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

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

Case Nos. 23462, 23471, 23361,
21683, 21685, 22103, 22104,
23479, 23480, 22988, 23304,
23407, 23409, 23419, 23420,
22423, 22424, 22425, 22426,
23432, 23433, 23434, 23254,
23255, 23456, 23457, 23458,
23459, 23460, 23461, 23468,
23469, 23470, 23472, 23473,
23474, 23476, 23478, 23481,
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23498, 23500, 23502, 23503,
23504, 23505, 23506, 23365,
23366, 23475, 23477, 23501

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VIDEOCONFERENCE HEARING

DATE: Thursday, May 4, 2023
TIME: 9:24 a.m.
BEFORE: Hearing Examiner Rip Harwood
LOCATION: Remote Proceeding
Santa Fe, NM 87501
REPORTED BY: Dana Fulton, Notary Public
JOB NO.: 5528868

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Leonard Lowe, Technical Examiner (by
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NO.	DESCRIPTION	ID/EVD
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4	NO.	DESCRIPTION	ID/EVD
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NO.	DESCRIPTION	ID/EVD
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10		Maps, Structural Cross-	
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12		Cross-Section, and Gun	
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20	NO.	DESCRIPTION	ID/EVD
21	Item 54-57:		
22	Exhibit A	Mr. Hajik's Testimony	239/242
23	Exhibit B	Ms. Hardy's Testimony,	
24		Notice Letters, Application,	
25		Affidavit of Publication	240/242

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I N D E X (Cont'd)

E X H I B I T S

NO.	DESCRIPTION	ID/EVD
Item 63:		
Exhibit A	Application Packet	284/315
Exhibit B	Well Information Slides	288/315
Exhibit C	Supplemental Exhibits	358/358
Exhibit E	Replacement Exhibit	358/358

(Exhibits retained by counsel.)

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P R O C E E D I N G S

THE REPORTER: We are now on the record.

THE HEARING EXAMINER: All right. Thank you, Ms. Fulton.

Good morning, everybody. Again, it's Rip Harwood here. We are on the record today, May the 4th, 2023, in hearings before the Oil Conservation Division of the New Mexico Energy, Minerals, and Natural Resources Department.

I am your hearing officer today. With me today is OCD Technical Examiner Leonard Lowe. I believe that Hailee Thompson of OCD is also sitting in. And later in the hearing, the OCD's gas capture expert, Dean McClure, will join us if he's not already here.

So without further ado, let's jump right into the docket. And I'm going to call case number 1 and 2.

Counsel, when you make your appearance, you can tell me if that's okay or not okay, but I'll explain why in a minute. Case number 1 is case number 23462. Case number 2 is 23471. Can I have entry of appearances for the docket?

1 MR. LOWE: Mr. Harwood?

2 THE HEARING EXAMINER: Yeah. Excuse
3 me. Yeah.

4 MR. LOWE: This is Leonard Lowe. I'd
5 like to make a little quick announcement to all
6 present here in reference to the docket and future
7 dockets, in reference to all cases, if I may?

8 THE HEARING EXAMINER: Sure. Please
9 absolutely.

10 MR. LOWE: Okay. I'd just like to
11 present -- not present. I'd like to announce to all
12 applicants pertaining to all the cases and hearings
13 conducted. In reference to all the hearing orders
14 that we generate on our end, as far as being efficient
15 as we can be on our side, Hailee is the one that
16 pretty much writes up all the hearing orders that we
17 generate.

18 In reference to her request, I'd like
19 to note a few areas of concern that we would like to
20 have you all to address so that when we get our
21 hearing orders in writing status that, you know, it'll
22 be a little easier.

23 In reference to that, if you all could
24 mind the following, that if you could all place the
25 missing case numbers on all the applications or the

1 checklist that you submit for exhibits for these
2 cases, that would be greatly appreciated. And please
3 address all the OBID [ph] numbers in all applications
4 and all paperwork that you submit for processing for
5 each of these cases if you can.

6 Also, it would be great if you could
7 all just ensure that -- that the cost for supervision
8 of the cases are in the same in all aspects of your
9 exhibits that you submit. At times, we have 8,800 in
10 one area and then 9,900 in another area in your packet
11 that we receive. So it's hard for us to decipher
12 which one is the -- is the correct number that you all
13 wanted for your case pertaining to the case that
14 you're putting forward.

15 Also, if you could address all the
16 pertinent information, because I know in some cases,
17 some of the cases that are presented are both
18 compulsory pooling and nonstandard operation unit
19 cases. In those instances, if you could decipher
20 information for each one of those, it'll be easy for
21 us to extrapolate the data and information that
22 pertains to the order that you all want. That would
23 be greatly appreciated.

24 Also, if there's areas in your
25 checklist that are not applicable, please note them as

1 not applicable per your application. If not there,
2 then it takes a little more time on our side to
3 decipher if that information was even presented in
4 other areas of your exhibits. So that would be
5 greatly appreciated. If the information is not
6 pertain, then, you know, please note as so.

7 Also, and the last of this is that if
8 there's a defining well in your application, please
9 note that, the defining well, as well. That is the
10 information I got so far from -- on our side to try to
11 write out the orders that we try to get to you all on
12 our end. It'll just help us out, help you all out.
13 And that's all I had to say for now.

14 Thank you.

15 MR. RANKIN: Mr. Lowe, this is Adam
16 Rankin with Holland Hart. I'm sorry to interrupt, but
17 I appreciate your feedback and comments. One
18 question, because I wasn't clear what you meant. For
19 cases that are both seeking compulsory pooling and
20 approval of nonstandard spacing units, what is it that
21 the Division would like in terms of presenting
22 information in those cases? That wasn't quite clear.
23 I apologize.

24 MR. LOWE: Oh, explicit information in
25 your packet, your exhibits indicating certain portions

1 are explicitly for the CP portion of your case and the
2 information explicitly for your nonstandard spacing
3 unit case. At times, we get information just jumbled
4 together, and then we have to, like, try to figure out
5 what's going on in your exhibits. Basically, that's
6 kind of what we're -- what we're seeking.

7 MR. RANKIN: And on that point, I
8 guess, the key element probably -- thinking that
9 through here, it would be just distinguishing which
10 parties were noticed for compulsory pooling and which
11 parties were noticed solely because of the nonstandard
12 spacing unit?

13 MR. LOWE: Yes.

14 MR. RANKIN: I mean, I just want to
15 make sure if it's more to it than that, you know, let
16 me know, but I just want to make sure that as we
17 present these, we do it in the way that you're asking.
18 So I appreciate that.

19 MS. BENNETT: Mr. Lowe and Mr.
20 Rankin -- virtual connectivity interruption. And I
21 would just note that the Division has an updated
22 compulsory pooling checklist that we've all probably
23 been using that does have separate lines for when
24 you're seeking a nonstandard unit, and I've been happy
25 to see those separate rows for nonstandard units, and

1 that also, I think, helps me in terms of making sure
2 I'm providing what you need for a nonstandard unit
3 application, and that's in the new compulsory pooling
4 checklist.

5 THE HEARING EXAMINER: Okay. Thank
6 you, Ms. Bennett and Mr. Rankin. Are there any other
7 questions or comments based on Mr. Lowe's statements
8 and requests?

9 Okay. Hearing none, let's get back to
10 the docket, which I think is 63 items deep. That can
11 be deceptive, as I understand from sitting in on
12 previous hearings, but it's nevertheless a chunk of
13 work.

14 So let's get back to docket items
15 number 1 and 2, 23462 and 23471. It's Spur Energy
16 Partners, Hinkle Shanor. Is it the same counsel for
17 both cases?

18 MS. HARDY: Yes, Mr. Examiner, Dana
19 Hardy with Hinkle Shanor on behalf of Spur Energy
20 Partners.

21 THE HEARING EXAMINER: Okay. Ms.
22 Hardy, you're probably scratching your head about
23 whether -- why a lot of these things are on the
24 docket. Let me just explain for everyone's benefit.
25 They're here because there was a motion to continue

1 filed. And I think it was filed too late to remove
2 these things off the docket. My understanding is that
3 that motion was unopposed; is that correct, Ms. Hardy?

4 MS. HARDY: That's correct.

5 THE HEARING EXAMINER: Okay. All
6 right. So just so you know, they're on the docket
7 because it was filed so late we couldn't figure out
8 with Marlene [ph] on leave how to get them off the
9 docket, but the motions in those two cases have been
10 granted. Motions to continue have been granted since
11 they were unopposed.

12 So I see you're not scratching your
13 head anymore, and we can move on to item number 3
14 unless you have anything else on those two?

15 MS. HARDY: No, I don't. Thank you
16 very much.

17 THE HEARING EXAMINER: Okay. We'll
18 call case number 3, which is case number 23361, Texas
19 Standard. Can I have an entry of appearance for the
20 applicant?

21 MR. BRUCE: Mr. Harwood, this is Jim
22 Bruce in Santa Fe representing Texas Standard. And
23 this should also be combined with cases number 8 and 9
24 on the docket.

25 THE HEARING EXAMINER: Okay.

1 MR. BRUCE: And I think Ms. Hardy will
2 agree with that.

3 THE HEARING EXAMINER: Okay. Great.
4 All right. So Ms. Hardy?

5 MS. HARDY: Yes, I was going to say
6 that that's correct.

7 THE HEARING EXAMINER: Okay. So 3, 8,
8 and 9. All right. Great. Let me have entry of
9 appearance for the other parties.

10 I suspect I will hear from you, Ms.
11 Hardy?

12 MS. HARDY: Yes. Thank you, Mr.
13 Examiner. Dana Hardy on behalf of BTA Oil Producers,
14 LLC.

15 THE HEARING EXAMINER: All right. And
16 may I have entry of appearance for any other
17 interested persons in Cases 3, 8 and 9? And for the
18 record, 23361, 23479, 23480. Any other interested
19 persons?

20 All right.

21 MR. BRUCE: Mr. Examiner, Jim Bruce
22 again. I don't think I officially entered an
23 appearance yet in the two BTA cases, and so I am doing
24 that now.

25 THE HEARING EXAMINER: Okay. Yeah.

1 Thanks for closing that loop, Mr. Bruce. So as you
2 all may have noted, I'm trying to follow Bill's
3 protocol of handling the simplest matters first. And
4 so the first dozen or so items on the docket are
5 status conferences, including these three, I believe.
6 So who wants to lead off on telling us about the
7 status of these three items?

8 MR. BRUCE: Mr. Examiner, these are
9 competing pooling cases. Not all of the acreage
10 overlaps in these cases, but I think 160 acres in each
11 of these cases overlaps.

12 We need a continuance because BTA filed
13 two applications, and Texas Standard had filed one,
14 but now it has filed another in competition with BTA.
15 So I think Ms. Hardy and I talked about having these
16 all continued to June 1st because that is when my
17 additional Texas Standard case is set for hearing.

18 THE HEARING EXAMINER: Okay. Ms.
19 Hardy?

20 MS. HARDY: That's correct, Mr.
21 Examiner.

22 And Mr. Bruce, I don't know if you're
23 contemplating another status conference on June 1st or
24 a contested hearing?

25 MR. BRUCE: I assumed it was the

1 hearing, but whatever you would like is fine with me.

2 MS. HARDY: I think a contested hearing
3 is fine. I think we have a current prehearing order
4 for a couple of the cases.

5 MR. BRUCE: Yeah, and I need to --
6 I'll -- I will file a request to amend to place the
7 new case number on the prehearing order.

8 THE HEARING EXAMINER: Okay. So I'm
9 hearing agreement that this case should be continued
10 to the June 1, '23 document -- docket, and -- these
11 three cases, and that there would be a contested
12 hearing on that date for those three?

13 MR. BRUCE: Correct.

14 THE HEARING EXAMINER: Do we need some
15 sort of amended prehearing order, or anything, to make
16 that happen as a matter of procedure?

17 MR. BRUCE: Only to add my additional
18 case number on the prehearing orders. The body of the
19 prehearing order does not need to change. Is that
20 correct, Ms. Hardy?

21 MS. HARDY: I agree, Mr. Bruce.

22 THE HEARING EXAMINER: And when you say
23 the additional case number, we're still talking three
24 cases? There's not a fourth one?

25 MR. BRUCE: No, this is a fourth.

1 There will be two Texas Standard cases along with the
2 existing two BTA cases.

3 THE HEARING EXAMINER: Okay. All
4 right. And you will file whatever is necessary to get
5 that added?

6 MR. BRUCE: Yes.

7 THE HEARING EXAMINER: Okay. All
8 right. Are there --

9 Mr. Lowe, based on that conversation,
10 are there any questions from you?

11 MR. LOWE: Oh, I have no questions.
12 Thank you.

13 THE HEARING EXAMINER: All right.
14 Okay. Is there anything else from you, Mr. Bruce, or
15 you, Ms. Hardy, on these three cases?

16 MR. BRUCE: No, sir.

17 MS. HARDY: Not from me, Mr. Examiner.
18 Thank you.

19 THE HEARING EXAMINER: All right.
20 Thank you, Ms. Hardy. So moving right along to
21 case -- we'll call case number 4, which is Matador
22 Product. And it's case number 21683.

23 May I have an appearance for the
24 applicant?

25 MR. RANKIN: Good morning, Examiner

1 Harwood. May it please the Division, Adam Rankin
2 appearing on behalf of the applicant in this case,
3 with the next three cases on the docket, and I believe
4 they should all be considered together.

5 THE HEARING EXAMINER: Okay. 21685,
6 103, and 104?

7 MR. RANKIN: Correct.

8 THE HEARING EXAMINER: I should say
9 22103, 22104. All four of those are related; correct?

10 MR. RANKIN: Correct.

11 THE HEARING EXAMINER: So my
12 understanding from looking at earlier pleadings in the
13 case, the parties are in settlement discussions, and
14 you requested a status conference today. Before we
15 get in -- is that correct?

16 MR. RANKIN: That's correct.

17 THE HEARING EXAMINER: Let me just make
18 sure. Are there any other interested persons in these
19 four cases? If so, could you enter an appearance?

20 MR. SAVAGE: Good morning, Mr.
21 Examiner, Darin Savage with Santa Fe Office of Abadie
22 & Schill on behalf of Coterra Energy and Cimarex
23 Energy Company. And I would just like to clarify that
24 we're doing appearances in all four cases.

25 THE HEARING EXAMINER: Okay. Thank you

1 very much.

2 Are there any other interested persons
3 in these four cases? If so, would you please enter
4 your appearance for the record?

5 MR. PARROT: Morning, Mr. Examiner.
6 This is James Parrot with Beatty & Wosniak. It's a
7 pleasure to meet you, virtually, at any rate, and I'm
8 representing EOG Resources. I would note that we
9 filed a withdrawal and substitution of counsel on
10 March 4th of last year, so I'll be in touch with
11 Marlene to make sure that that's reflected on future
12 worksheets. So I'm representing EOG Resources. Jobe
13 [ph], or Mr. Rittenhouse, is no longer with the law
14 firm and is not representing EOG in this matter.

15 THE HEARING EXAMINER: Okay. All
16 right. So who wants to lead off given that this is --

17 MR. PADILLA: My name is Ernest
18 Padilla.

19 THE HEARING EXAMINER: I'm sorry, Mr.
20 Padilla?

21 MR. PADILLA: I'm listed on the
22 worksheet. We had competing cases. And when I say
23 "we," Earthstone Operating had competing cases. We
24 withdrew those cases, dismissed them, and -- but I had
25 entered an appearance in these cases. I'd like to

1 withdraw my appearance in the cases that were called.
2 We have no further interest in terms of the merits of
3 the competing cases.

4 THE HEARING EXAMINER: Okay. Well,
5 that's noted for the record. And again, I'm not sure
6 if that requires a formal pleading on your part, but
7 so far, in the event that it doesn't, it is noted for
8 the record today, Mr. Padilla. If it does require --

9 MR. PADILLA: We can file a withdrawal,
10 a formal withdrawal, and --

11 THE HEARING EXAMINER: Yeah. I'll
12 leave that to you. If that's necessary, I'll count on
13 you to do that, okay?

14 MR. PADILLA: Very good. Thank you.

15 THE HEARING EXAMINER: Sure. Okay. So
16 who wants to lead off and tell us why we're having
17 this status conference?

18 MR. RANKIN: Thank you, Mr. Examiner,
19 Adam Rankin with Holland Hart. You are correct.
20 Based on your review of the docket and the transcript,
21 the parties, Matador Production Company and
22 EGL/Earthstone were in discussions or were -- they're
23 competing cases.

24 They have reached an agreement
25 resolving their competed cases. EGL/Earthstone has

1 withdrawn and dismissed its cases, and at this time,
2 Matador would like to proceed to hearing on its
3 remaining cases that remain on the docket, these four
4 cases, and would like to have them be heard as an
5 uncontested case on the June 15th docket.

6 THE HEARING EXAMINER: All right.
7 Everyone else who's entered an appearance, having
8 heard that, anything to add, or are you all in
9 agreement?

10 MR. PARROT: No objection from EOG.
11 Thank you, Mr. Examiner.

12 THE HEARING EXAMINER: All right. What
13 was that date again?

14 MR. RANKIN: Mr. Examiner, we are
15 requesting June 15th for hearing on these four
16 uncontested cases.

17 THE HEARING EXAMINER: Okay. If I'm
18 understanding the protocol correctly, then on June
19 15th, these would be likely presented by affidavit?

20 MR. RANKIN: Correct.

21 THE HEARING EXAMINER: Okay.

22 MR. RANKIN: We would file motions to
23 continue these cases to the June 15th docket. I
24 believe that we could vacate any prehearing orders
25 that are in place, and we could file some paperwork to

1 prompt the Division to do so, and then these cases
2 would proceed as uncontested on the June 15th docket.

3 THE HEARING EXAMINER: Okay, Mr.
4 Rankin, then I will rely and count on you to file
5 what's necessary to get that done. Does that make
6 sense?

7 MR. RANKIN: It does.

8 THE HEARING EXAMINER: Mr. Savage, I
9 see you're lighting up?

10 MR. SAVAGE: No comment. We're fine
11 with that. Thank you.

12 THE HEARING EXAMINER: Mr. Parrot,
13 anything to add?

14 MR. PARROT: No, Mr. Examiner. Thank
15 you.

16 THE HEARING EXAMINER: I love your
17 name, by the way. I'm a bird person. I have two
18 parrots. One is 39 and the other is 27.

19 MR. PARROT: Holy cow. That's like
20 having adult children living with you, huh?

21 THE HEARING EXAMINER: Except they
22 never ask for an allowance unless you teach them the
23 words.

24 Okay. So if I'm counting correctly,
25 we're breezing right along. We've already taken care

1 of everything up to item number 10. I'll call docket
2 number 10, which is case number 22988, Matador
3 Product.

4 Entry of appearance for the applicant,
5 please?

6 MR. BRUCE: Mr. Examiner, this is Jim
7 Bruce, representing Matador Production Company. I
8 noticed that on the docket sheet Holland & Hart is
9 still listed as counsel of record. However, last
10 August, Holland & Hart filed a notice of withdrawal
11 counsel and naming me as substitute counsel. So I am
12 Matador's attorney of record in this matter.

13 THE HEARING EXAMINER: Okay. We'll
14 figure out how to get that corrected, Mr. Bruce.

15 MR. BRUCE: Thank you.

16 THE REPORTER: Are there other parties
17 interested in this case number? If so, would you
18 enter your appearance or appearances?

19 MS. HARDY: Mr. Examiner, Dana Hardy
20 with the Santa Fe office of Hinkle Shanor on behalf of
21 ConocoPhillips company.

22 THE HEARING EXAMINER: Okay. Thank
23 you, again, Ms. Hardy.

24 How about any other interested persons,
25 nonparties, I assume? Anyone in that category? Enter

1 your appearance if so.

2 Hearing nothing, let's see what I've
3 got on my notes. Apparently, there was a stipulated
4 motion to vacate the hearing today and hold a status
5 conference.

6 So, Mr. Bruce, you want to chime in?

7 MR. BRUCE: Sure. Yes. Matador and
8 ConocoPhillips have been in discussions. They
9 apparently have reached verbal agreement, but they
10 need to paper over the agreement. And so we need --
11 both parties need this matter continued.

12 So, hopefully, it will be settled, and
13 the case -- the case will go away. I think I had
14 originally talked with Ms. Hardy about June 1, and she
15 said that might not be enough time. So I will -- I'm
16 agreeable to anything, any hearing date that she would
17 like this moved to.

18 MS. HARDY: Mr. Examiner, I think that
19 June 15th or July 6th, I believe, will be fine.

20 THE HEARING EXAMINER: Okay. Well, if
21 it's anything like the regular courts, they're always
22 happy to entertain any initiative that will foster a
23 settlement. So you guys pick a date, and I guess
24 you'll file a necessary uncontested motion and/or
25 order to extend this to whatever date you choose?

1 MR. BRUCE: Yeah. And thinking about
2 it, Mr. Examiner, these things never get done as
3 quickly as people think it will. So maybe, with Ms.
4 Hardy's approval, move it -- I will move to continue
5 to July 6th.

6 THE HEARING EXAMINER: Ms. Hardy?

7 MS. HARDY: That's fine with me, Mr.
8 Examiner.

9 THE HEARING EXAMINER: Okay. Okay.
10 I'm going to rely on the two of you to put together
11 whatever pleadings are necessary to make that happen,
12 okay?

13 MS. HARDY: Thank you very much.

14 MR. BRUCE: Will do.

15 THE HEARING EXAMINER: All right.
16 Anything else in that case, 22988, from anyone?

17 All right. Case number 11.

18 MR. LOWE: I've got a few questions
19 pertaining to all this, if I may?

20 THE HEARING EXAMINER: Absolutely. Mr.
21 Lowe, I'm doing all the talking, but you please feel
22 free to jump in and take over.

23 MR. LOWE: Well, I just want to get a
24 understanding fully of the status conferences that
25 usually are held, and that was usually processed and

1 done mainly by our previous. I just want to get an
2 understanding. I know the majority of these cases
3 are -- they come forth to pick a future hearing date.

4 And in cases like this, does OCD
5 hardline confirm those dates with you all, or does the
6 OCD come back afterwards to determine those dockets
7 are available for those dates? I know Marlene is not
8 here, so she usually kind of solidifies those dates.
9 I was -- this is a question just for all the attorneys
10 that were presented just now. How does that usually
11 work?

12 MR. BRUCE: Mr. Lowe, Jim Bruce here.
13 I think a lot of us started asking -- the attorneys
14 started asking for status conferences because
15 sometimes we want a specific hearing date, and Mr.
16 Brancard would say that docket is full. And so rather
17 than file a motion for continuance with a date that
18 was unacceptable to the Division, a lot of people just
19 asked for a status conference, got a fixed hearing
20 date, and then filed the motion for a continuance.

21 And in this particular case, like I
22 said, ConocoPhillips, I think, wanted more time to
23 settle things out, and Matador had requested of me,
24 although Matador is not objecting to, a longer
25 continuance, but that's it in a nutshell.

1 MR. LOWE: Okay. Well, I guess my --
2 that position I understand. I guess the dates that
3 were presented by all the applicants, is that a solid
4 date and confirmed via OCD other than hearing?
5 Because I know Marlene has -- she keeps track of all
6 the dockets for future dockets, and I was just curious
7 to know if those dates were solid usually?

8 MR. BRUCE: Usually if you're asking
9 for a two-month continuance, it's solid. I have put
10 in motions -- like, if I was putting in one today to
11 move a case to May 18th, the Division may say, no,
12 that's full. And so I put in the motion for the next
13 available date. But I mean, it's always up to the
14 Division in the end. But I think moving this one out
15 two months is -- I'm pretty sure that's a rock solid
16 date we can rely on.

17 MR. LOWE: Okay. Thank you.

18 THE HEARING EXAMINER: Well, again,
19 this is a learning process for me, so, you know,
20 thanks for raising that, Mr. Lowe. I wasn't aware of
21 that. And without Marlene here today, you know, I'm
22 even more handicapped than I would be otherwise.

23 So it's probably a good idea to put in
24 your motions, you know, requesting that it be heard on
25 a specific date or the language Mr. Bruce proposed, or

1 the next available hearing date. That would provide
2 the flexibility that may be required to schedule these
3 things on an alternative future date.

4 Anything else, Mr. Lowe? And again, I
5 didn't mean to cut you off. You jump in whenever you
6 feel it's necessary, okay?

7 MR. LOWE: Oh, that's fine. We're all
8 on this learning curve. Thank you.

9 THE HEARING EXAMINER: Okay. All
10 right. Let's move on to case number 11, which is case
11 number 23304, COG Operating.

12 May I have an entry of appearance for
13 the applicant in that case?

14 MS. MCLEAN: Hi, good morning. Jackie
15 McLean on behalf of COG Operating.

16 THE HEARING EXAMINER: Good morning,
17 Ms. McLean.

18 Let me also have entry of appearance
19 for any other parties?

20 Hearing none, entry of appearance for
21 any interested persons who are nonparties?

22 Hearing none, Ms. McLean, back to you.
23 I note that here I've got my notes. This case was
24 presented by affidavit on April the 6th, and exhibits
25 were admitted, but there was apparently missing proof

1 of notice to BLM and the State Land Office. Did I get
2 that right?

3 MS. MCLEAN: Yes, Mr. Examiner. We
4 have since filed supplemental exhibits that show that
5 a notice letter was sent to the State Land Office and
6 BLM. And we included the certified mail return. So I
7 believe now that the case can be taken under
8 advisement.

9 (Item 11 Supplemental Exhibits were
10 marked for identification.)

11 THE HEARING EXAMINER: Okay. All
12 right. There were no other interested persons or
13 parties.

14 So, Mr. Lowe, let me ask you. Do you
15 need anything else for this case, or do you have any
16 questions for Ms. McLean?

17 MR. LOWE: I just want to reassure that
18 the -- I guess the missing notices that you indicated
19 just now, those, all the exhibits were submitted to
20 the OCD; correct?

21 MS. MCLEAN: Yes, sir.

22 MR. LOWE: Okay. I want to reassure
23 that. I haven't had a chance to look at the exhibits
24 entirely. But thank you for that. That's all I have.

25 MS. MCLEAN: Thank you.

1 THE HEARING EXAMINER: Ms. McLean, are
2 those -- do you need to formally admit those exhibits,
3 or anything? I mean, you filed them. Is there
4 anything else you need to make sure that they're in
5 the record?

6 MS. MCLEAN: I believe you just need to
7 say that they'll be added to the record and that the
8 case will be taken under advisement, and then that's
9 that.

10 THE HEARING EXAMINER: Okay. All
11 right. Well, okay, those exhibits -- and I assume
12 they're numbered, or whatever, but you've already
13 filed them -- those exhibits will be added to the
14 record, and the case then will be taken under
15 advisement.

16 (Item 11 Supplemental Exhibits were
17 received into evidence.)

18 MS. BENNETT: Very quickly. I'm sorry,
19 everyone. This is Deana Bennett at Modrall Sperling,
20 and I had entered an appearance in this case. This is
21 the case 23304; correct?

22 THE HEARING EXAMINER: Yeah, 23304.

23 MS. BENNETT: Yes. I apologize for not
24 jumping in right away when you called the case. But
25 I --

1 THE HEARING EXAMINER: It's too late,
2 Ms. Bennett. Just kidding. Go ahead.

3 MS. BENNETT: Well, and I just wanted
4 to make sure that my entry of appearance was on the
5 record. So Deana Bennett, Modrall Sperling, on behalf
6 of Chevron USA, Inc., in these -- in this case. And
7 no objection to the admission of the exhibits or the
8 case being taken under advisement.

9 THE HEARING EXAMINER: Okay. All
10 right. Thank you, Ms. Bennett.

11 MS. BENNETT: Thank you.

12 THE HEARING EXAMINER: Anything else,
13 Ms. McLean?

14 MS. MCLEAN: No. That's all for this
15 case.

16 THE HEARING EXAMINER: Mr. Lowe,
17 anything else based on Ms. Bennett's entry of
18 appearance or otherwise?

19 MR. LOWE: No. Thank you.

20 THE HEARING EXAMINER: All right.
21 Thank you all. And we'll move on to item number 12,
22 which is case number 23407, Mewbourne Oil.

23 May I have an entry of appearance for
24 the applicant?

25 Mr. Examiner, Jim Bruce, representing

1 the applicant.

2 THE HEARING EXAMINER: And may I have
3 an entry of appearance for any other parties?

4 Okay. Entry of appearance for any
5 other interested persons?

6 Hearing none --

7 MR. BRUCE: Mr. Examiner?

8 THE HEARING EXAMINER: Yeah, go ahead,
9 Mr. Bruce.

10 MR. BRUCE: I would note for the record
11 that Mr. Padilla had entered an appearance for MAR Oil
12 and Gas, M-A-R Oil and Gas, did not object to the
13 presentation of the case by affidavit, but he is
14 involved in this case. But I don't -- I don't know
15 where he disappeared to.

16 THE HEARING EXAMINER: Oh, okay. Yeah,
17 he was here earlier.

18 MR. BRUCE: Yeah.

19 THE HEARING EXAMINER: Okay. So my
20 notes say that there was a prehearing statement filed
21 April 26th or April 28th, and that you noticed a
22 spreadsheet and C102s were filed on May the 1st.

23 MR. BRUCE: Yeah. I can explain, Mr.
24 Examiner. This case was basically presented a couple
25 of weeks ago, but Mr. Branford pointed out that I had

1 failed to file a prehearing statement. Actually, he
2 had mentioned that at a prior hearing on this matter.

3 And for reasons unknown to me, I went
4 and looked in my file, and I had prepared a prehearing
5 statement a couple of months ago but never filed it
6 with the Division. So I had to file that in order for
7 the Division to be able to take the case under
8 advisement.

9 And some basic exhibits were presented
10 on April 26th, and the matter was continued. But I
11 think the exhibit package contains the usual Exhibit
12 1, the application and proposed notice; Exhibit 2, the
13 landman's affidavit; Exhibit 3, the geologist's
14 affidavit, Exhibit 4, the affidavit of mailing, and
15 Exhibit 5, the publication affidavit.

16 (Item 12 Exhibit 1 through Exhibit 5
17 were marked for identification.)

18 MR. BRUCE: But supplemental filings
19 were made because the Division wanted the C102 updated
20 to show the pool, pool code, and acreage, which I did.
21 I had to supplement the record to show additional --
22 the green cards that have come in. And the Division
23 likes a Division certified notice spreadsheet, which
24 was submitted as Exhibit 7. And the pooling
25 checklist, which is marked Exhibit 8. I think the

1 exhibit package is -- packages are complete.

2 (Item 12 Exhibit 7 and Exhibit 8 were
3 marked for identification.)

4 MR. BRUCE: The only thing I would
5 notice is the Exhibit 7, the spreadsheet, lists two
6 parties being pooled, an additional party or two were
7 identified in my affidavit of mailed notice, which is
8 Exhibit 4, but those parties have come to terms with
9 Mewbourne Oil Company. So the only two parties being
10 pooled are shown in Exhibit 7.

11 And with that, I think the exhibit
12 packages are complete, and I would move the admission
13 of Exhibits 1 through 8 and ask that the case be taken
14 under advisement.

15 THE HEARING EXAMINER: Okay. Am I
16 understanding that this case was presented at an
17 earlier hearing by affidavit without objection?

18 MR. BRUCE: That is correct. Two weeks
19 ago.

20 THE HEARING EXAMINER: And Mr. Padilla
21 was present at that hearing and on the record agreed
22 to the case being presented by affidavit?

23 MR. BRUCE: That is correct, and I
24 think it might have even -- he might have entered an
25 appearance in an earlier docket on this case also.

1 But you are correct.

2 THE HEARING EXAMINER: Okay. And I'm
3 not seeing him in the list here.

4 Mr. Padilla, you're not present -- not
5 present at this time?

6 THE HEARING EXAMINER: All right.
7 Those exhibits will be admitted into evidence, Mr.
8 Bruce, made a part of the record in this case, and the
9 case will be taken under advisement at this time.

10 (Item 12 Exhibit 1 through Exhibit 8
11 were received into evidence.)

12 THE HEARING EXAMINER: I do want to
13 offer Mr. Lowe an opportunity to ask any questions if
14 he has any questions.

15 MR. LOWE: Mr. Bruce, I just want to
16 get an understanding for sure. This case, 23407,
17 pertains to two Sunrise wells; correct?

18 MR. BRUCE: Correct. Two wells in the
19 well unit, Purple Sage-Wolfcamp gas pools.

20 MR. LOWE: And these wells are standard
21 in all aspects; is that correct?

22 MR. BRUCE: Correct.

23 MR. LOWE: Okay.

24 MR. BRUCE: Yeah. This is not a
25 proximity tract case.

1 MR. LOWE: Okay. That's the only
2 questions I have. Thank you.

3 THE HEARING EXAMINER: All right. Then
4 we'll move on to item number 12 [sic] on the docket,
5 which is case number 23407 [sic], Mewbourne Oil
6 Company. Mr. Bruce, I assume that's you again?

7 MR. BRUCE: That is correct.

8 THE HEARING EXAMINER: Are there any
9 other parties to this case?

10 Are there any other interested persons
11 to this case?

12 THE HEARING EXAMINER: All right. Mr.
13 Bruce, I see here that this case also was heard on
14 April the 6th, but it was apparently missing a pooling
15 checklist. There needed to be a revised affidavit of
16 mailing, corrected C102s, and proof of notice to BLM.
17 Can you update us on all that?

18 MR. BRUCE: Yes. Yeah, the case was
19 heard -- was presented on April 6th, and additional
20 filings were required. And it was continued for a
21 month because I had to give -- with respect to the
22 nonstandard unit, I had to give notice to the Bureau
23 of Land Management, which is required by Division
24 rules, when the offset -- when any of the offset
25 acreage is owned by the federal government.

1 And so the exhibits were presented, and
2 all of the updates were filed, you know? Again, what
3 was required was I -- besides the exhibits listed in
4 the main packet, I filed updated C102s.

5 I would note that this is the first
6 case I've ever seen where there were two C102s per
7 well. And the reason is, is because these are two-
8 mile laterals, and one mile of the lateral is in one
9 Division-designated pool, and one mile of the lateral
10 is in a separate Division-designated pool. So that's
11 how the Division handled the issuance of the -- or the
12 approval of the C102s.

13 But Exhibit 4, my mailing affidavit was
14 updated. There was some mistakes in the pooling
15 checklist, which I have corrected. And I submitted an
16 Exhibit 7, the certified notice spreadsheet, which
17 gives the status of notice to everyone.

18 (Item 13 Exhibit 4 and Exhibit 7 were
19 marked for identification.)

20 MR. BRUCE: And then just a couple of
21 days ago, I filed what is marked as Exhibit 8-A, which
22 is the -- I did file somewhere in the mess here, I
23 filed a certificate of mailing, my affidavit of
24 mailing to the BLM, and then I updated it with Exhibit
25 8-A, which shows that the BLM did indeed receive the

1 actual notice, certified notice of the mailing.

2 (Item 13 Exhibit 8-A was marked for
3 identification.)

4 MR. BRUCE: So I believe at this point,
5 all of the updates have been -- that the Division
6 requested have been complied with. And I would move
7 the admission of Exhibits 1 through 8 into the record
8 and request that the matter be taken under advisement.

9 THE HEARING EXAMINER: Okay. There are
10 no other interested parties or persons in this case;
11 is that correct?

12 MR. BRUCE: That is correct.

13 THE HEARING EXAMINER: All right.
14 Those exhibits will be admitted and made a part of the
15 record, and the case will be taken under advisement.

16 (Item 13 Exhibit 1 through Exhibit 8-A
17 were received into evidence.)

18 THE HEARING EXAMINER: Mr. Lowe, do you
19 have questions?

20 MR. LOWE: Just to reassure, this is
21 case 23409; correct?

22 THE HEARING EXAMINER: Yes.

23 MR. BRUCE: Yeah.

24 MR. LOWE: Okay.

25 MR. BRUCE: And one thing, Mr. Lowe, if

1 you would like me to file another pleading show the --
2 the separate notice given to the offsets just to
3 clarify what you brought up earlier to show who was
4 pooled and who was simply notified as an offsetting
5 operator, I would be glad to do that just to make life
6 easier on you guys.

7 MR. LOWE: Well, this whole -- or that
8 would be good.

9 MR. BRUCE: I'll take care of that.

10 MR. LOWE: Now, we'll make a note of
11 that additional -- that additional exhibit will be --
12 we'll just have our radars out just to receive that.

13 MR. BRUCE: Okay. I will file those
14 shortly.

15 MR. LOWE: And these wells are standup
16 wells, 40-acre spacing; correct?

17 MR. BRUCE: Correct.

18 MR. LOWE: And they are ...

19 MR. BRUCE: And the nonstandard unit,
20 this is not a proximity tract unit. The wells are
21 standard locations. The nonstandard unit is requested
22 to minimize surface use and surface facilities and
23 saves a little cost on those.

24 MR. LOWE: And the two pools you
25 mentioned, they are both Bone Springs; right?

1 MR. BRUCE: That is correct.

2 MR. LOWE: Okay.

3 MR. BRUCE: Yeah, one is -- one is the
4 Antelope Ridge West Pool, and one is the Antelope
5 Ridge Northwest Pool.

6 MR. LOWE: Okay. Those are the only
7 questions I have. Thank you, Mr. Bruce.

8 MR. BRUCE: Thank you.

9 THE HEARING EXAMINER: So, Mr. Bruce,
10 just to be clear, then, we'll take this case under
11 advisement subject to your filing of these
12 additional -- this additional exhibit that you're
13 promising to file; okay?

14 MR. BRUCE: Yes, sir.

15 THE HEARING EXAMINER: All right. So
16 moving on to -- I believe it'll be your next case or
17 two cases, I think, docket number 14 and 15, cases
18 23419, 23420. My understanding is that these cases
19 are related.

20 Mr. Bruce, are these your two cases?

21 MR. BRUCE: Yes, sir.

22 THE HEARING EXAMINER: So I'm going to
23 take that as an entry of appearance for the applicant
24 in 23419 and 23420; correct?

25 MR. BRUCE: Correct.

1 THE HEARING EXAMINER: Are there any
2 other interested persons -- I should say any other
3 interested parties in 23419, 23420?

4 MR. SAVAGE: Good morning, Mr.
5 Examiner. Good morning, technical examiners. Darin
6 Savage with the Santa Fe Office of Abadie & Schill on
7 behalf of Devon Energy Production Company. And we
8 have no objection to these cases being finalized.

9 THE HEARING EXAMINER: Thank you, Mr.
10 Savage.

11 Are there any other interested nonparty
12 persons interested in 23419, 23420?

13 Okay. Hearing none, my understanding,
14 Mr. Bruce, these cases also were presented by
15 affidavit, and exhibits were admitted on April the
16 6th. But there were documents that were still needed,
17 a corrected checklist, notice of -- proof of notice,
18 and C102s. Can you update us on all that?

19 MR. BRUCE: Yes, sir. Yeah, the case
20 was presented. The usual exhibits were submitted, but
21 I needed -- I did file pooling checklist, but it was
22 pointed out that there were a couple of typos in the
23 pooling checklist, so I corrected and refiled both
24 pooling checklists as Exhibits 6-A and 6-B.

25 (Item 14-15 Exhibit 6-A and 6-B were

1 marked for identification.)

2 MR. BRUCE: And then I got the -- I got
3 the C102s updated because the Division wanted the pool
4 name and pool code and the acreage blocks filled in.
5 And I've taken care of that. And then I also filed a
6 certified notice spreadsheet as Exhibit 7.

7 (Item 14-15 Exhibit 7 was marked for
8 identification.)

9 MR. BRUCE: There were five parties
10 being pooled -- six parties, actually, and they all
11 received certified notice, and they all received the
12 certified mail letter sent to them. So I believe
13 everything is updated, and the Division received what
14 they requested.

15 And I ask that the exhibits 1 through 8
16 be admitted into the record in the cases -- in each
17 case, and the matters being taken under advisement.

18 THE HEARING EXAMINER: Thank you, Mr.
19 Bruce.

20 Mr. Savage, anything to add or any
21 objections to any of that?

22 MR. SAVAGE: No objections. Thank you.

23 THE HEARING EXAMINER: Mr. Lowe, any
24 questions for Mr. Bruce?

25 MR. LOWE: No, I have no questions.

1 Thank you.

2 THE HEARING EXAMINER: All right. Mr.
3 Bruce, the exhibits will be admitted and made a part
4 of the record, and the case will be -- these two cases
5 will be taken under advisement.

6 (Item 14-15 Exhibit 1 through Exhibit 8
7 were received into evidence.)

8 MR. BRUCE: Thank you.

9 THE HEARING EXAMINER: Okay. Next item
10 is case number 16 -- case 16, case number 22423,
11 Mewbourne Oil. If I understand correctly, cases
12 22424, 425, and 426 are all related to that case. Is
13 that correct, Mr. Bruce?

14 MR. BRUCE: That is correct, and I'm
15 entering this case on behalf of Mewbourne.

16 THE HEARING EXAMINER: You're entering
17 your appearance in all four of those cases today?

18 MR. BRUCE: Correct.

19 THE HEARING EXAMINER: All right. Are
20 there other interested parties in 22423 through 22426?

21 MS. VANCE: Good morning, Mr. Hearing
22 Examiner and technical examiners. Paula Vance with
23 the -- Office of Holland & Hart on behalf of MRC
24 Permian Company. And we have no objection to these
25 cases moving forward by affidavit.

1 THE HEARING EXAMINER: All right.

2 Thank you, Ms. Vance. Any other --

3 MS. BENNETT: Good morning.

4 THE HEARING EXAMINER: I'm sorry. Ms.
5 Bennett?

6 MS. BENNETT: Yes. Thank you. This is
7 Deana Bennett from Modrall Sperling. And we had
8 entered an appearance on behalf of Colgate Operating,
9 LLC, in all of these cases, but we have since
10 withdrawn our entry of appearance, and I'm only
11 clarifying that since we're still shown as having an
12 appearance in the cases on the docket worksheet.

13 THE HEARING EXAMINER: Okay. Thank
14 you, Ms. Bennett.

15 MS. BENNETT: Thank you.

16 THE HEARING EXAMINER: Are there any
17 other interested persons in these four cases?

18 All right. My understanding, again,
19 Mr. Bruce, this was presented on April the 6th by
20 affidavit, but there were missing checklists, proof of
21 notice, and apparently, exhibits were submitted too
22 late to be admitted at the April 20th hearing. Do you
23 want to update us on the status of the documents in
24 these four cases?

25 MR. BRUCE: Yes, Mr. Examiner. The

1 primary exhibits were submitted on April 6th, which
2 were Exhibit 1, the applications and proposed notices,
3 the landman's affidavit and the geologist's affidavit,
4 and the affidavit of mailing, and most of the
5 publication affidavits.

6 (Item 16-19 Exhibit 1 was marked for
7 identification.)

8 MR. BRUCE: One thing was that in going
9 through this matter, which goes back a couple of years
10 in time, I never received a -- the actual affidavit of
11 publication for case 426 from the Hobbs newspaper, so
12 I had to republish.

13 I mean, I did submit proof that I --
14 there was a publication notice, but I never received
15 an affidavit of publication from the newspaper. So I
16 republished. And in that particular case, the new
17 affidavit of publication in Lea County has been
18 submitted as Exhibit 7 in that case.

19 (Item 16-19 Exhibit 7 was marked for
20 identification.)

21 MR. BRUCE: So what I have done is I
22 updated the Exhibit 4 with the -- all of the green
23 cards and return mail in each case.

24 (Item 16-19 Exhibit 4 was marked for
25 identification.)

1 MR. BRUCE: I've revised the pooling
2 checklist, submitted that as Exhibit 6 in each case.

3 (Item 16-19 Exhibit 6 was marked for
4 identification.)

5 MR. BRUCE: And I did a certified
6 mailing spreadsheet, which has been marked Exhibit 8
7 in each case.

8 (Item 16-19 Exhibit 8 was marked for
9 identification.)

10 MR. BRUCE: And I submitted the revised
11 Form C102, which are, you know, the acreage dedication
12 plat, to again include pool, pool code, and acreage in
13 each well unit.

14 (Item 16-19 Exhibit was marked for
15 identification.)

16 MR. BRUCE: So I would move the -- I
17 think the exhibit packages are now complete, and I
18 would move the admission of Exhibits -- basically, 1
19 through 9 in the first two cases, and Exhibits 1
20 through 8 in cases 425 and 426, and ask that the
21 matters be taken under advisement.

