our case file.
20 And perhaps Silverback can move forward and try to
21 explain to us everything you have --

22 MR. SAVAGE: All right. Thank you. So
23 for this particular hearing, it looks like we're
24 looking at case 23315. And which, in this particular
25 one, the Division asked for a revised ownership

1 report, Exhibit A2, which we filed. And we filed it
2 for both cases. But the review today would involve
3 the one for 23315.

4 (Exhibit A2 was marked for
5 identification.)

6 And then Mr. Rose-Coss had asked for
7 additional supplementary testimony from the geology
8 explaining any risks involved in existing vertical
9 wells in the Yeso formation as well as migration of
10 completion fluids to the surface. And Silverback
11 provided those items as well to address those issues.

12 And so in terms of scope, the scope of
13 a review, are those two exhibits. And that should
14 conclude case 23315.

15 And then on March 16th, we would
16 conclude case 23316. And that would involve a
17 demonstration of a few additional notice letters and a
18 revised publication notice.

19 THE HEARING EXAMINER: Thank you. It
20 appears that you have revised Exhibit A2 twice. Can
21 you explain that?

22 MR. SAVAGE: Yes, I can explain that.
23 So on February 27th, we filed a revision. And when it
24 was filed, it looks like -- well, okay. As I
25 understand how the procedure went on this, I think we

1 revised it prior to the hearing, prior to the
2 February 16th hearing once. And then we revised it
3 again after the hearing for the purpose of today.

4 And those should be two exhibits in
5 that notice of filing, one for 23315, and one for
6 233316. That's how I see those in there.

7 And then there is a -- it looks like
8 that's somehow the geology supplemental notice. The
9 notes for the geology supplement exhibit got attached
10 to the notice for the ownership report. So last
11 night, I did a filing of the geology exhibit for
12 clarification. If that is all apparent in the OCD
13 files.

14 THE HEARING EXAMINER: Well, in looking
15 at your Exhibit A2 for 23315, we had raised questions
16 about the sort of vague Frederick Krauss [ph] heirs.

17 MR. SAVAGE: That's correct. And so
18 those, based on feedback from Silverback, the heirs,
19 the interest was distributed once curative measures
20 have made more progress, those interests were
21 distributed between Silverback and Oxy.

22 So they became the owners of that
23 indeterminate interest that we originally grouped as
24 the Krauss heirs. So we distributed that interest to
25 Silverback and Oxy in the various proportions that

1 were reflected in the curative.

2 And then, so the Exhibit A2 shows that
3 there are no more references to the Krauss heirs in
4 that revision.

5 THE HEARING EXAMINER: Okay. And then
6 your other exhibits for the geology provide, sort of,
7 answers to the question about drilling within existing
8 wells?

9 MR. SAVAGE: That is correct. And in
10 fact, we have Mr. Gilbertson [ph], the geologist,
11 available to address any additional questions if you
12 have any after review of the supplemental testimony.

13 THE HEARING EXAMINER: I'll check with
14 my peers here. I'm not sure they had a chance to look
15 at this information.

16 But Mr. McClure?

17 MR. MCCLURE: I was going to say, I'm
18 kind of reading it right now. I'm not quite sure -- I
19 mean, I don't know the entirety, I guess, of what the
20 Division's concerns was at the prior hearing. It
21 looks like we're addressing a vertical well that is
22 near one of the proposed horizontal wells that's in
23 the Yeso formation as well. Is that kind of what we
24 were trying to address?

25 THE HEARING EXAMINER: Well,

1 Mr. Rose-Coss just raised the question generally about
2 the Yeso formation, about that that was sort of a
3 sensitive area for potential interaction between
4 horizontal and existing vertical wells, and wanted to
5 make sure that this proponent had, you know, taken
6 that into account and considered the existing vertical
7 wells.

8 It wasn't any specific, you know, well
9 or issue there. It was just more of a general, we
10 know there are vertical wells here. You know, have
11 you really considered potentials of drilling nearby?
12 So that's what the more recent filing from Silverback,
13 I believe, is intended to address.

14 Correct, Mr. Savage?

15 MR. SAVAGE: That's correct. Those
16 were general concerns that, Mr. McClure, as you may
17 have noted, a number of parties today have addressed
18 those general concerns in various ways.

19 Our review is specific to the units
20 that we proposed. It looks like all the concerns are
21 accounted for, and the risks are minimal, if
22 nonexistent, it looks like, based on the review of
23 that testimony.

24 MR. MCCLURE: I was going to say, based
25 off of what I'm reading here, it looks like they did

1 essentially address how you laid out, Mr. Brancard.
2 It looks like they are providing us with details on
3 how they go about their frac programs and how they
4 ensure safety from surrounding wells.

5 They do address that there is a
6 vertical well near one of their proposed horizontal
7 wells, as I just laid out earlier. But it looks like
8 they plan on plugging it prior to drilling the
9 horizontal well.

10 So based off of the little bit of
11 understanding I have, I think that they've likely
12 addressed Mr. Rose-Coss's concerns, long, rambling
13 answer short

14 THE HEARING EXAMINER: Ms. Thompson,
15 any concerns on your part or questions?

16 MS. THOMPSON: No, I think Mr. McClure
17 answered it, so.

18 THE HEARING EXAMINER: All right. And
19 so we'll just open it up once again. Any other
20 persons with questions or comments on case 23315?

21 Hearing none. The supplemental
22 exhibits will be admitted into the record, and case
23 23315 will be taken under advisement.

24 (Exhibit A2 was received into
25 evidence.)

1 MR. SAVAGE: Thank you.

2 THE HEARING EXAMINER: Thank you.

3 Okay. With that, I believe we are
4 ready for case 23359. Dakota Resources.

5 MR. BRUCE: Mr. Examiner, Jim Bruce
6 representing Dakota Resources.

7 THE HEARING EXAMINER: Thank you.

8 Are there any other interested persons
9 for case 23359?

10 Hearing none. Dakota may proceed.

11 MR. BRUCE: Mr. Examiner, in this case,
12 Dakota seeks approval of the Baldridge State Unit Area
13 and exploratory unit covering south half of
14 Section 16, all of Section 17, and all of Section 18
15 in 24 South, 25 East.

16 Exhibit 1 is the application and
17 proposed ad.

18 (Exhibit 1 was marked for
19 identification.)

20 Exhibit 2 is the self-affirm statement
21 of Mark Hoffman [ph], the landman. He has not
22 previously testified. But paragraph 1 contains his
23 basic information regarding his experience as a
24 landman in the oil and gas business. And unless there
25 is an objection, I would move that he be admitted as

1 an expert petroleum landman.

2 (Exhibit 2 was marked for
3 identification.)

4 THE HEARING EXAMINER: Hearing no
5 objections, so admitted.

6 MR. BRUCE: Mark Hoffman [ph] and the
7 following, the geologist, work for PetroQuest Oil and
8 Gas [ph], but they're working with Dakota Resources to
9 approve this unit.

10 Attached as Exhibit 1A is the letter
11 submitted to the State Land Office -- it's all State
12 land -- requesting preliminary approval of the unit
13 agreement. It includes a copy of the proposed unit
14 agreement, which covers all depths, although, the
15 primary resources being looked at are Bone Spring and
16 Wolfcamp. It also contains the geologic write-up
17 submitted to the State Land Office for purposes of
18 obtaining preliminary approval, which I'll get to in a
19 minute.

20 (Exhibit 1A was marked for
21 identification.)

22 And I did intend to have for initial
23 unit well a C-102, which should be available here in a
24 week. And I will get that to you. And I'll get back
25 to the initial unit well in a minute.

