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

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

Case Nos. 23177, 23179, 23345  
23327, 23328, 23711, 23712,  
23775, 23779, 23825, 23826,  
23827, 23717, 23719, 23718,  
23720, 22171, 22172, 22408,  
23677, 23678, 23737, 23758,  
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10 23852, 23578, 23658

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12 VIDEOCONFERENCE HEARING  
13 DATE: Thursday, October 5, 2023  
14 TIME: 8:16 a.m.  
15 LOCATION: Remote Proceeding  
16 Santa Fe, NM 87501  
17 REPORTED BY: Dana Fulton  
18 JOB NO.: 5528940

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A P P E A R A N C E S (Cont'd)

ALSO PRESENT:

Gregory Chakalian, Chairman (by videoconference)  
Hailee Thompson, Technical Examiner (by  
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Dean McClure, Technical Examiner (by  
videoconference)  
Ward Rikala, Technical Examiner (by  
videoconference)  
Sheila Apodaca, OCD Law Clerk (by  
videoconference)

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E X H I B I T S

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

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P R O C E E D I N G S

MR. CHAKALIAN: Of the oil conservation division, my name is Gregory Chakalian, and we are going to get started. I trust everyone has the spreadsheet that I have.

A word before I begin. It's looking like December 7 is the date when we will begin our hearings in a hybrid fashion. The Porter Hall will be open at that time.

We will continue to accept participation through Webex, however those folks who want to come and join in person will have the ability to do that.

MR. FELDEWERT: Just for the record, Mr. Chakalian, I was applauding.

MR. CHAKALIAN: Sounds good. Thank you. Okay. Let's call 23755 Marathon Oil compulsory pooling. Who do we have representing Marathon?

MS. BENNETT: Good morning, Mr. Examiner. I'm having some feedback. I don't know if you're getting that as well.

MR. CHAKALIAN: I'm not.

MS. BENNETT: Okay. I'll work through it for this case and fix it for the next one.

MR. CHAKALIAN: Good morning, Ms.

1 Bennett.

2 MS. BENNETT: This is Deana Bennett on  
3 behalf of Marathon Oil Permian.

4 MR. CHAKALIAN: Okay. And do we have  
5 any other interested parties or entries of appearance?

6 MR. FELDEWERT: Good morning, Mr.  
7 Chakalian. Michael Feldewert with the Sante Fe office  
8 appearing on behalf of Fasken Oil and Ranch.

9 MR. CHAKALIAN: Good morning. Ms.  
10 Bennett, where are we with this case?

11 MS. BENNETT: Thank you, Mr. Examiner.  
12 We were working towards going to hearing today, but as  
13 we were preparing exhibits, we realized we needed a  
14 couple of additional exhibits.

15 And also we were working through some  
16 negotiations with Fasken, and so I did file a motion  
17 for continuance to November 2nd.

18 MR. CHAKALIAN: Okay. And that was --  
19 was that a late-filed motion?

20 MS. BENNETT: It was technically I  
21 suppose, but had we not filed the motion for  
22 continuance, we would have been set for a status  
23 conference today.

24 MR. CHAKALIAN: Right. So Marlene [ph]  
25 is out today, but we have Ms. Sheila Apodaca who is

1 going to approve that once I ask her to, and then we  
2 will reschedule this. Do you want it to be reset for  
3 another status conference or will you be ready for  
4 hearing?

5 MS. BENNETT: We'll be ready for  
6 hearing.

7 MR. CHAKALIAN: Okay. Wonderful. And  
8 will that be a contested hearing, Mr. Feldewert?

9 MR. FELDEWERT: It's my understanding  
10 that they're close to reaching an agreement, so I  
11 don't expect it to be. I won't know until that's  
12 finalized.

13 MR. CHAKALIAN: Okay.

14 MS. BENNETT: And --

15 MR. CHAKALIAN: Ms. Bennett, when did  
16 you want this reset?

17 MS. BENNETT: Excuse me. Sorry about  
18 that. November 2nd, and we did receive a signed JOA  
19 from Fasken.

20 MR. CHAKALIAN: Okay. Good. Great. I  
21 knew they were in the process of doing that, so under  
22 your -- its representation that it has been executed,  
23 I'd anticipate then it will be an uncontested hearing.