22 THE HEARING EXAMINER: Ms. Vance, any
23 objections or comments based on what Mr. Bruce just
24 said and requested?

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

1 Thank you.

2 THE HEARING EXAMINER: Mr. Lowe, do you
3 have questions for Mr. Bruce related to any of these
4 four cases?

5 MR. LOWE: I just want to get, I guess,
6 a clear understanding of what happened.

7 Mr. Bruce, from what, I guess, what you
8 indicated just now verbally, that this case was
9 initially heard, but there was no proof of green cards
10 presented at hearing at that time; correct?

11 MR. BRUCE: Correct, Correct.

12 MR. LOWE: And then you did -- well, at
13 that time also, you also did a public notice in a
14 paper, but you never received anything back from the
15 newspaper indicating that notice was provided in the
16 paper; correct?

17 MR. BRUCE: Yes. I mean, I had given,
18 you know -- this is going back quite a ways -- I had
19 provided certified notice to all the parties, and I
20 had published -- this case involves land in both Eddy
21 County and Lea County. And so I had to do publication
22 notice of each case in each county. And so there were
23 eight publication notices. And I did not receive one,
24 which is in case 426 from Lea County. So I did
25 published notice again, and that has been submitted to

1 the Division in case 426 as ...

2 MR. LOWE: And the --

3 MR. BRUCE: As --

4 MR. LOWE: The public notice in the
5 newspapers was done because you did not receive return
6 green cards from, I guess -- persons --

7 MR. BRUCE: There were three or four
8 persons in each case who the mail was returned
9 "undelivered." And so that is why, yes.

10 MR. LOWE: Okay. And then you also --
11 I think I heard you say that you updated a checklist
12 and that checklist was for case number 22426; right?

13 MR. BRUCE: Well, I submitted --
14 resubmitted pooling checklists for all four cases
15 because Mr. McClure pointed out that I had a couple of
16 typos. This is a Bone Spring -- these are Bone Spring
17 oil pools, and in the line on the pooling checklist, I
18 had marked them as gas wells. So I had to correct
19 that.

20 And then there was one other error.
21 You know, I had pulled up a form, and when preparing
22 the checklist for a Wolfcamp well. So under the
23 geology section, it had stated, when it asked
24 formation being pooled, I put Wolfcamp, or I had
25 forgotten to revise that. So I made those two

1 corrections to each pooling checklist and resubmitted
2 them. So I believe they are now -- I hope --
3 hopefully, they are typo-free now.

4 MR. LOWE: Well, we all hope for that
5 typo-free stance. But okay. Thank you for that
6 clarification. Those are all the questions I have to
7 you.

8 THE HEARING EXAMINER: Okay. Thank
9 you, Mr. Lowe.

10 All right, Mr. Bruce, with all of that,
11 then, Exhibits 1 through 9 in 22423 and 22424 will be
12 admitted and made part of the record.

13 (Item 16-17 Exhibit 1 through Exhibit 9
14 were received into evidence.)

15 THE HEARING EXAMINER: Exhibits 1
16 through 8 in 22425 and 426 will be admitted and made a
17 part of the record.

18 (Item 18-19 Exhibit 1 through Exhibit 8
19 were received into evidence.)

20 And the case will be -- cases will be
21 taken under advisement.

22 THE HEARING EXAMINER: I see that we've
23 been going for almost an hour. I don't know what the
24 usual protocol is, but why don't we take a ten-minute
25 break and reconvene at 9:35.

1 MR. BRUCE: Thank you.

2 THE HEARING EXAMINER: All right.

3 We'll look to see you all back, bright-eyed and bushy-
4 tailed in ten minutes.

5 (Off the record.)

6 THE REPORTER: We are now back on the
7 record.

8 THE HEARING EXAMINER: Okay. Thank
9 you. All right. We're back on the record. And we're
10 here. We're down to docket item number 20, which is
11 case 23432. And if I'm understanding correctly, 23433
12 and 23434, all three of these cases are related. In
13 23432, may I have an entry of appearance for the
14 applicant?

15 MS. HARDY: Mr. Examiner, Dana Hardy
16 with Hinkle Shanor on behalf of Permian Resources.
17 And all of these case are related. And if it's
18 acceptable, I would like to consolidate them.

19 THE HEARING EXAMINER: Well, you're
20 anticipating my next question. I was going to ask if
21 you wanted these consolidated or separate
22 presentation. Am I understanding that you would
23 present these cases all together?

24 MS. HARDY: That's correct. Thank you.

25 THE HEARING EXAMINER: Thank you.

1 May I have entry of appearances for any
2 other parties in this case?

3 Hearing none, are there entries of
4 appearances -- I'm sorry?

5 MR. BRUCE: Mr. Examiner, Jim Bruce.
6 In case 23434 only, I had entered an appearance for
7 Red River Energy and a couple of related entities, but
8 they have settled out with the applicant. And the
9 docket sheet says I entered an appearance for
10 Mewbourne, but that is incorrect. It was Red River
11 Energy. And -- but we withdrew any objection to this
12 matter, and so Ms. Hardy can proceed by affidavit.

13 THE HEARING EXAMINER: Okay. All
14 right. Okay. So just to make sure the record is
15 clear, are there any other parties, current parties,
16 with an interest in these three matters?

17 Are there any other interested persons?

18 All right. So, Ms. Hardy, my next
19 question was going to be whether you would present
20 this case by affidavit, and since no one objects,
21 that's going to be up to you.

22 MS. HARDY: Mr. Examiner, yes. And
23 these cases were actually presented by affidavit
24 previously on the prior docket, and they were
25 continued to today only for purposes of allowing us to

1 submit our publication notice because the newspaper
2 had failed to publish the correct notice in a timely
3 manner.

4 So they have now done that. And we
5 submitted our publication affidavits as supplemental
6 exhibits on Tuesday. So I would ask that those be
7 admitted and that these cases be taken under
8 advisement.

9 (Item 20-22 Supplemental Exhibits were
10 marked for identification.)

11 THE HEARING EXAMINER: All right.
12 Thank you, Ms. Hardy.

13 Mr. Lowe, any questions on these cases?

14 MR. LOWE: Yeah, just a quick question,
15 Ms. Hardy. Hopefully, it's a quick question. I just
16 want to get -- I know it was presented earlier before,
17 but this case pertains to two wells; correct?

18 MS. HARDY: There are three cases, Mr.
19 Lowe.

20 MR. LOWE: Yes. Okay.

21 MS. HARDY: And I don't have in front
22 of me exactly which wells are in which cases, but I
23 believe there are multiple wells in each case.

24 MR. LOWE: Okay. That is fine, then.
25 I have no more questions. Thank you.

1 MS. HARDY: Thank you.

2 THE HEARING EXAMINER: Okay, Ms. Hardy.
3 So your publications affidavits will be admitted into
4 evidence in this case and made a part of the
5 record -- these cases, I should say -- and 23432, 433,
6 and 434 will be taken under advisement.

7 (Item 20-22 Supplemental Exhibits were
8 received into evidence.)

9 MS. HARDY: Thank you very much.

10 THE HEARING EXAMINER: Anything
11 further?

12 MS. HARDY: Nothing further. Thank
13 you.

14 THE HEARING EXAMINER: Sure. Thank
15 you.

16 All right. Moving along to item number
17 23, which is case 23254, V-F Petroleum.

18 May I have an entry of appearance in
19 that case for the applicant?

20 MS. MCLEAN: Jackie McLean with Hinkle
21 Shanor on behalf of V-F Petroleum.

22 THE HEARING EXAMINER: Okay. And Ms.
23 McLean, am I correct that this is related to 23255, as
24 well?

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

1 THE HEARING EXAMINER: So are we going
2 to be talking about both of those cases at the same
3 time this morning?

4 MS. MCLEAN: Yes. They were both
5 continued for the same reason.

6 THE HEARING EXAMINER: Ms. Bennett, I'm
7 seeing you activated your video, and there must be a
8 reason for that?

9 MS. BENNETT: Good morning, again, Mr.
10 Examiner. Deana Bennett, Modrall Sperling, and we
11 have entered an appearance on behalf of Apache
12 Corporation in these two cases.

13 THE HEARING EXAMINER: Okay. Thank
14 you.

15 May I have an entry of appearance for
16 any other parties in cases 23254, 23255?

17 Hearing none, is there an entry of
18 appearance for any other interested persons in these
19 two cases?

20 All right. Hearing none, I'll turn
21 this back over to you, Ms. McLean.

22 MS. MCLEAN: Thank you, Mr. Examiner.
23 Case numbers 23254 and 23255 were continued so that
24 V-F could provide notice to the BLM and the State Land
25 Office because these are applications that are seeking

1 approval of a nonstandard spacing unit.

2 We filed a notice of supplemental
3 exhibits in both cases on Tuesday, which showed that
4 we did provide notice to the State Land Office and
5 BLM. And we included the certified mail returns in
6 those supplemental exhibit packets. So we would ask
7 that the exhibits be admitted into the record and that
8 case numbers 23254 and 23255 be taken under
9 advisement.

10 (Item 23-24 Supplemental Exhibits were
11 marked for identification.)

12 THE HEARING EXAMINER: All right. My
13 understanding is both those cases were presented by
14 affidavit on April the 6th, and it was just these --
15 these exhibit glitches that prevented the cases from
16 being taken under advisement at that time; is that
17 right?

18 MS. MCLEAN: That's correct.

19 THE HEARING EXAMINER: Ms. Bennett, do
20 you have any objections or comments you wish to make
21 at this time based on Ms. McLean's statements and
22 requests?

23 MS. BENNETT: No, I do not. Thank you
24 very much, Mr. Examiner.

25 THE HEARING EXAMINER: Mr. Lowe,

1 questions from you, please?

2 MR. LOWE: I have no questions. Thank
3 you.

4 THE HEARING EXAMINER: Okay. The
5 supplemental exhibits will be admitted into evidence
6 and made a part of the record in these two cases, and
7 cases 23254 and 23255 will be taken under advisement.

8 (Item 23-24 Supplemental Exhibits were
9 received into evidence.)

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

11 THE HEARING EXAMINER: All right. We
12 are on to item number 25, which is case number 23456,
13 Matador Product.

14 May I have an entry of appearance for
15 the applicant.

16 MR. RANKIN: Good morning, Mr.
17 Examiner. May it please the Division, Adam Rankin
18 appearing on behalf of the applicant in this case,
19 Matador Production Company.

20 THE HEARING EXAMINER: Thank you, Mr.
21 Rankin. Am I correct that this case is related to
22 23257, as well?

23 MR. RANKIN: Yes, Mr. Examiner, it
24 would be case number 23457, I believe.

25 THE HEARING EXAMINER: I'm sorry. I'm

1 scheduled for cataract surgery, and the writing on
2 this -- yeah, it is 23457.

3 MR. RANKIN: No problem.

4 THE HEARING EXAMINER: It's hard for me
5 to distinguish. My right eye is not as good as it
6 used to be, but thanks for that correction.

7 Okay. My understanding is these are
8 both new cases; is that right?

9 MR. RANKIN: Mr. Examiner, these aren't
10 new cases. They are both seeking to amend prior
11 orders that were issued by the Division, compulsory
12 pooling, separate spacing, and in these cases, both
13 Matador seeks to add additional parties to the pooling
14 orders already in place.

15 THE HEARING EXAMINER: Okay. Are there
16 other parties to this case? If so, may I have your
17 entries of appearance?

18 No other parties.

19 Are there any other interested persons
20 in cases 23456, 23457?

21 All right. Hearing none, is this the
22 kind of case that I should be asking the question will
23 proceed by affidavit?

24 MR. RANKIN: That is correct, Mr.
25 Examiner. We have prepared affidavits to proceed with

1 the presentation of the case.

2 THE HEARING EXAMINER: Okay. And take
3 it no one entered their appearance, another party,
4 there's no one to object to that presentation. You
5 may -- you may proceed, Mr. Rankin.

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

7 In these two cases, as I mentioned,
8 Matador seeks to add additional parties to the
9 existing pooling orders.

10 In case 23469, Matador seeks to amend
11 Division Order R-21100-B to allow for -- I'm sorry. I
12 skipped to the wrong case. I'm sorry. In this case,
13 both cases, Matador seeks to amend Order R-21811 in
14 case number 23456 and to amend R-21812 in case number
15 23457.

16 As I mentioned, in both cases, they're
17 seeking to add additional parties to the terms of the
18 existing pooling orders in each case. The orders,
19 each created a standard 320-acre horizontal well
20 spacing unit that involve the north half of Sections
21 14 and 15, all in Township 24 South, Range 28 East, in
22 Eddy County, New Mexico.

23 In the first case, 23456, that spacing
24 unit is comprised of the north half of Sections 14 and
25 15 and is dedicated to two Bubba Burton wells and that

1 have already been drilled and are producing in the
2 spacing unit under the existing order, R-21811.

3 In case 23457, the existing spacing
4 unit is comprised of the south half -- north half of
5 Sections 14 and 15, and is dedicated to two Ken Wilson
6 wells, and those wells are drilled and are producing
7 under the existing order, R-21812.

8 Mr. Examiner, we filed an exhibit
9 packet containing Exhibits A through D, with their
10 attachments. Exhibit A is a copy of the application
11 that was filed in this case -- in these cases,
12 identifying the existing order and wells and spacing
13 units, and indicating that we are seeking to add
14 additional parties that that matter has discovered
15 through updated title work.

16 (Item 25-26 Exhibit A was marked for
17 identification.)

18 MR. RANKIN: Exhibit B is a copy of the
19 affidavit of Matador's landman, Ms. Hannah Bollenbach
20 [ph]. Ms. Bollenbach has previously testified before
21 the Division, and she has had her credentials as an
22 expert in petroleum land matters, accepted as a matter
23 of record.

24 (Item 25-26 Exhibit B was marked for
25 identification.)

1 MR. RANKIN: She reviews in her
2 affidavit in each case, the existing pooling orders
3 and the wells that are dedicated and producing to each
4 of those existing spacing units. She reviews the
5 history and explains that since the order pooling
6 those pieces, Matador has received updated title for
7 each of the units and has identified additional
8 parties who were not previously pooled or have not
9 previously committed their interests voluntarily to
10 either of the spacing units.

11 Exhibit B-1, just for the Division's
12 information of record, are the C102s for each of the
13 wells that are drilled and dedicated to each of the
14 spacing units. The C102s reflect that the wells have
15 been assigned to the Malaga Bone Spring pool, and
16 there are no depth severances or ownership severances
17 within the spacing units.

18 (Item 25-26 Exhibit B-1 was marked for
19 identification.)

20 MR. RANKIN: Exhibit B-2 is a tract map
21 that identifies the tracts in each of the units that
22 contain working interests, okay, that Matador has
23 identified that remain unpooled.

24 (Item 25-26 Exhibit B-2 was marked for
25 identification.)

1 MR. RANKIN: Both spacing units are
2 comprised entirely of fee acreage. She reflects that
3 in her Exhibit C-2 [sic], she identifies only the
4 tracts that -- for which there are owners who remain
5 uncommitted and who Matador seeks to pool.

6 You'll note, Mr. Examiner, when you
7 review that tract map on B-2 that the tracts are very
8 small. And these tracts, because it's close to a
9 subdivision area of where it's populated, there is a
10 wide array of small tracts and ownership within the
11 spacing units. So you'll see that the tracts for
12 which there are owners that remain uncommitted,
13 they're very small tracts that are interspersed
14 throughout each of the spacing units.

15 Ms. Bollenbach then identifies the
16 efforts that Matador has made to identify and locate
17 each of those parties using various online computer
18 databases and resources and reviews their efforts to
19 reach agreement with each of those parties. She
20 included with her affidavit a copy of the additional
21 working interests, owners, and parties that need to be
22 pooled, as well as the overriding royalty interests
23 that require pooling, as well.

24 Attached to her exhibit is an
25 affidavit, Exhibit B-5, which is a sample of the well

1 proposal letters and the AFEs for costs that were sent
2 to each of the working interests and unleased mineral
3 interest owners that Matador seeks to pool in each
4 case. The costs reflected are consistent with what
5 Matador has otherwise incurred for drilling similar
6 wells in the area.

7 (Item 25-26 Exhibit B-5 was marked for
8 identification.)

9 MR. RANKIN: As I mentioned, Matador
10 has undertaken and she reviews her efforts to identify
11 and reach agreement with each of these parties,
12 including sending out multiple notifications and well
13 proposals to different addresses. She explains the
14 fact that these are very small tracts, with many
15 owners of undivided interests. And so it was a
16 significant effort to identify and locate each of
17 these parties.

18 Her Exhibit B-7 is a summary of the
19 efforts to reach agreement with each of these parties,
20 as well.

21 (Item 25-26 Exhibit B-7 was marked for
22 identification.)

23 MR. RANKIN: She explains that efforts
24 to send multiple proposals and communications to each
25 of those parties in her affidavit. Matador is seeking

1 administrative and overhead costs of \$8,000 per month
2 while drilling and \$800 per month while producing.

3 Exhibit B -- sorry -- Exhibit C is a
4 copy of a self-affirmed statement that I prepared
5 myself, reflecting that we have provided notice to
6 each of the parties identified to us by Matador.

7 (Item 25-26 Exhibit C was marked for
8 identification.)

9 MR. RANKIN: Attached to my letter
10 providing the notice is a copy of the letter that was
11 sent to them along with the postal report reflecting
12 that we have provided for each of the cases, showing
13 that we have provided certified mail to each of those
14 parties along with the status of the delivery as of --
15 I believe it was May, yeah, May 1st.

16 And you'll see that some of them were
17 either undelivered or returned. Therefore, we have
18 also published instructive notice to the newspaper for
19 each case in the Carlsbad Current-Argus. And you'll
20 see Exhibit D is a copy of the affidavit of
21 publication, identifying each of the parties that we
22 have identified as being subject to pulling in these
23 cases.

24 (Item 25-26 Exhibit D was marked for
25 identification.)

1 MR. RANKIN: With that, Mr. Examiner, I
2 would ask that Exhibits A through D be accepted into
3 the record.

4 THE HEARING EXAMINER: Thank you, Mr.
5 Rankin.

6 Mr. Lowe, questions?

7 MR. LOWE: I've got a few questions.
8 Good morning, Mr. Rankin.

9 MR. RANKIN: Good morning, Mr. Lowe.

10 MR. LOWE: Just for sure if I could get
11 a understanding, so, basically, these cases were
12 presented prior, and they're already granted the
13 hearing order, and they on the operator's end, there
14 was information -- that's the part I want to
15 understand. What happened again? You found
16 additional interest owners?

17 MR. RANKIN: Correct, Mr. Examiner, and
18 you'll see in the exhibits -- I'll point you to
19 Exhibit B-3, where you'll see that in this case,
20 Matador has broken down the interests that Matador
21 itself has -- either owns or controls, which -- for
22 each case, which is on the order of, you know, 80
23 percent for each case.

24 (Item 25-26 Exhibit B-3 was marked for
25 identification.)

1 MR. RANKIN: And then you'll see that
2 there is, in addition, a breakout of folks who have
3 voluntarily committed their interests, which is on the
4 order of 16 percent or so for each case. And then
5 there's a breakout for those parties who have
6 previously been pooled under the Division's prior
7 order, which is on the order of 1 to 2 percent in each
8 case.

9 And then you'll see that there's a
10 breakout percentage of parties that remain to be
11 pooled, but they've identified subsequently. And
12 that's on the order of 3 percent, or so, in each case.

13 And you'll see, Mr. Examiner, when you
14 review the list of the interest owners that Matador
15 seeks to pool, that they are very, very small
16 interests, far, far below 1 percent on a unit-wide
17 basis.

18 So you'll see that because of the
19 nature of these tracts, if you go back to Exhibit B-2,
20 you'll see that the tracts that -- for which these
21 owners have an interest, they're very small, and
22 they're interspersed and scattered throughout the
23 spacing unit. And essentially, each of those tracts
24 have a number of undivided interest owners. And some
25 of them have already been pooled.

1 But because of the nature of the
2 interests -- and some of these you'll see are
3 unprobated or remain at the states -- Matador, based
4 on their continued efforts in undertaking additional
5 title work, has identified that there are a number of
6 parties that remain unpooled. And so they've
7 undertaken an effort to reach agreement, to locate
8 those parties, try to get them voluntarily committed
9 by leasing or to participate and having been unable to
10 finally reach agreement with some of them they're
11 seeking to pool so they're under the pooling order.

12 MR. LOWE: Okay. And these guys
13 weren't found the first time?

14 MR. RANKIN: That's correct, Mr.
15 Examiner, they were not.

16 MR. LOWE: Okay. So B-3 is the initial
17 case that was presented? Those are the people that
18 you provided notice for at that time?

19 MR. RANKIN: Mr. Examiner, I'm sorry.
20 Say that again?

21 MR. LOWE: B-3, Exhibit B-3 was their
22 list of parties that were noticed for the case
23 initially; correct?

24 MR. RANKIN: No, no, these are the new
25 parties that require full pooling in this case.

1 MR. LOWE: Okay. And then what's B-7,
2 then?

3 MR. RANKIN: B-7? B-7 is Matador's
4 exhibit, the Chronology of Contacts, which is they're
5 reflecting their efforts to reach agreement and to
6 contact each of those parties.

7 MR. LOWE: Okay. So, basically, B-7 is
8 somewhat the same people identified in B-3 that were
9 not noticed on the initial case?

10 MR. RANKIN: Correct. So B-3 are the
11 additional parties that were identified as not being
12 pooled in the initial case, and it shows their
13 breakout of interest on a unit-wide basis.

14 MR. LOWE: Okay.

15 MR. RANKIN: B-7 is the Chronology of
16 Contacts that reflects Matador's efforts to identify,
17 locate, and reach agreement with each of those parties
18 in this case.

19 MR. LOWE: Okay. And then on the B-7
20 exhibit, on column 4, well, yeah, the last column to
21 the right, the follow-up letters sent, were all those
22 received back?

23 MR. RANKIN: I believe -- I believe --
24 I don't know the answer to that question for sure, Mr.
25 Examiner, but for all those parties where there's a

1 checkmark, those are parties for whom Matador believes
2 they have a valid address, and they have sent multiple
3 attempts to reach agreement with those parties.

4 You'll see that some of them they have
5 identified as being unlocatable, and that would mean
6 simply that they were unable to find a valid address
7 of record for that entity or interest, and so those
8 were determined to be unlocatable after search various
9 computer databases and online records. I will --

10 MR. LOWE: Go ahead.

11 MR. RANKIN: I was going to say I'll
12 point one -- one -- you'll see if you scroll down,
13 it's the second case, Mr. Examiner, and it's on --
14 it's on the PDF page 51. It's the last page of that
15 Chronology of Contacts.

16 You'll see there's -- it identifies --
17 there's a State of New Mexico interest, Property
18 Control Division of the Department of Finance and
19 Administration. You'll see they initially had
20 identified that party as an unlocatable party. But in
21 fact, they subsequently found a valid address. And so
22 they were -- did provide notice to that entity, the
23 State of New Mexico. And you'll see that in Exhibit
24 C. When you go through the record of certified
25 mailing, that party actually did receive notification.

1 MR. LOWE: Okay.

2 MR. RANKIN: So they do have a valid
3 address for it.

4 MR. LOWE: The exhibits here, or I
5 guess an example of -- I don't know -- what we have to
6 go through on our side to decipher once we combine
7 cases you consolidate for hearing. It takes us a
8 while to decipher information for specific cases to
9 write the order. So this is -- I understand -- it
10 looks like you did what you could do on your side, Mr.
11 Rankin, to separate the cases and the exhibits -- have
12 to come through on our side to review it and write up
13 the order, it takes us a while when we're --
14 especially nowadays, I believe, to review everything
15 on one screen.

16 And I think we're trying to figure out
17 on our side what we would like to see for future
18 exhibits to process, somewhat separate cases even
19 though they're combined as far as exhibits go. It
20 takes us a while to try to -- to see what portions
21 pertain to what case.

22 MR. RANKIN: Well, Mr. Examiner, I
23 understand, and maybe we can have an offline
24 discussion about that. I appreciate the wanting to be
25 efficient. We -- you'll see each exhibit is indicated

1 by case number at the top of the page. And so for
2 each -- as well as in the affidavit. So, you know, if
3 there's something we can do to make your life easier,
4 we'd be happy to try to do so.

5 MR. LOWE: Yeah, I think we might be
6 able to -- I don't know, you know? We would like to
7 try to get some sort of guideline in a way on our side
8 and maybe kind of distribute to everybody to receive
9 items. But I know in cases in the past, instances
10 that, you know, we got to -- to do that in a way.

11 But you know, it's -- we all get on the
12 same page with this because I know in the end,
13 everybody in hearing ends up calling to OCD to find
14 where the hearing was or at. And some cases we're
15 just trying to receive and decipher what we have to
16 deal with on our side. So just to kind of, you know,
17 get this -- all of us efficient -- as efficient as
18 bureaucracy will allow us to do. It's kind of --
19 hopefully, we'll get to that time maybe.

20 And then -- and you indicated all these
21 wells are producing; right?

22 MR. RANKIN: Yes, sir.

23 MR. LOWE: And -- okay. Okay. Those
24 are all my questions. Thank you, Mr. Rankin.

25 THE HEARING EXAMINER: Any other

1 questions from, I guess, some other OCD folks on the
2 phone? I just want to make sure there's no one else
3 out there with OCD that has any questions on these two
4 cases?

5 MS. THOMPSON: I just wanted to follow-
6 up. I do think that Mr. Rankin that this case is
7 well-put together for an amendment and it has
8 everything that you need.

9 I think -- well, Mr. Lowe, I was trying
10 to get at was just that, especially on other cases,
11 especially, like, CP cases or nonstandard -- virtual
12 connectivity interruption -- cases that if you have
13 two or three or four cases all in one PDF packet, it
14 just makes it quite a bit harder for us to review
15 them. And for, I guess, my request during our last
16 hearing, we had requested that there be just one case
17 associated with each PDF packet, which also helps out
18 on -- when uploading onto our OCD website by creating
19 smaller file sizes, as well.

20 THE HEARING EXAMINER: Thank you, Ms.
21 Thompson.

22 Mr. Rankin and others, I hope you're
23 taking notes on this.

24 THE HEARING EXAMINER: All right. With
25 that, Exhibits A through D will be admitted into

1 evidence and made a part of the record in these two
2 cases, and these two cases will be taken under
3 advisement.

4 (Item 25-26 Exhibit A through Exhibit D
5 were received into evidence.)

6 THE HEARING EXAMINER: Anything
7 further, Mr. Rankin?

8 MR. RANKIN: No, nothing further.
9 Thank you, Mr. Examiner.

10 THE HEARING EXAMINER: Okay. Thank
11 you.

12 All right. Item number 27 is case
13 number 23458, Tap Rock Operating, LLC.

14 May I have entry of appearance for the
15 applicant?

16 MR. RODRIGUEZ: Good morning, Michael
17 Rodriguez for Tap Rock Operating, LLC. And I would
18 like to consolidate this case with case number 23459.

19 THE HEARING EXAMINER: Okay. 23459.
20 Okay. So this case, what about 23460 and 61? Are
21 those separate matters?

22 MR. RODRIGUEZ: They all pertain to
23 similar acreage. They're overlying each other, but in
24 different formations. So just to keep the record
25 clear, I'd like to just keep it with this formation

1 and then a separate presentation for the other two
2 cases.

3 THE HEARING EXAMINER: Okay. Fair
4 enough, Mr. Rodriguez.

5 May I have entry of appearance for any
6 other parties in cases 23458 and 23459?

7 MS. KESSLER: Good morning. This is
8 Jordan Kessler on behalf of EOG Resources.

9 THE HEARING EXAMINER: Jordan -- okay,
10 there's your name. Okay, Ms. Kessler, thank you.

11 Any other interested parties in these
12 two cases?

13 Entry of appearance for any other
14 interested persons in these two cases?

15 Okay. Back to you Mr. Rodriguez.
16 These are new cases; correct?

17 MR. RODRIGUEZ: Yes, Mr. Examiner,
18 these are.

19 THE HEARING EXAMINER: Then do you wish
20 to proceed by affidavit?

21 MR. RODRIGUEZ: I would like to proceed
22 by affidavit, and I have a few preliminary matters to
23 address, as well.

24 THE HEARING EXAMINER: All right.
25 We'll get to the preliminary matters.

1 Ms. Kessler, do you have any objection
2 to the case proceeding by affidavit?

3 MS. KESSLER: None at all, Mr. Hearing
4 Examiner. I'm just entering my appearance to monitor
5 the case, so I won't have any input from here on out.

6 THE HEARING EXAMINER: Thank you.

7 All right. Mr. Rodriguez, you may
8 proceed with your preliminary matters and
9 presentation.

10 MR. RODRIGUEZ: Thank you. So COG
11 Operating, LLC, and Concha Oil and Gas, LLC, entered
12 into an agreement with Tap Rock pertaining to the
13 subject acreage in these two and the following two
14 cases. And so they are no longer a party that Tap
15 Rock is seeking to pool.

16 My exhibits have been submitted, show
17 that Tap Rock -- I'm sorry -- COG and Concha are both
18 pooled parties. So I would like to submit
19 supplemental exhibits after my presentation to
20 indicate that.

21 And I believe Ms. Beth Ryan from COG is
22 also in attendance, and she could possibly confirm
23 COG's position on that. Sorry to call her out, as
24 well.

25 THE HEARING EXAMINER: Ms. Ryan, I see

1 your face there. Good morning.

2 MS. RYAN: I'm here. Hi, Beth Ryan on
3 behalf of COG Operating, and I can confirm what
4 Michael said. So thank you.

5 MR. RODRIGUEZ: I'm sorry. Did you
6 confirm that that was COG's position, as well.

7 MS. RYAN: Yeah. Sorry. I'm not sure
8 if you could hear me, but yes, I confirmed.

9 MR. RODRIGUEZ: I have the tiniest
10 laptop speaker, so it's kind of hard for me to hear.
11 Okay. Well, thank you.

12 And another matter I'd like to address
13 prior to my presentation is the landman testifying in
14 these matters, his name is Chad Matney [ph], he has
15 not testified before the Division. And there is an
16 abbreviated resume as Exhibit A-1.

17 (Item 27-28 Exhibit A-1 was marked for
18 identification.)

19 And as pointed out in his testimony,
20 Mr. Matney graduated from Colorado State in 2005 and
21 worked as a landman for the past 18 years with various
22 oil and gas companies. And he recently started with
23 Tap Rock on February 13, 2023, and he's been an active
24 member of various professional organizations,
25 including AAPL since 2012. And as such, I'd like to

1 tender Mr. Matney as an expert in petroleum land
2 matters and ask that his credentials be accepted as a
3 matter of record.

4 THE HEARING EXAMINER: Any objection?
5 Ms. Kessler, do you have any objection to this
6 individual being recognized as an expert in the field?

7 MS. KESSLER: None. Thank you, Mr.
8 Harwood.

9 THE HEARING EXAMINER: All right. I'm
10 not sure what the protocol is here, but I'm going to
11 give Mr. Lowe or Ms. Thompson an opportunity if they
12 have any questions about this person's credentials or
13 expertise.

14 MR. LOWE: I just have a question on, I
15 guess, the credentials. You said he just -- this
16 individual has been working as a landman; correct?

17 MR. RODRIGUEZ: Correct.

18 MR. LOWE: And he graduated from
19 Colorado State University?

20 MR. RODRIGUEZ: Yes, sir.

21 MR. LOWE: And that person, is there,
22 like, a landman education place at CSU? Or is that --
23 what did he get his degree in?

24 MR. RODRIGUEZ: His resume indicates
25 that it's in organization management when he graduated

1 in 2005, but he has been working as a landman, I
2 believe, directly out of college up until current.

3 MR. LOWE: Okay. Those are my
4 questions. Thank you.

5 THE HEARING EXAMINER: Ms. Thompson,
6 anything from you?

7 MS. THOMPSON: Yes, I do have a few
8 questions. I see that you have a proximity tract on
9 one of the cases for -- was it the High Life Federal
10 Com 152; is that correct?

11 MR. RODRIGUEZ: Yes. And it's part of
12 my presentation to go over that.

13 MS. THOMPSON: Okay. To pool on that
14 extra acreage.

15 I also was looking down at your C102s,
16 and I've noticed that you are missing some information
17 on it, such as the pool name, pool code, and dedicated
18 acreage. So if you would be able to submit a amended
19 version for all those?

20 MR. RODRIGUEZ: Absolutely. I can be
21 sure to do that.

22 MS. THOMPSON: Awesome.

23 THE HEARING EXAMINER: All right. I
24 think we kind of got a little bit out of order there.

25 MS. THOMPSON: Yeah.

1 THE HEARING EXAMINER: Mr. Rodriguez,
2 you were going to review -- going to take testimony
3 from this witness now?

4 MR. RODRIGUEZ: It'll be all by
5 affidavit, but before proceeding, yes, I'd like to
6 make sure that he was qualified as an expert.

7 THE HEARING EXAMINER: Fair enough.
8 Okay. Well, the record will reflect that he was
9 tendered and accepted as an expert in the field.

10 MR. RODRIGUEZ: Thank you.

11 So in case number 23458 Tap Rock
12 request an order pooling all uncommitted interested in
13 a wild cat pool. That pool code is 97841, within the
14 Bone Spring formation underlying the 640-acre
15 horizontal spacing unit consisting of the north half
16 of Sections 11 and 12 in Township 25 South, Range 25
17 East in Eddy County.

18 And the unit will be dedicated to the
19 High-Life Federal Com, Member 151 and 152 Wells, of
20 which the completed interval for the High-Life Federal
21 Com 152H will be within 330 feet of the
22 quarter-quarter line separating the north half/north
23 half from the south half/north half of sections 11 and
24 12 to allow this inclusion of this acreage into a
25 standard horizontal spacing unit.

1 In case number 23459, Tap Rock requests
2 a similar order within the same pool underlying a 640-
3 standard horizontal spacing unit comprised of the
4 south half of Sections 11 and 12.

5 The unit will be dedicated to the High
6 Life Federal Com 153 and 154 of which the completed
7 interval for the High Life Federal Com 153H will be
8 within 330 feet of the quarter-quarter line separating
9 the south half/south half from the north half/south
10 half, Sections 11 and 12, to allow the inclusion of
11 this acreage into a standard horizontal spacing unit.

12 In the exhibit packet submitted to the
13 Division for these cases are identical and contain the
14 compulsory pooling checklists; Exhibits A, which are
15 the landman's testimony and related exhibits; Exhibits
16 B, which are the geologist's testimony and related
17 exhibits; and Exhibit C, which is my self-affirmed
18 statement regarding notice.

19 (Item 27-28 Exhibit A through Exhibit C
20 were marked for identification.)

21 MR. RODRIGUEZ: And it includes C-1,
22 which contains a sample Notice of Hearing letter and a
23 tracking sheet providing the status of the parties who
24 were notified of this hearing via certified mail, and
25 C-2, which is the affidavit of publication, which

1 demonstrates that all notice requirements for these
2 applications have been met.

3 (Item 27-28 Exhibit C-1 and Exhibit C-2
4 were marked for identification.)

5 MR. RODRIGUEZ: And with that, I ask
6 that Exhibits A through A-6, B through B-5, and C
7 through C-2 be admitted into the record and these
8 cases be taken under advisement.

9 THE HEARING EXAMINER: I'm sorry. C
10 through C-2?

11 MR. RODRIGUEZ: Correct.

12 THE HEARING EXAMINER: Okay. All
13 right. Ms. Kessler, any questions from you?

14 MS. KESSLER: No, sir. Thank you.

15 THE HEARING EXAMINER: Okay. Mr. Lowe,
16 questions from you?

17 MR. LOWE: Yes. I have a few
18 questions. You're -- you verbalized that these wells,
19 or the cases that you presented, are on the south half
20 of the Sections, correct, 11 and 12?

21 MR. RODRIGUEZ: Let's see. The north
22 half and the south half, yes.

23 MR. LOWE: Yeah, I saw your
24 application, and I'm looking at the C102 for the 151H
25 Well, and I don't see the south half. I see the west

1 half indicated on your C102. What's going on here?

2 MR. RODRIGUEZ: I see that, as well.
3 It looks like that just might be an error, and I think
4 that's something that I can adjust whenever I submit
5 the revised C102s per Ms. Thompson's request, as well.
6 It looks like it just -- I didn't catch that at first,
7 but you are correct.

8 MR. LOWE: Yeah, that's a pretty big --
9 it's a pretty big item there to err --

10 MR. RODRIGUEZ: Actually, I'm looking
11 at it now. I'm sorry. For whatever reason, they've
12 transposed it 90 degrees, and it looks like it still
13 is that. It's just flipped sideways, which is not
14 normally how I see that either.

15 MR. LOWE: All right. And in that
16 case, let's see here, you indicated that the 151 well
17 for sure, this case here, well, this instance here I'm
18 looking at is at a standard location; right?

19 MR. RODRIGUEZ: Yes.

20 MR. LOWE: Okay. And then the 152
21 well, it would be kind of nice if you could update
22 your C102s with your pool code and pool name and if
23 you have an API numbers. Are these API numbers
24 generated already?

25 MR. LOWE: I'm not sure. I'll

1 certainly make sure every box that's empty, if we
2 have that information, we'll certainly plug that in,
3 and I'll submit those revised exhibits as soon as I
4 can.

5 MR. LOWE: That would help us out in
6 all instance of our review OCD-wide for that
7 information to be filled out and to annotate the
8 vacated acres of what a well is seeking.

9 The pools, they -- let's see here --

10 MR. RODRIGUEZ: I'm sorry. Maybe I
11 didn't get that. Did you ask a question?

12 MR. LOWE: Yeah. It's a pool
13 spring -- pool -- Bone Spring pool; correct?

14 MR. RODRIGUEZ: Yes, correct, it's a
15 wildcat Bone Spring pool.

16 MR. LOWE: It's a wildcat Bone Spring.
17 So there is the -- 40-acre building blocks; correct?

18 MR. RODRIGUEZ: Typically, I believe
19 that's how this unit has been structured.

20 MR. LOWE: So do you have a defining
21 well and fill well scenario going on here?

22 MR. RODRIGUEZ: The defining well will
23 be the High Life Federal Com 152, which is also the
24 proximity well.

25 MR. LOWE: And that is -- okay. So

1 you're -- okay. So the cases here, one of the case --
2 virtual connectivity interruption -- half of those two
3 sections. The other case is for the south half of the
4 other two sections, or the same two sections; is that
5 correct?

6 MR. RODRIGUEZ: The first two cases I
7 presented will cover the north half of Sections 11 and
8 12 and the south half of 11 and 12 within the Bone
9 Spring, and the two cases that I'll be presenting next
10 will be the same spacing units, but within the
11 Wolfcamp formation directly below.

12 MR. LOWE: Okay. All right. Those are
13 my questions for now. Thank you.

14 MR. RODRIGUEZ: Thank you.

15 THE HEARING EXAMINER: Thank you, Mr.
16 Lowe.

17 Ms. Thompson, do you have any
18 additional questions?

19 MS. THOMPSON: No questions.

20 THE HEARING EXAMINER: All right. So
21 let me confirm, then, that in 23458 and 23459,
22 Exhibits A through A-6, B through B-5, and C through
23 C-2 will be admitted and made a part of the record.
24 This case will be taken under advisement with the
25 proviso that revised C102s along the lines identified

1 by Mr. Lowe and Ms. Thompson will be submitted.

2 (Item 27-28 Exhibit A through Exhibit
3 A-6, Exhibit B through Exhibit B-5, and
4 Exhibit C through Exhibit C-2 were
5 received into evidence.)

6 THE HEARING EXAMINER: Okay, Mr.
7 Rodriguez?

8 MR. RODRIGUEZ: Yeah, I'll submit those
9 as soon as I get that information.

10 THE HEARING EXAMINER: All right.
11 Anything further from anyone in these two cases?

12 Hearing nothing, let's move on to your
13 next two cases, then, Mr. Rodriguez, case number 23460
14 and 23461. Just for the record, may I have your entry
15 of appearance in those cases?

16 MR. RODRIGUEZ: Yes. Michael Rodriguez
17 for Tap Rock Operating, LLC.

18 THE HEARING EXAMINER: Thank you. And
19 again, for the record, may I have entry of appearance
20 for any other parties to these two cases?

21 MS. KESSLER: Thank you, Mr. Hearing
22 Examiner. This is Jordan Kessler again on behalf of
23 EOG.

24 THE HEARING EXAMINER: Okay. Ms.
25 Kessler, do you have any objection to these cases

1 being presented by affidavit?

2 MS. KESSLER: No, sir. EOG is simply
3 here to monitor these cases.

4 THE HEARING EXAMINER: Thank you. I
5 think you said that before. I forgot it.

6 Entry of appearance for any other
7 persons interested in these two cases?

8 All right. Hearing no one, Mr.
9 Rodriguez, you have the floor again.

10 MR. RODRIGUEZ: Thank you. So in case
11 number 23460, Tap Rock requests an order pooling
12 uncommitted interests in the Purple Sage-Wolfcamp gas
13 pool, pool code 98220, within the Wolfcamp formation,
14 underlying a 640-acre horizontal spacing unit
15 consisting of the north half of Sections 11 and 12 in
16 Township 25 South, Range 25 East, Eddy County.

17 The unit will be dedicated to the High
18 Life Federal Com 202, 211, 231, and 232 wells. And
19 the completed interval for the High Life 202H will be
20 within 330 feet of the quarter-quarter line separating
21 the north half/north half from the south half/north
22 half of Sections 11 and 12 to allow the inclusion of
23 this acreage into a standard horizontal spacing unit.

24 And in case number 23461, Tap Rock
25 requests a similar order within the same pool,

1 underlying a 640-acre standard horizontal spacing unit
2 comprised of the south half of Sections 11 and 12.
3 The unit will be dedicated to the High Life Federal
4 Com 204, 213, 233, and 234 wells.

5 The completed interval for the High
6 Life Federal Com 233 well will be within 330 feet of
7 the quarter-quarter line separating the south
8 half/south half from the north half/south half of
9 Sections 11 and 12 to allow the inclusion of this
10 acreage into a standard horizontal spacing unit.

11 And the exhibit packet submitted to the
12 Division for these cases are identical and contain the
13 compulsory pooling checklist, Exhibits A, which is the
14 landman's testimony and related exhibits; Exhibits B,
15 which are the geologist's testimony and related
16 exhibits; Exhibit C, which is my self-affirmed
17 statement regarding notice; and includes a sample
18 Notice of Hearing letter and a tracking sheet
19 providing the status of the parties who were notified
20 of this hearing via certified mail, and an affidavit
21 of publication demonstrating that all Notice
22 requirements have been met for these applications.

23 (Item 29-30 Exhibit A through Exhibit
24 A-6, Exhibit B through Exhibit B-5, and
25 Exhibit C through Exhibit C-2 were

1 marked for identification.)

2 MR. RODRIGUEZ: And with that, I ask
3 that Exhibits A through A-6, B through B-5, and C
4 through C-2 be admitted into the record, and these
5 cases be taken under advisement.

6 (Item 29-30 Exhibit A through Exhibit
7 A-6, Exhibit B through Exhibit B-5, and
8 Exhibit C through Exhibit C-2 were
9 received into evidence.)

10 THE HEARING EXAMINER: Thank you, Mr.
11 Rodriguez.

12 Mr. Lowe?

13 MR. LOWE: Good morning, again, Mr.
14 Rodriguez.

15 MR. RODRIGUEZ: Good morning.

16 MR. LOWE: Your checklist indicates
17 this is -- this is a pool Purple Sage seeking well
18 case; right?

19 MR. RODRIGUEZ: It is.

20 MR. LOWE: And your checklist indicates
21 that it's quarter-quarter -- building blocks, and I
22 think that's an error.

23 MR. RODRIGUEZ: Good catch. It is.

24 MR. LOWE: You'll want to fix that.
25 It's just --

1 MR. RODRIGUEZ: Yes.

2 MR. LOWE: And then these C102s are
3 proposed C102s; correct? They're not as drill [ph]?

4 MR. RODRIGUEZ: That is correct, yes.

5 MR. LOWE: And everything is in
6 accordance as far as standard scope?

7 MR. RODRIGUEZ: That is my
8 understanding, yes.

9 MR. LOWE: Okay. And then one well is
10 for the north half of the two sections, and the other
11 was for the south half of two sections; correct?