1 But as you can see from attachment from
2 Exhibit 1C, the State Land Office has given final
3 approval to the unit. However, final approval is
4 based on approval by the Division itself. The Land
5 Office always defers to the Division to give approval
6 to a State unit.

7 (Exhibit 1C was marked for
8 identification.)

9 Exhibit 3 is the affidavit of Jeremy
10 Kelley [ph], the geologist for PetroQuest, again,
11 working with Dakota. And it contains his education
12 and work experience. He has not previously testified.
13 But I think he is qualified as an expert petroleum
14 geologist, and I would submit him as the same.

15 (Exhibit 3 was marked for
16 identification.)

17 THE HEARING EXAMINER: Hearing no
18 objections, so accepted.

19 MR. BRUCE: Now, his exhibit is
20 contained in Exhibit 1A, is the submittal to the State
21 Land Office. But he does discuss in his affidavit the
22 potential production in this area, which has not been
23 heavily developed for Bone Spring and Wolfcamp, but he
24 believes there is geological potential in this area.

25 And we would request approval to

1 develop this area in a reasonable and prudent manner.
2 Like I said, I did not have a C-102. But if you look
3 at the end of Exhibit 1A, which contains the
4 geological write-up, it does show the potential for
5 two unit wells. And as I said, I will get the C-102
6 for the initial one.

7 They are only -- despite the length of
8 the unit or the width of the unit, the initial wells
9 are more or less test wells. They're going to drill
10 down to the Wolfcamp to test the zones, and then they
11 are going to drill only an 80-acre one-half-mile
12 unit -- or I should say, I suppose, a one-mile unit.

13 But the potential of this area for Bone
14 Spring and Wolfcamp production -- and feasible, but
15 this is kind of a rarefied atmosphere over here. And
16 as a result, Dakota requests approval of the unit
17 agreement by the Division.

18 And there's only one last point. And I
19 know the Division hates to hear this. And I'm going
20 to ask not for expedited approval, as such, on this
21 application, but the Land Office's approval of the
22 unit agreement is conditioned upon approval by the
23 Division.

24 And the leases in this proposed unit
25 area are set to expire May 1 of this year. So we

1 would really appreciate an order from the Division
2 approving the unit agreement before May 1 so that the
3 approval requirements of the State Land Office have
4 been met and the leases won't expire.

5 So with that -- and I have one final
6 thing I would note, is that notice was not given to
7 anyone because this is a voluntary unit, and number
8 two, because there is only one working interest owner
9 in the unit, which is Dakota Resources and the State
10 Land Office, which is the majority royalty -- well,
11 the sole royalty interest owner in this area has
12 approved the unit.

13 So with that, I would request that
14 Exhibits 1 through 3 be admitted into the record and
15 that this case be taken under advisement.

16 THE HEARING EXAMINER: Thank you.

17 I'll start with Mr. McClure. Any
18 questions?

19 MR. MCCLURE: Yes, Mr. Brancard, I do
20 have a few questions.

21 Mr. Bruce, you'd referenced that the
22 intent is for this exploratory unit to cover the
23 entire interval? The only reason I ask is 'cause
24 there is reference in here to unitized interval being
25 between the depth of 5500 feet and 10,161 feet as

1 located at the Lamb Chop 17 State Com 1 [ph] or --

2 MR. BRUCE: Maybe I misspoke, then. I
3 apologize. Because the two -- and that's fine.
4 Whatever the unit agreement says, the unit agreement
5 says. The two zones being investigated in this unit
6 are the Bone Spring and the Wolfcamp. So if I didn't
7 read the fine print finely enough, that's what it is.

8 MR. MCCLURE: Okay. I was just -- I
9 was just checking to make sure I wasn't
10 misunderstanding something here.

11 MR. BRUCE: Yeah, I think you're right.

12 MR. MCCLURE: As far as the legal
13 description for the -- I don't want to call it
14 defining well -- but for the economic -- the
15 determination well, is there a legal description
16 somewhere, or is that just the depiction for the south
17 half of the south half of Section 16? Is that what
18 the plan is?

19 MR. BRUCE: That's why I said I will
20 get the C-102 for the well. I mean, I'm sure this is
21 accurate. But the C-102 hadn't been prepared by
22 Tuesday. And I'm supposed to get that in the next few
23 days. And I will submit that into the record so that
24 you will have the exact legal description, surface
25 location, bottom hole, et cetera.

1 MR. MCCLURE: Okay. That -- that is
2 fine. The -- the only reason I bring it up is if
3 you'd had a legal description within the -- within the
4 exhibit, then we wouldn't necessarily need the C-102.
5 But if you're going to supplement the record with a
6 C-102, that -- that would be plenty fine.

7 And then that was also within the
8 Wolfcamp, correct, is the plan for that?

9 MR. BRUCE: And I will verify that. I
10 think the well is being drilled vertically deep enough
11 to test the Wolfcamp. The actual first well bore
12 completion may be in the Third Bone Spring.

13 MR. MCCLURE: Oh, okay.

14 MR. BRUCE: See, if you look at the
15 unit agreement, it says, the well shall be drilled to
16 a depth sufficient to test the Wolfcamp at about 9100
17 feet subsurface. But the actual completion, that's
18 what I've been told, would be in the Bone Spring.

19 But when I get the C-102, I will verify
20 that and submit that.

21 MR. MCCLURE: Okay. I understand what
22 we're saying. So essentially, we're just running a
23 vertical down to the Wolfcamp and then coming back up
24 and kicking off and -- and bleeding it into the Bone
25 Spring for the first well, then, is the plan, to your

1 understanding, then?

2 MR. BRUCE: Correct.

3 MR. MCCLURE: Okay. That also -- that
4 also kind of leads into my next question that I
5 couldn't -- wasn't quite sure what the story was with.
6 Is the next blank, I guess, is filled in on that
7 paragraph 8 of the unit agreement where it says, they
8 shall not be required to drill to a depth in excess of
9 9100 feet.

10 I guess I wasn't sure exactly what the
11 story was there because within a later -- within a
12 later testimony, they have the target interval for the
13 Wolfcamp as being as deep as 9300 feet, I believe. So
14 I wasn't quite sure why that was 9100 feet there.

15 Is the thought process that they're
16 just going to drill in the top of it since it's a
17 vertical well anyway, or?

18 MR. BRUCE: Well, it means it will be
19 drilled to a depth in excess of 9100 feet. So you
20 know, they might go down to 9300 feet.

21 MR. MCCLURE: Oh, I thought it said not
22 in excess of. The unit operator shall not in any
23 event be required to drill said well to a depth in
24 excess of 9100 feet.

25 MR. BRUCE: Well, not required, but --

1 MR. MCCLURE: But they might intend to
2 is what you're getting at?

3 MR. BRUCE: Yeah.

4 MR. MCCLURE: Okay. But if they're
5 planning on completing it in the Bone Spring, then I
6 guess this depth makes sense.

7 I was just a little bit confused
8 because it seems like in the letter from the State
9 Land Office, they almost seem like -- like the plan
10 was to initially test -- or originally to develop the
11 Wolfcamp first and then to develop the Bone Spring.

12 MR. BRUCE: Then I will --

13 MR. MCCLURE: So maybe something has
14 changed since. Go ahead. I'm sorry, Mr. Bruce.

15 MR. BRUCE: No, I said I understand. I
16 will verify that when I get the C-102.

17 MR. MCCLURE: Okay. Yeah, I was going
18 to say I don't know it's necessarily a huge deal for
19 us. It's just a matter of, I guess, having all
20 findings and facts straight as to what the economic
21 well is essentially planning to be.