24 In fact, we won't even be a pool party  
25 then. Right, Deana?

1 MS. BENNETT: That's right.

2 MR. CHAKALIAN: Okay. Bennett, what is  
3 a JOA?

4 MS. BENNETT: Joint operating  
5 agreement.

6 MR. CHAKALIAN: Okay. Got it. Thank  
7 you. So if I'm not mistaken, I remember Marlene [ph]  
8 advising me that the docket in November is full for  
9 contested hearings.

10 I know that it sounds like this won't  
11 be a contested hearing, however in an abundance of  
12 caution, I think we should set this for December 7 in  
13 case it is contested.

14 And I think, Ms. Bennett, if you do get  
15 a JOA in place, then you can file a motion to move it  
16 to November for an uncontested hearing.

17 MS. BENNETT: Okay. That sounds good.  
18 I do have a copy of the JOA, so I do believe firmly  
19 that it's going to be uncontested.

20 MR. CHAKALIAN: We'll set it for  
21 November under your representation that it is an  
22 uncontested. It'll proceed by affidavit.

23 MS. BENNETT: Thank you very much. I  
24 appreciate that.

25 MR. CHAKALIAN: Let me make sure with



1 Ms. Apodaca that she has everything she needs to  
2 approve this motion, and so we can move on. Ms.  
3 Apodaca, you're very quiet, but I think you said you  
4 have everything.

5 MS. APODACA: Yes.

6 MR. CHAKALIAN: All right. So we will  
7 move on now to 23795, 96, 97, 98, 99 Mewbourne.

8 Mr. Bruce, are you with us?

9 MR. BRUCE: Yes, sir.

10 MR. CHAKALIAN: Okay. Wonderful. And  
11 it looks like you filed an unopposed motion to  
12 continue these cases. Do we have any other parties or  
13 interested parties that are with us in these cases?

14 Not hearing any, so Mr. Bruce, what  
15 would you like us to do?

16 MR. BRUCE: Well, without going into  
17 detail, both my witness and I got going late on these.

18 And basically late Tuesday night, I ran  
19 out of time and ran out of steam, so rather than  
20 submit perhaps incomplete exhibit packages, I refiled  
21 a late continuance motion just to move them down the  
22 road for two weeks.

23 Everyone's been notified. No one's  
24 entered an appearance, and so they'll only take a few  
25 minutes to present. And I'd like them continued for

1 two weeks.

2 MR. CHAKALIAN: So you would like this  
3 continued to the next docket, October the 19th or  
4 18th?

5 MR. BRUCE: Yes, sir.

6 MR. CHAKALIAN: 19th. Okay.

7 MR. BRUCE: 19th. 19th. Yeah.

8 MR. CHAKALIAN: All right. Very good.  
9 Let me check with Ms. Apodaca. Do you have everything  
10 you need to approve these continuances?

11 MS. APODACA: Yes. We do.

12 MR. CHAKALIAN: Okay. Very good. So  
13 Mr. Bruce, we're going to reset these to the October  
14 19 docket to proceed by affidavit.

15 MR. BRUCE: Yes.

16 MR. CHAKALIAN: All right, very good.  
17 I don't have anything else for this. Is there  
18 anything from you?

19 MR. BRUCE: No, sir.

20 MR. CHAKALIAN: Okay. Let's move on to  
21 23177, 23179, 23 -- I'm not sure, Mr. Bruce. 23177  
22 and 79, are those together?

23 MR. BRUCE: They're not mine. They're  
24 Dana's or Jackie McLean's.

25 MR. CHAKALIAN: Good. Okay. Ms.

1 Bennett?

2 MR. BRUCE: Dana --

3 MS. BENNETT: Thank you, Mr. Examiner.  
4 Yeah. Dana Hardy, I think, is who he was referring  
5 to.

6 MR. CHAKALIAN: Very good, very good.  
7 Ms. Hardy?

8 MS. HARDY: Thank you. Yes. Dana  
9 Hardy on behalf of Mewbourne in these cases. And also  
10 they are consolidated, I believe, with case numbers  
11 23327 and 23328, which are Pride Energy cases, and I  
12 represent Earthstone Operating in those cases as well.

13 MR. CHAKALIAN: So Ms. Hardy, does that  
14 also mean that consolidated with 23177 is also 23179  
15 and 23345?

16 MS. HARDY: Correct. And also 23327  
17 and 23328.

18 MR. CHAKALIAN: Okay. So we're here  
19 for a status conference. Do we have any other parties  
20 with us on these cases?

21 MS. SHAHEEN: Thank you, Mr. Examiner.  
22 Good morning, everyone. Sharon Shaheen on behalf of  
23 Pride Energy in all of these five cases.

