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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 DOCKET NO.
CALLED BY THE OIL CONSERVATION 07-23 OCD
DIVISION FOR THE PURPOSE OF
CONSIDERING:

APPLICATION OF MATADOR CASE NO.
PRODUCTION COMPANY FOR 21683, 21685
COMPULSORY POOLING, LEA COUNTY,
NEW MEXICO.

AMENDED APPLICATION OF MATADOR CASE NO.
PRODUCTION COMPANY FOR 22103-22104
COMPULSORY POOLING, LEA COUNTY,
NEW MEXICO.

APPLICATION OF E.G.L. RESOURCES, CASE NO.
INC, FOR COMPULSORY POOLING IN 22083-22084
LEA COUNTY, NEW MEXICO.

1 APPLICATION OF MEWBOURNE OIL CASE NO.
2 COMPANY TO REVOKE OR MODIFY THE 23042
3 INJECTION AUTHORITY GRANTED
4 UNDER ORDER NO. R-10139 FOR THE
5 STATE MA COM NO. 1 OPERATED BY
6 ENDEAVOR ENERGY RESOURCES, LP,
7 EDDY COUNTY, NEW MEXICO.

8
9 APPLICATION OF XTO ENERGY INC. CASE NO.
10 FOR APPROVAL OF A NON-STANDARD 23425
11 WELL LOCATION, LEA COUNTY,
12 NEW MEXICO.

13
14 APPLICATION OF BTA OIL CASE NO.
15 PRODUCERS, LLC TO RESCIND 23426
16 APPROVAL OF FOUR APPLICATIONS
17 FOR PERMITS TO DRILL ISSUED TO
18 TEXAS STANDARD OPERATING NM LLC,
19 LEA COUNTY, NEW MEXICO.

20
21 APPLICATION OF CIMAREX ENERGY CASE NO.
22 CO. FOR A HORIZONTAL SPACING 23448-23455
23 AND PRORATION UNIT AND
24 COMPULSORY POOLING, LEA COUNTY,
25 NEW MEXICO.

1 APPLICATION OF MEWBOURNE OIL CASE NO.
2 COMPANY FOR COMPULSORY POOLING, 22161-22164
3 LEA COUNTY, NEW MEXICO.

4
5 APPLICATION OF MEWBOURNE OIL CASE NO.
6 COMPANY FOR COMPULSORY POOLING, 22423-22426
7 EDDY COUNTY AND LEA COUNTY,
8 NEW MEXICO.

9
10 APPLICATION OF V-F PETROLEUM, CASE NO.
11 INC. FOR COMPULSORY POOLING AND 23254-23255
12 APPROVAL OF A NON-STANDARD
13 SPACING UNIT, EDDY COUNTY,
14 NEW MEXICO.

15
16 APPLICATION OF COG OPERATING LLC CASE NO.
17 FOR COMPULSORY POOLING, EDDY 23303-23304
18 COUNTY, NEW MEXICO.

19
20 APPLICATION OF MARATHON OIL CASE NO.
21 PERMIAN LLC FOR COMPULSORY 23348
22 POOLING, EDDY COUNTY,
23 NEW MEXICO.

24
25

1	APPLICATION OF CIMAREX ENERGY	CASE NO.
2	CO. TO AMEND ORDER NO. R-22198	23379
3	FOR A ONE-YEAR EXTENSION OF THE	
4	WELL COMMENCEMENT DEADLINE,	
5	EDDY COUNTY, NEW MEXICO.	
6		
7	APPLICATION OF MRC PERMIAN	CASE NO.
8	COMPANY FOR APPROVAL OF AN	23367
9	OVERLAPPING HORIZONTAL WELL	
10	SPACING UNIT AND COMPULSORY	
11	POOLING, EDDY COUNTY,	
12	NEW MEXICO.	
13		
14	APPLICATION OF MEWBOURNE OIL	CASE NO.
15	COMPANY FOR COMPULSORY POOLING,	23397-23398
16	EDDY COUNTY, NEW MEXICO.	
17		
18	APPLICATION OF LEGACY RESERVES	CASE NO.
19	OPERATING LP FOR A HORIZONTAL	23403-23404
20	SPACING UNIT AND COMPULSORY	
21	POOLING, EDDY COUNTY,	
22	NEW MEXICO.	
23		
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1 APPLICATION OF STEWARD ENERGY CASE NO.
2 II, LLC FOR COMPULSORY POOLING, 23413
3 LEA COUNTY, NEW MEXICO.
4
5 APPLICATION OF COLGATE CASE NO.
6 OPERATING, LLC TO POOL 23421-23423
7 ADDITIONAL INTERESTS UNDER
8 ORDER NO. R-22179, EDDY COUNTY,
9 NEW MEXICO.
10
11 APPLICATION OF SILVERBACK CASE NO.
12 OPERATING II, LLC FOR 23424
13 COMPULSORY POOLING, EDDY COUNTY,
14 NEW MEXICO.
15
16 APPLICATION OF MRC PERMIAN CASE NO.
17 COMPANY FOR APPROVAL OF AN 23417-23418
18 OVERLAPPING HORIZONTAL WELL
19 SPACING UNIT AND COMPULSORY
20 POOLING, LEA COUNTY, NEW MEXICO.
21
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1	APPLICATION OF OXY USA INC. FOR	CASE NO.
2	APPROVAL OF A 1,279.16-ACRE	23428-23429
3	NON-STANDARD HORIZONTAL WELL	
4	SPACING UNIT AND COMPULSORY	
5	POOLING, LEA COUNTY, NEW MEXICO.	
6		
7	APPLICATION OF MEWBOURNE OIL	CASE NO.
8	COMPANY TO AMEND ORDER NO.	23405
9	R-22069, LEA COUNTY, NEW MEXICO.	
10		
11	APPLICATION OF MEWBOURNE OIL	CASE NO.
12	COMPANY FOR COMPULSORY POOLING,	23406-23407,
13	EDDY COUNTY, NEW MEXICO.	23419-23420
14		
15	APPLICATION OF MEWBOURNE OIL	CASE NO.
16	COMPANY FOR COMPULSORY POOLING	23409
17	AND APPROVAL OF A NON-STANDARD	
18	SPACING AND PRORATION UNIT,	
19	LEA COUNTY, NEW MEXICO.	
20		
21	APPLICATION OF MEWBOURNE OIL	CASE NO.
22	COMPANY FOR COMPULSORY POOLING	23445-23446
23	AND APPROVAL OF UNORTHODOX WELL	
24	LOCATIONS, EDDY COUNTY,	
25	NEW MEXICO.	

1	APPLICATION OF MEWBOURNE OIL	CASE NO.
2	COMPANY FOR COMPULSORY POOLING	23447
3	AND APPROVAL OF A NON-STANDARD	
4	SPACING AND PRORATION UNIT,	
5	EDDY COUNTY, NEW MEXICO.	
6		
7	APPLICATION OF WHIPTAIL	CASE NO.
8	MIDSTREAM LLC FOR A HEARING ON	22782
9	AND APPROVAL OF ITS REMEDIATION	
10	AND CLOSURE PLAN, APPLICATION ID	
11	NO. 61609, INCIDENT ID NO.	
12	NAPP2125652492, RIO ARRIBA	
13	COUNTY, NEW MEXICO.	
14		
15	APPLICATION OF HILCORP ENERGY	CASE NO.
16	COMPANY TO AMEND ORDER NO.	23438
17	R-10385, SAN JUAN COUNTY,	
18	NEW MEXICO.	
19		
20	APPLICATION OF ARMSTRONG ENERGY	CASE NO.
21	CORPORATION FOR SPECIAL POOL	23393
22	RULES AND REGULATIONS FOR THE	
23	REEVES; DEVONIAN POOL, LEA	
24	COUNTY, NEW MEXICO.	
25		

1 APPLICATION OF OXY USA INC. TO CASE NO.
2 AMEND ORDER NO. R-22101 TO 23427
3 EXPAND THE APPROVED CLOSED LOOP
4 GAS CAPTURE INJECTION PILOT
5 PROJECT AREA, ADD ADDITIONAL
6 INJECTION WELLS, INCREASE THE
7 MAXIMUM ALLOWABLE SURFACE
8 INJECTION PRESSURE, EXTEND THE
9 PILOT PROJECT FOR TWO YEARS,
10 AND DISMISS ORDER NO. R-22102,
11 LEA COUNTY, NEW MEXICO.

12

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VIDEOCONFERENCE HEARING

14

DATE: Thursday, April 6, 2023

15

TIME: 9:16 a.m.

16

BEFORE: Hearing Examiner Bill Brancard

17

Technical Examiner John Garcia

18

Technical Examiner John Harrison

19

Technical Examiner Dean McClure

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LOCATION: Remote Proceeding

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Santa Fe, NM 87501

22

REPORTED BY: Dana Fulton, Notary Public

23

JOB NO.: 5528859

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A P P E A R A N C E S

ALSO PRESENT:

Marlene Salvidrez, Host

Adam Rankin, Participant

Earnest Padilla, Participant

James Parrot, Participant

Darin Savage, Participant

Sharon Shaheen, Participant

Deana Bennett, Participant

Jackie McLean, Participant

Jim Bruce, Participant

Beth Ryan, Participant

Paula Vance, Participant

Ben Holliday, Participant

Jesse Tremaine, Participant

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I N D E X

WITNESSES:	DX	CX	RDX	RCX
STEPHEN JANACEK				
By Mr. Rankin	208			
JARED ROUNTREE				
By Mr. Rankin	283			

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E X H I B I T S

NO.	DESCRIPTION	ID/EVD
Mewbourne Oil Company (Cases 22423, 22424, 22425 and 22426):		
Exhibit 1	Unknown	44/
Exhibit 2	Unknown	44/
Exhibit 3	Affidavit of Charles Crosby	44/
Exhibit 4	Affidavit of Notice	44/
Exhibit 5	Affidavits of Publication	44/
(Exhibits retained by counsel.)		

NO.	DESCRIPTION	ID/EVD
V-F Petroleum, Inc. (Cases 23254 and 23255)		
Exhibit A	Land Professional's Testimony	
	And Related Land Exhibits	53/57
Exhibit B	Geology Testimony and	
	Exhibits	53/57
Exhibit C	Self-Affirmed Statement of	
	Dana Hardy	53/57
(Exhibits retained by counsel.)		

1	NO.	DESCRIPTION	ID/EVD
2	COG Operating LLC (Cases 23303 and 23304)		
3	Exhibit A	Land Professional's Testimony	
4		And Related Land Exhibits	62/66
5	Exhibit B	Geology Testimony and	
6		Exhibits of Andrew Fletcher	62/66
7	Exhibit C	Notice Testimony	62/66
8		(Exhibits retained by counsel.)	
9			
10	NO.	DESCRIPTION	ID/EVD
11	Marathon Oil Permian LLC (Case 23348)		
12	Exhibit A	Compulsory Pooling Checklist	72/76
13	Exhibit B	Declaration of Farley Duvall	72/76
14	Exhibit C	Declaration of Greg	
15		Buratowski	72/76
16		(Exhibits retained by counsel.)	
17			
18	NO.	DESCRIPTION	ID/EVD
19	Cimarex Energy Co. (Case 23379)		
20	Exhibit A	Hearing Notice	79/80
21	Exhibit B	Declaration of John Coffman	79/80
22		(Exhibits retained by counsel.)	
23			
24			
25			

1	NO.	DESCRIPTION	ID/EVD
2	MRC Permian Company (Case 23367)		
3	Exhibit A	Copy of Application	83/85
4	Exhibit B	Compulsory Pooling Checklist	83/85
5	Exhibit C	Affidavit of Hanna Bollenbach	83/85
6	Exhibit D	Affidavit of Dan Brugioni	83/85
7	Exhibit E	Self-Affirmed Statement of	
8		Notice	83/85
9	Exhibit F	Affidavit of Notice of	
10		Publication	83/85
11	(Exhibits retained by counsel.)		

13	NO.	DESCRIPTION	ID/EVD
14	Mewbourne Oil Company (Cases 23397 and 23398)		
15	Exhibit A	Self-Affirmed Statement of	
16		Tyler Jolly	89/95
17	Exhibit B	Self-Affirmed Statement of	
18		Tyler Hill	89/95
19	Exhibit C	Self-Affirmed Statement of	
20		Notice	89/95
21	Exhibit D	Affidavit of Notice of	
22		Publication	89/95
23	(Exhibits retained by counsel.)		

NO.	DESCRIPTION	ID/EVD
	Legacy Reserves Operating LP (Cases 23403 and 23404)	
Exhibit A	Pooling Checklist	100/102
Exhibit B	Applications	100/102
Exhibit C	Affidavit of Taylor Thoreson	100/102
Exhibit D	Affidavit of John Stewart	100/102
Exhibit E	Notice Affidavit	100/102
Exhibit F	Affidavit of Publication	100/102
	(Exhibits retained by counsel.)	

NO.	DESCRIPTION	ID/EVD
	Steward Energy II, LLC (Case 23413)	
Exhibit A	Land Professional's Testimony	105/109
Exhibit B	Geology Testimony of Shane	
	Seals	105/109
Exhibit C	Notice Testimony	105/109
	(Exhibits retained by counsel.)	

NO.	DESCRIPTION	ID/EVD
	Colgate Operating, LLC (Cases 23421, 23422, and 23423)	
Exhibit A	Land Professional's Testimony	112/116
Exhibit B	Notice Testimony	112/116
	(Exhibits retained by counsel.)	

1	NO.	DESCRIPTION	ID/EVD
2		Silverback Operating II, LLC (Case 23424)	
3	Exhibit A	Self-Affirmed Statement Larry	
4		Coshow	122/126
5	Exhibit B	Self-Affirmed Statement of	
6		Nathaniel Gilbertson	122/126
7	Exhibit C	Self-Affirmed Statement of	
8		Notice	122/126
9		(Exhibits retained by counsel.)	
10			
11	NO.	DESCRIPTION	ID/EVD
12		MRC Permian Company (Cases 23417 and 23418)	
13	Exhibit A	Copy of Applications	130/132
14	Exhibit B	Compulsory Pooling Checklist	130/132
15	Exhibit C	Affidavit of David Johns	130/132
16	Exhibit D	Affidavit of Blake Herber	130/132
17	Exhibit E	Self-Affirmed Statement of	
18		Notice	130/132
19	Exhibit F	Affidavit of Notice of	
20		Publication	130/132
21		(Exhibits retained by counsel.)	
22			
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1	NO.	DESCRIPTION	ID/EVD
2	OXY USA Inc. (Cases 23428, 23429)		
3	Exhibit A	Application Checklists	141/148
4	Exhibit B	Copy of Application	141/148
5	Exhibit C	Self-Affirmed Statement of	
6		Amber Delach [ph]	141/148
7	Exhibit D	Self-Affirmed Statement of	
8		Daniel Burnett	141/148
9	Exhibit E	Affidavit of Ms. Chaka [ph]	141/148
10	Exhibit F	Affidavit of Notice of	
11		Publication	141/148
12	Exhibit G	Affidavit of Notice	141/148
13	(Exhibits retained by counsel.)		

15	NO.	DESCRIPTION	ID/EVD
16	Mewbourne Oil Company (Case 23405):		
17	Exhibit 1	Application and Proposed	
18		Notice	152/153
19	Exhibit 2	Affidavit of Brad Dunn	152/153
20	Exhibit 3	Affidavit of Notice	152/153
21	Exhibit 4	Affidavits of Publication	152/153
22	(Exhibits retained by counsel.)		

1	NO.	DESCRIPTION	ID/EVD
2	Mewbourne Oil Company (Case 23406):		
3	Exhibit 1	Pooling Application and	
4		Notice	156/157
5	Exhibit 2	Affidavit of Brad Dunn	156/157
6	Exhibit 3	Affidavit of Tyler Hill	156/157
7	Exhibit 4	Affidavit of Notice	156/157
8	Exhibit 5	Affidavit of Publication	156/157
9	(Exhibits retained by counsel.)		

10

11	NO.	DESCRIPTION	ID/EVD
12	Mewbourne Oil Company (Case 23409):		
13	Exhibit 1	Application and Proposed OCD	
14		Notice	162/163
15	Exhibit 2	Affidavit of Landman	162/163
16	Exhibit 3	Affidavit of Jordan Carroll	162/163
17	Exhibit 4	Affidavit of Notice	162/163
18	Exhibit 5	Affidavit of Publication	162/163
19	(Exhibits retained by counsel.)		

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1 NO. DESCRIPTION ID/EVD
2 Mewbourne Oil Company (Cases 23419 and 23420):
3 Exhibit 1 Application and Proposed
4 Notice 166/170
5 Exhibit 2 Affidavit of Mitch Robb 166/170
6 Exhibit 3 Affidavit of Charles Crosby 166/170
7 Exhibit 4 Affidavit of Notice 166/170
8 Exhibit 5 Affidavit of Publication 166/170
9 (Exhibits retained by counsel.)

10
11 NO. DESCRIPTION ID/EVD
12 Mewbourne Oil Company (Cases 23445 and 23446):
13 Exhibit 1 Application and Proposed
14 Notice 177/179
15 Exhibit 2 Affidavit of Landman 177/179
16 Exhibit 3 Affidavit of Geologist 177/179
17 Exhibit 4 Affidavit of Notice 177/179
18 Exhibit 5 Affidavit of Publication 177/179
19 (Exhibits retained by counsel.)
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1	NO.	DESCRIPTION	ID/EVD
2	Mewbourne Oil Company (Case 23447):		
3	Exhibit 1	Application and Proposed	
4		Notice	182/184
5	Exhibit 2	Affidavit of Landman	182/184
6	Exhibit 3	Affidavit of Charles Crosby	182/184
7	Exhibit 4	Affidavit of Notice	182/184
8	Exhibit 5	Affidavit of Publication	182/184
9	(Exhibits retained by counsel.)		

10

11	NO.	DESCRIPTION	ID/EVD
12	Armstrong Energy Corporation (Case 23393):		
13	Exhibit A	Testimony of Kyle Alpers	194/205
14	Exhibit B	Testimony of Kelsey Garner	194/205
15	Exhibit C	Notice Testimony	194/205
16	(Exhibits retained by counsel.)		

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NO.	DESCRIPTION	ID/EVD
OXY USA Inc. (Case 23427):		
Exhibit A	Application	261/262
Exhibit B	Revised Exhibit A for Amended	
	Division Order	261/262
Exhibit C	Affidavit of Reservoir	
	Engineer	297/298
Exhibit D	Affidavit of Notice	297/298
Exhibit E	Affidavit of Publication	297/298
(Exhibits retained by counsel.)		

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P R O C E E D I N G S

THE HEARING EXAMINER: It is Thursday, April 6, 2023. These are the hearings of the New Mexico Oil Conservation Division of the Energy, Minerals and Natural Resources Department. I am your hearing examiner, Bill Brancard. With me are technical examiners John Garcia and John Harris -- Harrison. Sorry.

As always, we have a court reporter. So please speak clearly and slowly. We have a pretty decent agenda today.

I will note that we're having a little bit of problems accessing our permitting system. So if you filed something overnight, well, I guess too bad. Well, at least we won't see it. So you'll have to let us know about it.

The worksheet for today is up on the website. I believe there are 58 cases listed. We'll start off with a bunch of status conferences and then we'll have a number of cases that had pre-hearing orders, but appear to be now affidavit cases, and then we'll end with a few interesting cases.

So with that, I'm ready to go. Any announcements, Mr. Garcia?

THE TECHNICAL EXAMINER GARCIA: I don't

1 have any.

2 THE HEARING EXAMINER: Thank you. All
3 right. With that, I will call items one through six
4 on the worksheet. These are cases 21683, 21685,
5 22103, 22104, 22083, 22084. Let's start with entries
6 from Matador Production Company.

7 MR. RANKIN: Good morning,
8 Mr. Examiner. May it please the Division -- and this
9 is Adam Rankin appearing on behalf of the applicant in
10 the Matador cases with the Santa Fe office of Holland
11 & Hart.

12 THE HEARING EXAMINER: Thank you. Good
13 morning. EGL Resources or Earthstone or whatever.

14 MR. PADILLA: Mr. Examiner, Earnest L.
15 Padilla for Earthstone Operating.

16 THE HEARING EXAMINER: Thank you. And
17 we may have some other entries here. How about XTO
18 Energy?

19 MR. RANKIN: That may -- Mr. Examiner,
20 I am sorry. I -- that may have been us, but I'll have
21 to double check real quick. If you go to the next
22 group, I'll confirm with you.

23 THE HEARING EXAMINER: All right. EOG
24 Resources.

25 MR. PARROT: Good morning. This is

1 James Parrot with Beatty & Wozniak representing EOG.

2 THE HEARING EXAMINER: Thank you. And
3 then I have Cimarex Energy.

4 MR. SAVAGE: Good morning,
5 Mr. Examiner. Darin Savage with the Santa Fe office
6 of Abadie & Schill on behalf of Cimarex Energy
7 Company, and that's in cases 22083 and 22084.

8 THE HEARING EXAMINER: Thank you. So
9 we had -- I believe we had a motion for a continuance
10 in this matter to a set another status conference, but
11 I just wanted to have everybody gather here because
12 these cases are more than two years old. So just like
13 to check up on where we are. So we'll start with
14 Matador.

15 MR. RANKIN: Good morning,
16 Mr. Examiner. We did not enter appearance on behalf
17 of XTO. That was Hinkle. Hinkle, I believe, also
18 subsequently withdrew.

19 In this case, Earthstone and Matador
20 have been in ongoing discussions to resolve their
21 disputes or their competing proposals and have been in
22 trade discussions. My understanding from my side is
23 that the parties are under a letter agreement now for
24 a trade and they plan to close on that trade after
25 resolving some additional diligence issues.

1 And then once the trade closes, then
2 they will -- some of these cases will go away. And I
3 believe Matador's cases will remain, assuming they
4 resolve their differences as they expect and the
5 Matador cases will go forward.

6 THE HEARING EXAMINER: Thank you. And
7 what was your request for?

8 MR. RANKIN: Mr. Examiner, I believe we
9 moved to continue the cases for one month, I believe.

10 THE HEARING EXAMINER: Have a May 4th
11 or May 18th. What were you looking for?

12 MR. RANKIN: I believe -- maybe before
13 I speak out of turn, I'll make sure that that is what
14 we asked for.

15 MS. SALVIDREZ: It's May 4th.

16 MR. RANKIN: Thank you, Marlene.

17 THE HEARING EXAMINER: All right. So a
18 status conference on May 4th?

19 MR. RANKIN: Yes, Mr. Examiner.

20 THE HEARING EXAMINER: All right. Any
21 objections? Hearing none, then these six cases will
22 have a status conference on May 4th and we'll issue a
23 piece of paper.

24 MR. PADILLA: Mr. Examiner, I may add I
25 agree with Mr. Rankin. But yesterday, I was

1 instructed to dismiss the Money Penny applications
2 because they're confident that the deal is going to
3 close. So the continuance would probably just be fine
4 and in the meantime, when that trade closes, we can
5 dismiss.

6 THE HEARING EXAMINER: Thank you,
7 Mr. Padilla. Sounds like some progress. All right.
8 With that, these cases are set for a status conference
9 on May 4th. Okay. We're on item number seven, case
10 23042. Mewbourne Oil Company.

11 MR. RANKIN: Mr. Examiner. Good
12 morning. May it please the Division, Adam Rankin
13 appearing on behalf of the applicant in this case with
14 the Santa Fe office of Holland & Hart.

15 THE HEARING EXAMINER: Endeavor Energy
16 Resources?

17 MS. SHAHEEN: Good morning,
18 Hearing -- Mr. Hearing Examiner. Sharon Shaheen on
19 behalf of Endeavor Energy Resources.

20 THE HEARING EXAMINER: Thank you. And
21 I believe we have a late file motion to dismiss; is
22 that correct, Mr. Rankin?

23 MR. RANKIN: Yes, Mr. Examiner. We did
24 file a motion to dismiss now that we have received
25 confirmation that the Division has acted to cancel the

1 authority to object on the well issue.

2 THE HEARING EXAMINER: Thank you. Any
3 objections then? Hearing none, case 23042 will be
4 dismissed and we will issue an order. Thank you.

5 MR. RANKIN: Thank you.

6 MS. SHAHEEN: Thank you.

7 THE HEARING EXAMINER: Item number
8 eight, case 23425. XTO Energy.

9 MR. RANKIN: Mr. Examiner, good
10 morning. Adam Rankin with the Santa Fe office of
11 Holland & Hart on behalf of the applicant in this
12 case, XTO Energy, Incorporated.

13 THE HEARING EXAMINER: Thank you.
14 Apache Corporation?

15 MS. BENNETT: Good morning,
16 Mr. Examiner. Deana Bennett on behalf -- from -- I'm
17 sorry. Deana Bennett from Modrall Sperling on behalf
18 of Apache Corporation.

19 THE HEARING EXAMINER: Okay. Good
20 morning.

21 MS. BENNETT: Too many things to say
22 this morning.

23 THE HEARING EXAMINER: Anyone else
24 interested in case 23425? Hearing none, I believe we
25 have an objection. Do we need to set this for a

1 contested hearing?

2 MR. RANKIN: Mr. Examiner, I do not
3 believe so. The parties have been in discussions and
4 while they have not resolved to XTO's satisfaction the
5 non-standard location issue, as a result of the
6 impasse, XTO has decided to withdraw its requests for
7 authorization for a non-standard location and is going
8 to complete its well at legal locations.

9 Just to -- just so you understand, what
10 happened here was XTO had projected to drill its well
11 at a 330-foot setback location, so at a legal
12 location.

13 And during the course of drilling, the
14 well strayed across approximately 1,800 feet or so to
15 a location that was beyond the 50-foot tolerance and
16 was closer than authorized to the offsetting tract,
17 which is Apache's tract.

18 And so XTO had filed an administrator
19 application seeking approval to complete its well at
20 those locations and then Apache objected. So we filed
21 this application for hearing in order to try to
22 encourage or get us to -- towards a resolution and if
23 necessary go to hearing.

24 In the interim, we've been unable to
25 reach an agreement and as a result, XTO is just going

1 to dismiss its application for a non-standard location
2 and will complete its wellbore only at legal
3 locations.

4 THE HEARING EXAMINER: Thank you. And
5 Apache?

6 MS. BENNETT: Thank you, Mr. Examiner.
7 So Apache opposes the dismissal of the NSL application
8 at this time for a couple of reasons.

9 First, XTO just informed Apache last
10 night -- or us last night that it -- or yesterday
11 evening that it intended to take this route and based
12 on what we've seen so far, it's not clear how XTO can
13 actually fix the issue.

14 And so the Division really needs to be
15 able to spend some time looking at the materials to
16 see if XTO can actually complete this well given that
17 it's 1,800 feet of offending lateral and make sure
18 that it can actually do that. Right now, we just have
19 XTO's word for it.

20 The other thing is, as Mr. Rankin
21 stated that the well was drilled at -- well, was, I
22 think, intended to be drilled at legal locations, but
23 what Apache has seen is that it's actually 280 feet
24 off the lease line. So while that's within the
25 tolerance, it is just within the tolerance.

1 So even the parts that are legal of the
2 well, they're like right on the lease line. I
3 mean -- sorry. 280 feet off the lease line.

4 So for all intents and purposes, this
5 is actually a proximity tract well that Apache should
6 have been either joined in or at least has the
7 opportunity to share in the data from. So there's a
8 lot more that needs to be discussed here both from the
9 Division's perspective, in my view and Apache's view,
10 and also from Apache's perspective.

11 Apache does have wells in the adjoining
12 acreage that it has drilled but not yet completed. So
13 it is going to be a real impact on Apache.

14 And Apache's asked for just some
15 general data, some information and opportunities from
16 XTO to -- for XTO to provide pre- and post-frack job
17 reports from the third-party service provider so that
18 Apache can confirm that it did not stray into
19 the -- into a non-standard location.

20 And also to be notified when completion
21 operations will be conducted so Apache can have
22 someone on site, again, just to protect Apache's
23 interests.

24 So Apache would suggest that this NSL
25 application not be dismissed, that the parties have

1 some more time to work out their respective positions
2 and that the case be set for a status conference on
3 the March -- I mean -- sorry -- the May, whatever,
4 middle -- May 18th, I think it is, docket date.

5 And at that point, if the parties have
6 reached resolution, that would be great and if not,
7 then we could maybe talk about next steps, including a
8 contested hearing.

9 MR. RANKIN: May I respond --

10 THE HEARING EXAMINER: I'll allow you a
11 few more words, Mr. Rankin, and then we'll move on.

12 MR. RANKIN: Thank you very much.
13 Mr. Examiner, this application is for a very specific
14 relief. It's requesting authorization to complete at
15 non-standard locations. XTO is no longer seeking that
16 relief.

17 We ask that the case be dismissed for
18 that reason and if Apache has any concerns about the
19 work that's done or is done, then I think they can
20 bring their own application at a later date. In the
21 interim, the parties are continuing to discuss and
22 Apache has made a request, some of which I think are
23 reasonable.

24 And so I think at this point, there's
25 nothing further to be done on this case and we ask

1 that it be dismissed.

2 THE HEARING EXAMINER: All right.

3 Here's what we're going to do: We're going to set this
4 case for a status conference on May 18th. However, if
5 XTO would like to file a written motion to dismiss,
6 they can go right ahead. Obviously, Apache can
7 object, but normally we grant motions to dismiss.

8 And I would actually agree with you,
9 Mr. Rankin, that Endeavor could file its own -- Apache
10 could file its own case. So revoke an APD or
11 something. I'm -- why am I giving free legal advice?

12 MS. BENNETT: Yeah. Thank you.

13 MR. RANKIN: Thank you, Mr. Examiner.

14 THE HEARING EXAMINER: So 23425 will be
15 continued to a status conference on May 18th.

16 MS. BENNETT: Thanks.

17 THE HEARING EXAMINER: With that, we
18 are on item number nine, 23426. BTA Oil Producers.

19 MS. MCLEAN: Good morning,
20 Mr. Examiner. Jackie McLean with Hinkle Shanor on
21 behalf of BTA Oil Producers.

22 THE HEARING EXAMINER: All right. And
23 we have Texas Standard Operating.

24 MR. BRUCE: Mr. Examiner, Jim Bruce
25 representing Texas Standard.

1 THE HEARING EXAMINER: Thank you. And
2 any other interested parties in case 23426? Hearing
3 none, I -- it sounded like parties wanted to have like
4 a real live hearing on this; is that correct, BTA?

5 MS. MCLEAN: That is correct,
6 Mr. Examiner.

7 MR. BRUCE: Yes, sir.

8 THE HEARING EXAMINER: When would you
9 like a real live hearing on this?

10 MS. MCLEAN: And I think that the
11 parties are requesting the contested hearing for May
12 18th if that's at all possible.

13 THE HEARING EXAMINER: I think so.
14 Texas Standard, opinions?

15 MR. BRUCE: Yeah. That sounds like the
16 earliest practicable date, so sure.

17 THE HEARING EXAMINER: All right. So
18 let's set this then for a hearing on May 18th.

19 MR. BRUCE: Thank you.

20 MS. MCLEAN: Thank you.

21 THE HEARING EXAMINER: All right. We
22 have items 10 through 17 next and these are cases
23 23448, 23449, 23450, 23451, 23452, 23453, 23454 and
24 23455. Cimarex Energy.

25 MR. SAVAGE: Good morning,

1 Mr. Examiner. Darin Savage with the Santa Fe office
2 of Abadie & Schill on behalf of Cimarex Energy
3 Company.

4 THE HEARING EXAMINER: Okay.

5 Mr. Savage, I think these are two groups of cases, but
6 I put them all together. Is that --

7 MR. SAVAGE: They are, and that's
8 appropriate. They're related in regards to the
9 objection.

10 THE HEARING EXAMINER: Thank you. And
11 so we have Permian Resources Operating.

12 MR. RANKIN: Good morning,
13 Mr. Examiner. Adam Rankin with the Santa Fe office of
14 Holland & Hart appearing on behalf of Permian
15 Resources Operating.

16 THE HEARING EXAMINER: Thank you. Are
17 there any other interested persons for cases 23448
18 through 23455? Hearing none, let's start with
19 Cimarex. I believe we have an objection to your
20 application.

21 MR. SAVAGE: I believe that's correct.
22 We filed the applications and -- as for a hearing date
23 and it looks like Permian is objecting as -- and as I
24 understand it, they may be filing competing
25 applications. So that's all the information I have at

1 this point.

2 THE HEARING EXAMINER: Permian,
3 competing applications?

4 MR. RANKIN: Mr. Examiner, yes. We do
5 and as soon as we have a contested hearing day, we'll
6 get those filed and the notices sent out. Permian is
7 intending to develop this acreage with its own
8 development plans and so we would like to have our
9 competing well plans heard by the Division.

10 THE HEARING EXAMINER: All right. So
11 with notice and all that, we may be looking at June 1.

12 MR. RANKIN: Mr. Examiner, we have
13 unfortunately -- and I conveyed this to Mr. Savage.
14 We have a witness availability issue in June and so we
15 would request a contested hearing be set in July at
16 the second docket of July.

17 THE HEARING EXAMINER: Okay. We -- I
18 can do that, but when you file a new case, it'll
19 automatically be put on the first docket of a month
20 and so you'll need to continue --

21 MR. RANKIN: Okay. So, Mr. Examiner,
22 so we'll -- we -- I guess just so I'm clear, we would
23 file it and just plan to put it on the June -- I mean,
24 request it for the June docket, but then we'll
25 continue it back to whatever the contested hearing

1 date is set for.

2 THE HEARING EXAMINER: File it, notify
3 us that you want to add it to the pre-hearing order
4 and then it will be added to the date, which I think
5 we're looking at July 20th here; right?

6 MR. RANKIN: Yeah.

7 THE HEARING EXAMINER: Okay. And then
8 you can continue it after we issue that order, adding
9 it to the pre-hearing order.

10 MR. RANKIN: Okay.

11 THE HEARING EXAMINER: Is that
12 complicated or what?

13 MR. RANKIN: It's a little bit, but we
14 can do it.

15 THE HEARING EXAMINER: All right.
16 Hearing no other interested parties in these cases,
17 cases 23448, 449, 450, 451, 452, 453, 454, 455 will be
18 set for a hearing on July 20.

19 MR. SAVAGE: Thank you.

20 THE HEARING EXAMINER: Thank you.

21 MR. RANKIN: Thank you.

22 THE HEARING EXAMINER: All right.
23 We're getting into cases that were under pre-hearing
24 orders and then pre-hearing orders got vacated, but
25 I'm not sure we're actually going to have hearings.

1 So let's find out. I'm looking at items 18 through
2 21. These are cases 22161, 22162, 22163, 22164.
3 Mewbourne Oil Company.

4 MR. BRUCE: Mr. Examiner, Jim Bruce
5 here for Mewbourne.

6 THE HEARING EXAMINER: All right. I
7 have an entry for Earthstone Operating.

8 MR. RANKIN: Mr. Examiner, Adam Rankin
9 with the Santa Fe office of Holland & Hart appearing
10 on behalf of Earthstone.

11 THE HEARING EXAMINER: COG Operating?

12 MS. RYAN: Good morning. Beth Ryan
13 appearing on behalf of COG Operating.

14 THE HEARING EXAMINER: And then I
15 have -- is it both OXY and Apache together?

16 MR. RANKIN: Mr. Examiner, Adam Rankin
17 appearing on behalf of OXY in this case --

18 THE HEARING EXAMINER: Okay. Apache?

19 MS. BENNETT: And good morning,
20 Mr. Examiner and everyone. This is Deana Bennett on
21 behalf of Apache.

22 THE HEARING EXAMINER: Thank you. Any
23 other interested persons, cases 22161, 162, 163, 164?
24 All right. So we had a pre-hearing order, we vacated
25 the pre-hearing order, but now we may have another

1 objection; is that correct? Is that from COG?

2 MS. RYAN: Yes, Mr. Examiner. We
3 filed, yesterday, an objection to this case proceeding
4 by affidavit. The parties -- there's still some delay
5 in trying to get with -- Mewbourne to get back to us
6 timely. So we're needing to kick this down the road
7 another two weeks.

8 THE HEARING EXAMINER: Okay. We're
9 going to kick this down the road to what? A status
10 conference?

11 MS. RYAN: I think we're -- we are
12 agreeable to Mewbourne proceeding by affidavit in two
13 weeks -- proceeding to hearing.

14 THE HEARING EXAMINER: Okay. So we're
15 looking at basically just a continuance for two weeks?

16 MS. RYAN: Yes, sir.

17 THE HEARING EXAMINER: All right.
18 Mewbourne?

19 MR. BRUCE: That's perfectly
20 acceptable.

21 THE HEARING EXAMINER: Any concerns
22 from the other parties in these cases? Hearing none,
23 we will continue this to -- where are we -- April
24 20th.

25 MS. RYAN: Thank you.

1 THE HEARING EXAMINER: And I think
2 somebody has to file a continuance.

3 MS. RYAN: Yes. We'll get that filed.

4 THE HEARING EXAMINER: Thank you. All
5 right. We are now on items 22 through 25, cases
6 22423, 22424, 22425, 22426. Mewbourne Oil Company.

7 MR. BRUCE: Mr. Examiner, Jim Bruce
8 appearing for Mewbourne.

9 THE HEARING EXAMINER: I have an entry
10 from MRC Permian Company.

11 MR. RANKIN: Morning, Mr. Examiner.
12 Adam Rankin with the Santa Fe office of Holland & Hart
13 appearing on behalf of MRC.

14 THE HEARING EXAMINER: Any other
15 interested persons, cases 22423, 424, 425, 426?

16 Hearing none, I believe this was also a
17 case that had a pre-hearing order -- well, it still
18 has a pre-hearing order, but the objections have been
19 removed. Where are we? Mr. Bruce, there was never a
20 motion to vacate the pre-hearing order, so I'm a
21 little confused.

22 MR. BRUCE: Yeah, that was my neglect,
23 but I'm ready to present the cases. These were tied
24 up. If you'll recall, there was a whole slew of
25 Mewbourne and Matador cases tied up and these are the

1 surviving Mewbourne cases out of that. And so the
2 parties have reached agreement and I would like to
3 proceed with the cases.

4 THE HEARING EXAMINER: Okay. So MRC,
5 you withdrawn your other cases. Do you have
6 objections to this case going forward by affidavit?

7 MR. RANKIN: Mr. Examiner, we do not.

8 THE HEARING EXAMINER: All right.
9 Anyone else with objection? All right. Hearing none,
10 Mr. Bruce, you may proceed with your presentation.

11 MR. BRUCE: Thank you, Mr. Examiner.
12 I've had a rough week and I woke up this morning and
13 opened this file and I noticed the first thing is I
14 forgot to include the applications and notices in each
15 of these exhibit packages. I will remedy that and
16 then --

17 THE HEARING EXAMINER: Mr. Bruce, the
18 bigger problem which infects all of your cases today
19 is I don't see any checklists.

20 MR. BRUCE: Yes. I owe you green cards
21 and pool and checklists. And I prepared them and then
22 I have had trouble filing stuff. And so they're ready
23 to go and when I get to work after this hearing today,
24 I will get those to you. I apologize.

25 THE HEARING EXAMINER: All right.

1 If --

2 MR. BRUCE: That was the next --

3 THE HEARING EXAMINER: You are okay to
4 go ahead today; is that correct?

5 MR. BRUCE: Yes. But on each of my --

6 THE HEARING EXAMINER: Don't want
7 to -- here too badly. So --

8 MR. BRUCE: Yeah.

9 THE HEARING EXAMINER: But anyway,
10 here's what we're going to do: Because the checklist
11 is so key to all these things, we're going to -- I'm
12 going to allow you to go ahead with your cases today,
13 but they'll all be continued to the 16th -- what is
14 it -- the 20th; okay?

15 MR. BRUCE: Okay. Twentieth. Yeah.
16 That's --

17 THE HEARING EXAMINER: Just because
18 it's -- in some cases, it's difficult to figure out
19 without a checklist what the tracts are, whether there
20 are proximity wells, et cetera and so it's difficult
21 for us to review that.

22 MR. BRUCE: Okay.

23 THE HEARING EXAMINER: And so the
24 checklist may trigger questions. So that's what we're
25 going to -- that's what my proposal is for you today,

1 is that you can go ahead, but all these cases will be
2 continued to be finished up on the 20th.

3 MR. BRUCE: Yeah. Yeah. This week was
4 a filing nightmare for me. So anyway, I'll cut this
5 very short because all of the applications and the
6 exhibits are -- I mean, they're specific to a well
7 unit, but they're all the same.

8 In these cases, Mewbourne seeks to
9 force pool collectively the east half of Section 11
10 and all of Section 12 of 18 South/31 East in Eddy
11 County and the west half of Section 7 in 18 South/32
12 East in Lea County.

13 The units will all be dedicated to
14 Mewbourne's proposed Iron Islands wells which are
15 laydown wells comprising -- the well units comprise
16 320 acres, more or less.