22 I guess, are you aware of whether the
23 intent is -- I want to say -- oh, I'm not quite sure.
24 I was going to say, are you aware of whether the
25 intent is for the participating area to include the

1 entirety of the unit initially?

2 MR. BRUCE: Mr. Examiner, under a State
3 unit agreement -- areas so that all of the leases in
4 the unit area will share in production from day one.

5 MR. MCCLURE: Okay. Okay. And see,
6 and I was -- I was kind of thinking that may be the
7 case. I just didn't want to, you know -- if they say
8 that for sure, I wasn't sure if all State units was
9 that way. But essentially, that's your understanding
10 is, until they go to later, if needed, reduce the
11 boundaries of this, the -- the plan is for all owners
12 within the entire unit to share in revenue,
13 essentially?

14 MR. BRUCE: Yeah. PAs are mainly for
15 federal units.

16 MR. MCCLURE: Correct, correct. Yeah,
17 yeah. I don't -- yeah, I don't know if the State even
18 uses the terminology for that or if they really have
19 them, per se. Those federal exploratory units, I
20 guess, is what we end up dealing with more often,
21 these here lately, I guess.

22 MR. BRUCE: Yeah. Go look at the
23 Big Eddy [ph] unit.

24 Anything else?

25 MR. MCCLURE: I'm sitting here looking.

1 I think -- I think that may have been the main things
2 that I was wanting to ask. I think -- I think that
3 was what I had questions on.

4 Do you want me to go over, maybe, what
5 I'm wanting after we're -- after we're done,
6 Mr. Brancard, or do you want me to summarize, kind of,
7 maybe what I'm looking for right now?

8 THE HEARING EXAMINER: No, let's get
9 into details.

10 MR. MCCLURE: Okay. I guess
11 just -- just to confirm, so your intent is to go ahead
12 and submit us a C-102 for the -- for the initial well;
13 correct?

14 Okay. I guess in addition to that, you
15 were going to double check and confirm what the plan
16 was. And I guess as a part of that, just confirm what
17 the initial formation is and then what the follow-up
18 formation is going to be and whether this letter from
19 the State Land Office seems to be correct dated
20 February 23rd referencing that the Wolfcamp would be
21 first and the Bone Spring would be second.

22 I think those are really --

23 MR. BRUCE: Okay.

24 MR. MCCLURE: I'm sorry -- I'm sorry,
25 Mr. Bruce. Go ahead.

1 MR. BRUCE: I just said okay. I
2 understand.

3 MR. MCCLURE: Okay. Yeah, I think
4 those were the only two things, actually, that I think
5 I'd like to see is maybe just a small statement just
6 confirming what their plan is along with the C-102.

7 MR. BRUCE: Yeah. We'll do that.

8 MR. MCCLURE: Okay. Thank -- thank
9 you, Mr. Bruce.

10 Mr. Brancard, I didn't have any other
11 questions. I'm not quite sure what the requirement is
12 on notice for these. But I guess I -- I don't have
13 any direct questions for the applicant at this point
14 anymore.

15 THE HEARING EXAMINER: Ms. Thompson,
16 any questions?

17 MS. THOMPSON: I have no questions.
18 Thank you.

19 THE HEARING EXAMINER: Thank you.

20 Mr. Bruce, I'm looking at this page 25.
21 I think this is addressing what Mr. McClure was
22 talking about. It says, the initial test well will be
23 the Wolfcamp B well, and then the second test well
24 will be Third Bone Spring.

25 MR. BRUCE: Okay, Mr. Examiner. And

1 the attorney is always the last to know, Mr. Examiner.
2 And I was told that the first well was going to be a
3 Third Bone Spring and then the second one would be a
4 Wolfcamp. But I will verify that.

5 And obviously, like Mr. McClure pointed
6 out, the agreement said they're going to drill the
7 Wolfcamp. So I will verify that. And I will submit
8 additional information to the Division.

9 THE HEARING EXAMINER: All right.
10 Well, if this development plan is what it is, just say
11 yes, there it is.

12 MR. BRUCE: Yeah.

13 THE HEARING EXAMINER: Okay. And these
14 test wells -- I may have missed your earlier
15 discussion -- these are vertical wells?

16 MR. BRUCE: No, no, no, no. It's going
17 to be a one-mile lateral. It's going to be fairly
18 short int today's world. But like I said, this area
19 has not been really developed horizontally for either
20 Bone Spring or Wolfcamp. And so the first wells are
21 almost going to be kind of test wells to see what's
22 going on.

23 THE HEARING EXAMINER: So if it pans
24 out, they may drill longer laterals?

25 MR. BRUCE: Yeah.

1 THE HEARING EXAMINER: Okay. I was
2 just looking at a map, and it seems like your about, I
3 don't know, a mile or two north of Carlsbad Caverns.
4 Maybe that's one reason why nobody is drilling around
5 there.

6 MR. BRUCE: Oh, yeah. That is correct.
7 And the State Land Office is well aware of that. And
8 they're still allowing it to move forward.

9 THE HEARING EXAMINER: Okay.

10 MR. BRUCE: So if the Carlsbad Caverns
11 collapse, I guess I'm liable.

12 THE HEARING EXAMINER: We know who to
13 find.

14 MR. BRUCE: Yeah, they are nearby. I
15 agree.

16 THE HEARING EXAMINER: Yeah.

17 MR. BRUCE: Anytime you get near Whites
18 City, you're near the caverns.

19 THE HEARING EXAMINER: All right. So
20 if you can work with Mr. McClure on getting him the
21 information he needs. Because I think Mr. McClure
22 might be the one working on an order for one of these
23 units.

24 Is that correct?

25 MR. MCCLURE: Yeah, that -- that would

1 be absolutely correct, Mr. Brancard. And I mean,
2 if -- if we're satisfied with saying that what's in
3 this application is absolutely correct, then, you
4 know -- then -- then I think just the C-102 would be
5 fine.

6 It's just whether Mr. Bruce is, you
7 know, prepared to, you know, say that at this point.
8 I'm fine. Or if you want supplemental information,
9 that's good too. We just need to see something on it.

10 MR. BRUCE: I will try to verify the
11 correct information from my client.

12 MR. MCCLURE: Very good.

13 THE HEARING EXAMINER: Yes. And so
14 making Mr. McClure happy is important if you want to
15 get your order out in a short time.

16 MR. BRUCE: But what about me,
17 Mr. Examiner, you know?

18 THE HEARING EXAMINER: Well, I assume
19 if you get an order quickly, you will be happy.

20 MR. BRUCE: I will be, yes.

21 THE HEARING EXAMINER: All right. Is
22 there any other persons here today wishing to offer
23 any comments, questions on case 23359?

24 Hearing none. The exhibits will be
25 admitted into the record and case 23359 will be taken

1 under advisement subject to providing the information
2 on the drilling plan and the C-102, and anything else
3 Mr. McClure can think of. Thank you.

4 (Exhibit 1 through Exhibit 3 were
5 received into evidence.)

6 MR. BRUCE: Thank you, Mr. Examiner.

7 THE HEARING EXAMINER: All right. So
8 we have one more item today, case 23339. Goodnight
9 Midstream Permian.

10 MR. RANKIN: Good afternoon,
11 Mr. Examiner. May it please the Division. Adam
12 Rankin appearing on behalf of Goodnight Midstream in
13 this case with the Santa Fe office of Holland & Hart.