24 MR. CHAKALIAN: Good morning.

25 MR. RITTENHOUSE: And Mr. Examiner,

1 this is -- I'm sorry. I interrupted somebody. This  
2 is Joby Rittenhouse appearing on behalf of COG  
3 Operating.

4 MR. CHAKALIAN: Good morning.

5 MS. BENNETT: Good morning, everyone.  
6 This is Deana Bennett from Modrall Sperling on behalf  
7 of Marathon Oil Permian in all of these cases.

8 MR. CHAKALIAN: Thank you.

9 MR. FELDEWERT: Good morning, Mr.  
10 Chakalian. Michael Feldewert with Santa Fe office of  
11 Holland & Hart appearing on behalf of MRC Permian and  
12 XTO Energy Inc.

13 MR. CHAKALIAN: And Mr. Beck, is your  
14 camera on because you have an entry of appearance  
15 here?

16 MR. BECK: Yeah. I figured everyone  
17 was talking over each other and I'd go last. We're  
18 just observing. I'm appearing on behalf of Jalapeno  
19 Corporation and Yates Energy Corporation. Good  
20 morning.

21 MR. CHAKALIAN: Okay. If there are no  
22 other entries of appearance, Ms. Hardy, how are we  
23 proceeding?

24 MS. HARDY: Mr. Examiner, Pride and  
25 Mewbourne have been negotiating, and I believe they're

1 close to reaching an agreement. And so we would like  
2 to set these cases for a status conference on December  
3 21st.

4 At that point, I think we'll know  
5 whether they can proceed by affidavit or not. And I  
6 think the expectation is that they will be able to be  
7 presented by affidavit.

8 MR. CHAKALIAN: Any objection to that?

9 MS. SHAHEEN: No, Mr. Examiner. Pride  
10 would actually like to be -- would like to present  
11 Pride is convinced that these cases will be ready for  
12 presentation by affidavit on December 21st.

13 So we would ask that they be set for a  
14 hearing by affidavit on that day. We would of course  
15 file a motion if necessary to request the status  
16 conference's status modification --

17 MR. CHAKALIAN: So Ms. Shaheen, I'm a  
18 little confused about one thing. Are you saying that  
19 if Mewbourne is not ready to proceed by affidavit,  
20 then we will sever these cases and Pride will proceed?

21 MS. SHAHEEN: Well, that's a good  
22 question. I think that would be something that the  
23 parties would have to discuss ahead of time.

24 I understand that what the parties have  
25 worked out is that Pride is going to operate the east

1 half of the proposed units, and Mewbourne is going to  
2 operate the west half of the proposed units.

3 And there has been some delay here due  
4 to some BLM issues, and my understanding from Pride is  
5 that those issues are on the verge of being resolved.  
6 And the parties have an agreement and they should be  
7 ready to go forward by affidavit on December 21st.

8 MR. CHAKALIAN: So is the answer to my  
9 question yes, if Mewbourne is not ready, then Pride  
10 will proceed by affidavit on its own?

11 MS. SHAHEEN: Assuming Mewbourne  
12 doesn't oppose pride going forward by affidavit, yes.

13 MR. CHAKALIAN: Okay. Then unless I  
14 hear an objection, we will reset these five cases to  
15 proceed to hearing on December 21st. We're going to  
16 assume it's an uncontested hearing and proceed as a  
17 consolidated matter.

18 Okay. Anything else on these five  
19 cases? Not hearing anything. Let's go to 23711 and  
20 12. Entry of appearance?

21 MR. PADILLA: Mr. Examiner, Earnest, on  
22 behalf of the applicant in both cases.

23 MR. CHAKALIAN: Good morning, Mr.  
24 Padilla.

25 MR. FELDEWERT: Mr. Chakalian, Michael

1 Feldewert with Santa Fe office of Holland & Hart,  
2 appearing on behalf of COG Operating LLC and  
3 ConocoPhillips.

4 MR. CHAKALIAN: Thank you. Anyone  
5 else?

6 MR. MOELLENBERG: Good morning, Mr.  
7 Hearing Officer. This is Dal Moellenberg of Gallagher  
8 & Kennedy appearing on behalf of Pilot Water  
9 Solutions, LLC.