12 MR. RODRIGUEZ: Correct.

13 MR. LOWE: I don't have any other --
14 any questions right now. Thank you.

15 THE HEARING EXAMINER: Thank you, Mr.
16 Lowe.

17 Ms. Thompson, any questions from you?

18 MS. THOMPSON: Yeah, I just had
19 question about the pooled parties just to verify the
20 people on the right are the people being pooled?

21 MR. RODRIGUEZ: Yes, that's correct.

22 MS. THOMPSON: Okay. And then on the
23 percentages, do you know what the total amount being
24 pooled was percentage-wise? I see a total amount of
25 100. But --

1 MR. RODRIGUEZ: I don't. I could
2 ballpark it if you don't mind giving me a second. My
3 math skills are coming in handy finally. Let's see.
4 It's roughly 50 -- roughly 60 percent.

5 MS. THOMPSON: Okay. That's not a big
6 deal to update. But yeah, and then just going back to
7 the C102s for updating the missing information on
8 that, as well.

9 MR. RODRIGUEZ: Absolutely.

10 MS. THOMPSON: So --

11 MR. RODRIGUEZ: I apologize. I guess I
12 missed the message about separating ...

13 MS. THOMPSON: Oh, yeah, it was
14 something that I announced last hearing -- it's not --
15 but I'm sure they'll get better as time goes on. So
16 no further questions.

17 THE HEARING EXAMINER: Okay. All
18 right. Then Exhibits A-1 through 6; B-1 through 5;
19 and C-1 through 2 will be admitted and made a part of
20 the record in this case, and the case will be taken
21 under advisement with the proviso that Mr. Rodriguez,
22 you will fix and correct errors that Mr. Lowe and Ms.
23 Thompson have identified; right?

24 MR. RODRIGUEZ: Yes, sir. Thank you,
25 Mr. Examiner.

1 //

2 (Item No. 29-30 Exhibit A-1 through
3 Exhibit A-6; Exhibit B-1 through
4 Exhibit B-5; and Exhibit C-1 and C-2
5 were received into evidence.)

6 THE HEARING EXAMINER: All right. Then
7 we will move on to the next case. I think we're back
8 to Mr. Bruce. That's case number 23468, Mewbourne Oil
9 Company.

10 Mr. Bruce?

11 MR. BRUCE: Sorry. Jim Bruce,
12 representing Mewbourne Oil Company.

13 THE HEARING EXAMINER: Ah, there you
14 are. Okay. All right. Is that an entry of
15 appearance in case number 23468?

16 MR. BRUCE: Yes, sir.

17 THE HEARING EXAMINER: Are there other
18 interested parties to case number 23468? Please enter
19 your appearance now.

20 Okay. Are there any other interested
21 persons in case 23468?

22 Hearing none, Mr. Bruce, I understand
23 this is a new case that's reopening a case called
24 number 23285, and that's related in notice issues; is
25 that correct?

1 MR. BRUCE: That is correct. And this
2 will only take a minute to present. But a couple of
3 preliminary things I'd like to state is -- I was going
4 to state this earlier -- is that when you got on the
5 phone this morning, you stated your experience. And
6 you said that you felt like you had been practicing
7 for eons. And I just wanted you to know that me
8 personally, I always enjoy meetings attorneys much
9 younger than me. And if you have been practicing for
10 eons, I'm in the eons-plus category.

11 And then you said you're having
12 cataract surgery. I want you to know that four weeks
13 ago, I had it, and I'm sure you've talked with other
14 people about it. But it was absolutely painless, and
15 the results were absolutely fabulous. So good luck.

16 THE HEARING EXAMINER: Well, thank you.
17 I appreciate that reassurance. All right. Well, now
18 that we've exchanged the niceties of senior members of
19 the bar, I appreciate that, Mr. Bruce. Why don't you
20 enlighten the technical hearing examiners here on case
21 number 23468?

22 MR. BRUCE: Mr. Examiner, case 23285
23 was presented last year, pooling interest owners in
24 the Wolfcamp formation underlying the south half of
25 Section 26 and the south half of Section 27 of 22

1 South, 27 East, in Eddy County. This is a Purple
2 Sage-Wolfcamp gas unit.

3 The case was presented. All the usual
4 exhibits, the land, geology, et cetera, pooling
5 checklists, and everything was acceptable except there
6 was -- I did submit my affidavit of certified mailing,
7 which was fine. And then I had an -- I did publish an
8 affidavit of notice in the Carlsbad newspaper.

9 Unfortunately, I never received --
10 common theme with me here today -- an affidavit of
11 publication from the Carlsbad newspaper showing that
12 it was published. And so when Mr. Brancard and
13 Examiner Garcia were looking at this matter, they said
14 where is the affidavit of publication, which in the
15 prior hearing, I said I will notify you as soon as I
16 receive it. I had never received it. And they said,
17 well, the rules require an affidavit of publication.

18 So I asked them if I could just simply
19 reopen the case for the purposes of publicizing -- or
20 publishing a new notice in the Carlsbad newspaper,
21 which I did. And so all of the other -- I'm not
22 presenting land or geology testimony today because
23 that was all taken under advisement last year.

24 All I've submitted is, as Exhibit 1, is
25 the proposed -- is the application and proposed

1 notice, and the actual recently published affidavit of
2 publication, which was timely published.

3 (Item 31 Exhibit 1 and Exhibit 2 were
4 marked for identification.)

5 MR. BRUCE: And with that, I would move
6 the admission of Exhibits 1 and 2 and ask that this
7 matter be taken under advisement.

8 THE HEARING EXAMINER: Thank you, Mr.
9 Bruce.

10 Mr. Lowe, any questions from Mr. Bruce?

11 MR. LOWE: I have a quick question, Mr.
12 Bruce. Where on your affidavit does it indicate the
13 date it was posted or published?

14 MR. BRUCE: Yes. It was published on
15 April 14, and so it was more than ten business days
16 before this hearing date, so it was timely published.

17 MR. LOWE: Okay. And does that show in
18 the documents that you're submitting, Mr. Bruce?

19 MR. BRUCE: Yes. It shows that on the
20 first page of Exhibit 2.

21 MR. LOWE: Okay. I'm trying to read
22 your -- the notice. I'm looking for the case number,
23 the notice.

24 MR. BRUCE: Oh, Mr. Examiner, yeah, I
25 know it's a long -- a long notice, and I said in the

1 upper, say, third of the first page, page 2 of the
2 affidavit of publication, I said it moves to reopen
3 case number 23285. And then down below in, say, the
4 second third of the notice, it does say the
5 application to reopen case -- to reopen has been
6 designated case number 23468 by the Division. And
7 that's about halfway down the second page. So both
8 case numbers have been itemized.

9 MR. LOWE: Okay. Good. Those are my
10 questions. Thank you, sir.

11 MR. BRUCE: Thank you.

12 THE HEARING EXAMINER: Any further
13 questions from OCD?

14 All right. Hearing none, I'll -- you
15 said that's Exhibit 1, Mr. Bruce?

16 MR. BRUCE: Exhibit 1 and 2.

17 THE HEARING EXAMINER: Exhibits 1 and 2
18 will be admitted and made a part of the record, and
19 case number 23468 will be taken under advisement.

20 (Item 31 Exhibit 1 and Exhibit 2 were
21 received into evidence.)

22 THE HEARING OFFICER: Anything further,
23 Mr. Bruce?

24 MR. BRUCE: No, sir. Thank you.

25 THE HEARING EXAMINER: Thank you.

1 All right. Let's go ahead with the
2 next case. After that, we'll take another short
3 break. But in the interest of moving through this
4 docket, let's -- I'll call case number 23469, which is
5 SPC Resources. May I have an entry of appearance for
6 the applicant?

7 MR. RANKIN: Good morning, again, Mr.
8 Examiner. Adam Rankin appearing on behalf of the
9 applicant in this case, and the related case, case
10 number 23470, which we request be heard together.

11 THE HEARING EXAMINER: Okay. Thanks.
12 That answered several of my questions, Mr. Rankin. So
13 let me call both cases together, 23469, 23470. And
14 may I have an entry of appearance for any other
15 parties to those two cases?

16 Hearing no one, may I have an entry of
17 appearance for any other interested persons in those
18 two cases?

19 Okay. Hearing no one, I turn it back
20 over to you, Mr. Rankin.

21 MR. RANKIN: Thank you, Mr. Examiner.
22 I'll do a brief overview for what SPC is requesting in
23 each case, and then I'll dive into the exhibits.

24 In case 23469, the applicant seeks to
25 amend existing Division Order R-21100-B to allow for a

1 one-year extension for drilling the proposed initial
2 well under the order. SPC is asking for a drilling
3 extension until July 7, 2024; one year from the
4 current deadline.

5 The spacing unit is comprised of the
6 north-half equivalent of a regular Section 5 and the
7 north-half equivalent of a regular Section 6, all in
8 Township 22 South, Range 27 East, in Eddy County. The
9 unit is dedicated to the proposed Betty 402 H Well,
10 which has been permitted but not yet drilled.

11 In the companion case 23470, we seek to
12 amend Order R-21104-C also to allow for a one-year
13 extension to drill the proposed initial well until
14 July 7, 2024, as well. Here, the spacing unit under
15 the existing order is comprised of the southwest
16 quarter of Irregular Section 5 and the south-half
17 equivalent of Irregular Section 6, all in Township 22
18 South, Range 27 East, Eddy County. And this unit is
19 dedicated to the proposed initial Barney 303H Well,
20 which, again, has been permitted but not yet drilled.

21 Mr. Examiner, on Tuesday, we filed with
22 the Division Exhibits A through C. Exhibit -- you'll
23 see within our exhibit packet is a table of contents
24 that identifies each of the exhibits included in the
25 packet. Exhibits A are the applications that were

1 filed in each of these cases, requesting for the
2 extension of time.

3 (Item 32-33 Exhibit A, Exhibit B, and
4 Exhibit C were marked for
5 identification.)

6 MR. RANKIN: The applications also
7 review and outline the history here set out -- that
8 explains the basis for the request. It's a bit of a
9 complex history, but essentially, these two wells are
10 located in an area close to the Carlsbad brine well
11 remediation area, which for a time had been subject to
12 an order by the Division, a temporary order, to cease
13 and desist all drilling and completion activities.

14 As a result of that order, it disrupted
15 significantly the SPC's ability to coordinate and
16 drill its wells. And so as a result, you'll see in
17 the application SPC explains why they have had to, in
18 this case, request an extension of time in order
19 coordinate and get its drilling rigs on location for
20 these two spacing units.

21 Exhibit A, attached to the application,
22 you'll see, is the notification that was provided by
23 the Division in each of the cases that I'm discussing
24 today, giving SPC notification that they can commence
25 drilling. Under the existing orders, SPC had one year

1 from that notification date to commence drilling a
2 well under the pooling order. That notification was
3 issued on July 7, 2022. Therefore, the deadline in
4 each case to drill currently is July 7th of 2023. And
5 SPC is requesting a one-year extension until July 7,
6 2024.

7 After the applications, Mr. Examiner,
8 you'll see attached is the affidavit of SPC's vice
9 president of land and general counsel, Ms. Nicole
10 Singer.

11 Ms. Singer has previously testified
12 before the Division and has had her credentials as an
13 expert in petroleum land matters accepted as a matter
14 of record. Her affidavit essentially reviews the same
15 history that is recounted in the applications for both
16 cases and explains the justification for the extension
17 request. SPC is in the process of a drilling program,
18 but just needs a little more additional time in order
19 to commence and complete drilling, as well as for each
20 of these two spacing units.

21 Attached to her affidavit is also,
22 again, the notification that was provided by the
23 Division, giving notice to SPC that it can commence
24 its drilling operations.

25 Attached also to her exhibit, in this

1 case, Mr. Examiner, unlike the normal situation, when
2 we give notice of the hearing, SPC themselves sent out
3 notice to each of the affected parties or parties who
4 are subject to pooling in each of these cases. And
5 you'll see attached to her affidavit is a letter that
6 went out to each of those parties who have been
7 previously pooled by this case, giving them notice
8 that SPC is requesting a one-year extension.

9 So attached to her affidavit is the
10 letter that went out giving that notice and notice of
11 today's hearing along with the status of the mailing,
12 certified mailings, that went out to each of those
13 parties and the delivery status as of the date -- I
14 believe it was May -- or April 27th, I believe. I can
15 confirm that date.

16 So each delivery status is recorded on
17 that long list of people. You'll see again that this
18 is an area where there are many numerous small tracts
19 that comprise the spacing unit, which is the reason
20 why there are so many parties.

21 Following that, because in some cases,
22 we had some returns for mailing addresses that were
23 not received, or rather, notices that were not
24 received, we also published notice in the Carlsbad
25 Current-Argus identifying each of the parties who are

1 subject to the compulsory pooling order, giving them
2 notice of the application and the request to extend
3 the deadline. And that is marked as the last exhibit
4 in the packet. That is Exhibit C, also identifying
5 the date of the notification in the newspaper.

6 Mr. Examiner, at this time, I would ask
7 that these Exhibits A through C be accepted into the
8 record and that this case be taken under advisement.

9 THE HEARING EXAMINER: Thank you, Mr.
10 Rankin.

11 Mr. Lowe, questions?

12 MR. LOWE: Yes. Hi, good morning, Mr.
13 Rankin. You're asking for a one-year extension, and
14 to commence drilling to July 7, 2024; is that correct?

15 MR. RANKIN: That's correct.

16 MR. LOWE: Have these cases have
17 previously obtained extension requests before?

18 MR. RANKIN: I -- I don't -- let me
19 see. I lay out the whole outline, the whole history
20 here, Mr. Examiner, in the application and the
21 affidavit. Let me go through to remind myself. Yes,
22 they did, Mr. Examiner. They did receive one deadline
23 due to the suspension of drilling activities.

24 MR. LOWE: One? You said there was
25 historically for -- well, let's just use case 23469.

1 You've had one extension requested and approved
2 previously?

3 MR. RANKIN: Yeah. My computer is
4 frozen. One moment. It is not functioning. Sorry.
5 Yes. Mr. Examiner, we did -- both cases, I believe,
6 were provided with an extension due to the suspension
7 of drilling activities due to the Carlsbad brine well
8 remediation activities. That was -- the dates and the
9 timeframes are all provided in the application and in
10 the affidavit.

11 MR. LOWE: How close are these wells to
12 the brine well caution area location?

13 MR. RANKIN: They're more than a mile.
14 I believe that they're within the three to five-mile
15 range, I believe.

16 MR. LOWE: Okay. And for both of these
17 cases, they've been previously, historically requested
18 one-year extensions, and they were granted permission
19 for that; correct?

20 MR. RANKIN: They were granted one-year
21 extensions, and then they were subject to the order
22 amended -- or, you know, imposing limitation on
23 their -- suspending their APDs so they could not
24 proceed to drill.

25 MR. LOWE: Okay. So --

1 MR. RANKIN: And then they were given
2 notification on July 7, 2022, that they could
3 recommenced drilling. However, it's a small company,
4 Mr. Lowe, and they were in the midst of drilling
5 another well already, so they've had to complete that
6 work, and they need additional time to get a rig
7 scheduled and on location for these two spacing units.

8 MR. LOWE: Okay. So, basically, right
9 now, you're asking for the -- a second request for
10 these two cases; is that correct?

11 MR. RANKIN: Correct.

12 MR. LOWE: Okay. That was a yes;
13 right? I couldn't hear you.

14 MR. RANKIN: Yes. Correct. Yes.

15 MR. LOWE: Okay. So this is the second
16 request to extension -- an extension request to drill
17 for these two cases?

18 MR. RANKIN: Correct.

19 MR. LOWE: Okay. And initially, was
20 the OCD's cautionary measures for the Carlsbad brine
21 well location?

22 MR. RANKIN: Correct.

23 MR. LOWE: And currently, is the
24 drilling rig scheduled for SPC?

25 MR. RANKIN: Correct. Yeah, so just to

1 clarify, Mr. Examiner, the first request for extension
2 was in the midst of the -- I think the Division was
3 unclear -- to us, it seemed the Division was unclear
4 on how they were proceeding, and so in order to
5 preserve these orders, we took the precaution of
6 filing for a request to make sure that we weren't
7 going to be adversely impacted by the Division's
8 handling of the Carlsbad Brine Well.

9 So once that was sorted and then the
10 Division issued an order and modified the APDs,
11 restricting, you know, prohibiting commencement until
12 they were given notice that it was okay to proceed,
13 these wells and the spacing units were essentially in
14 a frozen status. So in the interim, SPC undertook
15 some drilling activities in locations that it was
16 permitted to go forward with, and now because of that
17 and the schedule rearrangement, they're asking for a
18 short -- a one-year extension so they can get a rig
19 and coordinate drilling on these two spacing units.

20 MR. LOWE: Okay.

21 MR. RANKIN: And just to be clear, back
22 in the -- back, Mr. Lowe, when these were first being
23 proposed, the company really wanted to drill these
24 wells first. And there was a significant effort with
25 the Division to try to work through the Division's

1 concerns around the Carlsbad Brine Well.

2 The company's preference was to drill
3 these units initially and to do them first, but were,
4 you know, ultimately were unable to do so. And
5 because of the significant delays around the Carlsbad
6 Brine Well, they were not able to proceed with these
7 wells. And now they're on the rig schedule, and they
8 want to get them drilled in the next 12 months or so.
9 But they just -- given the timeframes involved, they
10 need an extension in order to accomplish that under
11 the orders.

12 MR. LOWE: All right. Well, I guess on
13 our side, we're going to have to review this in depth
14 to track all the historical information pertaining to
15 these two cases to decipher, I guess, the overall
16 approval if this goes forward in that sense.

17 MR. RANKIN: Mr. Lowe, I would just
18 urge you to really do look at it and understand that
19 the -- what the -- the impact that was imposed on the
20 company as a result of the Division's -- actually, I
21 mean, you know, I would urge you to do that, Mr. Lowe.
22 And if you have any questions at all, please feel free
23 to reach out to me, and I'm happy to address them.

24 MR. LOWE: Okay. Those are all the
25 questions I have for now. Thank you.

1 THE HEARING EXAMINER: Ms. Thompson, or
2 anybody else from OCD, questions?

3 MS. THOMPSON: No questions.

4 THE HEARING EXAMINER: All right.
5 Thank you. All right, Mr. Rankin, so Exhibits A
6 through C in these two cases will be admitted and made
7 a part of the record, and the cases will be taken
8 under advisement. Thank you.

9 (Item 32-33 Exhibit A, Exhibit B, and
10 Exhibit C were received into evidence.)

11 THE HEARING EXAMINER: All right.
12 Let's see. It's 10:51. Let's be back at 11, and
13 we'll take up case number 23472. We'll go off the
14 record.

15 Come back on the record, Ms. Fulton, if
16 you would, please, at 11 a.m.

17 Thank you all.

18 (Off the record.)

19 THE REPORTER: We are now back on the
20 record.

21 THE HEARING EXAMINER: All right. Back
22 on the record, 11 a.m., May the 4th, 2023. All
23 righty. This is OCD docket number -- case number
24 23472, COG Operating, LLC.

25 May I have an entry of appearance for

1 the applicant?

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

4 THE HEARING EXAMINER: Thank you, Ms.
5 McLean.

6 May I have entry of appearance for
7 other parties to this case?

8 I hear none. How about entry of
9 appearance for any other interested persons and
10 persons interested in case 23472.

11 Okay. Nothing but silence.

12 Back to you, Ms. McLean.

13 MS. MCLEAN: Thank you, Mr. Examiner.
14 In case number 23472, COG seeks an order pooling all
15 uncommitted interests in the Bone Spring formation,
16 underlying a 719.78-acre standard horizontal spacing
17 unit comprised of the south half, southwest quarter of
18 Section 8 and the west half of Sections 17 and 20,
19 Township 26 South, Range 29 East, in Eddy County.

20 And the unit will be dedicated to the
21 Riverwalk Fed Com 903H Well, which will be drilled
22 from a surface hole location in Unit C of Section 29,
23 Township 26 South, Range 29 East, to a bottom hole
24 location in Unit M of Section 8, Township 26 South,
25 Range 29 East. And it will also be dedicated to the

1 Riverwalk Federal Com 503H Well, which will be drilled
2 from a surface hole location in Unit C of Section 29,
3 Township 26 South, Range 29 East, to a bottom hole
4 location in Unit N of Section 8, Township 26 South,
5 Range 29 East.

6 And this is a proximity tract, and the
7 completed interval of the Riverwalk Federal Com 503H
8 Well will be located within 330 feet of the quarter-
9 quarter section line, separating the west half/west
10 half and east half/west half of Sections 8, 17, and
11 20, to allow for the creation of the 719.78-acre
12 standard horizontal spacing unit.

13 And in support of the application, we
14 submitted an exhibit packet to the Division, which
15 includes the compulsory pooling checklist. And as you
16 can see in the checklist, we did indicate that there
17 is some need to -- defining well, which is the
18 Riverwalk Federal Com 503H Well.

19 And we also have Exhibit A, which is
20 the self-affirmed statement of Gianna Romero [ph] and
21 the related land exhibits.

22 (Item 34 Exhibit A through Exhibit A-5
23 were marked for identification.)

24 MS. MCLEAN: Exhibit B, self-affirmed
25 statement of geologist Chris Ray [ph], and the

1 location map of the wells, a -- structure map, cross-
2 section map, and the stratigraphic cross-section.

3 (Item 34 Exhibit B through Exhibit B-5
4 were marked for identification.)

5 MS. MCLEAN: And then, finally, Exhibit
6 C, which is the self-affirmed statement of my partner,
7 Dana Hardy, which includes a copy of the notice letter
8 that was sent to all the interested parties in this
9 case, a chart of the notice that was sent, which
10 includes the day that the notice letter was sent and
11 the day that we received a return mail receipt if we
12 did receive one.

13 (Item 34 Exhibit C through Exhibit C-4
14 were marked for identification.)

15 MS. MCLEAN: And in this case, there
16 were only three parties, and we received all the
17 notice letter returns, and we've included those under
18 Exhibit C-3.

19 MS. MCLEAN: And then, finally, out of
20 an excess of caution, we published in the Carlsbad
21 Current-Argus on April 14, 2023, and that is included
22 as Exhibit C-4.

23 MS. MCLEAN: And with that, I ask that
24 these exhibits be admitted into the record, and that
25 case number 23472 be taken under advisement. And I'm

1 happy to answer any questions that you may have.

2 THE HEARING EXAMINER: Thank you, Ms.
3 McLean.

4 Mr. Lowe, questions for Ms. McLean?

5 MR. LOWE: Yes. Hi, good morning.

6 MS. MCLEAN: Good morning.

7 MR. LOWE: You verbalized just now that
8 503H is the defining well to create the larger spacing
9 unit; correct?

10 MS. MCLEAN: That's correct.

11 MR. LOWE: How close is that well, the
12 perf zone, how close is it to the west half of the
13 west half of the spacing unit?

14 MS. MCLEAN: Let me just go to Exhibit
15 A-2. Those are our C102s.

16 MS. MCLEAN: And for the 503H Well,
17 that is located -- okay. So it's 20 -- do a little
18 bit of math here, and I'll tell you exactly the exact
19 amount here. It's within the 330 feet.

20 MR. LOWE: Looks like 290 feet --

21 MS. MCLEAN: Yes. Exact -- because
22 it's 1,610 feet from the west line.

23 MR. LOWE: And these are proposed
24 plans; right, for both wells?

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

1 MR. LOWE: I don't know if you can
2 answer this, but this is just a technical question in
3 general for just -- for you in this case. By chance,
4 say if that defining well -- I know there's a 50-foot
5 tolerance allowed -- well, that's a different issue.
6 But if this, by chance, well does not -- is greater
7 than 330 feet to the western line, then I guess I'm
8 assuming the operating will come forward and request a
9 nonstandard spacing unit order thereafter?

10 MS. MCLEAN: Yes, that's correct. I
11 believe that if for some reason these plans, you know,
12 and we weren't following what we have submitted in
13 this application, we would then come back with -- I
14 think we would have to have a new application, but I
15 would -- I have no reason to believe that COG would
16 not follow through with these plans.

17 MR. LOWE: Okay. And also, where are
18 the lots located in the spacing unit, because you have
19 719.78?

20 MS. MCLEAN: So I believe that if you
21 look at Exhibit -- sorry -- I just -- it's very small.
22 Getting close to my screen. If you look at Exhibit
23 A-3, it shows in green that tract 7, which is within
24 Section 20, Township 26 South, Range 29 East, that
25 contains a lot, and that puts that -- that tract in

1 that section, at 275.09 acres, which makes it that
2 odd, you know, number of acreage.

3 MR. LOWE: Okay.

4 MS. MCLEAN: But that's clearly set out
5 here in Exhibit A-3 in the green shading, tract 7.

6 MR. LOWE: Okay. And then this case is
7 only requesting to pool MRC Permian Company; correct?

8 MS. MCLEAN: That's correct. But other
9 parties, it's my understanding, have signed on with
10 COG.

11 MR. LOWE: Okay. Those are the only
12 questions I have so far. Thank you, ma'am.

13 MS. MCLEAN: Thank you.

14 THE HEARING EXAMINER: Thank you, Mr.
15 Lowe.

16 And you know that he said "so far," Ms.
17 McLean?

18 MS. MCLEAN: Yes, I do.

19 THE HEARING EXAMINER: All right. Ms.
20 Thompson or anyone else from OCD, any questions on
21 case number 23472?

22 MS. THOMPSON: No questions.

23 THE HEARING EXAMINER: Thank you. All
24 right.

25 What were your exhibit numbers, again,

1 Ms. McLean, or --

2 MS. MCLEAN: We have Exhibits A and A-1
3 through A-5; Exhibit B, and B-1 through B-4, and then
4 Exhibit C, with C-1 through C-4, as well as the
5 compulsory pooling checklist.

6 THE HEARING EXAMINER: Okay. I'm not
7 going to repeat all that. Those are noted for the
8 record. Those exhibits will be admitted into evidence
9 in this case and made a part of the record. And with
10 that, we will take case number 23472 under advisement.

11 Thank you, Ms. McLean. Anything
12 further?

13 MS. MCLEAN: Thank you. That's it for
14 this case, Mr. Examiner.

15 (Item 34 Exhibit A through Exhibit A-5;
16 Exhibit B through Exhibit B-5; and
17 Exhibit C through Exhibit C-4 were
18 received into evidence.)

19 THE HEARING EXAMINER: Moving right
20 along to case number 35, which is -- docket number 35,
21 case number 23473, Fasken Oil.

22 May I have an appearance for the record
23 for the applicant, please?

24 Yes, good morning, Mr. -- well -- yeah,
25 we're still in morning. So good morning, Mr. Hearing

1 Examiner, Mr. Lowe, and Ms. Thompson, Paula Vance with
2 the Santa Fe Office of Holland & Hart on behalf of the
3 applicant, Fasken Oil and Ranch.

4 THE HEARING EXAMINER: Thank you, Ms.
5 Vance.

6 Entry of appearance for any other
7 parties interested in case 23473?

8 All right. Entry of appearance for any
9 other persons interested in case 23473?

10 All right. Hearing nothing, Ms. Vance,
11 I'll turn it over to you. Maybe it goes without
12 saying that -- correct me if I'm wrong, because, as I
13 said, this is a learning curve for me, but if there
14 are no other interested person and the docket says
15 there are no witnesses and no testimony, I assume that
16 means that the case gets presented by affidavit, and I
17 don't need to ask you if that's how you want to
18 present it?

19 MS. VANCE: That's correct, Mr. Hearing
20 Examiner. We plan to present both this case and the
21 accompanying case, which is on the docket, number 36,
22 case number 23474. We plan to present these by self-
23 affirmed statement or affidavit. Okay. Thanks for
24 reminding me. I missed that.

25 Let me -- just to make sure the record

1 is clear, so you're entering an appearance on Fasken
2 Oil's behalf in 23473 and 474, and you're going to
3 present those concurrently?

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

6 THE HEARING EXAMINER: Okay. Are there
7 any other parties entering their appearance in 23474?

8 Are there any other interested persons
9 who wish to enter an appearance in 23474?

10 All right, Ms. Vance, back to you on
11 both cases.

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

14 So in case numbers 23473 and 23474,
15 Fasken seeks to amend the Division orders for its
16 Baetz 2215 Federal Com Number 1H and Number 2H Wells.
17 And it respectfully requests an extension of time to
18 file to commence drilling those initial wells under
19 those orders. And I will go through in our hearing
20 packet and explain the reasoning why.

21 In our hearing packet, it's a
22 consolidated hearing packet, so both cases, the
23 materials apply in both of those cases.

24 And Exhibit A is the applications, a
25 copy of the applications in both of those cases.

1 //

2 (Item 35-36 Exhibit A was marked for
3 identification.)

4 MS. VANCE: Exhibit B is the original
5 orders in both of those cases.

6 (Item 35-36 Exhibit B was marked for
7 identification.)

8 MS. VANCE: And then in Exhibit C, we
9 have the self-affirmed statement of our landman, Mike
10 Wallace.

11 (Item 35-36 Exhibit C was marked for
12 identification.)

13 MS. VANCE: And in it, he discusses the
14 reasoning for our request, which is Fasken filed
15 permits with the Bureau of Land Management on June 30,
16 2022, and has not yet received approval. So we're
17 still waiting on those. And therefore, we believe
18 this is good reason for extending these applications.

19 Also, as sub-exhibits in Mr. Wallace's
20 exhibit attached to his self-affirmed statement, is
21 Fasken Exhibit C-1, which is a copy of the original
22 mailing report.

23 (Item 35-36 Exhibit C-1 was marked for
24 identification.)

25 MS. VANCE: I know sometimes the

1 Division likes to look at the original mailing report
2 in comparison to the mailing report we provided with
3 these extension cases, so I have provided that.

4 Exhibit C-2 is an updated copy of the
5 pooling exhibit for both of those cases.

6 (Item 35-36 Exhibit C-2 was marked for
7 identification.)

8 MS. VANCE: In the original hearing
9 packet, I believe it was Exhibit A-3. Here,
10 obviously, it's a little bit different.

11 (Item 35-36 Exhibit A-3 was marked for
12 identification.)

13 MS. VANCE: We have less exhibits we're
14 going over. But starting on page 29 of the PDF, I can
15 just walk through that and provide an update as to who
16 we are pooling. We're still pooling in this case.

17 So we are no longer pooling and have
18 reached agreement with the following parties:

19 Escondido Oil and Gas, LLC/Exploration
20 Limited Partnership; Reed & Stevens, Inc., G. Gayle
21 Murdoch [ph] Family Trust; the Tommy K. -- I'm
22 mispronouncing that, but the Tommy K. Lagrone [ph] and
23 Mary Louise Lagrone Revocable Trust, Breckenridge
24 Partnership, Andrew H. Jackson.

25 And then, also, I made a few notes. If

1 you look at the exhibit for -- I'm sorry -- for Terry
2 Jan Smith [ph], who was originally pooled, you'll see
3 there, the bottom couple of interests, that's been
4 since gone to two other parties, successor interest
5 owners Cital [ph] and B-E-X-T [ph], and then formerly,
6 Titus's [ph] interest has gone to Earthstone.

7 And again, we're no longer -- those are
8 the parties we're no longer seeking to pool who were
9 originally in our -- who were pooled originally in the
10 original cases. And we are still pooling Transcendent
11 Oil & Gas Properties, Legacy, and I made a note there
12 that their name has changed. MRC Permian, Marathon,
13 Brooks Oil & Gas, and Trainor [ph].

14 Then we move to sub -- or I'm sorry --
15 Exhibit D. And that is my self-affirmed statement of
16 notice.

17 (Item 35-36 Exhibit D was marked for
18 identification.)

19 MS. VANCE: And following that are the
20 sample letters that were timely mailed out on April
21 14, 2023. And following that is an affidavit of
22 notice of publication, which is Exhibit E.

23 (Item 35-36 Exhibit E was marked for
24 identification.)

25 MS. VANCE: And notice was timely

1 published on April 15, 2023. And unless there are any
2 questions, I would ask that all exhibits and
3 sub-exhibits be admitted into the record and that
4 these cases, case number 23473 and 23474 be taken
5 under advisement by the Division at this time.

6 THE HEARING EXAMINER: Thank you, Ms.
7 Vance.

8 Mr. Lowe?

9 MR. LOWE: Good morning, Ms. Vance.

10 MS. VANCE: Good morning, Mr. Lowe.

11 MR. LOWE: Just to reiterate what was
12 presented. Both of these cases are requesting an
13 extension to drill, and you are amending your affected
14 parties notification?

15 MS. VANCE: So to answer your first
16 question, yes, we're asking for an extension of time
17 to drill under the orders that were originally entered
18 in, you know, in the original cases. So, yes, we're
19 asking for a one-year extension, and that is laid out
20 in our application, as well as the self-affirmed
21 statement of our landman, Mike Wallace.

22 And to answer your second question,
23 yes, we have an update. Fasken continued to have
24 negotiation with the parties even after the original
25 pooling cases and was able to come to an agreement and

1 voluntary joinder with some of those parties that I
2 laid out. So I wanted to make sure we provided that
3 information to the Division and provided an updated
4 sub-exhibit to our original hearing packet that
5 clearly shows the parties that would still be under
6 the orders.

7 MR. LOWE: Okay. And then the changes
8 to the affected people that you noticed, you're
9 removing and adding or just removing, or just removing
10 people, or parties?

11 MS. VANCE: So we're only dropping
12 those parties that I discussed from the pooling
13 because they had voluntarily joined. However, if you
14 were to go to Exhibit D and scroll down to page 35 of
15 the PDF -- and it should be pages 35 through 37 -- you
16 can see our notice list. And I believe we still
17 provided notice to many of those same parties even
18 though we've reached voluntary joinder with them.
19 However, in an abundance of caution, if you will, we
20 did provide notice.

21 MR. LOWE: And the extension request to
22 drill, is this your first request?

23 MS. VANCE: You know what? Let me
24 double-check. I believe that it is, but I could be
25 mistaken. And -- double-check -- I believe it is, but

1 if -- if it would be okay with the Division, I can --
2 or with Mr. Lowe, I can always just take a look, you
3 know, between now and my next presentation and just
4 verify that.

5 Oh, I don't see Mr. Lowe anymore, so
6 I'm not sure where he went. Oh, there he is.

7 MR. LOWE: I don't know what happened,
8 if it was me or all of us, or what. Everybody went
9 blank.

10 MS. VANCE: Mr. Lowe, I'm not sure if
11 you heard my response to your question.

12 MR. LOWE: No.

13 MS. VANCE: So I believe it is our
14 first extension request, but I can double-check and
15 just circle back with you later during the hearing
16 when I'm back up presenting cases if that's okay. I
17 just want to make sure that I double-check the record.

18 MR. LOWE: Okay. And so you're asking
19 for an extension for both locations; correct?

20 MS. VANCE: That's correct, Mr. Lowe.

21 MR. LOWE: Okay. Those are all my
22 questions I have. Thank you.

23 MS. VANCE: Thank you.

24 THE HEARING EXAMINER: Okay. Ms.
25 Thompson or anyone else from OCD, any questions for

1 Ms. Vance?

2 MS. THOMPSON: I just wanted to
3 reiterate that you said that there were no additional
4 parties being pooled; correct?

5 MS. VANCE: That's correct. We are
6 only dropping parties that we originally pooled that
7 we were able to reach voluntary agreement with.

8 MS. THOMPSON: Okay. Perfect. Then I
9 have no other questions.

10 THE HEARING EXAMINER: Okay. All
11 right. Ms. Vance, just so that we don't have to
12 remember this, when you find the answer to Mr. Lowe's
13 question, would you mind just breaking in and, you
14 know, we'll make sure we get closure on that so that
15 it doesn't get overlooked as we go through the rest of
16 the case; okay?

17 MS. VANCE: Yes, Mr. Hearing Examiner.
18 I will be presenting again for Matador Production
19 Company, and I'll just hold off if it's okay with you
20 out of respect for my colleagues, and just I'll let
21 you know before I start in those cases that I present.

22 THE HEARING EXAMINER: Okay. All
23 right. Fair enough. Those are coming up in fairly
24 short order, so that works for me.

25 So your exhibits, I believe it's A

1 through D, with sub-parts; right?

2 MS. VANCE: It's Exhibits A through E
3 actually.

4 THE HEARING EXAMINER: Exhibits A
5 through E will be admitted into the record of this
6 case, or these two cases, 24373 and 474, and those
7 cases are taken under advisement.

8 (Item 35-36 Exhibit A through Exhibit E
9 were received into evidence.)

10 THE HEARING EXAMINER: Okay. Moving to
11 item number 37, which is OCD case number 23476.

12 May I have an entry of appearance for
13 the applicant in that case?

14 MR. SAVAGE: Good morning, Mr. Hearing
15 Examiner, Mr. Lowe, Ms. Thompson. Darin Savage with
16 the Santa Fe Office of Abadie & Schill, appearing on
17 behalf of Earthstone Operating, LLC.

18 THE HEARING EXAMINER: Thank you, Mr.
19 Savage. Is this case related to the next one, 23478?

20 MR. SAVAGE: It is, and we plan to
21 consolidate if OCD permits.

22 THE HEARING EXAMINER: Okay. Fair
23 enough. So let me call both of those cases. I'm
24 going to assume that you've entered an appearance in
25 23476 and 23478.

1 Let me ask if there are other parties
2 to 23476 or 478 who would wish to enter an appearance?

3 MR. RANKIN: Mr. Examiner, Adam Rankin
4 appearing on behalf of Devon Energy Production Company
5 and Matador Production Company in both those cases,
6 with the Santa Fe Office of Holland & Hart.

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

9 Then are there other interested persons
10 in these two cases who wish to enter an appearance?

11 Hearing no one, Mr. Rankin, let me ask
12 you, do you oppose the presentation of these two cases
13 by affidavit?

14 MR. RANKIN: No, Mr. Examiner. We're
15 just appearing to preserve rights and have no further
16 questions at this time.

17 THE HEARING EXAMINER: All right. Then
18 returning to you, Mr. Savage, please proceed.

19 MR. SAVAGE: Thank you. We are
20 presenting cases 23476 and 23478, which cover lands in
21 Section 7 and 18, Township 21 South, Range 35 East, in
22 Lea County, New Mexico. The landman for these cases,
23 Amanda Redfern [ph], has not previously testified
24 before the Division as an expert witness. She
25 graduated in 2016 from the University of Houston with

1 a bachelor's in international business and a minor in
2 petroleum land management, and has worked for
3 Earthstone Energy for approximately two years,
4 focusing on work in New Mexico. Her resume is
5 attached to her self-affirmed statement for the
6 Division's review and consideration. We ask that she
7 be accepted as an expert witness in petroleum land
8 matters.

9 THE HEARING EXAMINER: Mr. Rankin, any
10 objections to the witness being so qualified?

11 MR. RANKIN: No, Mr. Examiner, no
12 objections to any of the witnesses or the exhibits
13 being presented or taken into the record.

14 THE HEARING EXAMINER: Okay. Mr. Lowe,
15 do you have any questions concerning the
16 qualifications of this proposed expert witness?

17 MR. RANKIN: No, I do not.

18 THE HEARING EXAMINER: All right.
19 Then -- I'm sorry -- I forget the person's name, Mr.
20 Savage.

21 MR. SAVAGE: Ms. Redfern.

22 THE HEARING EXAMINER: I'm sorry.
23 Okay. Ms. Redfern will be recognized as an expert in
24 the field of petroleum land issues? Is that what
25 you --

1 MR. SAVAGE: Land matters was the
2 phrase that I had used, but --

3 THE HEARING EXAMINER: Land matters.
4 All right.

5 MR. SAVAGE: Thank you. Thank you, Mr.
6 Hearing Examiner.

7 The geologist, Jason J. Asmous [ph],
8 who has focused on New Mexico for 11 years, has
9 testified previously before the Division as an expert
10 witness, and his credentials have been accepted as a
11 matter of record.

12 In case number 23476, Devon seeks --
13 excuse me -- Earthstone seeks an order establishing a
14 standard 320-acre, more or less, spacing unit,
15 covering the east half/west half of Sections 7 and 18,
16 and pooling all uncommitted interests in the Bone
17 Spring formation designated as an oil pool underlying
18 said unit. The unit is dedicated to two initial
19 wells, the Outland 18-7 State Com 112H Well and the
20 Outland 18-7 State Com 212H Well. The orientation of
21 the wells are standup, south to north, and their
22 locations are orthodox.

23 Ms. Redfern's Exhibit A for case 23476
24 includes her landman self-affirmed statement, C102s,
25 and ownership breakdown, the well proposal with AFE,

1 and a chronology of contacts.

2 (Item 37 Exhibit A was marked for
3 identification.)

4 MR. SAVAGE: Exhibit B for this case
5 includes the geology self-affirmed statement along
6 with the five standard geology exhibits showing the
7 potential for development as described in his
8 statement.

9 (Item 37 Exhibit B was marked for
10 identification.)

11 MR. SAVAGE: Exhibit C provides the
12 affidavit of notice for mailings and the publication
13 notice.

14 (Item 37 Exhibit C was marked for
15 identification.)

16 MR. SAVAGE: Notice was timely mailed
17 for all working interest owners and all working
18 interest owners were locatable. And notice was timely
19 mailed for the overriding royalty interest owners
20 except for one, one overriding royalty interest owner,
21 which I'll explain in a minute here.

22 Service by publication was published in
23 the Hobbs News-Sun and was timely for all the working
24 interest owners and all of the overriding royalty
25 interest owners except for this one.

1 Earthstone points out that this one
2 particular additional overriding royalty interest
3 owner named TWR IV, LLC, it had been recently
4 discovered in a follow-up title search after the
5 initial notice was mailed and published.

6 Earthstone sent a follow-up notice
7 letter to TWR on April 28th and sent a revised
8 publication notice to the Hobbs News-Sun, which was
9 published May 3rd to account for TWR as an overriding
10 royalty interest owner. These curative measures to
11 account -- take into account for TWR can be reviewed
12 in Exhibit C-4, and notice for TWR should be cured by
13 May 18th, in the next couple weeks.

14 (Item 37 Exhibit C-4 was marked for
15 identification.)

16 MR. SAVAGE: Next, in case number
17 23478, Earthstone seeks an order establishing a
18 standard 285-acre, more or less, spacing unit,
19 covering lots 1 through 4, and that's the west
20 half/west half equivalent of Sections 7 and 18, and
21 pooling all uncommitted interests in the Bone Spring
22 formation designated as an oil pool underlying said
23 unit.

24 This unit is dedicated to two initial
25 wells, the Outland 18-7 State Com 111H Well, and the

1 Outland 18-7 State Com 111H Well. Orientation of the
2 wells are standup, south to north, and their locations
3 are orthodox.

4 Again, Ms. Redfern's exhibit, Exhibit A
5 for case 23478, includes her statement, C102s, the
6 ownership breakdown, well proposal with AFE and the
7 chronology of contacts.

8 (Item 38 Exhibit A was marked for
9 identification.)

10 MR. SAVAGE: And the geologist, Mr.
11 Asmous, Exhibit B, for this case, includes his geology
12 statement, along with the five standard geology
13 exhibits, showing the potential for development.

14 (Item 38 Exhibit B was marked for
15 identification.)

16 MR. SAVAGE: Exhibit C provides the
17 affidavit of notice for mailings and publication
18 notice.

19 (Item 38 Exhibit C was marked for
20 identification.)

21 MR. SAVAGE: Notice was timely mailed
22 for all working interest owners, and they were
23 locatable, and notice was timely mailed for the
24 overriding royalty interest owners except for TWR, as
25 in the previous case.

1 We had the same issue in this case,
2 with notice for TWR, and we have taken curative
3 measures to account for the notice to TWR, which can
4 be reviewed in Exhibit C-4. And again, notice for TWR
5 should be cured by May 18th.

6 (Item 38 Exhibit C-4 was marked for
7 identification.)

8 MR. SAVAGE: Mr. Hearing Examiner, in
9 both cases, Mr. Asmous affirmed that the approval of
10 these applications is in the best interest of
11 conservation protection of correlative rights and the
12 prevention of waste and will prevent the drilling of
13 unnecessary wells.

14 At this time, I move that Exhibits A,
15 B, and C, and all sub-exhibits be admitted into the
16 record for these two cases and that these cases be
17 taken under advisement but remain open pursuant to the
18 curative matters involving notice to TWR. And I'm
19 available for any questions.