17 In each of these cases, I've submitted
18 affidavit by Braxton Blandford, the landman for
19 Mewbourne. It contains all usual exhibits, the land
20 plats, the C102s and all of the tract information that
21 the Division likes to see and it also lists the
22 parties being pooled.

23 And there's quite a bit of title
24 information in here and notice was definitely a mess
25 in this matter. But Mewbourne does request the

1 pooling of all uncommitted parties, number one.
2 Number two, they request 8,000 a month for a drilling
3 well and 800 a month for a producing well.

4 The affidavit of the geologist
5 is -- and Attachment C to the landman's affidavit
6 contains a summary of communications and that summary
7 of communications identifies the identity of the
8 parties being pooled. There are a lot more parties
9 who are not being pooled who are just consenting
10 working interest owners.

11 And there's a sample copy of the
12 proposal letter, the AFEs for the wells that are
13 stated to be fair and reasonable.

14 Exhibit 3 is the affidavit of Charles
15 Crosby. This one is identical for all of the cases.
16 It contains a structure map, the cross-section showing
17 where the wells will be completed. The wells are all
18 laydown wells, as I indicated.

19 And in this area, if you look at the
20 structure map in particular, Attachment A to Exhibit
21 3, you'll see that all of the Bone Spring wells in
22 this area are laydown wells except one, which has a
23 funny angle just to the north in Section 2. So that
24 is the preferred orientation out here. Also contains
25 the horizontal drilling plans, the simplified form.

1 Exhibit 4 is my affidavit of notice.
2 As I said, I supplemented these yesterday. I haven't
3 gotten them filed.

4 And Exhibit 5 contains the affidavits
5 of publication because of the two counties involved, I
6 published in both the Carlsbad paper and the Hobbs
7 paper for these cases. And of course, it wouldn't be
8 a hearing for me if I didn't have a notice issue.

9 The final -- and every exhibit package
10 is more or less the same and so I'm not going to run
11 through each exhibit package.

12 And the one notice -- additional notice
13 item, Mr. Examiner, has been -- this file has been
14 sitting on my desk for so long I can't even remember
15 what's in it. But if you look at the Exhibit 5, the
16 notice affidavit -- publication affidavit, I should
17 say.

18 When going through this late one night,
19 I could only find the Eddy County publication and so
20 on this particular case, I would like to file a motion
21 for a continuance to -- well, they've already been
22 continued, but I need to publish notice in the Hobbs
23 newspaper.

24 My financial records show I published,
25 but as you know, I'm dealing with another case where I

1 didn't have a publication notice. So I'm going to
2 have to -- even though the -- please set it for
3 May -- excuse me -- April 20th along with the others,
4 but ultimately, it'll need to be continued for two
5 weeks so that I can properly publish in Lea County.

6 But with that, I will -- by later today
7 or tomorrow, I will have all the other data necessary
8 that you want for the April 20th hearing. And I'd
9 move the admission of Exhibits 1 through 5 at this
10 time.

11 (Mewbourne Oil Company Exhibit 1
12 through Exhibit 5 were marked for
13 identification.)

14 THE HEARING EXAMINER: Thank you.
15 Mr. Garcia, any questions?

16 THE TECHNICAL EXAMINER GARCIA: I have
17 a few questions. I guess the first is more of a
18 statement. You said notice is kind of a mess, which
19 concerns me that -- is notice proper then?

20 MR. BRUCE: Yeah. I notified
21 everybody. I've got -- especially on this group of
22 cases I sent out. I don't know -- a quick look will
23 tell me. I sent out about -- probably about 50
24 notices -- or, no. Four times twenty. About 80
25 notices -- 85 notices and I have a mess of green cards

1 here and a couple of returned letters. Notice was
2 definitely given in December of -- is it December?

3 THE TECHNICAL EXAMINER GARCIA: Okay.

4 MR. BRUCE: December of 2021. Yes.

5 THE TECHNICAL EXAMINER GARCIA: Okay.

6 And so I guess more technical questions. Out of these
7 four cases, you have two cases that are the south half
8 of the sections.

9 MR. BRUCE: Yes.

10 THE TECHNICAL EXAMINER GARCIA: And I
11 was curious why those laterals are overall longer than
12 the north half of the laterals. The north half cases
13 are shorter by, I believe, like half a mile.

14 MR. BRUCE: Yeah. I think it was just
15 simply the land ownership.

16 THE TECHNICAL EXAMINER GARCIA: Okay.
17 If we can discuss that in one of these supplemental
18 exhibits.

19 MR. BRUCE: Okay.

20 THE TECHNICAL EXAMINER GARCIA: And
21 also talk about that there is no stranded acreage in
22 the north half that does not match the south half
23 development plan.

24 MR. BRUCE: Sure.

25 THE TECHNICAL EXAMINER GARCIA: And

1 then we already hit on the checklist missing from lots
2 of cases. Another thing, and this is pretty much
3 case-wide today, if we can add this, Mr. Brancard, to
4 what we're requesting for is -- I think all the 102s
5 are missing, spacing unit drawing and also acreage.

6 The numerical value of the acreage,
7 they're all blank on pretty much all of the cases
8 today for Mr. Bruce. Most of the 102s just have two
9 dots on them that says, "Surface location, bottom
10 location," and that's about it.

11 MR. BRUCE: Okay. That will be
12 remedied for the next hearing.

13 THE TECHNICAL EXAMINER GARCIA: I
14 believe that's all my questions, Mr. Brancard.

15 THE HEARING EXAMINER: Thank you.
16 Mr. Harrison, any questions?

17 THE TECHNICAL EXAMINER HARRISON: No
18 questions. Mr. Garcia covered them for me.

19 THE HEARING EXAMINER: Thank you.
20 Okay. So -- all right, Mr. Bruce. In looking through
21 your packets, I only see the Hobbs paper missing in
22 one case.

23 MR. BRUCE: That's right. Just the
24 final case, 426.

25 THE HEARING EXAMINER: Okay. Okay. So

1 the other three, you have the affidavit. So it's just
2 the Hobbs --

3 MR. BRUCE: Yeah. Both -- correct.

4 THE HEARING EXAMINER: All right.
5 Okay. So we need a checklist, we need a spreadsheet
6 and any backup documentation for the mailing
7 publication.

8 MR. BRUCE: Yep. And then the C102s --

9 THE HEARING EXAMINER: Provide C102s.
10 I think that's it -- oh. And so the issue then is
11 that north -- what -- let me see. It's the northeast
12 quarter of Section 7.

13 MR. BRUCE: Correct. Whether it's
14 stranded or not.

15 THE HEARING EXAMINER: It -- I mean, it
16 looks, from your geologist map, as if there is like a
17 directional well or something in there in that
18 quarter. One of your -- in Attachment A to your
19 geologist exhibit. So sure there's an explanation.

20 MR. BRUCE: Yeah. That's what it looks
21 like. More or less a northwest/southeast 1
22 mile -- or, heck, that'd be a half mile lateral.

23 THE HEARING EXAMINER: Yeah. It's just
24 a half mile well, so -- in there. All right. Are
25 there any other interested persons then for cases

1 22423, 424, 425, 426? And I forgot to ask whether MRC
2 had any questions.

3 MR. RANKIN: No questions,
4 Mr. Examiner. Thank you.

5 THE HEARING EXAMINER: All right.
6 Hearing no objections, these cases will be continued
7 to the April 20th docket.

8 And I think we've gone through what is
9 needed then for these cases; a checklist, mailing
10 spreadsheet and backup documentation, revised C102,
11 geologist affidavit revised or whatever to explain
12 that northeast quarter, and then for case 22426, we
13 need the affidavit from the Hobbs newspaper.

14 MR. BRUCE: Correct. Thank you.

15 THE HEARING EXAMINER: Thank you. With
16 that, we are on items 26 and 27, cases 23254, 23255.
17 V-F Petroleum, Inc.

18 MS. MCLEAN: Mr. Examiner, can you hear
19 me?

20 THE HEARING EXAMINER: Barely.

21 MS. MCLEAN: I can -- I can't hear you
22 for some reason.

23 THE HEARING EXAMINER: Oh, my goodness.

24 MS. MCLEAN: Let me -- hold on one
25 minute 'cause I'm the next up and I just totally lost

1 audio.

2 THE HEARING EXAMINER: All right.
3 Well, we can hear you better now. Can you hear me?

4 MS. MCLEAN: Can't hear --

5 UNIDENTIFIED SPEAKER 1: I can hear
6 you, Mr. Brancard.

7 MS. MCLEAN: I can hear you guys. Can
8 you hear me?

9 THE HEARING EXAMINER: We can hear you.

10 MS. MCLEAN: Okay. Perfect. Now I can
11 hear you. Yay. I don't -- this happened to me
12 yesterday, too. I do not know what's going on. Thank
13 you.

14 THE HEARING EXAMINER: Well, as I said,
15 my headset broke. The camera on the computer is not
16 working. I have to use the laptop camera and my key
17 fob doesn't even work for the outside door of the
18 building now. So --

19 MS. MCLEAN: It's always something.

20 THE HEARING EXAMINER: Yeah. Must be a
21 sign. All right. Where are we? Apache Corporation.

22 MS. BENNETT: Good morning,
23 Mr. Examiner and everyone. Deana Bennett on behalf of
24 Apache Corporation.

25 THE HEARING EXAMINER: Any other

1 interested persons for cases 23254, 23255? Hearing
2 none, I believe this was also a vacated pre-hearing
3 order. So I guess I will just make sure then. Does
4 Apache have any objection to this case going forward
5 by affidavit?

6 MS. BENNETT: Thank you, Mr. Examiner.
7 Apache does not object to the case going forward by
8 affidavit today, but Apache is reserving its rights to
9 seek de novo review if necessary.

10 THE HEARING EXAMINER: Thank you. With
11 that, V-F Petroleum may proceed.

12 MS. MCLEAN: Thank you, Mr. Examiner.
13 And I'm not sure if, in the audio issues, I actually
14 entered an appearance, but Jackie McLean with Hinkle
15 Shanor on behalf of V-F Petroleum in case numbers
16 23254 and 23255.

17 And in these two cases, V-F seeks to
18 pool uncommitted interests in the northeast corner and
19 southeast corner of Section 35 and the north half and
20 south off of Sections 36, Township 19 South, Range 27
21 East in Eddy County.

22 And in case 23254, V-F has applied for
23 an order pooling all uncommitted interests within the
24 Winchester Bone Spring West Pool in a 480 acre
25 non-standard horizontal spacing unit comprised of the

1 northeast quarter of Section 35 and the north half of
2 Section 36, Township 19 South, Range 27 East.

3 And the unit will be dedicated to the
4 Angell Ranch, 35/36 Fed Com number 223H, 224H, 233H
5 and 234H wells.

6 And then in case number 23255, V-F has
7 applied for an order pooling all uncommitted interests
8 within the Winchester Bone Spring West Pool in a 480
9 non-standard horizontal spacing unit comprised of the
10 southeast quarter of Section 35 and the south half of
11 Section 36, Township 19 South, Range 27 East in Eddy
12 County.

13 And the unit will be dedicated to the
14 Angell Ranch 35/36 Fed Com number 221H, 222H, 231H and
15 232H wells.

16 And in these applications, V-F is
17 requesting approval of a non-standard horizontal
18 spacing unit pursuant to NMAC 19.15.16.15B5 and they
19 are requesting approval of the non-standard unit so
20 that it can consolidate surface facilities to rip
21 surface, environmental and economic waste.

22 And the exhibit packet submitted to the
23 Division for case numbers 23254 and 23255 are
24 essentially the same and contain Exhibit A, the land
25 professional's testimony and related land exhibits,

1 which include the application and proposed notice of
2 hearing, C102s for the wells, a plat of tracts,
3 ownership interests, list of interest to be pooled.

4 Since they're asking for a non-standard
5 spacing unit, a non-standard spacing unit plat of
6 tracts and tract ownership as well as a well proposal
7 letter, AFEs and a chronology of contact with the
8 interest owners.

9 Exhibit B is geology testimony and
10 geology exhibits, which include location maps, SEPC
11 structure maps and structural cross-section maps.

12 And then finally, Exhibit B [sic],
13 which is a self-affirmed statement of my partner, Dana
14 Hardy, sending out when our firm sent the notice
15 letter to the interested parties, a chart that
16 provides the date each notice letter was sent and the
17 date each return was received as well as a certified
18 mail cards and support.

19 And finally, an affidavit of
20 publication from the legal clerk of the Carlsbad
21 Current-Argus showing that notice was published on
22 December 20, 2023.

23 And with that, I ask that Exhibits A, B
24 and C be admitted into the record in case numbers
25 23254 and 23255 and that these cases be taken under

1 advisement.

2 (V-F Petroleum, Inc. Exhibit A, Exhibit
3 B, and Exhibit C were marked for
4 identification.)

5 THE HEARING EXAMINER: Thank you.
6 We'll start with Mr. Garcia. Any questions?

7 THE TECHNICAL EXAMINER GARCIA: No
8 questions.

9 THE HEARING EXAMINER: Mr. Harrison?

10 THE TECHNICAL EXAMINER
11 HARRISON: -- questions.

12 THE HEARING EXAMINER: All right. I'll
13 just point out a little glitch in your unit
14 recapitulation percentages.

15 MS. MCLEAN: On Exhibit A3 for which
16 case? Or is it for both of them?

17 THE HEARING EXAMINER: Actually, it's
18 just the second case, 55.

19 MS. MCLEAN: Okay.

20 THE HEARING EXAMINER: EOG's percentage
21 somehow grows between Tract 1 and the final from 17 to
22 25 percent.

23 MS. MCLEAN: Oh, yeah. I wonder -- is
24 that something you'd like us to look at and correct or
25 is it going to fly today?

1 THE HEARING EXAMINER: I don't think it
2 matters.

3 MS. MCLEAN: Okay.

4 THE HEARING EXAMINER: Just so we have
5 it on the record that that's a glitch, but okay.
6 Well, first, let me just check with Apache. Any
7 questions? Ms. Bennett, you're muted.

8 MS. BENNETT: Sorry about that. No
9 questions. I was all ready to go and then God dang
10 mute button. So no questions.

11 THE HEARING EXAMINER: Thank you. All
12 right. So this is the first of a number of cases that
13 are asking us in a hearing to approve a non-standard
14 spacing unit; okay? And they all fall into the
15 category of larger-than-normal spacing unit, which
16 triggers the notice to the surrounding tracts; okay?

17 In the horizontal well rule, it says
18 you must notice affected persons in the surrounding
19 tracts. We have a definition of "affected persons,"
20 rule two. It's the usual. Notify the operator. If
21 there's no operator, notify the working interest
22 owners. No working interest owners, notify the middle
23 interest owners.

24 But then it says, "And if the land is
25 owned by the federal or state government, you must

1 notify the BLM or state land office respectively." So
2 I believe that in this case, V-F has notified the BLM;
3 is that correct, Ms. McLean?

4 MS. MCLEAN: I believe so. I'm just
5 going to double check to make -- and so I'm not saying
6 the wrong thing. Yes, I believe we did, Mr. Examiner.

7 THE HEARING EXAMINER: So the only
8 question is whether any of those surrounding tracts
9 were state land tracts and the state land office
10 should have been notified.

11 MS. MCLEAN: Let me -- is -- we have
12 the exhibit --

13 THE HEARING EXAMINER: Your exhibit
14 on -- doesn't really indicate the -- any lease
15 numbers.

16 MS. MCLEAN: Right.

17 THE HEARING EXAMINER: Like some people
18 put lease numbers in. It's not required, but yours
19 don't.

20 MS. MCLEAN: So would you like me to
21 find that out and supplement that information?

22 THE HEARING EXAMINER: Well, if -- yes.
23 And I -- and there's a good likelihood, considering
24 Section 36s are usually state land sections, that you
25 will have state land leases here. So you will need to

1 notify state land office.

2 Now -- okay. So it's your choice, the
3 applicant's choice, whether you want to have a
4 non-standard spacing unit approved by hearing or have
5 it approved at the time of the APD. So you can
6 supplement any notice to us and ask for the approval
7 in the hearing or you can just say, "That's okay.
8 We'll get this approved at the APD stage."

9 MS. MCLEAN: I believe that we're
10 asking for it at the hearing because they did not want
11 to wait to the APD stage. I believe it has to do with
12 some of the BLM issues. That seems to be the case in
13 a lot of these.

14 THE HEARING EXAMINER: Okay.

15 MS. MCLEAN: So what -- can we submit
16 all the -- like we typically do -- admit everything
17 and take it under advisement and then we will either
18 supplement and say there's no additional notice
19 required, we've checked everything. We could do an
20 additional affidavit to that effect or continue it if
21 necessary if we do find out that notice is necessary.

22 THE HEARING EXAMINER: That sounds
23 fine.

24 MS. MCLEAN: Thank you, Mr. Examiner.

25 THE HEARING EXAMINER: All right. Any

1 other questions or concerns then for cases 23254,
2 23255? Hearing none, the exhibits will be admitted
3 into the record.

4 The case will be taken under advisement
5 subject to the process that counsel has just set forth
6 about determining whether the state land office should
7 have gotten notice for the non-standard spacing unit
8 application.

9 (V-F Petroleum, Inc. Exhibit A, Exhibit
10 B, and Exhibit C were received into
11 evidence.)

12 MS. MCLEAN: Thank you, Mr. Examiner.

13 THE HEARING EXAMINER: Thank you. With
14 that, we are on items 28 and 29, cases 23303, 23304.
15 COG Operating.

16 MS. MCLEAN: Mr. Examiner, it's me
17 again, Jackie McLean with Hinkle Shanor on behalf of
18 COG Operating.

19 THE HEARING EXAMINER: Thank you. I
20 have an entry for Chevron USA.

21 MS. BENNETT: Good morning, everyone.
22 Deana Bennett, Modrall Sperling, on behalf of Chevron
23 USA, Inc.

24 THE HEARING EXAMINER: Thank you. Any
25 other interested persons for cases 23303, 23304? Does

1 Chevron object to this case going forward by
2 affidavit?

3 MS. BENNETT: Thank you, Mr. Examiner.
4 Chevron does not object to the case moving forward by
5 affidavit, but Chevron does have some concerns and so
6 is entering its -- well, I've already entered our
7 appearance, but we are on -- saying on the record that
8 we're preserving our right to seek de novo review.
9 Hopefully we don't have to get there.

10 THE HEARING EXAMINER: Thank you. The
11 Commission hopes that, too. With that, COG may
12 proceed.

13 MS. MCLEAN: Thank you, Mr. Examiner.
14 In case numbers 23303 and 23304, COG seeks to pool all
15 uncommitted interests within the Bone Spring and
16 Wolfcamp formations in Sections 28 and 33 of Township
17 25 South, Range 27 East and Section 4 of Township 26
18 South, Range 27 East in Eddy County, New Mexico.

19 And in case number 23303, COG has
20 applied for an order pooling all uncommitted interests
21 within the Purple Sage Wolfcamp pool, underlying a
22 1,920 acre, more or less, standard horizontal spacing
23 unit comprised of Sections 28 and 33 of Township 25
24 South, Range 27 East and Section 4 of Township 26
25 South, Range 27 East.

1 And the unit will be dedicated to the
2 Flaming Snail Fed Com 701H, 702H, 703H, 801H, 802H,
3 704H, 705H, 803H, 706H, 707H, 708H, 804H, 805H, 709H,
4 710H and 806H. And this is a Purple Sage Wolfcamp
5 pool, so the spacing in this pool is based on 320-acre
6 tracts.

7 And in order to create the 1,920-acre
8 standard horizontal spacing unit, the completed
9 interval of the Flaming Snail Fed Com 706H well will
10 be located within 330 feet of the line separating the
11 east half and west half of Sections 28 and 33,
12 Township 25 South, Range 27 East and Section 4,
13 Township 26 South, Range 27 East.

14 And in case number 23304, COG has
15 applied for an order pooling all uncommitted interests
16 within the Hay Hollow Bone Spring North Pool
17 underlying a 1,920-acre non-standard horizontal
18 spacing unit comprised of Sections 28 and 33 of
19 Township 25 South, Range 27 East and Section 4 of
20 Township 26 South, Range 27 East.

21 And this unit will be dedicated to the
22 Flaming Snail 501H and 520H wells, the 502H, 503H and
23 521H wells and the 504H well. And with these
24 applications, COG is seeking to develop the entirety
25 of Sections 28, 33 and 4.

1 And COG's proposal to drill 3-mile
2 laterals will minimize the need for surface facilities
3 in this area because the 22 wells that will be
4 completed, 16 of those Wolf Camp and six Bone Spring
5 will be able to be drilled and operated from one pad
6 in the west half and one pad in the east half of
7 Section 28.

8 So with that, COG is also requesting
9 the approval of a non-standard spacing unit to
10 accomplish this for case number 23304, which is the
11 Bone Spring wells, and COG is requesting approval of a
12 non-standard spacing unit so that it can have
13 flexibility with the placement of surface facilities.

14 And Exhibit A5 shows the location in
15 our exhibit packet for 23304 of the to-be-constructed
16 surface facilities.

17 And I know you're going to ask about
18 the notice now to the feds and the state and after I
19 just briefly summarize the exhibits that we submitted
20 for these cases, COG -- our land person is on the
21 call. So she will be available to answer questions
22 about that if you have any as to the necessity of that
23 in case number 23304.

24 So the Exhibit packet submitted to the
25 Division for case numbers 23303 and 23304 contain

1 Exhibit A, which is the land professional's testimony
2 and related land exhibits, which include the
3 application and proposed notice of hearing, C102s for
4 the wells, a plat of tracts, ownership interest and a
5 list of the interests to be pooled as well as well
6 proposal letters, AFEs and a chronology of contact
7 with the interest owners.

8 And the land exhibits for case number
9 23304 also includes a surface facilities map and a map
10 of the non-standard spacing unit and interest owners
11 surrounding the unit.

12 Exhibit B is the geology testimony of
13 Andrew Fletcher. And Mr. Fletcher has not yet
14 testified before the Division, so we have included his
15 resume as Exhibit B1.

16 And as you can see from Mr. Fletcher's
17 resume, he has a Master of Science in geology and has
18 been a petroleum geoscientist with ConocoPhillips
19 since 2017. And at this time, I'd like to tender
20 Mr. Fletcher as an expert in geology.

21 THE HEARING EXAMINER: Hearing no
22 objection, so approved.

23 MS. MCLEAN: Thank you, Mr. Examiner.
24 And Mr. Fletcher's geology exhibits which have been
25 submitted include location maps, SEPC structure maps,

1 cross-section maps and a stratigraphic cross-section.

2 And then finally, Exhibit C, which is
3 the notice testimony which sets out when we sent the
4 notice letter to interested parties, a chart that
5 provides a date each notice letter was sent and
6 returns were received as well as the certified mail
7 cards in support.

8 And finally, an affidavit publication
9 from the Carlsbad paper showing that notice was
10 published on January 10, 2023. And with that, did you
11 have any questions?

12 (COG Operating LLC Exhibit A, Exhibit
13 B, and Exhibit C were marked for
14 identification.)

15 THE HEARING EXAMINER: Thank you.
16 Let's start with Chevron. Any questions?

17 MS. BENNETT: No questions. Thank you.

18 THE HEARING EXAMINER: Thank you.
19 Mr. Garcia, questions?

20 THE TECHNICAL EXAMINER GARCIA: No
21 questions.

22 THE HEARING EXAMINER: Mr. Harrison?

23 THE TECHNICAL EXAMINER HARRISON: No
24 questions. Thank you.

25 THE HEARING EXAMINER: Gosh, leaving it

1 all to me. All right. So let's look at
2 case -- non-standard spacing unit case, 23304.

3 MS. MCLEAN: Yes, Mr. Examiner.

4 THE HEARING EXAMINER: So what it
5 appears is that you have four standard -- somebody
6 is -- needs to be muted. Ms. Fisher? Sorry. What
7 you have is four standard spacing units that you'd
8 like to combine into one non-standard; is that
9 correct?

10 MS. MCLEAN: Yes, Mr. Examiner.

11 THE HEARING EXAMINER: Because it
12 doesn't look like you even have proximity wells for
13 your standard spacing units to enlarge them.

14 MS. MCLEAN: Correct. And I
15 believe -- it's my understanding -- and Ms. Klingler
16 from COG is on if she needs to clarify, but it's my
17 understanding that the request for these 3-mile wells
18 and this non-standard spacing unit is in large part
19 due to the fact that they would have to seek separate
20 co-mingling approval from the BLM which may or may not
21 be granted.

22 But if we come with this proposal,
23 then -- and what -- we would have just two central
24 tank batteries, all of these things to minimize the
25 surface facilities. Then that approval would be

1 granted or we would not have to seek that approval
2 from BLM.

3 THE HEARING EXAMINER: Okay. Well,
4 your application does provide justifications for this
5 and the normal justifications. It's just letting you
6 know that this is kind of a little step beyond what
7 we've approved in the past. We have approved two
8 non-standard spacing units -- I mean, two standard
9 spacing units combined to create a non-standard
10 spacing unit.

11 This is a little bigger, but you're
12 also doing it in coordination with the Wolf Camp
13 development, which is standard.

14 MS. MCLEAN: Yes. Yes, Mr. Examiner.

15 THE HEARING EXAMINER: So that kind of
16 makes sense, too. Okay. So we may have some
17 questions afterwards about that, but we'll let you
18 know. So the other issue then is the notice for the
19 non-standard unit.

20 There's no indication from your notice
21 document that any notice was given to the BLM or the
22 state land office and there clearly are BLM and state
23 land leases here. So you either need to find out
24 whether you actually did that and didn't tell us or we
25 need to just continue it so that you can get that

1 notice to those two parties done.

2 MS. KLINGLER: Mr. Examiner, I did
3 those myself to the BLM and to the state land office.

4 THE HEARING EXAMINER: Sorry. Can you
5 just identify yourself for the record, please?

6 MS. KLINGLER: I'm sorry. This is
7 Shelley Klingler, landman at Conocophillips.

8 THE HEARING EXAMINER: Okay. Could you
9 raise your right hand quick?

10 WHEREUPON,

11 SHELLEY KLINGLER,
12 called as a witness, and having been first duly sworn
13 to tell the truth, the whole truth, and nothing but
14 the truth, was examined and testified as follows:

15 THE HEARING EXAMINER: Thank you.
16 Okay. So you did provide notice to them?

17 THE WITNESS: Yes, sir. I did those
18 letters personally.

19 THE HEARING EXAMINER: Okay. Well,
20 that's great. If you can just then supplement your
21 exhibits with those letters, that would be fulfilling
22 the requirement.

23 THE WITNESS: Yes, sir.

24 MS. MCLEAN: Mr. Examiner, we'll work
25 with Ms. Klingler to get those to you very shortly.

1 THE HEARING EXAMINER: All right.
2 Thank you. Any other questions or comments on cases
3 23303, 23304? Hearing none, the exhibits will be
4 admitted into the record. These cases will be taken
5 under advisement, the record left open for the notice
6 documentation for the non-standard spacing unit.

7 (COG Operating LLC Exhibit A, Exhibit
8 B, and Exhibit C were received into
9 evidence.)

10 MS. MCLEAN: Thank you, Mr. Examiner.

11 THE HEARING EXAMINER: Thank you. All
12 right. With that, we are on item 30, case 23348.
13 Marathon Oil Permian LLC.

14 MS. BENNETT: Good morning, everyone.
15 Deana Bennett from Modrall Sperling on behalf of
16 Marathon Oil Permian LLC.

17 THE HEARING EXAMINER: We have a few
18 entries here. MRC Permian Company.

19 MS. VANCE: Good morning, Mr. Hearing
20 Examiner, Mr. Garcia and Mr. Harrison. Paula Vance
21 with Holland & Hart on behalf of MRC Permian Company.

22 THE HEARING EXAMINER: Thank you. Does
23 MRC object to this case going forward by affidavit?

24 MS. VANCE: We do not. Just preserving
25 rights.

1 THE HEARING EXAMINER: Thank you.
2 Ridge Runner Resources.

3 MS. MCLEAN: Jackie McLean with Hinkle
4 Shanor on behalf of Ridge Runner Resources Operating,
5 Mr. Examiner.

6 THE HEARING EXAMINER: Thank you. Does
7 Ridge Runner object to this case going forward by
8 affidavit?

9 MS. MCLEAN: Ridge Runner does not,
10 Mr. Examiner.

11 THE HEARING EXAMINER: Thank you. Are
12 there any other entries of appearance then for case
13 23348? Hearing none, Marathon may proceed.

14 MS. BENNETT: Thank you very much.
15 This case is very similar to the COG Flaming Snail
16 Wolf Camp case that we just heard. In this case,
17 Marathon seeks a standard 1,920-acre Wolf Camp
18 horizontal spacing unit.

19 And it's standard because this is in
20 the Purple Sage Wolf Camp pool and Marathon is
21 proposing a proximity tract well, which I'll describe
22 a little bit later. But it is a standard 1,920-acre
23 Wolf Camp horizontal spacing unit and it covers all of
24 Sections 32, 33, 34 of Township 22 South, Range 28
25 East.

1 And in this case, Marathon is proposing
2 3-mile wells and the reason it's proposing the
3 3-well -- 3-mile wells is to minimize surface
4 disturbance and to maximize Marathon's acreage in this
5 area.

6 So turning to the exhibits, I filed
7 exhibits on Tuesday -- timely filed exhibits on
8 Tuesday in case 23348.

9 And the exhibits I filed include Tab A,
10 the compulsory pooling checklist, Tab B, the
11 declaration of Farley Duvall, which contains the usual
12 land exhibits, and Tab C, which is the declaration of
13 Greg Buratowski, Marathon's geologist, and Tab C
14 contains all of the usual geology exhibits.

15 Turning to tab -- back to Tab B for the
16 moment, Farley Duvall is Marathon's land professional
17 in this case and he has not previously testified
18 before the Division. I've included with his
19 declaration a resume at Exhibit B8.

20 He's worked as a landman with Marathon
21 since 2017 and before working for Marathon, he worked
22 at JC Land Management from 2014 to 2017 and prior to
23 that, he also worked as a landman for another entity.
24 He's AAPL certified and HAPL certified. So at this
25 time, I'd like to tender Mr. Duvall as an expert

1 petroleum landman.

2 THE HEARING EXAMINER: Hearing no
3 objection, so accepted.

4 MS. BENNETT: Thank you very much,
5 Mr. -- so behind Mr. Duvall's declaration is Exhibit
6 B1, the application that we filed in this case and
7 with the notice paragraph. B2 are the C102s for the
8 eight wells that Marathon is proposing to dedicate to
9 this spacing unit and again, these are all Wolf Camp
10 Purple Sage -- Wolf Camp wells in the Purple Sage.

11 Exhibit B3 is the lease tract map and
12 summary of interests and included in Exhibit B3 are
13 the parties that Marathon is seeking to pool.

14 And I've created separate exhibit lists
15 or separate lists that identify the parties that
16 Marathon is seeking to pool and so those lists are
17 conspicuously titled, "Working Interest Owners to be
18 Pooled and Overriding Royalty Interests to be Pooled."

19 So hopefully that clarifies any
20 confusion between the list of the committed and
21 uncommitted mineral interest owners and then the
22 parties to be pooled.

23 Exhibit B5 in the -- excuse me.
24 Exhibit B4 is a summary of contacts. Exhibit B5 in
25 the packet I submitted on Tuesday is the sample well

1 proposal letter that was sent to the party -- or to
2 the affected parties. That was sent on January 9th.
3 I inadvertently left out two other mailings, though,
4 that Marathon did.

5 Marathon sent a proposal letter on
6 December 15th and Marathon sent a clarifying proposal
7 letter -- a clarifying letter on January 23rd. So
8 yesterday, I supplemented the record with the December
9 15th letter and the January 23rd letter.

10 So in terms of proposal letters,
11 Marathon sent out three separate mailings to some or
12 all of the working interest owners. And when I say,
13 "Some or all," the January 9th mailing went to certain
14 of the working interest owners that were recently
15 discovered. So I would ask that those exhibits also
16 be considered part of the exhibit packet.

17 Exhibit 6 are the AFEs. Exhibit 7 is
18 my notice affidavit showing that notice letters were
19 timely mailed and that it includes the affidavit of
20 publication showing that notice was timely published.
21 And then like I said, Exhibit B8 is Mr. Duvall's
22 resume.

23 Turning to Tab C, that is the
24 declaration of Greg Buratowski, geologist for
25 Marathon. He has not also -- he's never testified

1 before the Division before and he -- so I've included
2 in his materials his resume. He has a -- he obtained
3 a master's of science in geology in 2014 and he's
4 worked with Marathon as a geologist since 2014.

5 So at this time, I'd like to tender
6 Mr. Buratowski as an expert petroleum geologist.

7 THE HEARING EXAMINER: Thank you.
8 Hearing no objection, so admitted.

9 MS. BENNETT: Thank you.
10 Mr. Buratowski's -- behind Mr. Buratowski's
11 declaration again are the usual suite of geology
12 exhibits, the locator map, wellbore schematic,
13 structure map, cross-reference well locator map, a
14 stratigraphic cross-section.

15 And then we've included three gross
16 interval isochores to show the different target
17 formations that -- within the Wolf Camp that Marathon
18 is targeting here.

19 And then Exhibit C9 is the regional
20 stress orientation justification and that's the
21 exhibit from the Snee-Zoback paper. And
22 Mr. Buratowski testifies in his declaration that due
23 to the stress here in this part of Eddy County,
24 there's no preferred -- orientation wells can either
25 be standup or laydown in this area.

1 And Marathon is proposing east-west
2 laterals here to maximize Marathon's acreage. And
3 then as Exhibit C10 is Mr. Buratowski's resume.

4 So with that explanation of the
5 exhibits, I would request that Exhibits A, B and C and
6 the supplemental exhibits that I filed yesterday be
7 admitted into case number 23348. And I am happy to
8 answer or try to answer any questions the Division may
9 have. Thank you.

10 (Marathon Oil Permian LLC Exhibit A,
11 Exhibit B, and Exhibit C were marked
12 for identification.)

13 THE HEARING EXAMINER: Thank you. Any
14 questions from MRC Permian?

15 MS. VANCE: No. Thank you,
16 Mr. Examiner.

17 THE HEARING EXAMINER: Questions from
18 Ridge Runner Resources?

19 MS. MCLEAN: No questions,
20 Mr. Examiner.

21 THE HEARING EXAMINER: Thank you.
22 Mr. Garcia?

23 THE TECHNICAL EXAMINER GARCIA: I have
24 a question for you, Mr. Brancard.

25 THE HEARING EXAMINER: That's not

1 allowed.

2 THE TECHNICAL EXAMINER GARCIA: Got to
3 change it up sometimes. Sorry. I'm trying to
4 remember do we require a tract list of interest owners
5 per tract? I know we normally see it. I just don't
6 know if it's a requirement. It's missing here.

7 I personally prefer the overall unit
8 recap, which is included, but I guess I'm just curious
9 if it's a requirement of our exhibits.

10 THE HEARING EXAMINER: I don't believe
11 it is. Sometimes it's sort of interesting to see.
12 But yes, I mean, the recap will make it clear to us
13 who are all the interest owners in the unit and from
14 that, the parties should indicate which one of
15 these -- those interest owners are being pooled, which
16 are committed and which are not, in other words.

17 THE TECHNICAL EXAMINER GARCIA: Yeah --

18 THE HEARING EXAMINER: So that's here
19 and that looks fine.

20 THE TECHNICAL EXAMINER GARCIA: Yeah.
21 I'm okay with what's here. I just wanted to make
22 sure, I guess.

23 THE HEARING EXAMINER: And looks like
24 we have a whole bunch of little fractional interests
25 here. So could get really down in the weeds.

1 THE TECHNICAL EXAMINER GARCIA: Well,
2 then my questions are easy for this case. I have
3 none.

4 THE HEARING EXAMINER: All right.
5 Mr. Harrison, any questions?

6 MS. BENNETT: Thank you. Thank you,
7 Mr. Garcia.

8 THE TECHNICAL EXAMINER HARRISON: Do
9 have one question. And it may not be terribly
10 relevant, but on your sample letter to the owners,
11 everything else in your presentation looks like the
12 200 percent risk is listed, but in that sample letter
13 to them, it says, "300 percent."

14 MS. BENNETT: Yes. Thank you for that
15 question. So the 300 percent is the combination of
16 the -- the ability to recover actual costs, which is
17 the first 100 percent, and then the 200 percent risk
18 penalty on top of that. So that's why that is 300
19 percent, but it is consistent with the 200 percent
20 elsewhere.

21 THE TECHNICAL EXAMINER HARRISON: Yeah.
22 That's -- just making sure that that's the reasoning
23 behind it.

24 MS. BENNETT: Yes.

25 THE TECHNICAL EXAMINER HARRISON: So no

1 further questions.

2 MS. BENNETT: Thank you very much,
3 Mr. Harrison. Nice to meet you and see you.

4 THE HEARING EXAMINER: Thank you. All
5 right. I mean, that's fitting more with the JOA
6 content. Right. Which does the 100/300. All right.
7 The only question I had -- and I know -- I'm surprised
8 Mr. Garcia didn't raise this -- is I think you're
9 asking for 10,000 a month cost?

10 MS. BENNETT: Yes.

11 THE HEARING EXAMINER: Can you explain
12 to us the logic behind that?

13 MS. BENNETT: Yes. I spoke with
14 Marathon about this on Tuesday actually. And first,
15 it's the longer lateral lengths, 3-mile laterals. So
16 that's one reason why they're requesting ten
17 and -- 10,000, 1,000.

18 But also the general trend, in
19 Marathon's perspective or in Marathon's experience
20 now, is that the rates are increasing and Marathon has
21 seen 10,000, 1,000 for 2-mile laterals and in fact has
22 even been proposed 12,500, 1,250 for 2-mile laterals.

23 So overall, the costs are increasing
24 and Marathon has seen proposals in the same range or
25 even higher. And so it's Marathon's opinion -- the

1 landman's opinion that these rates are reasonable
2 given the rates that they're seeing from other
3 operators and the length of the laterals.

4 THE HEARING EXAMINER: That's sort of,
5 "If the other operators can get away with it, we want
6 to get away with it," argument there.

7 MS. BENNETT: I suppose that's one way
8 to put it, but also, I do think that the trends are
9 increasing and so it's not so much getting away with
10 it, unless -- I mean, you all may decide that those
11 rates are too high of course, but I think that's the
12 trend that we'll be seeing more and more frequently
13 now.

14 THE HEARING EXAMINER: Well, these are
15 3-mile laterals. That is true. So -- all right. I
16 have no further questions. So I believe with that,
17 are there any other interested persons in case 23348?
18 Hearing none, the exhibits will be admitted to the
19 record. The case will be taken under advisement.

20 I don't think we asked you for anything
21 else; is that correct?

22 (Marathon Oil Permian LLC Exhibit A,
23 Exhibit B, and Exhibit C were received
24 into evidence.)

25 MS. BENNETT: No.

1 THE HEARING EXAMINER: Amazing.

2 MS. BENNETT: Yeah. I'm doing my happy
3 dance. Thank you. Thank you very much. I hope you
4 all have a great rest of the day.

5 THE HEARING EXAMINER: Thank you. With
6 that, we are on item 31, but let me first check in
7 with Dana, our court reporter. Are you doing okay?

8 THE REPORTER: I'm doing fine.

9 THE HEARING EXAMINER: Excellent. So
10 we're on item 31, case 23379. Cimarex Energy.

11 MR. SAVAGE: Good morning.
12 Darin -- Mr. Hearing Examiner, good morning, technical
13 examiners. Darin Savage with the Santa Fe office of
14 Abadie & Schill appearing on behalf of Cimarex Energy
15 Company.

16 THE HEARING EXAMINER: Are there any
17 other interested persons for case 23379? Hearing
18 none, Cimarex may proceed.

19 MR. SAVAGE: Okay. Thank you.

20 In case number 23379, Cimarex seeks to
21 reopen case number 22751 and amend order number
22 R-22198 in order to request a one-year extension of
23 the well commencement deadline for the pooled unit in
24 the Wolf Camp Formation underlying the west half of
25 Sections 11 and 14, Township 25 South, Range 28 East,

1 Eddy County, New Mexico as it pertains to the
2 Riverbend 11-14 Federal Com wells, and that's the 7H,
3 15H, 16H and 17H.

4 The pooling order, a copy of which is
5 provided in the reference section of the hearing
6 packet, allows for a time extension upon the showing
7 of good cause.

8 In Exhibit A of the hearing packet,
9 landman Mr. John Coffman, who is familiar with the
10 subject plans and unit and his credentials have been
11 previously accepted as an expert witness in
12 professional land matters, testifies that Cimarex is
13 in good standing under the statewide rules and the
14 existing pooling order and there exists good cause to
15 grant the time extension requested.

16 As stated by Mr. Coffman, Cimarex, in
17 good faith, has made progress towards the development
18 of the unit since issuance of the order by seeking
19 federal drilling permits.

20 Cimarex promptly applied to the BLM for
21 permits, but has experienced unanticipated delays in
22 the receipt of such permits, which has required
23 Cimarex to postpone and reschedule its drilling plans.