10 MR. CHAKALIAN: Very good. Mr.  
11 Padilla, where are we going with these cases?

12 MR. PADILLA: Mr. Examiner, I think  
13 there's been opposition to an affidavit case by  
14 ConocoPhillips, so my understanding is that we have to  
15 go to December 7th. That's when we could present the  
16 case.

17 MR. CHAKALIAN: Very good. So we'll  
18 reset this for December 7 for a contested hearing. Is  
19 there anything else on these two cases?

20 MR. PADILLA: Nothing remaining.

21 MR. CHAKALIAN: Okay. We'll move on  
22 then to 23775 -- 3775. I think that case stands for  
23 itself. May I have entry of appearance?

24 MR. RANKIN: Good morning --

25 MR. BIEDRZYCKI: Yeah. This is Bobby

1 with -- good morning. Is this the Griffin Energy Law  
2 case?

3 MR. CHAKALIAN: This says Goodnight  
4 Midstream, I think it is. It's in the Andre Dawson  
5 formation.

6 MR. RANKIN: Good morning. I  
7 apologize. I was having a hard time getting my  
8 buttons clicked. Adam Rankin appearing on behalf of  
9 the applicant in this case, Goodnight Midstream.

10 MR. CHAKALIAN: We have any other  
11 parties?

12 MS. SHAHEEN: Good morning again.  
13 Sharon Shaheen, Montgomery & Andrews on behalf of  
14 Empire New Mexico.

15 MR. CHAKALIAN: Good morning again.  
16 We're here for a status conference. Mr. Rankin?

17 MR. RANKIN: Good morning, Mr.  
18 Examiner. This is a case that was filed  
19 administratively for an increase in the injection rate  
20 under Goodnight Midstream's UIC permit.

21 Empire objected to this case  
22 application at the administrative level. We then  
23 sought for this case to go to hearing before the  
24 division to address Empire's objections.

25 The case was set for hearing on this



1 date, and Empire has entered appearance and objected  
2 to a proceeding to hearing. Mr. Examiner, this case  
3 is related to the set of cases that are set for  
4 contested hearing on November 2nd.

5 It's related in the sense that it's a  
6 injection well that Goodnight has been approved to  
7 inject into previously. They're simply here seeking  
8 an increase in the volume that they're permitted to  
9 inject into the well.

10 It's located within the exterior  
11 boundaries of Empire's existing units, monument south  
12 unit, which is the same location as the other four  
13 wells that are subject to a contested hearing on  
14 November 2nd.

15 Because they're all geographically  
16 similarly located, the issues are very similar. All  
17 five of these wells are being injected into the San  
18 Andres Formation.

19 The issues around the Empire's  
20 objections and the bases for authorization to approve  
21 are all intermingled and very, very much related.

22 And for that reason, we would like to  
23 consolidate this case with the other four cases that  
24 are set for contested hearing already on November 2nd.  
25 I've asked Empire counsel, conferred with them several

1 times, to obtain their position on this.

2 Initially, I understood that they  
3 wouldn't necessarily have a concern with it, but I  
4 haven't been able to confirm what their position is.

5 So at this point, I -- I believe it  
6 would be in the interest of the division and the  
7 parties to consolidate these matters so that  
8 everything can be addressed and heard at the same  
9 time.

10 I think that would be the most  
11 efficient and effective use of everyone's time. So I  
12 ask, you know, that the cases be consolidated together  
13 for hearing on November 2nd.

14 MR. CHAKALIAN: Mr. Rankin, I am aware  
15 of the relationship between 23775, this case, and  
16 23711 and 23712 water flood cases. And let's see  
17 where they are on this docket here. But I'm not aware  
18 of two other cases, because you mentioned  
19 consolidating the four cases, so hold on one minute.  
20 Let me find 237 -- okay. So we've already discussed  
21 23711 and 23712 and we've now reset those to a  
22 December 7 contested hearing. And what you're saying  
23 is these were set for a November 2nd hearing.

24 MR. RANKIN: Yeah. Let me -- let me  
25 just clarify that the four cases that I'm discussing

1 are actually 23614 through 23617.

2 MR. CHAKALIAN: Are we addressing them  
3 today?

4 MR. RANKIN: No. They're not on  
5 today's docket. They're set for a contested hearing  
6 under a prehearing order for November 2nd.

7 MR. CHAKALIAN: I was aware from our  
8 UIC group that they consider 23775 related to 23711  
9 and 12, which we just addressed and reset to December  
10 7. So are you objecting to that consolidation?  
11 You're saying that you want this case consolidated  
12 with other cases?