14 THE HEARING EXAMINER: All right.

15 Do we have an entry of appearance from
16 Empire New Mexico?

17 I see Mr. Padilla on the screen.

18 All right. Well, so here's what we're
19 going to do, Mr. Rankin, you're going to attempt to
20 explain to me why I shouldn't just dismiss this case
21 right out of the bat for lack of jurisdiction.

22 But I do believe we don't really have
23 the authority to issue an order in response to your
24 application. You know, it's essentially a compliance
25 case. And that's the Division's discretion.

1 Now, what I thought is that if nobody
2 objects -- and doesn't seem to be anybody here to
3 object -- that if you want to put on your case and
4 provide the information, you know, for the benefit of
5 the Division in case the Division director decides to
6 go ahead with an enforcement case, we will let you do
7 so.

8 MR. RANKIN: Well, I understand,
9 Mr. Examiner. I understand the discretion issue.
10 Although, I don't know that there is discretion in
11 this case because the regulation says, "shall."

12 But with that, I think that some of
13 what we have to say today may be helpful. And I think
14 it may be worth spending a little bit of time on it.
15 I do not want to belabor our position. I think it's
16 probably pretty well understood.

17 And if I may request the Division's
18 willingness to entertain our presentation, then I
19 would ask that we be able to go forward today.

20 THE HEARING EXAMINER: Seeing nobody
21 objecting, please do.

22 MR. RANKIN: Mr. Examiner, if it's okay
23 with you, I think it may be helpful, again, just to
24 have a little context and put some tone to what we're
25 seeking here and why we're doing it with a short

1 opening.

2 And I'll go ahead and proceed if that's
3 okay. And that is, in this case, Mr. Examiner,
4 Goodnight is asking the Division to require Empire to
5 provide confirmation on the construction and
6 completion status of its well, the EMSU number 462
7 well.

8 The well was drilled and completed as a
9 water supply well in the San Andres Aquifer a number
10 of years ago. Then, after being approved by the
11 Division, it was later converted to a producing oil
12 and gas well that was completed in the shallower
13 Grayburg formation.

14 The Division's regulations require
15 operators to file a completion report and supporting
16 documentation confirming that the well completion or
17 recompletion work was done. If such a filing is not
18 made, under the Division's regulation, the Division is
19 required by the Division's mandatory regulation to
20 withhold the allowable for the well.

21 The Division's files contain no such
22 confirmation or records. And Empire has now provided
23 a sworn statement that it itself does not have any
24 such records in its own files. Therefore, we believe
25 it's appropriate to require them to make this

1 confirmation.

2 Now, Goodnight is not doing this to be
3 vindictive, to punish Empire. We're simply doing this
4 because Goodnight has a pending saltwater disposal
5 well application that's nearly almost exactly one-half
6 mile away just within the UIC area of review. That's
7 in case number 22626, which was heard in the fall of
8 2022.

9 And we understand based on the
10 presentation in that case and the response from the
11 Division that the Division will not approve
12 Goodnight's saltwater disposal well at its proposed
13 location until it has confirmation on Empire's well
14 status, that the well has been completed and has been
15 plugged back from the target injection zone in the
16 San Andres as proposed in the Division's files.

17 Now, the production data from the EMSU
18 462 clearly reflects that the well was converted from
19 a water-producing well and plugged back from the
20 San Andres and is now an oil production well in the
21 Grayburg.

22 Goodnight here just wants Empire, as
23 operator of the well, to confirm to the Division that
24 the well was plugged back from the San Andres as the
25 rules require. That's it.

1 We think the appropriate way to do that
2 is to file a C-105 well completion report as the rules
3 provide. But whatever means the Division is willing
4 to accept would be acceptable to Goodnight as long as
5 the Division will accept -- as long as whatever Empire
6 provides is acceptable to the Division, you know, is
7 find with Goodnight.

8 Now, we think it's appropriate that
9 they provide demonstration and proof of the
10 recompletion. But whatever is acceptable to the
11 Division is good enough for us.

12 Finally, what's at stake here is not
13 simply Goodnight's ability to inject produced water
14 into its single disposal well as pending in the case I
15 mentioned. What's at stake, really, is New Mexico's
16 long-term prudent and sustainable disposal of produced
17 water in geologic zones with proven capacity that will
18 not also increase the risk of induced seismicity.

19 The San Andres zone here is a massively
20 depleted aquifer. It's an ideal target for produced
21 water disposal. And the only thing that's holding up
22 this application that will enable Goodnight to dispose
23 of significant volumes of produced water is the fact
24 that this well does not have a confirmed completion
25 status.

1 But we would ask, after you hear the
2 case before you today, that the Division go ahead and
3 grant this application or grant it in a manner that
4 achieves the same ends, which is to confirm the
5 completion and construction status of that well and
6 allow Goodnight to proceed with its saltwater
7 injection in the related case.

8 With that, Mr. Examiner, we have one
9 witness to present today, Mr. Steven Drake, who has
10 previously testified. And I would ask that we be
11 allowed to walk through his testimony with you at this
12 time.

13 Mr. Drake, will you please state your
14 full name for the record?

15 THE HEARING EXAMINER: Let me swear in
16 Mr. Drake.

17 MR. RANKIN: Oh, yeah. Thank you.

18 THE HEARING EXAMINER: Our video seems
19 to not be working.

20 Mr. Drake, will you raise your right
21 hand?

22 //

23 //

24 //

25 //

1 WHEREUPON,
2 STEVEN DRAKE,
3 called as a witness, and having been first duly sworn
4 to tell the truth, the whole truth, and nothing but
5 the truth, was examined and testified as follows:

6 THE HEARING EXAMINER: Thank you.
7 Please proceed.

8 MR. RANKIN: Thank you.

9 DIRECT EXAMINATION

10 BY MR. RANKIN:

11 Q Mr. Drake, you've already stated your name
12 for the record. Will you please tell us by whom
13 you're employed?

14 A Goodnight Midstream, LLC.

15 Q And in what capacity?

16 A I'm the vice president of geology and
17 reservoir engineering.

18 Q Have you previously testified before the
19 Division?

20 A I have.

21 Q And have your credentials as an expert in
22 petroleum geology and reservoir engineering been
23 accepted by the Division as a matter of record?

24 A Yes.

25 Q And you're familiar with the application

1 that was filed in this case and in the related case
2 22626?

3 A Yes.

4 Q Have you undertaken an analysis of Empire's
5 EMSU number 462 well that is at issue in this case?

6 A Yes, I have.

7 Q And are you prepared to give testimony on
8 your analysis today?

9 A Yes.

10 MR. RANKIN: Mr. Examiner, at this
11 time, I would retender Mr. Drake as an expert in
12 petroleum geology and reservoir engineering.

13 THE HEARING EXAMINER: Hearing no
14 objections, so accepted.

15 BY MR. RANKIN:

16 Q Mr. Drake, will you just explain what it is
17 that Goodnight is seeking with this application and
18 explain briefly why it is that you're asking for the
19 Division to take this action?

20 A We want the Division to issue an order
21 requiring Empire to confirm the status and
22 construction of the EMSU number 462 well. If Empire
23 refuses, we want the Division to withhold the
24 allowable for the EMSU 462 as the Division's
25 regulations require.

1 Q Can you explain a little bit why it is that
2 Goodnight Midstream is asking for this and why it
3 cares about the construction status and completion
4 status of that well?

5 A It's our understanding that the confirmation
6 of the construction status of the EMSU affects the
7 Division's ability to determine Goodnight's
8 application to inject in our proposed well, Piazza SWD
9 number 1 [ph], which is currently pending case 22626.