24 Cimarex respectfully requests the
25 opportunity to move forward without interruption under

1 a one-year time extension, extending the drilling
2 commencement date to July 25, 2024.

3 Exhibit B in the hearing packet shows
4 that notice for this hearing was timely. The mailing
5 report shows the notice letters were timely mailed to
6 the pooled interest owners with only four letters to
7 overriding royalty interest owners returned as
8 unlocatable.

9 Newspaper publication in the Carlsbad
10 Current-Argus was timely published to account for any
11 unlocatable parties or any contingencies regarding
12 notice.

13 Mr. Hearing Examiner, at this time I
14 request that Exhibits A and B and all sub-exhibits be
15 admitted into the record and that case 23379 be taken
16 under advisement. I am available to answer any
17 questions. Thank you.

18 (Cimarex Energy Co. Exhibit A and
19 Exhibit B were marked for
20 identification.)

21 THE HEARING EXAMINER: Thank you. Any
22 questions, Mr. Garcia?

23 THE TECHNICAL EXAMINER GARCIA: No
24 questions.

25 THE HEARING EXAMINER: Mr. Harrison?

1 THE TECHNICAL EXAMINER HARRISON: No.

2 THE HEARING EXAMINER: Thank you. And
3 I have no questions. So with that, the exhibits in
4 case 23379 will be admitted into the record and the
5 case will be taken under advisement, and you can do
6 your happy dance now.

7 (Cimarex Energy Co. Exhibit A and
8 Exhibit B were received into evidence.)

9 MR. SAVAGE: All right. Mine's a
10 little bit less excited this morning, but thank you.
11 I appreciate the opportunity.

12 THE HEARING EXAMINER: With that, we're
13 on item 32, case 23367. MRC Permian Company.

14 MS. VANCE: Good morning, Mr. Hearing
15 Examiner, Mr. Garcia and Mr. Harrison. Paula Vance
16 with the Santa Fe office of Holland & Hart on behalf
17 of the applicant, MRC Permian Company.

18 THE HEARING EXAMINER: Thank you. Are
19 there any other interested persons for case 23367?
20 Hearing none, MRC may proceed.

21 MS. VANCE: Thank you, Mr. Hearing
22 Examiner. In case 23367, MRC seeks to pool all
23 uncommitted interests in the Bone Spring Formation,
24 and that is the Malaga Bone Spring and the pool code
25 is 42780.

1 And that's underlying a standard
2 320-acre overlapping spacing unit comprised of the
3 south half/south half of Sections 14 and 15, Township
4 24 South, Range 28 East, Eddy County, New Mexico. And
5 MRC seeks to initially dedicate this spacing unit to
6 the proposed George 14 and 15-24S-28E, number 114H and
7 also the number 134H wells.

8 In these cases, we have included a copy
9 of the application, provided the compulsory pooling
10 checklist as well as the affidavits of landman Hanna
11 Bollenbach and geologist Dan Brugioni, both of whom
12 have previously testified before the Division and
13 their credentials have been accepted as a matter of
14 record.

15 Ms. Bollenbach affidavit is Exhibit C,
16 which includes sub-Exhibits C1, an overlap diagram,
17 and you will see that the proposed spacing units
18 completely overlaps one of Matador's wells, which is
19 the Tiger 14-24S-28E, RV number 124H.

20 And after that, you'll see Exhibit C2,
21 which is a copy of the overlapping notice that was
22 sent out. And I would like to point out you'll see
23 that that information that was included was only for
24 the 114H well and the reason for that is this will be
25 the initial well that is drilled to perfect the

1 spacing unit.

2 The 134H will be an infill well, so we
3 only provided notice with information regarding the
4 114 -- or the George 114H.

5 Following that is Sub-Exhibit C3, which
6 are the C102s. After that, we've got the -- which is
7 Sub-Exhibit C4, a land tract map. C5, an ownership
8 schedule and a list of the uncommitted working
9 interest owners that we are seeking to pool.

10 C6 is the -- a list of overwriting
11 royalty interests and non-participating royalty
12 interests that we are seeking to pool. And then C7 is
13 a sample well proposal letter with AFEs. And C8 is a
14 chronology of contacts.

15 This is followed by Mr. Brugioni's
16 affidavit, which is Exhibit D, and includes
17 Sub-Exhibits D1, a locator map, D2, a SEPC structure
18 map, and D3, a structural cross-section. And in this
19 case, Mr. Brugioni did not observe any faulting,
20 pinch-outs or other geologic impediments to the
21 horizontal drilling of these wells.

22 And then lastly is Exhibit E, a
23 self-affirmed statement of notice with sample letters
24 that were timely mailed on February 10, 2023. And
25 Exhibit F, an affidavit of notice of publication which

1 was timely published on February 14, 2023.

2 Unless there are any questions, I would
3 ask that all exhibits and sub-exhibits be admitted
4 into the record and that case 23367 be taken under
5 advisement by the Division at this time. And of
6 course, I stand by for any questions that the Division
7 may have.

8 (MRC Permian Company Exhibit A through
9 Exhibit F were marked for
10 identification.)

11 THE HEARING EXAMINER: Thank you.
12 Mr. Garcia, questions?

13 THE TECHNICAL EXAMINER GARCIA: I have
14 one question, and this might be a technical glitch on
15 our side because our system's running slow. Is your
16 newspaper affidavit in your exhibit packets? Because
17 I see the -- like the newspaper clipping, but the page
18 before, it's just a white blank page on my screen and
19 so I just wanted to make sure it's in there.

20 MS. VANCE: It is. And I'm happy to
21 email a copy directly to you of the hearing packet if
22 that would be helpful, but the exhibit packet we filed
23 does have the complete notice -- affidavit of notice
24 of publication included.

25 THE HEARING EXAMINER: Yeah -- it was

1 something -- it must be something with the filing
2 because it's -- that's what I see also. So if you
3 could just do a supplemental filing. It's the
4 affidavit page that's missing.

5 MS. VANCE: Okay.

6 THE HEARING EXAMINER: So there's a
7 blank for the affidavit page and then there's the
8 newspaper notice is the last page. So it's
9 that -- something got turned upside down or something.

10 MS. VANCE: I will do the supplemental
11 filing and then as I said, I'll email a copy to you,
12 Mr. Brancard and Mr. Garcia and Mr. Harrison, so
13 you've got a copy.

14 THE TECHNICAL EXAMINER GARCIA: Thank
15 you. And that's all my questions.

16 THE HEARING EXAMINER: Thank you.
17 Mr. Harrison, anything?

18 THE TECHNICAL EXAMINER HARRISON: I
19 have no questions. Thank you.

20 THE HEARING EXAMINER: Thank you.
21 Mr. Garcia caught my question, so I have no questions.
22 So with that, are there any other interested persons
23 for case 23367? Hearing none, this case will be taken
24 under advisement and all the exhibits will be made
25 into the record. We will leave the record open just

1 to get the correct newspaper affidavit in the file.

2 (MRC Permian Company Exhibit A through
3 Exhibit F were received into evidence.)

4 MS. VANCE: That's easy enough. And
5 you had your head down and you missed my happy dance,
6 Mr. Brancard.

7 THE HEARING EXAMINER: You know we post
8 all these things on TikTok, so don't worry.

9 MS. VANCE: Oh, my goodness.

10 THE HEARING EXAMINER: Just kidding.

11 MS. VANCE: Hope so.

12 THE HEARING EXAMINER: All right. With
13 that, we are on items 23397, 23398. These are 33 and
14 34 on our worksheet. Mewbourne Oil Company.

15 MS. VANCE: Good morning again,
16 Mr. Hearing Examiner, Mr. Garcia and Mr. Harrison.
17 Paula Vance with the Santa Fe office of Holland & Hart
18 on behalf of the applicant, Mewbourne Oil Company.

19 THE HEARING EXAMINER: Thank you. Are
20 there any other interested persons in cases 23398,
21 23399 -- sorry -- 23397, 23398?

22 MR. SAVAGE: Good morning. Darin
23 Savage on behalf of Diamond Energy Production Company
24 LP, and that is in case 23398.

25 THE HEARING EXAMINER: All right. I

1 think I have an entry here for WPX Energy, also.

2 MR. SAVAGE: That is correct. And also
3 WPX Energy Permian LLC, which has merged with Devon.

4 THE HEARING EXAMINER: Anyone else then
5 for these cases? And so let me just check. Does
6 Devon object to this case going forward by affidavit?

7 MR. SAVAGE: No objection.

8 THE HEARING EXAMINER: Thank you. With
9 that, Mewbourne may proceed.

10 MS. VANCE: Thank you, Mr. Hearing
11 Examiner. I would like to present these cases.
12 However, we will need to continue to the April 20th
13 docket to perfect notice, and I will explain that as I
14 go through the exhibit packet.

15 So in these cases, Mewbourne is seeking
16 to -- seeking approval to pool all uncommitted
17 interests in the Purple Sage Wolf Camp, and that is
18 pool code 98220 and that is underlying acreage that is
19 all in Township 22 South, Range 27 East, Eddy County,
20 New Mexico.

21 In case number 23397, Mewbourne seeks
22 to pool a standard 640-acre, more or less, overlapping
23 horizontal spacing unit comprised of the north half of
24 Sections 22 and 21 and initially dedicate the spacing
25 unit to the proposed Papa Grande 22/21 W0AD Fee 1H and

1 the Papa Grande 22/21 W0HA Fee 1H wells.

2 And then in case 23398, Mewbourne seeks
3 to pool a standard 640-acre, more or less, horizontal
4 well spacing unit, and that's comprised of the south
5 half of Sections 22 and 21, and initially dedicate
6 this spacing unit to the proposed Papa Grande 22/21
7 W0IL Fee 1H and the Papa Grande 22/21 W0PM Fee 1 H
8 wells.

9 So in our packet in these cases, we
10 have included a copy of the applications, provided the
11 compulsory pooling checklists as well as a
12 self-affirmed statement -- or self-affirmed statements
13 of -- from the landman Tyler Jolly and geologist Tyler
14 Hill, both of whom have previously testified before
15 the Division and their credentials have been accepted
16 as a matter of record.

17 Mr. Jolly's self-affirmed statement is
18 Exhibit A, which includes Sub-Exhibits A1, which is an
19 overlap diagram and you will see that the overlap is
20 on the west half of Section 22 for these proposed
21 wells and that overlap is -- or that existing well is
22 the Grande No. 1 and in that spacing unit.

23 So you'll see Exhibit A2. We have -- I
24 think someone's unmuted. Okay. A2 is a overlap
25 notice. And so originally, we sent out a overlapping

1 notification and that was dated on March 7, 2023, and
2 that was going to expire.

3 Obviously in our applications, we were
4 not originally seeking approval of a overlapping
5 spacing unit, but of course I've provided the
6 information to bring that to the attention of the
7 Division. However, we noticed a defect in that notice
8 and we have corrected it and therefore, we re-sent out
9 notice.

10 That amended notice -- and you'll see
11 that in the letterhead, and that's dated March 30,
12 2023, and that should expire by the time we get to
13 that April 20th docket. And therefore, that's why
14 we're requesting this -- these cases be continued so
15 we can perfect notice on the overlap -- overlapping
16 notification.

17 So following that is
18 Exhibit -- Sub-Exhibit A3, which are the C102s, and
19 then this is followed by a four land tract map and a
20 list of the uncommitted working interest owners that
21 we are seeking to pool. A5 is a sample well proposal
22 or sample well proposal letters and AFEs. And A6 is a
23 chronology of contacts.

24 This is followed by Mr. Hill's
25 self-affirmed statement, which is Exhibit B, and

1 includes Sub-Exhibit B1, which is a locator map, SEPC
2 structure and cross-section map for the north half,
3 and then B2 is a stratigraphic cross-section for the
4 north half and then B3 and B4 are the same, but
5 for -- same type of sub-exhibits, but for the south
6 half.

7 In these cases, Mr. Hill did not
8 observe any faulting, pinch-outs or other geologic
9 impediments to the horizontal drilling of these wells.

10 And then lastly is Exhibit C, which is
11 my self-affirmed statement of notice with sample
12 letters that were timely mailed on March 17, 2023.
13 And Exhibit D, an affidavit of notice of publication
14 which was timely published on March 17, 2023, and
15 hopefully shows up on your end.

16 But unless there are any questions, I
17 would ask that all exhibits and sub-exhibits be
18 admitted into the record and that case numbers 23397
19 and 23398 be taken under advisement by the Division at
20 this time, leaving open our continuing the case to
21 perfect the notice. I stand by for any questions.

22 (Mewbourne Oil Company Exhibit A
23 through Exhibit D were marked for
24 identification.)

25 THE HEARING EXAMINER: Thank you. Any

1 questions from Devon?

2 MR. SAVAGE: No questions,
3 Mr. Examiner. Thank you.

4 THE HEARING EXAMINER: Mr. Garcia?

5 THE TECHNICAL EXAMINER GARCIA: I guess
6 same issue I have is -- it's not the affidavit in this
7 case, but I have a blank page on case 23397 right
8 before the Carlsbad Current-Angus [sic] affidavit.
9 Not sure what it's supposed to be.

10 MS. VANCE:
11 You're -- where -- what -- you're saying you have a
12 blank page. Where was that again, Mr. Garcia?

13 THE TECHNICAL EXAMINER GARCIA: In case
14 23397, it's PDF page 56.

15 MS. VANCE: Okay. So that would be our
16 affidavit of notice of publication for that 23397. So
17 I guess we'll have to do another supplemental filing
18 for that and hopefully it shows up on your end. I
19 have it. It was a part of the hearing packet. So
20 must be whatever glitch is going --

21 THE HEARING EXAMINER: Well, we have
22 the affidavit of publication. It's just the page
23 before that that's blank.

24 THE TECHNICAL EXAMINER GARCIA:
25 Correct.

1 THE HEARING EXAMINER: So we're just
2 curious as to whether there was something really,
3 really important there that we can't see.

4 MS. VANCE: Well, I guess my question
5 would be do you see -- the page before that is the
6 mailing report; do you have that?

7 THE TECHNICAL EXAMINER GARCIA: Yes. I
8 have mailing report, blank page and then Carlsbad
9 Angus [sic] affidavit. So I'm not sure what's
10 missing.

11 MS. VANCE: And do you have both of the
12 affidavits of notification --

13 THE TECHNICAL EXAMINER GARCIA: Not for
14 the newspaper.

15 MS. VANCE: You have it for both cases,
16 though? Because there should be two.

17 THE TECHNICAL EXAMINER GARCIA: No, I
18 don't think so.

19 MS. VANCE: So you're saying you only
20 have a affidavit of notice of publication for case
21 23397, but not case 23398?

22 THE TECHNICAL EXAMINER GARCIA: Sorry.
23 Zooming in. I am super blind. The affidavit in here
24 is for case 23398, but there is no affidavit for
25 23397. Sorry.

1 MS. VANCE: That is really weird.

2 MR. RANKIN: Gentlemen, this is Adam
3 Rankin. I'm just -- for some reason, I'm looking at
4 the filing on the case file and I'm seeing both
5 affidavits show up and with the Division stamped
6 information on it. So I mean, I'm not sure what
7 happened, but at least from my viewpoint looking at
8 the case file, I'm seeing both affidavits in the
9 record.

10 THE TECHNICAL EXAMINER GARCIA: Yeah.
11 That's where I'm at, too. So I guess I'll download
12 them and make sure it shows up there and I may be in
13 touch, I guess.

14 MS. VANCE: Can -- do you mind also
15 double checking on the case that I just presented for
16 MRC Permian to see if maybe it's -- 'cause it's -- I'm
17 going to double check that, too, because it was a part
18 of the hearing packet --

19 THE TECHNICAL EXAMINER GARCIA: Yeah.
20 I --

21 THE HEARING EXAMINER: It's identical
22 for both cases and in both cases, we have, as the last
23 page, page 57, the affidavit of publication. There's
24 just a blank page before that that we're hoping
25 doesn't include something really important.

1 THE TECHNICAL EXAMINER GARCIA: Yeah.
2 I see it now, Bill. I downloaded the cases to my
3 desktop and it pops up once you fully download, but if
4 you view them just out of our case files, there's
5 blank pages in it. So ...

6 THE HEARING EXAMINER: Okay. So there
7 is something on page 56?

8 THE TECHNICAL EXAMINER GARCIA: Yeah.
9 It's a secondary Carlsbad affidavit.

10 MS. VANCE: And also, Mr. Hearing
11 Examiner, Mr. Garcia, I just went on, prompted by my
12 colleague, Mr. Rankin, and I just checked the -- on
13 the images, OCD images, and I can see the entire
14 affidavit of notice of publication for our MRC George
15 case as well.

16 THE TECHNICAL EXAMINER GARCIA: Okay.
17 Yeah. I do know we're having some technical
18 difficulties on our side. Our servers like to run
19 slow sometimes 'cause we get our data scraped
20 massively by operators and third-party people. So --

21 THE HEARING EXAMINER: Well, I concur
22 with Mr. Garcia. I just downloaded the document and
23 then the affidavit pops -- the second affidavit does
24 pop up in the download. It's just on the screen in
25 our case file, there's a missing page. That's all.

1 THE TECHNICAL EXAMINER GARCIA: Yeah.
2 So I think we are okay for these two cases --

3 THE HEARING EXAMINER: Yeah. I think
4 so, too.

5 MS. VANCE: Including the MRC George
6 case as well?

7 THE HEARING EXAMINER: Yes.

8 MS. VANCE: Okay.

9 THE HEARING EXAMINER: No. No. The
10 MRC George case -- I don't know. Did you download
11 that one, Mr. Garcia?

12 THE TECHNICAL EXAMINER GARCIA: I am
13 checking now.

14 THE TECHNICAL EXAMINER HARRISON: I
15 believe --

16 THE HEARING EXAMINER: Maybe you should
17 try that.

18 THE TECHNICAL EXAMINER GARCIA: You
19 said you did, John?

20 MS. VANCE: I see Mr. Harrison was
21 nodding. It looks like he was able to find it.

22 THE TECHNICAL EXAMINER HARRISON: I was
23 able to find that. I was just going to confirm that
24 same situation for both these cases, that downloading
25 them, you can see all of those -- the presented

1 materials. I don't think there's any need to supply
2 that in a supplemental application, but I'll leave
3 that up to the Examiner.

4 THE TECHNICAL EXAMINER GARCIA: Yep, I
5 can see it. Sorry for my slow internet.

6 MS. VANCE: I think that means I can
7 really do a happy dance because hopefully I don't have
8 to do any supplemental filing.

9 THE HEARING EXAMINER: I've just
10 downloaded it and yes, it does pop up in the download.
11 For some reason, it doesn't show up on our case file.
12 So no need to file additional information on 23367.

13 MS. VANCE: Excellent.

14 THE HEARING EXAMINER: So with that,
15 23397, 23398, we're going to continue that; correct?
16 To April 20th?

17 MS. VANCE: That's correct, Mr. Hearing
18 Examiner.

19 THE HEARING EXAMINER: To allow the
20 time to run on the notice for the overlap. With that,
21 the exhibits will be admitted into 23397, 23398 and
22 the case will be continued to April 20th -- cases.

23 (Mewbourne Oil Company Exhibit A
24 through Exhibit D were received into
25 evidence.)

1 MS. VANCE: Thank you.

2 THE HEARING EXAMINER: Thank you.

3 Okay. We are on -- oh, I'm sorry. Ms. Vance, can you
4 come back on board? I have to give you the lecture;
5 okay? From what I understand, case 23397 is located
6 quite close to the Carlsbad Brine Well Remediation
7 Project. So please reach out to the Division when
8 you're dealing -- having to deal with the APD.

9 There may be conditions they may want
10 to place on the APD for the well. It's not something
11 we deal with here in this case, but I just want to put
12 you on notice that they are still looking at
13 conditions to wells that are very close, like within a
14 mile or so, of the remediation project.

15 MS. VANCE: Thank you, Mr. Hearing
16 Examiner. I will make sure that Mewbourne is aware of
17 that and coordinate with them accordingly.

18 THE HEARING EXAMINER: Thank you.

19 MS. VANCE: Thank you.

20 THE HEARING EXAMINER: So with that,
21 with -- we're on item 35, case 23403. Legacy Reserves
22 Operating.

23 MR. PARROT: Good morning,
24 Mr. Brancard, Mr. Garcia, Mr. Harrison. Thanks very
25 much for your time today. I'm James Parrot with

1 Beatty & Wozniak representing Legacy Reserves
2 Operating.

3 THE HEARING EXAMINER: Thank you. Do
4 you want to consolidate this with the next case or do
5 them separately?

6 MR. PARROT: You read my mind. I would
7 very much appreciate that.

8 THE HEARING EXAMINER: All right. So
9 we will also call case 23404. Are there any other
10 interested persons for cases 23403, 23404? Hearing
11 none, Legacy may proceed.

12 MR. PARROT: Thank you. So 23403 and
13 23404 are related and nearly identical applications to
14 pool all and committed interest into approximately
15 240-acre units for the Bone Spring Formation covering
16 the west half/east half of Section 33/18 South, 31
17 East and the west half/northeast of Section 4/19
18 South, 31 East and then the east half/east half of
19 Section 33 and the east half/northeast of Section 4
20 respectively.

21 So 403 is the west half of the east
22 half and 404 is the east half of the east half. And
23 as the Division has given me permission, I'll present
24 both of these applications together.

25 So the Bone Spring units are committed

1 to the following wells: In 403, it is the Jet Fed Com
2 401H, 501H and 601H wells and in 404, it is the Jet
3 Fed Com 402H, 502H and 602H wells. Neither unit
4 includes proximity tracts and the exhibit packets that
5 were filed a couple days ago contain the checklist
6 applications and affidavits.

7 As you'll see, Exhibit A is the pooling
8 checklist, Exhibit B includes the applications, the
9 Exhibit C include the affidavits from Legacy's land
10 witness, Taylor Thoreson. Ms. Thoreson has previously
11 testified before the Division and had her
12 qualifications accepted as those of an expert.

13 Ms. Thoreson notes that all working
14 interest owners in these units have voluntarily
15 committed their interests. So these applications are
16 only pooling overriding royalty interests.

17 C1 includes the general location maps.
18 C2 contains the Form 102s and Ms. Thoreson notes on
19 Exhibit C there are no overlapping spacing units. C3
20 depicts the spacing units and wells. C4 covers the
21 ownership and C5 provides a chronology of contacts.

22 Exhibit D is the affidavit of
23 EOG -- sorry -- Legacy's geology witness, John
24 Stewart. Mr. Stewart has previously testified before
25 the Division and had his qualifications accepted as

1 those of an expert. D1/D4 present locator maps and
2 the A-to-A prime locations.

3 D2, D5 and D8 are structure maps off
4 the top of the Bone Spring Formations, first, second
5 and third. And Mr. Stewart states the wells are
6 representative of the area geology and he observed no
7 faulting, pinching or other geologic hazards to
8 developing horizontal wells.

9 D3, D6 and D9 are cross-sections of the
10 first, second and bone -- first, second and Third Bone
11 Spring Formations with gamma-ray resistivity and
12 porosity logs and the targeted interval.

13 Exhibit E is the notice affidavit
14 showing that notice letters were mailed to addresses
15 of record for all the overriding royalty interest
16 owners and immediately after, the copy of the notice
17 letter that was mailed is a list of all of the owners
18 and the status of mailing, followed by the green
19 cards.

20 Exhibit A [sic] is the affidavit of
21 publication in the Argus.

22 So with that, I'd ask that the exhibits
23 for both 23403 and 23404 be admitted into the record
24 and the matters be taken under advisement.

25 //

1 (Legacy Reserves Operating LP Exhibit A
2 through Exhibit F were marked for
3 identification.)

4 THE HEARING EXAMINER: Thank you.

5 Mr. Garcia?

6 THE TECHNICAL EXAMINER GARCIA: No
7 questions.

8 THE HEARING EXAMINER: Mr. Harrison?

9 THE TECHNICAL EXAMINER HARRISON: Just
10 as a matter of record, Mr. Stewart has not testified
11 before the Division before?

12 MR. PARROT: I believe that -- well, I
13 believe he submitted affidavits in prior matters.
14 Would you like me to present his qualifications?

15 THE TECHNICAL EXAMINER HARRISON: No, I
16 don't think that's necessary. I just didn't confirm
17 if he had previously presented.

18 MR. PARROT: Okay.

19 THE TECHNICAL EXAMINER HARRISON: And
20 no further questions. Thank you.

21 MR. PARROT: Thank you.

22 THE HEARING EXAMINER: Thank you.

23 Okay. So I'm really confused here. Your application
24 says you're only pooling overriding royalty interest
25 owners.

1 MR. PARROT: Correct.

2 THE HEARING EXAMINER: Okay. So when
3 we get to Exhibit C4, which shows working interest
4 ownership, clearly states that COG and Concho are
5 uncommitted.

6 MR. PARROT: That is a typo in Exhibit
7 C4 and we can submit corrected Exhibit C4s. COG and
8 Concho have both signed JOAs for these units. So
9 that's a typo and we are not asking that COG or Concho
10 be designated as uncommitted or seeking a penalty
11 against either party.

12 THE HEARING EXAMINER: Okay. So then
13 you say that your pool parties are in C4, but there's
14 no list of overriding royalty interests in Exhibit C4.
15 So who's being pooled here?

16 MR. PARROT: So all of the parties on
17 the -- so if you scroll down to Exhibit E right before
18 the green cards, there's a list of all of the parties
19 who are being pooled and when we submit new Exhibit
20 C4s, we can include that list on the new Exhibit C4.

21 THE HEARING EXAMINER: Okay.
22 'Cause -- because in your checklist where it says,
23 "Pool parties," it says, "Exhibit C4 and C5." So
24 they're not there.

25 MR. PARROT: They are not there. I

1 agree. And I will correct those Exhibit C4s and get
2 them submitted today if that pleases the Division.

3 THE HEARING EXAMINER: Yes. So C4 to
4 get rid of the uncommitteds and to add the overrides
5 that are being pooled.

6 MR. PARROT: Yes, sir.

7 THE HEARING EXAMINER: Okay. I --

8 MR. PARROT: I apologize for confusing
9 you. I can definitely understand why that was
10 confusing.

11 THE HEARING EXAMINER: It doesn't take
12 much. So -- okay. With that, I think I'm done then.

13 And so are there any other interested
14 persons for case 23403, 23404? Hearing none, the
15 exhibits will be admitted into the record. The case
16 will be taken under advisement, the record left open
17 for revised Exhibit C4 to provide us with corrections
18 about who's really being pooled here.

19 (Legacy Reserves Operating LP Exhibit A
20 through Exhibit F were received into
21 evidence.)

22 MR. PARROT: Thank you very much. I
23 will not do a happy dance 'cause I don't want to
24 offend everybody watching. And thank you very much
25 and have a great day.

1 THE HEARING EXAMINER: Thank you. All
2 right. With that, we are on item 37, case 23413.
3 Steward Energy.

4 MS. MCLEAN: Hello. Jackie McLean with
5 Hinkle Shanor on behalf of Steward Energy.

6 THE HEARING EXAMINER: Thank you. We
7 have, I believe, an entry from Fasken Oil and Ranch?

8 MR. RANKIN: Morning, Mr. Examiner.
9 Adam Rankin with the Santa Fe office of Holland & Hart
10 appearing on behalf of Fasken in this case.

11 THE HEARING EXAMINER: Does Fasken
12 object to this case being heard by affidavit?

13 MR. RANKIN: We do not, Mr. Examiner,
14 but at some point, I'll just ask Ms. McLean to confirm
15 that Fasken is not being a party being pooled in this
16 case.

17 THE HEARING EXAMINER: Thank you. Are
18 there any other interested persons for case 23413?
19 Hearing none, Steward Energy may proceed.

20 MS. MCLEAN: Thank you, Mr. Examiner.
21 In case number 23413, Steward seeks to pool all
22 uncommitted interests in the San Andres Formation
23 underlying a 320-acre standard horizontal spacing unit
24 comprised of the west half of Section 10, Township 13
25 South, Range 38 East in Lea County, New Mexico.

1 And this spacing unit will be dedicated
2 to the Lawyer Up Fee #5H well, which will be drilled
3 from a surface hole location in Unit B of Section 15
4 to a bottom hole location in Unit C of Section 10.

5 And the completed interval of the
6 Lawyer Up Fee #5H well will be located within 330 feet
7 of the quarter-quarter section line separating the
8 west half/west half and east half/west half of Section
9 10 to allow for the creation of a 320-acre standard
10 horizontal spacing unit.

11 And we have provided three exhibits in
12 our packet. Exhibit A is the land professional's
13 testimony and related land exhibits, which include the
14 plat of tracts, ownership interests, pooled parties,
15 well proposal letter, summary of communications, the
16 notice of hearing and C102.

17 And also, to address Mr. Rankin's
18 concerns, we did submit a notice of amended exhibits
19 yesterday and submitted an amended Exhibit A3, which
20 if you go to the last page of amended Exhibit A3, it
21 removes Fasken from the pooling.

22 And then we have Exhibit B, geology
23 testimony of Mr. Seals, which includes a location map,
24 SEPC structure map and stratigraphic cross-sections.

25 And then Exhibit C is notice testimony,

1 which includes the sample notice letter sent to the
2 parties to be pooled, a chart of the parties to be
3 pooled. Again, Fasken -- we did send them notice, but
4 they are not being pooled as reflected on the amended
5 Exhibit A3. And then we also timely published in the
6 Hobbs News-Sun on March 15, 2023.

7 And with that, unless there are
8 additional questions, I ask that Exhibits A, B and C
9 be admitted into the record and that case number 23413
10 be taken under advisement.

11 (Steward Energy II, LLC Exhibit A,
12 Exhibit B, and Exhibit C were marked
13 for identification.)

14 THE HEARING EXAMINER: Thank you.
15 Fasken, any further questions?

16 MR. RANKIN: No, Mr. Examiner. Just
17 slightly. We just wanted to make sure that was the
18 case, that as an uncommitted owner, we are being
19 removed from -- that Fasken's being removed from the
20 pooling and Ms. McLean addressed that question and
21 confirmed. So no further questions from me. Thank
22 you.

23 THE HEARING EXAMINER: Thank you.
24 Mr. Garcia?

25 THE TECHNICAL EXAMINER GARCIA: Did

1 they let you pick the well name? Never seen well
2 names called "Lawyer Up."

3 MS. MCLEAN: I know. I just like
4 always -- I just want to ask people what is going
5 through your head with all of these fun names?

6 THE TECHNICAL EXAMINER GARCIA: Maybe
7 they were expecting opposition.

8 MS. MCLEAN: I have a lot that I always
9 think about, too, but that's outside of our pay band;
10 right?

11 THE TECHNICAL EXAMINER GARCIA: Yeah.
12 I have no questions.

13 THE HEARING EXAMINER: Mr. Harrison?

14 THE TECHNICAL EXAMINER HARRISON: No
15 questions from me either.

16 THE HEARING EXAMINER: Okay. All
17 right. Once again, I'm really confused as to who's
18 being pooled here; okay?

19 MS. MCLEAN: So if --

20 THE HEARING EXAMINER: So you have an
21 Exhibit A3. I'm looking at the revised version; okay?
22 It lists a whole bunch of uncommitted parties, but
23 then at the end, there's uncommitted parties and some
24 of them are in yellow and some of them are not and
25 there's no indication about what that means.

1 MS. MCLEAN: So in the
2 note -- sorry -- the Exhibit A, the self-affirmed
3 statement of Taylor Warren, paragraph eight. It says,
4 "Exhibit A3 contains the plat identifying ownership by
5 tract in the unit," and it shows the interests that
6 Steward seeks to pool highlighted in yellow.

7 So that continues on to the amended
8 Exhibit A3, that the parties that we are seeking to
9 pool are highlighted in yellow. And I believe that
10 that is it. It's just the parties highlighted in
11 yellow.

12 THE HEARING EXAMINER: Okay.
13 So -- well, all right. Amuse me. What happens to
14 these uncommitted working interest owners who are not
15 being pooled by this order?

16 MS. MCLEAN: I believe some of them
17 already have agreements in place. With Fasken, I
18 believe they're just trying to finalize the JOA and
19 then that shouldn't be an issue anymore. And everyone
20 wanted to continue going forward with today's hearing
21 due to lease expirations and other issues.

22 So I think -- and Mr. Rankin can
23 correct me if I'm wrong, but this -- they should
24 be -- the issue with Fasken should be resolved fairly
25 quickly.

1 THE HEARING EXAMINER: Okay. And then
2 your Exhibit C2 says who's getting notice, which I
3 guess includes all the people in yellow. They did
4 seem to make the cut. And then there's a few others
5 in here like the Boy Scouts. Not sure how they got
6 notice, but --

7 MS. MCLEAN: I think sometimes with
8 these estates, we get other offshoots of that because
9 as you can see, we're not pooling them either. But
10 everyone that we are seeking to pool in case number
11 23413 did receive notice and I believe we got all of
12 them back, which is oftentimes rare.

13 THE HEARING EXAMINER: Okay. So in
14 order to understand Exhibit A3, you have to read
15 Exhibit A?

16 MS. MCLEAN: Correct, Mr. Examiner.
17 Would you like us to do a supplemental affidavit as
18 well referencing the amended Exhibit A3?

19 THE HEARING EXAMINER: No, that's fine.
20 I guess I would like you to just -- why don't you
21 amend your Exhibit A3 just to put a statement on
22 there, "Pool parties are indicated in yellow."

23 And the reason for that is that if you
24 go to your checklist, which will be attached to the
25 order, it will say, "Pool parties," -- if you want to

1 find out from the order where the pool parties are, it
2 will tell you to go to Exhibit A3, not to Exhibit A.
3 So --

4 MS. MCLEAN: We can certainly do that,
5 Mr. Examiner. Not a problem.

6 THE HEARING EXAMINER: Okay. All
7 right. Well, yeah. That's fine. If you want to
8 notify lots of people who you don't need to notify,
9 that's great. And yes -- and it's often -- you want
10 to make sure that there aren't people who may have
11 gotten an interest some other way.

12 MS. MCLEAN: More is better in the case
13 of the OCD in terms of paperwork, I find.

14 THE HEARING EXAMINER: Yes. All right.
15 Well -- all right. Are there any other interested
16 persons then for case 23413? Hearing none, the
17 exhibits will be admitted into the record, case will
18 be taken under advisement, and we'll have a revised
19 Exhibit A3. All you need is a sentence.

20 (Steward Energy II, LLC Exhibit A,
21 Exhibit B, and Exhibit C were received
22 into evidence.)

23 MS. MCLEAN: Thank you, Mr. Examiner.

24 THE HEARING EXAMINER: Thank you. With
25 that, we are on items 38, 39 and 40, cases 23421,

1 23422, 23423. Colgate Operating.

2 MS. MCLEAN: Jackie McLean with Hinkle
3 Shanor on behalf of Colgate Operating.

4 THE HEARING EXAMINER: All right. We
5 have an entry from a series of parties. Red River
6 Energy Partners, Gosier, if I pronounced that
7 correctly, Energy, Latham Energy.

8 MR. BRUCE: Yes, Mr. Examiner. Jim
9 Bruce on behalf of those three entities.

10 THE HEARING EXAMINER: And --

11 MR. BRUCE: And I have no idea how to
12 pronounce that second company. So ...

13 THE HEARING EXAMINER: Okay. All
14 right. And, Mr. Bruce, I believe you have filed an
15 objection, but you withdrew the objection; is that
16 correct?

17 MR. BRUCE: That is correct, and my
18 clients have no objection to Colgate proceeding by
19 affidavit.

20 THE HEARING EXAMINER: Thank you. Are
21 there any interested persons for cases 23421, 422,
22 423? Hearing none, Colgate Operating may proceed.

23 MS. MCLEAN: Thank you, Mr. Examiner.
24 In case numbers 23421, 23422 and 23423, Colgate
25 Operating is seeking order to pool additional

1 uncommitted interests under the terms of Division
2 Order Numbers R-22179, R-22181 and R-22812 and -- or
3 182. Sorry.

4 And on July 11, 2022, the Division
5 entered the orders, which pooled uncommitted interests
6 in the Bone Spring and Wolf Camp Formations,
7 underlying a standard horizontal spacing unit
8 comprised of the south half/south half and north
9 half/south half of Sections 35 and 36, Township 19
10 South, Range 28 East in Eddy County, New Mexico.

11 And the orders dedicated the units to
12 the Uluru 35 State -- 35 Fed State Com 133H, 124H,
13 134H and 203H wells.

14 Since the orders were entered, Colgate
15 identified additional interests in the unit that had
16 not been pooled under the terms of the order and at
17 this point, Colgate is actually seeking to pool only
18 one additional interest owner in these cases and we've
19 actually received the notice returned for that
20 individual.

21 The exhibit packets submitted to the
22 Division for case numbers 23421, 23422 and 23423 all
23 contain Exhibit A, which is land professional's
24 testimony and related land exhibits, which include the
25 application and proposed notice of hearing, the orders

1 Colgate is seeking to reopen, a plat of tracts,
2 ownership interest and the additional interest owner
3 to be pooled, a sample well proposal letter and AFE
4 and a chronology of contact.

5 And then we have Exhibit B, which is
6 notice testimony setting out when we sent the notice
7 letter, the date the return was received, the
8 certified mail cards in support and then finally, an
9 affidavit of publication showing that was timely
10 published in the Carlsbad newspaper.

11 And with that, I ask that Exhibits A
12 and B be admitted into the record in case numbers
13 23421, 23422 and 23423 and that these cases be taken
14 under advisement.

15 (Colgate Operating, LLC Exhibit A and
16 Exhibit B were marked for
17 identification.)

18 THE HEARING EXAMINER: Thank you.
19 Mr. Garcia, questions?

20 THE TECHNICAL EXAMINER GARCIA: No
21 questions.

22 THE HEARING EXAMINER: Mr. Harrison?

23 THE TECHNICAL EXAMINER HARRISON: No
24 questions.

25 THE HEARING EXAMINER: Thank you. All

1 right. So once again, I'm confused. So I'm looking
2 at 423. Your sample AFE letter is sent to somebody
3 called Dome Petroleum Corp. Is that just a sample
4 letter or ...

5 MS. MCLEAN: Yes, that's a sample
6 letter and that -- I believe that was for the original
7 case actually, just a sample of the well proposal
8 letter that was sent out when all of the well proposal
9 letters were sent out.

10 THE HEARING EXAMINER: And so what
11 you're saying then is in this case, the same letter
12 was sent to the Williamson Estate?

13 MS. MCLEAN: Yes, that's correct.

14 THE HEARING EXAMINER: Okay. So -- and
15 then scrolling down to the notice on 423, who's Baber
16 Well Servicing Co.?

17 MS. MCLEAN: Mr. Examiner, I believe
18 that Baber is related to the entities that had entered
19 an appearance in this case, but that we are no longer
20 seeking to pool.

21 THE HEARING EXAMINER: Okay.

22 MS. MCLEAN: And send out notice to
23 everyone.

24 THE HEARING EXAMINER: Oh, yeah.
25 Here's an odd one. So in -- the tracts are different

1 for each of these; right?

2 MS. MCLEAN: Yes.

3 THE HEARING EXAMINER: So I'm looking
4 at 23423, Exhibit A3, and it shows a tract one, two
5 and three.

6 MS. MCLEAN: I'm scrolling there. One,
7 two and three, yes.

8 THE HEARING EXAMINER: Right. Scroll
9 down to the next page and it tells you what the
10 interest owners are and somehow, Williamson and others
11 own interests in tract five.

12 MS. MCLEAN: Yes. I -- yes, that is
13 correct. So there must be a typo on this chart
14 somewhere.

15 THE HEARING EXAMINER: Well, I think
16 what it is is that in your other units, there is a
17 tract five.

18 MS. MCLEAN: Right.

19 THE HEARING EXAMINER: And so it kind
20 of -- you -- they must have copied the interest thing
21 from one case to the other.

22 MS. MCLEAN: Yes. If you look at, like
23 for example, case number 23422, there are tracts one
24 through five and tract five is also in purple and then
25 Williamson is identified in tract five with that. So

1 I think you're correct and they just carried that over
2 instead of putting tract three.

3 THE HEARING EXAMINER: Okay. So if you
4 could just correct that Exhibit A3 then.

5 MS. MCLEAN: Okay.

6 THE HEARING EXAMINER: All right.

7 MS. MCLEAN: And that's for --

8 THE HEARING EXAMINER: I think it's
9 just that one case. The other cases, I think, are
10 fine.

11 MR. BRUCE: Mr. Examiner, may I make a
12 brief statement?

13 THE HEARING EXAMINER: Mr. Bruce.

14 MR. BRUCE: Yeah. I'm alive.

15 THE HEARING EXAMINER: Just identifying
16 you for the record. That's all.

17 MR. BRUCE: I just -- I haven't looked
18 at the exhibits. I just wanted to verify that my
19 three clients and then the -- their predecessors and
20 Baber Well Servicing, the heirs of a Mr. Smithson are
21 not being pooled in this proceeding. If Ms. McLean
22 could just verify that for me, that's all I need to
23 know.