13 MR. RANKIN: Mr. -- generally, yes. I  
14 don't understand how they'd be related to the FAE  
15 Water project at all.

16 I think there -- I think there may be a  
17 misunderstanding because they're actually -- this case  
18 is actually directly related or more closely related  
19 to the four cases I just cited, Same parties, same  
20 locations, same issues, same -- narrative.

21 MR. CHAKALIAN: Let me -- let me  
22 include now our technical examiners. Hailee, or I  
23 don't know if Dean is with us. Hailee, do you have  
24 any information about this?

25 MS. THOMPSON: I don't have any

1 information at the moment about it, but looking into  
2 it, it does seem to more closely match the other  
3 cases.

4 MR. CHAKALIAN: Okay.

5 MR. PADILLA: Mr. Examiner, this is  
6 Earnest Padilla.

7 MR. CHAKALIAN: Yes, Mr. Padilla.

8 MR. PADILLA: The 11 and 12 cases that  
9 we just talked about, item 12 and 13. They're not  
10 related to --

11 MR. CHAKALIAN: They're not. Okay.  
12 Okay. Thank you, Mr. Padilla. So that must be my  
13 misunderstanding. We're going to wait for  
14 clarification. Why don't we recall 23775, Mr. Rankin?

15 Let's recall that in just a bit after  
16 we get some clarification from technical. Let me send  
17 an email to Mr. Goetze [ph] while we're doing this as  
18 well.

19 So Mr. Rankin, you said 23614 through  
20 17 are closely related to 23775, and you would like to  
21 consolidate?

22 MR. RANKIN: Yes, Mr. Examiner. Doing  
23 so would be in the interest of efficiency and  
24 administrative efficiency. It would allow the parties  
25 in the division to address all these issues at one

1 time, not --

2 MR. CHAKALIAN: And is that November --  
3 excuse me. Is that November 2nd date, is it set for a  
4 contested hearing or affidavit hearing?

5 MR. RANKIN: It's contested.

6 MR. CHAKALIAN: I'm going to wait back  
7 to hear from Mr. Rankin unless Ms. Thompson has other  
8 information, then we will recall this case, Mr.  
9 Rankin. So I'm sorry we have to recall it, but let's  
10 continue.

11 23779 Griffin Energy. Entry of  
12 appearance, please?

13 MR. BIEDRZYCKI: Yes. Reagan Marble  
14 and Bobby Biedrzycki on behalf of Griffin Energy Law.

15 MR. CHAKALIAN: I'm not able to -- your  
16 voice was distorted, so I didn't catch your name, but  
17 say it again, please?

18 MR. BIEDRZYCKI: Okay. Reagan Marble  
19 and Bobby Biedrzycki on behalf of Griffin Energy Law.

20 MR. CHAKALIAN: Okay. I'm still not  
21 sure who I'm speaking with, but okay. It's okay. Do  
22 we have any other parties on this case?

23 MR. MARBLE: Can you hear me better,  
24 Mr. Examiner?

25 MR. CHAKALIAN: Much better.

1 MR. MARBLE: This is Reagan Marble and  
2 Bobby Biedrzycki on behalf of Griffin Energy Law. I'm  
3 sorry. We're both located in San Antonio. We're  
4 having pretty bad storms this morning with power  
5 outages, so I'm not sure if Mr. Biedrzycki has a good  
6 connection.

7 MR. CHAKALIAN: Oh. All right. Well,  
8 congratulations on getting some rain out there. So  
9 I'm not hearing any other parties unless Mr. Padilla's  
10 camera is on for a reason.

11 MR. MARBLE: I don't think there will  
12 be anyone else on the call outside of the Griffin  
13 Energy law this morning.

14 MR. CHAKALIAN: Okay.

15 MR. MARBLE: We have reached an  
16 agreement. The opposing party and we are dismissed  
17 this case. Those filings are forthcoming.

18 MR. CHAKALIAN: You're dismissing the  
19 case and you're going to file that soon. Okay. Very  
20 good. So is there anything else you need from us  
21 before we move on?

22 MR. MARBLE: No.

23 MR. CHAKALIAN: Okay.

24 MR. MARBLE: No.

25 MR. CHAKALIAN: But well,

1       congratulations again.

2                   MR. MARBLE:   Thank you.

3                   MR. CHAKALIAN:   Okay.   We're going to  
4       call 23825, 26, 27.   I think those are the cases that  
5       will be called together.   It looks like Permian  
6       Resources.   Entry of appearance, please?