10 During the hearing in that case, Division
11 technical examiner Gats [ph] informed us that the
12 Division's well file for this 462 was incomplete. The
13 well file shows that the previous operator had
14 proposed a plug-back and recompleate from the
15 San Andres Aquifer to the Grayburg oil. But there's
16 no document in there that says the work was actually
17 done.

18 MR. RANKIN: And so at this time,
19 Mr. Examiner, I referenced this in our prehearing
20 statement, but I would ask that the entire record in
21 case number 22626 be incorporated here and that the
22 Division take administrative notice of that record
23 simply so we don't have to retry the entire -- you
24 know, or a substantial portions of that case by way of
25 explanation.

1 THE HEARING EXAMINER: We will take
2 notice of the record.

3 MR. RANKIN: Thank you, Mr. Examiner.

4 BY MR. RANKIN:

5 Q Mr. Drake, I'm going to share my screen here
6 real quickly. And I'm going to just ask you, if you
7 would, to please walk us through what's been marked as
8 Exhibit Number 1, just explaining to the examiners
9 what this exhibit is.

10 (Exhibit 1 was marked for
11 identification.)

12 And then with you, I will, with your
13 guidance, will walk through -- oh, let me see. I
14 haven't hit "share" yet. Sorry.

15 Here it comes. Let me know when you can see
16 that on your screen.

17 A Yes, I can.

18 Q Okay. What is this document?

19 A It is from the well file of the 462, and it
20 shows the proposed work that would be done in order to
21 convert the well.

22 Q And tell me a little bit more about what was
23 proposed here. How was the well originally
24 constructed, and what was the proposal?

25 A The well was drilled to 4325, 8 5/8 casing

1 was run to that depth, then the well was drilled out
2 to a total depth of 5,000 feet, and then it functioned
3 from 4325 to 5,000 feet as an open hole water supply
4 well in the San Andres formation.

5 In 2011, this proposal was sent in for
6 approval where they would run 5 1/2 casing inside the
7 8 5/8 with a bridge plug at the TD of the original
8 casing, cement on top of that, circulate the 5 1/2
9 back to surface, and seal off the open hole. They
10 would then perforate the Grayburg from 3794 to 3900
11 and produce oil and gas in the Grayburg interval.

12 Q And if I flip through these pages, this well
13 file, this portion of the well file shows the location
14 of the well in the C-102 plat, as well as the current
15 status of the well, identifying the well information
16 and then the completion status.

17 A That's correct.

18 Q And it identifies that the objective is to
19 convert it from a water supply well to a Grayburg oil
20 producer. Is that correct?

21 A Yes. It's stated in -- exactly.

22 Q And then this next section on the page shows
23 their detail procedure, that they've proposed to
24 undertake the completion of this well into the
25 Grayburg?

1 A Right. Which is what I described just a few
2 moments ago.

3 Q And then just so I understand, Mr. Drake, if
4 that procedure had been done, would the San Andres
5 then be sealed off from the Grayburg if that procedure
6 had been undertaken?

7 A Yes, it would.

8 Q Next page here within the exhibit, is this
9 an image of the status of the well prior to the
10 recompletion?

11 A It is. It shows the casing depth at 4325,
12 the open hole down to 5,000 feet, and then the other
13 shallower casing runs.

14 Q Okay. And then this next image of the well
15 is the proposed manner in which the recompletion or
16 the completion into the Grayburg would be conducted?

17 A Yes. We see the plug inside the 8 5/8. We
18 see the perforations above the plug. And we see that
19 the San Andres would be isolated below the plug.

20 Q Is there anything else on this exhibit,
21 Mr. Drake, that you would like to point out to the
22 examiners at this time?

23 A I think no. I think that we've covered the
24 pre and post-construction of the well.

25 Q Okay. Now, I understand, Mr. Drake, that

1 while this was filed with the Division by the previous
2 operator, a subsequent filing was not made or there's
3 no record of it in the Division's well file that this
4 work was actually done. Is that correct?

5 A That is correct.

6 Q Has Empire confirmed to you and to the
7 Division, Mr. Drake, that they themselves have no
8 documentation or records reflecting that this work was
9 actually ever done?

10 A Yes, that's correct. They've told us that
11 they have no records.

12 Q And they did so as a sworn statement;
13 correct?

14 A Yes.

15 Q And is that sworn statement marked as
16 Exhibit Number 2 in this case?

17 (Exhibit 2 was marked for
18 identification.)

19 A It is.

20 Q Now, Mr. Drake, will you explain to us why
21 it matters both to Goodnight Midstream and to the
22 Division? Why does it matter that there is no
23 confirmation of this work having been done in the
24 Division's well file?

25 A Well, it's our understanding that the

1 Division will not approve a disposal well if there is
2 a well within a half mile that may be open in the
3 injection zone.

4 Because the EMSU is -- is within a half
5 mile, we feel like that's the hurdle that -- our way
6 to moving forward with a salt water disposal permit
7 for injection into the San Andres Aquifer, and that we
8 would not have an opportunity to pursue that permit
9 until this paperwork is filed.

10 Q Looking at what's been marked as Goodnight
11 Exhibit 3, is this -- let me skip through that.
12 Explain to us what this map shows and what the
13 markings are on this map and what they represent.

14 (Goodnight Exhibit 3 was marked for
15 identification.)

16 A The red circle is the half-mile AOR, area of
17 review. At the very center of the circle is the 462
18 where your cursor is now positioned. And then if you
19 move east southeast, you see a symbol that is our
20 Piazza [ph] well right at the perimeter of the circle.
21 We are 58 feet inside the area of review.

22 Q And just to be clear, I guess the area of
23 review, I guess, is the half mile around the
24 Piazza [ph]. But this is an area of review around the
25 EMSU well. But it shows nevertheless that you're

1 within a half mile of the EMSU --

2 A You're correct. No, you're absolutely
3 correct.

4 Q Okay. And so you're just under 60 feet away
5 from being a half mile outside of that area?

6 A Yes.

7 Q And does Goodnight Midstream have some
8 flexibility on the ground for where it locates the
9 Piazza SWD [ph] so it can be more than a half mile
10 away from the EMSU number 462?

11 A Yes. We can move the well location 59 feet
12 to the, you know, east southeast or south southeast,
13 you know, and be outside the half-mile area of review.

14 Q Why not just go ahead and do that? Why not
15 amend your pending application and move your location
16 to be outside of that area of review?

17 A We would amend our application and C-108,
18 update the area of review analysis, and potentially
19 send new notices to any affected parties. We can do
20 that. But it only makes sense to go through the cost
21 and trouble if we have confirmation from the -- from
22 the Division that an updated location one-half mile
23 away would be acceptable.

24 Q And so far, we don't know one way or the
25 other. We have no guidance from the Division about

1 what distance would be acceptable?

2 A No, we do not.

3 Q So given that, we don't have that
4 confirmation, and it's unknown to us what distance
5 would be acceptable. At this point, Goodnight has no
6 choice but to proceed to try to resolve this issue
7 with this EMSU number 462 well. Is that correct?

8 A Yes, it's correct.

9 Q Okay. So now, setting aside the missing
10 paperwork in the Division's well file for this number
11 462 well, had you analyzed the information publicly
12 available on the EMSU number 462 and come to a
13 conclusion yourself about whether or not this
14 completion work was actually ever done?

15 A Yes, I have.

16 Q Mr. Drake, looking at this next
17 exhibit -- it's small -- I will zoom in as necessary
18 to each feature. But if you would, just give us an
19 overview of what is on this exhibit, what's on this
20 page, and what does it show. And then we'll zoom in
21 to the elements that you'll be discussing.