24 MS. MCLEAN: Yes, that's correct.

25 All -- the only person or entity we're seeking to pool

1 in these three cases is now Ralph E. Williamson heirs.
2 We're no longer pooling Mr. Bruce's clients.

3 MR. BRUCE: Thanks.

4 THE HEARING EXAMINER: Thank you. Yes.
5 And that's pretty clear from the exhibit. It's the
6 only one with the word "yes" next to it. So --

7 MR. BRUCE: What is the meaning of
8 "yes"?

9 THE HEARING EXAMINER: Yeah. All
10 right. So any other comments or questions on cases
11 23421, 23422, 23423? Hearing none, the exhibits will
12 be admitted into the record. These cases will be
13 taken under advisement and I believe we're just
14 correcting Exhibit A3 on 23423.

15 (Colgate Operating, LLC Exhibit A and
16 Exhibit B were received into evidence.)

17 MS. MCLEAN: Yes, Mr. Examiner. Thank
18 you.

19 THE HEARING EXAMINER: Thank you. All
20 right. Dana, you're still doing okay?

21 THE REPORTER: Yes. I'm still here.

22 THE HEARING EXAMINER: All right. All
23 right. With that, we are on case 23424. Silverback
24 Operating.

25 MR. HOLLIDAY: Okay. Good morning,

1 Mr. Hearing Examiner, Mr. Technical -- or technical
2 advisors. Ben Holliday with the San Antonio office of
3 Holliday Energy Law Group appearing on behalf of
4 Silverback Operating II, LLC.

5 THE HEARING EXAMINER: Thank you.
6 Welcome. And we have an entry of appearance from
7 Fasken Oil and Ranch.

8 MR. RANKIN: Morning, Mr. Examiner.
9 Adam Rankin with the Santa Fe office of Holland & Hart
10 appearing on behalf of Fasken in this case.

11 THE HEARING EXAMINER: Thank you. Does
12 Fasken object to this case being heard by affidavit?

13 MR. RANKIN: Does not.

14 THE HEARING EXAMINER: Are there any
15 other entries of appearance for case 23424? Hearing
16 none, Silverback may proceed.

17 MR. HOLLIDAY: All right. Thank you,
18 Mr. Brancard. Before I get started, I can answer
19 Mr. Garcia's question. In a former life, I was a
20 in-house landman and naming wells was one of our
21 favorite things to do.

22 In fact, I think our crowning
23 achievement -- we had an individual who was tough to
24 work with and who had a nickname. So we named
25 the -- we named a well after him. It was the "Fat

1 Elvis" and it made it through all of our filings and
2 there was the hottest competition to see who could
3 come up with well names. It was a lot of fun.

4 So I actually -- when I pulled the list
5 today, I wanted to commend everybody. I -- it's
6 pretty exciting.

7 So in this case, Silverback Operating
8 II seeks to pool all uncommitted interests within a
9 standard 320-acre horizontal well spacing unit in the
10 Penasco Draw SA-Yeso Formation, and that's going to be
11 pool code number 50270.

12 The proposed spacing unit is comprised
13 of the north half of Section 9, Township 19 South,
14 Range 25 East in Eddy County for the Morrison 101H,
15 102H, 103H and 104H wells.

16 Our exhibit package provides the
17 compulsory pooling checklist and the application along
18 with the notice for the docket. Silverback's
19 witnesses today in this matter are landman Larry
20 Coshow and geologist Nate Gilbertson, both of whom
21 have been previously qualified as experts by the
22 Division.

23 So if you move now to Exhibit A, this
24 is the self-affirmed statement of Silverback landman
25 Larry Coshow. He provides a number of exhibits,

1 including Exhibits A1 through A8, and I'll just run
2 through those briefly. A1 is a copy of the stamped
3 application and notice provided in this matter.

4 A2 is our general location map
5 depicting the location of the proposed Morrison
6 spacing unit. Exhibit A3 contains the C102s for the
7 four wells at issue in this case. Exhibit A4A is a
8 plat of the proposed spacing unit along with our tract
9 numbers. As you can see, there's two tracts in this
10 case.

11 Exhibit A4B contains our ownership
12 information for each of the tracts, both on a tract
13 basis as well as a consolidated unit basis. And
14 finally, Exhibit A4C is a list of our contact
15 information for all the relevant parties in this case.

16 Exhibit A5 provides proof of notice to
17 the relevant parties in this matter. So while none of
18 the parties in this case number were deemed not
19 locatable, out of an abundance of caution, Silverback
20 caused notice by publication to be run in the Carlsbad
21 Argus and Exhibit A6 is proof that this was timely
22 done.

23 Exhibit A7 is a copy of the well
24 proposal letter that was sent to the parties. And
25 going over my exhibits this morning, I realized we did

1 not attach the AFEs to this. We have since filed them
2 in this case. So you guys should have received them
3 already and I'm happy to do a supplemental filing for
4 that amended exhibit after this hearing is completed.

5 Finally, Exhibit A8 is a chronology of
6 the contacts that details Silverbacks various
7 communications and efforts to commit the parties to
8 this matter.

9 Moving now to Exhibit B. This is the
10 self-affirmed statement of the geologist Nate
11 Gilbertson who provides Exhibits B1 through B6.

12 As detailed in this statement, in
13 completing his geologic study of the proposed
14 horizontal spacing unit, Mr. Gilbertson did not
15 observe any faulting, pinch-outs or other geologic
16 impediments to horizontal development in the spacing
17 unit.

18 B1 is Mr. Gilbertson's map identifying
19 the spacing unit along with a trajectory of the
20 proposed wells. B2 is our structure map depicting the
21 Yeso Formation that is a target of the proposed
22 horizontal spacing unit.

23 Exhibit B3 is our structural
24 cross-section that corresponds with the A-to-A prime
25 on the prior exhibit. On this Exhibit B3,

1 Mr. Gilbertson provides the general location of the
2 Yeso interval that Silverback's targeting
3 additionally.

4 Exhibit B4 is our gun barrel diagram of
5 the proposed wells that depicts the location of the
6 proposed wells within the targeted formation, while
7 Exhibit B5 is our diagram of the proposed well
8 trajectories within the targeted --

9 So finally, Exhibit B6. This depicts
10 the location of the existing vertical wells in the
11 proposed horizontal spacing unit and Mr. Gilbertson's
12 affidavit details the measures that Silverback's taken
13 to ensure that it's acting as a prudent operator in
14 response to these wells while developing the proposed
15 horizontal Morrison unit.

16 Finally, we can move to Exhibit C.
17 This is my self-affirmed statement of notice providing
18 that notice in this matter was timely provided.
19 Exhibit C1 contains our table of contacts and mailing
20 receipts, along with a sample notice letter that was
21 provided to all parties.

22 And as I mentioned previously, while
23 there were no unlocatable parties in this matter, out
24 of an abundance of caution, I caused notice by
25 publication to be run in the Carlsbad Argus more than

1 ten days in advance of this hearing and so we've
2 provided that notice and affidavit in Exhibit C2.

3 If there are no further questions -- or
4 as I'll stay around for further questions, but we ask
5 that all exhibits, including A B and C, be admitted
6 into evidence and that the Division take this matter
7 under advisement. Thank you. I'm going to stand by
8 for questions.

9 (Silverback Operating II, LLC Exhibit
10 A, Exhibit B, and Exhibit C were marked
11 for identification.)

12 THE HEARING EXAMINER: Thank you. Any
13 questions or concerns from Fasken? Kind of quiet over
14 there. Let's try Mr. Garcia.

15 THE TECHNICAL EXAMINER GARCIA: One
16 question, and just to clarify. Your checklist has
17 some red lettering in it. Does the color mean
18 anything?

19 MR. HOLLIDAY: No. That was in the
20 template that we had used. It's funny 'cause I
21 thought that was something the OCD wanted to see. So
22 no, there's no significance to the lettering --

23 THE TECHNICAL EXAMINER GARCIA: Okay.
24 Yeah. You can turn it black in your template then.
25 It was supposed to be black on ours.

1 MR. HOLLIDAY: Got it. We'll do it.

2 THE TECHNICAL EXAMINER GARCIA: I think
3 that's all my questions. I was trying to -- sorry.
4 I'm trying to skim through your exhibits real quick.
5 You had a summary of contacts -- or a chronology of
6 contacts with the pooled parties in here?

7 MR. HOLLIDAY: Yes. That would be in
8 A8, I believe.

9 THE TECHNICAL EXAMINER GARCIA: Okay.
10 I believe that is all of my questions.

11 THE HEARING EXAMINER: Mr. Harrison?

12 THE TECHNICAL EXAMINER HARRISON: I
13 have no questions. Thank you.

14 THE HEARING EXAMINER: All right.
15 Yeah. Sorry. I know we had some glitches with
16 getting your stuff filed yesterday. So we're all sort
17 of catching up here quickly.

18 THE TECHNICAL EXAMINER GARCIA: Yeah.
19 I was going to make one broad statement, too, on that
20 now, Mr. Brancard. To all counsel, I think Marlene is
21 in the background communicating with like most of you
22 or your paralegals on filing amended exhibits right
23 now. I think our system's still down and still
24 struggling.

25 So you might want to confirm things are

1 actually getting filed right now. Marlene is
2 responding to most of them saying like, "Hey, our
3 system is down. Please check again in a while and try
4 again." Not sure what the issue is, but FYI.

5 THE HEARING EXAMINER: All right. Let
6 me -- so, Mr. Holliday, let me start with tab four.
7 These are your spacing unit and working interests
8 here. So let me just confirm that the parties listed
9 in yellow are the parties you are pooling; is that
10 correct?

11 MR. HOLLIDAY: That is correct. Yes,
12 sir. And that -- there's a statement to that effect
13 in Mr. Coshov's affidavit. But yes, we've identified
14 the parties to be pooled in yellow.

15 THE HEARING EXAMINER: Okay. As I've
16 said to everybody, it's sort of helpful if you kind of
17 just type that on the exhibit.

18 MR. HOLLIDAY: I'll do that.

19 THE HEARING EXAMINER: All right. So
20 you have five parties you're pooling here, two working
21 interest and three unleased mineral interest; is that
22 correct?

23 MR. HOLLIDAY: That's correct.

24 THE HEARING EXAMINER: So with
25 notice -- notice was mailed out on the 13th. System

1 is really -- it's like -- we have a new Adobe Acrobat
2 software and it's really slow. Your newspaper
3 publication is March 24th; is that correct?

4 MR. HOLLIDAY: I believe so. I'd have
5 to go find it. One second. Where's the
6 affidavit -- yes, sir. It was on the 24th.

7 THE HEARING EXAMINER: Okay. So you
8 have to publish ten business days prior to the
9 hearing. So I think you missed it by one day.

10 MR. HOLLIDAY: Okay.

11 THE HEARING EXAMINER: So what we do in
12 that situation is we simply continue the case to the
13 next docket, which would be April 20th, and just see
14 if anybody jumps in during that time frame --

15 MR. HOLLIDAY: Okay. Yes, sir. Very
16 happy to do that. We -- there were no unlocatable
17 parties, but I'm very happy to -- we can certainly
18 continue on in this case. Just wanted to note that.
19 We did that out of an abundance of caution, but happy
20 to refile that -- or excuse me -- re-notice by
21 publication and continue to the next docket.

22 THE HEARING EXAMINER: Okay. Well,
23 you're correct. All your -- all the interests have
24 received, and you do have green cards. So we probably
25 don't have to do that then because it is just sort of

1 belt and suspenders there. Okay. I don't think I
2 have any other questions. Mr. Garcia, Mr. Harrison,
3 anything pop up?

4 THE TECHNICAL EXAMINER HARRISON: Not
5 for me. Thank you.

6 THE TECHNICAL EXAMINER GARCIA: Me
7 neither.

8 THE HEARING EXAMINER: All right.

9 MR. HOLLIDAY: All right.

10 THE HEARING EXAMINER: Are there any
11 other interested persons then for case 23424? Hearing
12 none -- Mr. Holliday, I'm sorry. Did I interrupt you?

13 MR. HOLLIDAY: No.

14 THE HEARING EXAMINER: Hearing none,
15 the -- all the exhibits in case 23424 will be admitted
16 into the record and case 23424 will be taken under
17 advisement. Thank you.

18 (Silverback Operating II, LLC Exhibit
19 A, Exhibit B, and Exhibit C were
20 received into evidence.)

21 MR. HOLLIDAY: Thank you.

22 THE HEARING EXAMINER: Okay. We are on
23 items 42 and 43, cases 23417, 23418. MRC Permian
24 Company.

25 MS. VANCE: Good morning, Mr. Hearing

1 Examiner, Mr. Garcia, Mr. Harrison. Paula Vance for
2 the Santa Fe office of Holland & Hart on behalf of the
3 applicant, MRC Permian Company.

4 THE HEARING EXAMINER: Are there any
5 other interested persons for cases 23417, 23418?
6 Hearing none, MRC may proceed. And I know we're
7 goofing around about well names. We won't ask you who
8 Marlan Downey is.

9 MS. VANCE: Thank you. All right. I
10 will go ahead and get started then. MRC is seeking
11 approval to pool all uncommitted interests in the Bone
12 Spring Formation. And I'll walk through this when we
13 get to the sub-exhibits, but there are two pools.

14 The first pool is the Rock Lake Bone
15 Spring south and that pool code is 52769 and that pool
16 is associated with Sections 4 and 9 acreage. And then
17 we also have the pool WC-025G-06S233516m, Middle Bone
18 Spring, and that pool code is 98246 and that's
19 associated with Section 16 acreage.

20 And this is all underlying -- in both
21 of these cases, all the acreages underline -- or is in
22 Township 23 South, Range 35 East, Lea County, New
23 Mexico.

24 In case number 23417, MRC seeks to pool
25 a standard 400-acre, more or less, overlapping

1 horizontal well spacing unit comprised of the west
2 half of the southeast quarter of Section 4 and the
3 west half of the east half of Sections 9 and 16 and
4 initially dedicate the spacing unit to the proposed
5 Marlan Downey State Com 123H well.

6 And then in case number 23418, MRC
7 seeks to pool a standard 400-acre, more or less,
8 overlapping horizontal well spacing unit comprised of
9 the east half of the southeast quarter of Section 4
10 and the east half of the east half of Sections 9 and
11 16 and initially dedicate the spacing unit to the
12 Marlan Downey State Com 124H well.

13 In these cases, we have included a copy
14 of the applications, provided the compulsory pooling
15 checklist as well as the affidavits of landman David
16 Johns and geologist Blake Herber, both of whom have
17 previously testified before the Division and their
18 credentials have been accepted as a matter of record.

19 And Mr. Johns' affidavit is Exhibit C,
20 which includes Sub-Exhibits C1, an overlap diagram.
21 And you will see there that the two proposed spacing
22 units wholly overlap the two wells, both of which are
23 operated by Matador. And the overlapping well -- the
24 existing well in case 23417 that one's the Marlan
25 Downey State 04 and 09-23S-35EAR and that's the 113H.

1 And the overlap -- the existing well in
2 spacing unit is -- that is associated with case number
3 23418 is the Marlan Downey State 04 and 09-23S-35EAR
4 114H well. There's a diagram there.

5 And then moving on from that, we've got
6 Sub-Exhibit C2, which is the overlapping notice and
7 that's for the first case, which is case number 23417,
8 and that's the Marlan Downey State Com 123H. And then
9 Sub-Exhibit C3 is a similar, but for -- it's another
10 overlapping notice, this one for the 124H.

11 And then Sub-Exhibit C4 are our C102s.
12 And as I mentioned when I opened, we have two
13 different pools and you will see that we have two
14 different C102s, both outlining the acreage associated
15 with the pool that's indicated in the C102 for both of
16 the wells.

17 Then we have Exhibit C5, which is the
18 land tract map, C6, which is our ownership schedule
19 that lists out our uncommitted working interest owners
20 and over-rights that we are seeking to pool.

21 This is followed by C7, a sample well
22 proposal letter and AFEs. And if you look at Exhibit
23 C7, I believe it is page 45. We did provide a amended
24 or additional follow-up on the notice to correct a
25 footage, and that was timely mailed -- or sent out

1 timely.

2 And then Exhibit C8 is the chronology
3 of contacts.

4 This is followed by Mr. Blake's
5 affidavit, which is Exhibit D, and includes
6 Sub-Exhibits D1, a locator map, D2, a SEPC structure
7 map, and D3, a structural cross-section. In these
8 cases, Mr. Blake did not observe any faulting,
9 pinch-outs or other geologic impediments to the
10 horizontal drilling of these wells.

11 And then lastly is Exhibit E, which is
12 a self-affirmed statement of notice with sample
13 letters that were timely mailed on March 17, 2023, and
14 Exhibit F, an affidavit of notice of publication,
15 which was timely published on March 21, 2023.

16 And unless there are any questions, I
17 would ask that all exhibits and sub-exhibits be
18 admitted into the record and that case numbers 23417
19 and 23418 be taken under advisement at this time by
20 the Division. And I stand by for any questions.

21 (MRC Permian Company Exhibit A through
22 Exhibit F were marked for
23 identification.)

24 THE HEARING EXAMINER: Thank you.

25 Mr. Garcia?

1 THE TECHNICAL EXAMINER GARCIA: No
2 questions.

3 THE HEARING EXAMINER: Mr. Harrison?

4 THE TECHNICAL EXAMINER HARRISON: None
5 either. Thank you.

6 THE HEARING EXAMINER: Why do I have to
7 ask all the questions? All right. So really having a
8 hard time with our PDFs here today. Your
9 C102s -- there they are. C102s are all for 639 acres,
10 not for 1,279. They have their own little spacing
11 units, all of them.

12 MS. VANCE: I guess I'm confused by
13 your question, or the statement. Can you clarify,
14 Mr. Hearing Examiner?

15 THE HEARING EXAMINER: I'm looking at
16 your C102s. Like I'm looking at page 69 out of 136.

17 MS. VANCE: Sixty-nine?

18 THE HEARING EXAMINER: Am I on the
19 right case here?

20 MS. VANCE: I don't think so because my
21 C102s are on page 28 --

22 THE HEARING EXAMINER: I'm not. I'm
23 sorry. I'm on the wrong case. I'm sorry. I'm fine.
24 Thank you.

25 MS. VANCE: Okay.

1 THE HEARING EXAMINER: Jumped ahead to
2 the next case already. All right. Are there any
3 other interested persons then for cases 23417, 23418?
4 Hearing none, the exhibits will be admitted into the
5 record and these cases will be taken under advisement.
6 Thank you.

7 (MRC Permian Company Exhibit A through
8 Exhibit F were received into evidence.)

9 MS. VANCE: Thank you.

10 THE HEARING EXAMINER: With that, we
11 are on cases 23428, 23429. OXY USA.

12 MR. RANKIN: Morning, Mr. Examiner.
13 Adam Rankin appearing on behalf of the applicant in
14 these cases, OXY.

15 THE HEARING EXAMINER: Thank you. COG
16 Operating. Anyone else interested --

17 MS. RYAN: Still here. COG Operating.
18 Beth Ryan. Thank you.

19 THE HEARING EXAMINER: Thank you,
20 Ms. Ryan. All right. Does COG have any objection to
21 this case going forward by affidavit?

22 MS. RYAN: No, we don't.

23 THE HEARING EXAMINER: Thank you. All
24 right. Are there any other interested persons for
25 case 23428 or 23429? Hearing none, OXY may proceed.

1 MR. RANKIN: Thank you, Mr. Examiner.
2 In these two cases, OXY is requesting approval of two
3 1,279.16-acre, more or less, non-standard horizontal
4 well spacing units. One would be in the Wolf Camp
5 Formation. That's case 23428. The other will be in
6 the Bone Spring Formation. That is in case 23429.

7 In both cases, OXY is also seeking to
8 pool all uncommitted interests in those two spacing
9 units -- non-standard spacing units.

10 Now, in each case, OXY is proposing to
11 dedicate certain wells in the Wolf Camp. In case
12 23428, it's seeking to dedicate six initial wells
13 identified as the Gold Log 4_9 Fed Com wells. And in
14 the Bone Spring case, 23429, OXY is seeking to
15 dedicate four initial wells, the -- also the Gold Log
16 4_9 wells.

17 On Tuesday, Mr. Examiner, we filed
18 exhibit packets, Exhibits A through G, and served them
19 on COG and Concho. Exhibit A is a -- are the
20 application checklists identifying each of the
21 elements necessary for pooling. Exhibit B is a copy
22 of the application in each case.

23 Exhibit C is the self-affirmed
24 statement of OXY's landman in these cases, Ms. Amber
25 Delach [ph], and she has previously testified before

1 the Commission -- rather the Division.

2 In her affidavit, she reviews the
3 requests to approve two separate non-standard spacing
4 units in each case and identifies the proposed initial
5 wells which will be dedicated to each of the spacing
6 units.

7 Attached to her affidavit or
8 self-affirmed statement is Exhibit C1, which are the
9 two proposed communitization agreements that will be
10 submitted to the BLM.

11 And as a matter of record, she explains
12 why OXY is seeking non-standard spacing units in these
13 cases and that is to allow the BLM to approve these
14 communitization agreements, which will allow OXY to
15 reduce the surface impact, have fewer trains,
16 resulting in lower costs and also eliminating or
17 reducing potential emissions.

18 So she explains the need for the
19 non-standard spacing units as well in her affidavit
20 and the need for the approvals to proceed with the
21 BLM.

22 Exhibit C2 attached to her
23 self-affirmed statement are the C102s for each of
24 these wells. And, Mr. Examiner, I know you noted
25 that -- just I think in another case that the outline

1 in these C102s show less than the full proposed
2 dedicated acreage that it proposed for these
3 non-standard units.

4 And so if required, Mr. Examiner, we
5 can submit updated ones. But at the time when these
6 are filed with the Division, we will make sure that
7 they show the full dedicated acreage proposed for
8 these non-standard units.

9 Exhibit C -- also, Mr. Examiner, in the
10 C102s, it identifies the pool and pool code which
11 are -- will be assigned for each of these wells within
12 the formations.

13 Exhibit C3 is a land plat identifying
14 the different tracts within the acreage as well as the
15 parties within and their interests within each one of
16 those tracts. Attached to that page is a list of the
17 parties and their interests on a tract basis and on a
18 unit-wide basis.

19 Parties that OXY is seeking to pool,
20 and this is the -- these are the same interests for
21 the Wolf Camp and Bone Spring, are identified in
22 yellow and you'll note at the bottom of the page where
23 we kept -- we provide a recapitulation of the
24 interests on a unit-wide basis.

25 OXY identifies all the parties it's

1 seeking to pool and clarifies that there's -- parties
2 in yellow are the parties that are subject to the
3 pooling.

4 In addition to the working interests
5 that they're seeking to pool, OXY is also pooling some
6 record title only parties, parties that hold a bare
7 record title interest in order to perfect the
8 communitization requirements from -- with the BLM.
9 Those parties are listed in yellow as well.

10 C4 is a sample well proposal letter
11 that was sent out to the parties and the working
12 interests along with the estimated costs for each of
13 the wells.

14 Exhibit C5 is a copy of the chronology
15 of contacts and OXY's efforts to locate and identify
16 each of the parties that it's seeking to pool.

17 Exhibit C6 is a notice plat that shows
18 the offsetting tracts as affected parties who were
19 required to receive notice of the non-standard unit
20 under the Division's rules and those parties are
21 identified in the surrounding tracts under C6.

22 Exhibit D is a self-affirmed statement
23 of Mr. Daniel Burnett. He's a geologist who's
24 previously testified. And he provides, in his
25 self-affirmed statement, analysis of the geology and

1 the target intervals for each of the two applications.
2 And the -- his analysis that horizontal well
3 development is appropriate and will prevent waste and
4 will protect correlative rights.

5 Attached to his affidavits are D1
6 through D4. These are the standard maps showing the
7 general location map, his line of cross-section for
8 A-to-A prime when he -- for his cross-section exhibits
9 as well as structure maps identifying the top of the
10 Bone Spring and Wolf Camp Formations for each case.

11 And then also his cross sections
12 showing the target intervals for each of the proposed
13 wells within the spacing unit showing that the geology
14 that they are targeting is consistent across the
15 entire spacing unit.

16 Exhibit E is the affidavit of Ms. Chaka
17 [ph]. She is a facilities engineer. She's not
18 previously testified before the Division. Therefore,
19 her credentials, education and work experience are
20 attached to her self-affirmed statement as Exhibit E1.

21 Mr. Examiner, I would ask, based on her
22 qualifications, that she be recognized before the
23 Division as an expert in -- as a facilities
24 engineering expert.

25 THE HEARING EXAMINER: Hearing no

1 objection, so recognized.

2 MR. RANKIN: Thank you, Mr. Examiner.
3 Attached to her self-affirmed statement in which she
4 explains the necessity or the benefit of having a
5 non-standard spacing unit for these two cases are her
6 analyzes in E2 and E3.

7 Exhibit E2 reviews the additional pads
8 and facilities that would be required if OXY were to
9 have to produce these spacing units on standard
10 spacing.

11 You'll see that the total cost savings
12 here is nearly \$10 million if OXY is allowed to
13 produce these wells on non-standard spacing units.
14 That will allow these wells -- make these wells more
15 economic and allow them to produce for a longer period
16 of time.

17 In addition, you'll see that because of
18 the reduction in facilities, there is an expected
19 emission savings of approximately 3,200 tons of
20 the -- of Co2 equivalent each year.

21 Her next exhibit, E3, shows the savings
22 on the surface impacts, another benefit of having a
23 reduced facilities as a result of the non-standard
24 spacing unit.

25 Exhibit F, Mr. Examiner, is the

1 affidavit of publication that we provided. Some of
2 the noticed parties indicate that they did not receive
3 or that they were being returned. So therefore, we
4 are relying on the notice of publications in these
5 cases.

6 The notice of publication for the first
7 case, the Wolf Camp case, correctly identifies the
8 formation and you'll see it was published timely and
9 identifies each of the parties that required notice in
10 this case.

11 The next one, Mr. Examiner, for the
12 Bone Spring case, case number -- get the number
13 correct -- 23429 incorrectly identifies the Wolf Camp
14 Formation in the notice. And so one thing I'll just
15 say, Mr. Examiner, is that there is no ownership depth
16 severance here.

17 All the parties are the same whether
18 they're in the Bone Spring or Wolf Camp and so while
19 we are relying on notice of publication here,
20 everybody that has an interest would be notified of
21 what OXY is seeking to do here.

22 So we're -- we can discuss this after
23 I'm done with my presentation, Mr. Examiner, but I
24 don't believe that additional notice by publication is
25 required because there is no ownership depth severance

1 and if there were any interests that were at issue,
2 they would be beyond notice that OXY is seeking to
3 pool this acreage.

4 Exhibit G is the affidavit
5 of -- affidavit prepared by myself and our office
6 reflecting that we provided notice to each of the
7 parties we're -- OXY is seeking to pool as well as
8 those in the offsetting tracts affected by the
9 application.

10 Mr. Examiner, for some reason when we
11 filed our exhibits on Tuesday, the notice letter and
12 the mail -- certified mail tracking information was
13 left off or was not included in the filing. So
14 therefore, this morning, we have or are in the process
15 of attempting to file a replacement Exhibit for that
16 Exhibit -- that final Exhibit G.

17 That will include the notice letter
18 that we sent out on March 17th as well as the status
19 of the mailings to each of those parties that I
20 described previously. And so once -- I did mail that
21 to you and to COG. So you should be able to see it
22 and see that we did provide notice, as indicated in my
23 affidavit.

24 With that, Mr. Examiner, unless there
25 are any questions from Ms. Ryan or yourselves, we ask

1 that these cases be taken under advisement.

2 (OXY USA Inc. Exhibit A through Exhibit
3 G were marked for identification.)

4 THE HEARING EXAMINER: Thank you.

5 MS. RYAN: No questions.

6 THE HEARING EXAMINER: Thank you for
7 answering my question before I even asked it. Thank
8 you. Mr. Garcia?

9 THE TECHNICAL EXAMINER GARCIA: I have
10 one question, and this is truly just me learning here,
11 Mr. Rankin. Has BLM ever talked about why they won't
12 allow facilities to condense without an NSB? I mean,
13 I know we've done this a few times and I'm just
14 curious for myself learning.

15 MR. RANKIN: Yeah. So the issue is
16 that the way the -- and this is true as well really
17 for the state land office -- is that
18 communitization -- the purpose of a communitization
19 agreement is to authorize the allocation of production
20 within an approved spacing unit.

21 And because of that, the BLM will not
22 authorize or agree to a CA unless it is subject to
23 state spacing -- a state spacing order or approval.
24 And so unless and until the operator obtains a spacing
25 order authorizing that acreage to be in a spacing

1 unit, the BLM will not approve a CA for that acreage.

2 THE TECHNICAL EXAMINER GARCIA: Okay.

3 MR. RANKIN: And so it's a little bit
4 of a cart before the horse issue where we need to
5 first obtain spacing authorization from the Division
6 before the BLM will approve CA.

7 THE TECHNICAL EXAMINER GARCIA: Yeah.
8 So they basically see it as two standard spacing
9 units, two separate facilities, two production
10 allocations.

11 MR. RANKIN: And the problem here
12 Mr. Garcia is that because of the arrangement of
13 leases, the BLM will not approve commingling; okay?
14 Surface coming between the two different spacing units
15 or the -- even within the Bone Spring or Wolf Camp
16 because of the different lease rates and inclusion of
17 other state and fee leases.

18 And so even if we could do separate
19 spacing, we wouldn't be able to commingle between the
20 different leases and the pools with the feds. And so
21 we would have to have, I think in this case, four
22 different spacing units without surface comingling.

23 THE TECHNICAL EXAMINER GARCIA: Okay.
24 I appreciate it. Again, that was just self-learning.
25 So I have no further questions, Mr. Brancard.

1 THE HEARING EXAMINER: Thank you. Oh,
2 okay. So I do see that we have an email with your
3 exhibit -- replacement exhibit, Mr. Rankin. I don't
4 know -- Mr. Garcia, Mr. Harrison, have you seen that?

5 THE TECHNICAL EXAMINER HARRISON: I
6 have not.

7 THE TECHNICAL EXAMINER GARCIA: Same.
8 I have not.

9 MR. RANKIN: I'm sorry. I didn't have
10 Mr. Harrison's email. But I do believe I did send it
11 to Mr. Garcia, but I know he's been busy paying
12 attention to all the cases he's involved in.

13 THE TECHNICAL EXAMINER HARRISON: I do
14 have it. If you give me just a minute to take a look
15 at it real quick.

16 THE HEARING EXAMINER: Okay.

17 THE TECHNICAL EXAMINER GARCIA: You're
18 talking about OXY replacement Exhibit F?

19 MR. RANKIN: Yeah. And just to be
20 clear, it's going to be replaced when Exhibit
21 G -- when we file.

22 THE TECHNICAL EXAMINER GARCIA: Okay.
23 Yeah. I just read the name of the file.

24 THE HEARING EXAMINER: All right. So
25 the list on this exhibit then is all of your notice;

1 is that correct? For both the compulsory pooling and
2 the non-standard spacing unit?

3 MR. RANKIN: Yes. And you'll see,
4 Mr. Examiner, we did also provide notice to the BLM
5 and state land office because state and federal lands
6 are included.

7 THE HEARING EXAMINER: I did see that.
8 Great.

9 MR. RANKIN: Happy dance.

10 THE HEARING EXAMINER: And my quick
11 check is that you seem to have covered people who need
12 to be covered here. Mr. Garcia, Mr. Harrison any --

13 THE TECHNICAL EXAMINER HARRISON: A
14 quick --

15 THE TECHNICAL EXAMINER GARCIA: I don't
16 have further questions, but I'll pass to Mr. Harrison.

17 THE TECHNICAL EXAMINER HARRISON: Thank
18 you. Mr. Rankin, I have a quick question, and kind of
19 in line with what we've seen earlier today.

20 You've got a lot going on in
21 this -- these exhibits, but page 88 when we start
22 discussing pooled parties -- and my question is a
23 pooled party 128 Holdings is listed in tract one, but
24 it appears that they're not highlighted in yellow as
25 being pooled in the next page. I'm just trying to

1 make sure that they are or are not being pooled.

2 MR. RANKIN: Thank you for that
3 question, Mr. Harrison. As it turns out, on the very
4 minute we were preparing to file these exhibits on
5 Tuesday, 128 Holdings LLC submitted a signed JOA and
6 election to participate.

7 And so we were able to revise the list
8 of pooled parties and so we reflect, as is correct,
9 that they are not being pooled. They're not
10 highlighted in yellow and that's the reason for that.

11 THE TECHNICAL EXAMINER HARRISON: Thank
12 you. And I believe with both cases that that is the
13 case, one for the Bone Springs and one for the Wolf
14 Camp; is that correct?

15 MR. RANKIN: That's true, Mr. Harrison.
16 The ownership interest is identical between the
17 formations.

18 THE TECHNICAL EXAMINER HARRISON: Thank
19 you. No further questions.

20 THE HEARING EXAMINER: Okay. So,
21 Mr. Rankin, are you saying that -- I'm confused here.
22 You submitted a replacement Exhibit F, but it's
23 actually Exhibit G; is that what you're saying?

24 MR. RANKIN: Yeah. I
25 think -- it's -- the very last exhibit of our exhibit

1 packet is the affidavit of notice and I believe as
2 filed, it's missing the notice letter and the sort
3 of -- and the proof of certified mailing.

4 And so we circulated, by email, what's
5 titled as, "Replacement Exhibit F," but it really
6 should be "G." So I apologize for the confusion. So
7 when we file this, and we will reserve it, it should
8 be -- it'll be labeled as Exhibit G because that's the
9 correct replacement exhibit.

10 THE HEARING EXAMINER: Okay. Good.
11 Because Exhibit F is the affidavits of publication.

12 MR. RANKIN: Correct.

13 THE HEARING EXAMINER: Okay. Yeah, I
14 need -- yeah. Your affidavit has them backwards in
15 the regular letter. So make sure your letter -- your
16 letter refers to the exhibit that has the affidavits
17 as Exhibit G. So anyway, if you could just clarify
18 that so that you're replacing something that you
19 should be replacing.

20 MR. RANKIN: Yeah. Yeah. Yeah. I
21 understand. I think normally, we have it the other
22 way around. So we --

23 THE HEARING EXAMINER: Right. Right --

24 MR. RANKIN: Yeah. I'll make sure that
25 when we --

1 THE HEARING EXAMINER: It just got into
2 the filing out of order there.

3 MR. RANKIN: Yeah. Yeah.

4 THE HEARING EXAMINER: All right. So
5 any other further questions on case -- so let me just
6 work it through here. We have a non-standard spacing
7 unit for both formations; is that correct?

8 MR. RANKIN: Correct, Mr. Examiner.

9 THE HEARING EXAMINER: 'Cause this is
10 not Purple Sage Wolf Camp. This is just regular Wolf
11 Camp?

12 MR. RANKIN: This is just a regular
13 Wolf Camp.

14 THE HEARING EXAMINER: Okay. But it
15 looks like -- in looking at your C102s -- that how the
16 wells are placed, arguably you have two standard
17 spacing units that you're combining into one.

18 MR. RANKIN: For each formation. That
19 could be the case. Correct.

20 THE HEARING EXAMINER: Yes. That you
21 have wells that could be considered proximity wells to
22 make those half section wide and then you combine them
23 into one section wide.

24 MR. RANKIN: I believe that's true. I
25 didn't confirm the offset -- that they're within 330,

1 within the quarter-quarter sections, but I believe
2 that's probably true in this case.

3 THE HEARING EXAMINER: Okay. I'm doing
4 the math in my head, which is always dangerous. So
5 just kind of wanted to confirm that. That just makes
6 it a little easier for us 'cause we have -- obviously,
7 as I mentioned earlier, we have a history of approving
8 two standards as a non-standard with the justification
9 that you're providing.

10 So -- all right. Any other questions
11 or concerns on these cases, 23428, 23429? Exhibits
12 are admitted into the record and cases taken under
13 advisement and hopefully the exhibit numbers will be
14 clarified when you get that supplemental file.

15 (OXY USA Inc. Exhibit A through Exhibit
16 G were received into evidence.)

17 MR. RANKIN: Will do.

18 THE HEARING EXAMINER: Thank you.
19 Forgot to ask, Mr. Garcia. Do you care about those
20 C102s?

21 THE TECHNICAL EXAMINER GARCIA: I
22 thought Adam made the statement when he was presenting
23 about -- that they would be updated. I may have heard
24 wrong.

25 THE HEARING EXAMINER: Yes, he did say

1 that.

2 THE TECHNICAL EXAMINER GARCIA: Okay.
3 So sorry. I guess I assumed.

4 THE HEARING EXAMINER: Okay. Thank
5 you. All right. Dana, are we doing okay?

6 THE REPORTER: Yes, doing fine.

7 THE HEARING EXAMINER: All right.
8 Well, why don't we take about a ten-minute break here?
9 Let's get back by 11:20; all right?

10 (Off the record.)

11 THE HEARING EXAMINER: It's the OCD
12 hearings of April 6, 2023. We are on item 46, case
13 23405. Mewbourne Oil Company.

14 MR. BRUCE: Mr. Examiner, Jim Bruce
15 here on behalf of Mewbourne.

16 THE HEARING EXAMINER: Thank you. Are
17 there any other entries of appearance for case 23405?
18 Hearing none, Mewbourne may proceed.

19 MR. BRUCE: Mr. Examiner, as a
20 preliminary matter, all these succeeding Mewbourne
21 cases, as you well know, have some issues. What I
22 would like to do on each of them is present the case
23 and at the very end, so it's just in one place in the
24 transcript, mention the items that I think I need to
25 cure.

1 In this particular case, Mewbourne
2 seeks to amend order number R-22069 to extend the
3 drilling commencement deadlines. That order pooled
4 the west half/east half of Section 11 and the west
5 half/southeast quarter of Section 2, 18 South, 32 East
6 in Lea County to drill one of Mewbourne's Dragonstone
7 Bone Spring wells.

8 The order was entered March 9, 2022,
9 and paragraph 19 of the order requires the operator to
10 commence the well within one year and paragraph 20
11 allows the operator to request an extension of this
12 order.

13 Exhibit -- that -- Exhibit 1 contains
14 the application and proposed notice. Exhibit 2 is the
15 affidavit of Brad Dunn, the landman in this matter.
16 Mewbourne has force pooled other wells in this area.
17 They've drilled some of them.

18 And the basic reason for the extension
19 request is to -- and Mewbourne does plan on drilling
20 this well later this year, but they want to look at
21 the production results from offsetting wells and, if
22 necessary, adjust their drilling program -- completion
23 program accordingly.

24 Exhibit 3 is my affidavit of notice
25 with the notice letter and Exhibit 4 is the affidavit

1 of publication. First, I would note that obviously
2 March 9th has passed. I would note that -- also note
3 that this application was filed before March 9th.

4 And in fact before then, I had filed
5 case 23380 requesting the same relief requested
6 herein, but I made a mistake in the application and I
7 put the wrong order number down and so I refiled it as
8 this case with the proper order number and then I
9 dismissed the prior case, which was originally set to
10 be heard four weeks ago.

11 So I think this application was timely
12 filed and I'd request that it be approved. The only
13 other thing I would note is that for all of my cases,
14 I felt good about them all except when I couldn't get
15 the pooling spreadsheet and the pooling checklists
16 prepared.

17 I was kind of disappointed because in
18 the dozen and a half or so cases I am presenting
19 today, on each and every one of them, the newspaper
20 publication was timely published, and I don't think
21 that's happened to me for a couple of years.

22 I mean, obviously on certain cases.
23 For once in my life, I got them all published by the
24 pooling -- by the publication deadline.

25 So with that, I would move the

1 admission of the Exhibits 1 through 4, but then I
2 will -- probably after this afternoon, I will file a
3 subsequent notice with an amended affidavit of mailing
4 with the green cards and a notice spreadsheet, and I
5 think that is all that I need to do in this particular
6 matter. Thank you.

7 (Mewbourne Oil Company Exhibit 1
8 through Exhibit 4 were marked for
9 identification.)

10 THE HEARING EXAMINER: Thank you.
11 Mr. Garcia, questions?

12 THE TECHNICAL EXAMINER GARCIA: No
13 questions.

14 THE HEARING EXAMINER: Mr. Harrison?

15 THE TECHNICAL EXAMINER HARRISON: No
16 questions. Thank you.

17 THE HEARING EXAMINER: Okay. So yes, I
18 think that the issue then is the notice documentation
19 in this case?

20 MR. BRUCE: Yes.

21 THE HEARING EXAMINER: So it's the
22 spreadsheet and whatever green cards you have to go
23 along with it. Other than that, I don't have any
24 questions in this case.

25 So with that, are there any other

1 interested persons in case 23405? Hearing none,
2 case -- the exhibits in case 23405 will be admitted
3 into the record and the case will be taken under
4 advisement, subject to submittal of the notice
5 spreadsheet and --

6 (Mewbourne Oil Company Exhibit 1
7 through Exhibit 4 were received into
8 evidence.)