7                   MS. VANCE:   Yes.   Good morning, Mr.  
8       Hearing Examiner, and technical examiners.   Paula  
9       Vance with the Santa Fe office of Holland & Hart on  
10      behalf of the applicant, Permian Resources Operating  
11      LLC.

12                  MR. CHAKALIAN:   Very good.   Any other  
13      parties?

14                  MR. SAVAGE:   Yes.   Good morning, Mr.  
15      Hearing Examiner.   Good morning, technical examiners.  
16      Darin Savage with Abadie & Schill on behalf of V-F  
17      Petroleum Inc.

18                  MR. CHAKALIAN:   This is the motion.  
19      This is our motion.   Okay.

20                  Ms. Vance, I reviewed all the pleadings  
21      in this case, I reviewed your original motion, I  
22      reviewed the response filed by Mr. Savage.   I then  
23      asked whether there would be a reply.   You stated no,  
24      that you were withdrawing.

25                  You filed a withdrawal of objection to

1 V-F Petroleum's entry of appearance and objection, and  
2 you made it clear to me that that's all you were  
3 withdrawing your objection to. What is left, Ms.  
4 Vance, for me to rule on?

5 MS. VANCE: Yes. Good morning, Mr.  
6 Examiner. And again, to just explain. So we believe  
7 that the best course would be to just deny the motion  
8 as moot rather than us withdrawing it.

9 MR. CHAKALIAN: Oh. Okay.

10 MS. VANCE: And the reason would be is  
11 it was appropriate at the time of filing and so for  
12 the reasons laid out in the motion.

13 And so we don't believe it would be  
14 appropriate necessarily to withdraw the motion, but  
15 just to have it denied as moot since subsequent to  
16 filing that motion, V-F Petroleum did file a notice of  
17 intervention.

18 And as laid out, we do not object to  
19 that. So that's kind of just to clarify what our  
20 position is.

21 MR. CHAKALIAN: So before I turn to Mr.  
22 Savage, so yes. And I saw all that, and I had here a  
23 order denying all drafted in preparation for today's  
24 status conference. Now, in -- in other words, it's  
25 moot because you believe there is a proper basis for



1 intervention. Is that correct?

2 MS. VANCE: That's correct. We do  
3 agree that V-F Petroleum has an interest in Section 4,  
4 and as Mr. Savage laid out in his notice of  
5 intervention, V-F Petroleum I think has already filed  
6 competing overlapping applications. So again, we  
7 don't object to the intervention.

8 MR. CHAKALIAN: And now you mentioned  
9 Section 4, but there were other sections in your  
10 compulsory pooling application.

11 And if I'm not mistaken, Mr. Savage  
12 said that he has operating agreements, and that he  
13 intends to file a competing application for compulsory  
14 pooling in the other section. Mr. Savage?

15 MR. SAVAGE: That's correct, Mr.  
16 Hearing Examiner. We filed in sections 4 and 5, which  
17 is overlapping their filed applications.

18 And then we have well proposals out,  
19 and we fully qualify as an applicant because we own in  
20 one and six -- or we own in that proposed unit. And  
21 we will be filing applications for that, so that would  
22 be competing as well.

23 MR. CHAKALIAN: Very good. Then I will  
24 file an order denying the motion to strike the entry  
25 of appearance and objection based on its mootness.

1 How else do the parties want to proceed in this case?

2 MS. VANCE: I -- it's my understanding  
3 that, you know -- well, V-F Petroleum, it sounds like  
4 they just sent out the proposals and they plan on  
5 filing the competing applications. I do believe that  
6 the parties may be in discussions, so perhaps, unless  
7 Mr. Savage wants to talk offline, it might be  
8 appropriate to set another status conference.

9 MR. CHAKALIAN: For when, Ms. Vance?

10 MS. VANCE: I would propose at  
11 the -- well, it sounds like the November 2nd docket is  
12 full, so maybe the second docket in November.

13 MR. CHAKALIAN: That would be the 16th  
14 if I'm not mistaken.

15 MS. VANCE: That's correct.

16 MR. CHAKALIAN: Okay. Mr. Savage?

17 MR. SAVAGE: Mr. Hearing Examiner, we  
18 already sent out the proposals, and they're right for  
19 our applications. So we're going to be filing those  
20 applications for this. So we'll have two sets of  
21 applications in place.