22 A Okay. On the left is a column of numbers,
23 and that is the production history from the online OCD
24 web base data set that shows the exact production
25 histories for the 462. The log header for the well is

1 shown in the bottom center and then an identifying
2 title block on the -- on the lower right.

3 There is a chart in the upper right. The
4 left part of that chart is the time period when the
5 well was completed as a water supply well. There is
6 an inactive period in the middle. And then there is
7 the Grayburg production on the right.

8 Q Okay. So maybe, Mr. Drake, let's start with
9 the data on the left-hand side of this exhibit. Just
10 at a high level. I'm going to scroll through it. And
11 you just tell me what this shows.

12 A First of all, the data set begins in 1994.
13 The well as a water supply well begins in 1987. So
14 there are six years or so which we do not have in this
15 chart. But during those six years, the well was a
16 water supply well, and it was producing water at
17 similar rates that we see on the right. We've
18 confirmed that by digging into the old files.

19 And in case 08397, we were able to find
20 water production for this well for the years 1987,
21 '88, and '89. And they are reported monthly in that
22 record. So we do know that it was an active water
23 supply well at similar rates back in 1987 through 1994
24 even though the public records now start in 1994.

25 Q Okay. So then taking into account those

1 earlier records and up through 1994, what does this
2 production history show?

3 A Well, during the period of time that it was
4 a water supply well, it produced very large amounts of
5 water at very consistent rates over a long period of
6 time. The average was 19,700 barrels of water per day
7 for nearly a decade.

8 Q And so if I -- as I scroll this record, it
9 demonstrates that that water production rate was
10 fairly consistent, as you stated, up until
11 approximately what time?

12 A Somewhere in the end of the first quarter,
13 beginning second quarter 1998, they pretty much
14 stopped using the well. The water wasn't required
15 anymore.

16 Q And that's reflected here in the production
17 history where, essentially, water production turns
18 off.

19 A Yeah. And it goes dormant.

20 Q Okay. As I go through the next years, what
21 does the rest of this production history show? What
22 happens?

23 A They do turn the well on and off a few
24 times. You'll notice there that March or April of
25 2002, they're right back at 603,000 barrels a month,

1 which is 19,000 barrels a day. So the well is capable
2 of moving that kind of water when they need it to even
3 though it sat there dormant for years.

4 Q So off and on, they turn this water supply
5 well on for a period of time through the early 2000s.
6 And then what happens around the beginning of 2014?

7 A Well, we saw that they filed the
8 recompletion plan in 2011, supplemented it in 2012.
9 It looks like they did the work sometime before
10 February of 2014 because now the well is making oil,
11 gas, a small amount of water with about a 94 to
12 98 percent water cut.

13 The daily oil rate is -- started out around
14 14 barrels a day and gradually declined to seven. The
15 gas started around 10 Mcf and declined to about four.
16 And the water is holding in pretty constant at about
17 700 barrels a day.

18 Q And so I'm going to zoom over here,
19 Mr. Drake, just to this chart so we can see. I think
20 the chart may be a good way --

21 A It's a long ways up there.

22 Q It is a long ways up there.

23 So that maybe you can give us -- just, you
24 know, summarize what the data shows and explain why,
25 based on this data, you believe the status of the well

1 suggests that it was plugged back from the San Andres
2 and is now completed as an oil well in the Grayburg.

3 A Well, what we see in the chart -- well,
4 first of all, remind everyone that the chart starts in
5 '94, but the well starts in '87. The black at the
6 bottom shows the number of days in a month that the
7 well was active. And so we look over to the
8 right-hand scale, we see the number 30. So pretty
9 much, when we're drawing a horizontal line with the
10 black, the well is on all the time.

11 So up here, we see that, when the well is on
12 all the time, we're moving about 19,700 barrels a day
13 of water and that it's every day. The aquifer is
14 capable of replenishing itself. We do not see a
15 decline in the energy that's available to deliver
16 water to the well bore. And of course, that makes a
17 great water supply well. It's a huge aquifer.

18 Then when we see no data, the well is not in
19 use. They can kick it back on, and we're right back
20 up to 19,000 barrels a day for one month there in
21 about 2002. By the time we get to 2004, they don't
22 use the well anymore. They don't need it, okay. And
23 the well sits there, dormant.

24 Along comes the application to recomplete in
25 '12, '13. The work is -- looks like the work was done

1 such that the well was put on production in 2014. And
2 then what we see is the beginning of a decline. So
3 this is a depletion drive reservoir now. We do not
4 have an aquifer in communication with this well.

5 You can see that the red line is gradually
6 encroaching on the green line. Red is gas. Green is
7 oil. So that means the GOR is going up. That means
8 it's a depletion drive reservoir now. It is not an
9 aquifer. And the aquifer drive index for this would
10 be very low.

11 When we look at the water, we cut off 19,700
12 barrels of water a day. Which, we no longer see those
13 rates and pressures. And we're actually seeing the
14 water decline. Well, that's a depletion reservoir.

15 The water-oil ratio stays relatively
16 constant. So there is no water being replaced into
17 that reservoir. And we see that the well is being
18 operated 30 days a month. So it's on.

19 I see those as incompatible. There's no way
20 you have a 19,000 barrel a day aquifer open to this
21 well bore anymore --

22 Q And then --

23 A -- years of production.

24 Q I'm sorry. I didn't mean to interrupt you.
25 Say what you just said, because I think I blocked it

1 out.

2 A I was going to say that there is ten years
3 of production, which I think is sufficient to show
4 separation.

5 Q And just to reiterate, of course, there's no
6 oil or gas production during the time frame in which
7 it was open to the San Andres?

8 A That is correct.

9 Q And once that work was proposed to be done
10 and, ostensibly, was done, you see a dramatic
11 decrease, as exemplified here in this logarithmic
12 scale, and the decrease in water production?

13 A Yes.

14 Q Okay. Now, is it your opinion, Mr. Drake,
15 based on this change, this character change in
16 production beginning in 2014 that the well was
17 actually and effectively plugged back from the
18 San Andres and is now producing oil from the Grayburg?

19 A Yes. Goodnight considers the change in
20 production to be physical evidence that the work was
21 completed. The San Andres water supply well
22 production history matches the historical data set for
23 other San Andres water supply wells. And the Grayburg
24 production history matches the historical data set for
25 other Grayburg wells.

1 Q Is the plugging back from the San Andres,
2 the isolation of the San Andres, and the completion in
3 the Grayburg, in your opinion, the only explanation
4 for this change in the character of production from
5 this well?

6 A Yes.

7 Q And based on this production history, is it
8 your opinion that you can affirmatively state that the
9 EMSU number 462 is now effectively isolated from the
10 San Andres formation within the Grayburg?

11 A In the first place, we did not flag the 462
12 as being a problem well because the production data
13 showed us that the work had been done.

14 Q Now, I just want to make clear, Mr. Drake,
15 that not only does this well reflect that there's no
16 oil production from the San Andres, but within this
17 area, is there any well that is actively or has ever
18 produced oil from the San Andres formation?

19 A I have not found a San Andres well that
20 produces oil from the UIC-defined San Andres water
21 supply aquifer. The water injection interval does not
22 produce oil.

23 Now, there are a large number of wells in
24 the area that use the hyphenated name
25 Grayburg-San Andres. And they do produce oil from the

1 Grayburg. They are not the same interval as the UIC
2 injection zones below. They are separated by a
3 barrier, and they are not in communication with each
4 other even though they share the name San Andres.

5 Q So sometimes, we see wells pop up, producing
6 wells that are completed in the San Andres. But
7 they're just not in this area. This regional area
8 does not include a productive area for hydrocarbons in
9 the San Andres. Is that right?