20 Thank you.

21 THE HEARING EXAMINER: Okay. Thank
22 you.

23 Anything from you, Mr. Rankin?

24 MR. RANKIN: Nothing, Mr. Examiner.
25 Thank you.

1 THE HEARING EXAMINER: Okay. I'm going
2 to ask Mr. Lowe if he has any questions. But my
3 concern -- I guess my concern is with the notice
4 issue. I think you said to TWR? Did I hear that
5 right?

6 MR. SAVAGE: That is correct, Mr.
7 Hearing Examiner, TWR IV, LLC.

8 THE HEARING EXAMINER: And these people
9 could not be located, so you filed a notice in the
10 newspaper? Did I get that right?

11 MR. SAVAGE: No. These -- we had been
12 doing ongoing follow-up title searches and due
13 diligence, and we happened to run across this
14 particular party after we had mailed the initial
15 notice and done publication. So we found what we
16 believe is the correct address. And it was just a
17 matter of mailing an additional notice letter, but we
18 couldn't make the cutoff date that we did with the
19 initial notice letter.

20 So the notice letter was mailed -- the
21 follow-up notice letter was mailed April 28th. And as
22 a precaution, we went ahead and revised the
23 publication notice and included TWR as a part -- as a
24 listed party. So that was published May 3rd. So all
25 notice has been accounted for. It's just a matter of

1 the appropriate amount of time that's needed for that
2 notice to provide curative.

3 THE HEARING EXAMINER: Okay. And I
4 think you said that notice -- that period, which I
5 guess is the 20 days, will be up on May the 18th?

6 MR. SAVAGE: That's correct. May 18th,
7 both the notice by letter and notice by publication
8 should be satisfied.

9 And so we ask that the exhibits be
10 admitted into the record and taken under advisement,
11 but the case remained open and then reconvening on May
12 18th to finalize the cases as we have done today, some
13 of the examples we have done earlier.

14 THE HEARING EXAMINER: So on the 18th
15 or the next available docket; right?

16 MR. SAVAGE: That's correct. I believe
17 May 18th.

18 THE HEARING EXAMINER: Oh, it is May
19 18th? Okay.

20 MR. SAVAGE: Yeah. Thank you.

21 THE HEARING EXAMINER: Mr. Lowe?

22 Uh-oh. Did we lose you, Mr. Lowe?

23 How about you, Ms. Thompson, are you
24 there?

25 MS. THOMPSON: I am.

1 MR. LOWE: Hello?

2 MR. SAVAGE: Good morning.

3 MR. LOWE: Can you guys hear me?

4 THE HEARING EXAMINER: Is that Mr.

5 Lowe?

6 MR. LOWE: Can you guys hear me?

7 THE HEARING EXAMINER: We can hear

8 somebody, yes. Is that you, Mr. Lowe?

9 MR. LOWE: Yes. I was trying to say

10 something. I'm not too sure if the Internet on my

11 side or what's going on. Can you guys hear me now?

12 THE HEARING EXAMINER: We can.

13 MR. LOWE: Okay. It might be my video,

14 then. I don't know.

15 THE HEARING EXAMINER: We can't see

16 you, but we can hear you. We do know that --

17 MR. LOWE: I just turned off my video.

18 Maybe that was hindering me in communicating.

19 But Darin Savage, good morning.

20 MR. SAVAGE: Good morning, Mr. Lowe.

21 MR. LOWE: Your application as stated,

22 when I'm looking at it, it indicates that the

23 application for Earthstone Operating for a horizontal

24 spacing unit and compulsory pooling. I was a little

25 confused. What do you mean by horizontal spacing unit

1 for this case?

2 MR. SAVAGE: Mr. Lowe, it's a
3 compulsory pooling application, and the horizontal
4 spacing unit is done by operation of law under the
5 compulsory pooling. We just like to make it explicit
6 that the -- for the Division's clarification that the
7 Division is reviewing this compulsory pooling, and it
8 would include a horizontal spacing unit. But that is
9 a standard horizontal spacing unit, so there's no
10 special provisions that are needed. It would come
11 into being as operation of law under the rules.

12 MR. LOWE: Oh, okay, I was just --
13 because for me, when I see that, it causes confusion,
14 or it makes me dig around a little more on --

15 MR. SAVAGE: Well, I've seen scenarios
16 in the past where parties have asked for compulsory
17 pooling and then they decide they want to just do the
18 spacing instead of the pooling, and they're kind of
19 left hanging if they don't have that provision in
20 there. And that's why we just -- just as a
21 precaution.

22 MR. LOWE: Just by default, it's always
23 like we assume horizontal spacing unit except if
24 they're doing a vertical well, you know, like, that's
25 a different story. But --

1 MR. SAVAGE: Right, right, right.

2 MR. LOWE: Okay. My other question to
3 you is for particularly case 23476. Sorry. I had to
4 go all the way back down to your notice area. Oh,
5 basically, it looks like you're trying to pool
6 interest in tract 1 and tract 2, the items in yellow;
7 correct? Actually, no, and 3?

8 MR. SAVAGE: Correct, tract 1, 2, and
9 3.

10 MR. LOWE: And are those -- and they've
11 all been -- you know, you sent out notices, and
12 everything, towards that, and you --

13 MR. SAVAGE: Yeah. All the working,
14 Mr. Lowe, all the working interest owners have been
15 fully accounted for and noticed both by letter and
16 publication.

17 MR. LOWE: And there was -- you
18 verbalized that you had a timely issued notice. And
19 what time was that when you issued notice -- when you
20 stated that?

21 MR. SAVAGE: Yeah. So that was the
22 discovery of this overriding royalty interest owner,
23 TWR. Unfortunately, we couldn't get the letter notice
24 and the publication notice in time for that particular
25 party. So we did a follow-up letter once we

1 discovered TWR. And that was April 28th, I believe,
2 was the date on that letter. And that's in Exhibit C-
3 4. And then we did a revision of the publication
4 notice just as a precaution. And there is a
5 supplemental mailing report in there that shows TWR on
6 the mailing report with the date sent.

7 MR. LOWE: Okay. So, basically,
8 everything -- all the notice was done except for this
9 TWR?

10 MR. SAVAGE: That's correct.

11 MR. LOWE: And they were given notice,
12 and that timely notice will be concluded on May 18th?

13 MR. SAVAGE: That is correct. And
14 fortunately, they're overriding royalty interest
15 owners, non-participatory.

16 MR. LOWE: Yeah.

17 MR. SAVAGE: But nonetheless, you know,
18 we still do a courtesy notice to those parties.

19 MR. LOWE: Okay. Those are all my
20 questions I have. Thank you.

21 THE HEARING EXAMINER: Ms. Thompson?

22 MS. THOMPSON: Yeah. Just kind of
23 going back to what Mr. Lowe had said, when it comes to
24 the applications, you don't have to necessarily say
25 horizontal spacing unit, and also, you don't have to

1 say overlapping spacing unit within the case, as it
2 will be within the application itself. So it does
3 cause a little bit of confusion when we do get the
4 nonstandard spacing unit.

5 The -- I was also just looking at the
6 pool checklist. I think it was just a mistake on your
7 end. It looked like you were pooling yourself for a
8 minute there when you highlighted Earthstone Permian,
9 LLC, as an uncommitted interest owner; is that
10 correct?

11 MR. SAVAGE: Yeah. Earthstone is -- I
12 mean, that's -- yeah, that would be the applicant.

13 MS. THOMPSON: Right. So on the --

14 MR. SAVAGE: Yeah, we can revise --

15 MS. THOMPSON: Yes. On page 25, it
16 shows that you're an uncommitted interest owner for
17 all three tracts. So ...

18 MR. SAVAGE: We can revise that and get
19 you an updated exhibit.

20 MS. THOMPSON: Okay. Yeah. So then
21 that would be it, then. That's all my questions.

22 MR. SAVAGE: Thank you.

23 THE HEARING EXAMINER: All right.

24 Okay. So your Exhibits, Mr. Savage, in case -- cases
25 23476 and 478 will be admitted and made a part of the

1 record. The case will be taken under advisement.

2 (Item 37-38 Exhibit A through Exhibit C
3 and Exhibit C-4 were received into
4 evidence.)

5 THE HEARING EXAMINER: We'll, I guess,
6 continue this to the May 18th or next available docket
7 in order -- I guess -- I'm not sure what the protocol
8 is. I guess we'll want to hear from you on status on
9 closing the loop on this notice issue. And you know,
10 of course I don't know. I guess it's very remote or
11 not even -- maybe this is just hyper technical, but
12 I'm assuming that at that next hearing after the
13 notice period, we'd want to see if TWR has made an
14 appearance or has anything to say. Does that sound
15 right?

16 MR. SAVAGE: That sounds good. Thank
17 you.

18 THE HEARING EXAMINER: Okay. Thank
19 you. Appreciate it. Then, let's see. What time --
20 we're looking at 11:43. Let's take the next -- I
21 believe it's a set of cases, so let's go ahead with
22 I'll call case number 23481, number 39 on the docket,
23 BTA Oil Produce.

24 May I have an entry of appearance for
25 the applicant in that case?

1 MS. MCLEAN: Yes. Jackie McLean with
2 Hinkle Shanor on behalf of BTA Oil Producers.

3 THE HEARING EXAMINER: Welcome back.

4 MS. MCLEAN: Thank you.

5 THE HEARING EXAMINER: Are these cases
6 consolidated with 23482, 83, and 84?

7 MS. MCLEAN: Yes, Mr. Examiner, we did
8 file a joint prehearing statement seeking to
9 consolidate case numbers 23481 to 23484 for hearing.

10 THE HEARING EXAMINER: Okay. Let me
11 see if there are entries of appearance for any other
12 parties in 23481, 2, 3, or 4?

13 Are there any other interested persons
14 in those cases who wish to make an entry of
15 appearance?

16 Okay. Hearing none, then Ms. McLean,
17 you wish to present these by affidavit, I suppose, and
18 all in one batch, for lack of a better term?

19 MS. MCLEAN: That's correct.

20 THE HEARING EXAMINER: All right. You
21 may proceed.

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

23 First, in case number 23481, BTA is
24 applying for an order pooling all uncommitted
25 interests in the Pennsylvanian Shale formation

1 underlying a 320-acre, more or less, standard
2 horizontal spacing unit comprised of the west
3 half/west half of Section 28 and the west half/west
4 half of Section 33, Township 16 South, Range 36 East,
5 Lea County, New Mexico.

6 And this spacing unit will be dedicated
7 to the Capitan 22301 28-33 State Com Number 9H Well to
8 be drilled from surface hole location in Unit D of
9 Section 28 to a bottom hole location in Unit M of
10 Section 33.

11 And then in case number 23482, BTA is
12 also seeking to pool uncommitted interest in the
13 Pennsylvanian Shale formation underlying 320-acre
14 standard horizontal spacing unit comprised of the east
15 half/west half of Section 28 and the east half/west
16 half of Section 33. And this spacing unit will be
17 dedicated to the Capitan 22301, 28-33 State Com Number
18 10H Well, which will be drilled from a surface hole
19 location in Unit C of Section 28 to a bottom hole
20 location in Unit N of Section 33.

21 Then we have case number 23483, where
22 BTA is applying for an order pooling all uncommitted
23 interest, again, in the Pennsylvanian Shale formation,
24 underlying a 319.42 acre, more or less, standard
25 horizontal spacing unit comprised of the west

1 half/east half of Section 33, Township 16 South, Range
2 36 East, and lot 2 in the southwest quarter/northeast
3 quarter and west half/southeast quarter of Irregular
4 Section 4, Township 17 South, Range 36 East, in Lea
5 County, New Mexico.

6 And this spacing unit will be dedicated
7 to the Capitan 22301 33-4 State Com Number 11H Well to
8 be drilled from a surface hole location in Unit B of
9 Section 33, Township 16 South, to a bottom hole
10 location in Unit O of Section 4, Township 17 South.

11 Then, finally, in case number 23484,
12 BTA applies for an order pooling all uncommitted
13 interests in the Pennsylvanian Shale formation
14 underlying a 319.37-acre, more or less, standard
15 horizontal spacing unit, comprised of the east
16 half/east half of Section 33, Township 16 South, Range
17 36 East, and Lot 1, southeast quarter/northeast
18 quarter, and east half/southeast quarter of Irregular
19 Section 4, Township 17 South, Range 36 East, in Lea
20 County, New Mexico.

21 And this spacing unit will be dedicated
22 to the Capitan 22301 33-4, State Com Number 12H Well,
23 which will be drilled from the surface hole location
24 in Unit A of Section 33, Township 16 South, to a
25 bottom hole location in Unit P of Section 4, Township

1 17 South.

2 And we did submit four exhibit packets,
3 one for each case, to the Division on Tuesday, which
4 contains a compulsory pooling checklist for each one
5 of the cases, Exhibit A, which is the land
6 professional's testimony of Adam Davenport, and the
7 related land exhibits, which include the plat of
8 tracts, ownership interests, pooled parties, a well
9 proposal letter, and a summary of communications.

10 (Item 39-42 Exhibit A was marked for
11 identification.)

12 MS. MCLEAN: Then we have Exhibit B,
13 which is geology testimony of David Childers, which
14 includes a location map, sub-C structure map, a
15 stratigraphic cross-section, and a gross isopach map.

16 (Item 39-42 Exhibit B was marked for
17 identification.)

18 MS. MCLEAN: And then we have Exhibit
19 C, which is the notice testimony of Dana Hardy, which
20 includes the sample notice letter sent to the parties
21 to be pooled, a chart of the parties to be pooled,
22 copies of the certified mailed green cards and
23 returns, and an affidavit of publication, which shows
24 that these cases were timely published on April 14,
25 2023.

1 //

2 (Item 39-42 Exhibit C was marked for
3 identification.)

4 MS. MCLEAN: And I ask that Exhibits A,
5 B, and C be admitted into the record in case numbers
6 23481, 23482, 23483, and 23484 and that these cases be
7 taken under advisement. And I'm happy to answer any
8 questions that you might have.

9 THE HEARING EXAMINER: All right.
10 Thank you, Ms. McLean.

11 Mr. Lowe, questions?

12 MR. LOWE: Yes. Let me try this
13 without my video on and see if I can stay on board.

14 Ms. McLean, hi.

15 MS. MCLEAN: Hi, hello.

16 MR. LOWE: Let's see here. The
17 checklist for the well number is for case number
18 23481?

19 MS. MCLEAN: 23481?

20 MR. LOWE: Yes, the well number -- I'm
21 trying to find your well name.

22 MS. MCLEAN: 9H, the 9H Well?

23 MR. LOWE: 9H Well, yes. On your
24 checklist, let's see, in your AFE, area indicates that
25 the drilling supervision per month is \$12,000. And

1 your production supervision is \$1,200. And then
2 further down in your application, I see numbers not
3 lining up to what -- I guess what we are presented to
4 here. I'm just curious to know those numbers -- my
5 first question, is that -- that's pretty high. Is
6 that standard rate in the area?

7 MS. MCLEAN: Yes. And I believe I can
8 offer a good explanation for that. These are now the
9 standard rates, and BTA feels that it has been
10 charging below the -- what they've determined is the
11 standard drilling supervision rates per month. And I
12 understand that the AFEs and the well proposal letters
13 were sent out with a different number. But after
14 pooling, BTA is required to send out notice again and
15 repropose the wells. And they intend to include the
16 \$12,000 rate in those new proposals following the
17 issuance of the pooling order.

18 So we believe it can be addressed in
19 that. And if you do require more information on
20 exactly what goes into the higher drilling supervision
21 cost, we're happy to provide a supplemental affidavit
22 from Mr. Davenport.

23 MR. LOWE: So, basically, the 12,000
24 and 1,200 is the pretty much average in the local --
25 in this area? Is that --

1 MS. MCLEAN: Yes. And specifically to
2 BTA, they have a very large development in this area,
3 where they own a lot of, you know, the land, and there
4 are not other parties involved. And when they are
5 drilling wells, they have a separate entity, and they
6 charge themselves this amount. So they felt like it
7 was fair to include this in their well proposal
8 letters going forward.

9 MR. LOWE: Okay. And the proposal
10 letter that was sent out indicated 8,800?

11 MS. MCLEAN: Correct. And then when
12 they send it out again following the issuance of the
13 orders, they are going to be proposing 12,000 and
14 1,200 for these same wells.

15 MR. LOWE: Okay. And then -- thank you
16 for the reply for those -- my inquiry.

17 MS. MCLEAN: Oh, yes, of course.

18 MR. LOWE: So, basically, these cases
19 are separated by pool and by well; right? So you got
20 four wells, one well per pool -- I mean -- pool -- per
21 case; right? Is that what's going on?

22 MS. MCLEAN: Yes, that is correct, one
23 well. It's all the same pool with the same pool code,
24 but there are four separate applications with each one
25 having its own well.

1 MR. LOWE: Okay. Is that your geology
2 portion of your presentation?

3 MS. MCLEAN: There is a geology
4 portion, yes.

5 MR. LOWE: Yes? Okay.

6 MS. MCLEAN: The geology testimony and
7 corresponding exhibits are Exhibit B for each of the
8 cases.

9 MR. LOWE: Okay. I think those are
10 my -- oh, on page 28 of your exhibit, where you have
11 your table of notice letter chart?

12 MS. MCLEAN: For which -- in which
13 case?

14 MR. LOWE: Oh, 23481, just the first
15 case.

16 MS. MCLEAN: Okay. Yes.

17 MR. LOWE: On that table chart, where
18 it says "Return Receive," it says 4/26/23, "No
19 Signature." What does that mean?

20 MS. MCLEAN: That just means, so if you
21 look at the next few pages, you'll see some of them.
22 Like, so on page 29 of the PDF, it shows that we
23 received the receipt, but there was no signature. And
24 then the next one, page 30 of the PDF, the one that's
25 to Graham Ranch [ph], it shows that Mike Davis

1 actually signed it. The same on page 31. And then
2 for page 32, XTO Holdings [ph], there was no
3 signatures. That means someone just did not sign it,
4 but they received it.

5 MR. LOWE: Okay. I just wanted to
6 reassure. That's kind of what -- I assumed that, but
7 thank you for further clarifying that for me.

8 MS. MCLEAN: Sure. Of course.

9 MR. LOWE: Those are all the questions
10 I have. Thank you.

11 MS. MCLEAN: Thank you.

12 THE HEARING EXAMINER: Thank you, Mr.
13 Lowe.

14 Ms. Thompson, do you have any questions
15 for Ms. McLean?

16 MS. THOMPSON: I do. I was also a
17 little surprised by the supervision costs, as I think
18 that is it the highest I've seen thus far. However,
19 so, like, being able to get a justification for those
20 costs would be nice.

21 Also, in case 23483, I am not actually
22 finding your application packet. I see your
23 application, but I do not see the packet that includes
24 your C102s, geology, or self-affirmed statements.
25 So ...

1 MS. MCLEAN: We definitely filed it the
2 same time as the other ones. Obviously, I don't have
3 the access to your end of things, and I know sometimes
4 in prior cases, there are sometimes issues with what
5 exactly was on there, but we're happy to send a
6 courtesy copy if you would like.

7 And then for the justification of cost,
8 just from being, you know, part of the docket and
9 listening to the hearings, this is not the first time
10 someone has asked for \$12,000 for those supervision
11 costs, but we will definitely provide a supplemental
12 affidavit that gives more in-depth justification.

13 MS. THOMPSON: Okay. Perfect. That's
14 all my questions. Thank you.

15 MS. MCLEAN: Thank you.

16 THE HEARING EXAMINER: Okay. All
17 right. So I'm not sure what the protocol is here, if
18 there's -- sounds to me like there's an issue with
19 what was filed in 23483? Or what --

20 MS. MCLEAN: So, Mr. Examiner, we just
21 checked, and it is on the -- on our end, we see it on
22 the site, on the OCD site.

23 THE HEARING EXAMINER: Okay. Ms.
24 Thompson, I mean, where are we on this? I mean, is it
25 filed or not filed from the Division's perspective? I

1 mean, are you able to say?

2 MS. THOMPSON: I'm not able to say. I
3 would have to get with Sheila on that to see if it's
4 filed and not submitted at the moment.

5 MS. MCLEAN: Just let us know what you
6 would like us to do.

7 MS. THOMPSON: I would like for you to
8 resubmit that packet for 23483 right now.

9 MS. MCLEAN: Okay.

10 MS. THOMPSON: Just in case we don't
11 have it for whatever reason or it did not get uploaded
12 properly. So ...

13 MS. MCLEAN: We can do that no problem.

14 THE HEARING EXAMINER: So are we able
15 to take this case under -- are those four cases under
16 advisement under the circumstances? I need some
17 feedback from you guys on this. I mean, if there's no
18 application, we can't submit the case; right?

19 MS. THOMPSON: Yeah. Right. So she
20 does have the application packet, which I do see here.
21 But it does not have all the supplementary information
22 with it along with it's also missing the case number
23 on it. And I see a prehearing statement, but
24 that's -- as well.

25 So I would say that we could -- like,

1 maybe for 23483, at least -- I mean, it's up to you,
2 Rip, of course, but I would recommend be continued to
3 the next docket.

4 THE HEARING EXAMINER: Okay. Well, if
5 that's okay with you, Ms. McLean, I think that's
6 probably what we should do, in an abundance of
7 caution. We'll take cases 23481, 82, and 84 under
8 advisement and admit the exhibits in all three of
9 those cases at this point.

10 (Item 39-40; 42 Exhibit A, Exhibit B,
11 and Exhibit C were received into
12 evidence.)

13 THE HEARING EXAMINER: And how about we
14 continue 23483 to either 5/18 or the next available
15 docket?

16 MS. MCLEAN: If we could be set on the
17 May 18th docket, that would be great, Mr. Examiner.

18 THE HEARING EXAMINER: Okay. And then
19 you were going to also submit a supplemental affidavit
20 supporting the costs that are being requested, and I
21 wasn't clear if that's in 23483 or on all four of the
22 cases, or what.

23 MS. MCLEAN: I think it's in all four
24 of the cases, Mr. Examiner.

25 MS. THOMPSON: Correct.

1 THE HEARING EXAMINER: Okay. All
2 right. Is that satisfactory? Will that be
3 satisfactory to you, Ms. Thompson, and you, Mr. Lowe?

4 MS. THOMPSON: That's satisfactory for
5 me.

6 MR. LOWE: Yes.

7 THE HEARING EXAMINER: All right. So
8 let's see now. It's 12:03 p.m. I need to get some
9 feedback on folks on what the usual protocol is. I
10 assume that when these things go beyond the morning,
11 that people want a break for lunch. Is that how this
12 usually works? Feel free to pipe in especially those
13 of you who still have cases pending on the docket.

14 MR. LOWE: That's pretty much what the
15 usual layout would be is you take about -- if we
16 finish in time of the current case, we take a break.

17 THE HEARING EXAMINER: Okay. Well,
18 we're pretty much two-thirds of the way through the
19 docket. So, I mean, I would be fine with 45 minutes.
20 I'm also okay with an hour. It depends on what
21 people's preference would be.

22 MS. BENNETT: This is Deana Bennett. I
23 have cases this afternoon, and 45 minutes works fine
24 for me.

25 THE HEARING EXAMINER: All right. Any

1 other votes for 45 minutes or is -- or votes for an
2 hour?

3 MR. LOWE: Forty-five is good for me.

4 MS. VANCE: Forty-five works for me, as
5 well. This is Paula Vance with Holland & Hart --

6 THE HEARING EXAMINER: I'm hearing
7 three 45s. I'm sorry. Go ahead. I stepped on
8 somebody.

9 MS. VANCE: I think that was me, Mr.
10 Hearing Officer. I'm fine with that, as well. But
11 before we go to lunch, I'm happy to answer Mr. Lowe's
12 question very quickly from my previous case, or cases.

13 THE HEARING EXAMINER: Sure. Yeah.
14 That's great. Let's close that loop, and then we'll
15 break.

16 MS. VANCE: Mr. Lowe, just to answer
17 your question, it is the first extension that Fasken
18 was applying for in those cases.

19 MR. LOWE: Okay. Thank you.

20 THE HEARING EXAMINER: All right. Can
21 you all hear me?

22 MR. LOWE: Yes.

23 UNIDENTIFIED SPEAKER: Yes.

24 THE HEARING EXAMINER: All of the
25 sudden, I'm not hearing. Okay. Let's break till --

1 it's 12:05. Let's come back at 12:50.

2 Ms. Fulton, we'll go off the record
3 now, and we'll come back at 12:50.

4 (Off the record.)

5 THE REPORTER: We are now back on the
6 record.

7 THE HEARING EXAMINER: All right.
8 Thank you, Ms. Fulton.

9 Okay. So it's 12:52 p.m. We're
10 reconvened in the OCD May 4, 2023, docket. We left
11 off with case number 22484. There were issues with
12 whether or not things had been filed in case 23483.
13 So before we went back on the record, we had a little
14 discussion.

15 But Ms. McLean, you're with us. Would
16 you tell us what you found over the break, and then I
17 will ask Ms. Apodaco to weigh in, as well, just so we
18 make a complete record here.

19 MS. MCLEAN: Yes. Thank you, Mr.
20 Examiner. We were able to find over the break that
21 for case number 23483, we did receive an email from
22 the OCD on Tuesday, May 2, 2023, at 4:20 p.m., that
23 OCD had approved the submitted Exhibit packet for case
24 number 23483. And so because of that, because we
25 timely filed exhibits in this case, we would like the

1 opportunity to present that case in today's docket.

2 THE HEARING EXAMINER: Okay. And Ms.
3 Apodaco, over the break, you looked into this. Would
4 you mind tell us what you found?

5 MS. APODACO: Yes. That is true. In
6 the filing platform, there is an area for documents
7 that are waiting to be released to imaging, and I did
8 find this document in there, and it was filed on the
9 date Ms. McLean mentioned.

10 THE HEARING EXAMINER: Okay. Mr. Lowe,
11 Ms. Thompson, are you back with us?

12 MR. LOWE: Yes, sir, I'm back.

13 THE HEARING EXAMINER: Do you have an
14 issue based on what's been discovered during the
15 break, do you have an issue with us including 23483,
16 you know, deeming it submitted today and taken under
17 advisement rather than continued?

18 MR. LOWE: I don't have any issues with
19 it, and I'm assuming all of the information that was
20 there was pretty much similar to -- somewhat similar
21 to the other cases that was presented. So on that
22 note, you know, I think we'll be okay to move forward.
23 If there's any other questions we see upon revieing
24 that exhibit there, we can move forward to further
25 inquiries from thereon.

1 THE HEARING EXAMINER: Okay. Fair
2 enough.

3 Ms. Thompson, anything to add?

4 MS. THOMPSON: I have no issues taking
5 it under advisement.

6 THE HEARING EXAMINER: All right.
7 Okay. So case number 23483, the exhibits in that case
8 will be admitted and added to the record and made part
9 of the record, and that case will be taken under
10 advisement.

11 (Item 41 Exhibit A, Exhibit B, and
12 Exhibit C were received into evidence.)

13 THE HEARING EXAMINER: I believe there
14 was an issue of a supplemental affidavit in support of
15 the requested costs in the case, and I assume that'll
16 apply to this case, as well?

17 MS. MCLEAN: Yes, Mr. Examiner. We
18 will submit supplemental affidavits in all four of
19 those BTA Capitan cases.

20 THE HEARING EXAMINER: Okay, Ms.
21 McLean, thank you.

22 MS. MCLEAN: Thank you, Mr. Examiner.
23 Thank you, Ms. Apodaco, as well.

24 THE HEARING EXAMINER: All right. So
25 we are now up to item number 43, which is case number

1 23489.

2 If I could have an entry of appearance
3 for the applicant?

4 MS. VANCE: Yes, good afternoon, Mr.
5 Hearing Examiner, Mr. Lowe, and Ms. Thompson. Paula
6 Vance with the Santa Fe Office of Holland & Hart on
7 behalf of the applicant, MRC Permian Company. And I
8 will note before you get started -- or before I get
9 started, we would like to consolidate the proceeding
10 three cases. So, collectively, it would be presenting
11 cases 23489, 23490, 23491, and 23492, although on one
12 of them, I do have a notice, additional notice that
13 we're going to be doing and would like to present, but
14 continue that case and just leave the record open.
15 But I will wait and make sure you are good with all of
16 that. And ...

17 THE HEARING EXAMINER: Okay. All
18 right. Thank you.

19 Entry of appearance for any other
20 parties to cases -- I'm sorry -- 23489, 90, 91, and
21 92?

22 Any entries of appearance for any other
23 interested persons in those cases?

24 All right, Ms. Vance, I'm turning it
25 back over to you.

1 MS. VANCE: Thank you, Mr. Hearing
2 Examiner. Again, as I started and noted, we would --
3 I would like to present the materials in the hearing
4 packet for case number 23489, but would like to
5 continue to the 6/1 docket to perfect notice. We have
6 some additional notice that we need to complete, and
7 I'm happy to go over that once I get through the
8 hearing packets or at least to those particular
9 exhibits.

10 So in these four cases, Matador is
11 seeking approval to pool all uncommitted interested in
12 the Bone Spring formation. And the pool is the
13 Carlsbad Bone Spring East, and the pool code is 96144.
14 And each of the cases, the acreage is all within
15 Township 21 South, Range 27 East, Eddy County, New
16 Mexico.

17 And specifically, in case number 23489,
18 Matador seeks to pool a standard 320-acre, more or
19 less, horizontal well spacing unit comprised of the
20 north half/north half of Sections 25 and 26 and
21 initially dedicate the spacing unit to the proposed
22 Whitby 2526 Federal Com Number 121H Well.

23 In case number 23490, Matador seeks to
24 pool a standard 320-acre, more or less, horizontal
25 well spacing unit comprised of the south half of the

1 north half of Sections 25 and 26 and initially
2 dedicate the spacing unit to the Whitby 2526 Fed Com
3 Number 122H Well.

4 And then in case number 23491, Matador
5 seeks to pool a standard 320-acre, more or less,
6 horizontal well spacing unit comprised of the north
7 half of the south half of Sections 25 and 26 and
8 initially dedicate this proposed spacing unit to the
9 Whitby 2526 Fed Com Number 123H Well.

10 And then, lastly, in case number 23492,
11 Matador seeks to pool a standard 320-acre, more or
12 less, horizontal well spacing unit comprised of the
13 south half/south half of Sections 25 and 26 and
14 initially dedicate this spacing unit to the Whitby
15 2526 Federal Com Number 124H Well.

16 In these cases, we have included in the
17 hearing packet, the consolidated hearing packet, a
18 copy of the applications for each of the cases and
19 provide a compulsory pooling checklist for each case,
20 as well as a self-affirmed statement of Landman Hawks
21 Holder [ph] and Geologist Andrew Parker, both of whom
22 have previously testified before the Division, and
23 their credentials have been accepted as a matter of
24 record.

25 So in Mr. Holder's affidavit, which is

1 Exhibit C, this includes Sub-Exhibits C-1, which are
2 the C102s. And then C-2, a land tract map; C-3,
3 another copy of the land tract map, but also a list of
4 the uncommitted interest owners and overriding royalty
5 interest owners that we seek to pool. And then in
6 Exhibit C-4 is a sample well proposal letter with
7 AFEs. And then, lastly, is Exhibit C-5, which is a
8 chronology of contacts.

9 (Item 43-46 Exhibit C through Exhibit
10 C-5 were marked for identification.)

11 MS. VANCE: I do want to note really
12 quickly before I move on to the geology, in the
13 compulsory pooling checklists, which are Exhibit B, if
14 you go to those, for each of these, under the
15 "Unlocatable Parties," I think it's the second page of
16 the checklist, there is a entry for unlocatable
17 parties to be pooled.

18 (Item 43-46 Exhibit B was marked for
19 identification.)

20 MS. VANCE: Initially, I put -- I put
21 two working interest owners for cases 23489 and 23490.
22 And then for cases 23491 and 23492, I put one
23 unlocatable party. But I believe that that was
24 probably just a misunderstanding on my part. I plan
25 to submit revised compulsory pooling checklists.

1 If you will, I know this is bouncing
2 back and forth between the exhibit packet, but if you
3 do go to Exhibit C-3, you will see that this is our
4 list, again, of the uncommitted working interest
5 owners and overriding royalty interest owners that we
6 are seeking to pool. The two that, as I said, on the
7 compulsory pooling checklists for cases 23489 and
8 23490, I initially listed two. And those parties were
9 Norma G. Burton [ph] and Brian C. Reed [ph].

10 And then for, if you scroll down to the
11 next set of cases, which would be -- and that's on
12 page 48 of the PDF, if that's helpful. For case
13 numbers 23491 and 23492, we just have -- it would be
14 Brian C. Reed. Bearing that in mind, if you will go
15 to Exhibit C-5, which is on page 60 of the PDF, you
16 will see those two parties, Brian C. Reed and then
17 Norma G. Burton.

18 Matador was able to -- has a good
19 working address for them. They were able to deliver
20 the proposals, and you will see the note that they
21 were received and signed return receipt. However,
22 they just haven't been able to have further
23 communication with those parties. Again, they were
24 locatable, just have not been able to have further
25 follow-up communications.

1 So I plan to revise those compulsory
2 pooling checklists. And the same will be true on the
3 next set of cases, but again, I'll circle back on that
4 when I get to the -- our Wolfcamp cases.

5 Then, following the landman affidavit
6 and sub-exhibits is Exhibit D, which is Mr. Parker's
7 affidavit. This includes Sub-Exhibits D-1, a locator
8 map; D-2, a sub-C structure and cross-section map, and
9 D-3, a stratigraphic cross-section.

10 (Item 43-46 Exhibit D through Exhibit
11 D-3 was marked for identification.)

12 MS. VANCE: In these cases, Mr. Parker
13 did not observe any faulting, pinch-outs, or other
14 geologic impediments to the horizontal drilling of
15 these wells.

16 And then lastly is Exhibit E, which is
17 a self-affirm statement of notice, with sample letters
18 that were timely mailed on April 14, 2023.

19 (Item 43-46 Exhibit E was marked for
20 identification.)

21 MS. VANCE: And then the Exhibit F,
22 which is the affidavit of notice of publication, which
23 was timely published on April 19, 2023.

24 (Item 43-46 Exhibit F was marked for
25 identification.)

1 MS. VANCE: And unless there are any
2 questions, I would ask that all exhibits and sub-
3 exhibits be admitted into the record for these cases,
4 case numbers 23489, 23490, 23491, and 23492, of course
5 leaving open the record for 23489. As I noted to
6 begin with. We have some additional notice to some
7 overriding royalty interest owners, and we would like
8 to continue that particular case to June 1st.

9 Bearing that in mind, we would still
10 ask that all these cases be taken under advisement,
11 and I stand by for any questions that the Division may
12 have.

13 THE HEARING EXAMINER: Okay. We'll
14 open it up, then, to Division questions, Mr. Lowe
15 or -- yeah, we'll start with you, Mr. Lowe.

16 MR. LOWE: Okay. Good afternoon.

17 MS. VANCE: Good afternoon, Mr. Lowe.

18 MR. LOWE: I'm still going through your
19 exhibit here. Basically, you have a well in H laydown
20 40-acre building blocks in these two sections; right,
21 from what I've seen so far?

22 MS. VANCE: That is correct.

23 MR. LOWE: They're separated by the
24 location and, basically, one well per case is what I'm
25 seeing so far?

1 MS. VANCE: That's correct. So just
2 kind of going right down from the north half/north
3 half, south half of the north half, north half of the
4 south half, and then south half of the south half.

5 MR. LOWE: Do you anticipate to add any
6 more wells to this location? I'm sure that you can't
7 really answer that, but any ideas in the near future?

8 MS. VANCE: I do not know. I would
9 have to follow-up with Matador to know if they plan on
10 drilling any infill wells for these spacing units. I
11 will note that I do have a next set of cases in the
12 same acreage that will be for the Wolfcamp. But for
13 these particular spacing units, I would have to follow
14 up with Matador to confer with them.

15 MR. LOWE: Okay. Thank you for that.

16 Also, in reference to the, I guess, the
17 scenario for case 23489, you indicated that you wanted
18 to move -- continue that case to a further date. And
19 the reason for that was that you didn't -- what was
20 that reason again?

21 MS. VANCE: So we just have some
22 additional notice to some overriding royalty interest
23 owners in that particular case and to perfect notice
24 and to allow for the period of time required by the
25 Division rules. We'd like to go ahead and just

1 continue that case although, you know, I obviously
2 have presented the materials in the hearing packet.
3 When we come back for that June 1 hearing, I would
4 make sure that I would file a supplemental filing in
5 that particular case and show that we perfected the
6 notice.

7 MR. LOWE: Okay. I think those are all
8 the questions I have for now. Thank you.

9 MS. VANCE: Thank you, Mr. Lowe.

10 THE HEARING EXAMINER: Ms. Thompson,
11 any questions from you?

12 MS. THOMPSON: Yeah. So you said the
13 notice issue was only on case 23489 and not the other
14 three; correct?

15 MS. VANCE: That's correct.

16 MS. THOMPSON: Okay. Because I was
17 just going over the application checklist, and I was
18 seeing the -- it said you -- you said you were going
19 to send new updated checklists?

20 MS. VANCE: I am because the -- I --
21 you know, I put in there that those working interest
22 owners were unlocatable. We do have a good address
23 for them. It's just there wasn't further
24 communication. Matador made multiple attempts to
25 reach out to those parties without any response. So

1 we were able to located them. They weren't
2 unlocatable. Just weren't able to have follow-up
3 communication with them.

4 MS. THOMPSON: Okay.

5 MS. VANCE: So I'll just correct that
6 in the checklists.

7 MS. THOMPSON: Right. Okay. I have no
8 other questions.

9 THE HEARING EXAMINER: Okay. All
10 right. Thank you, Ms. Thompson.

11 So, Ms. Vance, I guess we'll -- you'll
12 file whatever is necessary, then, to request a
13 continuance of 23489 to the June 1st docket?

14 MS. VANCE: That's correct, Mr. Hearing
15 Examiner. I will -- we will file a continuance for
16 that case. And then I'm also going to speak to
17 another case in the next two cases on the docket, and
18 one of those will also be continuing for the same
19 reason.

20 THE HEARING EXAMINER: Okay. All
21 right. Okay. Great. And then between now and June
22 the 1st, then you'll provide a supplemental filing in
23 23489, updating us on the notice issue and reflecting
24 an updated checklist, is my understanding, that will
25 more accurately reflect the status of notice efforts;

1 is that correct?

2 MS. VANCE: That's correct. Before the
3 June 1st hearing, I will file that, or we'll file that
4 supplemental filing regarding the notice.

5 As far as the revised checklists, I
6 will follow the latest guidance, I believe, before Mr.
7 Brancard left, which is if we're filing revised or
8 supplemental exhibits within two weeks of the hearing.

9 THE HEARING EXAMINER: Okay. Great.
10 Then the Exhibits in 23489, 23490, 91, and 92 will be
11 admitted and made a part of the record, and those
12 cases will be taken under advisement subject to the
13 notice issues and the continuance with respect to case
14 number 23498.

15 (Item 43-46 Exhibit B through F;
16 Exhibit C-1 through C-5 were received
17 into evidence.)

18 THE HEARING EXAMINER: Thank you, Ms.
19 Vance. Anything further?

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

21 THE HEARING EXAMINER: All right.
22 Well, stay right there because I'm assuming you will
23 be entering an appearance when I call case 23493,
24 which is right now?

25 MS. VANCE: That is correct, Mr.

1 Hearing Examiner. Paula Vance with the Santa Fe
2 office of Holland & Hart on behalf of the applicant,
3 MRC Permian Company. And again, so for these cases --
4 and I'm asking to consolidate, it'll be cases 23493
5 and 23494. And I will be requesting that we continue,
6 that I am able to present case 23493 and then continue
7 it, leaving the record open to perfect notice and
8 continue to the June 1st docket.

9 THE HEARING EXAMINER: Okay. So just
10 so the record is clear, then, we're going to call
11 23493 and 23494. May I have an entry of appearance
12 from any other parties to those two cases?

13 Okay. And an entry of appearance for
14 any other interested persons in those two cases?

15 Hearing only silence, Ms. Vance, you
16 may proceed.

17 MS. VANCE: Thank you, Mr. Hearing
18 Examiner. So I will go ahead and start out. You will
19 see I think that there was some discussion about the
20 captions for particular cases. You will notice in
21 ours, we have application of MRC Permian Company for
22 approval of an overlapping horizontal well spacing
23 unit and compulsory pooling.

24 We sent out notice to both the existing
25 spacing units, which I will go over an exhibit that

1 shows the existing spacing units, plus our -- in
2 relation to our proposed spacing unit -- or spacing
3 units. And so we sent out the notice of that to both
4 the working interests and the existing and the new
5 proposed spacing units. And we did not receive any
6 objections. And I believe we can drop that request of
7 approval at this point. So we are just asking for
8 approval of the compulsory pooling.

9 And with that, I will go ahead and
10 start with the cases. So Matador in these two cases
11 seeks to pool all uncommitted interests in the
12 Wolfcamp formation underlying acreage all in Township
13 21 South, Range 27 East, Eddy County, New Mexico.

14 Specifically, in case number 23493,
15 Matador seeks to pool a standard 640-acre, more or
16 less, horizontal well spacing unit comprised of the
17 north half of Sections 25 and 26, and initially
18 dedicate this Wolfcamp spacing unit to the proposed
19 Whitby 25, 26 Federal Com 201H and 202H. And there
20 are two pools in this case.

21 The first one of the pools is the
22 Carlsbad Wolfcamp east gas pool, and the pool code is
23 74160. And the second pool is the Lone Tree Draw
24 Wolfcamp, and the pool code is 97208. And that is
25 actually an oil pool. And I will get to a discussion

1 with that as I move through the hearing packet.

2 In case number 23494, Matador seeks to
3 pool a standard 640-acre, more or less, overlapping
4 horizontal well spacing unit comprised of the south
5 half of Sections 25 and 26 and initially dedicate this
6 Wolfcamp spacing unit to the Whitby 25, 26 Federal Com
7 203H and 204H. And the pool for this spacing unit is
8 the Carlsbad Wolfcamp east gas pool, and the pool code
9 is 74160, and only one pool code in that spacing unit.

10 In these cases, we have included a copy
11 of the applications, provided the compulsory pooling
12 checklists, as well as a self-affirmed statement --
13 I'm sorry -- an affidavit of Landman Hawks Holder and
14 Geologist Andrew Parker, both of whom have previously
15 testified before the Division, and their credentials
16 have been accepted as a matter of record.

17 And sorry. Just checking something
18 really quick. I wasn't sure if I said something in
19 the other case and didn't mean to.

20 Anyway, Mr. Holder's affidavit is
21 Exhibit C, which includes Sub-Exhibits C-1, which is
22 an overlap diagram.

23 (Item 47-48 Exhibit C and Exhibit C-1
24 were marked for identification.)

25 MS. VANCE: And again, that's on page

1 24 of the PDF. And you can see -- and this is in
2 the -- this shows both our north half proposed spacing
3 unit and the south half proposed spacing unit. And
4 then there are three overlaps with the north half.
5 And there's actually only two overlaps for the south
6 half. And once I'm done, if there's any questions --
7 once I'm done presenting, if there's any questions,
8 I'm happy to answer those.

9 Exhibit C-2 is a copy of the overlap
10 notice that was sent out in case number 23493. And
11 then Exhibit C-3 is a copy of the overlap notice that
12 was sent out in case 23494.

13 (Item 47-48 Exhibit C-2 and Exhibit C-3
14 were marked for identification.)

15 MS. VANCE: And then Exhibit C-4,
16 starting on page 32 of the PDF, as I mentioned, there
17 are two pools in this case, in this particular case.

18 (Item 47-48 Exhibit C-4 was marked for
19 identification.)

20 MS. VANCE: And you will see that the
21 dedicated acreage that is -- that is dedicated acreage
22 to the pool in the Lone Tree Wolfcamp pool, that's 320
23 acres. And then if you scroll down, you'll see
24 highlighted the additional 320 acres that is in the
25 Carlsbad Wolfcamp east gas pool.

1 As I noted, these are -- these spacing
2 units, this is an oil and gas pool. So we will be
3 using the larger spacing under the rules for a gas
4 spacing unit. And we'll be applying separately
5 administratively for nonstandard well locations for
6 these wells.

7 And then you will see if you go to page
8 36, that starts -- and I apologize. The C102s that I
9 was just going over were related to the Whitby 201 and
10 202H Wells. And if the examiners have the PDF open
11 and are able to go to page 36, you will see the C102
12 for the 203H. And then following that is the C102 for
13 the 204H. Again, similarly to the other two wells,
14 these are in a gas pool. The wells are at a
15 nonstandard well location. And Matador will apply
16 separately administratively for approval for those
17 NSLs.