22 We would like to have a contested  
23 hearing date set, and we would like that to be  
24 sometime in January to allow us to file the competing  
25 applications to get everything in order.

1 MR. CHAKALIAN: Yeah. That's a good  
2 one.

3 MR. SAVAGE: Also, and I don't know  
4 if --

5 MR. CHAKALIAN: Darin, would you hold  
6 on a second?

7 Sheila, can you mute some of these call  
8 in? Because they're starting to interrupt the sound  
9 here. Okay, Mr. Savage. So before you continue, Ms.  
10 Vance, do you have any objection?

11 Instead of resetting these for another  
12 status conference in November, why not set them for a  
13 contested hearing in January?

14 MS. VANCE: Sorry. I was just  
15 conferring with my colleague. I think there may be  
16 another case related to these cases that is set for  
17 October 19th, and my colleague is getting me some  
18 information on that. I'm sorry. Would you mind  
19 repeating that, Mr. Hearing Examiner?

20 MR. CHAKALIAN: Mr. Savage is proposing  
21 instead of setting these for another status  
22 conference, setting them for a contested hearing in  
23 January.

24 MS. VANCE: My only pushback would be  
25 since that's so far out and it sounds like the docket

1 is probably open, one, I'd like to confer with my  
2 colleague just on this other possibly related case  
3 just to, you know, make sure that we're all aligned.

4 But perhaps as suggested, that status  
5 conference, we can just revisit these cases on the  
6 November 16th for a status conference, and then make a  
7 decision then as to setting a contested case.

8 But I'm happy to, you know, if we can  
9 take a pause maybe, and revisit these cases after I  
10 just had a moment to speak with my colleague, I could  
11 probably give you a more concrete answer.

12 MR. CHAKALIAN: Okay.

13 Mr. Savage, you were saying?

14 MR. SAVAGE: Yes. I would say Mr.  
15 Hearing Examiner, since the docket is open in January,  
16 there is no need for a status conference.

17 If we need to do a status conference,  
18 we can always convert the January hearing to a status  
19 conference if there's an issue that arises. I would  
20 like to set this and get it in place. And on the --  
21 Ms. Vance brings up the October 19th.

22 That is a somewhat related case because  
23 it involves some of the lands in these two sections.  
24 That's case 23728.

25 So Permian Resources, you know, there

1 was a motion hearing on that particular case, and we  
2 argued in our motion that Permian Resources did not  
3 qualify as an applicant because they had no working  
4 interest in that unit.

5 Now that unit is a north half north  
6 half. That would be the section 5 and 6. That would  
7 be the competing unit.

8 Now Permian Resources just recently  
9 filed applications for the south half north half of 5  
10 and 6, the north half south half of 5 and 6, and the  
11 south half south half of 5 and 6.

12 Now clearly, they claim to own working  
13 interest in those units and so they qualify as an  
14 applicant. That gives every indication to the OCD  
15 that they do not own working interest in the north  
16 half north half.

17 Otherwise, they would have filed an  
18 application to consolidate all that. And so we  
19 believe that our motion that we filed with the  
20 evidence showing they are not an owner and do not  
21 qualify is accurate.

22 And we ask the OCD to take that into  
23 consideration. Well, you know, so what we -- we  
24 have -- Mr. Hearing Examiner, you have a prehearing  
25 order in place for October 19th. Permian Resources

1 had ample opportunity to file a competing application.

2 They asked for that date, and they had  
3 ample opportunity to file a competing application.  
4 They failed to do so, and I believe the deadline has  
5 passed for notice -- for the OCD to provide notice on  
6 competing applications.

7 And because we contend that they do not  
8 qualify as an applicant, we ask that that October 19th  
9 date be confirmed and maintained.

10 MR. CHAKALIAN: Ms. Vance?

11 MS. VANCE: Yes, Mr. Hearing Examiner.  
12 It's our position that we should consolidate all of  
13 these cases, specifically that 23728 case with the  
14 cases that we're discussing right now, and that they  
15 should be set for it.

16 And we're okay with setting a contested  
17 case for the January docket, but we'll need to just  
18 confer with our client and make sure that that's okay  
19 with them.

20 But again, all of these cases should be  
21 consolidated -- or these cases should be consolidated  
22 with case 23728. It's not in dispute that Permian  
23 owns in that north half north half section.

24 And so again, we would just ask that  
25 case 23728, that's set for the October 19th docket be

1 consolidated with these cases. And we can go ahead  
2 and set a contested case for the January docket, as  
3 Mr. Savage suggested.