10 A That's right.

11 Q Okay. Now, is it possible, in your opinion,
12 that the EMSU 462 well remains open to the San Andres?

13 A In my opinion, I do not believe it is
14 possible. I believe that the production history and
15 the character of the production and the change in
16 production indicates that the work was done.

17 Q Now, do you also have some
18 supplemental -- or let me see -- corroborating
19 evidence from some other wells in the area that you
20 have looked at to confirm, in your opinion, that this
21 well is isolated from the San Andres now?

22 A Yes. Yeah. Goodnight operates three
23 saltwater disposal wells in Section 17, which is a
24 diagonal offset to Section 9. In Section 17, we
25 operate the Rhino [ph], the Sosa [ph], and the

1 Dawson [ph]. The Rhino [ph] would be closest to the
2 462 location. It is 4,100 feet to the southwest of
3 the 462.

4 Our Rhino [ph] well has injected
5 11.8 million barrels of water into the San Andres with
6 absolutely no indication that -- that the 462 was
7 affected or was in communication with the San Andres
8 in any way. It's unlikely that it remains open in the
9 San Andres with these large volumes of water.

10 And then I would also add, we do fluid level
11 measurements in our wells. And right now, the
12 Dawson [ph], the Rhino [ph], and the Sosa [ph] fluid
13 stands about 1100 feet below surface. We see that
14 that's common across the three wells.

15 I could make the assumption that, if we did
16 a fluid level while the 462 was completed in the
17 San Andres, we would also see water standing at 1100
18 feet. And if it was, then the Grayburg perms would be
19 2,000 feet below the water level, and they would have
20 2,000 feet of water above them. You would have
21 to -- your pump would have to pull that water down.

22 And to pump 2,000 feet of water off and then
23 produce oil, your water rate would be way above 700
24 barrels a day. I mean, I just don't see this as
25 the -- the physics don't add up for those two zones to

1 be open.

2 Q Now, the fact of this analysis here, in your
3 opinion, presents very compelling evidence that this
4 work was actually done, okay. But your understanding
5 is that, nevertheless, the Division is still requiring
6 confirmation from Empire of some kind that the well
7 construction actually has been performed as it was
8 proposed. Is that your understanding?

9 A Our understanding is that the Division has
10 placed this as a hurdle and that that requirement of
11 confirmation is an absolute.

12 Q Now, you've worked in New Mexico for how
13 many years?

14 A I've worked in New Mexico on projects over a
15 27-year period.

16 Q And in that time, have you seen or are you
17 familiar with Goodnight's regulatory filings in
18 New Mexico including APDs?

19 A Yes.

20 Q And has the company had to make changes to
21 the construction or design of its wells or recomplete
22 any of its wells in New Mexico in that time frame?

23 A Yes.

24 Q And when you've had to do that, has it also
25 had to file for approval with the Division before

1 doing so?

2 A Yes.

3 Q And then after the work is done, you're
4 required to file subsequent reports confirming that
5 the changes or recompletions were actually performed
6 as proposed or as the Division rules require?

7 A Yes.

8 Q And so it's your understanding that the
9 Division regulations require operators to submit well
10 completion reports, a C-105, as they're known,
11 confirming that the approved recompletion work was
12 actually performed?

13 A Yes.

14 Q And the regulation you rely on for that, is
15 that marked and identified in Exhibit Number 5?

16 (Exhibit 5 was marked for
17 identification.)

18 A Yes. Yes, the -- the regulation that
19 requires that is 19.15.7.16(a) of the NMAC.

20 Q And your understanding is simply just that
21 this regulation would require the operator of the well
22 to provide confirmation to the Division that its work
23 was done as proposed?

24 A That is correct, yes.

25 Q Now, given the fact that the production

1 history of this well strongly indicates that the
2 recompletion work was done as proposed, and based on
3 your experience with Goodnight Midstream, would you
4 expect the Division also to require Empire as the
5 operator of this well now to submit a well completion
6 report?

7 A Yes. You know, even though it's been a
8 number of years and it's a different operator, Empire
9 is the current operator of the EMSU. And they hold
10 the responsibility for it.

11 It -- it either has the paperwork or
12 documentation to confirm that the work was done, or
13 because they control the well, they can run the
14 necessary tests to confirm that the
15 construction -- what the construction status is.

16 Q Mr. Drake, what kind of tests could be run
17 to do that?

18 A Well, I think the simplest approach would be
19 to pull the pump and use a sinker bar to tag bottom.
20 That would provide a depth for the top of the cement
21 and the cast iron bridge plug that was used to plug
22 the well back.

23 Q And that all would be enough for the
24 Division to confirm that the well was plugged back and
25 isolates the San Andres?

1 A I would say yes.

2 Q In conjunction with the production history,
3 the character of the production, and the change in
4 production over time?

5 A Well, we know the production changed. This
6 is just a physical measurement to -- you know, to show
7 that the plug is there.

8 Q Right. Now, explain, Mr. Drake, why, in
9 your opinion, it's important for this confirmation to
10 be made even though it's a number of years after the
11 fact?

12 A Well it's important for a regulated industry
13 to be able to rely on the Division well records. You
14 know, we struggle and we do pieces and parts
15 sometimes, particularly with the really old wells.
16 It's extremely helpful to have complete records.

17 And it's important for Goodnight in this
18 case. But down the road, you know, there will be
19 others after us who want to understand the history
20 and -- and the completion of these wells.

21 Q Now, looking at the bigger picture here,
22 Mr. Drake -- and I mentioned this in my opening -- but
23 I want you to explain a little bit more about how this
24 particular case and the confirmation of the status of
25 this well will have a broader impact, potentially, on

1 oil and gas production generally in Southeastern
2 New Mexico.

3 A The oil and gas industry in New Mexico is
4 currently facing a significant challenge managing its
5 volumes of produced water. There's high competition
6 for injection permits. And reservoir capacity in the
7 Devonian formation is relatively limited. And there's
8 significant concerns regarding induced seismicity.

9 The San Andres formation, which is the
10 target of our proposed Piazza SWD [ph] will be
11 disposing of produced water into a depleted aquifer
12 and can substantially accept large volumes of produced
13 for a long time.

14 The Piazza [ph] is going to be on an SUA
15 that is 1500, 1700 acres. This is a large property
16 for us. It is our future. And we want to be able to
17 move forward with developing it.

18 Assuming the EMSU 462 was recompleted as
19 proposed and Empire confirms that work is done, we'd
20 be able to drill and operate our Piazza SWD [ph],
21 which will provide needed additional produced water
22 capacity for the industry.

23 Q Mr. Drake, you mentioned an acronym SUA.
24 What does that stand for?

25 A Surface use agreement, which allows us to

1 have the right to inject into saline aquifers.

2 Q In your opinion, then, Mr. Drake, would the
3 approval of this application and the requirement of
4 Empire to confirm the status of its EMSU number 462
5 well promote the prevention of waste and the
6 protection of correlative rights, generally, in
7 Southeastern New Mexico?

8 A Yes.

9 Q Mr. Drake, were Exhibits 1 through 5
10 prepared by you or compiled under your direction or
11 supervision, or do they comprise or constitute
12 Goodnight business records?

13 A Yes, they do.

14 MR. RANKIN: Mr. Examiner, at this
15 time, I would move the admission of Exhibits 1 through
16 5 into the record.

17 THE HEARING EXAMINER: So admitted.
18 (Exhibit 1 through Exhibit 5 were
19 received into evidence.)

20 MR. RANKIN: Thank you, Mr. Examiner.
21 I have no further questions and pass Mr. Drake for
22 questioning by the examiners. And I appreciate the
23 opportunity to put our case forward.