18 Let's see. We're on the C102s. C-5 is
19 the land tract map. Following that is Sub-Exhibit
20 C-6, which goes over -- is another copy of the land
21 tract map, followed by a summary of the interests to
22 be pooled.

23 (Item 47-48 Exhibit C-5 and Exhibit C-6
24 were marked for identification.)

25 MS. VANCE: And rather than go through

1 a repeat of what I did in the first four cases with
2 Bone Spring, the same applies in this case. So
3 regarding the notice, there was contact, or there was
4 a locatable address for the parties that are listed in
5 the C102. I will file revised C102s in those.

6 And so for case number 23493, those two
7 parties were Brian C. Reed and his wife, and then also
8 Norma G. Barton [ph]. I have listed on the compulsory
9 pooling checklists two unlocatable parties, and it's
10 in reference to them. Again, I will revise.

11 And then for case number 23494, it
12 was -- I have listed one unlocatable party, and I will
13 revise. Again, we had a good address for Brian C.
14 Reed. Just weren't able to follow up with further
15 communications to negotiate.

16 This is followed by Mr. Parker's
17 affidavit, which is Exhibit D. And it includes Sub-
18 Exhibits D-1, a locator map, D-2, a sub-C structure
19 and cross-section map, and D-3, a stratigraphic cross-
20 section.

21 (Item 47-48 Exhibit D through Exhibit
22 D-3 were marked for identification.)

23 MS. VANCE: In these cases, Mr. Parker
24 did not observe any faulting, pinch-outs, or other
25 geologic impediments to the horizontal drilling of

1 these wells. I will not, and I'm happy to provide a
2 revised table of contents because I realized that
3 under the table of contents, I have Bone Spring sub-c
4 structure rather than Wolfcamp. So I apologize for
5 that. But that should say on page 2, the table of
6 contents, that should just say Wolfcamp sub-C
7 structure and cross-section map and Wolfcamp
8 stratigraphic cross-section.

9 Then, lastly, and to wrap-up, Exhibit E
10 is the self-affirmed statement of notice with sample
11 letters that were timely mailed on April 14, 2023; and
12 then Exhibit F, the affidavit of notice of
13 publication, which was timely published on April 19,
14 2023.

15 (Item 47-48 Exhibit E and Exhibit F
16 were marked for identification.)

17 MS. VANCE: And unless there are any
18 questions I would ask that all exhibits and sub-
19 exhibits be admitted into the record and that both
20 cases, case number 23493 and case number 23494, be
21 taken under advisement, leaving open the record for
22 case number 23493 to perfect notice and continue it to
23 the June 1st docket, but these cases be taken under
24 advisement by the Division at this time. And I stand
25 by for any questions the Division may have.

1 THE HEARING EXAMINER: Thank you, Ms.
2 Vance.

3 All right. Mr. Lowe, questions?

4 MR. LOWE: Yes. Just clarifying
5 questions. I have a few. Case number 23493, that
6 scenario that you are request for a continuance to the
7 June 1st docket, you're request in doing so is you did
8 not get -- you found another interest owner or did you
9 just not receive any -- or did you just -- well,
10 exactly again, what was that for?

11 MS. VANCE: So, basically, the same
12 scenario. We had those parties. We had the names of
13 the parties. We just didn't realize we needed to
14 provide notice specifically in those cases, so we're
15 just going back, and we're going to perfect notice.
16 And there are four additional -- no, I shouldn't say
17 additional -- overriding royalty interest owners, and
18 we just need to provide notice to perfect, you know,
19 perfect notice for those parties.

20 MR. LOWE: Okay. And also, in
21 reference to the 23493, as well, I should probably --
22 actually, that one first. This case is going through
23 two pool formations; right?

24 MS. VANCE: That's correct, an oil pool
25 and a gas pool.

1 MR. LOWE: Which one -- well, the
2 setbacks for each of those, are they the same or are
3 they different?

4 MS. VANCE: They would be different,
5 so -- and what we have been advised by -- what I
6 understand is that Matador has been advised by the
7 district geologist that these would be -- that we
8 would use the larger spacing because a gas pool is
9 being -- these wells are going through a gas pool in
10 addition to the oil pool, but we were advised by the
11 district geologist that we would use the larger
12 spacing for these -- in these cases, or in that
13 particular case that also includes the oil pool.

14 MR. LOWE: Okay. Sorry. I'm still
15 looking through your C102s.

16 MS. VANCE: Absolutely. Please take
17 your time and ask any questions. I will try to do my
18 best to answer.

19 MR. LOWE: Okay. I think those are all
20 my questions. Thank you.

21 THE HEARING EXAMINER: Ms. Thompson,
22 any questions from you?

23 MS. THOMPSON: Yes. Let me find it
24 again, sorry, the checklist. On Exhibit -- it's C-5
25 and C-6, I just wanted a clarification on that. They

1 were -- it's like -- once I find the page again. They
2 were track maps, right, for the Wolfcamp section?

3 MS. VANCE: That's correct.

4 MS. THOMPSON: For C-5. And so this
5 whole thing is in the Wolfcamp section for both cases?

6 MS. VANCE: Yes, that's correct.
7 There's no difference. I think that we just added --
8 it's just a copy of the land tract map, you know? So
9 you can go back and forth and look at the numbers that
10 we have outlined. You'll see the -- each of the
11 tracts is numbered 1 through -- I think it goes 1
12 through 14, and then you can look at our exhibit that
13 lists the parties we are seeking to pool, and it's got
14 their tract number, the associated tract number listed
15 next to the party.

16 MS. THOMPSON: Okay. And then let's
17 see here. So going through two pools. So you have
18 separate 102s for each pool, it looks like?

19 MS. VANCE: That's correct.

20 MS. THOMPSON: And then, also, for your
21 pooled interest owners -- let me see where that was
22 at -- I'm assuming that all that section in blue is
23 the parties being pooled?

24 MS. VANCE: Yes. So if you look at
25 either or -- I'm going to go to the first one. So on

1 page 42, which is case 23493 -- and this will be the
2 same for case 23494, and in fact, the same for the
3 previous cases that I just presented -- you'll see MRC
4 Permian Company. Their interest is listed in the
5 percentage.

6 If you move across, then voluntary
7 joinder parties Matador was able to seek voluntary
8 joinder with, and that percentage of the interest.
9 And then the overall percentage of what we're seeking
10 to compulsory pool is listed there. And then below,
11 it is broken out by party and by percentage interest.

12 So if you add up all of that interest
13 percentage that is listed, you will get that, in this
14 case, if you're on page 42, that 54.1 et cetera
15 percentage.

16 MS. THOMPSON: Right. Okay. I just
17 wanted to clarify. Okay. That is all the questions I
18 have.

19 THE HEARING EXAMINER: Okay. All
20 right. Thank you. And all right, so the exhibits,
21 then, in cases 23493 and 23494 will be admitted and
22 made a part of the record in those two cases.

23 (Item 47-48 Exhibit C through Exhibit
24 C-6; Exhibit D through Exhibit D-3; and
25 Exhibit E and Exhibit F were received

1 into evidence.)

2 THE HEARING EXAMINER: And Ms. Vance, I
3 guess 23494 is taken under advisement. You want us to
4 take 23493 under advisement, as well, but you will
5 file something to continue it related to the notice
6 issue? Am I understanding that correctly?

7 MS. VANCE: That's correct. And just
8 like the previous cases, I will also file revised
9 compulsory pooling checklists, and I'm also happy to
10 file a revised table of contents minus the Bone Spring
11 and swap it for the Wolfcamp.

12 THE HEARING EXAMINER: Okay. And
13 you'll file what's needed to continue 23493 to the 6/1
14 or next available docket?

15 MS. VANCE: To the 6/1 docket,
16 preferably, yes.

17 THE HEARING EXAMINER: Okay.

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

20 THE HEARING EXAMINER: Thank you, Ms.
21 Vance. Now, do you also have this next case, 23495?

22 MS. VANCE: I do. You're stuck with me
23 for one more.

24 THE HEARING EXAMINER: That's fine.
25 All right. So we'll call case 23495, Matador Product.

1 Entry of appearance for the applicant?

2 MS. VANCE: Yes. Good afternoon, one
3 more time, Mr. Hearing Examiner, Mr. Lowe, and Ms.
4 Thompson. Paula Vance with the Santa Fe office of
5 Holland & Hart on behalf of MRC Permian Company.

6 THE HEARING EXAMINER: Thank you.

7 Entry of appearance for any other
8 parties to case number 23495?

9 All right. Entry of appearance for any
10 other persons interested in case number 23495?

11 THE HEARING EXAMINER: All right, Ms.
12 Vance, back to you.

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

15 Again, I will point out that on our
16 application, we have application of MRC Permian
17 Company for approval of an overlapping horizontal well
18 spacing unit and compulsory pooling. We have included
19 a diagram of the overlap and a copy of the overlap
20 notice as a sample of what went out. However, we've
21 received no objections, so I believe we can drop that
22 request. So we are just seeking compulsory pooling at
23 this point, but I'm happy to answer any questions
24 related to the same.

25 In case 23495, Matador seeks to pool

1 all uncommitted interests in the Bone Spring
2 formation, and the pool is the Avalon Bone Spring
3 East, and the pool code is 3713. That's underlying a
4 standard 300 -- or I'm sorry -- a 240-acre overlapping
5 horizontal well spacing unit comprised of the north
6 half of the south half of Section 12 and the north
7 half of the southeast quarter of Section 11, Township
8 21 South, Range 27 East. And Matador seeks to
9 initially dedicate this spacing unit to the proposed
10 Bo Howard 1211 Federal Com 113H Well.

11 In these cases, we have included a copy
12 of the application, provided the compulsory pooling
13 checklist, as well as the affidavit of Landman Nicolas
14 Weeks, and Geologist Andrew Parker, both of whom have
15 previously testified before the Division, and their
16 credentials have been accepted as a matter of record.

17 Mr. Weeks' affidavit is Exhibit C,
18 which includes Sub-Exhibits C-1, which is the C102;
19 C-2, the overlapping diagram; and you will -- I
20 believe there is -- you can see there is one overlap,
21 one existing spacing unit in this case; C-3, which is
22 the sample of the overlapping notice that went out;
23 Exhibit C-4, the land tract map; C-5, an ownership
24 schedule that lists the uncommitted working interest
25 owners that Matador -- and overriding royalty interest

1 owners that Matador seeks to pool. Exhibit C-6 is a
2 sample copy of the well proposal letter and AFE that
3 went out. And then, lastly, is Exhibit C-7, which is
4 a chronology of contacts with the working interest
5 owners.

6 (Item 49 Exhibit C through Exhibit C-7
7 were marked for identification.)

8 MS. VANCE: This is followed by Mr.
9 Parker's affidavit, which is Exhibit D and includes
10 Sub-Exhibits D-1, a locator map; D-2 a sub-C structure
11 map; and D-3, a structural cross-section.

12 (Item 49 Exhibit D through Exhibit D-3
13 were marked for identification.)

14 MS. VANCE: In this case, Mr. Parker
15 did not observe any faulting, pinch-outs, or other
16 geologic impediments to the horizontal drilling of
17 these wells.

18 And then, lastly, is Exhibit E, a self-
19 affirmed statement of notice, with sample letters that
20 were timely mailed on -- or a sample letter that was
21 timely mailed on April 14, 2023.

22 (Item 49 Exhibit E was marked for
23 identification.)

24 MS. VANCE: And Exhibit F, the
25 affidavit of notice of publication, which was timely

1 published on April 19, 2023.

2 (Item 49 Exhibit F was marked for
3 identification.)

4 MS. VANCE: And unless there are any
5 questions, I would ask that all exhibits and sub-
6 exhibits be admitted into the record and that case
7 number 23495 be taken under advisement by the Division
8 at this time.

9 THE HEARING EXAMINER: Thank you, Ms.
10 Vance.

11 Mr. Lowe?

12 MR. LOWE: Good afternoon, Ms. Vance.

13 MS. VANCE: Good afternoon, again, Mr.
14 Lowe.

15 MR. LOWE: I'm just trying to look at
16 your summary of interests here. The top of the --
17 let's see here -- you were trying to compulsory pool
18 36 percent; is that what you're trying to do?

19 MS. VANCE: That is correct. And if
20 you go through -- and as I was pointing out to Ms.
21 Thompson, that 36 percent is broken out below, showing
22 the different interests of the parties that we were
23 trying to pool and their percentage interest. So ...

24 MR. LOWE: Okay. So Devon [ph] and
25 Sharpo [ph] and Demi Huber Owen [ph]? Is that who

1 that -- Amy?

2 MS. VANCE: Yes, that's correct.

3 MR. LOWE: Okay. And then, okay, those
4 are the only questions I have. Thank you.

5 MS. VANCE: Thank you, Mr. Lowe.

6 THE HEARING EXAMINER: How about you,
7 Ms. Thompson? Questions?

8 MS. THOMPSON: No questions.

9 THE HEARING EXAMINER: All right.
10 Okay. So case 23495, Exhibits A through F, including
11 sub-exhibits, will be admitted and made a part of the
12 record, and that case will be taken under advisement.

13 (Item 49 Exhibit C through Exhibit C-7;
14 Exhibit D through Exhibit D-3; and
15 Exhibit E were received into evidence.)

16 THE HEARING EXAMINER: Thank you, Ms.
17 Vance.

18 MS. VANCE: Thank you, Mr. Lowe and Ms.
19 Thompson, May the 4th be with everyone.

20 THE HEARING EXAMINER: Thank you. All
21 right. Moving on to the next case, it's item number
22 50, and OCD case number 23496, Franklin Mountain
23 Energy 3, LLC.

24 May I have an entry of appearance for
25 that entity?

1 MS. BENNETT: Good afternoon, everyone.
2 Deana Bennett from Modrall Sperling on behalf of
3 Franklin Mountain Energy 3, LLC.

4 THE HEARING EXAMINER: Thank you, Ms.
5 Bennett.

6 Entry of appearance of any other
7 parties to case number 23496?

8 All right. Entry of appearance for any
9 other interested persons to this case?

10 All right. Ms. Bennett, it's back to
11 you, then. Thank you.

12 MS. BENNETT: Thank you. In case
13 number 23496, Franklin Mountain Energy 3, LLC, seeks
14 approval -- or seeks to compulsory pool parties in a
15 standard Wolfcamp spacing unit, a 320-acre spacing
16 unit underlying the east half/west half of Sections 27
17 and 34, Township 18 South, Range 35 East. And this
18 spacing unit will be dedicated to the Norte State Com
19 702H Well.

20 On Tuesday, I timely filed exhibits.
21 And in the exhibit packet I've included the compulsory
22 pooling checklist as tab A.

23 (Item 50 Exhibit A was marked for
24 identification.)

25 MS. BENNETT: Tab B is the declaration

1 of Don Johnson. He is a land professional for
2 Franklin Mountain Energy 3. Mr. Johnson has not
3 previously testified before the Division, and so I've
4 included with his materials his resume.

5 (Item 50 Exhibit B was marked for
6 identification.)

7 MS. BENNETT: And in brief, Mr. Johnson
8 graduated from the University of Idaho in 2013, and
9 he's worked as a landman for ten years now and most
10 recently worked with Franklin Mountain Energy as a
11 landman, and he's a member of two professional landman
12 organizations. And so, with that, I would request
13 that his credentials as an expert petroleum land man
14 be accepted as a matter of record.

15 THE HEARING EXAMINER: Mr. Lowe, any
16 questions as to Mr. Johnson's qualifications as an
17 expert?

18 MR. LOWE: No questions. Thank you.

19 THE HEARING EXAMINER: Ms. Thompson?

20 MS. THOMPSON: No questions.

21 THE HEARING EXAMINER: All right.
22 He'll be recognized as an expert, Ms. Bennett.

23 MS. BENNETT: Thank you very much. And
24 behind Mr. Johnson's declaration, I've included the
25 application that we filed in this matter, the C102 for

1 the Norte State 702H -- excuse me Norte State Com 702H
2 Well.

3 (Item 50 Exhibit B-1 and Exhibit B-2
4 were marked for identification.)

5 MS. BENNETT: Exhibit B-3 is a
6 development overview, and that also includes a lease
7 tract map and a summary of the interests, including
8 the parties that Franklin Mountain Energy 3 is seeking
9 to pool in this case.

10 (Item 50 Exhibit B-3 and Exhibit B-4
11 were marked for identification.)

12 MS. BENNETT: Exhibit 5 is a sample
13 well proposal. Exhibit 6 is the AFE. Exhibit 7 is my
14 notice affidavit that I prepared for this case. And
15 Exhibit 8 is Mr. Johnson's resume.

16 (Item 50 Exhibit B-5 through Exhibit
17 B-8 were marked for identification.)

18 MS. BENNETT: Behind Tab C is the
19 declaration of Ben Kessel [ph]. He's a geologist with
20 Franklin Mountain Energy 3, and he's previously
21 testified before the Division. And his credentials
22 have been accepted as a matter of record.

23 And behind his declaration, we've
24 included the usual suspects, the usual suite of
25 geology exhibits: A locator map showing the general

1 location of the proposed unit in relation to the
2 Capitan reef; a wellbore schematic showing Franklin
3 Mountain Energy 3's proposed development plan; a
4 structure map; a cross-reference well locator map; a
5 stratigraphic cross-section; an isopach map; and then
6 an excerpt from the Snees-Lovac [ph] Paper showing the
7 approximate location of the unit and the regional
8 stress in that area.

9 (Item 50 Exhibit C and Sub-Exhibits
10 were marked for identification.)

11 MS. BENNETT: And so those are
12 the -- that's an overview of the exhibits. I did just
13 want to point out a couple of things. First of all,
14 I noticed as I was preparing for the hearing today, I
15 made a typo on the compulsory pooling checklist. I
16 left in the words Bone Spring, and it needs to be
17 Wolfcamp in the row "pooling this vertical extent."
18 And so I will submit an updated compulsory pooling
19 checklist at the end of the hearings today to correct
20 that typo on my part.

21 And then as I was going through the
22 notice materials, I realized that that notice was
23 inadvertently not sent to two parties that FME3 wants
24 to pool in this case. Those two parties are Asher and
25 Sharp Energy. And so I would like to request a

1 continuance to June 1st to allow time for me to send a
2 notice to those two parties and for them to receive
3 the notice, and then I could supplement the record on
4 June 1st with proof of my mailing to those two
5 parties.

6 So my proposal would be for me to fix
7 the compulsory pooling checklist and then send out a
8 letter to the two parties that inadvertently omitted,
9 alerting them to this pooling application, and then --
10 and have the case set for June 1st for the purposes of
11 curing this notice defect only.

12 And with those two clarifications, I am
13 ready to answer any questions that you all may have to
14 the extent that I am able.

15 THE HEARING EXAMINER: Okay, Ms.
16 Bennett. Thank you.

17 Mr. Lowe, questions?

18 MS. BENNETT: Mr. Lowe, you may be
19 muted if you're asking questions.

20 MR. LOWE: I don't know what's going on
21 on my side. Everything went blank again. So ...

22 MS. BENNETT: Oh, darn.

23 MR. LOWE: What was the inquiry?

24 THE HEARING EXAMINER: If you have
25 questions?

1 MR. LOWE: I just want to, I guess,
2 understand. Case 23496 was requested by the applicant
3 to continue it to June 1st due to public notice
4 requirement? Is that what I understand?

5 MS. BENNETT: That's correct. I would
6 ask the Division to continue it to June 1st. To take
7 it under advisement, but also to continue it to June
8 1st so that I can just cure this notice defect.

9 MR. LOWE: And was that error noted
10 about that Wolfcamp and Bone Spring reference on the
11 checklist; right?

12 MS. BENNETT: Yes, exactly. I will
13 correct that today.

14 MR. LOWE: Okay. I guess -- yeah,
15 that's the only questions I had for now, but sorry for
16 my technical difficulties on my side.

17 MS. BENNETT: Thank you very much, Mr.
18 Lowe.

19 THE HEARING EXAMINER: Ms. Thompson,
20 anything from you?

21 MS. THOMPSON: Yeah. I may just be
22 overlooking it, but I'm looking for the breakdown of
23 costs.

24 MS. BENNETT: Sure. That is Exhibit
25 B-6.

1 MS. THOMPSON: Oh, I found it. Okay.

2 MS. BENNETT: Okay. Great.

3 MS. THOMPSON: Yeah. Like I said, I
4 was probably overlooking it. And then you said you
5 were going to update the checklist?

6 MS. BENNETT: I will. I will do that
7 as soon as I can today.

8 MS. THOMPSON: Okay. Yeah, no other
9 questions.

10 MS. BENNETT: Thank you, Ms. Thompson.

11 THE HEARING EXAMINER: I guess
12 everybody's forms have Bone Spring in there, and
13 that's why everybody seems to be putting in Bone
14 Spring instead of Wolfcamp. You're not the first, Ms.
15 Bennett, if that makes you feel any better.

16 MS. BENNETT: That does. I tend to
17 reuse, just sort of re-fill out the form, and I'm not
18 always -- that may not be the best practice.

19 THE HEARING EXAMINER: All right. So
20 we'll take case number 23496 under advisement.
21 Exhibits -- I believe you said 1 through 8?

22 MS. BENNETT: It's Exhibits A, B, and
23 C, and their sub-exhibits.

24 THE HEARING EXAMINER: Okay. Exhibits
25 A, B, C and their sub-exhibits will be admitted and

1 made a part of the record in this case.

2 (Item 50 Exhibit A, Exhibit B through
3 B-8, Exhibit C, and Sub-Exhibits were
4 received into evidence.)

5 THE HEARING EXAMINER: And you will
6 file what's necessary to continue the case to the June
7 1st docket with respect to closing the loop on the
8 notice issue that you raised?

9 MS. BENNETT: I will.

10 THE HEARING EXAMINER: Okay. Great.
11 Thank you, Ms. Bennett.

12 MS. BENNETT: Thank you.

13 THE HEARING EXAMINER: So moving right
14 along, we'll move on to item number 51, which is
15 23497, Devon Energy Production, LP.

16 Mr. Savage, I see your shining face
17 there. I assume you're entering an appearance in the
18 case?

19 MR. SAVAGE: Yes. Thank you, Mr.
20 Hearing Examiner. Good afternoon. Darin Savage with
21 the Santa Fe office of Abide & Schill appearing on
22 behalf of Devon Energy Production Company, LP.

23 THE HEARING EXAMINER: All right. May
24 I have an entry of appearance for any other parties to
25 case number 23497?

1 THE HEARING EXAMINER: Entry of
2 appearance for any other interested persons to case
3 number 23497?

4 Hearing no one, I will turn it back
5 over to you, Mr. Savage?

6 MR. SAVAGE: Thank you. We are
7 presenting case 23497, which cover lands in Section
8 34, Township 24 South, Range 31 East, and lands in
9 Sections 3 and 10 of Township 25 South, Range 31 East,
10 all in Eddy County, New Mexico.

11 The landman, Ryan Clover [ph] for this
12 case has testified before the Division as an expert
13 witness and his credentials have been accepted and
14 made a matter of record.

15 Likewise, the geologist, Meg Houston
16 Kennedy [ph] has testified previously before the
17 Division as an expert witness, and her credentials
18 have been accepted as a matter of record.

19 In this case, Devon seeks an order
20 establishing a standard 277.2-acre, more or less,
21 spacing unit comprising the west half/northeast, the
22 northwest/southeast, and Lot 3, which is the
23 equivalent southwest/southeast of Section 34, and Lot
24 2, which is the northwest/northeast equivalent, the
25 southwest/northeast, and the west half/southeast of

1 Section 3, and the west half/east half of Section 10,
2 and pooling all uncommitted interest in the Paduca,
3 Bone Spring pool, pool code 96641, from the
4 stratigraphic equivalent of 100 feet from below the
5 base of the Avalon Sand, as seen as a depth of 8,358,
6 to a stratigraphic equivalent of the base of the
7 Paduca, Bone Spring formation, as seen at a depth of
8 11,520 feet, designated as an oil pool underlying this
9 unit.

10 The unit is dedicated to the Exmoor 10-
11 34 Federal Com 303H Well. Orientation of the well is
12 standup, south to north, and its location is orthodox.

13 Mr. Clover's Exhibit A for case 23497
14 includes his landman self-affirm statement, a C102 for
15 the 303H Well, an ownership breakdown, a well proposal
16 letter, with AFE, and a chronology of contacts.

17 (Item 51 Exhibit A and Sub-Exhibits
18 were marked for identification.)

19 MR. SAVAGE: Ms. Houston Kennedy's
20 Exhibit B for this case includes her geology self-
21 affirmed statement, along with the five standard
22 geology exhibits showing the potential for
23 development, as she describes in her statement.

24 (Item 51 Exhibit B and Sub-Exhibits
25 were marked for identification.)

1 MR. SAVAGE: Exhibit C provides the
2 affidavit for notice for mailings and publication
3 notice.

4 (Item 51 Exhibit C was marked for
5 identification.)

6 Notice was timely mailed, and all
7 working interest owners and the overriding royalty
8 interest owners were locatable. The mailings of four
9 overriding royalty interest owners are still listed as
10 in transit. Service of notice by publication was
11 timely and was published to account for any
12 unlocatable parties or contingencies regarding notice.

13 We do have a few overlapping units,
14 which are accounted for in Mr. Clover's testimony, and
15 we seek approval of the overlapping units.

16 Both Mr. Clover and Ms. Houston-
17 Kennedy's affirm that the approval of this application
18 is in the best interest of conservation, protection of
19 correlative rights and the prevention of waste, and
20 will prevent the drilling of unnecessary wells.

21 Mr. Hearing Examiner, at this time, I
22 move that Exhibits A, B, and C and all sub-exhibits be
23 admitted into the record for case 23497 and that this
24 case be taken under advisement. I'm available for any
25 questions. Thank you.

1 THE HEARING EXAMINER: Thank you, Mr.
2 Savage.

3 Mr. Lowe, questions?

4 MR. LOWE: I'm just trying to get an
5 understanding of, I guess, what was brought up before
6 in previous cases on the title of the case. This
7 is -- and then I'm just looking through that, and as
8 far as referencing the checklist and what is being --
9 has been presented, this spacing unit for this well is
10 standard; correct?

11 MR. SAVAGE: That's correct. And the
12 location of the well -- it's a single well. Location
13 is orthodox.

14 MR. LOWE: And the acreage is orthodox,
15 as well, too?

16 MR. SAVAGE: The acreage, it's -- you
17 know, there's some lots involved. It's a standard
18 unit, but there's some --

19 MR. LOWE: And that's fine, you know,
20 as long as that meets the percentage portion of that,
21 that will be okay.

22 MR. SAVAGE: Okay.

23 MR. LOWE: I thought I heard you
24 verbally say you're seeking 277.2 acres?

25 MR. SAVAGE: .20 acres.

1 MR. LOWE: What's that?

2 MR. SAVAGE: Yes, that's correct, I
3 believe, is what I said.

4 MR. LOWE: But your checklist says
5 477.2 acres.

6 MR. SAVAGE: Oh, that is a typo. I'm
7 sorry, Mr. Lowe. I will --

8 MR. LOWE: So you're seeking 277?

9 MR. SAVAGE: That's correct. Oh, I'm
10 sorry. Yes, yes. Let's see here. Let me just
11 double-check. Let me -- I'm sorry. The typo is
12 277.20, and the checklist is correct. It's 477.20.

13 MR. LOWE: Well, I didn't see 277 --
14 that's kind of what --

15 MR. SAVAGE: Yes, yes, that is correct.
16 I got lost in all those logs and fragments of sections
17 there in the description.

18 MR. LOWE: So the correct one is 477?

19 MR. SAVAGE: That is correct.

20 MR. LOWE: Okay. Let's see here. And
21 this well is -- okay. I think those are all the
22 questions I have. Thank you, sir.

23 MR. SAVAGE: Thank you.

24 THE HEARING EXAMINER: Ms. Thompson,
25 any other follow-up questions?

1 MS. THOMPSON: Yeah. Going back to the
2 checklist, I believe it says the vertical extent is
3 Bone Spring formation, and you said it was 8,358 feet;
4 is that correct?

5 MR. SAVAGE: Yeah, the vertical extent
6 is the Bone Spring formation, and then the interval
7 that we are pooling in or described in the application
8 and in the landman testimony, it's that particular
9 interval that's described in Exhibit A, paragraph 5.

10 MS. THOMPSON: Right. And not to get
11 confused, that that 8,358 feet is where the Avalon
12 Sand begins or ends? Is it like the base of the
13 Avalon Sand?

14 MR. SAVAGE: It's the -- below the
15 base, below the base of the Avalon Sand. So
16 there's -- in a lot of assignments, they'll specify
17 certain footage as a cutoff, not necessary just the
18 Avalon, the base itself, but, like, in this case, 100
19 feet below. And in the application and in the
20 testimony, landman testimony, I did give a particular
21 well log for calibration purposes.

22 MS. THOMPSON: Right.

23 MR. SAVAGE: To give some more
24 specificity on the actual depths involved.

25 MS. THOMPSON: Right. And this cutoff

1 is because of mineral ownership; right?

2 MR. SAVAGE: Yeah, that's how typically
3 they will do an assignment, with a severance. Instead
4 of saying at the base of a particular formation,
5 they'll say 100 feet below just to give themselves
6 some leeway.

7 MS. THOMPSON: Right. So I just wanted
8 to make sure that this 800 -- or sorry -- 8,358 feet
9 is the base of the Avalon Sand and not where it
10 begins.

11 MR. SAVAGE: That is what I understand
12 on this, and that's calibrated by the well log.

13 MS. THOMPSON: Okay. But yeah, I don't
14 have any other questions.

15 THE HEARING EXAMINER: Okay. Any
16 follow-up, Mr. Lowe, based on Ms. Thompson's
17 questions?

18 MR. LOWE: No, but I have another
19 question. I looked at your exhibits further.
20 According to the spacing unit that this well is or
21 this case is seeking, on page 20 of the exhibits, it
22 says that there's a red rectangle where it indicates
23 that you are within the Cotton Draw Federal Unit,
24 which is basically two-thirds of the spacing unit
25 you're seeking. That pool that you're seeking from,

1 this well, is that onsite in all of this location?
2 Well, not -- in this three sections?

3 MR. SAVAGE: It overlaps the Cotton
4 Draw. That's a federal unit. And I've been -- Devon
5 is the operator of that federal unitization. So there
6 shouldn't be a conflict for any particular overlap.

7 I believe -- I believe, if I understand
8 this, how it was described to me, I believe it's a
9 straddle unit that overlaps in part, but I would have
10 to confirm that. I do not believe that it's -- it's
11 not contained within, and that's why we're doing
12 the -- it's not contained wholly within, and that's
13 why we're doing the pooling on this. But I would need
14 to confirm exactly which part overlaps and which does
15 not.

16 MR. LOWE: Okay. Yeah, I just
17 continued looking further down on your exhibits on
18 B-2 --

19 MR. SAVAGE: Yeah.

20 MR. LOWE: And I saw that, and I was
21 just wondering about that. Okay. I guess we'll wait
22 for that to come back, I guess.

23 MR. SAVAGE: Okay. Yeah, I will give
24 you some feedback on that. I appreciate that.

25 MR. LOWE: Thank you. That's all I

1 have.

2 THE HEARING EXAMINER: All right.

3 Okay, folks.

4 Mr. Savage, then, in case number 23497,
5 your exhibits will be admitted and made a part of the
6 record, and the case is taken under advisement.

7 (Item 51 Exhibit A through Exhibit C
8 and Sub-Exhibits were received into
9 evidence.)

10 MR. SAVAGE: Yeah. If I could just add
11 a comment, Mr. Lowe, down at Exhibit A-2 -- I'm
12 looking at Exhibit A-2 -- it looks like the landman
13 did specify where the -- exactly where the Cotton Draw
14 Federal Unit overlaps, and it looks like it overlaps
15 on that Section 3 and Section 34 over on the east
16 half. And it's specified by the red outline. So that
17 looks like that's fully addressed on that. And then
18 section 10 is where -- it does not overlap, and that's
19 why it's a straddle unit on that.

20 MR. LOWE: Okay. But that pool -- is
21 that pool that this well is seeking is pretty much in
22 those three sections, then?

23 MR. SAVAGE: Yeah. And then, of
24 course, the Cotton Draw Federal Unit is much larger,
25 you know? That's just where it overlaps. It's much

1 larger.

2 MR. LOWE: Okay. Yeah, yeah. All
3 right. That's fine.

4 MR. SAVAGE: Okay. Thank you.

5 Thank you, Hearing Examiner, for your
6 indulgence on that.

7 THE HEARING EXAMINER: Oh, thanks for
8 the clarification. Okay. I appreciate it.

9 All right. Then we'll move on to item
10 number 52, which is case number 23498, Chevron USA.

11 May I have an entry of appearance on
12 behalf of that applicant?

13 MS. BENNETT: Afternoon, everyone,
14 Deana Bennett from Modrall Sperling on behalf of
15 Chevron USA, Inc.

16 THE HEARING EXAMINER: All right.
17 Thank you, Ms. Bennett. Welcome back.

18 MS. BENNETT: Thank you.

19 THE HEARING EXAMINER: Is there an
20 entry of appearance for any other parties in that
21 case?

22 All right. Is there an entry of
23 appearance for any other interested persons in case
24 number 23498?

25 Back to you, Ms. Bennett.

1 MS. BENNETT: Thank you. In case
2 number 23498, Chevron USA, Inc., is requesting
3 compulsory pooling, and in this case, Chevron is
4 seeking only to pool overriding royalty interest
5 owners. The spacing unit Chevron is proposing in this
6 case is a 320-acre standard Bone Spring spacing unit,
7 which will cover the east half/east half of Sections
8 18 and 19 in Township 26 South, Range 33 East, in Lea
9 County. And the spacing unit will be dedicated to two
10 wells, the SD 18-19 Federal Com 425H Well and the SD
11 18-19 Federal Com 426H Well.

12 And I did file exhibits on Tuesday.
13 And in my exhibit packet, I've included tab A, which
14 is the compulsory pooling checklist.

15 (Item 52 Exhibit A was marked for
16 identification.)

17 MS. BENNETT: Tab B is the declaration
18 of Katie Hally [ph], a land professional for Chevron,
19 and she's previously testified before the Division,
20 and her credentials have been accepted as a matter of
21 record.

22 (Item 52 Exhibit B was marked for
23 identification.)

24 MS. BENNETT: And behind her
25 declaration, I've included the application that we've

1 filed in this case, the two C102s for the wells, a
2 lease tract map, and the summary of interests, which
3 also includes a list of the overriding royalty
4 interests that Chevron seeks to pool in this case, and
5 then a notice affidavit from my office, showing that
6 notice letters were timely mailed and that publication
7 was timely published.

8 (Item 52 Sub-Exhibits were marked for
9 identification.)

10 MS. BENNETT: Behind Tab C is the
11 declaration of Kimberly Davis. She's a geologist for
12 Chevron, and she has not previously testified before
13 the Division. And so I have included with her
14 materials her resume.

15 (Item 52 Exhibit C was marked for
16 identification.)

17 MS. BENNETT: And in brief, she has
18 worked as a petrophysicist and a geologist for Chevron
19 since around 2015. She had two master's of science
20 degrees from Purdue University, one in earth sciences
21 and one in civil engineering. And so with that, I
22 would ask that her credentials as an expert petroleum
23 geologist be accepted into the record.

24 THE HEARING EXAMINER: Mr. Lowe, any
25 questions or concerns about her credentials or

1 expertise?

2 MR. LOWE: No, I have no questions.
3 Thank you.

4 THE HEARING EXAMINER: All right.
5 She'll be accepted as an expert in that field.

6 MS. BENNETT: Thank you very much.
7 And behind Ms. Davis's declaration,
8 we've included the usual geology exhibits:

9 A locator map showing the location of
10 the proposed unit in relation to the Capitan Reef, a
11 wellbore schematic; a structure map and
12 cross-reference well locator map; a stratigraphic
13 cross-section; an isopach map; and then an excerpt
14 from the Snees-Lovac Paper showing the stress
15 orientation in this area in support of the orientation
16 of the wells.

17 (Item 52 Sub-Exhibits were marked for
18 identification.)

19 MS. BENNETT: As I mentioned at the
20 outset of the case, in this case, Chevron is only
21 seeking to pool overrides, and so for that reason, the
22 compulsory pooling checklist is somewhat abbreviated
23 in that you'll notice a lot of "N/A" because we are
24 only seeking to pool overrides in this case, and
25 overrides are not cost-bearing.

1 And so that is why there is no
2 information in the compulsory pooling checklist about
3 the operating costs and also why we haven't included a
4 proposal letter or an AFE. Those are irrelevant, for
5 lack of a better word, when we're seeking to only pool
6 overrides. So those are not included in the exhibits,
7 and you'll see a lot of "N/A's" in the compulsory
8 pooling checklist.

9 The other thing I wanted to point out
10 about the compulsory pooling checklist or for your
11 information is that the SD 18-19 Federal Com 425H Well
12 is proposed to be drilled at a nonstandard location,
13 and I have previously filed an administrative
14 application seeking approval for that nonstandard
15 location. And that's pending before the Division.

16 So, with that, I'd ask that exhibits
17 behind Tab A, B and C be admitted into the record and
18 that this case be taken under advisement. And I'm
19 happen to answer any questions the Division may have.

20 THE HEARING EXAMINER: Thank you, Ms.
21 Bennett.

22 Mr. Lowe, questions?

23 MR. LOWE: I'm going to give Hailee the
24 option to ask questions right now first, and then I
25 can ask questions after her.

1 THE HEARING EXAMINER: Perfect.

2 MS. BENNETT: All right. Mixing it up.
3 I like it.

4 MS. THOMPSON: All right. Well, I'm
5 still going through it, but I was concerned about the
6 distance on one of the wells, well number 425H?

7 MS. BENNETT: Mm-hmm.

8 MS. THOMPSON: Let's see here. First
9 dig point -- 12 -- 1,210 feet from the east line. So
10 I think it's -- potentially, I would have to, like, do
11 some quick math in my head overlapping on the spacing
12 unit.

13 MS. BENNETT: It is. It is
14 nonstandard.

15 MS. THOMPSON: Right. Were you
16 planning on filing an NSO for that?

17 MS. BENNETT: Yes, yes. I have filed
18 that NSO application, and it's pending before the
19 Division.

20 MS. THOMPSON: Okay. And then --
21 sorry. I haven't actually gotten through the whole
22 application.

23 MS. BENNETT: No, I totally understand.
24 This was a very large docket and so many exhibits. I
25 was wondering how you all do so well getting through

1 all this material.

2 MS. THOMPSON: That was, like, my main
3 concern, actually, but yeah, I'll -- believe that was
4 my only question. I'll shoot it over to Mr. Lowe.

5 MS. BENNETT: Thank you very much, Ms.
6 Thompson.

7 THE HEARING EXAMINER: If something
8 else occurs to you, jump back in.

9 Mr. Lowe, are we having audio issues
10 again?

11 MR. LOWE: No. I was just trying to
12 find my -- sorry, Hailee. I didn't mean to throw that
13 on you last-minute. But that was one of my initial
14 questions so far, but I can't seem to access my --
15 what Hailee asked about for the standard unit. But I
16 know, Ms. Bennett, you presented that in the -- in
17 your presentation.

18 How much -- how big was the list
19 towards the western -- I mean, as far as your affected
20 parties? I know it's kind of -- it's not -- was it a
21 lot? Was it --

22 MS. BENNETT: No, it wasn't. I can
23 look at that real fast. It wasn't very many. I'm
24 trying to -- oh, actually, I think this might be the
25 one where Chevron owns 100 percent in the west

1 half/east half.

2 And so we ended up sending notice for
3 the NSL [ph] application to the Bureau of Land
4 Management because Chevron is -- yes, that's it --
5 Chevron is the 100 percent working interest owner in
6 the west half/east half, so there were no offsetting
7 parties to notify. The only party or entity entitled
8 to notice was the Bureau of Land Management because
9 they're federal minerals.

10 MR. LOWE: Okay. I have yet to
11 probably look at that application yet, but it will be
12 here soon shortly, I guess. Those are the only
13 questions I had. Thank you.

14 MS. BENNETT: Yeah, and I'm looking
15 back at my notes, and it looks like I filed the NSL
16 application on April 12th, so mid-April.

17 MR. LOWE: Okay. I have yet to -- it
18 won't -- okay, yeah, I don't have access to that
19 information right now. So -- but anyway, it should be
20 good. So we'll see what happens.

21 MS. BENNETT: Okay. Thank you very
22 much. And of course, if there are any questions with
23 the administrative application, you know how to reach
24 me.

25 MR. LOWE: Yes, ma'am.

1 MS. BENNETT: Thank you, Mr. Lowe.

2 THE HEARING EXAMINER: Okay. With
3 that, the exhibits in case number 23498 will be
4 admitted and made a part of the record, and the case,
5 case 23498 will be taken under advisement.

6 (Item 52 Exhibit A, Exhibit B, Exhibit
7 C, and Sub-Exhibits were received into
8 evidence.)

9 THE HEARING EXAMINER: Thank you, Ms.
10 Bennett.

11 MS. BENNETT: Thank you very much.

12 THE HEARING EXAMINER: Moving right
13 along, we'll call item number 53, which is case number
14 23500. And that is Permian Resources.

15 May I have an entry for appearance for
16 Permian Resources?

17 MS. MCLEAN: Hello, again, Jackie
18 McLean with Hinkle Shanor on behalf of Permian
19 Resources Operating.

20 THE HEARING EXAMINER: Okay, Ms.
21 McLean. Congratulations on staying awake all the way
22 up to item number 53.

23 MS. MCLEAN: It's riveting.

24 THE HEARING EXAMINER: May I have an
25 entry of appearance, if any, for any other parties

1 interested in this case?

2 MR. RANKIN: Good afternoon, Mr.
3 Examiner, Adam Rankin appearing on behalf of Matador
4 Production Company from the Santa Fe office of Holland
5 & Hart. We do not object to the case proceeding or
6 any of the exhibits being presented today. Simply
7 appearing to preserve Matador's rights of appeal.
8 Thank you.

9 THE HEARING EXAMINER: Sure. Thank
10 you, Mr. Rankin.

11 Any other interested parties other than
12 Matador Production Company?

13 MS. RYAN: Good afternoon, Mr. Hearing
14 Examiner. This is Beth Ryan entering an appearance
15 for COG Operating. We likewise don't object to this
16 case proceeding by affidavit or the exhibits being
17 entered, or anything else. We're just monitoring
18 today. Thank you.

19 THE HEARING EXAMINER: Okay. Thank
20 you, Ms. Ryan.

21 All right. Any other parties, entry of
22 appearance for any other parties interested in case
23 number 23500?

24 Entry of appearance for any other
25 interested persons in case number 23500?

1 THE HEARING EXAMINER: Fine. All
2 right. Back to you, Ms. McLean. I assume from Ms.
3 Ryan's and Mr. Rankin's statements, there's no
4 opposition to presenting this case by affidavit?

5 MS. MCLEAN: That's correct, Mr.
6 Examiner.

7 THE HEARING EXAMINER: Take it away.

8 MS. MCLEAN: Thank you. In case number
9 23500, Permian is applying for an order pooling all
10 uncommitted interests in the Bone Spring formation
11 underlying a 240-acre, more or less, standard
12 horizontal spacing unit comprised of the north
13 half/south half of Section 18, Township 19 South,
14 Range 28 East, and the north half/southeast quarter of
15 Section 13, Township 19 South, Range 27 East, in Eddy
16 County New Mexico.

17 And the spacing unit will be dedicated
18 to the Red Eagle 18 State Com 123H Well and 133H Well.
19 And both of those wells will be drilled from surface
20 hole location in Unit P of Section 18, Township 19
21 South, Range 28 East, to bottom hole locations in Unit
22 J of Section 13, Township 19 South, Range 27 East.

23 And the exhibit packet that was
24 submitted to the Division for this case includes
25 Exhibit A, the land professional testimony of Mark

1 Hajik [ph] and related land exhibits, which include
2 the plat of tracts, ownership interest, pooled
3 parties, a well proposal letter, and a summary of
4 communications.

5 (Item 53 Exhibit A and Sub-Exhibits
6 were marked for identification.)

7 MS. MCLEAN: Then we have Exhibit B,
8 geology testimony of Christopher Canton [ph], which
9 includes a regional locator map, cross-section map,
10 second Bone Spring and third Bone Spring structure
11 maps, structural cross-sections, a stratigraphic
12 cross-section and a gun-barrel development plan.