9 MR. BRUCE: Yeah. And all of the
10 remaining cases will be continued April 20th.

11 THE HEARING EXAMINER: Right. This one
12 we won't continue because you didn't need a checklist
13 for this case.

14 MR. BRUCE: Yeah. Correct. Yes.
15 Thank you.

16 THE HEARING EXAMINER: All right. With
17 that, we have cases 23406, 23407. These are items 47
18 and 48 on our list. Mewbourne Oil Company.
19 Mr. Bruce, are these cases combined or are you
20 doing -- taking them one at a time?

21 MR. BRUCE: No, they're not combined.

22 THE HEARING EXAMINER: Okay.

23 MR. BRUCE: Pretty similar. Just
24 23406, if you please.

25 THE HEARING EXAMINER: All right. Then

1 we'll just do 23406. Are there any other entries of
2 appearance for case 23406? Hearing none, please
3 proceed, Mewbourne.

4 MR. BRUCE: Mr. Examiner, in this case,
5 Mewbourne seeks to force pool the south half of
6 Section 23 and the south half of Section 24, 22 South,
7 27 East, Eddy County for purposes of drilling two
8 so-called "Tommy Boy" Wolf Camp wells. Obviously
9 somebody at Mewbourne is fan of -- oh, what's his name
10 from Saturday Night Live?

11 Exhibit 1 is the pooling application
12 and notice. Exhibit 2 is the statement of Brad Dunn,
13 the landman. The affidavit contains the usual
14 information. It requests overhead rates of 8,800 per
15 month, contains the land plat, C102s, the tracts and
16 all the lease -- which leases are committed, which
17 interest owners are committed.

18 If you'll -- Attachment B to Exhibit 2,
19 if you look at that, the only person being pooled is
20 Joy Magby, M-A-G-B-Y. Additional parties were
21 notified of this application, but Mewbourne has come
22 to terms with all of them. So they're seeking to
23 force pool one interest owner in this pooling
24 application.

25 The application also contains the well

1 proposal, the AFEs, which are stated to be fair and
2 reasonable.

3 Exhibit 3 is the affidavit of Tyler
4 Hill, the geologist, and his usual data, a structure
5 map showing the well unit and the proposed wells. It
6 also -- you can also see all of the offset Wolf Camp
7 wells and they are all laydown wells, which is the
8 reason that Mewbourne is asking for a laydown well
9 unit. Contains all the other information.

10 Exhibit 4 is my affidavit of notice.
11 As you can see, I notified four people, but at this
12 point, only Joy Magby is being pooled and my certified
13 notice spreadsheet will still reflect that.

14 And then the affidavit -- Exhibit 5 is
15 the affidavit of publication as to all of the interest
16 owners.

17 So in this case, I do owe you the
18 certified notice spreadsheet and the affidavit,
19 the -- my notice affidavit, updated to include the
20 white slips and green cards. But with that, I would
21 request that Exhibits 1 through 5 be admitted into the
22 record and -- oh, and of course I owe you a pooling
23 checklist.

24 And the C102 did not contain the pool
25 name and pool code. I will put that in the

1 spreadsheet, but I will also put it -- I will also
2 file corrected C102s. This is a Purple Sage Wolf Camp
3 well -- or wells and -- but I will also submit to you
4 corrected C102s. And I think that's about it.

5 (Mewbourne Oil Company Exhibit 1
6 through Exhibit 5 were marked for
7 identification.)

8 THE HEARING EXAMINER: Thank you.
9 Mr. Garcia, questions?

10 THE TECHNICAL EXAMINER GARCIA: No
11 questions.

12 THE HEARING EXAMINER: Mr. Harrison?

13 THE TECHNICAL EXAMINER HARRISON: No
14 questions at this time. Thank you.

15 THE HEARING EXAMINER: Thank you.

16 I -- Mr. Bruce, I think you answered the question
17 I -- main question I have lacking a checklist, which
18 is the pool is Purple Sage. So these are 320-acre
19 tracts; is that correct?

20 MR. BRUCE: Correct.

21 THE HEARING EXAMINER: So this is a
22 standard horizontal spacing unit then?

23 MR. BRUCE: That is correct.

24 THE HEARING EXAMINER: Okay. Thank
25 you. Are there any other interested persons

1 then -- oh, also, I think I -- somebody internally
2 said that this well is within a few miles of the
3 Carlsbad Brine Well Remediation Project. So --

4 MR. BRUCE: Oh, okay.

5 THE HEARING EXAMINER: It's not as
6 close as the one that I discussed earlier today, but
7 just so your folks are aware when they go for the
8 APD --

9 MR. BRUCE: Yeah. And I think -- let
10 me check. 2227. Yeah. That is -- I think the next
11 case is the same thing. I will contact my client and
12 make sure they're in contact with the OCD district
13 office in Artesia regarding that.

14 THE HEARING EXAMINER: Thank you. All
15 right. Any other interested persons for case 23406?
16 Hearing none, the exhibits will be admitted into the
17 record. The case is continued to April 20th. And we
18 need spreadsheet, we need checklists, C102s, all that.

19 (Mewbourne Oil Company Exhibit 1
20 through Exhibit 5 were received into
21 evidence.)

22 MR. BRUCE: Yes.

23 THE HEARING EXAMINER: And no need to
24 file the continuance. We'll just put it on the
25 docket.

1 MR. BRUCE: Thank you.

2 THE HEARING EXAMINER: All right. With
3 that, I will call case 23407. Mewbourne Oil Company.

4 MR. BRUCE: Jim Bruce for Mewbourne.

5 THE HEARING EXAMINER: And I believe we
6 had an entry from Mar Oil & Gas?

7 MR. PADILLA: Mar Oil & Gas,
8 Mr. Examiner. I'm Earnest L. Padilla, for the record,
9 on behalf of Mar Oil & Gas. And we're appearing -- we
10 don't have an objection to an affidavit hearing, but
11 we're appearing to preserve appellate rights.

12 THE HEARING EXAMINER: Thank you. All
13 right. Any other interested persons then for case
14 23407? All right. So, Mr. Bruce, I had this as a
15 question mark because I don't think we got a
16 pre-hearing statement in this case.

17 MR. BRUCE: Well, my file shows I have
18 one, and I hope to hell I filed it, but I'm looking at
19 it right now. If you -- well, if you just want to
20 continue this one to the 20th, I will refile that or
21 file it, the application of publication, and I will
22 get the other documents that are needed on this matter
23 for that case. Maybe that's the easiest way to go.

24 THE HEARING EXAMINER: Yeah. Maybe
25 we'll just do that. Why don't we just continue this

1 to April 20th then and you can -- proper documents
2 filed then.

3 MR. BRUCE: Okay. Yeah. Well, I don't
4 know what happened, but I do have one that I will
5 immediately file after this hearing.

6 THE HEARING EXAMINER: Thank you. All
7 right. So we're now on item 49, case 23409.
8 Mewbourne Oil Company.

9 MR. BRUCE: Mr. Examiner, Jim Bruce for
10 Mewbourne.

11 THE HEARING EXAMINER: Any other
12 interested persons for case 23409? Hearing none,
13 Mewbourne may proceed.

14 MR. BRUCE: Mr. Examiner, in this case,
15 Mewbourne Oil Company seeks to pool uncommitted
16 mineral interest owners into a non-standard spacing
17 and proration unit comprised of the west half of
18 Section 15 and the west half of Section 10, 23 South,
19 34 East in Lea County.

20 The pooling is limited from the top of
21 the First Bone Spring to the base of the Second Bone
22 Spring and the reason for that is there are existing
23 Third Bone Spring wells in these -- in this acreage
24 drilled by Mewbourne that are 1-mile laterals.

25 So rather than mess everything up,

1 they're only seeking to pool the first and Second Bone
2 Spring for proposed wells.

3 And Exhibit 1 is the application and
4 proposed OCD notice. Exhibit 2 is the affidavit of
5 the landman requesting the relief. There are a number
6 of parties to be pooled. The affidavit contains the
7 usual information. They're asking for \$8,000 per
8 month drilling well, 800 per month producing well.

9 And the NSP is requested because they
10 would like to -- as I will subsequently mention,
11 there's a lot of wells out here. The -- Mewbourne is
12 trying to minimize surface use, as Mr. Rankin said in
13 a previous case, to reduce surface use and reduce cost
14 to surface facilities and make the wells more
15 economic.

16 The affidavit contains the usual land
17 plats, C102s, a list of the tracts involved and the
18 interest owners in each tract, a listing of the
19 interest owners and their percentage interests with
20 asterisks for those denoting being pooled, a summary
21 of communications with the parties being pooled, the
22 proposal letters, the AFEs, which are stated to be
23 fair and reasonable.

24 And Attachment E is -- to Exhibit 2
25 shows the non-standard unit with the offsetting

1 operators. All of the offsetting tracts are operated.
2 So there's only operators who are notified and I will
3 get to that in a minute, sir.

4 Exhibit 3 is the affidavit of the
5 geologist, Jordan Carroll. Contains the usual
6 structure map as Attachment A and if you look at that,
7 you'll see that this area is very heavily developed
8 and all of the well units are standup units. So that
9 is the favored orientation.

10 Contains the horizontal drilling plans,
11 my affidavit of publication -- I mean, excuse
12 me -- affidavit of certified mailing and in this
13 mailing, we notified the uncommitted mineral interest
14 owners.

15 Also, there were record title owners
16 notified so that the time agreement will be approved
17 by the federal government. And then there -- lists
18 the offset operators who were given notice. And then
19 Exhibit 5 is the affidavit of publication.

20 First of all, in this matter, again I
21 owe you revised C102s with the pool and pool code. I
22 owe you pooling checklists and I -- in this matter,
23 all of the acreage out here is federal and then
24 consistent with what you stated previously, I should
25 have notified the BLM.

1 And I think what I would request in
2 this matter is first of all, I'd ask that Exhibits 1
3 through 5 be admitted into the record and I will
4 supplement the list with a pooling checklist, revised
5 affidavit of mailing, the corrected C102s.

6 But since I have to give notice to the
7 BLM, rather than continue to April 20th, I would like
8 to file a motion for continuance of this matter for
9 the May 4th hearing so that the BLM is given notice of
10 the requested non-standard unit.

11 (Mewbourne Oil Company Exhibit 1
12 through Exhibit 5 were marked for
13 identification.)

14 THE HEARING EXAMINER: Thank you.
15 Is -- am I interrupting or are you still going,
16 Mr. Bruce?

17 MR. BRUCE: Nope. I'm through. Thank
18 you.

19 THE HEARING EXAMINER: Thank you.
20 Mr. Garcia, any questions?

21 THE TECHNICAL EXAMINER GARCIA: I
22 believe that captured it all. Just to clarify, 102s
23 also include the acreage. I think you said pool name
24 and pool code.

25 MR. BRUCE: Yes. Yes. Yeah. On all

1 of the C102s, I will put the acreage, or if I can get
2 my client to revise them and save me that headache, I
3 will do that. Otherwise, we will put in the acreage.

4 THE TECHNICAL EXAMINER GARCIA: Sounds
5 good. No more questions.

6 THE HEARING EXAMINER: Thank you.
7 Mr. Harrison, any --

8 THE TECHNICAL EXAMINER HARRISON: That
9 was my request as well. So thank you.

10 THE HEARING EXAMINER: Thank you. All
11 right. Okay. So for case 23409, the exhibits will be
12 admitted into the record.

13 We need a checklist, the notice
14 documentation, including the spreadsheet, and -- which
15 includes notice documentation for the non-standard
16 spacing unit and you need to provide notice to the
17 BLM, revised C102s. And then this case will be
18 continued to March 4th -- sorry. May 4th.

19 (Mewbourne Oil Company Exhibit 1
20 through Exhibit 5 were received into
21 evidence.)

22 MR. BRUCE: Thank you. May. Thought I
23 was in a time warp here, but --

24 THE HEARING EXAMINER: Yeah. All
25 right. Now we are on case -- item number 50. This

1 will be cases 23419, 23420. Mewbourne Oil Company.

2 MR. BRUCE: Jim Bruce on behalf of
3 Mewbourne.

4 THE HEARING EXAMINER: And we have a
5 entry of appearance from Devon Energy Production and
6 WPX.

7 MR. SAVAGE: Darin Savage with Abadie &
8 Schill on behalf of Devon Energy Production Company
9 and WPX Energy Permian.

10 THE HEARING EXAMINER: Thank you. Any
11 other interested persons for cases 23419, 23420?
12 Hearing none, does Devon object to this case going
13 forward by affidavit?

14 MR. SAVAGE: Neither Devon nor WPX
15 objects. Thank you.

16 THE HEARING EXAMINER: Thank you. So
17 with that, Mewbourne may proceed.

18 MR. BRUCE: Mr. Examiner, I'll just go
19 briefly through it. In the first case, Mewbourne
20 seeks to force pool the Bone Spring Formation
21 underlying the north half/south half of Section 2 and
22 the north half/south half of Section 1 of 19 South, 28
23 East.

24 In the second matter, they seek to
25 force pool the south half/south half of Section 2 and

1 the south half/south half of Section 1 in the same
2 township and range. And they are proposing, in each
3 well unit, to propose -- to drill a Second Bone Spring
4 well and a third Born Spring well designated the "Rio
5 Grande" wells.

6 Exhibit 1 in each packet is the
7 application and the proposed notice. Exhibit 2 in
8 each packet is the affidavit of Mitch Robb, the
9 landman, stating what he seeks, the pooling, seeking
10 rates of -- overhead rates of 8,000 and 800 a month
11 for the well. The usual attachments are there, land
12 plats, C102s, the tract map showing the leases
13 involved and the working interest owners involved and
14 their percentages. The -- let me see here.

15 There is the part of Attachment B to
16 Exhibit 2 showing the listed interest owners and there
17 are four interest owners being pooled designated on
18 this exhibit: Devon, XTO and EOG Resources. There is
19 a summary of contacts with these parties, proposal
20 letters and the AFEs, which are stated to be fair and
21 reasonable.

22 Exhibit 3 is the affidavit of the
23 geologist, Charles Crosby. Contains the usual
24 information, structure map, which is Attachment A to
25 Exhibit 3, which shows the structure itself.

1 But you'll also notice that all of the
2 wells in this area are -- all of the Bone Spring wells
3 in this area are laydown wells and so that is the
4 preferred orientation and structure -- I mean, excuse
5 me -- cross-sections and there are separate structure
6 maps and cross-sections for each of the two Bone
7 Spring zones that these wells will test.

8 And then there's the horizontal growing
9 plans, my affidavit of notice to the parties being
10 pooled. There is also one record title interest owner
11 being pooled so that Mewbourne can get the
12 communitization agreement approved. And then
13 the -- Exhibit 5 is the affidavit of publication.

14 And so consistent with these other
15 cases, I need to submit revised C102s with the pool,
16 pool code, acreage. I will submit the revised
17 affidavit of certified notice with the green cards and
18 the certified notice spreadsheet and then the pooling
19 checklist and with the request that this matter be
20 continued for two weeks. Thank you.

21 And I would move the admission of
22 Exhibits 1 through 5. Hello? Have I been cut off?

23 (Mewbourne Oil Company Exhibit 1
24 through Exhibit 5 were marked for
25 identification.)

1 (Off the record.)

2 THE HEARING EXAMINER: It is April 6,
3 2023, in the afternoon. These are the hearings of the
4 New Mexico Oil Conservation Division continued. Last
5 we heard, we were on case 23419 and we had entries of
6 appearance from Mewbourne Oil Company and Devon
7 Energy, WPX.

8 MR. BRUCE: Yes. And consolidated with
9 23420.

10 THE HEARING EXAMINER: Yes. Correct.
11 So maybe you should just start over on 23419, 23420,
12 Mr. Bruce.

13 MR. BRUCE: Yeah. I was going to start
14 from the top. Thank you.

15 Mr. Examiner, in case 419, Mewbourne
16 seeks to pool the Bone Spring Formation underlying the
17 north half/south half of Section 2 and north
18 half/south half of Section 1, 19 South, 28 East. In
19 the 420 case, they seek to force pool the south
20 half/south half of Section 2 and the south half/south
21 half of Section 1, same township and range.

22 These are for the purposes of
23 drilling -- in each well unit, there will be -- these
24 are the Rio Grande wells. In each well unit, there
25 will be a Second Bone Spring well and a Third Bone

1 Spring well pool.

2 Exhibit 1 is the -- in each case is the
3 application and the proposed notice. Exhibit 2 is the
4 landman of the -- or the affidavit of the landman,
5 Mitch Robb, who describes what they're seeking and
6 that they -- it contains the usual information. The
7 overhead rates are 8,000 per month and 800 per month.

8 Attachment A are the C102s for the
9 wells. And again, I will run through these and I will
10 mention the issues that I need to correct at the end.
11 And then Attachment B contains all the information on
12 the tracts involved, the leases involved and the
13 parties being pooled, who are Devon, XTO and EOG, and
14 it gives their percentage interests in these matters.

15 Then there is the attachment showing
16 the communications with the parties being pooled and a
17 sample copy of the proposal letter and then the AFEs
18 involved. Exhibit -- again, it's all the usual
19 matters.

20 Exhibit 3 is the affidavit of the
21 geologist, Charles Crosby, and for each zone, he has
22 attached a structure map and a cross-section, in other
23 words, for the First Bone Spring -- I mean, excuse
24 me -- Second Bone Spring and the Third Bone Spring.

25 And if you look at the

1 attachment -- attachments to his affidavit, the
2 structure maps, you can see that all of the wells
3 being built out here are laydown units, which is why
4 Mewbourne is doing the laydown units. The operators
5 have decided that is the proper orientation for
6 maximum production. Attachment E is the horizontal
7 drilling plans.

8 Exhibit 4 is my statement of notice and
9 again, there are four parties being pooled -- four
10 working owner interest groups being pooled. There is
11 also a record title owner being pooled, Occidental
12 Permian. So that a time agreement will be approved by
13 the BLM.

14 Exhibit 5 is my affidavit of
15 publication, which once again is timely published.

16 And so I owe you supplements. Number
17 one, I will revise the C102s to show the pools, pools
18 code -- the pool code, the acreage or the acreage
19 amount and I will submit a new affidavit of -- an
20 amended affidavit of notice with the green cards and a
21 certified notice spreadsheet and then finally, I will
22 submit the pooling checklist.

23 And with that I would move the
24 admission of Exhibits 1 through 5 and ask that the
25 matter be continued for two weeks so that the record

1 may be supplemented, and that's it. Thank you.

2 THE HEARING EXAMINER: Thank you.

3 Let's first go to Devon, WPX, any questions?

4 MR. SAVAGE: No questions. Thank you.

5 THE HEARING EXAMINER: Thank you.

6 Mr. Garcia, questions? Mr. Garcia? Mr. Harrison, are
7 you there? Okay. All right. I don't have any
8 questions. But I think, Mr. Bruce, you summarized
9 what it is you need to provide for the next hearing
10 date.

11 At this point, we will admit your
12 exhibits into the record as they are and the case will
13 be continued to the April 20th docket to provide the
14 additional notice and other requirements. Thank you.

15 (Mewbourne Oil Company Exhibit 1
16 through Exhibit 5 were received into
17 evidence.)

18 MR. BRUCE: Thank you.

19 THE HEARING EXAMINER: So with that, we
20 are on items, I believe, 52, 53, 54, cases -- or maybe
21 just 52 and 53. Find out.

22 MR. BRUCE: Correct. Correct.

23 THE HEARING EXAMINER: Okay.

24 Case -- so 23445 and 23446. Mewbourne Oil Company.

25 MR. BRUCE: Mr. Examiner, Jim Bruce

1 here for Mewbourne.

2 THE HEARING EXAMINER: Thank you. Are
3 there any other interested parties for cases 23445,
4 23446? Hearing none, Mewbourne may proceed.

5 MR. BRUCE: Okay, Mr. Examiner. These
6 cases are related in the fact that they involve the
7 same lands, although the first case is for pooling the
8 Wolf Camp formation and the second case is for pooling
9 the Bone Spring Formation.

10 And in 445, Mewbourne seeks to force
11 pool the northwest quarter of Section 14 and the west
12 half of Section 11, 26 South, 29 East. This is in the
13 Purple Sage Wolf Camp gas pool and in this case,
14 Mewbourne is also seeking unorthodox well locations.

15 Of course, the Purple Sage Wolf Camp
16 has 330 feet setbacks from the -- for the first and
17 last take points. In this case, Mewbourne is seeking
18 100-foot setbacks.

19 Exhibit 1 contains the application and
20 proposed ad. Exhibit 2 is the landman's affidavit
21 containing, as I said, the usual information,
22 including the overhead rates of 8,000 and 800 per
23 month. Contains -- is somebody trying to speak?
24 Okay. I heard something.

25 THE HEARING EXAMINER: I don't think

1 so.

2 MR. BRUCE: Attachment A is the land
3 plats showing the tracts involved and then there's the
4 C102s, which I neglected to include the pools and pool
5 codes.

6 But Attachment B shows the tracts and
7 the interest owners being pooled. The only two
8 interest owners being pooled at this time are Carbon
9 Tex [ph] Energy and Nu Energy -- Nu, N-U, Energy Oil
10 and Gas, Inc. A very small percentage interest is
11 being pooled.

12 The -- well, I should say there are
13 several additional parties, EXCO Resources, E-X-C-O,
14 Kauffman Company and RKC.

15 There's Attachment C which shows how
16 they attempted to contact these parties. Mewbourne
17 has never heard back from them and as a matter of
18 fact, Carbon Tex [ph] and Nu Energy have been
19 unlocatable for years. That is noted in the landman's
20 affidavit.

21 I have attempted to notify them
22 probably six, eight times over the past couple of
23 years and everything comes back.

24 Also contained are the
25 affidavits -- excuse me -- the AFEs, which are stated

1 to be fair and reasonable.

2 Attachment E is for purposes of the
3 unorthodox locations that shows that the only offset
4 operator is Mewbourne as to each of these cases. And
5 I would also -- with respect to the unorthodox
6 locations, I would refer the examiners to Exhibit 3A,
7 which is the structure map of the geologist, which
8 shows that this area has been heavily developed.

9 And I think I need to probably
10 supplement -- confirm, for purposes of the April 20th
11 hearing, the offsets. But as -- if you look at
12 Exhibit 3A, you can see there are operators in all
13 offsetting well units at to the unorthodox locations
14 and I will verify that information.

15 Exhibit 3, as I said, is the landman's
16 affidavit. Contains the usual structure map,
17 cross-section and if you look at Exhibit 3A again,
18 you'll notice that all of the wells drilled in this
19 area as to the Wolf Came are standup well units. So
20 that is the preferred orientation.

21 Attachment C shows all of the
22 offsetting wells and the production from the wells.
23 And then Attachment D contains the long-form
24 horizontal planning reports because I did not have any
25 one-page summary and it's beyond me to comprehend

1 these long-term reports -- or long-form reports, but
2 nonetheless, they are there.

3 Exhibit 4 is my notice letter and
4 again, I will supplement that. Besides the two
5 parties being pooled, Nu Energy and Carbon Tex [ph],
6 the other interest owners are record title owners who
7 are simply being pooled so that the BLM will approve a
8 communitization agreement for this unit.

9 And then COG was the only other offset
10 operator and notice was given to them. Exhibit 5 is
11 my affidavit of publication to all of the interest
12 owners.

13 And so with respect to this case, once
14 again, I have to supplement the affidavit of mailing.
15 I will do a notice spreadsheet and then I will submit
16 the pooling checklist that I've already completed and
17 then I will verify the -- that we did notify all
18 proper parties as to the unorthodox well locations.

19 And with that, I would move the
20 admissions of Exhibits 1 through 5 and the ask that
21 the matter be continued to April 20th to submit the
22 supplemental information on this case.

23 And then I will move on to 23446 and in
24 this case, applicant requests to pool the same
25 acreage, the southwest quarter of Section 14, the west

1 half of Section 11, same township and range for
2 drilling Bone -- Second Bone Spring wells.

3 They also seek a non-standard spacing
4 and proration unit for the same purposes stated by in
5 the previous applications.

6 And as -- this is shown or testified to
7 in the landman's affidavit that it is to minimize
8 surface facilities -- it's to minimize surface damage,
9 limit the amount of surface facilities that need to be
10 built and therefore make these wells more economic.

11 Exhibit 1 is the application and
12 proposed notice. Exhibit 2 is the affidavit of the
13 landman, similar to the second one. Same overhead
14 rates, 8,000 and 800 a month. Attachment A shows the
15 land involved. There's the AFEs -- excuse me -- the
16 C102s.

17 Attachment B to the landman's affidavit
18 shows the tracts involved, the leases involved and the
19 working interest owners and the record title owners
20 being pooled. I suppose one thing is that some of
21 these working interest owners have committed their
22 interests to the well, but have not ratified a common
23 agreement and that's why they're being pooled.

24 Attachment C shows the summary of
25 communications, contains the original proposal letter.

1 Again, if you look at the proposal letter and a few
2 sheets after that, you can see that Mewbourne also
3 attempted to contact these parties by certified mail
4 and they were non-deliverable.

5 Attachment D is the AFEs for the well
6 which are stated to me fair and reasonable.

7 The landman -- excuse me -- the
8 geologist's affidavit is attached as Exhibit 3.
9 Contains the usual structure map and again, if you
10 look at the structure map, every Bone Spring well
11 drilled out of this area-wide plat is a standup unit.
12 It's the favored orientation out here.

13 There's also a gross isotonic and a
14 cross-section showing the zones being penetrated and
15 produced and it's of uniform thickness across the
16 wellbores.

17 And they also contain a Second Bone
18 Spring production map showing that this should be a
19 profitable area out there. And then again, containing
20 the standard planning -- horizontal planning zones,
21 planning reports for the well.

22 Exhibit 4 is my affidavit of notice,
23 and all of the parties were sent certified notice.
24 And then Exhibit 5 is the affidavit of publication,
25 again, timely published.

1 And what I owe the Division, as in all
2 of these cases, is supplemental affidavit of mailing,
3 the notice spreadsheet, the pooling checklist and then
4 I will supplement the C102s to show the pool and the
5 pool code.

6 And with that, I move the admission of
7 Exhibits 1 through 5 and ask that the matter be
8 continued for two weeks.

9 (Mewbourne Oil Company Exhibit 1
10 through Exhibit 5 were marked for
11 identification.)

12 THE HEARING EXAMINER: Thank you.
13 Let's try Mr. Garcia. Can we hear you now?

14 THE TECHNICAL EXAMINER GARCIA: No
15 questions. Can you hear me?

16 THE HEARING EXAMINER: We heard you.
17 Mr. Harrison, any questions?

18 THE TECHNICAL EXAMINER HARRISON: No
19 questions.

20 THE HEARING EXAMINER: Thank you. All
21 right. Mr. Bruce, let me get this straight. So 23445
22 is compulsory pooling and a non-standard location?

23 MR. BRUCE: Yes.

24 THE HEARING EXAMINER: And 23446 is
25 compulsory pooling and a non-standard unit?

1 MR. BRUCE: That is correct.

2 THE HEARING EXAMINER: All right. So,
3 Mr. Garcia, I think we were basically telling folks to
4 go the administrative route on non-standard locations;
5 is that correct?

6 THE TECHNICAL EXAMINER GARCIA:
7 Correct. And I guess that's kind of what I thought
8 they were talking about, was that they were going to
9 go the -- get an NSL through the admin process.

10 MR. BRUCE: And, Mr. Examiner, if
11 that's what you want me to do -- and I understand that
12 because I've got a couple more I need to file for
13 prior pooling cases. I will do whatever the Division
14 requests.

15 THE TECHNICAL EXAMINER GARCIA: But
16 typically, they're separated. One, 'cause they're
17 kind of different notice in nature and NSL's specific
18 to a well where compulsory pooling is technically
19 multi-wells. And so I think paragraph 18, too, of the
20 standard order says, like, hey, if this well is to be
21 unorthodox, you need to go get one in accordance with
22 this rule.

23 MR. BRUCE: Okay.

24 THE TECHNICAL EXAMINER GARCIA: I just
25 butchered that wording, but something to those legal

1 wordings.

2 MR. BRUCE: And I'm willing to do that.
3 No problem.

4 THE HEARING EXAMINER: Okay. All
5 right. And then so for the non-standard spacing unit,
6 remember that you need to -- if it's federal or state
7 land, you need to notify BLM state land office.

8 MR. BRUCE: Yes. And I will do that
9 and if I need to further continue the matter, I will
10 do so. But at this point, I'd ask for they be set on
11 the 4/20 docket just so I can submit the other
12 supplemental information and I will take care of any
13 notification deficit.

14 THE HEARING EXAMINER: Thank you. All
15 right. Are there any other persons with comments on
16 cases 23445, 23446? Hearing none, the exhibits will
17 be admitted into the record.

18 The case will be continued to April 20
19 and as we discussed, to provide checklists,
20 spreadsheets, notice information, revised C102 and
21 confirmation that the correct notice has been done for
22 a non-standard spacing unit.

23 (Mewbourne Oil Company Exhibit 1
24 through Exhibit 5 were received into
25 evidence.)

1 MR. BRUCE: Thank you.

2 THE HEARING EXAMINER: Thank you. With
3 that, we are on item 54, case 23447. Mewbourne Oil
4 Company.

5 MR. BRUCE: Mr. Examiner, Jim Bruce
6 here for Mewbourne.

7 THE HEARING EXAMINER: Thank you. Is
8 there anyone else here for case 23447? Hearing none,
9 Mewbourne may proceed.

10 MR. BRUCE: Mr. Examiner, in this case,
11 Mewbourne seeks to pool the south half of Section 21
12 and the south half of Section 20 of 20 South, 27 east
13 in Eddy County for purposes of drilling at -- in the
14 first instance, two Third Bone Spring wells. They're
15 called the "Wine Mixer" wells.

16 And in the application right off the
17 top, I requested a non-standard spacing and proration
18 unit and after I filed the application, my client sent
19 to me what is marked Exhibit 7.

20 It's not notified on my -- it's not
21 stated on my exhibit list, but Exhibit 7 is an
22 administrative non-standard spacing unit approval from
23 the Division from last summer so that the portion of
24 the application requesting the NSP may be dismissed.

25 Exhibit 1 is the application and

1 proposed notice. Exhibit 2 is the landman's
2 affidavit, again, containing the usual information,
3 land plats showing the wells and the well location,
4 the C102s. Attachment B contains plats showing the
5 tracts involved, the working interest owners involved,
6 the leases involved and the parties being pooled.

7 Attachment C shows the summary of
8 communications with the parties together with a sample
9 proposal letter and showing -- it also contains the
10 certified mail timelines for mailer receipts for the
11 proposal letters to all of these parties. Attachment
12 D is the -- contains the AFEs for the proposed wells
13 and so I think all of the information is there.

14 Exhibit 3, the affidavit Charles Cosby,
15 the geologist. Attachment A is the structure map
16 showing the direction of the structural inclination.
17 And again, this area isn't as heavily developed as
18 certain other areas, but all of the existing Bone
19 Spring wells in this area are laydown well units. So
20 that is the preferred orientation.

21 Attachment B is the cross-section
22 showing the zone of interest that's continuous across
23 the well unit and is out relatively uniform thickness
24 and of course, each quarter-quarter section will
25 produce more or less equally to production. And

1 attachment C is the horizontal drilling plans for the
2 wells.

3 Exhibit 4 is my affidavit of notice and
4 Exhibit 5 is the affidavit of publication, timely
5 published. Kind of proud of that, Mr. Examiner. It
6 doesn't happen often.

7 But again, what I must provide to you
8 is the updated affidavit of mailing with the green
9 cards, the certified notice spreadsheet, a pooling
10 checklist and I will also do the -- redo the C102s so
11 that they show the pool and the pool code.

12 But with that, I would move the
13 admission of Exhibits 1 through 5 and ask that the
14 matter be continued for two weeks.

15 (Mewbourne Oil Company Exhibit 1
16 through Exhibit 5 were marked for
17 identification.)

18 THE HEARING EXAMINER: Thank you.
19 Mr. Garcia, questions?

20 THE TECHNICAL EXAMINER GARCIA: No
21 questions.

22 THE HEARING EXAMINER: Mr. Harrison,
23 questions?

24 THE TECHNICAL EXAMINER HARRISON: No
25 questions. Thank you.

1 THE HEARING EXAMINER: So, Mr. Bruce,
2 in your application, but rarely referenced anywhere
3 else in your exhibits, is the request to vacate two
4 prior compulsory pooling orders, which, when I look
5 them up, what you now have is a 640-acre unit, but
6 we -- before, we approved two 320s?

7 MR. BRUCE: Oh, yes -- yes.
8 And -- that is correct and thank you for bringing that
9 up. I -- yes. Orders R-22296 and 22297 gave approval
10 for two 320-acre well units.

11 And as you've seen, especially over the
12 last few months, people are asking for non-standard
13 units now because the BLM has gotten a little touchy
14 about approving lease commingling or well comingling.
15 And so the easiest way to go about this is to get a
16 non-standard spacing unit approval from the Division.

17 So even though those orders are still
18 valid, if this application is approved, those prior
19 orders can be vacated because they will no longer be
20 needed.

21 THE HEARING EXAMINER: Thank you. Just
22 wanted to get that on the record. I think that's all
23 the questions I had. Are there any other interested
24 persons with comments on case 23447?

25 Hearing none, the exhibits in 23447

1 will be admitted into the record. The case will be
2 continued until April 20th for the provision of the
3 checklist, spreadsheet, C102, other matters that
4 counsel has mentioned here.

5 (Mewbourne Oil Company Exhibit 1
6 through Exhibit 5 were received into
7 evidence.)

8 MR. BRUCE: Thank you.

9 THE HEARING EXAMINER: All right. I
10 believe we're going to shift gears here, and let's
11 start with something that should be easy, case 22782.
12 This is item 55 on our checklist. Whiptail Midstream.

13 MR. SAVAGE: Good morning, Mr. Hearing
14 Examiner. Good morning, technical examiners. Darin
15 Savage with Abadie & Schill on behalf of Whiptail
16 Midstream.

17 THE HEARING EXAMINER: Thank you. We
18 have an entry of appearance from the Oil Conservation
19 Division?

20 MR. TREMAINE: Yes, Mr. Hearing
21 Examiner. This is Jesse Tremaine for the OCD. Thank
22 you.

23 THE HEARING EXAMINER: Thank you. Are
24 there any other interested persons in case 22782?
25 Hearing none, I believe we have a motion to dismiss;

1 is that correct, counsel?

2 MR. SAVAGE: That is correct. Whiptail
3 informed me yesterday they decided to go into a
4 different direction. In lieu of adjudication, they
5 want to work directly with the OCD's technical group
6 to address matters involving the release. And so
7 I -- yesterday, I filed the motion. I apologize for
8 the last minute, but I appreciate the consideration.

9 THE HEARING EXAMINER: Thank you. I
10 assume there's no objection from the Division?

11 MR. TREMAINE: None. We believe we
12 have a path forward. Thank you.

13 THE HEARING EXAMINER: Thank you. All
14 right. Well, we will go ahead and approve the
15 dismissal, although I'm disappointed that I no longer
16 get to say, "Whiptail Midstream."

17 MR. SAVAGE: You could go ahead and say
18 that, Mr. Examiner, whenever you feel like it. All
19 right. Thank you. Appreciate it.

20 THE HEARING EXAMINER: All right. With
21 that, we are on item 56, case 23438. Hilcorp Energy
22 Company.

23 MR. RANKIN: Morning,
24 Mr. Examiner -- or afternoon. Adam Rankin appearing
25 on behalf of the applicant, Hilcorp, in this case.

1 THE HEARING EXAMINER: Thank you. Are
2 there any other interested persons for case 23428?
3 Okay. Hearing none, Hilcorp to explain what it is
4 requesting today.

5 MR. RANKIN: Mr. Examiner, Hilcorp had
6 filed an application for downhole commingling to add a
7 third formation or pool to a well that was currently
8 dedicated to two other existing pools under an
9 existing order.

10 At the time it filed its application
11 for administrative approval to add this third zone, it
12 was unaware of the existence of this order, R-10385,
13 which authorized downhole commingling in two zones.

14 Upon submission of the administrative
15 application, the Division notified Hilcorp that there
16 was this existing order in place that authorized the
17 downhole commingling of the two existing pools.

18 And therefore, Hilcorp would either
19 have to amend the order -- hearing order to add an
20 additional pool or dismiss from the order the
21 two -- the authorization to downhole commingle those
22 two pools so the Division could proceed
23 administratively to approve all three zones.

24 And so in light of the Division's
25 information on that, it's far easier, frankly, to go

1 forward administratively and so -- with downhole
2 comingling.

3 And so we have asked, through this
4 application, for the Division to dismiss from order
5 R-10385 only the authority to downhole comingle those
6 two pools which are outlined in the application and in
7 the self-affirmed statement of Hilcorp's landman,
8 Mr. Robert Carlson.

9 THE HEARING EXAMINER: Thank you.
10 Mr. Garcia, questions?

11 THE TECHNICAL EXAMINER GARCIA: I guess
12 just to make sure I understand, you want to dismiss an
13 old order, downhole commingling portion of it, so you
14 can chase downhole comingling administratively and
15 it's easier to amend and all that stuff in the future?

16 MR. RANKIN: That's correct. And just
17 to be clear as well, what Hilcorp is asking here is
18 that the Division not dismiss from the -- that order
19 the authority until it approves the administrative
20 application. I guess the point being that I don't
21 want there and Hilcorp doesn't want there to be a gap
22 in authority to downhole comingle.

23 And so we're just asking that there
24 would not be a gap of any kind.

25 THE TECHNICAL EXAMINER GARCIA: Yeah.

1 MR. RANKIN: So that they can proceed
2 administratively and then once they have the approval,
3 then this case can be -- those two pools can be
4 dismissed from downhole comingling under the order.

5 THE TECHNICAL EXAMINER GARCIA: That
6 was my next question is -- assuming you don't want a
7 gap. So is the admin permit already filed?

8 MR. RANKIN: I've been trying to
9 confirm that. I -- number one, that the Division has
10 what it needs and that it has been updated with the
11 Division. So I'm not 100 percent sure. I believe it
12 has been updated. I just don't know yet. I want to
13 make sure that's the case and, Mr. Garcia, I will
14 follow up as soon as I can after this hearing.

15 I believe the folks at Hilcorp have
16 been in touch with Dean and want to make sure that he
17 has everything he needs to approve the administrative
18 portion of the application.

19 THE TECHNICAL EXAMINER GARCIA: I think
20 that's all my questions. And I mean, we'll keep that
21 in mind, too, when writing orders that -- to take into
22 consideration.

23 THE HEARING EXAMINER: Thank you.
24 Mr. Harrison, any questions?

25 THE TECHNICAL EXAMINER HARRISON: No

1 questions. Thank you.

2 THE HEARING EXAMINER: Thank you.

3 Okay. So just -- let's clarify that. I'm looking at
4 the order, R-10385, and so what I'm assuming you want
5 deleted then is the first ordering paragraph?

6 MR. RANKIN: I believe that's the only
7 paragraph that matters.

8 THE HEARING EXAMINER: Do you -- as you
9 scroll down, do you have any clue whether ordering
10 paragraph four has been complied with?

11 MR. RANKIN: Has been what?

12 THE HEARING EXAMINER: Complied with?

13 MR. RANKIN: No. I have -- I don't
14 know the status of that requirement.

15 THE HEARING EXAMINER: Well, I mean,
16 the order's 28 years old. So it either happened or it
17 didn't --

18 MR. RANKIN: Yeah. I would think so.
19 Yeah.

20 THE HEARING EXAMINER: All right. That
21 sounds fine then. So I think what we'll do is we can
22 draft an order that will delete that one paragraph and
23 we'll direct Hilcorp to any further downhole
24 commingling should be applied for administratively;
25 right? Because we want to avoid paragraph six here;

1 right? Which is the retaining jurisdiction.

2 MR. RANKIN: Well, I suppose that's
3 right, although I think that's -- I'll leave it to
4 you, Mr. Brancard, to decide what you want to retain.

5 THE HEARING EXAMINER: Well, I mean, we
6 just want to make it clear that just because we're
7 eliminating that provision, that if you want
8 comingling authority, you get it administratively.

9 MR. RANKIN: Right. Right.

10 THE HEARING EXAMINER: Because that's
11 really the whole goal here.

12 MR. RANKIN: That is the goal.

13 THE HEARING EXAMINER: All right. Once
14 more, any interested parties in case 23438? Hearing
15 none, the exhibits will be admitted into the record
16 and 23438 will be taken under advisement.

17 With that, we are on item 57, case
18 23393. Armstrong Energy Corporation.

19 MS. MCLEAN: Good afternoon,
20 Mr. Examiner. Jackie McLean on behalf of Armstrong.

21 THE HEARING EXAMINER: Thank you. Are
22 there any other interested persons for case 23393?
23 Hearing none, Armstrong to proceed.

24 MS. MCLEAN: Thank you, Mr. Examiner.
25 And we do have available today the engineer and

1 geologist who provided testimony should you have any
2 questions. I'm going to start off with just a summary
3 of our application and what we have submitted to the
4 Division and then I'll send it to you for questions.