24 THE HEARING EXAMINER: Thank you.

25 We'll start with Mr. McClure. Any

1 questions?

2 MR. MCCLURE: Mr. Brancard, I have no
3 questions at this time.

4 THE HEARING EXAMINER: Ms. Thompson,
5 any questions?

6 MS. THOMPSON: I have no questions at
7 this time.

8 CROSS-EXAMINATION

9 BY THE HEARING EXAMINER:

10 Q So maybe the witness can just elaborate a
11 bit on this test that you were talking about, dropping
12 a sinker bar I think was what it was called. Is this
13 a long duration test? Is it an expensive test?
14 That's two questions. Sorry.

15 A It is, actually. You would have to remove
16 your pump, and you would have to pull the rods,
17 assuming it's equipped with a rod pump. You would
18 then lower a weighted object -- it's basically quite a
19 few pounds -- on a cable and from winch truck with a
20 measured reel of wire.

21 And it would be released until it touched
22 bottom. The number of feet that pass through a meter
23 would tell you how far it was to bottom. And now you
24 would know the depth of the plug in the well if there
25 is one.

1 Q So how long would this take? Or I guess
2 more importantly, how long would it curtail production
3 from the well?

4 A It could -- I don't know exactly because I
5 am not a mechanical engineer. And I want to be
6 careful that I'm telling you theoretically the things
7 that I'm aware of and not exactly how many bolts to
8 turn and which -- you know.

9 So my guess is that pulling the pump is a
10 day-long process if not more. So a one-to-two-day
11 process to pull a pump. And then it would be a few
12 hours to hook everything up and run the sinker bar to
13 bottom and then to bring it back out of the well. At
14 that point, you would then start reassembling your
15 pump. So my best guess here is that this would be a
16 two-to-five day process.

17 Q It doesn't sound like it's very complicated
18 technology, but it would seem like the labor costs
19 would be the more significant cost in doing this?

20 A I agree.

21 Q So you'd need a crew and probably a
22 contractor, maybe, to do this?

23 A You would need a roustabout to pull the
24 pump. And you would want experts in that field. And
25 then you would have a vendor who provides the sinker

1 bar wire measurement service. And then the
2 reassembly.

3 THE HEARING EXAMINER: Thank you. I
4 have no further questions.

5 Much of this testimony, it seems to be,
6 is perhaps even more relevant to 22626. And so I will
7 discuss this with our examiners as they are, I
8 believe, getting kind of close to coming up with an
9 order in that case.

10 MR. RANKIN: Mr. Examiner, I was just
11 going to say I don't have any re-direct or further
12 questions of Mr. Drake.

13 THE HEARING EXAMINER: If you could
14 just sort of, Counsel, quickly summarize what it is
15 you'd like to see from the Division from this
16 application?

17 MR. RANKIN: Mr. Examiner, to the
18 extent that the Division is unable to proceed to
19 approve Goodnight's pending application for its Piazza
20 SWD [ph] in case number 22626, we would ask that the
21 Division issue an order requiring Empire in this case
22 to confirm the status of its EMSU number 462 well and
23 the completion.

24 And if Empire can do so, you know, by
25 submitting a statement or a certified, you know, C-105

1 form, or subsequent report, sundry, C-103 that would
2 be acceptable to the Division and allow for
3 Goodnight's application to inject to proceed.

4 What we're asking for here is simply
5 for the Division to take action in any manner that
6 would allow for Goodnight's application in the related
7 case to go forward.

8 And so, you know, again, to reiterate,
9 we're not seeking to be vindictive. We're not seeking
10 to be punitive towards Empire at all. Simply, it's an
11 important element to Goodnight's business and ability
12 to proceed with this injection in this related well
13 and in the area generally. So we want to make sure
14 that Goodnight and other operators are not impeded by
15 that and the condition of this well.

16 THE HEARING EXAMINER: Thank you. You
17 have filed this as a separate case, but would you have
18 any objections to the Division on its own
19 consolidating this case with 22626?

20 MR. RANKIN: I would have no
21 objections, Mr. Examiner.

22 THE HEARING EXAMINER: Okay. Now,
23 whether we will -- but it might prove useful in being
24 able to combine the records, those two cases.

25 MR. RANKIN: Yeah.

1 THE HEARING EXAMINER: All right.
2 Thank you.

3 Any further comments or questions from
4 our examiners or audience?

5 I'm sorry, Mr. Rankin.

6 MR. RANKIN: One thing I forgot to
7 mention, Mr. Examiner -- and I think it's actually one
8 of the things that you guys care most about -- is the
9 notice. And while it was filed, Mr. Examiner, I'll
10 just make a quick statement, if that's okay, for the
11 record.

12 That you'll see in your exhibit packets
13 that we did submit that there is an Exhibit 6, which
14 is an affidavit that was prepared by myself and our
15 office reflecting that we did provide notice by
16 certified mail to Empire at the address of record, on
17 the Division record, and also served Mr. Padilla who
18 is representing Empire a copy of the application when
19 it was filed as well as the prehearing statement when
20 it was filed last week.

21 (Exhibit 6 was marked for
22 identification.)

23 And you'll see that the status of the
24 tracking history shows that it wasn't -- at least
25 according to the United States Postal Service -- was

1 apparently still out for receipt. But we did go as
2 far as we could to make sure that they were aware of
3 the application and provided them service through
4 their counsel.

5 So with that, Mr. Examiner, I would ask
6 that Exhibits 1 through 6 be accepted into the record.

7 THE HEARING EXAMINER: To the extent
8 that we haven't already accepted the exhibits, we will
9 do so now.

10 (Exhibit 6 was received into evidence.)

11 Once again, I'll ask our technical
12 examiners if there's any questions or follow-up at
13 this point.

14 MR. MCCLURE: I don't -- I don't have
15 any follow-up, Mr. Brancard.

16 MS. THOMPSON: I have no questions.

17 THE HEARING EXAMINER: All right.
18 Thank you.

19 Well, with that, I guess we will say
20 this case is taken under advisement.

21 MR. RANKIN: Thank you, Mr. Examiner.
22 I appreciate the opportunity. And y'all have a good
23 day.

24 THE HEARING EXAMINER: Thank you.

25 MR. MCCLURE: Can we get the hearing

1 closed out now, Bill, or?

2 THE HEARING EXAMINER: I think we are
3 done for today. Thank you very much.

4 I have no idea why my video is no
5 longer working, but.

6 MR. MCCLURE: Yeah, it's showing brown
7 and gray for some reason.

8 THE HEARING EXAMINER: Yeah. On my
9 side, it's just black. So I don't know.

10 Thank you, all. Appreciate all your
11 help today.

12 MR. MCCLURE: Yeah. Thank you.

13 (Whereupon, at 3:55 p.m., the
14 proceeding was concluded.)

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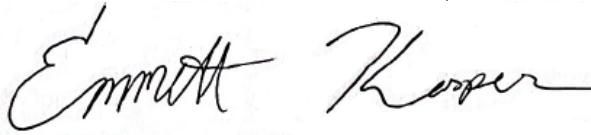
Danae Fulton

Notary Public in and for the
State of Missouri

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ability; that I am neither counsel for, related to,
nor employed by any of the parties to the action in
which this was taken; and, further, that I am not a
relative or employee of any counsel or attorney
employed by the parties hereto, nor financially or
otherwise interested in the outcome of this action.



EMMETT KASPER

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