13 (Item 53 Exhibit B and Sub-Exhibits
14 were marked for identification.)

15 MS. MCLEAN: And then, finally, Exhibit
16 C, notice testimony, which includes the sample notice
17 letters sent to the parties to be pooled, a chart of
18 the parties to be pooled, copies of all the certified
19 mail green cards and white slip returns, and then an
20 affidavit of publication, which shows that it was
21 timely published on April 16, 2023.

22 (Item 53 Exhibit C and Sub-Exhibits
23 were marked for identification.)

24 MS. MCLEAN: And with that, I ask that
25 Exhibits A, B, and C be admitted into the record in

1 case number 23500 and that the case be taken under
2 advisement. And I can answer your questions.

3 THE HEARING EXAMINER: Okay. And this
4 time, who wants to go first, Mr. Lowe? Ms. Thompson?

5 MR. LOWE: I can go first.

6 THE HEARING EXAMINER: All right.

7 MR. LOWE: Good afternoon, ma'am.

8 MS. MCLEAN: Good afternoon.

9 MR. LOWE: For both of these wells,
10 you're seeking 240 acres for a spacing unit; correct?

11 MS. MCLEAN: That's correct.

12 MR. LOWE: And they seem to be okay as
13 far -- okay. Yeah, I'm still going through the
14 exhibits here. I don't have any other questions.
15 Thank you.

16 MS. MCLEAN: Thank you.

17 THE HEARING EXAMINER: All right. Ms.
18 Thompson, any questions?

19 MS. THOMPSON: I have no questions.

20 THE HEARING EXAMINER: Okay. Then the
21 exhibits in case number 23500 will be admitted and
22 made a part of the record, and that case will be taken
23 under advisement.

24 (Item 53 Exhibit A, Exhibit B, Exhibit
25 C, and Sub-Exhibits were received into

1 evidence.)

2 THE HEARING EXAMINER: Okay.

3

4 And thank you Ms. McLean.

5 MS. MCLEAN: Thank you. You made that
6 very easy for this one.

7 THE HEARING EXAMINER: All right. So
8 that brings us to item number 54, case number 23502.
9 I notice that we've been going for about an hour and a
10 half, so let me see if people would like to take a
11 break before we pick up that next case?

12 MR. BRUCE: This is Jim Bruce. That's
13 fine with me.

14 THE HEARING EXAMINER: I guess, yeah,
15 I'd just like to get people's sense on that. I'm
16 happy to take a ten-minute break or, you know, press
17 ahead. Sometimes it's the court reporter that's
18 begging for a break. But whoever thinks they might --
19 would like a break, let me know. I'll be glad to err
20 on that side.

21 MR. LOWE: I'm okay with a break.

22 THE HEARING EXAMINER: All right. So
23 it's 2:19. Let's reconvene at 2:30.

24 (Off the record.)

25 THE REPORTER: We are now back on the

1 record.

2 THE HEARING EXAMINER: Okay. I think
3 we're hopefully into the final stretch of today's May
4 4th hearing. We're down to item number 54, which is
5 case number 23502, Colgate Operating, LLC.

6 Entry of appearance for Colgate,
7 please?

8 MS. PENA: Good afternoon, Mr. Hearing
9 Examiner. Yarithza Pena with the Santa Fe of Hinkle
10 Shanor on behalf of Colgate Operating. And we will be
11 consolidating these cases with the next three items on
12 the list, which is a 23503 case, 23504, and 23505 if
13 that is okay with the Division?

14 THE HEARING EXAMINER: Well, that's
15 what I thought I saw here, 503, 504, 505, and 502;
16 right?

17 MS. PENA: Yes, yes, that is correct.

18 THE HEARING EXAMINER: Okay. Well, let
19 me call all four cases, then. 23502 through -- yeah,
20 through 23505. And you're entering an appearance in
21 all of those, Ms. Pena?

22 MS. PENA: Yes, on behalf of Colgate
23 Operating.

24 THE HEARING EXAMINER: Right. Thank
25 you.

1 And let me have an entry of appearance
2 for any other parties interested in those four cases?

3 Okay. Is there anybody -- let's
4 see -- Ms. Vance, are you still with us?

5 MS. VANCE: I am.

6 THE HEARING EXAMINER: Well, the only
7 reason I ask is I think you represent Matador, don't
8 you?

9 MS. VANCE: I do. Let me see where we
10 are. What number are you on the docket?

11 THE HEARING EXAMINER: Well, 23502
12 through 505 are consolidated. I had a note on 23505
13 that Matador objects to affidavit presentation of that
14 case. That may be an errant note that should have
15 been taken out. I don't mean to confuse anybody.
16 That may be a mistake on my part.

17 MS. VANCE: I don't believe that we are
18 objecting. I would have to double-check, but I don't
19 believe so.

20 THE HEARING EXAMINER: Fair enough.
21 Let me make sure, then. I want to just for the
22 record, are there any other parties that are
23 interested in cases 23502 through 23505?

24 All right. Are there any other
25 interested persons in cases 23502 through 505?

1 MS. VANCE: Mr. Hearing Examiner, just
2 to clarify, Matador is not in this case, and we're not
3 objecting.

4 THE HEARING EXAMINER: Okay. That's
5 probably my mistake. Thank you for that
6 clarification.

7 Hearing silence with respect to other
8 interested persons or parties, Ms. Pena, I'm going to
9 turn it back over to you.

10 MS. PENA: Thank you, Mr. Hearing
11 Examiner, and thank you for clarifying, as well, that
12 no one else had entered an appearance, as we weren't
13 aware of any appearances that were entered in these
14 cases, as well.

15 THE HEARING EXAMINER: Okay.

16 MS. PENA: So I will begin. In all of
17 these cases, case numbers 23502, 503, 504, and 505,
18 Colgate seeks a one-year extension of time to commence
19 drilling the wells, authorized the respective orders
20 numbered 22127, Order 22128, Order 22129, and Order
21 22130. And I will give a brief overview of each case
22 in order.

23 In case number 23502, which is Order
24 No. R-22127, it pooled all uncommitted interested in
25 the Bone Spring formation underlying a 240-acre

1 standard horizontal spacing unit comprised of the
2 north half/north half of Section 25 and north
3 half/northeast quarter of Section 26 in Township 20
4 South, Range 28 East, in Eddy County, New Mexico, and
5 dedicated the unit to the Boomerang 25 Federal Com
6 121H and the Boomerang 25 Federal Com 131H Wells.

7 In case number 23503, Order Number
8 R-22128 pooled all uncommitted mineral interests in
9 the Bone Spring formation underlying a 240-acre, more
10 or less, standard horizontal spacing unit comprised of
11 the south half/north half of Section 25 and the south
12 half/northeast quarter of Section 26, Township 20
13 South, Range 28 East, in Eddy County, New Mexico, and
14 dedicated this unit to the Boomerang 25 Federal Com
15 122H and Boomerang 25 Federal Com 132H Wells.

16 In case number 23504, Order Number R-
17 22129 pooled all uncommitted interests in the Bone
18 Spring formation underlying a 240-acre standard
19 horizontal spacing unit comprised of the north
20 half/south half of Section 25 and the north
21 half/southeast quarter of Section 26, Township 20
22 South, Range 28 East, in Eddy County, New Mexico, and
23 dedicated this unit to the Boomerang 25 Federal Com
24 123H and Boomerang 25 Federal Com 123H Wells.

25 And lastly, in case number 23505, Order

1 Number R-2212 -- 130 -- I apologize -- pooled all
2 uncommitted interest in the Bone Spring formation
3 underlying a 240-acre standard horizontal spacing unit
4 comprised of the south half/south half of Section 25
5 and the south half/southeast quarter of Section 26,
6 Township 20 South, Range 28 East, in Eddy County, New
7 Mexico, and dedicated the unit to the Boomerang 25
8 Federal Com 134H Well.

9 The order designated Colgate as the
10 operator of the unit and the wells, and paragraph 19
11 of all of these orders require Colgate to commence
12 drilling of the wells within one year of the date of
13 the order unless good cause is shown for an extension.
14 In these cases, good cause exists to extend the
15 deadline to commence drilling due to the delays
16 resulting in limited rig availability, the supply
17 chain, and delays associated with the merger of
18 Colgate and Centennial Resources.

19 And the exhibit packet submitted for
20 each of these case contain Exhibit A, which is the
21 land professional Mark Hajik's Testimony stating out
22 the reasons for the extension of time.

23 (Item 54-57 Exhibit A was marked for
24 identification.)

25 MS. PENA: And Exhibit B, which

1 includes the notice testimony of Dana Hardy and the
2 notice letters of this hearing and application that
3 were sent to the parties in the chart, and also an
4 affidavit of publication that shows that we timely
5 published on April 18, 2023.

6 (Item 54-57 Exhibit B was marked for
7 identification.)

8 MS. PENA: And with that, unless there
9 are any questions from the Division, I ask that
10 Exhibits A and B be admitted into the record in case
11 numbers 23502, 23503, 23504, and 23505 and be taken
12 under advisement.

13 Thank you.

14 THE HEARING EXAMINER: Okay, Ms. Pena.
15 Thank you. So let me see if I can anticipate a
16 question on behalf of Mr. Lowe. I'm going to take a
17 stab at this.

18 Is this your first drilling extension
19 request?

20 MS. PENA: Yes, it is, for all of these
21 cases.

22 THE HEARING EXAMINER: Was that
23 something that was on your mind, Mr. Lowe?

24 MR. LOWE: Somewhat, yes.

25 THE HEARING EXAMINER: Okay. Good.

1 All right. Anyway, I'm learning very slowly, but
2 surely.

3 So, with that, Mr. Lowe, I'll turn it
4 over to you first.

5 MR. LOWE: Okay. Good afternoon,
6 ma'am.

7 MS. PENA: Good afternoon.

8 MR. LOWE: Where exactly again in your
9 exhibits do you indicate reasons why the request for
10 the extension to drill?

11 MS. PENA: In Exhibit A, which is Mark
12 Hajik's testimony.

13 MR. LOWE: "Due to delays resulting in
14 limited rig availability, supply chain delays, and
15 delay due to merger of Colgate and Centennial
16 Resources."

17 Okay. And when were all these hearing
18 orders -- all these cases that you're presenting right
19 now, the hearing orders were approved on what date?
20 Do you recall?

21 MS. PENA: On May 9th of 2022. So
22 almost a year ago.

23 MR. LOWE: Okay. And you're requesting
24 the extension to be -- to extend to May 9, '24?

25 MS. PENA: Yes, that is correct.

1 MR. LOWE: Those are my only questions.
2 Thank you.

3 MS. PENA: Thank you.

4 THE HEARING EXAMINER: Ms. Thompson,
5 anything?

6 MS. THOMPSON: No questions.

7 THE HEARING EXAMINER: Okay. All
8 right. Well, I don't know what good cause is for
9 granting drilling extensions, but I'm assuming that
10 the Division does. So we'll take this case under
11 advisement, and the exhibits that you submitted will
12 be admitted and made a part of the record in the case.

13 (Item 54-57 Exhibit A and Exhibit B
14 were received into evidence.)

15 THE HEARING EXAMINER: Ms. Pena, thank
16 you. Anything further from you?

17 MS. PENA: Nothing further. Thank you,
18 Mr. Hearing Examiner.

19 THE HEARING EXAMINER: All right. So
20 let's see. That brings us to the last compulsory
21 pooling case on the docket, which is item number 58
22 and case number 23506, Petrogulf Corporation.

23 Entry of appearance for Petrogulf.

24 MS. BENNETT: Good afternoon, Mr.
25 Hearing Examiner. Deana Bennett from Modrall Sperling

1 on behalf of Petrogulf.

2 THE HEARING EXAMINER: Good afternoon,
3 Ms. Bennett.

4 Okay. Entry of appearance for any
5 other parties interested in case number 23506?

6 MR. BRUCE: Mr. Examiner, Jim Bruce on
7 behalf of Mewbourne Oil Company.

8 THE HEARING EXAMINER: All right. It
9 was my inarticulate question, I think. Are you a
10 party to this case or just an interested person?

11 MR. BRUCE: No. This application seeks
12 to first pool the east half of Section 34 in the
13 pertinent township and range, which Mewbourne owns,
14 and Mewbourne objects to the pooling, and filed an
15 objection to presentation of the case by affidavit and
16 entry of appearance of appearance, which, under
17 Division rules, makes this basically a status
18 conference to discuss this matter -- be heard --

19 THE HEARING EXAMINER: Yes. Okay. All
20 right. Yeah. Thank you, Mr. Bruce.

21 All right. So let me also see, then,
22 are there any entry of appearance from any other
23 interested persons in case number 23506?

24 Okay. All right. I think that that
25 clears up the mystery surrounding my note on this

1 docket sheet. It's your client, Mr. Bruce. It's not
2 the previous case. It's your client in this case that
3 objects to the presentation by affidavit. And so I
4 just got my note in the wrong box here.

5 So we need to have a status conference
6 in this case to set it up as a contested case. Is
7 that -- that's my understanding. Is that your
8 understanding, Ms. Bennett?

9 MS. BENNETT: Yes. As Mr. Bruce
10 stated, and unfortunately, that is where we find
11 ourselves today. I will note that Mr. Bruce did file
12 his objection around 4:45 on Tuesday after we'd
13 already filed our exhibits in this case. And I
14 understand that that's -- you know, it is what it is
15 at this point. But I did just want to make a note on
16 the record that we were prepared to go to hearing
17 today, and the deadline for filing a motion for
18 continuance is usually -- is set for Tuesday morning.
19 And so this caught us by surprise. And so we are
20 ready to go, though. And so we would ask that the
21 contested hearing be set as early as possible. And we
22 would propose June 1st for the contested hearing date.

23 THE HEARING EXAMINER: Let me hear from
24 you on that, Mr. Bruce. Can you be ready by June 1st?

25 MR. BRUCE: No. And Mr. Examiner, Ms.

1 Bennett and her fellow attorney, Earl DeBrine
2 questioned me about the late filing. There's really
3 no deadline on filing of an objection, and I can tell
4 you from my own personal knowledge, this has been -- I
5 have had objections to the pooling hearings being
6 presented on Wednesdays before the hearing in -- I
7 don't know -- eight or ten of my applications over the
8 last couple of years. And just because of the
9 Division's regulations, the hearing have been put off,
10 number one.

11 And number two, Mewbourne intends to
12 file its own applications involving Section 34 and
13 lands to the west of that. Petrogulf's application
14 involves the east half of Section 34 and the lands
15 east of that. But notice -- proposal letters have not
16 yet been sent out, and pooling applications will need
17 to be filed after those proposal letters are sent out.
18 So at the very earliest, I think the matter has to be
19 continued to July.

20 THE HEARING EXAMINER: Okay. Well, I'm
21 assuming that these other applications that you intend
22 to file will likewise affect or are likewise likely to
23 affect the interests of your client, Ms. Bennett, and
24 instead of this being a one-case battle between
25 titans, it'll be a multi-case battle between titans?

1 Am I hearing that correctly?

2 MS. BENNETT: That's, I guess, my
3 understanding from what Mr. Bruce is saying. Until
4 just now, I didn't realize that Mewbourne would be
5 filing competing applications, so that's news to me.
6 But -- and I agree with Mr. Bruce, like I said, it is
7 what it is in terms of cases being set for status
8 conferences. We've even seen, unfortunately, that
9 happen the day of the hearing. I wish there was a
10 better way that we could, for all of our sakes, that
11 we could manage this.

12 MR. BRUCE: Yeah.

13 MS. BENNETT: But we are where we are,
14 and certainly, all of us have been on the sharp end of
15 this stick ourselves. It --

16 MR. BRUCE: I agree with Ms. Bennett.
17 I mean, it is what it is, but it's happened to me so
18 many times that -- and my client has a few
19 difficulties because what they want to drill -- well,
20 they -- they haven't fully gotten the title
21 examination done. Plus their land is near the
22 Carlsbad Airport, and there are always difficulties
23 drilling near an airport. So that is why we're
24 requesting a couple of months at least.

25 MS. BENNETT: And one other thing I

1 just wanted to note, Mr. Hearing Examiner, is that
2 Petrogulf does have some lease expiration issues
3 looming in the future. And so, unfortunately, we
4 don't have unlimited time here. So I would ask that
5 July 6th, if that's the earliest that Mr. Bruce and
6 Mewbourne can get the cases ready for the hearing,
7 that that be the hearing date so that we are going to
8 hearing with enough time to avoid any potential lease
9 expiration issues.

10 MR. BRUCE: And Mr. Examiner, I would
11 accept that. I would ask what are the lease
12 expiration dates? Because I'm very -- I've been
13 affected by that, too. So ...

14 MS. BENNETT: Yeah, it's in December.
15 I don't have the exact, like, date in December. I
16 just know it's December.

17 MR. BRUCE: Okay. It's December.
18 Okay.

19 MS. BENNETT: Yeah. So going to
20 hearing and the order timing --

21 MR. BRUCE: And I spoke with Mewbourne
22 yesterday, and I said, you know, we really need to get
23 moving on this. So at this point, I would say July
24 6th is fine. But I don't know what might happen. But
25 regardless, I would go for July 6th.

1 THE HEARING EXAMINER: Okay. All
2 right. So I'm hearing agreement between the parties
3 on one solitary item, and that is that we'll try for a
4 hearing on the -- contested hearing on the merits of
5 this case on July 6, 2023; correct?

6 MR. BRUCE: Correct.

7 MS. BENNETT: Yeah. And if I can just
8 clarify that really fast, Mr. Hearing Examiner, I
9 mean, I guess you could note my agreement under
10 protest because, again, under Division practice, the
11 Division wants to hear all cases that are, you know,
12 in dispute over a certain acreage at the same time.
13 So with that sort of precedent in mind, that's why I
14 feel like I have no choice but to agree to the July
15 6th date. So if it could just be noted, you know,
16 under protest, I agree to July 6th.

17 THE HEARING EXAMINER: Fair enough.
18 It's like signing off on an order as to form only.

19 MS. BENNETT: Exactly. Exactly.

20 THE HEARING EXAMINER: All right. Mr.
21 Lowe or Ms. Thompson, do you have any thoughts or
22 issues with what's been discussed so far, thoughts,
23 issues, ideas?

24 MR. LOWE: I don't have any issues or
25 thoughts. I just enjoyed the conversation. Thank

1 you.

2 MR. BRUCE: As a slight -- virtual
3 connectivity interruption -- to Ms. Bennett, I will
4 file the motion for a continuance to relieve her from
5 that small burden. So --

6 MS. BENNETT: Thank you, Jim.

7 THE HEARING EXAMINER: Mr. Bruce, I
8 appreciate that. Does that -- do you prepare -- like,
9 is it a motion and then an agreed order? Is that what
10 you would typically submit?

11 MR. BRUCE: Yes, yes, sir.

12 THE HEARING EXAMINER: Okay. Great.
13 All right. Well, then we'll be looking for those in
14 the near future, and then I guess, docket space
15 permitting, this case will be rescheduled to July 6,
16 2023. And I guess if the parties end up, after
17 discussing this, deciding that they need more time,
18 then I suppose you can file a motion, an agreed motion
19 and order to extend it further down the line. But for
20 now we'll try to keep it set for July the 6th.

21 MR. BRUCE: Hopefully, hopefully,
22 hopefully, yes, sir.

23 THE HEARING EXAMINER: Okay. All
24 right. Anything else in case number 23506?

25 Thank you, both.

1 MS. BENNETT: Thank you.

2 THE HEARING EXAMINER: That brings us
3 to -- I think these next cases go together, but I'm
4 going to ask the parties to these cases to chime in
5 one by one. And if I have any misconceptions, let me
6 know. But we're up to item 59, case 23365; item 60,
7 case 23366. And then I believe that those two cases
8 are related to item 61 and 62, 23475 and 23477. My
9 understanding from rudimentary understanding from
10 looking at the pleadings is that this is a dispute
11 between Mewbourne and Earthstone and that there is a
12 motion to dismiss filed by Mewbourne, a response from
13 Earthstone, and then yesterday, I think we got a reply
14 from Mr. Bruce. Am I understanding this correctly?
15 Let me hear first from Mewbourne since you're item
16 number 59. Let me hear from you, Mr. Bruce.

17 MR. BRUCE: Yes, sir. You are
18 absolutely correct, Mr. Examiner. And I would let
19 other entries of appearance go forth, and then I will
20 do my thing, to use the old '70s phrase.

21 THE HEARING EXAMINER: Sure. Fair
22 enough.

23 All right. So I'm going to call the
24 cases. So 59 through 62, 23365, 23366, 23475, 23477.
25 We have Mr. Bruce's entry of appearance on behalf of

1 Mewbourne. Let me have entries of appearance on
2 behalf of Earthstone Operating.

3 MR. SAVAGE: Good afternoon, Mr.
4 Hearing Examiner. Good afternoon, Technical
5 Examiners. Darin Savage with the Santa Fe office of
6 Abadie & Schill appearing on behalf of Earthstone
7 Operating, LLC.

8 THE HEARING EXAMINER: Okay. And let
9 me have entries of appearance of any other parties to
10 these four cases?

11 MS. RYAN: Hello, Mr. Examiner. Beth
12 Ryan on behalf of ConocoPhillips Company and COG
13 Operating. We are not taking a position in this
14 matter today. We're just monitoring, so we have no
15 objection. Thank you.

16 THE HEARING EXAMINER: Okay. Any other
17 parties to these four cases?

18 MR. RANKIN: Mr. Examiner, good
19 afternoon. Adam Rankin appearing on behalf of Devon
20 Energy Production Company, Matador Production Company
21 with the Santa Fe office of Holland & Hart. Mr.
22 Examiner, we have not participated in the briefing,
23 and at this point, we are just monitoring these cases
24 and the dispute between the parties. Thank you.

25 THE HEARING EXAMINER: All right.

1 Okay. Any other parties to these four cases?

2 MR. JONES: Good afternoon, Mr.
3 Examiner. Blake Jones with Steptoe & Johnson on
4 behalf of Northern Oil and Gas.

5 THE HEARING EXAMINER: Mr. Jones, are
6 you also a monitor?

7 MR. JONES: Yes, that is correct.

8 THE HEARING EXAMINER: Okay. Any other
9 parties to these four cases?

10 Any other interested persons in these
11 four cases?

12 Okay. I think, with that, then, we'll
13 circle back to you, Mr. Bruce. It's your motion to
14 dismiss, so you have the floor.

15 MR. BRUCE: Thank you. First off, I
16 know the Division isn't going to decide this motion
17 today, so the thing to think about is after the
18 arguments are done, when to continue these cases to
19 allow the decision time to decide. I just wanted to
20 give that up front and let you guys at the Division
21 decide that.

22 My motion is fairly short. In these
23 consolidated cases, both parties seek to force pool
24 collectively the east half of Sections 7 and 18 in
25 Township 21 South, Range 35 East in Lea County as to

1 the Bone Spring formation. They're basically mirror
2 applications. The difference between this and normal
3 pooling applications is that the lands in Section 7
4 are in the North Wilson Deep Unit, which is operated
5 by Mewbourne Oil Company. The lands in Section 18 are
6 outside of the unit.

7 There is a Division rule,
8 19.15.16.15(b)(6), which states that when a party
9 wants to drill a well that is partly within and partly
10 outside a state exploratory unit, a party cannot do
11 that without the written consent of the commissioner
12 of public lands.

13 Mewbourne has the permission to do so.
14 Now, let me take a step back and say that the unit
15 area is over 12,000 acres, and it was developed, or it
16 was formed to allow Mewbourne the express -- if you go
17 back to the order approving the unit, or I should say
18 the proceedings approving the unit, Mewbourne intends
19 to drill the Bone Spring on two-mile laterals
20 throughout the unit. And they did not initially
21 intend to drill outside of the unit.

22 However, if you look at the motion,
23 especially to Exhibit A attached to my motion, you can
24 see that. And most people agree that drilling two-
25 mile laterals is better than drilling one-mile

1 laterals. The problem is that in the east half of
2 Section 18, there are wells to the south of that, so
3 they cannot drill two-mile laterals.

4 And so Mewbourne decided to drill two-
5 mile laterals involving unit and non-unit land because
6 there was interest expressed by other parties in
7 Section 18 that they did not want to drill one-mile
8 laterals in the east half of Section 18. So Mewbourne
9 proposed these wells, and that's what they intend to
10 do.

11 The thing is, Mewbourne has permission,
12 as shown by attachment G [ph] to its motion. They
13 have permission from the commissioner of public lands
14 to drill inside and outside of the unit, whereas
15 Earthstone, which is proposing mirror locations, at
16 virtually the same wells, in Sections 7 -- east halves
17 of Section 7 and 18 into the unit, but they do not
18 have the commissioner's permission to produce from the
19 lands in the unit area. And if that's the case,
20 drilling these wells would be a waste of time if
21 Earthstone is granted permission to drill.

22 Now, Mewbourne could drill from Section
23 7 up north to Section 6, but it thought it was doing
24 the right thing to propose two-mile wells, including
25 the non-unit acreage just to make sure that everybody

1 was getting two-mile laterals. But because of that
2 Division rule regarding written consent of the
3 commissioner, it's Mewbourne's position that granting
4 Earthstone's applications would be a waste of time,
5 and therefore request that its applications be
6 dismissed.

7 And Mr. Savage has written a response.
8 And I do have a reply to that response, but I would
9 yield the floor to Mr. Savage to argue his position.
10 Then I would ask time to reply to Mr. Savage's
11 response.

12 THE HEARING EXAMINER: Okay. All
13 right. Thank you, Mr. Bruce.

14 Mr. Savage, what is your response?

15 MR. SAVAGE: Thank you, Mr. Hearing
16 Examiner. When Earthstone filed its applications as
17 competing applications -- and these applications are
18 not the same. They are distinguishable, and we
19 believe that Earthstone's applications represent a
20 superior development plan over Mewbourne's.

21 But when we filed these applications,
22 the Mewbourne landman began engaging in unilateral
23 emails with the State Land Office to which Earthstone
24 was not privy. And then, if you note on Mewbourne's
25 exhibit that shows the email from the State Land

1 Office, it was sent on April 11th without any input
2 from Earthstone.

3 And we were finally informed around
4 April 13th about Mr. Dawson's position. And we sent
5 Mr. Dawson -- Earthstone sent Mr. Dawson a reply that
6 explained the full situation of these competing
7 applications, the situation involving certain
8 restrictions on the east half of Section 18, and asked
9 the State Land Office to withhold judgment and not
10 take a position until the Division could review the
11 matter.

12 I'd like to point out that we do not
13 equate the email -- which on its face is not fully
14 accurate. And we feel like it was biased by the email
15 exchanges to which Earthstone was not privy. But we
16 do not think it represents the consent of the
17 commissioner of the Land Office, or the commissioner
18 of public lands. We feel that it was a view that was
19 prematurely stated.

20 And we should note that at the time
21 that the State Land Office became fully informed, they
22 have not made an appearance in this case. We provided
23 them with the case numbers and the issues that were at
24 stake, and they have not made an appearance in this
25 case. And we feel like that is a green light for the

1 Division to fulfill its role under the Oil and Gas
2 Act.

3 Mr. Hearing Examiner, it's clear that
4 there was -- if you look at the background proceedings
5 on the North Wilson Deep Unit, there was an agreement
6 between Mewbourne and Chisholm, and that's the
7 predecessor in interest to Earthstone. And this
8 agreement was stated in the transcribed testimony of
9 the parties, and it was clearly stated in the
10 Division's final order creating the unit.

11 Earthstone believes that this agreement
12 was -- is important, and it's binding. In fact, the
13 Division's approval of the North Wilson Deep Unit was
14 predicated on removing the east half of Section 18
15 from the exploratory unit and from the operatorship of
16 Mewbourne as unit operator. And the records show the
17 lands in Section 18 were expressly removed from
18 Mewbourne's operatorship for one important reason,
19 which is to protect the correlative rights of the
20 working interest owners.

21 And yet, now, Mewbourne, who agreed to
22 this restriction, is trying to initiate drilling of
23 the well from the east half of Section 18 in which it
24 owns no working interest in. It's clear that
25 Mewbourne agreed to this condition before the Division

1 openly and on the record in order to induce the
2 Division to approve the North Wilson Deep Unit.

3 And now Mewbourne somehow believes that
4 this agreement no longer matters because it's decided
5 to assert a misplaced belief that it has the exclusive
6 right to develop the east half of Section 18. And
7 that would be at the exclusion of any competing
8 applications.

9 We put forth that the covenant -- it is
10 a covenant, as we explain in our response, and we
11 showed the legal analysis to that effect. The
12 covenant is binding, and it can only be removed or
13 reformed by having all of the relevant parties present
14 in the contested hearing before the Division to
15 re-adjudicate the terms of the covenant.

16 But Mr. Hearing Examiner, more
17 important than the covenant is the separate and
18 controlling fact that the lands that Mewbourne and
19 Earthstone propose to drill and develop, that is, the
20 east half of Sections 18 and 7, contain lands outside
21 the North Wilson Deep Unit to which no party currently
22 has exclusive operating rights, or any operating
23 rights, for that matter, neither Mewbourne nor
24 Earthstone, until the Division exercises its primary
25 duty and responsibility of determining which party as

1 operator would best prevent waste and protect
2 correlative rights.

3 When two parties present competing
4 applications to the Division, the Division has in
5 place a clearly established procedure for preventing
6 waste and protecting correlative rights, which
7 requires the Division to evaluate each competing
8 application based on an algorithm of seven factors.
9 And in the end, after the Division's full
10 consideration, these factors are designed to protect
11 correlative rights and prevent waste.

12 Now, it looks to us like Mewbourne
13 wants the exclusive right to circumvent the Division's
14 evaluation whereas Earthstone requests only that the
15 Division perform its obligation by evaluating the two
16 competing applications and selecting the best
17 development plan for the prevention of waste and the
18 protection of correlative rights.

19 Under the Oil and Gas Act, each owner
20 in the pool has a right to the protection of its
21 correlative rights, which means, as defined by the
22 act, each owner is afforded the opportunity to
23 produce, without waste, its just and equitable share
24 of oil and gas in the pool.

25 Neither the working interest owners of

1 these lands nor the State Land Office as a royalty
2 interest owner, knows which development plan will best
3 produce without waste their just and equitable share
4 of oil and gas until -- until the Division determines
5 which plan is the superior plan, Earthstone's plan or
6 Mewbourne's plan?

7 Mr. Examiner, the Division needs to
8 fulfill its mission and mandate in these cases for the
9 benefit of the working interest owners and for the
10 benefit of the State Land Office itself because they
11 need to know the evidence and the facts and the
12 findings on which to base its consent under the rule
13 that Mr. Bruce points out.

14 And therefore, Earthstone respectfully
15 asks that the Division exercise its statutory
16 authority over the competing applications by denying
17 Mewbourne's motion to dismiss and setting a date for a
18 contested hearing. Thank you.

19 THE HEARING EXAMINER: Okay. Thank
20 you, Mr. Savage.

21 Mr. Bruce, I'm going to give you a
22 chance to reply, but let me ask -- let me ask you a
23 question. You say that you have the permission of the
24 commissioner of public lands to do this drilling,
25 but -- and that is the State Land Office, for lack of

1 a better term.

2 MR. BRUCE: Yes.

3 THE HEARING EXAMINER: But that
4 doesn't -- I mean, that doesn't displace the need for
5 the Division to review competing applications to
6 decide which one is best from its perspective, does
7 it?

8 MR. BRUCE: Mr. Examiner, you know, I
9 tend to agree with you a little bit. But the fact of
10 the matter is, if we go to hearing, and Earthstone
11 can't show approval from the State Land Office to
12 produce from the North Wilson Deep Unit, even if they
13 were granted approval, I suppose they could go ahead
14 and drill, but the well couldn't be produced, and
15 therefore, waste would occur.

16 And I further agree with my friend, Mr.
17 Savage, that, yup, you got to look at correlative
18 rights. On the other hand, although he hasn't
19 explained how the development plans are different, as
20 I said, these wells, they're virtually identical. So
21 if they're virtually identical, how are correlative
22 rights adversely affected whoever drills the wells,
23 number one.

24 And number two, as I mentioned before,
25 they still need State Land Office approval, you know?

1 Earthstone's remedy is to drill one-mile laterals in
2 the east half of Section 18, which, at this point, it
3 is free to do. But obviously, they do not want to do
4 that.

5 And furthermore, Mr. Examiner, if you
6 read Mr. Savage's brief closely, he's basically saying
7 Mewbourne cannot drill unit and non-unit lands, but
8 Earthstone can. That just makes no sense. That makes
9 no sense. If they want to drill the one-mile laterals
10 in Section 18, Mewbourne would back off. But they do
11 not want to do that. And they don't have authority to
12 drill into the North Wilson Deep Unit.

13 THE HEARING EXAMINER: Okay.

14 MR. BRUCE: Go ahead.

15 THE HEARING EXAMINER: Well, Mr. Bruce,
16 is that your reply, or do you have more to add that
17 you were thinking of?

18 MR. BRUCE: Really, really, it
19 basically is. Probably the only -- very briefly --
20 take 30 seconds. Mr. Savage went into detail in his
21 brief about a covenant running with the land that
22 Mewbourne would never drill into Section 18. There is
23 no proof of that whatsoever in the record of the
24 hearing. There is no agreement between Mewbourne and
25 Earthstone regarding that.

1 Mewbourne developed this program for
2 developing the unit. It took well over two years to
3 put it together, to get approval of the unit. And
4 when it came to hearing, certain parties objected, one
5 of them being Earthstone's predecessor in interest.

6 Mewbourne dismissed -- changed its
7 application, or amended its application, to exclude
8 the east half of Section 18 at the request of
9 Chisholm. And it removed some other acreage simply
10 because they wanted to get the unit approved as
11 quickly as possible so they could commence drilling,
12 which they have done, number one. There wasn't an
13 agreement not to drill outside the unit. They just
14 wanted to get something done.

15 And then the other thing is Mr.
16 Savage's response also says, well, Mewbourne can drill
17 two, three, four-mile laterals outside of the unit.
18 They have no intention of doing that. This was formed
19 for the purpose of drilling two-mile laterals within
20 the unit area. And actually, there is an exhibit,
21 which I should have attached, which showed Mewbourne's
22 development proposal from the examiner hearing,
23 showing that they had already plotted out a bunch of
24 two-mile laterals totally within the unit area.

25 They did this, filed these

1 applications, because it was indicated to them that
2 certain interest owners did not want the east half of
3 Section 18 developed on one-mile laterals. That's it.
4 And once again, you get down to the basic fact -- and
5 if the Division decides otherwise, that's fine.
6 Mewbourne could drill from the Section 7 up into
7 Section 6, no problem, because Section 6 is also in
8 the unit area.

9 But the long and the short of it is
10 Earthstone does not have the Land Office's permission
11 to drill into the unit, to drill and produce, I should
12 say, into the unit, and that is the basis of the
13 motion to dismiss.

14 And as I said, I know the Division
15 needs to take time to look at everything and come out
16 with an order. And Mewbourne will live with whatever
17 it is. And that's my reply.

18 THE HEARING EXAMINER: Thank you, Mr.
19 Bruce.

20 All right. I want to open it up to
21 questions from the Division. I'm not sure who to
22 start with first. I guess I'll defer to Mr. Lowe
23 since he's stuck with us from the beginning this
24 morning.

25 Mr. Lowe, questions?

1 MR. BRUCE: Sorry, Mr. Lowe.

2 MR. LOWE: I have questions, but I'm
3 going to -- I'm still continuing reading through the
4 exhibits and what was presented beforehand and looking
5 into that right now. So I guess I can dissolve more
6 information from that that we have right now.

7 But currently, I don't have any
8 specific questions on this matter.

9 THE HEARING EXAMINER: Ms. Thompson, do
10 you have questions on this matter?

11 MS. THOMPSON: I'm kind of in the same
12 position as Mr. Lowe. I'm kind of going through the
13 exhibits. I would have to defer any questions to Mr.
14 McClure.

15 THE HEARING EXAMINER: Mr. McClure,
16 last but certainly not least?

17 MR. MCCLURE: Yes, Mr. Harwood. I do
18 have some questions for both Mr. Bruce and Mr. Savage
19 on this regard.

20 I guess starting off with Mr. Bruce,
21 does Mewbourne currently have authorization to drill
22 into Section 18?

23 MR. BRUCE: That would be granted by
24 the pooling order, which is, of course -- you know,
25 they -- Mewbourne owns no working interest in the east

1 half of Section 18, but that's why you've got the
2 pooling statute 70-2-17.C, to join lands within a
3 unit. But you are correct. They do not own the
4 current right to operate in Section 18.

5 MR. MCCLURE: Was Mr. Dawson, with the
6 State Land Office, aware of that at the time that he
7 offered the -- or authored the email that Mewbourne
8 entered in as an exhibit?

9 MR. BRUCE: Yes, they are. Mr. Dawson
10 has been involved -- and I'm trying to remember the
11 transition. There's been a lot of transitions at the
12 OCD. Mr. Dawson used to work at the OCD. But
13 Mewbourne has been in discussions with Mr. Dawson just
14 regarding the general unit area for well over two
15 years now.

16 And if you look at attachment B to my
17 motion, you can see that he didn't like it -- the tone
18 I get from that attachment is that he didn't like it
19 that Mewbourne was drilling out of the unit, but he
20 agreed to it because of preventing -- or that's not
21 the right word -- so that the interest owners in the
22 east half of Section 18 didn't have to have one-mile
23 laterals.

24 MR. MCCLURE: I guess, if I could,
25 maybe restate that question one more time. Was he

1 aware of the fact that Mewbourne was going to have to
2 get a compulsory pooling case, which was competing
3 with Earthstone at the time that he authored that
4 email?

5 MR. BRUCE: Well, he -- yes. He --
6 Mewbourne -- and if you need some supplemental
7 affidavit from the landman, Adriana Salgado [ph], I
8 can get that, but he was aware when he wrote that
9 email that there were -- he was aware, number one,
10 that the east half of Section 18 was not in the unit,
11 obviously, and he was aware that Mewbourne did not own
12 any working interest in that land, and he was aware
13 that competing applications had been filed.

14 MR. MCCLURE: And I guess further to
15 that question, then, because I'm not reading this into
16 his email, is do you believe that he's -- that he is
17 of the position that if the Division were to grant
18 Earthstone the compulsory pooling, that the State Land
19 Office would then deny them the ability to drill into
20 the unit?

21 MR. BRUCE: You're asking me to
22 forecast the future, Mr. McClure, and I can't do that.

23 MR. MCCLURE: Well, I agree with that,
24 but it almost seems like that's kind of what your case
25 is built upon, isn't it, that this is going to be a

1 waste of --

2 MR. BRUCE: I --

3 MR. MCCLURE: Go ahead.

4 MR. BRUCE: No, I was just going to say
5 I was -- I was kind of joking. No, I cannot say that
6 definitively, Mr. McClure, to answer your question.

7 MR. MCCLURE: Okay. That there was
8 just all I was getting at, because how I read it is it
9 looks like he is reviewing it from a plans and
10 development standpoint, which is definitely going to
11 play a role in determining which competing CP case
12 should take precedent, but I'm not sure if it
13 outright, you know, has a definitive conclusion in
14 regards to the motion today, I guess.

15 MR. BRUCE: Mr. McClure --

16 THE HEARING EXAMINER: Can I jump in
17 here and ask a question? Let me just ask -- let me
18 ask an ignorant follow-up question.

19 Let's say that the Division looks at
20 Mewbourne's proposal, and it looks at Earthstone's
21 proposal. And this is hypothetical only. But let's
22 say it determines that Earthstone's proposal, for lack
23 of a better word, is the better proposal? Would the
24 State Land Office approve what the Division determines
25 to be the best proposal?

1 MR. BRUCE: I do not know. And if that
2 was the situation, Mewbourne would probably do a 180
3 and drill up north into Section 6, which is in the
4 unit.

5 THE HEARING EXAMINER: Okay. Now you
6 are predicting the future.

7 MR. BRUCE: Oh, that is something I'm
8 sure of.

9 THE HEARING EXAMINER: Okay. Mr.
10 McClure, I didn't mean to interrupt you.

11 MR. SAVAGE: Mr. Hearing Examiner, is
12 that a question that I could address, as well?

13 THE HEARING EXAMINER: Oh, sure. But I
14 want to turn it back to Mr. McClure and make sure that
15 he doesn't have other questions, or maybe he does, and
16 I interrupted him.

17 MR. MCCLURE: Oh, no, Mr. Harwood, you
18 had really good timing, because, actually, that was
19 the end of my questions for Mr. Bruce. I do have some
20 questions for Mr. Savage, but I'll leave it in your
21 discretion whether you want him to respond to what we
22 have on the table or if you want me to start asking
23 questions first?

24 THE HEARING EXAMINER: Well, I know I
25 can -- I can tell from his face that he's got some

1 things he just has to get said.

2 So why don't you chime in, Mr. Savage,
3 and maybe it'll help answer Mr. McClure's questions,
4 as well.

5 MR. SAVAGE: Well, I'd just like to go
6 to the question, Mr. Examiner, that you asked, you
7 know, would -- how would the SLO respond.

8 First of all, I'd like to point out
9 that the emails between Mr. Dawson were only between
10 Mr. Dawson and Ms. Salgado. And that's the landman
11 from Mewbourne. They did not involve any other
12 parties, and they were extrajudicial in nature. They
13 were not part of any kind of proceeding. We believe
14 that the rule that Mr. Bruce cites the consent whether
15 to give or not would take place within the proceedings
16 of the OCD and the SLO.

17 If you look at Mr. Dawson's email, you
18 see it's riddled with errors. For example, he states
19 that the pooling agreement is only between the SLO and
20 Mewbourne. Well, that's not true. The pooling -- the
21 unit agreement is between 14 working interest owners,
22 and it's approved by the SLO and the OCD.

23 And then the email goes on to say that
24 Earthstone is not a part of the unit agreement. Well,
25 that's not true either. Earthstone is a successor in

1 interest to Chisholm. Chisholm was -- joined the unit
2 agreement. Therefore, Earthstone is a part of the
3 unit agreement.

4 So we feel that, you know, the content
5 of this email does not reflect proper consent or
6 non-consent, you know? It was communications of
7 concern that Mewbourne had regarding the penetration
8 of the North Wilson Deep Unit. His conclusion that
9 they cannot drill into or beneath the North Wilson
10 Deep Unit is a wrong conclusion. It's not supported
11 by statute or -- by statute or regulation because
12 they're not looking at the facts of a situation where
13 it's a straddling unit, involves lands inside and
14 outside the unit.

15 So, you know, how procedurally this
16 should play out is that the Division should have the
17 opportunity to protect correlative rights and prevent
18 waste by going through its procedure for reviewing
19 competing applications to ensure that the best
20 application and development plan is selected.

21 And then, you know, and if you look at
22 how -- the procedure for the approval of the unit,
23 then after the Division approves the development plan,
24 then it is passed back to the State Land Office for
25 review, for proper review. And then the commissioner

1 of public lands is the one who issues a letter based
2 on all of the information, conclusions, and findings
3 of the Division.

4 Now, once the Division, should the
5 Division approve, hypothetically, Earthstone's
6 development plan, the State Land Office cannot
7 withhold consent irrationally. They have to withhold
8 or grant consent based on a rational review of the
9 rules and the evidence.

10 So to say that -- you know, we do know
11 in some sense how the State Land Office would rule,
12 you know? They would rule in a rational manner. They
13 would uphold the rules and the views of the Division.
14 There may be other reasons for them not to consent.
15 And if that occurs, then that would be additional
16 proceedings to finalize the full development plan.

17 THE HEARING EXAMINER: Okay. Thank
18 you.

19 Mr. McClure?

20 MR. MCCLURE: Yes, Mr. Harwood, I'll go
21 ahead and start questioning Mr. Savage.

22 I guess just something real quick, I
23 guess, just to make sure there's not something that
24 I'm missing, I guess. There's reference to this
25 private agreement that's memorialized in Order R-

1 21721. Can you point to where in that order you're
2 referring to?

3 MR. SAVAGE: Yeah. So if you look in
4 the transcribed testimony, the parties acknowledged
5 that they came to an agreement. There were serious
6 objections. In fact, the language used in the motions
7 to object by the parties, including Chisholm, were
8 grave concerns that we'd be in this situation right
9 here, that Mewbourne would abuse its position as unit
10 operator to try to encroach and undermine correlative
11 rights.