5 In case number 23393, Armstrong applies
6 for an order instituting special pool rules and
7 regulations for the Reeves Devonian pool, code 51930.

8 And applicant Armstrong is the operator
9 of the Rocky Raccoon #1 located in a vertical well
10 unit comprised of the northwest quarter/southeast
11 corner of Section 24, Township 18 South, Range 35 East
12 in Lea County, New Mexico.

13 And the pool currently has a depth
14 bracket allowable of 410 barrels of oil per day for a
15 standard 40-acre spacing and proration unit pursuant
16 to rule 19.15.20.12(A) NMAC. The well was completed
17 and is capable of producing above the pool's oil
18 allowable.

19 Because of that, Armstrong is
20 requesting that the Division establish special pool
21 rules and regulations for the pool which provide for a
22 special depth bracket allowable of 800 barrels of oil
23 per day for a standard 40-acre oil well unit and that
24 the special rules and regulations for the pool be made
25 effective retroactive the date of first production

1 from the well.

2 Increasing the depth bracket allowable
3 will allow Armstrong to produce the pool in the most
4 effective manner and therefore serves the interests of
5 conservation, the protective and correlative rights
6 and the prevention of waste. Increasing the allowable
7 will not waste reservoir energy, harm the reservoir or
8 reduce recovery of oil and gas reserves.

9 In addition, the well is already
10 producing and there are sufficient facilities on site
11 to allow for transportation, casing gas
12 transportation, water disposal, processing and
13 marketing and Armstrong also has takeaway contracts
14 for produced water and gas in this unit.

15 We have submitted engineering, geology
16 and notice exhibits for case number 23393. I'll
17 quickly first address Exhibit C, which is the notice
18 testimony, and this shows that all the parties
19 entitled to notice did timely receive our notice
20 letter and we also published timely on February 8,
21 2023 with the Hobbs News-Sun.

22 Exhibit A is from Kyle Alpers. He is
23 the vice president of engineering at Armstrong.

24 And the exhibits introduce through
25 Mr. Alpers' testimony include Exhibit A1, the

1 application and proposed notice of hearing, Exhibit
2 A2, which is a C102 for the Rocky Raccoon #1 well,
3 Exhibit A3, production data from the well, Exhibit A4,
4 which is historical production of the Reeves Devonian
5 pool, and Exhibit A5, Rocky Raccoon reservoir data.

6 Mr. Alpers' testimony shows that
7 Armstrong is the operator of Rocky Raccoon #1 located
8 in the spacing unit that is producing well -- oil from
9 the Reeves Devonian pool, code 51940, that the initial
10 well in the pool was completed in 1962 with a top
11 perforation at 12,120 feet subsurface.

12 And for that reason, the pool has that
13 depth bracket allowable of 410 barrels of oil per day
14 for a standard 40-acre spacing and proration unit.

15 And as shown on Exhibit A3, the
16 production data, the well is capable of producing
17 above the pool's oil allowable.

18 Exhibit A5 is reservoir data obtained
19 for the last 60 days of production and shows that the
20 requested depth bracket allowable of 800 barrels
21 of -- per day can be produced without damage to the
22 reservoir and without causing surface or underground
23 waste.

24 Exhibit B is geology testimony from
25 Kelsey Garner. She is the geology exploration manager

1 at Armstrong Energy.

2 And the exhibits introduced through
3 Ms. Garner's testimony include Exhibit B1, a regional
4 locator map for the project area, Exhibit B2, a
5 Devonian structure map, Exhibit B3, a structure map of
6 the Devonian formation, and Exhibit B4, which is a
7 stratigraphic cross-section penetrating through the
8 target interval.

9 Ms. Garner's testimony shows that the
10 well is capable of producing above the pool's depth
11 bracket allowable and that the proposed increase in
12 allowable of 800 barrels of oil per day will not
13 result in decreased ultimate recovery or harm the
14 reservoir.

15 And now, Mr. Examiner, myself and
16 Mr. Alpers and Ms. Garner are available for questions
17 if you have any.

18 (Armstrong Energy Corporation Exhibit
19 A, Exhibit B, and Exhibit C were marked
20 for identification.)

21 THE HEARING EXAMINER: Thank you.
22 Start with Mr. Garcia.

23 THE TECHNICAL EXAMINER GARCIA: I think
24 I have a question or -- so I'm trying to orientate
25 myself. Exhibit B1, would a witness need to answer

1 that question? And do we need to swear them in, I
2 guess?

3 Basically, my question is all these
4 wells that are green on here, are they also going to
5 be requesting the allowable for themselves or are you
6 requesting it for the pool wide?

7 I guess kind of -- I guess trying to
8 understand the increase to 800 barrels. Is it just
9 for this well that you're requesting it or is it pool
10 wide that you're requesting it?

11 MS. MCLEAN: I believe the rule is for
12 pool wide.

13 THE TECHNICAL EXAMINER GARCIA: Okay.
14 I might have some other questions with that one then.

15 MS. MCLEAN: But if you would like,
16 Ms. Garner can answer your specific questions about
17 the geology exhibit.

18 THE TECHNICAL EXAMINER GARCIA: I think
19 that answers it for now. Notice questions I might
20 leave to Bill. But my second question is more of a
21 statement. I see that there is well logs in here, in
22 your exhibits for this well in question, and the Rocky
23 Raccoon #1 has some well logs in it.

24 Can you submit those to the Division?
25 'Cause we do not have copies of these and our rules

1 require us to receive any logs that have been ran.
2 And you can submit that through the OCD permitting
3 site such as like drilling, sundries, et cetera
4 through the log submission.

5 It does not have to come through the
6 hearing portal because the hearing portal's not set up
7 to take full-blown logs. But I think that's actually
8 all my questions, though, depending on Mr. Bill's
9 questions.

10 THE HEARING EXAMINER: Thank you.
11 Mr. Harrison, any questions?

12 THE TECHNICAL EXAMINER HARRISON:
13 Ms. McLean, you mentioned that there are facilities
14 already in place to handle an increase in production?

15 MS. MCLEAN: Yes. That is correct.
16 It's currently producing above that 410 barrels of oil
17 per day and they have been able to handle that.

18 THE TECHNICAL EXAMINER HARRISON: Thank
19 you. That's all I had.

20 THE HEARING EXAMINER: Thank you.
21 Okay. So I -- Mr. Garcia sort of started down the
22 line of questioning that I wanted to go on, which is
23 you're seeking approval for increased depth bracket
24 allowable for this entire pool. Looks to be four
25 sections here? I'm looking at that Exhibit B1.

1 MS. MCLEAN: Yes.

2 THE HEARING EXAMINER: And at this
3 point, it looks like there are five wells producing
4 from the pool.

5 MS. MCLEAN: I believe that's correct
6 from the key.

7 THE HEARING EXAMINER: So this change
8 would apply to all of those wells?

9 MS. MCLEAN: Yes, Mr. Examiner.

10 THE HEARING EXAMINER: Did you try to
11 find out whether there is a division order
12 establishing this pool?

13 MS. MCLEAN: I did not personally. We
14 can ask the engineer, I think. And then also just to
15 clarify, there -- of those five wells that are noted
16 on Exhibit B1, three of them are actually plugged.

17 THE HEARING EXAMINER: Okay. It says,
18 "Produced," as in past tense. So yes --

19 MS. MCLEAN: Yes. Yes. Produced, that
20 they -- those are -- have been or are currently
21 producing from --

22 THE HEARING EXAMINER: So what is the
23 other well that is currently producing then?

24 MS. MCLEAN: I think let's ask
25 Ms. Garner, I believe. Ms. Garner, are you there?

1 MS. GARNER: Yes. Can you hear me?

2 MS. MCLEAN: Yes. Thank you.

3 THE HEARING EXAMINER: Ms. Garner, just
4 please identify your name and spell it, please, for
5 the record.

6 MS. GARNER: Kelsey Garner, K-E-L-S-E-Y
7 G-A-R-N-E-R.

8 THE HEARING EXAMINER: And could you
9 just raise your right hand?

10 WHEREUPON,

11 KELSEY GARNER,
12 called as a witness, and having been first duly sworn
13 to tell the truth, the whole truth, and nothing but
14 the truth, was examined and testified as follows:

15 THE HEARING EXAMINER: Thank you.

16 THE WITNESS: The three wells to the
17 north, as she mentioned, are plugged. They haven't
18 produced for a very long time. And then the other
19 one, the Rock Steady that's mentioned on there, is our
20 other well.

21 THE HEARING EXAMINER: Okay. And so is
22 it Armstrong intent that this depth bracket allowable
23 would also apply to the Rock Steady well?

24 MR. ALPERS: I believe that was
25 our -- that was our intent. That was our

1 understanding of -- of applying for special pool
2 rules.

3 THE HEARING EXAMINER: Thank you. And,
4 Mr. Alpers, if you could just again say your name,
5 spell it, and then I'll swear you in; okay?

6 MR. ALPERS: Yes, sir. Kyle Alpers,
7 K-Y-L-E A-L-P-E-R-S. I'm vice president of
8 engineering for Armstrong Energy.

9 THE HEARING EXAMINER: Okay. Your
10 right hand, please?

11 WHEREUPON,

12 KYLE ALPERS,
13 called as a witness, and having been first duly sworn
14 to tell the truth, the whole truth, and nothing but
15 the truth, was examined and testified as follows:

16 THE HEARING EXAMINER: Thank you.
17 Okay. So the intent is for this depth bracket
18 allowable to apply to both of those wells?

19 THE WITNESS: Yes. I believe that was
20 our understanding.

21 THE HEARING EXAMINER: And presumably
22 to any future wells within this four section area?

23 THE WITNESS: Correct.

24 THE HEARING EXAMINER: Okay. All
25 right. So who did -- Ms. McLean, who did you provide

1 notice to for this?

2 MS. MCLEAN: Under the rule, it
3 specifies exactly who needs to receive notice and
4 that -- I'm going -- I'm trying to refresh my memory.
5 But on page -- sorry -- the Exhibit C2, it shows who
6 we sent notice to and everyone received the notice and
7 we got the green card back.

8 THE HEARING EXAMINER: All right. I
9 just want to make sure. So if you're looking to
10 create or revise a special pool order, there's a
11 specific notice provision; is that what you based it
12 on?

13 MS. MCLEAN: Yes. Yes, it is,
14 Mr. Examiner. And I'm just -- I wanted to give it to
15 you here, but -- sorry. It's just -- lots of screens
16 happening at the same time. So when -- my email
17 decides to be frozen.

18 THE HEARING EXAMINER: So I'm looking
19 at 19.15.4.12A4.

20 MS. MCLEAN: 19.15.4?

21 THE HEARING EXAMINER: .12A4.

22 MS. MCLEAN: Thank you. Yes. Okay.
23 So yeah. The notice requirements for specific
24 adjudication. And then we have -- now I'm the one
25 having -- okay. If the applicant seeks to adopt,

1 revoke or amend special pool orders, et cetera, that's
2 contemplated under here and that is what we complied
3 with. That's --

4 THE HEARING EXAMINER: So it's Division
5 designated operators?

6 MS. MCLEAN: Yes. To -- yes. And we
7 found all of the -- and I believe -- and Armstrong can
8 correct me if I'm wrong, but I believe that we decided
9 in this case to even notice the operators of the
10 plugged wells just out of an excess of caution.

11 THE HEARING EXAMINER: Okay.

12 MS. MCLEAN: Because I -- these cases
13 seems to be fairly rare recently because there's not
14 as many vertical wells. So we wanted to -- it's our
15 understanding that more notice is better and that's
16 what we wanted to do in this case.

17 THE HEARING EXAMINER: So I'm thinking
18 this is the second type of notice, which is operators
19 in the pool, operators of well within the same
20 formation as the pool and within 1 mile of the pool's
21 outer boundary that have not been assigned to another
22 pool. Whew.

23 MS. MCLEAN: Yes. Yes. And we
24 did -- they -- and I think that Mr. Alpers can testify
25 to the efforts that they did to locate all of the

1 parties that we needed to pool because we did want to
2 make sure we accomplished the notice that's required
3 under the rule.

4 THE HEARING EXAMINER: All right. So
5 then -- and I think your testimony covers this, but
6 the other rule that applies to this is 19.15.20?

7 MS. MCLEAN: .12

8 THE HEARING EXAMINER: .12. Depth
9 bracket allowables, Subsection F, which talks about
10 assigning a greater than regular depth bracket
11 allowable?

12 MS. MCLEAN: Yes, Mr. Examiner.

13 THE HEARING EXAMINER: So that is what
14 your geologic testimony is designed to cover, those
15 issues?

16 MS. MCLEAN: Geologic and engineering
17 testimony.

18 THE HEARING EXAMINER: Engineering.
19 Thank you. About the reservoir and not damaging the
20 reservoir?

21 MS. MCLEAN: Yes, Mr. Examiner. I
22 believe we had all of those marks in both the geology
23 and engineering testimony.

24 THE HEARING EXAMINER: All right.
25 Okay. So I guess then the only other issue is

1 for -- if you can perhaps research it and we'll try to
2 research it -- to determine whether there's an
3 existing order establishing this pool that we would
4 need to amend. I'll try to find some grey beard
5 around the Department other than myself might know
6 where those are.

7 THE TECHNICAL EXAMINER GARCIA: I have
8 a starting point if you'd like --

9 THE HEARING EXAMINER: Yes.

10 THE TECHNICAL EXAMINER GARCIA: Order
11 R-1652.

12 MS. MCLEAN: Did you say, "R-652"?

13 THE TECHNICAL EXAMINER GARCIA: 1652.

14 MS. MCLEAN: Oh, 16. Okay.

15 THE TECHNICAL EXAMINER GARCIA: Based
16 off how low of a number it is, I would hope it's
17 imaged correctly.

18 THE HEARING EXAMINER: Yeah, that's an
19 old one. And that's for this pool, Mr. Garcia?

20 THE TECHNICAL EXAMINER GARCIA: I could
21 tell you. Search for the pool code pops up in that
22 order. I can't tell you if it's actually in it.

23 THE HEARING EXAMINER: Oh, okay.

24 THE TECHNICAL EXAMINER GARCIA: If that
25 helps at all.

1 MS. MCLEAN: This -- I just pulled it
2 up.

3 THE HEARING EXAMINER: It is from 1960.

4 MS. MCLEAN: It's a new pool at the
5 Eckel [ph] San Andres pool.

6 THE TECHNICAL EXAMINER GARCIA: Yeah.
7 I would have to -- control word searching --

8 MS. MCLEAN: But because there was --

9 THE HEARING EXAMINER: If you look at
10 paragraph five, it refers to the Reeves Devonian.

11 MS. MCLEAN: Right. Yes. It was
12 discovered by John M. Kelly in 1960. So it looks like
13 this order created a lot of new pools.

14 THE TECHNICAL EXAMINER GARCIA: Tends
15 to be the case.

16 MS. MCLEAN: Yeah. And it's -- yes.
17 This -- it looks like this is the order. Thank you,
18 Mr. Garcia, for finding this so quickly.

19 THE TECHNICAL EXAMINER GARCIA: Just
20 don't tell nobody.

21 THE HEARING EXAMINER: Great. Thank
22 you. All right. Mr. Garcia, Mr. Harrison, any other
23 questions?

24 THE TECHNICAL EXAMINER GARCIA: No
25 questions at this time.

1 THE TECHNICAL EXAMINER HARRISON: No.
2 Thank you.

3 THE HEARING EXAMINER: Okay. Are there
4 any other interested persons then in case 23393?
5 Hearing none, the exhibits will be taken into the
6 record and the case 23393 will be taken under
7 advisement, but I can't guarantee you that we won't
8 maybe have a question or two as we start drafting an
9 order.

10 (Armstrong Energy Corporation Exhibit
11 A, Exhibit B, and Exhibit C were
12 received into evidence.)

13 MS. MCLEAN: Thank you, Mr. Examiner.

14 THE HEARING EXAMINER: Thank you.

15 THE WITNESS: Thank you.

16 THE HEARING EXAMINER: All right. See
17 if we can make it through the last case here. Item
18 58, case 23427. OXY USA.

19 MR. RANKIN: Mr. Examiner, Adam Rankin
20 appearing on behalf of the applicant in this case, OXY
21 USA Incorporated.

22 THE HEARING EXAMINER: Mr. Rankin,
23 you're doing the lion's share today. Any other
24 parties for case 23427? Hearing none, OXY USA to
25 proceed.

1 MR. RANKIN: Good morning,
2 Mr. Examiner. May it please the Division this
3 morning, OXY is requesting an order to amend the
4 existing order number R-22101 to do the following:

5 Number one, to expand the approved
6 closed loop gas capture injection project area; to
7 authorize -- number two, to authorize 11 additional
8 injection wells for intermittent temporary produced
9 gas injection within the Bone Spring Formation; number
10 three, to increase the authorized maximum allowable
11 surface injection pressure from 1,200 to 1,300 PSI and
12 to extend the pilot project and all the deadlines
13 under existing order R-22101 for an additional two
14 years from issuance of an order in this case.

15 All the other terms, provisions,
16 conditions under the existing order R-22101 are
17 proposed to remain unchanged.

18 And because the proposed expansion that
19 we're talking about here and requesting would include
20 the project area and wells already authorized for
21 injection in existing order R-22102, OXY seeks
22 therefore to dismiss order R-22102 once this product
23 area has been amended to include that acreage and
24 wells.

25 Mr. Examiner, we have two witnesses

1 today which we would like to present through live
2 testimony. We -- I think it's just easier and faster
3 and more efficient to do it that way. We have one
4 witness -- our engineering reservoir witness has a
5 self-affirmed statement to present at the end.

6 With that, Mr. Examiner, if we may be
7 permitted, we would like to proceed to have our
8 witnesses sworn in and then to put on our case.

9 THE HEARING EXAMINER: All right. And
10 who are your witnesses today?

11 MR. RANKIN: Mr. Examiner, we have two
12 witnesses, Mr. Stephen Janacek and Mr. Jared Rountree,
13 who I think are appearing hopefully on your screen.

14 THE HEARING EXAMINER: Yes. Let's
15 start with each witness giving us their name.
16 Mr. Rountree? And spell it.

17 MR. ROUNTREE: Hi. I'm Jared Rountree.

18 THE HEARING EXAMINER: Could you just
19 spell your name, please?

20 MR. ROUNTREE: J-A-R-E-D
21 R-O-U-N-T-R-E-E.

22 THE HEARING EXAMINER: Thank you.
23 Mr. Janacek?

24 Mr. Janacek: Hi there. Stephen
25 Janacek, and that is spelled S-T-E-P-H-E-N

1 J-A-N-A-C-E-K.

2 THE HEARING EXAMINER: Thank you. Both
3 of you, raise your right hand.

4 WHEREUPON,

5 JARED ROUNTREE AND STEPHEN JANACEK,
6 called as a witnesses, and having been first duly
7 sworn to tell the truth, the whole truth, and nothing
8 but the truth, were examined and testified as follows:

9 THE HEARING EXAMINER: Excellent.
10 Please proceed, Mr. Rankin.

11 MR. RANKIN: Thank you, Mr. Examiner.
12 I'd like to call OXY's first witness, Mr. Stephen
13 Janacek.

14 DIRECT EXAMINATION

15 BY MR. RANKIN:

16 Q Mr. Janacek, please state your full name for
17 the record.

18 A Sure. Stephen Janacek.

19 Q And by whom are you employed and in what
20 capacity?

21 A OXY USA Incorporated as a petroleum
22 engineer.

23 Q Have you previously testified before the
24 Division?

25 A Yes, I have.

1 Q And have you had your credentials as an
2 expert in petroleum engineering accepted and made a
3 matter of record by the Division?

4 A Yes.

5 Q And you're familiar with the application
6 that was filed in this case?

7 A Yes.

8 MR. RANKIN: Mr. Examiner, I'd retender
9 Mr. Janacek as an expert in petroleum engineering.

10 THE HEARING EXAMINER: Hearing no
11 objections, it's so admitted.

12 MR. RANKIN: Thank you.

13 BY MR. RANKIN:

14 Q Mr. Janacek, I'm going to pull up on my
15 screen the exhibits here that were filed, but is
16 what's been marked as Exhibit A a copy of the
17 application that OXY filed in this case --

18 A Yes, Exhibit A is the application.

19 Q Explain what it is briefly -- if you would,
20 at a high level what it is that OXY is requesting with
21 its application.

22 A Sure. So in this instance, OXY is -- is
23 requesting and wants to expand our Avogato closed loop
24 gas capture project under order number R-22101 with
25 the following included: The first -- first item we're

1 asking for is expanding the project area.

2 The second item we're asking for is
3 authorizing 11 additional injection wells or CLGC
4 wells or gas storage wells, which they'll be referred
5 to throughout this hearing as such. To utilize those
6 11 additional wells for temporary produced gas
7 injection within the Bone Spring Formation.

8 The third item we're requesting in this
9 application is increasing the authorized maximum
10 allowable surface injection pressure to be increased
11 from the current 1,200 PSI to 1,300 PSI.

12 And then finally, OXY is requesting to
13 extend the pilot project period and all deadlines
14 associated under order -- order number R-22101 for an
15 additional two years from issuance of an order in this
16 case.

17 Q So with the exception of the amendments you
18 just stated, all the other existing provisions under
19 order R-22101, they would remain unchanged?

20 A That's correct. They would remain
21 unchanged.

22 Q Real quickly, let's just nail down the
23 project area here as proposed to be expanded. What
24 would the project area -- what acreage would the
25 proposed project area comprise upon approval?

1 A Yes. So it's two main areas here, the first
2 of which is Township 22 South, Range 32 East in the
3 west half of Section 27 and the west half of Section
4 34. And then the second project area would be
5 Township 22 South, Range 33 East, all of Section 31
6 and all of Section 30.

7 Q Now, in consideration of the changes that
8 OXY's requesting here, has OXY prepared or have you
9 prepared an analysis demonstrating that these
10 requested changes will meet the Division's guidelines
11 for its -- updated guidelines for its closed loop gas
12 capture project?

13 A Yes.

14 Q And is OXY proposing to add -- it sounds
15 like you are; right? Eleven wells. You're proposing
16 to add these 11 wells within the same formation that
17 was originally approved under the order?

18 A That is correct.

19 Q And that'd be the Bone Spring?

20 A Yes. We're looking to add the 11 additional
21 wells within the Bone Spring, within the Red Tank Bone
22 Spring East Pool into various other intervals besides
23 the -- the Avalon.

24 Q Now, these wells are already drilled;
25 correct? Already producing wells?

1 A Yes. These are all currently producing
2 wells.

3 Q And these are -- and you -- I think you
4 mentioned there's going to be some different zones.
5 So the existing authorization under this order is
6 currently for the Avalon Shale; is that right?

7 A That's correct.

8 Q And you're looking to add some additional
9 intervals within the Bone Spring; what are those?

10 A Yes. So we're -- we're adding on. We're
11 going to be adding two wells to target the same
12 interval of Avalon. We're going to be targeting the
13 First Bone Spring, the Second Bone Spring and also the
14 Third Bone Spring lime.

15 Q Now, as I refer to these exhibits,
16 Mr. Examiner and Mr. Janacek, I'm going
17 to -- unfortunately, our pagination did not work for
18 some reason. So I'm going to refer to pages based on
19 the OCD page stamp.

20 It's the same -- if you're looking at this
21 in a PDF viewer, it would be the PDF -- I refer to it
22 as the "PDF page." Just the page in sequence from one
23 to the end. I think there's 227 pages. So I'll be
24 referring to pages within this exhibit packet based on
25 the OCD page stamp or the PDF page number.

1 I apologize if that's confusing but let me
2 know if you have trouble getting to the certain page.
3 But I will provide the pages on the screen so you can
4 follow along.

5 Now, Mr. Janacek, have you prepared a
6 proposed -- under these orders, the Division attached
7 Exhibits A and B which identified the wells and the
8 acreage for the project area; correct?

9 A Correct.

10 Q And have you prepared a revised Exhibit A
11 for an amended division order that identifies the
12 project area, the pool name and pool code and all the
13 wells that you're proposing to authorize for temporary
14 injection under this proposed amendment?

15 A Yes, I have.

16 Q And that's within your Exhibit B, and I'm
17 going to put it up here. It's actually PDF page or
18 OCD stamped page 143; is that correct?

19 A That's correct.

20 Q And this is just a way for you to provide
21 the Division a quick reference guide for the wells
22 you're proposing to include, locations, the pool codes
23 and so forth; right?

24 A That's correct.

25 Q Okay. And did you also do the same for a

1 proposed amended Exhibit B for the same purpose?

2 A That is correct. Same purpose here as well.

3 Q Okay. And what's the difference? What does
4 Exhibit B show in addition to the wells that are going
5 to be the injection wells?

6 A In addition to the listed gas storage wells
7 here in Exhibit B, we're also listing out the up
8 players, as I provide in our application, along with
9 the offset wells. So we have offset well API numbers
10 and offset well names included as well.

11 And in this instance, an offset well is
12 defined as a well immediately offset within the same
13 producing interval next to that of a gas storage well.

14 Q And you did that just in order to help
15 facilitate the Division's review, give them the wells
16 that you've identified as the offset wells and just
17 kind of facilitate their review of your application?

18 A That is correct.

19 Q Okay. Now, these wells, because you're
20 targeting now different intervals within the Bone
21 Spring, they all have different various vertical
22 depths corresponding to, as I understand, the Avalon,
23 the first, the Second Bone Spring and the Third Bone
24 Spring lime; is that correct?

25 A Yes. That's correct.

1 Q And you prepared a -- sort of a gun barrel
2 view along with the offset wells to also facilitate
3 the Division's review and understanding of what you're
4 proposing?

5 A Correct.

6 Q And that's page 145 of the exhibit packet;
7 is that right?

8 A Yes. The Taco Cat gun barrel view is on 145
9 and the Avogato gun barrel -- on 146.

10 Q So starting with the Taco Cat, just so the
11 Division understands what we're looking at here, just
12 explain what we're -- what you're showing in this
13 exhibit.

14 A Sure. So in this exhibit on page 145, we're
15 looking at a gun barrel view -- what we call a "gun
16 barrel view" of the Taco Cat development area. What
17 we have is a simplified diagram to orient us
18 vertically as well as easterly and westerly -- if
19 that's a word -- across the developed sections.

20 So what we have is east on the right side,
21 west to the left, and then the pertinent producing
22 Bone Spring intervals in descending depths. So we
23 have the Shalos [ph] interval, the Avalon, then we
24 proceed deeper into the First Bone Spring and then
25 deeper more into the Second Bone Spring.

1 And looking at the specifics, we have the
2 black circle indicating the existing approved gas
3 storage well, the Top Pad 11H in -- in short script,
4 the name for that well. And then we have, below it in
5 the Second Bone Spring, an additional 2023 gas storage
6 candidate. That is the Taco Cat 21H, indicated with
7 the red circle.

8 And then finally, we have -- off to
9 the -- to the east of the 21H, there is a directly
10 offsetting well, the Taco Cat 24H, which is identified
11 as an offset well in the application.

12 Q And just so we're clear, where you have the
13 red dot, the 2023 CLGC -- that just means that this is
14 one of the wells you're proposing to add to the
15 project; correct?

16 A That's correct. That's one of the 11 wells
17 that we're proposing to add --

18 Q Okay. Let's look real quickly at the
19 Avogato gun barrel view, and similar layout here.
20 Just if you would just confirm what we're looking at
21 with this slide.

22 A Sure. So moving over to the Avogato area
23 further to the east from Taco Cat, we have another
24 development area. Similar components here.

25 We have east on the right-hand side and west

1 to the left and then we're going through from the
2 shallowest to the deepest Bone Spring target
3 intervals, Avalon at the top, then the First Bone
4 Spring, the Second Bone Spring and then finally at the
5 bottom, the Third Bone Spring lime.

6 Starting with the black circles, you can see
7 the three previously approved gas storage wells.
8 Those are the Avogato 11H, the 13H and the 14H, which
9 we are currently utilizing for gas storage. And then
10 we have the other ten red circles indicating the ten
11 additional gas storage wells we will add in the
12 Avogato area.

13 And then finally, there is one additional
14 offsetting well, which is the Red Tank 31 5H, which is
15 a horizontal well that was drilled perpendicular to
16 these and that is highlighted with the yellow well
17 trajectory.

18 Q Now, in general or approximately what's the
19 range of depth here we're talking for injection from
20 the shallowest to the deepest?

21 A Yeah. The approximate range of injection
22 depths are about 933 feet at the shallowest depth and
23 true vertical depth and then the deepest, I believe,
24 is around 10,960 feet at the deepest point, and that's
25 in true vertical depth as well.

1 Q And I think you said, "933 feet," but I
2 think you probably meant 9,000; is that right?

3 A That's correct. Thank you.

4 Q No problem. And then just to -- just for
5 the record to be clear, OXY is requesting the
6 dismissal of one of its previously approved closed
7 loop gas capture project orders; is that right?

8 A That is correct.

9 Q Just explain the reason for that.

10 A Yes. So the reason why we were -- are
11 requesting dismissal of a previously approved closed
12 loop gas capture project is because this
13 expansion -- the proposed expansion we're presenting
14 today of this pilot project area in order number
15 R-22101 will include the project area and the wells to
16 authorize for injection in the order number R-22102.

17 So OXY is seeking to dismiss the order
18 number R-22102.

19 Q Okay. Now, in -- I think you'll walk
20 through it in more detail how that's come to pass and
21 why, but just so we also know I think for language
22 because I think it may come up elsewhere in your
23 testimony, the Taco Cat areas and the Avogato areas
24 together are referred to by OXY as the Red Tank area;
25 is that right?

1 A That's correct. They're both located in an
2 area that OXY is -- is considered as the Red Tank
3 area --

4 Q I'm going to scroll ahead here to the next
5 page in the exhibit packet and this is an overview of
6 the previously presented facility maps. If you just
7 would explain how the facilities and the project areas
8 were set previously and then how they've come to
9 change, which I think explains why you're seeking to
10 combine them now.

11 A Sure thing. Okay. And as I talk through
12 them, I might have you zoom in, if you can, as we talk
13 through some of the specifics.

14 Q Sure.

15 A So overarching statement of this slide in
16 the exhibit is a overview of what was submitted in
17 2021 for the gas storage project areas. These were
18 two separate project areas submitted in 2021 because
19 there were, at the time, two different gas gathering
20 systems and two different gas takeaway points or gas
21 sales points.

22 And so what we're seeing here is on the
23 left, we have the Taco Cat project area and the
24 previous facility map for that project at the time and
25 on the right-hand side, we have the Avogato project

1 area and its facility map of the project at the time.

2 Walking through those, we'll talk through
3 the map on the left, which is the Taco Cat area.

4 Yeah. Maybe one more bump and zoom in. Thank you,
5 Adam.

6 So here talking specifically to the Taco Cat
7 project area map, we included the main facility
8 components that are involved in the gas storage
9 project. So there are a lot of other facilities out
10 here that we don't speak to in the map.

11 So talking through them and breaking down
12 the map, we're focusing on Taco Cat and the dotted
13 outline is the outline of the project area. Then we
14 have the black well trajectory of the gas storage well
15 here, the Taco Cat 11H. This includes the -- the
16 first take point or FTP as well as the last take point
17 or LTP.

18 The green line -- if you trace it from the
19 surface hole location at the wellhead, the green line
20 leads to the central tank battery or CTB and in this
21 instance, the central tank battery and GasLib
22 compressor station were located at the same place.

23 So after the produced fluids flow down the
24 green flow line to the CTB and the CGL station, the
25 fluids are separated out and then there are a couple

1 places the gas system can go. The gas can be sold to
2 our third-party gas takeaway, which here is indicated
3 by the blue star there on the northeast -- there you
4 are -- northeast portion of the CTB/CGL pad.

5 We also have a flare located there for
6 emergency flaring instances where gas can potentially
7 go.

8 And then the final location or the final
9 path that gas can flow is down the orange high
10 pressure line which leads back to the wellhead of this
11 gas storage well, and it's also connecting to other
12 wells in our system which are artificially lifted by
13 gas -- so that is a breakdown of the Taco Cat project
14 area on the left-hand side.

15 And on the right-hand side, the same thing.
16 The same components are listed and shown for the
17 Taco -- for the Avogato area. Excuse me. So I'll
18 just speak to the differences here between the two
19 since the coloring and components are the same and
20 the -- the flow paths are -- are similar, too.

21 One, the main difference here is we have
22 three gas storage wells, the Avogato 11, 13 and 14.

23 Mr. Rankin, I don't know if you're trying to
24 make me dizzy or trying to do some fancy work, but
25 thank you. I appreciate it. There we are.

1 So the first difference is we have three gas
2 storage wells over here in the Avogato area. We also
3 have different centralized tank batteries. Here, it's
4 Red Tank 19 CTB. And then we also have a different
5 compressor station, Red Tank 19 CGL.

6 So those are the main different components
7 as well as the different flare located at the CTB and
8 also a different gas takeaway point as well. So
9 that's how the projects were grouped back in 2021
10 based off of the -- the gas gathering systems.

11 Q So now you've got an updated circumstance
12 here on your next slide exhibit. Will you just review
13 how that facility's setup has changed?

14 A Sure. So again, here we have the Taco Cat
15 area to the west, we have the Avogato area to the east
16 and all of the same components for the most part, same
17 colorings, same -- same wells with new wells added.

18 And then we also are showing here two
19 changes that -- that happened to the system, the first
20 of which was tying these two systems together on the
21 high pressure gas line. So we tied into an existing
22 high pressure gas line to connect the Taco Cat high
23 pressure system to the Avogato high pressure system.

24 And then second to that, we also installed
25 and tied into the red low pressure pipeline -- gas

1 pipeline between the two to connect the systems.

2 So after this was done, both of these areas
3 were effectively combined and became one new system.
4 And then the final change was a new gas takeaway point
5 with the new gas processing plant so those were
6 the -- the major three changes here when we combined
7 the two project areas into one.

8 Q Got it. Now, that -- I think that covers
9 the project area. So this -- when I look at this map
10 that shows the Avogato area, was it -- enclosed in the
11 blue dashed line and the Taco Cat area enclosed in the
12 blue dashed line. Those two areas combined would
13 comprise the new expanded project area; correct?

14 A That is correct.

15 Q Okay. Now, for each of the wells -- each of
16 the 11 wells, have you provided, in your exhibit
17 packet, the as-drilled C102s for each of the wells?

18 A Yes, we have.

19 Q And I'm going to refer -- those are pages, I
20 believe, 21 -- beginning at page 21 of the exhibit
21 packet through page 33; is that correct?

22 A That's correct.

23 Q Okay. And have you prepared updated
24 proposed injection well data sheets for each of the
25 wells that you propose to add that provide details in

1 terms of the well casing cement wellbore schematic for
2 each of these proposed injection wells?

3 A Yes.

4 Q And are those included in Exhibit B -- and
5 I'm going to just give you the page numbers on the
6 exhibit pack -- at 150 to 171 of the exhibit packet?

7 A That is correct.

8 Q Referring to those exhibits, I'm -- there's
9 a lot of them, Mr. Janacek. So rather than go through
10 each one, if you would just sort of identify, at a
11 high level, key features that OXY is proposing to
12 incorporate in its well design for these
13 currently-producing wells when they are prepared for
14 intermittent temporary injection.

15 A Sure. So first thing to note is the
16 wellbore data sheets that were submitted in the
17 original application are the current wellbore
18 diagrams. They were not the proposed injection
19 diagrams. So that's why the updates were made.

20 So talking through that on a high level, the
21 proposed injection data sheets reflect various parts
22 of information that are pertinent to the construction
23 of the well.

24 We have provided information on the surface,
25 intermediate and production casing strings that touch

1 on the primary cement and placement of that cement and
2 then we have a wellbore schematic on the left-hand
3 side.

4 Then on the second page of each data sheet,
5 we have some additional information regarding the type
6 of packer that we will be installing along with where
7 that packer will be set with the respective TBD and
8 measured depths included.

9 And then there's additional data included as
10 well in the latter 25 percent of the form speaking to
11 the name of the target injection interval as well as
12 the -- the pool that we're injecting into along with
13 any names and depths of the underlying and overlying
14 producing zones. I believe that is all I have in
15 regards to the injection data sheets.

16 Q Okay. Were there -- in each case, is there
17 an issue -- are there any issues with the packer
18 setting depths or anything that needs to be updated in
19 terms of the wells?

20 A There aren't any issues per se. However, we
21 will need to -- on two of our wells that are currently
22 under tubing flow gas lift, we will need to set those
23 packers deeper to comply with the packer setting
24 conditions, as stated in the previous order.

25 Q Now, as far as -- you mentioned cement and

1 the cement data on each of these wells. Has OXY
2 submitted or will it submit electronic cement bond
3 logs for each of the wells to the Division's online
4 well file?

5 A Yes. We have submitted that as well online.
6 All of the CBLs have been filed.

7 Q Great. Now, among the other requirements
8 that the Division imposes for these -- as a guidance
9 for these closed loop gas injection wells is
10 confirmation of mechanical integrity. Has OXY
11 performed or confirmed the mechanical integrity of
12 these wells?

13 A We plan on, if we haven't done so already,
14 running a new mechanical integrity test on the wells
15 once they are converted to the proper downhole
16 configuration for gas storage. So a little bit of
17 information on that. These wells are in
18 various -- various artificial lift methods and
19 production times within their lives.

20 So we have some wells that, as of today, are
21 currently producing with electric submersible pumps,
22 some that are producing with annular gas lift, and
23 that is annular flow gas lift with injection down the
24 tubing, and then we also have some wells that are
25 producing with conventional gas lift, which is

1 injection down the casing tubing annulus and injection
2 up the tubing.

3 So all of these wells, once they are
4 converted to the conventional gas lift setup downhole,
5 the mechanical integrity test will be ran and
6 performed during that workover operation.

7 Q So on page 172 of your exhibit packet,
8 you've got a summary table that outlines the current
9 status of the mechanical integrity testing that's been
10 conducted on these wells. And just review, if you
11 would, just what this shows and the meaning of the red
12 lettering and generally --

13 A Sure. So this table here, this summary
14 table, breaks down for each well existing and the red
15 proposed expansion wells our -- our research on
16 the -- the history of mechanical integrity tests that
17 have happened at various points within the well's
18 history.

19 So we can see that there are some wells that
20 have multiple mechanical integrity tests, mainly the
21 four black existing gas storage wells which had
22 mechanical integrity tests performed last year in
23 April before we started utilizing these wells
24 for -- for gas storage.

25 Q So just in short basically, as per the

1 condition under the order, OXY will conduct an MIT on
2 each of these wells once they're set up for
3 conventional gas lift and injection?

4 A That is correct. And I -- I want to
5 emphasize along with MIT, OXY plans on utilizing these
6 wells for gas storage once they are conventional.
7 Like you said, we don't plan on any type of gas
8 storage activities regarding annular flow wells.

9 Q Okay. Now, I think that covers the
10 construction setup of the wells, and then I want to
11 talk now about the maximum allowable surface pressure.
12 You guys were currently operating under a limitation
13 of 1,200 PSI and the request is to go up to 1,300.

14 If you would, just explain why it is that
15 OXY's requesting that 100 PSI increase and what it
16 will achieve for you.

17 A Sure. So the reasons behind the request are
18 twofold. One, it is to align the maximum allowable
19 surface pressure for gas storage with that of
20 the -- the centralized compressor stations and those
21 shutdowns of 1,300 PSI.

22 And then the second reason is after -- after
23 looking into it further and after experiencing some of
24 the longer storage events -- greater than 24 hours is
25 what I would consider a longer storage event. As we

1 approach our maximum allowable surface pressure, we
2 see our injection rate start to fall off or decrease
3 over time per our reservoir modeling prediction.

4 So if we're able to increase our maximum
5 allowable surface pressure here, we'll be able to
6 increase our -- our injection rate and therefore
7 incrementally increase the storage volume over the
8 period of time that the storage event is taking place.

9 Q Now, have you conducted updated calculations
10 following the Division's guidance based on the
11 proposed increase in the maximum allowable surface
12 pressure for each of these proposed injection wells

13 A Yes, we have.

14 Q And is that on your Exhibit B at page 173 of
15 the exhibit packet?

16 A Yes, it is.

17 Q If you would, Mr. Janacek, just walk through
18 the key elements of this table and explain for the
19 Division how it shows that each of these proposed
20 wells will meet the Division's guidance for its
21 numeric requirements.

22 A Sure. So this maximum allowable surface
23 pressure table, or MASP table, was put together to
24 address the guidance from the Division regarding
25 closed loop gas capture projects. And what we've done

1 here, like you stated, was updated the information
2 with the higher MASP of 1,300 PSI.

3 So what we have done is we have listed all
4 of the wells with their API numbers and their well
5 names. And again, similar trend here. We have the
6 existing wells with black well names and then we have
7 the 11 expansion wells listed with red well names.

8 And then on the bottom, the very bottom two
9 rows, we can see a column row and then we have the
10 calculation row. And so what that does is that
11 references, for the three calculated columns, how
12 the -- the calculations were done.

13 So digging into it further we have, you
14 know, a whole bunch of colors here -- four more colors
15 to talk through. We have the blue section on the left
16 which speaks to the current operating parameters
17 regarding rates and pressures as well as the proposed
18 operating parameters during a gas storage event.

19 Then we move on to the right where we have
20 the orange section, which is the section that touches
21 on some burst calculation comparisons whenever we look
22 at the maximum allowable surface pressure applied with
23 a brine gradient down to the -- the weakest point in
24 the casing string, the production casing string.

25 And what we're seeing here in column nine is

1 for all of the wells that's listed here, the maximum
2 anticipated pressure -- excuse me -- the maximum
3 anticipated pressure plus the reservoir brine
4 hydrostatic is -- is far below that of the casing
5 burst pressure. Everything is at 50 percent or below.
6 So that -- that is not a concern that OXY has.

7 Moving over to the right-hand side, we have
8 the gray area, which is looking at the gradient
9 calculation to the top perforation depth. So you can
10 see it varies per well, but in essence, all of these
11 MASP gradients are less than 0.2 PSI per foot.

12 And then finally, we have the green columns
13 and the green columns are information and calculations
14 that are connected to or dealing with the formation
15 parting pressure. So what we've done is we've taken
16 the top perforation depth and true vertical depth,
17 brought in assumption for a -- a really high gas
18 pressure gradient.

19 We also looked at the formation parting
20 pressure gradient over here and then we did a
21 percentage comparison whenever we -- when we apply the
22 maximum allowable surface pressure plus a gas
23 hydrostatic, and we are well below the formation
24 parting pressure here. We're at -- I think the
25 largest value is 52 percent of the formation parting

1 pressure.

2 So that is an overview of this MASP table
3 that was ran and updated for the new proposed maximum
4 allowable surface pressure of 1,300 PSI.

5 Q And just to confirm, each one of those
6 elements or requirements is met under the Division's
7 guidance?

8 A That is correct.

9 Q Now, thinking about the gas here. Just to
10 confirm that what OXY's proposing to do here will be
11 to reinject produced gas into these wells during
12 intermittent upsets from midstream operations; is that
13 correct?

14 A That is correct. We will be injecting
15 treated produced gas back into these wells.

16 Q And the purpose of that would be to avoid
17 the need to flare during emergencies or upsets and
18 potentially to have to shut in these wells during
19 prolonged periods; is that right?

20 A That is correct.

21 Q And here, you're talking about produced
22 treated gas. So what are -- what's the source of the
23 proposed injection gas?

24 A The source gas is all the produced gas in
25 the gas gathering system. So within the system, we've

1 got various wells producing from various formations
2 and all of those are producing with an approved gas
3 surface commingling permit. And here, we've included
4 some of the gas analysis per the guidance of the OCD
5 that is listed in their guidance document.

6 Q So in order to confirm that there won't be
7 any impairments or harm to either the reservoir or the
8 injection wells, the Division's required OXY to do an
9 analysis of the gas to confirm either that it's
10 compatible, there won't be excessive corrosion; is
11 that right?

12 A That is correct.

13 Q And in this exhibit starting at page 174,
14 you've prepared a summary of OXY's gas analysis?

15 A Yes.

16 Q And that includes, in the following pages
17 through page 184 of the exhibit packet, the actual
18 analyzes from the laboratory that conducted the work;
19 is that right?

20 A That is correct.

21 Q Okay. And just -- and you've identified
22 them -- let's see. I think you've labeled them. You
23 can see -- let's see. How are they set up --

24 A Top left of the first page should
25 have -- there it is.

1 Q Oh, yeah. Okay. All right.

2 A So the first sample here -- and we -- I'll
3 just talk through them. We first are looking at the
4 injection gas sample. So this is the producing gas
5 stream that is combined from all of the producing
6 wells within the gas gathering system. So that is the
7 first sample that was submitted.

8 And then moving on, we have a second gas
9 analysis and this is an updated analysis for the
10 Avalon, which we are currently utilizing with the four
11 existing gas storage wells. And then if we move
12 onward to the next gas analyzes, the red circle
13 indicates that this is a new gas storage interval and
14 here, we have a sample for the First Bone Spring.

15 Moving on, I believe the next sample should
16 be -- yes. The -- the next example -- I'm sorry. The
17 next analysis here is the Second Bone Spring gas
18 sample, which we've included and has a -- a red dot
19 indicating a new storage interval.

20 And then finally, the last gas analysis
21 submitted here is for the Third Bone Lime, which is
22 the deepest gas storage interval we are targeting
23 here.

24 Q And you mentioned, I believe, that all the
25 source wells, the source gas and the injection wells

1 in the project area are covered under an existing
2 service comingling permit?

3 A Yes. That is correct.

4 Q Is -- and that's PLC-835-A currently; is
5 that right?

6 A That is correct.

7 Q All right. And just to be clear, the
8 formation that we're injecting into in the Bone
9 Spring, that's all within the same pool, same pool
10 code?

11 A Yes. That is all within the same oil pool
12 code.

13 Q Okay. And that's the Red Tank Bone Spring,
14 pool code 51687; is that right?

15 A That's correct.

16 Q Okay. And just to be clear, I think we
17 mentioned this in the application, but OXY may, over
18 time, include additional wells within that surface
19 comingling order so that additional wells may be
20 contributing to the injection gas?

21 A Yes. That's correct.

22 Q Now, based on your review of the gas
23 analyzes, are there any issues or concerns regarding
24 corrosion or compatibility as a result of adding these
25 new injection intervals within the Bone Spring?

1 A No. We don't see any issues or concerns
2 regarding incompatibility.

3 Q And OXY's already effectively mixing this
4 gas through its gas lift operations within those
5 zones; is that right?

6 A That is correct.

7 Q All right. And there's no -- oh, and then I
8 guess you are -- and you have an existing corrosion
9 plan in place to address any potential corrosion
10 issues for each of these wells?

11 A Yes. We have a corrosion prevention plan in
12 place for our current gas lift operations as well as
13 the corrosion prevention plan, which is the same for
14 gas storage events, and that was submitted in
15 the -- the previous hearing.

16 Q Okay. And that hasn't changed based on --

17 A No, it has not changed.

18 Q Okay. Now, let's move on to talk about the
19 area of review in your analysis to meet the Division's
20 guidance. Have you conducted an area of review
21 analysis for wells within the two mile and half mile
22 areas of review?

23 A Yes, I have.

24 Q And I'm going to skip over or back to page
25 70 of the exhibit packets. Is this the beginning here

1 of your area of review analysis?

2 A That is correct.

3 Q If you would -- and just direct me,
4 Mr. Janacek, as you walk through these. Will you just
5 walk through what each of these maps shows and how you
6 conducted your AOR analysis?

7 A Sure. So as -- as you scroll down here to
8 page 71, we are first looking at the Avogato area and
9 the 2-mile area of review, or AOR for short, map that
10 was put together. This map has various components
11 that are similar across all of our AOR maps that are
12 submitted, so let me go through and break down the key
13 in the bottom right.

14 So for this Avogato area, the first thing
15 that catches the eye is the big blue blurb, which is a
16 2-mile AOR outline of the project area.

17 Next, if we look in a little bit closer, we
18 can see the black well trajectories for the -- it's
19 easy to see two and there's a third one covered up to
20 the east. But those black well trajectories are the
21 existing gas storage wells within the Avogato gas
22 storage project.

23 Then we have, offsetting them within the
24 same sections, the red proposed additional well
25 candidates and their wellbore trajectories. All the

1 surface holes are on the -- the north side of Section
2 30 and then all of the last take points are located on
3 the south end of Section 31.

4 Some other relative labeling would be the
5 grain -- skinny grain well trajectories, and those are
6 representing all of the offset wells regardless of it
7 they penetrate the -- the top of the injection
8 interval or not of wells that are in the AOR -- excuse
9 me -- within the area of the AOR.

10 So that is an overview of the Avogato area
11 on page 71. If we move onwards to page 72, we have a
12 similar map with the similar components for the Taco
13 Cat area to the west.

14 Here, we have the -- the blue blurb, which
15 is the 2-mile AOR outline, we have the red existing
16 Taco Cat storage well -- I'm sorry -- the black
17 existing Taco Cat storage well, the red proposed
18 storage well and then also all the offsetting green
19 well trajectories as well.

20 And there are some other various components
21 in there that are labeling the type of -- of well at
22 the surface hole location and that's included in the
23 key as well. So those are the 2-mile AOR maps.

24 So we'll move now to the -- the next page,
25 which is page 73. On page 73, we're doing a little

1 bit more zoomed in focus here and this is where the
2 bulk of the AOR took place. So this map is the
3 Avogato project area and we have a half mile AOR
4 outline. So this is a half mile around all of the
5 proposed well trajectories.

6 And the main difference here between the
7 previous AOR that was conducted in 2021 and the AOR
8 that was conducted in 2023 recently is we had some
9 additional gas storage wells added in the east half of
10 Section 30 and 31. So therefore, the AOR was expanded
11 eastward, and additional wells were added here.

12 And we're looking at the same components
13 with some number labels included.

14 So again, we have the black existing gas
15 storage wells and their trajectories, then we have the
16 red proposed additional storage wells and their
17 trajectories and then we have a -- all of the surface
18 hole locations numbered that correspond with our AOR
19 table that is found after these maps.

20 So all of the wells that penetrated the top
21 of the Bone Spring, which is our target injection
22 pool, they were included in the AOR table and
23 therefore, they were labeled here. So that sums up
24 this page 73 for the Avogato area.

25 And then if we go to the next page, page 74.

1 Thank you. Page 74 is similar but different for the
2 Taco Cat project area -- excuse me. So in this map,
3 we're focusing on the Taco Cat area.

4 Again, we are looking at the existing gas
5 storage wells, the proposed gas storage wells, the
6 offsetting green well trajectories and then the
7 labeled surface hole locations of all the wells found
8 within the half mile AOR penetrating the top of the
9 Bone Spring pool. And I believe that is all I have to
10 say about those maps.

11 Q Now, you mentioned, Mr. Janacek, that you've
12 got these numbers associated with the wells that fall
13 within the half mile area of review that you've marked
14 here on the maps and that corresponds with the
15 tabulation of data. Will you explain to the
16 examiners -- oh, my goodness.

17 A You're going to -- you're going to have to
18 zoom in there and we'll --

19 Q Just at a high level, Mr. Janacek -- 'cause
20 they can zoom in, too. What does this tabulation of
21 data show generally? Explain the elements just at a
22 high level and then we can talk through whether or not
23 you've identified any wells of concern within the area
24 of review.

25 A Sure. So here, we have the AOR table which

1 breaks down all of the wells found within the half
2 mile AOR -- AOR. We have the bold and black -- it's
3 kind of hard to see, but the bold and black is all of
4 the previously approved CLGC wells and then we have in
5 red the -- the requested expansion wells for this
6 year.

7 The other wells listed out are the wells
8 found within the AOR, and we have various aspects
9 tabulated here. We have some general well information
10 with the API numbers, the current operator of the
11 wells, lease names and well numbers.

12 Then we have a breakdown of surface hole
13 locations of these wells and then we get into some of
14 the drilling and completion information, which is spud
15 dates, true vertical depths, casing -- casing
16 information, cement information.

17 And then finally, the last couple columns
18 speak to the current completed -- completed intervals
19 that these wells are currently producing from, and
20 those are in measured depths. And then we also are
21 showing the current producing pool for -- for each of
22 these wells.

23 Q Based on your review of the wells within the
24 area of review that penetrate the injection interval,
25 have you identified any wells that have been P&A'ed or

1 temporarily abandoned within the area?

2 A Yes, we have.

3 Q And have you prepared the wellbore
4 schematics for the condition of those wells?

5 A Yes. We developed wellbore diagrams for
6 those.

7 Q Yeah. And are those -- starting at page 185
8 of the exhibit packet, you -- I think you prepared
9 updated ones; correct?

10 A That is correct. We prepared updated PA
11 wellbore diagrams.

12 Q And those are in your Exhibit B and they're
13 starting at page 185 of the exhibit packet?

14 A That is correct.

15 Q And I'm not going to spend -- I don't think
16 we need to spend time -- a lot of time on these,
17 Mr. Janacek, but just based on your review and
18 assessment of the condition of these wells that
19 penetrate the injection interval, have you identified
20 any wells that may serve as a conduit for gas injected
21 to leave the injection zone?

22 A No. We haven't identified any wells as
23 such. And another note on why updated PA diagrams
24 were filed. That was because we wanted to -- to
25 include, in the upper left-hand corner of each

1 wellbore diagram, the AOR well ID number so it was
2 easier for the Division to review the application.

3 Q Okay. And in your opinion, are these wells
4 that have been P&A'ed protective of fresh water and
5 correlative rights in the area?

6 A Yes, that is my opinion.

7 Q Okay. Now, let's talk about affected
8 parties and notice. Under the Division's guidelines,
9 have you identified all the affected parties,
10 including surface owners where the injection wells are
11 located within a half mile of the exterior boundaries
12 of the project area?

13 A Yes, we did.

14 Q And looking at pages 134 of the exhibit
15 packet where you've identified your notice, do these
16 pages reflect the maps showing how you identified each
17 of the parties entitled to notice?

18 A That's correct. We have some of the surface
19 ownership maps that were reviewed and then we also
20 have some maps -- I believe if you scroll on down, we
21 have the HSU or horizontal spacing unit maps for the
22 Bone Spring pool for both, one, the Taco Cat area and,
23 two, the Avogato area.

24 Q And so you identified operators of units
25 within the formation, if there wasn't an operator,

1 then a mineral owner and so on down the affected party
2 list; is that correct?

3 A That is correct.

4 Q And you also identified the BLM and state
5 land office as affected parties?

6 A Correct.

7 Q And is that, the list of parties under the
8 Division's guidance who are required to receive
9 notice, also on your exhibit here starting at page
10 139?

11 A Correct.

12 Q Okay. Now, in addition to these parties
13 that the Division has provided guidance -- a
14 requirement for notification, did you provide
15 additional notice to other parties as well?

16 A Yes, we did.

17 Q Who did you provide notice to?

18 A We provided notice to all working interest
19 owners and all revenue interest owners of the gas
20 source wells within this gas gathering system.

21 This wasn't required under the Division's
22 guidance, but we took advantage of the opportunity to
23 give notice to all interest owners of the -- the
24 Division's approved gas allocation formula that is
25 utilized following a gas storage event.

1 Q Okay. And now, that gas allocation formula
2 was approved by the Division previously and that's the
3 same. You're not changing that here going forward;
4 correct?

5 A That's correct. There are no changes to
6 that gas allocation method.

7 Q And that gas allocation method was included
8 in the application, and it's attached at
9 page -- beginning at page 131 of the exhibit packet;
10 is that correct?

11 A That is correct.

12 Q And that just kind of summarizes and reviews
13 how OXY is going to allocate gas between -- after a
14 injection event. So as between the native gas that is
15 going to be produced subsequent to injection along
16 with the produced gas that was temporarily stored
17 during an injection event.

18 A That is correct.

19 Q Okay. And -- all right. So that's that
20 now. Last bit, Mr. Janacek, which I'm hoping that
21 will rally the Division's interest here is you've
22 prepared some data based on storage events to-date; is
23 that right?

24 A That is correct.

25 Q Now, the reports aren't due under the orders

1 until -- for some time. The summary data -- this
2 reporting out to the Division on these storage events
3 aren't due for some time, but you've gone ahead and
4 prepared some data that OXY has available to-date; is
5 that right?

6 A Correct.

7 Q Okay. So I'm going to jump ahead here.
8 This is concluded in Exhibit B, but in the exhibit
9 package, it's on page 207 -- starting on page 207. If
10 you would, just review -- and guide me as you do
11 through each of these slides.

12 Just review, if you would, the data that
13 you've been able to pull together and explain to the
14 Division what it shows and how, in your opinion, it
15 confirms that what OXY's proposing to do is
16 appropriate and in the interests of prevention of
17 waste and so forth.

18 A Sure. So starting here, we're looking at
19 the Taco Cat project and a project summary of what's
20 happened to-date. A couple items to talk through.
21 Very detailed table. So starting in the upper
22 left-hand side, we have some summary points about the
23 project.

24 So over the past ten -- maybe now it's 11
25 months since it's April -- we've had four storage

1 events in the Taco Cat area and over the course of
2 those four storage events, we've injected about 18.5
3 million standard cubic feet of gas during storage
4 events.

5 And then we've also seen, after the storage
6 event, various lengths of recovery to recover that
7 storage gas. It can be as short as a day up to 29
8 days to recover that gas. So if we look at the
9 right-hand side, we're looking at the -- a plot. You
10 can maybe zoom in there a little bit. Perfect. Thank
11 you.

12 So this is a plot -- very high level plot of
13 the Taco Cat gas storage events that have happened
14 to-date. On the X-axis, we have the net duration in
15 days of the storage event. I mentioned net duration
16 here because there are periods in time during a
17 storage event where the storage well is just shut in
18 and not injecting.

19 So it was -- it was a little bit easier to
20 look at the net duration of storage events to see when
21 we were actually injecting into these wells.

22 So that's on the X-axis and you can see
23 we've got points over on the left where we have
24 storage event durations of a couple hours, two that
25 were a little bit less and a little bit more than a

1 day in length, and then we have the one longest event,
2 which was about three and a half days long.

3 Then if we look at the Y-axis here, we're
4 looking at the -- thank you. We're looking at the
5 injected well volumes. Here, since there's only one
6 gas storage well in this project area, we're just
7 looking at the Taco Cat 11H values and you can see
8 that we injected very minimal values.

9 I think that's less than 1,000 standard
10 cubic feet of gas injected in that very short event
11 and then we -- as we have longer events, we have
12 larger storage volumes. So our longest event, we
13 injected, I want to say, close to 13 million standard
14 cubic feet of gas during the gas storage event.

15 So if we back out and scroll down to the
16 table below. Thank you. The table below is talking
17 to the specific data of each of these storage events,
18 start and end times and other pertinent data that is
19 based off of the order summary data requirements
20 listed in the approved injection order.

21 So if we were to break it down, we have
22 gross duration days, net duration days, injected
23 volumes, the wells involved and then we have the
24 specifics of the well-injected volumes, so how much
25 each well injected, and then we have average injection

1 rates, max injection rates and then data as it relates
2 to the recovery of the storage gas after an event.

3 So that was put together here for the Taco
4 Cat storage project and then we also did the same for
5 the Avogato project, which I believe should be on the
6 next page. So here on the next page, we're shifting
7 over to the east where we have the Avogato gas storage
8 project and we have three approved gas storage wells.

9 In this area, we had six storage events, so
10 slightly more than the Taco Cat to the west. When we
11 have more wells, we're able to inject more gas. We
12 injected about -- or stored about 65 million standard
13 cubic feet of gas.

14 And again, we have various recovery
15 durations based upon the length of the storage event.
16 There was a -- a positive correlation between the
17 length of the storage event, the injected volume and
18 then the recovery duration.

19 So here, if we zoom in on this plot over to
20 the right-hand side, we're looking at some summary
21 data for the three Avogato wells. We've got the
22 Avogato 11 in blue, Avogato 13 in orange and then we
23 have the Avogato 14 in gray.

24 This is similar to the Taco Cat chart that
25 we viewed previously where we have the net duration on

1 the X-axis, so the net duration of gas storage.

2 And then we have on the Y-axis the
3 well -- individual well storage volume. You can see
4 we've got storage volumes close to -- close to zero
5 upwards to the largest values being thirteen-, almost
6 fourteen-thousand in the longer events.

7 One other thing to talk about in this chart
8 is there is a little yellow star calling out one of
9 the data points and here in the next couple slides,
10 I'm going to go through and give a preview of the data
11 that was put together for one of the storage wells.
12 And this data was put together per the reporting
13 condition stated in the approved injection order.

14 So here, we move onwards to the table for
15 all of the Avogato events. There's a lot listed out
16 here. We have information in the first couple columns
17 that go through the event start date and the total
18 storage volumes combined for all three wells.

19 Then we have specific start and end storage
20 time for each well, which leads us to the gross
21 duration and net duration of those storage events.
22 And on the net duration column, we did some
23 conditional formatting there. So the blue bars
24 indicate the -- the length of the net duration. So
25 you can see in -- in May, we had some of our longer

1 storage events.

2 And then walking through the -- the
3 remainder of the table, we have the individual well
4 names, their respective storage volumes, average
5 injection rates and max injection rates for each
6 storage event and then finally, we have the recovery
7 start and end to calculate the recovery duration for
8 each well for each storage event.

9 So speaking to the -- excuse me -- speaking
10 to the yellow star below, we'll walk through a
11 specific gas storage event. On here, we're actually
12 highlighting the incorrect well and event. It should
13 be the row right above it for the Avogato 13H, not the
14 Avogato 14H. So that's the data that we'll be
15 reviewing in the -- the next two slides.

16 So I believe that's all I have regarding
17 that table, so we can move on. Okay.

18 So on this -- on this slide on this exhibit
19 page, what we're looking at is specifically the
20 Avogato 13H gas storage well and a specific storage
21 event that happened beginning on January 31st of 2023.
22 And the data that we're looking at here is per the
23 injection order reporting requirements.

24 So we are showing a lot of information here,
25 mainly our casing pressures, our injection rates and

1 then our test rates, and we're looking specifically at
2 data before, during and after a storage event. So let
3 me walk through this with you and then we'll -- we'll
4 break down each of the different data trends.

5 So on the X-axis, we're looking at time and
6 we see that we start around January 30th and then the
7 data -- the plot on the data ends around midnight,
8 February 3rd, so basically the beginning of February
9 4th. And so this encapsulates not only the storage
10 event, but a period of time before and after the
11 storage event.

12 So if we're to focus in on the gray gas
13 injection flow rate -- that is the values correspond
14 with the Y2 axis on the right-hand side of the upper
15 chart -- we can see that during normal operations, we
16 have a fairly low gas injection flow rate injecting
17 this well.

18 I want to say, looking at this and
19 eyeballing it from the chart, somewhere around
20 three- or four-hundred gas injected per day. So as we
21 go along in time and we go to the right on the X-axis,
22 we'll see a jump up in our injection gas rate and that
23 corresponds with a gas storage event.

24 So what will happen whenever that gas
25 storage event is initiated -- there's a couple things.

1 One, we're going to see our injection rate increase.
2 So we can maximize the injection volumes going into
3 these wells during a storage event.

4 And then, two, other things we're seeing
5 happen, other values were increasing. Look at the
6 orange line. The orange line are the production
7 casing pressure values. So this correlates with the
8 injection surface pressure of our gas stream going
9 down the casing to the annulus.

10 So we'll see a jump here, too, that
11 correlates with a increase in injection rate. So
12 those two will trend together.

13 And then finally, the third item that we're
14 seeing change here is the dark blue tubing pressure.
15 The dark blue tubing pressure, which is normally
16 at -- it's normally around, I want to say, three-,
17 four-hundred PSI.

18 It will -- once we shut the producing valve
19 on that wellhead, the tubing pressure will start to
20 build up as it equalizes with the casing pressure and
21 then those will start to track once we get towards the
22 higher end of our injection pressures and then they'll
23 equalize and -- and overlap.

24 As we see, we get to the end of the storage
25 event there. It's hard to see the underlying orange

1 production casing pressure.

2 So once the gas storage event ends and we're
3 able to sell our gas to the third-party takeaway
4 again, all of the data changes. All the data changes
5 and goes back to within normal operating parameters.

6 The first item we see is we see a drop in
7 the gas injection flow rate. It's actually dropped
8 down to zero because -- for a bit of time because
9 there's some pressure in the wellbore. That well will
10 float back.

11 Then the second item that we see change is
12 the dark blue tubing pressure and that's indicative of
13 us opening the producing valve and producing fluids
14 from this well back down the flow line.

15 And then third, we see the orange production
16 casing pressure fall back down and trend with the
17 injection -- injection rate. And then at that point
18 in time, we've reverted back to normal gas lift
19 operating parameters and that's what we're seeing
20 here.

21 So there's two more things I want to talk
22 about on here, one of which is the casing pressure for
23 the intermediate string and the surface string, which
24 is per the injection order conditions.

25 Before we start utilizing these wells for

1 gas storage, along with the mechanical integrity tests
2 that were performed, we also installed PITs or
3 pressure transducers, on the two brain head valves.

4 One on the intermediate production annuli
5 for measuring the intermediate casing pressure and
6 then one, another, on the -- the intermediate surface
7 casing annulus to measure any surface casing pressure
8 buildup.

9 So after doing so and looking at this data,
10 there are no concerns. If we look at the light blue
11 data, which is the surface casing pressure, it -- it
12 pretty much tracks right above zero for all of this
13 period of time we're looking at. So we don't observe
14 any increase or decrease in surface casing pressure.

15 And additionally -- you can kind of see the
16 bottom of it tracking along the same point, the yellow
17 intermediate casing pressure. There's no change in
18 that casing pressure before, during or after a storage
19 event. So we don't have any concerns there.

20 And then finally, the -- the second item I
21 wanted to address is the oil and gas test rates before
22 and after a storage event for the storage well. So
23 what we're seeing here is the gas storage -- I'm
24 sorry.

25 What we're seeing here are the oil

1 production tests. They're pretty similar. The second
2 one is a little bit less because we don't have a full
3 24-hour test at that point in time -- I'm sorry. We
4 have a 24-hour test, but we weren't producing
5 for -- for 24 hours since the well was still in a
6 storage event.

7 And then we can also see some of the plotted
8 red gas test values. So we can see that before a
9 storage -- storage event, we have roughly 2 million
10 gas produced a day.

11 And then after a storage event, we have
12 upwards of 3,000, trending downwards, produced gas
13 that is higher because we have a combination of
14 our -- our reservoir gas production from the native
15 gas and then we also have a return of the storage gas
16 volumes that were stored in this well during the
17 storage event.

18 So I believe that is all I have for this
19 slide. In -- in summary, we're seeing -- seeing no
20 major issues with the data collected before, during or
21 after a storage event for this particular well. And
22 then I think -- I think that is it for the data. Is
23 there another data?

24 Q Mm-hm.

25 A Oh, yes. There's one more chart. So

1 finally, what we're looking at here is some more data
2 for this specific well and this specific storage event
3 and we're mainly looking at showing how the recovery
4 profile chart is calculated and put together for this
5 well.

6 So as mentioned earlier, we are applying a
7 GOR gas allocation to these wells after a storage
8 event because we need to break out the native gas
9 production, the gas lift gas injection and then the
10 return of the storage gas.

11 So there's various elements plotted here per
12 the order data requirements, but I will just focus on
13 a couple key items. So X-axis, again, we're -- we're
14 looking at time. The Y axes, we're looking at the
15 values of various -- of various items.

16 Looking specifically at the -- starting
17 January 31st, we have the start of the storage event
18 and so we have the injected values for that day. So
19 you can see we've got injected values for that day,
20 the following day and then an additional day at the
21 end and those are the values injected during the
22 storage event.

23 Then after the storage event ends sometime
24 during the -- the -- during February 2, 2023, we start
25 to produce back the -- the storage gas along with

1 various other fluids.

2 So we're looking here at all of our
3 injection streams, the purple gas lift injection,
4 along with our production streams, which are oil,
5 reservoir gas and return of storage gas and then our
6 overall cumulative wellhead gas production.

7 So those values are -- are located on here
8 and were -- and the calculated value is the native gas
9 value based off of the gas/oil ratio that we consider
10 before a storage event.

11 And finally, the last element to speak to
12 here is the orange line, which starts at 0 percent on
13 February 2nd, and this is plotting the percentage
14 recovery of the cumulative gas injection. So we start
15 at zero because we're starting to recover the gas
16 injection from -- after a storage event.

17 And you can see very early on is when -- is
18 when we see the largest return of the gas storage
19 volumes and then it starts to taper off over time.

20 And for this well, it looks like it was
21 roughly about ten days until we recovered 100 percent
22 of the storage gas and this was based off of the GOR
23 gas allocation calculation that was applied and -- and
24 approved by the Division.

25 With that being said, I think that is all

1 the data here that I wanted to share today. This is
2 just -- just a glimpse of one well and one storage
3 event that we've been -- that we've been capturing
4 data on and this will be submitted in the summary
5 report at the two -- at the end of the two-year pilot
6 project period to the Division.

7 Q Thank you, Mr. Janacek.

8 Now, in terms of this particular application
9 and the request to expand the project area and add
10 these injection wells and make the amendments to the
11 maximum allowable surface pressure, is OXY requesting
12 that the Division consider its application and make
13 these changes and issue an order on a relatively -- I
14 don't want to say, "Expedited," but a relatively
15 expedited basis?

16 A Yes. That would be OXY's request.

17 Q Can you explain why that is and maybe just
18 give a little context?

19 A Sure. So we would -- we would like approval
20 of this project sooner rather than later because of
21 the additional development that we have coming online
22 in this Red Tank area.

23 We have a lot of additional development
24 coming online and we want to make sure we have
25 everything in place to -- to reduce our emergency

1 flaring, reduce the flaring and also reduce the amount
2 of potential shut-in we have to perform.

3 In addition to the new online development
4 occurring, we also have a majority of our gas takeaway
5 interruptions happening during the summertime. So
6 those two events are colliding or are happening at the
7 same time and we want to do all that we can to get in
8 front of that potential issue.

9 And so if we're able to add on new wells to
10 this existing project, we'll be able to bring on a
11 handful of wells pretty quickly to start gas storage
12 operations very soon.

13 Q And that -- therefore, in your opinion, I
14 guess, Mr. Janacek, that approval of this application
15 will help reduce waste?

16 A Yes. That is correct.

17 Q In your assessment of the consequence of
18 this project and the results or impacts on any of the
19 wells, have you found any impairment of correlative
20 rights as a result of injection or subsequent
21 production of injected gas?

22 A No, we have not found anything. One
23 additional comment that I wanted to add on and address
24 here because I did not mention it previously in the
25 data.

1 We did look at some of the offset well data
2 as per the order requirements and to date, the data
3 we've reviewed, we do not see any positive or negative
4 impacts on the mechanical integrity or the hydrocarbon
5 production of offset wells. So I wanted to mention
6 that as well here.

7 Q And in addition, based on your analysis,
8 assessment of the initial injection events, have you
9 found any adverse impacts on the storage wells
10 themselves following with subsequent production?

11 A No, we haven't found any negative or
12 positive impacts on these gas storage events to date.

13 Q Okay. Mr. Janacek, did you prepare OXY
14 Exhibits A and B or were they prepared under your
15 direction and supervision or do they constitute OXY
16 business records?

17 A Yes.

18 MR. RANKIN: Mr. Examiner, if you're
19 still there, I appreciate if we would move the
20 admission of Exhibits A and B into the record.

21 (OXY USA Inc. Exhibit A and Exhibit B
22 were marked for identification.)

23 THE HEARING EXAMINER: Hearing no
24 objections, so admitted into the record.

25 //

1 (OXY USA Inc. Exhibit A and Exhibit B
2 were received into evidence.)

3 MR. RANKIN: Mr. Examiner, at this
4 time, we would pass Mr. Janacek for questions by the
5 Division.

6 THE HEARING EXAMINER: Thank you.
7 We're going to take a break till 3:40 and Mr. Janacek
8 will be on the hot seat.

9 (Off the record.)

10 THE HEARING EXAMINER: Ready for
11 questions for Mr. Janacek? So we have a special guest
12 technical examiner with us, Mr. McClure, and so I'll
13 start off with Mr. McClure.

14 THE TECHNICAL EXAMINER MCCLURE: Thank
15 you, Mr. Brancard. Mr. Janacek, I do have a few
16 questions for you. Maybe start off with some -- the
17 more general questions with real fancy answers, I
18 assume.

19 Reference is made within the
20 application -- I don't think we talked about it today
21 during your testimony, but I believe there was
22 reference made to some of the gas that's sourced from
23 the Harkey Formation. We are just referring to one of
24 the sands in the Second Bone Spring; right?

25 THE WITNESS: That is correct.

1 The -- the Harkey here is what we're -- we tried to
2 refer to as the Third Bone Spring Lime as well. So
3 it's referred to either the Harkey or the Third Bone
4 Spring Lime here.

5 THE TECHNICAL EXAMINER MCCLURE: I
6 probably -- just say that one more time. The Harkey
7 referring to the Third Bone Spring lime. It's not in
8 the Second Bone Spring?

9 THE WITNESS: No. I -- I
10 believe -- and we can have the geologist confirm. I
11 believe that's one in the same as the Third Bone
12 Spring Lime.

13 THE TECHNICAL EXAMINER MCCLURE: Okay.
14 When you were referencing "conventional gas lift," we
15 were just referring to injection via the casing and
16 production up the tubing; correct?

17 THE WITNESS: That is correct.

18 THE TECHNICAL EXAMINER MCCLURE: Okay.
19 Understanding that we do have a corrosion prevention
20 plan submitted in the prior case, please resubmit that
21 for this case as well. I think you had just kind of a
22 one-page slide, page 57 of 154, from the prior case.

23 If we could just resubmit that into
24 this record as well, assuming it's still the same and
25 if not, update it if you would, please.

1 THE WITNESS: Sure. We can do that.

2 THE TECHNICAL EXAMINER MCCLURE: Very
3 good. As far as these 11 wells, their typical oil
4 production just in a -- not exact figures, but just in
5 order of magnitude, are we talking -- they tend
6 to -- they're tending to be like between 50 to 100
7 barrels per day or between 100, 150?

8 THE WITNESS: I don't know in general
9 terms. I'd have to look into that for you.

10 THE TECHNICAL EXAMINER MCCLURE: Okay.
11 Yeah. No, I'm able to look at it on my side, too. I
12 didn't know if you had kind of known from a general
13 term. So in terms of choosing these wells, it was
14 more along the lines of their location and
15 connectivity to the system rather than perhaps their
16 current state of production; would that be correct to
17 say?

18 THE WITNESS: Yes, and there were some
19 other -- other considerations factored in as well.

20 Even though these wells aren't
21 currently, in their lifetime, ready for gas storage
22 tomorrow based off their current production, we wanted
23 to go ahead and have them permitted in case they were
24 to be converted to conventional gas lift within
25 the -- the next year or so and then utilized as gas

1 storage wells at that point in time.

2 THE TECHNICAL EXAMINER MCCLURE: I got
3 you. But there would be some correlation between a
4 decline in production and when you put it into
5 conventional gas lift, though, is the thought process?

6 THE WITNESS: Yes. That's correct,
7 depending upon where it is on the -- on its oil
8 production decline and also factoring in when we're
9 changing artificial lift methodology.

10 So any type of downhole changes to lift
11 equipment correspond with some of the conditions in
12 the injection order, such as the MITs as well as the
13 injection packer placement.

14 THE TECHNICAL EXAMINER MCCLURE: Yeah.
15 Now, as far as being somewhat of a correlation to
16 decline in production, would it be more fair to say a
17 decline in gas production rather than oil production,
18 though?

19 I mean, obviously there's going to be
20 some correlation there as well, I would assume, but
21 the gas would be the more prevalent reason or the
22 reason for shifting it to conventional gas; is that
23 correct?

24 THE WITNESS: I believe so. I'm -- I'm
25 not -- I'm a little bit removed from the production

1 side of things, but I -- I guess that -- that might be
2 one of the reasons why it was -- it -- they were
3 selected and converted at that point in time.

4 THE TECHNICAL EXAMINER MCCLURE: Okay.
5 Okay. Yeah. No. Okay. Yeah. No. Because I was
6 just going to ask -- if you do know, I was going to
7 get the answer from you, but no, no big deal --

8 THE WITNESS: Sure.

9 THE TECHNICAL EXAMINER MCCLURE: That's
10 fine. Another quick question for you. It looks like
11 what we have listed as the source wells here -- or it
12 seems like there's a discrepancy between those and the
13 PLC 835A. My assumption would be the PLC 835A is for
14 wells that's going to be getting produced and you only
15 put the ones that is produced.

16 I just wanted to confirm that that's
17 the case or, diversely, whether maybe there's some
18 that's in that commingling order which ain't
19 necessarily ever going to be included in this
20 particular gas lift package.

21 THE WITNESS: Good -- good question.
22 To address the difference between the two, our gas
23 source list is a subset of all the wells on the gas
24 surface commingling and that subset is filtered by
25 actively producing wells.

1 So there are some wells that are not
2 included that will be developed and online in the
3 foreseeable future, but as of March 2023, they weren't
4 online and producing.

5 THE TECHNICAL EXAMINER MCCLURE: Okay.
6 And now, towards that end, do we have -- do you have
7 any reason to believe that bringing those wells online
8 will have an effect on the composition of the source
9 gas? That's kind of the reason I'm asking, I guess.

10 THE WITNESS: Yeah. I hear you.
11 I -- I don't know. I can't answer that at this point
12 in time. I -- I don't know what target zones those
13 wells will be producing from nor do I know, you know,
14 kind of the relative volumes of -- of what currently
15 is being produced from each of the intervals versus
16 the new ones. So I do not know.

17 THE TECHNICAL EXAMINER MCCLURE: Okay.
18 I guess just to carry the thought on through, though,
19 if the source gas were to become more corrosive, it
20 would be OXY's intent to re-evaluate their corrosion
21 plan and update it if needed and then submit the
22 updated plan to the Division if it was updated; is
23 that correct?

24 THE WITNESS: Sure. That's correct.
25 So if we saw something that needed to be addressed

1 after any of the new plan development came online, we
2 would make those corrections to address any potential
3 issues in our gas storage operations as well as our
4 gas lift operations because both are impacted equally
5 by our corrosion -- potential corrosion issues.

6 THE TECHNICAL EXAMINER MCCLURE: Very
7 good. A quick clarifying question. I believe this is
8 what you said, but just to confirm.

9 On your event tables, project summary
10 with all the event tables on there -- or the table
11 that has all the different events broke out, when you
12 refer to "gross injection," that was the total shut-in
13 time for the injection well and the "net injection"
14 was actually the time that it was being injected into;
15 is that correct?

16 THE WITNESS: Yes, that's correct. So
17 if we look at specifically the Taco Cat project
18 summary on page 207 of 227.

19 If we look at the first event starting
20 on May 9th of 2022, the gross duration is, like you
21 referenced, the shut-in time of that well from when we
22 initially shut in the production side to when we open
23 it back up. So that would be from the start of 11:49
24 a.m. to 3:39 p.m. on May 9th.

25 And then the net duration corresponds

1 with the amount of time that we were truly injecting
2 at a rate greater than zero for gas storage. So
3 that's what we're -- that's what we're looking at here
4 in the data.

5 THE TECHNICAL EXAMINER MCCLURE: Yeah.
6 And in the one that you just referenced, they're
7 matching time. So you were injecting pretty much the
8 entire time that the well was shut in on that one.

9 THE WITNESS: That's correct, and
10 that's what we see for a majority of the wells and for
11 a majority of the storage events.

12 THE TECHNICAL EXAMINER MCCLURE: Now,
13 on your Avogato project summary, you have several rows
14 that were not available. That's just a anomaly on
15 your data entry or was there something about those?

16 THE WITNESS: Oh, good question. For
17 the not available or not applicable labels, the cells
18 that are "N/A," those are when we didn't have any
19 storage associated with those wells.

20 THE TECHNICAL EXAMINER MCCLURE: Okay.

21 THE WITNESS: So operationally, we
22 focused on utilizing first the Avogato 13 and 14H and
23 then if we needed it, we'd bring on the 11H third. So
24 if we needed the additional capacity -- additional
25 storage capacity, we would bring on the 11H last. And

1 as you can see here, there's two storage events where
2 we did not utilize the 11H during either one.

3 THE TECHNICAL EXAMINER MCCLURE: Okay.
4 I see what you got going on. Okay. Yeah. I was
5 missing that. But yeah, looking at it again with what
6 you just said, yeah. Each one of your kind of bold
7 lines of those sets of three wells there is a separate
8 event and then you have each of the wells broke out.
9 I got you now.

10 THE WITNESS: Correct. Correct.

11 THE TECHNICAL EXAMINER MCCLURE: Okay.
12 Now, when we look at the actual -- I guess not the
13 recovery profile, but the graphed data for the more
14 specific data points. I guess the one -- the graph
15 that's on page 210 for the Avogato 13H.

16 THE WITNESS: Okay.

17 THE TECHNICAL EXAMINER MCCLURE: A
18 question I had for you. Now, what was it that you
19 were mentioning in regards to why we only have a
20 single data point shown between 22 and 23 for the oil
21 test rate and the gas test rate?

22 THE WITNESS: So for that one there, we
23 just are showing the 24-hour cumulative test rate.
24 The -- that was the data frequency interval for after
25 a storage event, if I interpreted that correctly, as

1 stated in the order. It was mainly -- I -- I believe
2 the high frequency test rates were requested to be
3 shown for the offset wells during the -- the storage
4 event.