12 Apparently, based on the evidence of
13 the transcribed testimony, it looks -- you know, it's
14 clear that the parties, Chisholm, and Mewbourne
15 reached -- entered negotiations, and they reached an
16 agreement. And that's in the transcript itself.

17 And then when you look at the order,
18 the order specifically, the Division specifically
19 restricts the east half of Section 18 and removes it
20 from the exploratory unit and reduces the acreage,
21 specifically noting the discussion between Chisholm
22 and Mewbourne. It was at the request of Chisholm is
23 the exact language, I believe, in that paragraph. And
24 I'm sorry. I don't have that order in front of me.
25 But there is a paragraph in the body of the order that

1 addresses that.

2 MR. MCCLURE: I was going to say, I
3 believe in the findings of fact, there might be
4 discussion in regards to Chisholm and COG, I believe.
5 But it doesn't state as anything that there's a
6 private -- to my understanding, I'm not seeing where
7 it looks like the Division is enforcing anything in
8 regards to drilling into or out of Section 18, or any
9 of the three different sections that's listed in the
10 findings of facts. And I believe the ordering
11 paragraph has Mewbourne of having requested that the
12 expansion of the unit not include those three
13 sections.

14 So I guess I'll ask again as far as
15 anything that the Division is enforcing in that order.
16 Is there something that you can point to beyond maybe
17 something that was spoken to during the hearing itself
18 but not actually put into force, I guess?

19 MR. SAVAGE: It would be a combination
20 of the reference. So it'd be a combination of the
21 following facts.

22 The Division would not approve --
23 the -- Chisholm objected to the exploratory unit as
24 proposed. The Division would not approve it,
25 acknowledged the objection. There was statements in

1 the testimony that the parties negotiated and reached
2 an agreement. That's in black and white. And then
3 the resolution shows up in the language of the
4 Division that the Division is removing the east half
5 of Section 18 because Chisholm requested it from
6 Mewbourne.

7 And that would be my review of that,
8 and I believe that provides the proper evidence for
9 making that conclusion.

10 MR. MCCLURE: All right. Thank you.
11 Another question I have for you, in this email that
12 was sent to the state to Mr. Dawson with the State
13 Land Office, was there any reference made to when
14 these cases are going to be heard? Or let me rephrase
15 the question. I'm sorry. Was that email that was
16 made an exhibit, is that what you're referring to as
17 far as the communication to Ms. Dawson with the State
18 Land Office regarding these cases, or was there any
19 communication in addition to that?

20 MR. SAVAGE: No, that was the
21 communication, and we, you know, we referenced the
22 case numbers. We felt if the State Land Office felt
23 strongly about taking a position, that it would be
24 able to pull up the case numbers and review when the
25 cases would be held.

1 MR. MCCLURE: Okay. Thank you, Mr.
2 Savage, thank you, Mr. Bruce, and thank you, Mr.
3 Harwood. That's all the questions I had.

4 THE HEARING EXAMINER: Okay. Anything
5 else from other Division technical examiners? Mr.
6 Lowe, Ms. Thompson, anything you all want to ask based
7 on the questioning and answer that have been -- and
8 further argument that have been adduced so far?

9 MS. THOMPSON: I have no questions.

10 MR. LOWE: I have no questions.

11 THE HEARING EXAMINER: Okay. All
12 right. Well, then, as Mr. Bruce did predict the
13 future at the outset of this, the Division is not
14 ruling on this today and will take this under
15 advisement and, you know, will consider the motions,
16 and will issue a ruling or an order in due course on
17 this.

18 We appreciate the argument, and we
19 appreciate the briefing.

20 MR. BRUCE: Just one final question,
21 Mr. Examiner. I won't respond to Mr. Savage's
22 argument other than to say there was never any private
23 agreement not to drill into Section 18. But should
24 this matter be set for -- I don't know how long it
25 will take for the Division to decide. Should this be

1 set for a status conference somewhere down the road?

2 THE HEARING EXAMINER: That's probably
3 not a bad idea. How about -- let's see -- well, let
4 me ask the Division.

5 I mean, what's practical -- or what
6 makes practical sense from you all's perspective just
7 so that this stays on the radar screen?

8 MR. MCCLURE: You mean in order for us
9 to rule on the motion? Two weeks or a month. Just
10 guess -- just my thought process.

11 MR. BRUCE: And Mr. Examiner, if I may,
12 I was thinking maybe set it for a status conference on
13 the mid-June hearing just to give the Division time to
14 decide.

15 THE HEARING EXAMINER: How about you,
16 Mr. Rankin [sic], does that sound good to you? Mid-
17 June? Let's see -- what date is that. I'm looking at
18 the calendar.

19 MR. BRUCE: June 15th.

20 THE HEARING EXAMINER: June 15th?
21 Okay. Mr. Savage, does that sound okay to you?

22 MR. SAVAGE: That sounds pretty good.
23 Thank you.

24 THE HEARING EXAMINER: Is that enough
25 time for the Division, Mr. McClure, Mr. Lowe, Ms.

1 Thompson?

2 MR. MCCLURE: I was going to say I
3 think we should be able to get something by then.

4 THE HEARING EXAMINER: Okay. All
5 right. Procedurally, I'm not sure how we set this for
6 a status conference on June the 15th, but -- go ahead.

7 MR. BRUCE: I think if both Mr. Savage
8 and I agree, we could each file our own continuances
9 for each of the cases and request a June -- 6/15
10 status conference, and that would not require a
11 prehearing order, or anything, at this point.

12 Is that okay, Darin?

13 MR. SAVAGE: Yeah, Jim, I think we
14 shouldn't be restricted by a prehearing order at this
15 point in the process. Need some flexibility there,
16 sounds like.

17 THE HEARING EXAMINER: All right. If
18 that's acceptable to you, Mr. Lowe, you, Mr. McClure,
19 and Ms. Thompson, we'll proceed that way, okay? I see
20 one head nod and a thumbs up. Okay. All right.
21 Okay. Good. Well, that takes care of -- we're
22 finally down to the very last item on the docket, so I
23 want to thank Oxy USA in advance for, you know,
24 sticking with us for so long.

25 We'll be calling, then, case number

1 23501. And may I have entry of appearance for Oxy
2 USA, Incorporated?

3 MR. RANKIN: Good afternoon, Mr.
4 Examiner, appearing on behalf of the applicant in this
5 case is Adam Rankin with the Santa Fe office of
6 Holland & Hart.

7 THE HEARING EXAMINER: Okay. Thank
8 you, Mr. Rankin.

9 Any other parties to case number 23501,
10 entry of appearance for any other parties to that
11 case?

12 Okay. Are there any other interested
13 persons for case number 23501, Oxy USA, Incorporated?

14 Okay. Hearing none, the docket lists
15 this as a miscellaneous case. And it has to do
16 with -- well, you tell us, Mr. Rankin, what this case
17 is all about?

18 MR. RANKIN: Mr. Examiner Harwood,
19 you're lucky. Your very first day, you get a really
20 special case.

21 THE HEARING EXAMINER: Oh, boy.

22 MR. RANKIN: Examiner Dean McClure's
23 favorites, for sure.

24 Mr. Examiner, in this case, Oxy seeks
25 an order authorizing it to engage in what's called a

1 close-loop gas capture injection pilot project in the
2 Bone Spring formation that's proposed within a 2,640-
3 acre, more or less, project area, consisting of all of
4 Sections 25, 26, 35, and 36 in the south half of the
5 southwest quarter of Section 25 in Township 24 South,
6 Range 29 East, all in Eddy County.

7 What they intend to do here is
8 occasionally inject treated produced gas into 12
9 existing horizontal wells that currently produce. The
10 purpose of the pilot project is to avoid temporary
11 flaring of gas or the shut-in of producing wells
12 during pipeline capacity constraints, mechanical
13 difficulties, plant shut-downs or other events
14 impacting Oxy's ability to deliver gas into the
15 pipeline for transportation to market.

16 Temporary injection will be into the
17 Bone Spring, as I mentioned, at vertical depths of
18 approximately 8,879 feet down to 9,197 feet along the
19 horizontal portion of each wellbore at service
20 injection pressures of no more than 1,300 pounds per
21 square inch and at a maximum injection rate of 4
22 million standard cubic feet of gas per day.

23 Mr. Examiner, we have three witnesses
24 to present today. They are actual live, breathing
25 witnesses, as opposed to affidavits. And I would ask

1 at this point that we get them sworn in so we can
2 proceed with their testimony and presenting our case,
3 which I believe we should be able to do before the end
4 of the day.

5 THE HEARING EXAMINER: Oh, okay. All
6 right. Good. Well, the end of the day here is 5 p.m.
7 It's not midnight. So let's bear that in mind.

8 MR. RANKIN: Well --

9 THE HEARING EXAMINER: I see two
10 individuals here. Let's see. Is that Mr. Janacek and
11 Mr. Brazell? Are those your witnesses?

12 MR. RANKIN: Yes. Mr. Janacek, Mr.
13 Brazell, and then Mr. Rahul Joshi.

14 MR. JOSHI: Can you hear me?

15 MR. RANKIN: Yup.

16 MR. JOSHI: Okay. I'm trying to get my
17 video on. I'm having some technical difficulties. I
18 don't know how to finally say okay on this. I'm sorry
19 about this.

20 MR. RANKIN: That's okay. Don't worry.
21 I think, for now, audio is good enough for now, I
22 believe.

23 MR. JOSHI: Okay.

24 THE HEARING EXAMINER: Yeah, Mr. Joshi,
25 we'll trust you. If all three of you will raise your

1 right hand?

2 MR. JOSHI: Yes, I will.

3 THE HEARING EXAMINER: Okay. Mr.
4 Rankin, take it away.

5 MR. RANKIN: Thank you, Mr. Examiner.
6 I would like to call our first witness, Mr. Stephen
7 Janacek.

8 THE HEARING EXAMINER: All right, Mr.
9 Janacek, you've been sworn.

10 So you may proceed, Mr. Rankin.

11 MR. RANKIN: Thank you very much.

12 WHEREUPON,

13 STEPHEN JANACEK

14 called as a witness, and having been first duly sworn
15 to tell the truth, the whole truth, and nothing but
16 the truth, was examined and testified as follows:

17 EXAMINATION

18 BY MR. RANKIN:

19 Q Mr. Janacek, will you please state your full
20 name for the record?

21 A Stephen Janacek.

22 Q By whom are you employed and in what
23 capacity?

24 A Oxy USA, Incorporated, as a petroleum
25 engineer.

1 Q You've previously testified before the
2 Division?

3 A Yes.

4 Q And you've had your credentials as an expert
5 in petroleum engineering accepted and made a matter of
6 record by the Division?

7 A Yes, I have.

8 Q And are you familiar with the application
9 that was filed in this case?

10 A Yes.

11 MR. RANKIN: All right. Mr. Hearing
12 Examiner, I would ask that Mr. Janacek be retendered
13 as an expert witness in petroleum engineering.

14 THE HEARING EXAMINER: Okay. I mean, I
15 don't know what the protocol is here. So if it seems
16 ignorant to ask, I'll ask it anyway. Is there any
17 objection from the OCD to Mr. Janacek being recognized
18 as an expert in the field of petroleum engineering?

19 Okay.

20 MR. RANKIN: Mr. Hearing Examiner, I
21 appreciate the question, and sometimes we take
22 liberties with the informality, to some extent. Each
23 of these witnesses, with the exception of one has
24 previously testified before the Division, and so
25 rather than take the time to summarize his

1 credentials, I'm counting on the Division to recall
2 his recent testimony and credentials.

3 THE HEARING EXAMINER: Okay. Let me
4 just expand it, then.

5 The Division, I assume will have no
6 qualms about hearing all three of these gentlemen as
7 experts in their respective fields; is that correct,
8 Mr. McClure?

9 MR. MCCLURE: Yes, that's correct, Mr.
10 Harwood.

11 THE HEARING EXAMINER: Okay. All
12 right. Maybe that will speed things up, Mr. Rankin.

13 MR. RANKIN: Thank you very much. I
14 appreciate it.

15 BY MR. RANKIN:

16 Q Mr. Janacek, on Tuesday, Oxy filed a set of
17 exhibits, including what's been marked as Exhibit A.

18 (Item 63 Exhibit A was marked for
19 identification.)

20 Is that a copy of the application that
21 was filed in this case?

22 A Yes, that is.

23 Q And I'll start sharing my screen here in
24 just a moment. Now, attached to that application was
25 a series of supporting materials that supported the

1 facts and the allegations that were raised in the
2 application; is that correct?

3 A Yes.

4 Q And those are all in line with the guidance
5 that the Division has provided for approval of these
6 types of projects?

7 A Yes, that is in accordance with the
8 OCD-issued guidance for CLGC Gas Storage Wells.

9 Q In your own words, Mr. Janacek, can you just
10 please explain what it is here that -- at a high level
11 what it is that Oxy's requesting with this
12 application?

13 A Yes. So at a high level, Oxy is requesting
14 a couple things, the first of which is approval from
15 the Division for a close-loop gas capture injection
16 project.

17 In this project, the Corral Fly and Corral
18 Canyon area wells. And the purpose of the project is
19 to temporarily inject produced and treated gas into 12
20 of its horizontal production wells. And this gas
21 would either be flared during a downstream upset or it
22 would require Oxy to shut in our affected wells.

23 We're also requesting a maximum level
24 surface pressure of 1300 PSI, and we're also
25 requesting an exception to the 100-foot packer setting

1 depth requirement that is usually applied to vertical
2 injections wells.

3 Q Thank you. And just to recap, what is the
4 proposed project area? How many acres, and where is
5 it located?

6 A The proposed project area -- excuse me -- is
7 approximately 2,640 acres, and this is over in
8 Sections 25, 26, 35 and 36, as well as the south half
9 of the southwest border of the Section 24, and that is
10 all within Township 24 South, Range 29 East, over in
11 Eddy County, New Mexico.

12 Q Okay. And you said earlier that you were a
13 project manager, right, overseeing this project;
14 correct?

15 A That's correct.

16 Q And have you and your team that are working
17 on this project prepared an analysis demonstrating
18 that the proposed project here meets the Division's
19 requirements for closed-loop gas capture pilot
20 projects?

21 A Yes.

22 Q Let's talk about the formation here that
23 you're targeting for injection. What is the formation
24 that will be receiving this gas during upset?

25 A For all of these 12 wells, it is the same,

1 and that is the second Bone Spring sand, and that's
2 located within the Pierce Crossing Bone Spring east
3 pool, pool code 96473.

4 Q Oxy has received, I believe, six previous
5 orders for pilot projects similar to this one, and in
6 each of those orders, the Division has attached what
7 is identified Exhibit A, which are essentially
8 elements identifying the specific wells of the pool,
9 the location of the wells, and so forth. Did you
10 prepare a draft proposed Exhibit A for the Division in
11 your exhibit packet?

12 A Yes, we did.

13 Q Okay. And is that marked at --

14 MR. RANKIN: Mr. Examiner and technical
15 examiners, I'm going to refer to the PDF pages of
16 these exhibits just for ease of reference since I
17 think we're all working in the PDF version.

18 BY MR. RANKIN:

19 Q And Mr. Janacek, this is at page 124 of the
20 exhibit packet that was filed with the Division on
21 Tuesday; is that correct?

22 A I believe so. I'll pull that up.

23 Q Let me -- I can make your life a little bit
24 easier, perhaps, and share my screen so you don't have
25 to separately confirm what I'm talking about. I can

1 show you. Let me know when you can see my screen, Mr.
2 Janacek.

3 A Yes, I can see it now.

4 Q Great. And I'll zoom in just a little bit
5 just so we can see a little bit better. So this is at
6 page 124 of the exhibit that was filed with the
7 Division; correct?

8 A Yes, that's correct.

9 Q And you prepared also -- the Division also
10 has prepared with its orders what they have referred
11 to as Exhibit B. Have you also prepared a draft
12 proposed Exhibit B for the Division?

13 A Yes, we have.

14 Q And that just includes some more additional
15 information about the well API number and the offset
16 wells that would be potentially impacted by any
17 injection from the wells in the project; is that
18 right?

19 (Item 63 Exhibit B was marked for
20 identification.)

21 A That's correct.

22 Q So you simply -- you try to do some of the
23 work for the Division here by pointing out which of
24 the offset wells so that they can get to that more
25 quickly; is that right?

1 A That is correct. This is an area with a lot
2 of development and multiple different intervals, so we
3 wanted to provide a little bit more detailed work for
4 the Division.

5 Q So looking at the -- at the depths here, I
6 mentioned in my opening that there were a range of
7 depths that these wells would be completed, and you
8 mentioned that these are all going to be in the second
9 Bone Spring, within the Bone Spring formation. Have
10 you also prepared a gun barrel view of these wells so
11 we can understand better how they're set up?

12 A Yes, we have.

13 Q Is that page 126 to 127 of the exhibit
14 packet?

15 A Yes, that is.

16 Q Will you please just review for the
17 examiners, starting on this first page of the gun
18 barrel exhibit what you're looking at here and explain
19 to the examiners what we see?

20 A Yes. I believe there were some revised
21 exhibits filed for these.

22 Q You're right. You're right. I apologize.
23 Thank you for reminding me. One moment. I'm going to
24 stop sharing for a moment, and I'll quickly pull up
25 those revised exhibits. And I apologize for the

1 delay. One moment.

2 MR. RANKIN: Mr. Examiner, we did file
3 with the Division today a revised set of exhibits,
4 revised exhibits for this particular set of slides,
5 and I will pull them up so that everyone can see them
6 in just a moment. I apologize for the delay. Just
7 take me a moment. Apologize for that. This was filed
8 as a revised exhibit, Mr. Examiner.

9 BY MR. RANKIN:

10 Q Mr. Janacek, please pick up where you
11 were -- I about left you off here, where you can
12 review what this exhibit shows and explain what we're
13 looking at here?

14 A Sure. Thank you. So this exhibit here, the
15 gun barrel view correlates with the aforementioned
16 Exhibit B, with the directly offset mentioned
17 wellbores that are surrounding all of our proposed gas
18 storage candidate wells.

19 So looking at this, what we have is a map of
20 the project area on the left. And then on the right,
21 we have a gun-barrel view of the wells, the horizontal
22 wells, and how they're landed within the sections.
23 And as you can see in the map on the left, we have a
24 blue-dash outline of the project area for reference.
25 And you can see that this is only looking at about

1 half of the proposed gas storage wells in those
2 Sections 35, drilled north up into 26.

3 And so whenever we walk through this, we can
4 see that we -- within that blue-dash project area, we
5 have the green well trajectories of the storage wells
6 within the project area, as well as the green
7 trajectories of the wells outside and directly
8 offsetting the project area. And those are wells
9 offsetting the project area within the same target
10 interval of the storage wells, which is the second
11 Bone Spring sand here for this project.

12 And then on the right-hand side, we have the
13 corresponding gun barrel view, which is a sideways
14 glance. If we take a slice and look down into our
15 producing intervals. So on the left-hand side, we
16 have the westward wells, and on the east side -- on
17 the right-hand side, we have the eastward side of the
18 wells. And these are all looking specifically at the
19 second Bone Spring sand.

20 And what we can see walking through the key
21 are the blue circles, indicating the proposed gas
22 storage wells and their locations from west to east.
23 So we have the 21 through 26H. And then you can also
24 see that the yellow circles and the yellow
25 trajectories correspond with offset well locations.

1 So there are multiple wells offset to the
2 west of the 21H storage well candidate. Those are
3 listed out below in the bottom right-hand of the
4 screen. And then we also have some wells located to
5 the north -- the section to the north, as well as a
6 horizontal well located in the section to the south.
7 So that is a visual representation of the offset wells
8 listed out in the Proposed Exhibit B.

9 If we move on forward to the next slide,
10 this is a similar, yet different gun barrel view.
11 This one is moving over to the gas storage wells in
12 the eastern part of the project area. So if we look
13 at the map on the left-hand side, again, we can see
14 the corresponding blue dash project area with the
15 storage wells identified on the map with the green
16 well trajectories of offset wells.

17 And then on the right-hand side, we have the
18 corresponding gun barrel view that walks through the
19 gas storage candidates along with the offset wells
20 listed out here. And then that again corresponds with
21 the exhibit -- Proposed Exhibit B and wells listed.

22 Q What are the approximate ranges of depth
23 here between the shallowest injector to the deepest
24 within the project area?

25 A The range of injection depths for these

1 wells are between about 8,879 feet down to about 9,197
2 feet.

3 Q We had a little preview of the project area
4 here in your blue dashed outline, and I'm going to
5 switch back to the originally filed application. And
6 I'm going to get us back to page 18 of the PDF of the
7 exhibit packet that was filed.

8 And if you would, Mr. Janacek, just review
9 for us -- give us an overview of the project itself,
10 the acreage, and explain to us how it's set up, you
11 know, the facilities, and just kind of give us a sense
12 using this map what we're looking at in the project
13 area.

14 A Sure. So the previous maps and gun barrel
15 views were focused on the downhill components. This
16 is more so focused on the facility components plus a
17 couple minor downhill components added.

18 So this facilities map here, the figures
19 included, the colors included, as well, will correlate
20 with the following process map that we'll walk through
21 in a second.

22 So as we walk through this facilities
23 map -- excuse me -- we'll first start with the --
24 sorry. I'm trying to pull up some notes here. I lost
25 my spot. There they are. Okay. Yeah. So, again,

1 like the previous map, we have the blue dashed outline
2 of the project area for all of the 12 gas storage
3 wells. And then we are showing the black wellbore
4 trajectories, which are the down hole wellbore
5 trajectories, with the triangle indicating the last
6 take point and a black circle indicating the first
7 take point of those wells.

8 So then if we move up hole to the wells'
9 surface hole locations, you can see where they then
10 connect to the green lines, which are our green flow
11 lines, where the produced fluids will travel through.
12 And then those green flow lines will go through one of
13 the central tank batteries, which are noted by the
14 salmon pink boxes in the facilities map.

15 From there, our facilities are processed and
16 separated out. And then we have our oil going to
17 sales. We have the water going to disposal, and then
18 the gas will enter the red low-pressure pipeline that
19 we're seeing there. And that red low-pressure gas
20 pipeline will then send our gas to one of our
21 centrally located gas compressor stations. And those
22 are notated in black.

23 After they go to the compressor stations,
24 the gas will be pressured up and sent down the yellow
25 high-pressure gas line, where it can be reinjected as

1 gas lift gas, or in instance of a storage event, it
2 will be considered storage gas.

3 A couple other items to note on the map here
4 are the red stars, which indicate where we have our
5 flares located in the system. And then we also have
6 the blue star, which is indicative of our third-party
7 gas takeaway transfer point. And then the light blue
8 line indicates their gas sales line.

9 So that is a summary of the project area
10 with the facilities map that is included in this
11 project.

12 Q Mr. Janacek, is the project area here, are
13 the leases within this dash blue line, are they all
14 behind or under the same surface comingling order
15 that's been approved by the Division?

16 A Yes, they are. They're all under order
17 PLC-748-C.

18 Q Great. Now, I'm going to scooch ahead one
19 slide to this process flow diagram. And if you would,
20 just at a high level, explain to us -- and I think
21 that, you know, Mr. McClure is familiar with it, so I
22 don't think we need to take too much time, just given
23 the time of the afternoon. But if there's any
24 differences between what Mr. McClure's seen before, at
25 a high level, let us know how Oxy intends to operate

1 during normal operations and then during an upset
2 event, when gas is injected for temporary storage.

3 A Yeah, so talking through standard operation
4 succinctly, this is very similar to our other systems
5 that we're utilizing for gas storage. Only thing
6 noted here is there's quite a number of different
7 central tank batteries from which production comes
8 from, as well as a number of compressor stations that
9 we pressurize gas with.

10 Couple other things to note are, one, our
11 primary sales here is ETC, or energy transfer. And
12 then we do have a secondary gas sales for limited
13 volumes that we can utilize for sales to enterprise
14 whenever that primary takeaway is curtailed.

15 So those are some of the main differences
16 between other gas storage projects and this one.

17 Q Thank you, Stephen. Now, as part of the
18 guidance of the Division, have you prepared and
19 submitted as part of your Exhibit A a copy of each of
20 the C102s for the well plats and diagrams for each of
21 the wells that are proposed for temporary injection in
22 this project?

23 A Yes.

24 Q And those are provided in your Exhibit A
25 from PDF pages 20 to 31 of the exhibit?

1 A That's correct.

2 Q And have you also prepared injection well
3 data sheets as you proposed to set up these wells for
4 injection, showing the details on well casing, cement,
5 and a wellbore schematic?

6 A Yes, we have.

7 Q And those are contained in the Exhibit A
8 packet from PDF page 32 to 55?

9 A That's correct.

10 Q Mr. Janacek, if you would just kind of
11 review for the Division, again, at a high level, any
12 significant features of your wellbore schematics in
13 your proposal about how you're going to operate or set
14 up these wells for injection, given that Mr. McClure
15 is fairly familiar with the way Oxy has operated its
16 gas lift wells in the past? Just if you would point
17 out the key features?

18 A Yes. The key features of this are the
19 wellbore schematics, shown on the left-hand side, the
20 well construction data, shown on the right-hand side,
21 and the second page, showing some additional
22 information along with the packer setting depth. Only
23 thing I would note here would be -- is we are showing
24 the proposed injection well datasheets. So this is
25 not the current down hole configuration of these

1 wells. And then, also, the proposed packer setting
2 depths are included here. And that is one of the
3 reasons why we're asking for the packer exception
4 setting depth.

5 Q Just real quick, Mr. Janacek, just to
6 explain -- you know, I think there's an issue -- if
7 you would, just explain what it is, the justification
8 for the packer setting depth exception so we
9 understand?

10 A Sure. It has been included and addressed in
11 the previous orders drafted by the Commission to
12 review the reason behind it. The current packer
13 setting requirements are within 100 feet of the
14 producing formation, and that being the top perf. And
15 here, since we have horizontal wells, that can be a
16 little bit more difficult to do. So we've agreed with
17 the proposed language of setting the injection packers
18 a little bit higher in these wellbores.

19 Q Yeah. Great. Thank you very much.

20 Now, among the other requirements that the
21 Division has set out under its guidance for these
22 types of projects, they have a series of requirements
23 demonstrating sort of a series of technical standards
24 or ratings for the equipment, and so forth, and
25 operational parameters. Have you prepared a table

1 that outlines and summarizes how Oxy will be meeting
2 those requirements in this project?

3 A I'm sorry. Could you repeat that? My
4 connection was cutting in and out.

5 Q No, no problem. In addition to these other
6 guidelines that we've kind of -- requirements we've
7 gone through, the Division also has a set of
8 requirements, operational parameters, standards for
9 the wells, and so forth. Have you prepared a table of
10 calculations reflecting that your project will meet
11 all of those requirements in the Division's guidance?

12 A Yes, we have.

13 Q And that's at page 56 of the exhibit packet
14 that was submitted?

15 A That's correct.

16 Q Mr. Janacek, will you just review for the
17 examiners what this table shows and explain how each
18 of the columns reflected here demonstrate that Oxy's
19 project will meet the guidance requirements issued by
20 the Division for these projects?

21 A Sure thing. This maximum allowable surface
22 pressure calculation table is similar to what's been
23 presented in previous projects. And it goes through
24 various calculations that were considered in the OCD
25 guidance document. It was done for each of the 12

1 wells.

2 The colors correspond with the four
3 different sections of calculations that were looked
4 at. And the way the data is broken down is the top
5 column, or the top row, corresponds with the number as
6 a reference. And then in the second row, if there is
7 any type of calculation involved, those reference call
8 numbers are included there. So you can see how the
9 calculations are done.

10 For the rest of the data, we're looking at
11 the blue section first on top. All of those
12 calculations, or there's actually no calculations
13 here. It's only pertaining to the current operation
14 parameters and proposed operating parameters of the
15 project for each well.

16 Then if we kind of slide down to the bottom
17 and look at the orange section, this is the
18 truncation, so we can see the whole table on one page.
19 Looking at columns 6, 7, 8, and 9, those orange areas
20 correspond with calculations looking at the casing
21 burst pressure, and comparing that to the maximum
22 allowable surface pressure with the column of
23 hydrostatic pressure, making sure that there's no
24 operational issues there.

25 Then, next, if we look at the gray columns

1 and the gray area, those are calculations looking at
2 the -- the MASP [ph] gradient and PSI per foot for
3 reference. And then, the last section, the green, the
4 green columns, look at some calculations as they
5 relate to the formation parting pressure, when
6 comparing that to our max surface pressure, plus a gas
7 of -- I'm sorry -- a blue column of hydrostatic gas.

8 And what we're seeing there is that there's
9 no issues with that comparison, as well. We don't
10 foresee with this project exceeding the formation
11 parting pressure in any of these wells.

12 Q So other than the proposed operating
13 parameters that are in the blue, does Oxy -- has Oxy
14 demonstrated that its proposed project, with those
15 operating pressures and injection rates, will meet the
16 Division's guidance requirements for all of the
17 elements under the Division's instruction guidance?

18 A Yes, I believe we have.

19 Q In addition to these operational elements,
20 does the Division also require -- oh, before we skip
21 over to mechanical integrity, maybe, Mr. Janacek, you
22 can just touch on -- explain a little bit how the well
23 heads are constructed and operation will be conducted
24 between normal operations and then injection, this
25 next slide here.

1 A Sure. So this is a well head diagram of how
2 our gas storage wells will be configured whenever we
3 begin or commence injections. This was presented
4 previously in other project hearings. But I'll
5 quickly go through the components and the flow of gas
6 through the system during normal operations and then
7 what it looks like during a gas storage event.

8 So during normal operations, this will be a
9 conventional gas lift well, where we have our gas lift
10 gas coming into the system from the left-hand side.
11 And so it will come in from the high-pressure supply
12 line, flow through the flow meter, then through the
13 flow control valve. And then it will enter the well
14 head.

15 So it'll enter the -- the casing head, where
16 then the gas -- excuse me -- the gas lift gas will go
17 down the production casing tubing annulus, and then it
18 will pass through some gas lift valves and then be
19 combined down hole with our produced fluids. Then it
20 will be produced back up -- flow back up the tubing,
21 back up through the inner portion of the well head,
22 where it'll pass by another safety shutdown valve, and
23 then it'll enter the production flow lines.

24 And there are some other components on there
25 that I didn't touch on. But if I go through the key,

1 you can see that SSV is noting our safety shutdown
2 valves. So we have one on the casing side, where the
3 gas will enter into the well head, as well as one on
4 the tubing side, production side. And then we also
5 have some PI, pressure indicators, for readouts while
6 you're at the well head. And then, next, we also have
7 some PITs, or pressure indicating transmitters, on the
8 casing and tubing sides, as well.

9 And all of these -- a lot of these
10 components are connected to our SCADA system, and they
11 are all in place for monitoring remotely, setting up
12 alarms per the OCD guidance, as well as shutdowns if
13 we are to potentially exceed our maximum allowable
14 surface pressure.

15 So all of these components will be in place
16 during our normal operations, as well as our gas
17 storage operations. Only thing that's going to change
18 is the SSV, or the safety shutdown valve, that is
19 upstream of the flow line there. That is going to be
20 closed. So the well is no longer going to be
21 producing during a gas storage event, yet we will
22 continue the gas lift injection.

23 So now -- it will now be gas storage
24 injection. During the event, once the event is done,
25 and we're able to sell gas to our third-party

1 takeaway, then we will open up that SSV, that safety
2 shutdown valve, and produce the well.

3 So that's an overview of the well head
4 diagram for these tubing flow casing injection gas
5 lift wells.

6 Q Thank you. Now, I started to talk about
7 mechanical integrity testing. Mr. Janacek, have each
8 of the wells proposed for injection here undergone
9 previous demonstrations that they meet the
10 requirements of a mechanical integrity test?

11 A Yes. There were some pressure tests
12 completed during completion operations for these wells
13 back in 2018.

14 Q Now, because the Division requires more
15 mechanical integrity tests, does Oxy propose to
16 conduct a new test prior to commencing injection
17 operations in each of these wells?

18 A Yes. We plan to complete additional MITs
19 per the -- per the guidance in the OCD gas storage
20 document.

21 Q Now, we've talked about the wells that are
22 going to be on injection. And let's talk a little bit
23 about the source of the gas and the wells that will be
24 supplying gas for gas injection. Is your list of
25 wells identified at page 59 of your exhibit packet?

1 A Yes, that's correct.

2 Q Are these wells also the wells that are
3 behind that surface comingling order that you
4 referenced previously?

5 A Yes, they are.

6 Q And have you also conducted a gas analysis
7 or gas composition test for each of these -- for -- a
8 sample for each of these categories of wells?

9 A Yes. We have gas samples, gas analysis
10 samples, submitted for the combined stream of
11 injection gas, as well as a sample for the second Bone
12 Spring, which is the proposed target injection
13 interval.

14 Q Great. And have you included your summary
15 of the gas analysis efforts that you undertook, as
16 well as samples?

17 A Yes. Those are included, as well.

18 Q Okay. Great. And that's starting at page
19 61 of the Exhibit packet going through -- following
20 pages. As I scroll through, you'll see that there's a
21 series of gas samples identifying the location of the
22 sample, as well as the gas composition?

23 A That's correct.

24 Q Based on this analysis of the gas, have you
25 identified issues or concerns about compatibility or

1 corrosion between the gas to be injected and the
2 native formation gas?

3 A No, we have not.

4 Q Nevertheless, does Oxy have a corrosion
5 prevention plan already in place?

6 A Yes. We already have a corrosion prevention
7 plan in place for this project. It is -- it's the
8 same plan that we currently utilize for our gas lift
9 injection systems.

10 Q And that plan -- yeah, you covered my
11 question, which was that plan is already in place for
12 the gas lift, and it will be implemented for the gas
13 storage events, as well; correct?

14 A That's correct.

15 Q Okay. Now, as to the source gas here, we've
16 provided a list of wells that Oxy has identified as
17 the source of the gas. Is it possible over time that
18 Oxy may add additional wells behind that comingling
19 order that will serve as a source of gas for
20 injection?

21 A Yes, it's possible.

22 Q And those would simply be handled
23 administratively by Oxy's amendment of the existing
24 surface comingling order?

25 A Yes, for the surface gas comingling. That's

1 correct.

2 Q Now, you touched on some of your operational
3 plans already when you were reviewing the well head,
4 but have you prepared a summary of Oxy's operational
5 plan for gas storage in these application exhibit
6 materials?

7 A Yes. That has been included.

8 Q Mr. Janacek, is there anything you want to
9 touch on here? It's summarized already on this
10 exhibit, but is there anything that you want to touch
11 on that's important of note that you want to refer
12 to -- refer the Division to before we move on to the
13 next topic?

14 A Only major notes to make here is I went
15 through the elements of the SCADA system that are
16 located on our well sites for the well heads. This
17 document also touches on the SCADA system that is
18 located at our central tank batteries, as well as our
19 centralized gas lift compressors.

20 Q Great. And you already mentioned that
21 they're going to be preset alarms that will notify Oxy
22 if they're in exceedances of the pressures and
23 automatic shut-ins if it achieves those rates, or
24 those pressures; right?

25 A That's correct. All of those alarms and

1 rules will be built into our SCADA system to make sure
2 we're operating the project within the acceptable
3 pressure -- pressure range.

4 Q Now, in addition to all of the operational
5 aspects of this kind of project, have you also
6 evaluated offsetting wells to determine if there's any
7 risk of those wells serving as a conduit to fresh
8 water sources or other hydrocarbon bearing zones that
9 might impact offsetting operators' correlative rights?

10 A Yes, we have.

11 Q Now, as to your area of review analysis,
12 will you review -- I'm going to slide down to page 71
13 of the exhibit packet. Mr. Janacek, will you just
14 kind of review for the examiners what the map shows
15 and what you've done to evaluate the area of review
16 and potential issues with offsetting wells?

17 A Yes. This first map here that we see on
18 page 71 is another map of the project area, but the
19 main difference here is showing a blue two-mile
20 outline around all the red gas storage candidates. So
21 you can see those in the middle of the screen there.

22 So the other item, if we go through the key
23 that we're looking at here next, are the green offset
24 well trajectories of all the offset wells identified
25 in the project area. And then we're also -- this map

1 is focusing on the highlighted colors of each of the
2 tracks indicating the surface ownership.

3 So the yellow highlighted areas correspond
4 with state surface ownership. Light blue corresponds
5 with federal. And the red highlight corresponds with
6 private surface land ownership.

7 Q In your next slide here, you've got a
8 slightly different map. What does this show?

9 A Yes. So, here, on page 72, we're looking at
10 a similar but slightly different map. This is showing
11 a half-mile AOR outline, so smaller than the previous
12 map. So this is a half-mile AOR outline around the
13 gas storage candidates. Again, we're seeing the red
14 lines indicating the wellbore trajectories of the gas
15 storage candidates.

16 And then the red circles are showing the
17 surface hole locations of those wells. And then we're
18 seeing some yellow circles that are showing the
19 surface hole locations of offset wells. And these are
20 wells that penetrate the top of the proposed injection
21 pool, not the proposed injection interval, the
22 proposed injection pool.

23 And then we are showing numbers that
24 correspond with the wells, AOR ID, that is seen in the
25 following AOR table, with the tabulated results.

1 Q So just to clarify, these wells that are
2 green are wells that penetrate any portion of the Bone
3 Spring formation, not just the target injection
4 interval, which is the second Bone Spring; right?

5 A That's correct.

6 Q So let's look at -- and you mentioned these
7 numbers, referred to your tabulation of data for each
8 well. I'll scroll down to that, and this will really
9 make everyone go crazy because it's hard to read.

10 A Yes. I don't think it's worth going through
11 each of these columns, but I will highlight the layout
12 so the examiners are aware of the information
13 included. So what we're looking at here is a
14 tabulation of the wells found in the AOR, and this is
15 for the wells that penetrate the top of the proposed
16 injection pool.

17 The red text here indicates the gas storage
18 candidates, so the 12 wells we're proposing, and then
19 as we go through the columns to the right and
20 downwards, we're looking at the information for all of
21 the other wells in the AOR that are surface hole
22 location information, information on when the wells
23 were spudded, casing information, cement information,
24 and then, finally, we have information on the current
25 completion and the current producing pool, if

1 applicable.

2 Q And you identify here whether the well is
3 active or whether it's been plugged and abandoned?

4 A That's correct. And your talking somehow
5 set off Siri on my watch, so I'm sorry for that.

6 Q Now, because some of the wells that
7 penetrate the interval here are plugged and abandoned,
8 have you prepared or presented the well schematics for
9 each of those P and A'd wells?

10 A Yes. We've submitted that for PA'd and TA'd
11 wells?

12 Q And have you done an analysis of the
13 condition of those wells to confirm that they will not
14 serve as a conduit for any of the injected gas to
15 escape the injected zone?

16 A Yes.

17 Q And in your opinion, Mr. Janacek, is it your
18 opinion that those wells are suitably P and A'd or
19 TA'd to prevent escape of injected fluid or gas
20 outside of the injection zone?

21 A Yes, I believe so.

22 Q Now, let's talk about notice. And I want to
23 get to a page where you have identified the
24 offsetting -- it's a little bit hard to read, but you
25 have identified the offsetting operators' leases

1 surrounding the project area at page 115 of the
2 exhibit packet; is that correct?

3 A That's correct.

4 Q And you've identified the tracts within a
5 half-mile area around the exterior boundaries of the
6 project area; is that right?

7 A That's correct. We looked into the tracts
8 that are touched by the half-mile around the proposed
9 gas storage candidates.

10 Q And based on the Division's regulations,
11 requiring notice to the affected parties under the
12 rules, you identified each of their operators, or if
13 there's not an operator, the working interest owners,
14 and if there's not a working interest owner, then the
15 mineral -- mineral owners for each of those tracts?

16 A That is correct. And that was done for the
17 Bone Spring pool.

18 Q And you also identified the service owner
19 for each of the wells where injection will occur?

20 A Yes, that's correct.

21 Q And are the list of the affected parties
22 included at page 122 of the exhibit packet?

23 A Yes, they are.

24 Q And you've provided those, as well, to the
25 Bureau of Land Management and the State Land Office,

1 as well?

2 A Correct.

3 Q And now, in addition to the affected parties
4 that are required under the Division's guidance, did
5 you also give notice to others, as well?

6 A Yes. We include additional parties.

7 Q Who else did you notice?

8 A We included all the working interest owners
9 and royalty interest owners for not only the gas
10 storage wells, but all of the source gas wells
11 producing into this gas system.

12 Q So if you just touch on why it is you did
13 that, that's not required, but explain, if you would,
14 briefly, why it is that Oxy went ahead and gave notice
15 to those parties, as well?

16 A Yeah. So it wasn't required under the
17 Division's guidance, but we took advantage of the
18 opportunity to give notice to all interest owners of
19 the Division, showing -- I'm sorry -- I cannot speak
20 this afternoon. Let me back up. It wasn't required
21 by the Division in their guidance document. But we
22 took advantage of this opportunity to give notice to
23 all the interest owners of the approved GOR [ph] gas
24 allocation methodology that was approved by the
25 Division.

1 Q Great. And that gas allocation methodology
2 is the same methodology that the Division approved in
3 the previous applications that were before the
4 Division?

5 A That's correct. And that's the gas
6 allocation method that is applied after a storage
7 event to the gas storage wells themselves so we can
8 calculate what is the return of gas storage gas and
9 what is the return of native reservoir gas.

10 Q And you have included some slides as part of
11 your exhibit packet, starting at page 116 through 120
12 that outlines the methodology you would employ
13 following a gas storage event?

14 A Yes, that's correct.

15 Q And so you provided notice to those
16 additional owners, so they were aware of the
17 allocation formula that the Division has approved and
18 that Oxy intends to use following those events?

19 A That's correct.

20 Q Mr. Janacek, in your opinion, will approval
21 of this application prevent waste and help protect
22 correlative rights?

23 A I believe so, yes.

24 Q And did you prepare what were marked as
25 Exhibits A and B, and then the supplemental exhibit

1 that we filed this morning that we referred to
2 replacing portions of Exhibit B yourself?

3 A Yes.

4 MR. RANKIN: Mr. Examiner, at this
5 time, I would move the admission of Exhibits A and B
6 into the record, and I'll pass Mr. Janacek for
7 question by the Division.

8 THE HEARING EXAMINER: Okay. Those
9 exhibits will be admitted and made a part of the
10 record in the case.

11 (Item 63 Exhibit A and Exhibit B were
12 received into evidence.)

13 THE HEARING EXAMINER: Questions from
14 Mr. McClure?

15 MR. MCCLURE: Yes, I do have some, Mr.
16 Harwood.

17 EXAMINATION

18 BY MR. MCCLURE:

19 Q Mr. Janacek, how far are these from any
20 active huff and puff projects?

21 A I believe they're south of some of our huff
22 and puff projects. The huff and puff project is the
23 Juno [ph] Unit, which went to hearing back in 2021, I
24 believe, is directly offset to the north of -- of
25 these wells. So that'll be Juno -- the Juno EOR huff

1 and puff project and unit is Section 23, and I believe
2 the west half of Section 24.

3 Q I'm trying to find a map here. Okay. So,
4 then, it actually is directly adjacent, then, to this
5 project, then, is what you're saying; right?

6 A That's correct.

7 Q Okay. Is it currently active? Or what is
8 the status of that project?

9 A No. The status of that project is we went
10 to hearing back in 2021 for the injection order,
11 seeing approval for an injection order for that
12 project, and also seeking the unit approval. The
13 current status is both of those items are waiting on
14 OCD approval before we proceed with that huff and puff
15 project.

16 Q Okay. Yeah, actually, that does remind me
17 of that particular order, actually. Okay. Now, I
18 think we only have one gas sample for the source gas.
19 Is that representative of all of the source gas?

20 A Yes. So one sample is taken downstream of
21 the compressor station, indicating the injection
22 stream or our gas lift gas, which equates to our gas
23 storage gas. And then the second gas analysis
24 included there is for the second Bone Spring sand,
25 which is the proposed target injection interval.

1 Q Yeah. Exactly. Your second one is your
2 formation gas, and then your first one is for the
3 source gas; right?

4 A Correct.

5 Q Yeah. And then that first one is for the
6 source gas. It looks like it comes from one of your
7 compressor gas lift stations. And that would be
8 representative of any of the compressed gas lift
9 stations; right?

10 A That's correct. All of those -- all of
11 those are connected upstream. So, therefore, the
12 samples would be the same.

13 Q Okay. And they're relatively close together
14 that there isn't like where one part of the field is
15 sourcing most of the gas for one compressor versus
16 another compressor, essentially; right?

17 A Let me take a look at the -- so if I'm
18 looking at the facilities map on page 18 of 147, the
19 black square are indicating our compressor stations,
20 and it looks like these are all somewhat within a
21 half-mile of each other. So they're about a half-mile
22 away from each other.

23 Q Okay. Very good. If I'm looking at your
24 AOR spreadsheet, it looks like some of our injection
25 wells, we have calculated tops for our cement for our

1 production casing. Can I infer that that means that
2 we don't currently have CBLs on record for those
3 wells?

4 A I would have to look at it, but I believe
5 that was the methodology that we applied was, yes, if
6 there wasn't a CBL on file, we did an estimated
7 calculation.

8 Q Okay. I guess just to make sure you're
9 aware, prior to approval to actually bring a well into
10 operation in as having it ready in the event of a gas
11 scorch event, we need to have a CBL demonstrating
12 tieback. Are you aware of that, Mr. Janacek?

13 A Yes, I am.

14 Q Okay.

15 A Yeah. And the -- I will take a look at the
16 AOR table, but I will also note, Mr. Examiner, before
17 that we did submit this morning CBLs for all of the
18 gas storage wells.

19 Q Oh, okay.

20 A So if it's notated on the table that it's a
21 calculation, that's incorrect. We've got CBLs for all
22 of the production strings for the gas storage wells.

23 Q Okay. Yeah. I was just going -- I didn't
24 actually look at the API numbers here. I was just
25 going off of the ones you had in red, and maybe we

1 have an error here or something, or not sure. But
2 regardless, very good. When we go to actually bring
3 them in operation, we'll be sure to take a look at
4 that for sure.

5 I would say at this particular -- oh,
6 bringing us back a little bit into our last hearing on
7 a similar project, determining the gas recovered from
8 each individual well, injection well, after an event,
9 you was under the understanding now that we're needing
10 to continuously measure for a 24-hour period the
11 recovered gas from each injection well; correct?

12 A Yes.

13 Q Okay. Very good. I was just checking
14 because I didn't see a specific callout to it in the
15 allocation plan, and maybe I just missed it. And it's
16 not really necessary, but I was just making sure we
17 were on the same page.

18 A Sure.

19 MR. MCCLURE: I think that's all the
20 questions I have for Mr. Janacek unless he wants to
21 take this question. It might be something for Mr.
22 Rankin, and it might be for a later witness.

23 In your supplemental exhibits that were
24 submitted today, Mr. Rankin or Mr. Janacek, whichever,
25 the one that regards the notice spreadsheet, is there

1 supposed to be a spreadsheet attached to that, or are
2 you just saying when the spreadsheet that's in the
3 exhibits was last updated?

4 THE WITNESS: I'll defer to Mr. Rankin
5 on that.

6 MR. RANKIN: I'm not sure I'm following
7 your question. I think let me go back to the
8 Division's file. I don't -- I think we filed. Oh, I
9 see.

10 MR. MCCLURE: Yeah. I think it was the
11 second to last.

12 MR. RANKIN: No. The -- okay. I'm
13 sorry.

14 MR. MCCLURE: That's fine.

15 MR. RANKIN: No, Mr. McClure, it's only
16 meant to substitute the affidavit, okay, and the only
17 thing that changed there is because we incorrectly
18 gave the date of when we pulled the Postal Service
19 report. It previously said May 14th -- I mean --
20 sorry -- April 14th, and it should have said May 1st.

21 MR. MCCLURE: Okay. So, essentially,
22 all that we're really changing here is in your
23 exhibit, you said you pulled the report April 14th, in
24 fact, you pulled it May 1st; is that correct?

25 MR. RANKIN: That's correct, yup.

1 MR. MCCLURE: And what were you just
2 referencing in regards to the affidavit of
3 publication? I'm sorry?

4 MR. RANKIN: No. I was referencing
5 my -- the attorney affidavit that's the exhibit that
6 we were replacing. You'll see in paragraph 3, we
7 reference the spreadsheet that was attached, showing
8 the date of the certified mailing. And the original
9 affidavit incorrectly stated it was May -- sorry --
10 April 14th was the date we pulled that report when it
11 was actually May 1st.

12 MR. MCCLURE: Okay. Okay. That was
13 what I was almost wondering, but I wasn't completely
14 sure if you were meaning to attach a brand-new
15 spreadsheet from May 1st, or something. But I see
16 what you got going on. Okay. Thank you, Mr. Rankin.

17 Thank you, Mr. Janacek.

18 Thank you, Mr. Harwood. At this time,
19 I don't have any more questions for this witness.

20 THE HEARING EXAMINER: Thank you, Mr.
21 McClure.

22 Mr. Lowe, Ms. Thompson, do you have
23 questions for this witness?

24 MR. LOWE: I do not. Thank you.

25 MS. THOMPSON: No questions.

1 THE HEARING EXAMINER: Okay. All
2 right. Mr. Rankin?

3 MR. RANKIN: Mr. Harwood, thank you. I
4 just want to -- I think we can certainly get through
5 our next witness, our engineering witness. I think it
6 will be dependent on how many questions the Division
7 has. I apologize for, you know, I was hoping we could
8 get it all in. I'm hoping that maybe we can.

9 I don't know if everybody can stay, but
10 I would propose if it's possible, if my witnesses are
11 available. I don't know if the Division examiners are
12 able to stay, but I think we could certainly get this
13 wrapped up by 5:30, if not sooner.

14 THE HEARING EXAMINER: All right. Let
15 me start with the court reporter. You've been at this
16 since 8:15. Are you able to continue to no later than
17 5:30 to get this done, Ms. Fulton?

18 THE REPORTER: Yes. Yes, that's fine.

19 THE HEARING EXAMINER: What about other
20 participants, parties, I should say, to this hearing?
21 You know, can everybody else accommodate that, or do
22 you have childcare issues or other things that, you
23 know make it impossible?

24 Let me start with you, Ms. Apodaco.
25 Are you okay? Can you continue?

1 MS. APODACO: Yes, I'm fine to stay.

2 THE HEARING EXAMINER: Mr. McClure?

3 MR. MCCLURE: Yes, Mr. Harwood. I'm
4 good. And if it helps, I doubt I'll have very many
5 more questions. We've went through a number of these
6 projects now.

7 THE HEARING EXAMINER: Okay. Mr. Lowe,
8 Ms. Thompson?

9 MR. LOWE: I will have to leave right
10 at five o'clock. I will have to get my son.

11 THE HEARING EXAMINER: Okay. Well, if
12 you have any questions, could you pass them, you know,
13 pass them to Mr. McClure or Ms. Thompson?

14 MR. LOWE: Yes, sir, I can.

15 THE HEARING EXAMINER: Okay. All
16 right. Great. All right. Then let's proceed. Let's
17 try and get this wrapped up, and hopefully, we'll beat
18 your 5:30 prediction there, Mr. Rankin. You want to
19 call your next witness?

20 MR. RANKIN: Thank you very much, Mr.
21 Harwood.

22 Our next witness I'd like to call is
23 Mr. Seth Brazell.

24 //

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SETH BRAZELL

called as a witness, and having been first duly sworn to tell the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

THE HEARING EXAMINER: All right. Mr. Brazell, you're under oath.

And you may proceed, Mr. Rankin.

MR. RANKIN: Thank you.

EXAMINATION

BY MR. RANKIN:

Q Mr. Brazell, will you please state your full name for the record?

A Seth Brazell.

Q By whom are you employed.

A Oxy USA, Incorporated.

Q In what capacity?

A Petroleum geologist.

Q And have previously testified before the Division and had your credentials as an expert in petroleum geology accepted as a matter of record?

A I have.

Q Are you familiar with the application that was filed in this case?

A I am.

Q And have you conducted a study of the

1 geology in the area that's at issue in this
2 application?

3 A Yes, I have.

4 MR. RANKIN: Mr. Examiner, at this
5 time, since I think the Division has already
6 acknowledged that he's an expert, I will move past
7 that and move into my questions. Thank you.

8 BY MR. RANKIN:

9 Q Mr. Brazell, you've prepared a set of slides
10 outlining your analysis?

11 A Yes, sir.

12 Q I'm going to pull them up on my screen here.
13 Let me know when you're able to see them.

14 A Okay. I can see them.

15 MR. RANKIN: The type is probably a
16 little small for the folks reviewing this on their
17 screens.

18 BY MR. RANKIN:

19 Q But if you would, just walk through what
20 this exhibit shows and explain to the examiners the
21 overlay here of the geology and the formations that
22 you're injecting into and the barriers to that gas
23 escaping the injection zone.

24 A Yes, sir. So if I can draw your attention
25 to the right-hand side of the slide, where I have a

1 type well, this is a petrophysical log of a portion of
2 the Pierce Crossing 36-1. This is near the geographic
3 center of the area of interest. This is highlighting
4 the proposed injection zone, which is the second Bone
5 Spring sand that's highlighted by the green box and
6 designated with text "injection zone."

7 And it's also showing the adjacent confining
8 layers, the second Bone Spring lime above the second
9 Bone Spring sand and the third Bone Spring lime below
10 the third -- the second Bone Spring sand, as well as
11 adjacent oil and gas production zones, that of the
12 first Bone Spring sand and the third Bone Spring sand.

13 So, quickly, just some of the composition of
14 the composition of the proposed injection zone. It's
15 a tight silt stone reservoir. We have core data over
16 the area that suggests grain sizes range from core
17 silt stone to very fine sandstone. Its porosity is
18 between 8 and 18 percent. However, that's restricted
19 with cements, iron calcite cements, iron dolomites and
20 porporachain [ph], iolites, and some quartz, which
21 reduces the overall permeability of this reservoir
22 from the millidarcy to nanodarcy range.

23 So immediately adjacent to the second Bone
24 Spring sand, our proposed injection zone, are
25 confining layers. These confining layers are low

1 permeability, the second Bone Spring lime, the third
2 Bone Spring lime.

3 Above us, above the second Bone Spring sand
4 is approximately 570-feet-thick combination of calcium
5 mudstone -- or calcite mudstones, limestones and
6 shales that act as low permeability barriers, and
7 below us, the third Bone Spring lime is approximately
8 a total of 970-feet thick, again, comprised of tight
9 carbonite mudstones, shales that again provide a
10 permeability barrier between the adjacent oil and gas
11 production zones, both adjacent oil and gas production
12 zones.

13 The first Bone Spring sand, the third Bone
14 Spring sand have similar reservoir properties.
15 They're also comprised of tight silt stones. We have
16 core data that suggests both of their grain size range
17 from coarse silt stone to very fine grains of arkose
18 sandstones. Again, similar ranges of porosity between
19 8 and 18 percent. These are permeability restricted
20 to calcite cements, dolomite cements, and quartz
21 overgrowths, which mean their permeabilities are in
22 the range of the micro to the nanodarcy range.

23 So the type well that we're providing here
24 is showing the permeability confinement of the second
25 Bone Spring sand so that injected gas has no plausible

1 pathway into adjacent oil and gas producing zones.

2 Q Just to kind of comment on that, I think
3 what you're saying here is that the second Bone
4 Spring, because it's so tight, the gas is just not
5 going to go anywhere far from the wellbore; is that _-
6 that's kind of the takeaway message?

7 A Yes, sir. That is correct.

8 Q You've also looked at and done an analysis
9 of offsetting fresh water aquifers. Will you review
10 for the examiners what you found?

11 A Yes, sir. So to address the concern that
12 any injection within the proposed injection zone might
13 contaminate fresh water aquifers, I'm showing a type
14 well here, the Pierce Crossing 35-1, which is also in
15 the AOI.

16 This is on the right-hand side of the
17 screen. This is showing from our proposed injection
18 zone the second Bone Spring sand. That interval is
19 towards the bottom of this type well. And it's
20 showing essentially the stack of lithologies all the
21 way close to the surface, where we have our fresh
22 water aquifers, which were perched atop the Rustler
23 formation.

24 So the top of the Bone Spring formation in
25 this location is approximately 6,950 feet true

1 vertical depth. And so between the second Bone Spring
2 sand proposed injection interval and the top of the
3 Bone Spring sand formation is approximately 1,400 feet
4 of carbonite mudstones and shales, which act as
5 additional permeability barriers that restrict the
6 upward migration of any proposed fluids injected into
7 the second Bone Spring sand.

8 Above this interval, above the Bone Spring
9 sand, we have a 3,700-foot-thick package of rock, the
10 Delaware Mountain Group, which is water, connate water
11 and hydrocarbon bearing sands. However, this is
12 capped by the Castile formation, the Castile
13 formation.

14 Above that is very low permeability. We have
15 about 1,500 feet of thick gypsum, anhydrite, and
16 calcite, which act as a barrier to restrict the upward
17 migration of fluids within the Delaware Mountain Group
18 towards the surface or towards fresh water aquifers.

19 Additionally, on top of the Castile, we have
20 the Salado formation, which is about 1,000 feet-thick
21 of impermeable salt. The top of the Salado formation
22 is about 892 feet true vertical depth in this area.
23 There are some deep aquifers found just above the
24 Salado formation, but those are brine aquifers, so
25 salt -- salt water -- saline aquifers.

1 And then on top of the Salado, we have the
2 Rustler formation. So the Rustler formation top is
3 about 210 feet in this area. It's a very continuous
4 layer of anhydrite, yet another permeability barrier,
5 and on top of that we have a perched fresh water
6 aquifer. So the stack of permeability barriers
7 between the second Bone Spring sand, the proposed
8 injection interval, and any fresh water aquifers is
9 very thick. We have many permeability barriers, which
10 would restrict any plausible migration of fluids
11 towards those aquifers.

12 Q And you've also prepared a sort of
13 structural review to identify any potential faulting
14 and just kind of give an overview. Would you review
15 for the examiners what this next slide shows in your
16 findings?

17 A Yes, sir. So on the left-hand side, we have
18 a locator map. This is a locator map showing from x
19 to x' the location of the cross-section on the right.
20 This is over the proposed injection area. Each of
21 those proposed injection wells are highlighted in the
22 red transparency over the wellbores.

23 There's also a red outline on that locator
24 map, which shows that the extent of Oxy's operated
25 acreage and any of the offset wells within the second

1 Bone Spring sand adjacent to the proposed injection
2 wells. I also have on there a yellow star, which
3 designates the location of the type well that we
4 previously referenced at the beginning of this
5 exhibit.

6 So on the right-hand side, what this is
7 showing is we're moving from the Canyon 23I Federal 1
8 Well, which is just north of the proposed AOI. We
9 then move south to the Corral Fly 35 Fed 1, and then
10 we take a dog leg to the east over the Pierce Crossing
11 36-1 and then ending with Oscar State.

12 And these will show the lateral continuity
13 of the second Bone Spring sand reservoir, which is
14 highlighted with lime green transparency, the box, and
15 it also shows the lateral continuity of the overline
16 or adjacent permeability barriers, the second Bone
17 Spring lime, the third Bone Spring lime, as well as
18 the top of the Bone Spring formation, those -- the
19 Avalon shales and Avalon carbonates, which act as a
20 permeability barrier towards the overlying Delaware
21 Mountain Group.

22 And then towards the bottom of this slide,
23 we have a list of all of the proposed Corral Canyon
24 and Corral Fly CLGC candidates, their API numbers,
25 well names, and their current status.

1 Q Now, you've prepared in addition some
2 structural maps we reviewed and an isochore map. If
3 you could just review the next couple slides for the
4 Division and what they show?

5 A Yes, sir. So last two slides here, we have
6 a structure map indicating the top of the second Bone
7 Spring sand surface across the AOI. So the sections
8 highlighted include Sections 25, 26, 35, and 36.
9 These are the wells that we -- the second Bone Spring
10 wells that we're planning to -- or proposing to inject
11 in. It also includes the adjacent Oxy-operated
12 sections, Sections 23, 24, 25, 26, 27, 35, 36, and
13 then portions of Section 24. This is in Township 24
14 South, Range 29 East. As well as Sections 1 and 2 in
15 Township 25 South, Range 29 East.

16 So on this map, I have a few symbols here.
17 The red circles are the location of well control. So
18 those are wells in which we actually were able to
19 identify the top of the second Bone Spring sand
20 formation and act as control points for the generation
21 of the structural surface.

22 I have yellow circles here, which designate
23 the service hole location of the proposed CLGC wells,
24 and also a yellow star, which indicates the type log
25 that you've seen on the previous image. So the

1 structural surface here is showing us that we have no
2 indications of major faults or additional conduits of
3 any type of fluids out of the second Bone Spring sand
4 into adjacent formations.

5 And then, the final slide here is an
6 isochore, or a thickness map, of the second Bone
7 Spring sand. And so the range of thickness here
8 varies between 400 and 350 feet. So this is
9 highlighting the later continuity and limited lateral
10 variability of the second Bone Spring sand reservoir
11 across the proposed interval.

12 Q Based on this analysis, Mr. Brazell, have
13 you identified any faulting or geologic features that
14 would risk escape of the injected gas out of the
15 injection zone?

16 A No, sir. We have not found indication of
17 that.

18 Q Have you prepared an affirmative statement
19 confirming that you've undertaken a review of the
20 geologic and engineering data? You don't see any
21 connections between the injection zone and any water-
22 bearing fresh water zones?

23 A Yes, sir.

24 Q And that's marked at page 102 of the exhibit
25 packet?

1 A Yes.

2 Q In your opinion, will the proposed temporary
3 injection that's subject to this case be protective of
4 fresh water sources?

5 A Yes.

6 Q Do you believe it will prevent waste and
7 protect correlative rights?

8 A I do.

9 Q Did you prepare the slides, these geologic
10 slides from pages 96 to 102 that are included in
11 Exhibit A?

12 A I did.

13 MR. RANKIN: Mr. Examiner, these
14 exhibits are already entered into the record at this
15 point, so I would just pass Mr. Brazell on for
16 questions by the examiners.

17 THE HEARING EXAMINER: Thank you.

18 Mr. McClure? You're muted, I think.

19 MR. MCCLURE: Sorry about that. Here I
20 was going on a long, rambling, yes, I do have
21 questions, Mr. Harwood. Very fast.

22 EXAMINATION

23 BY MR. MCCLURE:

24 Q I think I know the answer to it, but just to
25 confirm, Mr. Brazell, your cross-section, are they

1 just hung off of the surface is what's going on here
2 with these?

3 A This is a structural cross-section, so these
4 are datum'd at sea level, so they're not hung on a
5 structural surface.

6 Q Did you scale different, then, on the
7 different --

8 A I believe you can see if you take any of the
9 measurements. So on the left-hand tract, the far
10 left-hand tract of every well, there's a true vertical
11 depth tract. So I believe that you can take any depth
12 level and see that that is consistent horizontally,
13 which would indicate that it's a structural cross-
14 section and not hung on a stratigraphic interval.
15 It's small to read.

16 Q Okay. Yeah, I was going to say the only
17 reason I was just questioning a little bit was just
18 because of the -- well, there's a little bit of a --
19 it's not that steep of a change, but between your
20 Corral Fly 35 Federal 1 and your Pierce Crossing 36-1,
21 I guess?

22 A Yes, sir. So there is a gentle dip to the
23 east, to almost due east in this interval. And so
24 when we're moving from the Cedar -- excuse me -- the
25 Corral Fly 35 Fed 1 towards the Pierce Crossing, kind

1 of in a due east fashion, we are seeing some of that
2 down dip variability. It doesn't imply that there's
3 pinch-outs or thickness -- significant thickness
4 variations across this interval, but we are seeing
5 that gentle dip to the east, yes, sir.

6 Q Okay. But as you've already testified,
7 no -- and looking at the actual -- the actual
8 structural map, it definitely doesn't seem to indicate
9 anything, but just to confirm from your testimony, you
10 didn't see any evidence at all of any faults here,
11 then?

12 A No, sir, I have not seen that.

13 MR. MCCLURE: Okay. Thank you, sir.

14 No more questions for this witness.

15 Thank you, Mr. Brazell. Thank you, Mr. Rankin. And
16 thank you, Mr. Harwood.

17 THE HEARING EXAMINER: Thank you, Mr.
18 McClure.

19 So let's see. Ms. Thompson, do you
20 have any questions for this witness?

21 She must have dropped off.

22 All right. Then we're back to you, Mr.
23 Rankin. Any further questions for this witness, or
24 are you ready to move on to your next witness?

25 MR. RANKIN: I'm ready to move on to

1 our next witness, Mr. Examiner. I appreciate Mr.
2 McClure's questions.

3 THE HEARING EXAMINER: Good.

4 MR. RANKIN: Mr. Examiner, our next
5 witness today is Mr. Rahul Joshi. I will ask Mr.
6 Joshi a few questions initially
7 WHEREUPON,

8 RAHUL JOSHI
9 called as a witness, and having been first duly sworn
10 to tell the truth, the whole truth, and nothing but
11 the truth, was examined and testified as follows:

12 EXAMINATION

13 BY MR. RANKIN:

14 Q Mr. Joshi, you have not previously testified
15 before the Division, have you?

16 A I have not.

17 Q And for the record, will you please state
18 your full name?

19 A I'm Rahul Joshi.

20 Q Please spell it for the benefit of the court
21 reporter?

22 A R-A-H-U-L, J-O-S-H-I.

23 Q And by whom are you employed and in what
24 capacity?

25 A I'm employed by Oxy Oil and Gas as a

1 reservoir engineer for unconventional New Mexico
2 assets.

3 Q Now, you have not previously testified
4 before the Division. Will you please review for the
5 examiners briefly your education and work experience?
6 Is that reflected here on the screen that I'm now
7 sharing?

8 A Yeah. Yes.

9 Q So you've got a BS in geological sciences
10 and an MS in petroleum engineering from the University
11 of Tulsa; correct?

12 A Yes, yes, and I've been working with Oxy
13 since 2006. I briefly worked with Vintage Petroleum
14 in Tulsa after I graduated. I started doing modeling
15 and simulation a long time back after I graduated from
16 grad school. I've worked with Oxy's water -- as a
17 field reservoir engineer. And since 2015, or since
18 2014, actually, 2014, I've been working with Oxy's
19 Unconventional assets mainly in New Mexico, both as a
20 primary development as well as EOR, potentially, but
21 mainly focused on modeling and simulation.

22 Q And you're familiar with the application
23 that was filed in the case?

24 A Yes, I am.

25 Q And have you conducted a reservoir

1 engineering study to support Oxy's applications?

2 A Yes, I have.

3 MR. RANKIN: Mr. Examiner, I would
4 tender Mr. Joshi as an expert in reservoir
5 engineering.

6 THE HEARING EXAMINER: Mr. McClure?

7 MR. MCCLURE: No, no concerns here.

8 THE HEARING EXAMINER: All right.
9 He'll be so accepted.

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

11 BY MR. RANKIN:

12 Q Now, Mr. Joshi, you have prepared an updated
13 set of slides reflecting your engineering analysis for
14 this case?

15 A Yes, I have.

16 Q And we filed that as a part of Exhibit B on
17 Tuesday; correct?

18 A Yes.

19 Q And so we'll be referring only to those
20 slides in Exhibit B and not to the engineering slides
21 that were part of the Exhibit A, part of the
22 application; correct?

23 A Yes.

24 Q Okay. So let's go ahead and get into it.
25 Mr. Joshi, if you just would review at a high level,

1 explain what you're going to talk about today,
2 referring to this current slide?

3 A Yeah. So we have basically done a reservoir
4 simulation, reservoir modeling and simulation study
5 for the gas injection project. And this really goes
6 back to the gas injection project, pilot project, for
7 EOR that Oxy had started in 2017, back in 2017. And
8 Section 16, in second Bone Spring at Cedar Canyon,
9 which is just a few sections northwest of the current
10 sections where the gas storage project has been
11 planned.

12 And we had injection for almost four months.
13 It was a line drive type of project that was started,
14 but we also did huff and puff. And we collected
15 enough data to build a reservoir model using that.
16 And then we've been using that reservoir model to try
17 to come up with different scenarios, potentially, for
18 EOR recoveries.

19 That model is a reservoir model which can
20 also be used for this gas storage project because,
21 mainly, in the gas storage project, as you will see in
22 further slides, it's really a change in operating
23 conditions and little bit of change in well spacing.
24 That can be accommodated in the reservoir model.

25 This reservoir model, as you'll see, is a

1 history match to 2017 pilot injection data. And so we
2 have some level of confidence that it predicts gas
3 injection results fairly -- with good accuracy. So,
4 yeah -- sir -- okay.

5 So, as I mentioned, we built this model to
6 check the EOR line drive gas project. The model,
7 because it was spaced in Section 16, we had 5,000-foot
8 wells, laterals in there. And we have second Bone
9 Spring. That's an actual geo-sectional geological
10 model of second Bone Spring.

11 One of the things you see in next slide is
12 these were fairly early wells, so these were four well
13 sections. The line drive pilot was done on four well
14 sections facing.

15 And the standard procedure for reservoir
16 modeling is we take the primary production data and
17 whatever -- produced in the history match, a reservoir
18 model to match its characteristics of water
19 production, GOR and BHB, if available. And then,
20 further on, the model EOR injection, we have the
21 injection rate -- we are observing injection rates and
22 pressures. So we model the -- we -- we model the EOR
23 pilot. Depending upon what input you provide, you can
24 provide a gas straight [ph] match, injecting BHB, as
25 you will see in the next slide.

1 This is a high-pressure gas injection for
2 EOR, so the maximum permitted. And actual operated
3 surface pressure for this pilot was 40 to 50 PSI,
4 which roughly 50 to 100 PSI BHB. This, again, is a
5 high-rate -- this was a high-rate gas injection
6 project, so we were injecting 7 million cubic feet per
7 day of gas to begin with, first three months
8 consistently.

9 One of the things we've seen is we saw some
10 gas breakthrough after three months of injection in
11 the offset wells, which are four wells for sections
12 facing, and our model was able to capture that gas
13 breakthrough and -- and associated oil production in
14 those offset wells.

15 Okay. So this is just the visual slides
16 that I've just mentioned. Starting from the left, you
17 see the general location of the Cedar Canyon leads in
18 the south and southeast New Mexico. And then going up
19 in the middle, you will see the leads, which has been
20 really referred to as the Four Cedar Canyon area. And
21 you can see Section 16 marked over there. And you can
22 see it's almost two sections diagonal southeast from
23 the Corral Fly/Corral Canyon area, where the gas
24 storage project is planned.

25 Again, going up Section 16, on the extreme

1 right, you can see -- it's slightly compressed too
2 much, but you can see the location of wells. So,
3 initially, four wells, wells 8H, 6H -- 8H, 7H, 6H, and
4 12H. These are four wells, section wells, so you had
5 168 of spacing between the top three wells. And a
6 well -- a fourth well -- a fifth well -- sorry, which
7 is the 12H, was drilled as a test run for eight
8 wells ...

9 So the pilot was done on 7H, which was the
10 injection well, and they initially injected in 7H
11 and see a response in the offset wells 8H and 6H.

12 Okay. So this is the reservoir model that
13 we have built. So you can see the model is a
14 full-section model. It's 640 acres. And Bay [ph]
15 Horizon, you can see there. It's second Bone Spring
16 model, just -- virtual connectivity interruption --
17 onto to second Bone Spring sand. Seth had previously
18 shown the lithology. That's a geo-model. That
19 lithology is incorporated in the geo-model. The depth
20 is around 8,400 feet. There is no gas cap. The
21 primary driving -- is the -- virtual connectivity
22 interruption -- gas drive. So -- also, you can see
23 below are the average reservoir properties, a very
24 tight matrix, initial pressure of 45 PSI, 150 F
25 reservoir temperature -- 42 API.

1 Also, you can see there are 56 layers in the
2 model. And down below on the bottom right, you can
3 see a summary of history match. I believe we did the
4 history match for this as the oil rig for every well
5 since that is the most accurate and most frequently
6 reported data was used as an input for the reservoir,
7 as a driver for the reservoir, and the attempt was
8 made to match water rate and gas rate.

9 And obviously, there are some variations in
10 water rate in terms of testing, so it's still a fairly
11 good match of water rate and gas rate. The fourth
12 plot that you see is actually the EOR injection plot,
13 and what you see there is you specified the gas
14 injection rate as an input to the reservoir, and the
15 red you see is the actual injection pressure. And the
16 black you see is the simulated pressure, pressure
17 shown by the reservoir model. So we have a fairly
18 good match of the injection rates and pressures, near
19 wellbore physics. We have a good handle on that.

20 Q What does this one show?

21 A Okay. So, here, what you can see, as we've
22 mentioned briefly, is we have a model that was built
23 for EOR injection, and as you can see, we are using
24 that model for gas storage. And this plot shows
25 there's some differences, but there are a lot of

1 commonalities. As I mentioned previously, the EOR
2 project was for higher injection, higher rate, and
3 pressure, and it was a long-term project. At least
4 what we did in the field was around four -- four
5 months.

6 It was four wells per section, and they're
7 5K wells. The gas storage project that we are
8 proposing is a very short-term project, with low
9 injection rates, very low injection pressures compared
10 to the EOR injection. Again, as mentioned, very
11 short-term project. The one difference is it's six
12 wells per section, with longer laterals.

13 However, there are commonalities there.
14 It's is in the same geographic area. It has same
15 hydraulic -- wells, Bone Spring reservoir. So the
16 main differences that exist are really operational
17 differences between the EOR injection and the gas
18 storage project and the well spacing. Both those
19 things are accounted for into the reservoir model. It
20 has been tweaked to simulate our gas storage project.

21 So the standard way we do, or what we did in
22 gas storage project, is we run primary production for
23 post-history match like that you would do for primary
24 reserves. And then we take subject well, a storage
25 well.

1 In this case, one case showing we've
2 injected the gas at flat rate of 3 million cubic feet
3 per day for about 7 days. Both this rate and the
4 duration is actually fairly within -- or actually,
5 almost at the extreme end of the gas storage projects
6 that we've had so far. This means that we are here
7 injecting a total of -- accumulative of 21 million
8 gas.

9 And once the injection is done, we put the
10 well back in production. And one of the things we've
11 seen is on running different cases is we do not see
12 any positive or negative effect on the oil recovery of
13 the subject well, which was used for gas injection or
14 storage, as well as the offset wells.

15 Q Explain what this next exhibit shows, Mr.
16 Joshi?

17 A Yes. So this is going to show -- this
18 showing the schematics of the process that I just
19 described. So on the left, what you're seeing here
20 is -- the variable I'm showing here is an output from
21 the simulation, and it is gas saturation. As you can
22 see, before injection, you have primary depletion in
23 the reservoir. The top left plot shows saturation --
24 gas saturation in the reservoir. And that's just the
25 solution gas. You are below bubble point in the

1 fractures.

2 All right. Before that, like we mentioned,
3 that what you see there are fractures oriented along
4 the principal fracture direction, which is 55 degrees,
5 about 55 to 50 degrees from north. And so that's how
6 the wells are aligned. That's how the fractures are
7 set up in the model. These wells are produced in the
8 primary depletion. They -- bubble point in the
9 fractures. The pressure is very low. And you have
10 free gas in the reservoir.

11 What we do then is we inject -- in the
12 middle well, we inject gas, as mentioned previously,
13 at 3 million rate for one week. And I know on the
14 right I'm showing the post-injection plot, but it
15 doesn't look -- you can't see it very well. So I've
16 blown it up down for the plots, as you can see. The
17 top part is just the center well now, blown up, to try
18 to show you the fractures a little better. That's the
19 original gas, which is the solution gas.

20 And then after one week of injection, for 3
21 million cubic feet per day, which is 21 million cubic
22 feet, you can see down below that the gas is staying
23 in the fractures very close to the perforations, and
24 if you notice a little carefully, you will see that
25 there's a change in colors from cooler color to the

1 hotter colors.

2 And as you can see on the right, the scale
3 shows the saturation of gas. The cooler colors is
4 very low gas saturation. Blue is zero gas saturation.
5 Red is 100 percent gas saturation.

6 So there is an increase in gas saturation,
7 which is your injected gas. But what it shows is the
8 injected gas stays into the fractures very close to
9 the perforations. It's not traveling outside. It's
10 not going outside the fractures, the amount of
11 injection. It travels probably 50 to 100 feet away
12 from the perforations, and it's contained inside the
13 fractures.

14 Q It's not going into the matrix itself? It's
15 like you say --

16 A No, the injected one -- still stays in the
17 fractures. And that's where the highest probability
18 is. That's where the lowest pressure is.

19 Q What's the difference between what you just
20 discussed and this next slide?

21 A So next slide is just showing you another
22 variable, which is pressure, and this basically just
23 shows you the dynamics of simulation. Again, the
24 color code, the red, is the highest pressure, so
25 4,500, 4,511 is the highest reservoir pressure, which

1 is also the initial reservoir pressure.

2 What this shows you here is most of the
3 matrix remains undepleted. Most of the depletion is
4 happening in fractures. Again, the cooler colors, the
5 blue color, is low pressure. So blue is almost, in
6 this case, it is around 994 PSI. That's the lowest
7 operating BHB. That's generally the operating BHB,
8 and that's what you see in fractures, with some
9 depletion around in what is the SRV, which is the
10 green color.

11 And you inject gas for about one week, which
12 is on the right, and then, again, you see blow-up down
13 there. You see the top one blow-up. You can see the
14 dark blue color in the fractures, which is just the
15 low pressure.

16 And you inject gas. And there's a little
17 bit of pressurization, very little, though; only 21
18 million is injected. But you can see that by the
19 changing color, again, moving towards hotter color,
20 from dark blue towards light blue. So you're
21 expecting a pressure of -- injecting pressure of
22 around 1,800 PSI for -- generally, for 3 million
23 injection.

24 Q Is one of the takeaways, Mr. Joshi, here
25 that the matrix pressures are far superior, far

1 greater than the pressures that are experienced within
2 the fractures even after injection?

3 A Yeah, absolutely. That's what we see there.
4 That's what we see there.

5 Q In addition to -- now, just to summarize
6 these two slides, your conclusions based on the
7 modeling are that, number one, the gas that's being
8 injected stay within the fracture network itself and
9 does not go into the matrix?

10 A Yes, that's correct.

11 Q And about 50 to 100 feet is the distance it
12 will travel within the fractures?

13 A Yes, that's correct.

14 Q And it's not extending into the matrix, in
15 part, because the matrix pressure is so high that the
16 pressures even after injection of a week are not
17 sufficient to even approach the matrix pressures
18 outside; is that right?

19 A That's correct. That's correct.

20 Q Now, let's look at this next. In addition
21 to looking at the modeling to see what the gas would
22 do, did you also do some calculations based on the
23 fracture gas brine within the fracture network, as
24 well as the --

25 A Yeah, so this is --

1 Q Yeah, go ahead. Explain what this is.

2 A Yeah. So this, like, shows you the wells
3 with the amount of fluid, barrels of fluid pumped,
4 which -- and converted into equivalent gas volume.
5 That's the post-volume you see for fracture gas
6 volume. And you can see in an average of about 130
7 million cubic feet of gas that accounts for that --
8 the reservoir barrels.

9 And if you look at the total equivalent gas
10 produced, now, that's the total reservoir battles that
11 each of these wells have withdrawn and convert them
12 back to equivalent of gas. That's a much higher
13 number, almost ten times of -- of that. But main
14 thing you can see here, the fracture volume, compared
15 to what the fracture volume is, the amount of gas that
16 we inject either in the simulation or even in our some
17 of other [sic] gas storage projects like Abogato [ph],
18 where we injected, I think, about 13 to 14 million is
19 the maximum gas that we injected per well, per storage
20 event. So it's only about 10 percent.

21 So we are injecting very little amount of
22 gas in this storage event compared to the fracture
23 volume of the gas -- of the amount of gas that the
24 fractures can hold. And most of -- and all this gas
25 stays very close to the perforations in the fractures.

1 Q Thank you, Mr. Joshi. The takeaway here, I
2 guess, is just that the fracture volume capacity is
3 far greater than the total amounts that would be
4 injected under a standard gas injection event?

5 A Yes.

6 Q And connecting what you previously showed
7 with this assessment is that the gas is going to stay
8 within that fracture network; correct?

9 A Yes, yes, absolutely.

10 Q Okay. And so you've got a huge amount of
11 volume there for the amount of gas you need to inject?

12 A Yes.

13 Q Okay. Let's see. Let's go through this
14 next slide here, if you would. Just explain what this
15 shows and the significance of the plot.

16 A Yeah. So one of the things we wanted to see
17 is how long can we inject as a part of the gas storage
18 and taking it to the extreme till we start to see some
19 gas breakthrough in the offset wells. So this -- this
20 plot can -- shows you the gas breakthrough in six
21 wells per section, which is what -- which is what we
22 have for the Corral gas storage project. And what you
23 can see in this plot first is -- let me explain the
24 scales.

25 On the right, you'll see the blue scale,

1 which is the injection -- injection gas -- gas
2 injection rate per well. And this is the average gas
3 injection rate for 1,300 PSI surface injection
4 pressure. That is what the gas storage project is
5 going -- has been permitted for. And on the right,
6 you see a scale, which is the cumulative volume
7 injected. And that's the orange color over there.

8 So when we run the simulation, we realize --
9 we saw that about up to 75 days of injection at light
10 1,300 PSI surface pressure, during the course of which
11 you can see that the gas injection rate also drops.
12 We start to see gas being produced in the offset
13 wells. And by the time this happens, we have injected
14 accumulative of 160 million of gas.

15 So this was -- from the model, it shows that
16 if you keep injecting this gas for around 75 at 1,300
17 PSI pressure, you would see gas -- you would see --
18 you would start to see gas breakthrough, and that
19 would be around 160 million cubic feet of gas, which,
20 of course, is a huge amount of gas, much, much, much
21 higher than 10, 12 -- 10 to 15 million that we inject
22 for a typical storage event pool well.

23 So under normal storage conditions,
24 operating conditions for the gas storage project, we
25 do not intend to see any breakthrough in the offset

1 well. That's what the study is showing us.

2 Q Mr. Joshi, if you would, just on this last
3 slide, give us a summary of your conclusions based on
4 your analysis and the modeling that you've done?

5 A Yeah. So as you can see that we would need
6 to inject about an estimated 160 million cubic feet of
7 gas to see any breakthrough in the offset wells --
8 virtual connectivity interruption -- section. And
9 again, based on other operational data in Abogato,
10 we've seen that the maximum we've injected is around
11 40 million about for four days, which is very, very
12 small, or 10 percent of the capacity of both
13 hydraulic -- of hydraulic recreated fractures. It's
14 much less than what -- 160 million that would be
15 required for breakthrough.

16 So the conclusions we can say, amongst other
17 things, is first, we cannot -- we do not see -- we do
18 not anticipate a positive or negative impact on the
19 storage well or the offset wells for the gas project
20 in terms of oil rig. Again, we've seen that for the
21 gas storage, typical injection rates and injection
22 pressures, we do not expect gas to move out more than
23 about 100 feet into the hydraulic fracture network.
24 And again, the volume of gas injected is much less to
25 see any breakthrough, and that allows us to do a

1 successful gas storage project.

2 Q Mr. Joshi, in your opinion, will approval of
3 this application help prevent waste and protect
4 correlative rights?

5 A Yes, it will.

6 Q Did you prepare slides 6 through 18 in
7 Exhibit B that were filed by Oxy?

8 A Yes, I have.

9 MR. RANKIN: Mr. Examiner, at this
10 time, since Exhibit B has already been admitted to the
11 record, I would pass Mr. Joshi for questions by the
12 Division.

13 THE HEARING EXAMINER: Thank you, Mr.
14 Rankin.

15 Mr. McClure?

16 MR. MCCLURE: Actually, Mr. Harwood, I
17 don't think I have any questions at this time. Thank
18 you.

19 THE HEARING EXAMINER: Okay. Mr.
20 Rankin, any other witnesses, or do you have some
21 closing remarks? I think I once heard from Judge
22 Conway that when you're out of witnesses, you're out
23 of trial. Are we there?

24 MR. RANKIN: We are, Mr. Harwood. I
25 just want to comment that I was disappointed Mr.

1 McClure didn't have a single engineering question. He
2 had geology questions and other operational
3 engineering questions, but he didn't have any
4 reservoir engineering questions. So I hope that's a
5 comment on Mr. Joshi's preparation and his slides. I
6 think it is.

7 But no further questions. And I will
8 spare the Division and the court reporter any further
9 transcription due to me. I appreciate the Division's
10 attention and waiting the whole day to have our case
11 be presented.

12 And with that, I would ask that the
13 Division take -- oh, you know, Mr. Examiner, there is
14 one thing that I need to do. One moment. And that is
15 I need to show you that I have actually provided
16 notice, as we said we would do. On my screen here,
17 Mr. Examiner, is the affidavit that I replaced. It
18 shows that we provided notice to each of the parties
19 identified to us by Oxy.

20 And so just to be clear, Mr. Examiner,
21 I did submit a replacement for this affidavit that
22 shows the correct Postal Service date of when we
23 pulled the report from the Postal Service of May 1st
24 instead of April 14th. That's the only difference
25 between this exhibit here and what we filed this

1 morning. And it shows that we also caused
2 notification of the application to be published in a
3 newspaper, identifying each of the affected parties.

4 If I scroll through here, you'll see
5 the letter that we submitted, sent out to all the
6 affected parties. Here, giving the notice of the
7 application and of the hearing. And then on the
8 following page, you'll see that we did provide notice
9 to each of these parties identified to us as being an
10 affected party, including the surface owners, the BLM,
11 State Land Office, and the working interest owners and
12 royalty owners.

13 The last pages here are a copy of the
14 affidavit of publication, showing that the notice was
15 published in the newspaper, in the Carlsbad Current-
16 Argus more than ten business days in advance of the
17 hearing, identifying each of the parties who are
18 affected under the application.

19 And with that, Mr. Chairman, I would
20 move the admission of these last exhibits. I believe
21 they are Exhibit C and the replacement Exhibit E into
22 the record.

23 THE HEARING EXAMINER: Okay. Those
24 exhibits along with all the exhibits in this case
25 number 23501 will be admitted and made a part of the

1 record in this case.

2 (Item 63 Exhibit C and Exhibit E were
3 marked for identification and received
4 into evidence.)

5 THE HEARING EXAMINER: And at this
6 point, the OCD will take this case under advisement.

7 MR. RANKIN: Thank you very much, Mr.
8 Examiner. Congratulations on your first day as a
9 hearing officer.

10 THE HEARING EXAMINER: I hope they are
11 not all this long, but thank you.

12 MR. RANKIN: Thank you.

13 Thank you, Dean.

14 MR. MCCLURE: Mr. Rankin, just for
15 future reference -- I'll have to check with Mr. Getz
16 just to make sure, but I think we might be 15 days on
17 the Part 26 side even when it comes to hearing. But
18 not right quote me. I think you're good either way
19 here because you went to 10 -- it's like 11 business
20 days or something is what you went here, but I think
21 it's 15, I believe.

22 MR. RANKIN: For administrative
23 applications, right.

24 MR. MCCLURE: For administrative
25 applications, it absolutely is. And I'm sure outright

1 sure if it applies to hearing or not, but just for
2 future thought process, I guess.

3 MR. RANKIN: Right.

4 MR. MCCLURE: And it may go back to the
5 ten business days. I'm not sure. Even on the Part 26
6 stuff.

7 MR. RANKIN: I got you. Well, yeah, I
8 think -- I think the reason we published here is just
9 to make sure that there were no issues with the actual
10 notice by certified mail.

11 MR. MCCLURE: Yes, and absolutely. And
12 I think there was one that said it was returned, but
13 like I said, I think you're 15 days. So regardless of
14 whether it's 10 business days or 15 days, I think
15 you're good regardless in this particular case. I'm
16 just not sure for future reference if it was 14 days
17 instead of 15 days, if that was going to be an issue.
18 I'll have to touch base with Mr. Getz here at some
19 point just to make sure in case it ever comes up, I
20 guess. But just for your own thought process, I
21 guess, versus deciding between 15 days prior and 14
22 days prior, I guess.

23 MR. RANKIN: Thank you, Mr. McClure. I
24 will keep that in mind.

25 MR. MCCLURE: Thank you, sir.

1 THE HEARING EXAMINER: Okay. I believe
2 that finally concludes today's OCD hearings. And
3 unless there is anything further from anyone, we will
4 go off the record at this time.

5 (Whereupon, at 6:26 p.m., the
6 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

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CERTIFICATE OF TRANSCRIBER

I, DANIELLE S. VANRIPER, 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.



DANIELLE S. VANRIPER

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