5 THE TECHNICAL EXAMINER MCCLURE: And I
6 was going to say if the order requirement is for the
7 24-hour period following an injection, then we're
8 required to have one data point per an hour for
9 the -- I mean, now generally speaking, that would be
10 for both offset and injection wells.

11 However, within these specific orders
12 that were issued to OXY, there is an exemption from
13 that for the offset wells. But instead, OXY is
14 required to estimate to the best of their ability what
15 the production is, but that exemption for the offset
16 wells doesn't apply to the injection wells.

17 THE WITNESS: Yes. Thank you for that.
18 I'll take a look at it and review it as well. Based
19 off of what you're saying, we can definitely include
20 that data -- one data point per hour for both oil and
21 gas tests after the storage event ends.

22 THE TECHNICAL EXAMINER MCCLURE: Yeah.
23 Because I was going to say the intent was to most
24 definitely have it continuously be measured following
25 a storage event so we can catch that initial -- the

1 initial drop down, I -- or I think the initial
2 production period directly following it.

3 THE WITNESS: Correct. Correct.

4 THE TECHNICAL EXAMINER MCCLURE: Yeah.
5 Okay. Very good. Now, coming down to our next page,
6 page 211, that has the recovery profile of the Avogato
7 13H.

8 THE WITNESS: Yes.

9 THE TECHNICAL EXAMINER MCCLURE: I was
10 going to say it's a little bit difficult to see just
11 from the scaling there and obviously -- yeah. I mean,
12 obviously that's always an issue. But it almost looks
13 like the oil production may be depressed by 10 to 15
14 barrels per day following the injection event; is that
15 what the actual numbers look like to you?

16 THE WITNESS: I would have to go back
17 and review it but based off of -- based off of eyeing
18 it here, there is a -- is a difference between those
19 values.

20 THE TECHNICAL EXAMINER MCCLURE: Yeah.
21 And I guess what my concern here is is by using a GOR
22 based off this oil rate, then do you think that the
23 calculated native production is being also depressed,
24 I guess? Well, let me rephrase that. Let me rephrase
25 that.

1 What we are considering to be native
2 production, if it's based off the oil rate which is
3 depressed from what the well would normally be making,
4 then that would mean that what we're calculating as
5 native is also depressed. And I don't know if that
6 would be an accurate -- if it accurately -- if it
7 actually is being depressed considering the oil is.

8 But my concern, of course, would be
9 that maybe we're miscalculating our native production
10 versus recovered production. I guess what -- do you
11 have any thoughts towards what I was just saying
12 there?

13 THE WITNESS: Yes. I'm -- I'm taking
14 that in.

15 THE TECHNICAL EXAMINER MCCLURE: Yeah.

16 THE WITNESS: Speaking to this,
17 the -- based off the -- the data that we've seen, I
18 don't know if we can make that determination yet as to
19 whether or not the -- the produced native gas is
20 calculated correctly or incorrectly --

21 THE TECHNICAL EXAMINER MCCLURE: Yeah.
22 And then we're only looking at one versus -- yeah. Go
23 ahead. I'm sorry.

24 THE WITNESS: So -- so my take on it is
25 possibly. You could possibly be, you know,

1 overestimating or underestimating in the calculation,
2 but depending upon the engineer you talk to, they
3 could have a different allocation methodology to apply
4 to the situation.

5 So I -- I don't know enough to answer
6 the -- the -- I don't have enough to answer that
7 question, but it is a -- a good item to discuss and
8 consider for looking at the recovery profile of these
9 wells.

10 THE TECHNICAL EXAMINER MCCLURE:
11 Exactly. What I'm kind of leaning towards is we have
12 a number -- more of these events in which we're going
13 to have to be generating recovery profiles for and
14 when we put together a summary, it's definitely
15 something for both the Division and OXY to consider
16 here.

17 Something else to throw out is looking
18 at, for instance, the slope of your recovered gas as
19 it approaches 100 percent. I mean, how your
20 table -- how your Excel table is built, it stops
21 computing at 100 percent. But based off this slope,
22 it looks like it would have went beyond 100 percent.

23 So either we're enhancing productivity
24 and bringing in additional gas or else there's
25 something going on there on the calculation, I guess,

1 because you can't recover greater than 100 percent of
2 what you put in.

3 I mean, maybe you're enhancing the
4 oil -- the gas production from the reservoir maybe,
5 but it ain't necessarily -- it wouldn't be recovered
6 gas at that point.

7 THE WITNESS: I think it has to do with
8 the inputs of the engineer assessment as to, you know,
9 what the GOR is before a storage event versus what it
10 is after to calculate these values. I think -- I
11 think you're going to have some type of -- some type
12 of increasing percentage recovered gas with -- with
13 various methods.

14 So that is something to look at and
15 consider after we have all of the -- the data put
16 together for the recovery charts of -- of all these
17 wells.

18 THE TECHNICAL EXAMINER MCCLURE: And
19 there's a possibility we may have to have specific
20 protocols for how we're going to be computing the GOR,
21 I guess, because this is a common theme between pretty
22 much every single project we currently have is along
23 these lines. So it's definitely something to look at
24 very heavily.

25 Having said that in context of this

1 hearing, I don't think we need to do anything
2 different at this particular point. But it's
3 definitely something for us to be very careful of, I
4 guess, moving forward -- might be the way for me to
5 put it.

6 THE WITNESS: Yeah. And there -- if I
7 may.

8 THE TECHNICAL EXAMINER MCCLURE: Go
9 ahead.

10 THE WITNESS: There are various other
11 ways that we could go about calculating the percentage
12 recovered gas. Here is utilizing a GOR methodology.
13 We could go to -- go to a first-in/first-out
14 methodology for recovery. We could probably go down
15 the list to consider some additional recovery
16 calculations to -- to allocate the -- the gas at the
17 end of the day.

18 THE TECHNICAL EXAMINER MCCLURE: Well,
19 being first-in/first-out would essentially assume 100
20 percent recovery; correct?

21 THE WITNESS: Yes, it would.

22 THE TECHNICAL EXAMINER MCCLURE: Yeah.
23 And I don't know if we got enough data to support that
24 at this point.

25 THE WITNESS: That's --

1 THE TECHNICAL EXAMINER MCCLURE:
2 To -- I mean, which is kind of the reason we're
3 gathering this data, to try to figure out what
4 ultimate recovery is under different conditions. I
5 mean, we already see this correlation between number
6 of days to reach it versus -- I mean, in
7 regard -- correlated to how long injection times are.

8 So clearly there's some more
9 consideration before we can outright make that
10 statement. But regardless, as I say, again, it's a
11 little bit outside the scope of this very specific
12 hearing, I guess. I mean, because we're essentially
13 just authorizing projects to get the data to make that
14 determination is where we're at currently.

15 THE WITNESS: Of course. I think
16 we -- after reviewing the rest of the data, we can
17 review it, discuss it further and after -- like you're
18 saying, review all the trends in the area and kind of
19 reassess how -- how the -- the calculations are done
20 going forward.

21 And -- and maybe that correlates or
22 corresponds with the injection pressures for the
23 storage wells. You know, it might be, based on
24 the -- the injection pressure, you might see a certain
25 recovery.

1 And I'm just -- I'm just talking off
2 the cuff here, but I think there's a lot of
3 possibilities to digest and assess this data after
4 it's -- it's all completed.

5 THE TECHNICAL EXAMINER MCCLURE: Yeah.
6 Exactly. I was going to say the other -- some of the
7 primary ones I'd be looking at -- I mean, rate and
8 volume and time. Obviously all three of those
9 obviously directly correlate it.

10 But as to which it would affect more, I
11 would think more along those lines to maybe whether
12 maximum weight makes a difference or total volume or
13 maybe it's a total time thing, I guess, if -- I guess
14 that would be more towards volume. But
15 regardless -- or the combination of those two
16 obviously. But regardless, yeah, I --

17 THE WITNESS: I think -- if I may, I
18 think that sounds like a great exercise performance,
19 "pop fire." So I like where you're -- you're thinking
20 at the moment.

21 THE TECHNICAL EXAMINER MCCLURE: Yeah.
22 Okay. Now, I did have one quick question that I
23 missed asking before. Oh, you probably don't know off
24 the top of your head, but if you do know off the top
25 of your head, for this 13H, do you know if there's a

1 annulus that's not filled with cement?

2 Is there actually like a void there in
3 order for pressure to build or is there cement to
4 surface? You know off the top of your head?

5 THE WITNESS: I don't know. I'd have
6 to --

7 THE TECHNICAL EXAMINER MCCLURE: Okay.
8 No big deal. I was just asking if you happened to
9 know.

10 THE WITNESS: Sure.

11 THE TECHNICAL EXAMINER MCCLURE: And
12 I'll say thank you, Mr. Janacek. I think that's all
13 my questions. I think the only thing that I need
14 submitted -- I don't think we need anything on the
15 Harkey Formation. I think that'll be fine.

16 So I think the only thing we need is if
17 you could just update, if needed, the corrosion
18 prevention plan from the prior case and then just
19 resubmit it as an exhibit for this case or a
20 additional supplemental exhibit, whatever we're
21 calling it.

22 THE WITNESS: Okay. Yes. We
23 will -- we will get that submitted as a supplemental.
24 Thank you, Examiner McClure.

25 THE TECHNICAL EXAMINER MCCLURE: Yep.

1 Thank you. Mr. Brancard, thank you.

2 THE HEARING EXAMINER: Thank you.

3 Mr. Garcia, any questions?

4 THE TECHNICAL EXAMINER GARCIA: No
5 questions.

6 THE HEARING EXAMINER: Mr. Harrison?

7 THE TECHNICAL EXAMINER HARRISON: A
8 couple of quick questions, and maybe more for my own
9 information, Mr. Janacek.

10 Can you describe contingencies OXY has
11 for an extended storage event? And the second part to
12 that, in the event of an extended storage event,
13 contingencies for prolonged pressures on the formation
14 of the reservoir in that time frame.

15 THE WITNESS: Sure. I can -- I can
16 definitely speak to that, Examiner. So the first part
17 of your question in regards to contingencies for
18 extended storage events. In those instances,
19 there -- this was a scheduled long storage event. So
20 we were given heads-up about a month before
21 this -- this long storage event was going to take
22 place.

23 So in preparation, we're able to
24 coordinate a shutdown of the field,
25 coordinate -- bring on storage wells. And so the

1 contingency here is if we run out of capacity, so to
2 speak, to store gas during that upset, we will start,
3 in a -- in a descending fashion, shutting in
4 production.

5 So we'll take a look at the whole
6 system, we'll take a look at the producing wells in
7 that system and there's a priority ranking not only
8 for the sequencing of the gas storage wells, but also
9 a corresponding priority for shutting in wells if we
10 have some of these longer upsets. So that's the
11 contingency plan there.

12 And I'm sorry. What was the second
13 part of your question?

14 THE TECHNICAL EXAMINER HARRISON:
15 Second part, in that same fashion, if we are
16 continuing to use storage for prolonged exposure of
17 those increased pressures maybe on the formation of
18 the reservoir.

19 THE WITNESS: Oh, okay. I hear you.
20 It's a -- it's a valid concern. It's something that
21 we looked at. This gas storage project, because we're
22 utilizing the centralized gas lift compressors that
23 are currently in the system, we are not going to a
24 very high injection pressure.

25 This maximum surface pressure of 1,300

1 PSI is -- is well below where we see any type of
2 benefits of like enhanced oil recovery injection or
3 things of that nature.

4 And then additionally, looking at the
5 maximum allowable surface pressure calculation table,
6 we can see that if we apply that surface
7 pressure -- max surface pressure during gas storage
8 operations plus a hydrostatic column of a gas
9 gradient, we're -- we're well below the -- the
10 calculated parting pressure of those formations.

11 So in essence, it's a -- it's a -- not
12 a concern because we -- we reach our max surface
13 pressure before we start encroaching into any type of
14 territory that is at or near parting pressure of those
15 formations.

16 THE TECHNICAL EXAMINER HARRISON: And I
17 think you described earlier at max surface pressure,
18 we would also continue to look to no further increases
19 in limit injection above and beyond that.

20 THE WITNESS: That's correct. The
21 max -- the maximum allowable surface pressure of these
22 systems -- our -- our compressor shutdowns are at
23 1,300 PSI. So we don't foresee nor are we
24 operationally able to exceed 1,300 PSI with the
25 current set-up of the system.

1 THE TECHNICAL EXAMINER HARRISON: Okay.
2 I appreciate that answer and I promise I'm not going
3 to interrupt anymore. Thanks again.

4 THE WITNESS: Thank you.

5 THE HEARING EXAMINER: Thank you.
6 Mr. Rankin, your next witness.

7 MR. RANKIN: Thank you, Mr. Examiner.
8 Our next witness is Mr. Jared Rountree, a geologist
9 with OXY.

10 DIRECT EXAMINATION

11 BY MR. RANKIN:

12 Q Morning -- afternoon, Mr. Rountree. Will
13 you please state your full name for the record?

14 A Jared Rountree.

15 Q By whom are you employed? In what capacity?

16 A I'm employed by OXY as a geologist.

17 Q Have you previously testified before the
18 Division?

19 A No, I've not.

20 Q Mr. Rountree, have you prepared a summary of
21 your resume, education and work experience as a
22 petroleum geologist?

23 A Yes, I have.

24 Q And has that been marked in Exhibit B that
25 was submitted to the Division?

1 A Yes.

2 Q And I'm going to pull it up here so -- in
3 case you forgot what you did. Will you review for the
4 examiners your education and your work experience as a
5 petroleum geologist?

6 A Yes. I have a bachelor's of science in
7 geology from Oklahoma State University and a master's
8 of science in geology from Colorado School of Mines.
9 I've been employed as a petroleum geologist since
10 2011. I started my career working for new field
11 exploration working for a -- at a -- in a variety of
12 onshore U.S. basins.

13 And then in 2019, I moved to XTO Energy
14 where I worked as a development geologist in the New
15 Mexico portion of the Delaware Basin. And then since
16 2022, I've been employed at OXY as a development
17 geologist working in the New Mexico portion of the
18 Delaware Basin.

19 Q And have you -- are you familiar with the
20 application that was filed in this case and the
21 geology?

22 A Yes, I am.

23 Q And you conducted a study of the lands and
24 the geology at issue?

25 A Yes.

1 MR. RANKIN: Mr. Examiner, at this
2 time, I would tender Mr. Rountree as an expert in
3 petroleum geology before the Division.

4 THE HEARING EXAMINER: Hearing no
5 objections, so accepted.

6 MR. RANKIN: Thank you.

7 BY MR. RANKIN:

8 Q Now, Mr. Rountree, you've prepared a set of
9 slides outlining your analysis of the geology and the
10 proposed addition of these additional intervals within
11 the Bone Spring?

12 A Yes.

13 Q And I'm going to start off -- I guess your
14 first slide, I think, was a type log, but you've
15 provided a slight update to that in your Exhibit B; is
16 that right?

17 A Yes, that's correct.

18 Q So that -- and that's that page -- I believe
19 it's page 213 of the exhibit packet, you've got an
20 updated type log.

21 A Yes.

22 Q Just review what the update was and
23 explain -- walk through the type log here showing what
24 you've got outlined here and if you would just kind of
25 give us a general overview of the geology in the area.

1 A Yeah. So the update -- the main update on
2 here was just a slight labeling change. One of
3 the -- the wells was mislabeled and that was corrected
4 on this -- on this type log.

5 So the -- the type log that I'm showing here
6 is from the -- the project area. The logs that I'm
7 showing are a triple -- standard triple combo log
8 suite with gamma-ray on the left track, resistivity in
9 the center track and density and neutron porosity in
10 the -- the right track.

11 What I'm showing on that log are the
12 specific intervals that have current injection into
13 the -- into them and then also the intervals that we
14 are requesting to inject into with these future wells
15 and then which specific wells would fall into each of
16 those intervals.

17 And then on the left, the text, I'm just
18 kind of -- I'm going through and describing
19 each -- each of the intervals. So -- and then which
20 wells inject into those.

21 So the Avalon Shale is the first formation
22 that I'll talk about. The wells that would be
23 injecting -- the new wells that would be injecting
24 into that would be the Avogato 12H and the Red Tank
25 14H. The reservoir here is comprised of solicitous

1 mudstones with low natural permeability in the
2 nanodarcy range.

3 The confining layers above and below this,
4 there's -- the Avalon here is overlain by about 300
5 feet of low porosity imperm limestones and underlain
6 by about 250 feet of interbedded low porosity imperm
7 limestone and shales.

8 The next interval that would be the First
9 Bone Spring Formation. The well that would be
10 injecting into that would be the Avogato 4H. Here,
11 the First Bone Spring reservoir is comprised of low
12 porosity imperm sands and shales.

13 Over -- the confining layers overlying this
14 is about 250 feet of interbedded low perm limestones
15 and shales and it's underlain by about 450 feet of low
16 porosity impermeability limestone.

17 The next formation -- the next interval
18 would be the Second Bone Spring. So the wells that
19 would be injecting into this interval would be the
20 Avogato 21H, 22H, 23H, 24H, 25H, the Red Tank 24Y and
21 the Taco Cat 21H. This reservoir also described as
22 being comprised of low porosity siltstones and
23 sandstones.

24 In terms of confining layers, it's overlain
25 by about 450 feet of low perm limes and underlying it

1 are about 150 feet of low permeability limestone.

2 And then the final interval is the Third
3 Bone Lime. The question came up about the Harkey
4 Formation and that's kind of internal OXY kind of
5 jargon or -- or naming, but we are -- the Harkey would
6 be kind of synonymous in -- in what we're talking
7 about here in the -- in the Third Bone Lime, which
8 would be underneath the second sand.

9 And so the well that would be injecting into
10 the Third Bone Lime would be the Avogato 74H. Here,
11 this reservoir is comprised of, you know, relatively
12 low porosity imperm interbedded silt shales and
13 limestones.

14 Overlying this interval is about 150 feet of
15 low perm limestones and underneath this interval is
16 200 feet of low porosity impermeability shales and
17 limestones.

18 Q So the rest of your analysis jumps back to
19 Exhibit A, and I'm going to jump over to that now. It
20 starts at page 103 of the exhibit packet. This
21 starts -- picks up your cross-section maps.
22 Mr. Rountree, if you would just kind of overview what
23 this next series of slides shows and walk through your
24 analysis from here.

25 A Okay. So this slide, it's a locator map

1 showing the location of the -- of the -- the two
2 project areas that are highlighted by the blue boxes
3 and then the -- the location of the cross-section
4 wells that are going to be shown on the next couple
5 of -- next couple of slides.

6 So I have a couple of cross-sections here
7 broken up by interval. So the first cross-section
8 which is on this slide is showing the Second
9 Bone -- is -- sorry -- is showing the Avalon and First
10 Bone Spring intervals. The cross-section log display
11 is using the same log display as on the type -- as the
12 type log slide, a standard triple combo.

13 And really what we're trying to show here
14 are the -- the intervals for these wells that we're
15 proposing to inject into and then on the right side of
16 the cross-section, we're pointing out the -- the
17 approximate location within the -- within that
18 interval of those wells that we're requesting to
19 inject into.

20 The next cross-section here is showing the
21 Second Bone Spring and the Third Bone Spring Lime
22 intervals. Same -- same layout. Same -- the same log
23 layout.

24 And then as on the last slide, we're showing
25 on the sides of the cross-sections on the left side

1 the Taco Cat well that would be injecting into
2 the -- the second sand and then on the right, the
3 Avogato wells -- the Avogato and Red Tank wells that
4 would be injecting into the second sand and the -- and
5 the third lime.

6 This next slide is a SEPC TBD structure map
7 on top of the Avalon Formation. This map, while on
8 the Avalon, is the -- the structure here is
9 representative of the structure for all the intervals
10 that we're discussing today.

11 The main takeaway from this map is we're
12 seeing the -- the formation is dipping to the -- to
13 the east/southeast and there's no identified faults
14 going through this interval.

15 The next -- next series of maps are a series
16 of isopach maps. So this first one is an isopach map,
17 so total thickness of the -- the Avalon, and in -- in
18 this project area, the Avalon total thickness is
19 ranging from 800 to 850 feet thick.

20 The next one is the First Bone Spring
21 isopach map. So in this project area, the First Bone
22 Spring ranges from 225 to 300 feet thick. The Second
23 Bone Spring -- so in this project area, the Second
24 Bone Spring Formation ranges anywhere from 400 to 500
25 feet total thickness.

1 And then finally, the Third Bone Spring
2 Lime -- over the project area, the Third Bone Spring
3 Lime ranges from 700 to 725 feet in total thickness.

4 The next few slides are a series of geologic
5 statements that I put together. I'll -- I'll walk you
6 kind of briefly through this first one. I did one for
7 each of the formations.

8 So this is one that I put together for
9 the -- for the Avalon Formation. At -- at the
10 beginning of the statement, I describe things such as
11 the approximate depth of the -- the interval, basic
12 reservoir properties and the faces that the -- that
13 comprise the formation here.

14 Further down, I talk about the -- the low
15 permeability confining barriers and how they serve as
16 a barrier to flow, keeping the injected gas within the
17 target formation that we're injecting into.

18 Then I discuss below that about the
19 additional confining layers that are above the overall
20 Bone Spring Formation and how they are significant
21 barriers between the Bone Spring and the nearest known
22 freshwater aquifers and how, because of those
23 barriers, injected gas will not come in contact with
24 any of those freshwater aquifers.

25 And then finally at the -- the last part of

1 the statement, I state that I didn't identify any
2 freshwater wells within 2 miles of these proposed
3 injectors and then I -- on each of these, I labeled
4 the -- the wells -- the well names that were within
5 that formation.

6 Q You prepared a statement for -- similar to
7 this for each of the injection zones within the Bone
8 Spring?

9 A Yes. So this next one, I -- it was the
10 exact same format but for the First Bone Spring
11 Formation and then the same for the Second Bone Spring
12 and then for the Third Bone Spring Lime.

13 Q And before I leave this, I guess,
14 Mr. Rountree, just to confirm. Based on your
15 assessment then on the geology in the area and the
16 confining layers above and below the injection
17 intervals, is it your opinion that OXY's proposed
18 operation of these wells as injection wells, that the
19 geology will confine the gas within the injection
20 intervals?

21 A Yes, that is correct.

22 Q And that there won't be any adverse impacts
23 to fresh water sources or offsetting oil or gas
24 production zones?

25 A Yes, that's correct.

1 Q Okay. And what's this last statement here
2 in your exhibit packet?

3 A And this last is a signed statement just
4 saying that based on, you know, the geologic data that
5 I reviewed, I found no evidence of faulting or any
6 other connection between the injection intervals and
7 any known source of drinking water.

8 Q And, Mr. Rountree, you reviewed this project
9 here, but another geologist testified for OXY
10 previously in the initial application. Did you also
11 review the geology in the testimony from that original
12 application and presentation to the Division?

13 A Yes, I did. I reviewed all -- all of that
14 work and the -- the testimony of the previous
15 geologist.

16 Q And all that aligns with what you're saying
17 here today? Any disagreement with what you
18 previously -- what OXY previously presented?

19 A No. Both of our analyzes and -- and our
20 testimony are -- are very much in agreement.

21 Q Good. And then, Mr. Rountree, in your
22 opinion will the granting of this application be in
23 the best interest of protection of correlative rights
24 and will it prevent waste?

25 A Yes.

1 MR. RANKIN: Thank you. Mr. Examiner,
2 no further questions of Mr. Rountree and we'll pass
3 him for any questions by the Division examiners.

4 THE HEARING EXAMINER: Thank you.
5 Mr. McClure, any questions? Mr. McClure, you're
6 muted. So ...

7 THE TECHNICAL EXAMINER MCCLURE: Sorry
8 about that. Mr. Brancard, I don't have any questions.

9 THE HEARING EXAMINER: Thank you.
10 Mr. Garcia?

11 THE TECHNICAL EXAMINER GARCIA: I don't
12 have no questions.

13 THE HEARING EXAMINER: Mr. Harrison?

14 THE TECHNICAL EXAMINER HARRISON: No
15 further questions.

16 THE HEARING EXAMINER: Thank you. All
17 right. Mr. Rankin, did you have other witnesses or --

18 MR. RANKIN: Well, Mr. Examiner, just
19 last bit. We have an affidavit to present -- or
20 rather a self-affirmed statement of OXY's reservoir
21 engineer who's unavailable today. So I would like to
22 just present that and move that into admission.

23 And if the Division happens to have any
24 questions, perhaps Mr. Janacek can answer them and if
25 not, if there's something that he can't answer or

1 address, then we would propose to provide a
2 supplemental statement addressing any questions that
3 we can't address.

4 THE HEARING EXAMINER: All right.

5 MR. RANKIN: Mr. Examiner, marked as
6 Exhibit C in the exhibit packet that we
7 presented -- which I will get to that page in a moment
8 and tell you where it is.

9 THE HEARING EXAMINER: I'm seeing page
10 214 of --

11 MR. RANKIN: That's it. Yep. Page
12 214. And I'll go ahead -- if you all have it in front
13 of you, I won't bother to share my screen.

14 Essentially, OXY's reservoir engineer,
15 Ms. Schwing Juh [ph], previously testified in
16 this -- in a previous case proving this injection.
17 She has undertaken a study of the requests to increase
18 the project area, add these additional wells and to
19 increase the injection pressures.

20 And she -- as you'll read through this,
21 you'll see that she has undertaken that -- the
22 consideration and study and has confirmed that in her
23 opinion, that there's no -- number one, that there's
24 adequate volumes to receive the has within the
25 formation and the fracture networks.

1 Number two, that increasing the
2 injection pressure from 1,200 to 1,300 will have no
3 adverse effects and that -- it just confirms
4 essentially the model that they have to-date.

5 In her affidavit, she refers to
6 exhibits that are included within the application,
7 Exhibit A, and then also she's prepared some
8 additional exhibits which are attached to her
9 self-affirmed statement as Exhibit C1.

10 And if -- you'll see if you scroll down
11 to those exhibits after her signature, she evaluates
12 the effect of the increased pressure and -- relative
13 to the model and shows that there's no impact -- no
14 adverse impact as a result of the increased pressure
15 and will benefit -- and that the project will benefit
16 from being able to increase slightly at a higher rate
17 as a result.

18 So with that -- and then finally, I
19 guess, Mr. Examiner, if I might just proceed to the
20 notice and then if you have any questions about either
21 notice or the reservoir engineer's affidavit, we can
22 address those. But the last two exhibits I'd like to
23 move the admission of are Exhibits D and E.

24 And Exhibit D is an affidavit that was
25 prepared by me reflecting that we provided notice to

1 each of the parties affected by the application under
2 the Division's guidance as identified by OXY,
3 including those additional parties that OXY has
4 identified to us, and that we did so by certified
5 mail.

6 And then also published notice in a
7 newspaper within the county identifying each of those
8 parties by name and caused that to be published, and
9 that's attached as Exhibit E. So you'll see my
10 Exhibit D is the affidavit prepared by me.
11 Exhibit -- attached to that is the notice letter
12 reflecting that we provided notice of the application
13 on March 17th.

14 And then following that is the status
15 of all the certified mails that went out to each of
16 the affected parties and the additional parties that
17 OXY chose to notice and the status of those mailings.
18 Finally, Exhibit E is that affidavit of publication
19 reflecting that we did do a notice in the newspaper.

20 With that, Mr. Examiner, I would move
21 the admission of Exhibit C, the attachments and
22 Exhibit D and E as well.

23 (OXY USA Inc. Exhibit C, Exhibit D, and
24 Exhibit E were marked for
25 identification.)

1 THE HEARING EXAMINER: Thank you. And
2 hearing no objections, Exhibits C, D and E are
3 admitted into the record.

4 (OXY USA Inc. Exhibit C, Exhibit D, and
5 Exhibit E were received into evidence.)

6 MR. RANKIN: And I guess, Mr. Examiner,
7 if there's any questions with respect to the reservoir
8 engineering analysis, if Mr. Janacek can answer them,
9 happy to have him do so. And if not, we can provide
10 supplement, or if you have any questions about the
11 notice as well.

12 THE HEARING EXAMINER: Thank you. Let
13 me go to Mr. McClure. Any questions about either the
14 reservoir engineering or the notice?

15 THE TECHNICAL EXAMINER MCCLURE: Maybe
16 I have just one quick question, Mr. Brancard.

17 THE HEARING EXAMINER: Go ahead.

18 THE TECHNICAL EXAMINER MCCLURE:
19 Mr. Janacek, if you know the answer to this, did your
20 guys' reservoir engineer have a -- did she identify a
21 reason for why your actual field test was showing like
22 4,000 -- I mean, an injection rate of 4 million versus
23 the predicted 3 million for like Taco Cat 11H?

24 THE WITNESS: No, we didn't discuss
25 that with -- with her.

1 THE TECHNICAL EXAMINER MCCLURE: I was
2 going to say the only -- I guess for some context, the
3 reason I'm wondering is based off the geology, we're
4 not necessarily -- or we're not seeing any reason to
5 believe there's faulting here.

6 But that would be the only concern I'd
7 have is if we thought -- is something we laid it
8 towards something in the reservoir that's causing that
9 increase or if the model is obviously -- I mean, it's
10 hard to get a precise predictive model, I guess.

11 And whether we thought maybe there's
12 just some adjustment there that was specific to this
13 well that isn't necessarily reservoir-wide, which the
14 model is based upon. You're not aware of -- I
15 guess -- from the sounds of it, you haven't spoke to
16 her, so you're not aware of any of this then; is that
17 kind of correct?

18 THE WITNESS: No, nothing that I'm
19 aware of. And again, which -- what are you referring
20 to? What data are you referencing?

21 THE TECHNICAL EXAMINER MCCLURE: I
22 apologize. Slide 219 of 227.

23 THE WITNESS: 219?

24 THE TECHNICAL EXAMINER MCCLURE: Yeah.

25 THE WITNESS: Okay.

1 THE TECHNICAL EXAMINER MCCLURE: On
2 that slide, there's a reservoir model comparison where
3 it looks like OXY's comparing actual injection rates
4 versus what the model had predicted.

5 THE WITNESS: Mm-hm.

6 THE TECHNICAL EXAMINER MCCLURE: And it
7 may be as simple as the fact that we know that like
8 the different injection pressures that each well is
9 requiring -- it may just be some discrepancy there.

10 Because there's a broad range there and
11 obviously if the model is created for this entire
12 area, there's going to be some discrepancy between the
13 model and those results. I just don't know if that's
14 kind of what we're seeing here or if we think there
15 could be more connectivity between here and further
16 out into the reservoir than what we're predicting.

17 THE WITNESS: Good -- good question. I
18 think -- I think what the -- the model is showing
19 is -- is a very general scenario of injection for
20 these type of reservoirs and probably where we're
21 seeing differences for all of these wells could be
22 from any type of input.

23 It could be geologic. It could be
24 completion methodology. It could be the point in time
25 at -- at which this well is at in its production life.

1 So I don't know specifically why there's a difference,
2 but there could be multiple reasons there.

3 THE TECHNICAL EXAMINER MCCLURE: Okay.
4 I guess to give you a little further context, I don't
5 see where it's included in OXY's exhibits for this
6 case and I don't recall if it's for -- in the exhibits
7 for originally R-22101, but there was a model that was
8 ran to determine effects on offset wells.

9 I'm trying to remember exactly how it
10 was titled, but essentially, there was a model
11 predicting at what point we would actually start
12 seeing an effect on a well so far away. I'm thinking
13 maybe the only thing that kept -- that is still
14 existing in this -- in these exhibit packets from
15 that, as I recall, is I think there's some table that
16 talks about like the spacing of wells.

17 Maybe there's something -- maybe I
18 think some of that information might have made it in
19 there. But my overall question is I just wasn't sure
20 if -- well, I guess my first question is are you
21 familiar with what I'm referring to, that model?

22 THE WITNESS: I'm sorry. Could you
23 restate your question, please?

24 THE TECHNICAL EXAMINER MCCLURE: Okay.
25 I don't have it directly in front of me, but if my

1 memory is correct, it seems like there was a model
2 that was ran to predict effects on offset wells.

3 THE WITNESS: Right. Correct.

4 THE TECHNICAL EXAMINER MCCLURE: I'm
5 trying to remember exactly what it was based upon.
6 Like it was based on maybe a real study that OXY had
7 conducted. I don't remember the circumstances behind
8 that study. But you're familiar with what I'm
9 referring to then; correct?

10 THE WITNESS: Yes. I -- I know what
11 you're referring to now. So --

12 THE TECHNICAL EXAMINER MCCLURE: Okay.
13 Okay. And I was wondering is -- was this -- is this
14 additional injection rates that we're seeing above
15 what the model's predicting -- are we thinking that
16 that would affect that model, and to a significant
17 degree where we would actually see something occurring
18 within two weeks or something of injection?

19 THE WITNESS: Good question. To answer
20 that no, I don't think this increased injection rate
21 for this short period of injection of three -- three
22 days is going to impact the -- the outcome of the
23 model.

24 To refresh -- to -- to kind of refresh
25 everyone as to how the model was set up that we

1 presented in 2021, the reservoir modeling that was
2 done by the reservoir engineering team was based off
3 of a much longer and -- and a much longer EOR gas
4 injection project that was done in Cedar Canyon, so a
5 different area of ours.

6 And with that, we were able to, you
7 know, put together the model and see what -- if we
8 were to do a different type of injection at a lower
9 injection pressure and a shorter period of time, what
10 the model will show as results. So that was presented
11 in 2021 by Schwing [ph], our -- our reservoir
12 engineer.

13 Here, looking at this data, it is my
14 understanding that these small injection rate
15 differentials for these short periods of time are not
16 going to make us revisit the reservoir model.

17 Compared to the injection volumes that
18 were taken into consideration for building the initial
19 model, these storage volumes and rates are a lot lower
20 and a lot smaller. So I guess in essence, my answer
21 is these small differentials in the injection rates
22 will not -- will probably not impact any type of
23 revisions for the -- the reservoir model.

24 THE TECHNICAL EXAMINER MCCLURE: Okay.
25 Now, just to clarify, you mentioned the increased

1 rates over the first few days. It looks like we're
2 looking at like approximately -- for the Taco Cat 11H,
3 you're looking at like just shifting the entire curve
4 up by, say, 20 percent, around about.

5 Understanding that in terms of
6 magnitude for what the original study was based off,
7 maybe that's a small amount, but for this particular
8 instance, we're looking at 20 percent based off what
9 this model was predicting for injection rates.

10 And maybe I am misremembering. I had
11 thought that OXY had used the model built from the
12 Cedar Canyon project, but had used their injection
13 rates predicted for these wells to determine how long
14 it would take to cause a change in offset production
15 if I recall correctly.

16 And it seems like the result was in the
17 months essentially rather than weeks, if I recall
18 correctly. So while I -- I'm sort of on the same
19 page. I just want to clarify. You are taking into
20 account an increase of, say, 20 percent for the
21 entirety of the injection period, not just the first
22 few days; correct?

23 THE WITNESS: So for this instance,
24 that's all the data we have is for a three-day period.
25 You know, if we had -- if we had a longer storage

1 event, maybe it would -- we would see that it
2 maintains a higher delta of 20 percent upwards,
3 but -- and that's what it looks like based off of this
4 very limited data that we're seeing.

5 But I don't know if -- if I would
6 speculate and say that that would -- would be
7 maintained. So I don't -- I don't know enough at this
8 time to -- to say that that would be maintained.

9 THE TECHNICAL EXAMINER MCCLURE: Okay.
10 I guess my question is -- I'm not necessarily asking
11 if it would be maintained or not. My question is if
12 it was maintained, do you still believe that a
13 two-week injection period would not be enough to
14 change the outcome of that original model?

15 And if we're not sure, we can always
16 have a supplemental statement from you guys' reservoir
17 team, too, But if you have a pretty good idea, then go
18 ahead.

19 THE WITNESS: I'm sorry. Could you
20 restate the question?

21 THE TECHNICAL EXAMINER MCCLURE: Okay.
22 If the 20 percent increase was maintained -- let's
23 just say worst case scenario, it is maintained. Do
24 you believe that that is enough of a change to affect
25 it the computed time in which offset production may be

1 affected significantly enough to matter in durations
2 of injection of, say, two weeks?

3 THE WITNESS: Yeah, I don't know the
4 answer to that one, Dean. So we can get with our
5 reservoir engineering team and -- and file a
6 supplemental document to answer and address
7 your -- your question.

8 THE TECHNICAL EXAMINER MCCLURE: Okay.
9 And it could be real simple. We don't need to
10 necessarily like actually show us another graph or
11 not. I just want confirmation that OXY is considering
12 it and that we're not going to see any reason to
13 suspect affecting offset production, I guess if that
14 makes sense.

15 THE WITNESS: Yeah. Okay. I hear you
16 there.

17 THE TECHNICAL EXAMINER MCCLURE: Okay.
18 Thank you, Mr. Janacek. Thank you, Mr. Brancard.
19 That was all I had.

20 THE HEARING EXAMINER: Thank you.
21 Mr. Garcia?

22 THE TECHNICAL EXAMINER GARCIA: No
23 questions.

24 THE HEARING EXAMINER: Mr. Harrison?

25 THE TECHNICAL EXAMINER HARRISON: No

1 questions.

2 THE HEARING EXAMINER: Thank you.

3 Mr. Rankin, my only question is I wonder if you could
4 just -- you've probably already done this. Just sort
5 of explain how you came up with the names for your
6 notice.

7 MR. RANKIN: Oh, I'm sorry. Now I know
8 what you're saying. Like you mean the particular
9 individuals or -- yeah. I wasn't quite tracking you
10 there for a moment. It's 4:40.

11 So yes. Mr. Janacek did testify
12 previously that he identified the affected parties
13 requiring notice under the Division's guidance by
14 identifying the surface owners and offsetting affected
15 parties based on the affected party rule under the
16 Division's regulations.

17 So those were identified in his notice
18 exhibit, which is located at the end of Exhibit A, and
19 I'll tell you what page that is on. Starting on
20 page -- I'm almost there -- 134, and it goes all the
21 way down to 141.

22 And based on those offset maps, it
23 identifies the operators -- Division designated
24 operators and then any other affected parties based on
25 the affected party rule and has a list of all those

1 parties identified in the list following the maps. So
2 then they -- there were others -- the additional
3 parties based the royalty owners and the other owners
4 of interests within the gas that is being -- source
5 wells is -- are based on OXY's own ownership decks
6 within those offsetting -- within the source gas
7 wells.

8 THE HEARING EXAMINER: Okay. Thank
9 you.

10 MR. RANKIN: Yeah.

11 THE HEARING EXAMINER: Do you have
12 anything further, Mr. Rankin?

13 MR. RANKIN: Mr. Examiner, nothing
14 further at this time. We appreciate the Division's
15 attention and consideration of OXY's request to try
16 to, I guess within some relative time frame, be able
17 to provide an order amending the order so they can
18 proceed with these additional injection wells.

19 And so at this point, nothing further
20 and we appreciate the Division's attention and ask
21 that the case be taken under advisement.

22 THE HEARING EXAMINER: Thank you. And
23 just to summarize -- I believe you've already done
24 this -- you want to -- an amendment to order R-22101;
25 right? You want to dismiss R-22102 or vacate it,

1 whatever, and your amendments would be to expand the
2 acreage, to add the wells you have listed and extend
3 the project time.

4 MR. RANKIN: And to increase the
5 injection pressures from 1,200 to 1,300.

6 THE HEARING EXAMINER: Okay.

7 MR. RANKIN: That's correct. And I
8 think in terms of what we owe you, we will provide
9 an -- the -- an exhibit outlining the corrosion
10 prevention plan as a extra exhibit.

11 As well as a statement from OXY's
12 reservoir engineer identifying -- responding to
13 Mr. McClure's questions about whether and how OXY is
14 considering the potential impact of longer term
15 injection at a higher rate -- potentially a higher
16 rate than the model shows and whether they are
17 considering how that may impact offsetting wells in
18 production.

19 THE HEARING EXAMINER: Is there
20 anything else, Mr. McClure, that we needed?

21 THE TECHNICAL EXAMINER MCCLURE: No, I
22 think Mr. Rankin got it. Yep.

23 THE HEARING EXAMINER: Thank you. All
24 right. Anyone else here with comments on case 23427?
25 Hearing none, any exhibits we haven't already

1 admitted, we will admit into the evidence and the case
2 will be taken under advisement.

3 MR. RANKIN: Thank you, everybody.
4 Have a great day.

5 THE HEARING EXAMINER: Thank you.

6 UNIDENTIFIED SPEAKER 2: Thank you.

7 THE HEARING EXAMINER: And I believe we
8 are done for Thursday, April 6, 2023. Thank you,
9 everyone.

10 (Whereupon, at 6:45 p.m., the
11 proceeding was concluded.)
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CERTIFICATE OF DEPOSITION OFFICER

I, DANA FULTON, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and 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.



DANA FULTON
Notary Public in and for the
State of New Mexico

CERTIFICATE OF TRANSCRIBER

I, KEARA CONTARTESI, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and 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.

A handwritten signature in black ink, appearing to read 'Keara Contartesi', is written over a light gray rectangular background.

KEARA CONTARTESI

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