4 MR. CHAKALIAN: Mr. Savage, I thought  
5 you mentioned 23728 and another case on the October 19  
6 docket. Was there another one?

7 MR. SAVAGE: No. Just 23728. Mr.  
8 Hearing Examiner, I don't see how Ms. Vance can claim  
9 before the OCD that their ownership is not in dispute.  
10 In our past hearing on this, that exactly is what it  
11 was, that their ownership was in dispute.

12 And they have never provided any  
13 evidence or filed a competing application to  
14 demonstrate that they have ownership, and it's clear  
15 they do not. And we provided ample evidence in our  
16 motion to show that, and they never responded.

17 So I don't understand that assertion  
18 that it's not in dispute.

19 MR. CHAKALIAN: Let me look at  
20 something before anyone else chimes in on this.

21 MS. VANCE: And Mr. Hearing Examiner, I  
22 did just have --

23 MR. CHAKALIAN: Ms. Vance, Ms. Vance.  
24 Hold on a second. I just said let me check something  
25 before anyone else chimes in on this. So give me a

1 minute. Okay?

2 MS. VANCE: No problem. Sorry, Mr.  
3 Examiner.

4 MR. CHAKALIAN: Thank you. No, it's  
5 fine. I just need to look and understand what I'm  
6 hearing here.

7 So Mr. Savage, I see here -- and I'm  
8 reviewing the documents in 23728. I see an  
9 application, I see a entry of appearance and objection  
10 to affidavit process, I see a motion to set an  
11 uncontested hearing for September 21st.

12 Is that where you lay out your argument  
13 that you are making right now?

14 MR. SAVAGE: That's correct. That's  
15 where we make the argument that is in dispute. We  
16 argue and point out and show evidence that they do not  
17 have any working interest ownership in the north half  
18 north half of section 5 and 6.

19 And they are not qualified or have the  
20 privilege of being an applicant for that unit. That's  
21 why we asked for the September 21st date, and then we  
22 moved it back to allow them some time to make an  
23 application if they wanted to do a competing  
24 application.

25 We moved it back to October 19th, and



1 they haven't provided the division with any evidence  
2 that they own in that north half north half proposed  
3 unit, and they have not filed a competing application.

4 So it seems to me that at this point,  
5 V-F Petroleum has every right and entitlement to have  
6 their hearing on October 19th and not have it delayed.

7 We believe that Permian Resources are  
8 fishing for trying to find a lease, trying to find  
9 working interest. They should have that lined up at  
10 the time that they do the application, and we have an  
11 application ripe and ready to be heard.

12 MR. CHAKALIAN: Before I come back to  
13 Ms. Vance, I just want to finish reviewing these  
14 documents. So I do see a prehearing order signed by  
15 myself setting this for a October 19 hearing. Okay.  
16 Ms. Vance?

17 MS. VANCE: Hi. Thank you, Mr. Hearing  
18 Examiner. I just wanted to point out. So in Mr.  
19 Savage's cases, they're pooling sections 4 and 5, and  
20 Permian does own in section 4 and has a right to  
21 contest those cases.

22 Now, I believe my colleague -- I  
23 mentioned Mr. Rankin. He's on, and he's a little bit  
24 more familiar with those cases, so he may be able to  
25 speak and answer some questions.

1           But again, since the cases that Mr.  
2       Savage mentioned those involve cases in which they are  
3       pooling sections 4 and 5, and Permian does own in  
4       section 4, we believe, as I've already stated, that it  
5       would be appropriate to consolidate all of these cases  
6       and have them all heard at one time.

7           MR. CHAKALIAN: Ms. Vance, before we  
8       hear from Mr. Rankin, which I suspect is coming next.  
9       Why was there no response to this motion filed over a  
10      month ago?

11           MS. VANCE: I --

12           MR. RANKIN: I can address that  
13      question, Mr. Examiner because it's really --

14           MR. CHAKALIAN: Okay. Thank you.

15           MR. RANKIN: We did address it at the  
16      last hearing on this matter, and the reason was  
17      because Mr. Savage had filed a motion alleging that we  
18      didn't have a right to file competing pooling  
19      applications, but that wasn't the issue.

20           The issue was that we were just simply  
21      contesting it based on our ownership in their proposed  
22      spacing unit.

23           Mr. Savage had made, you know -- I  
24      think jumped ahead, put the cart before the horse, and  
25      assumed that we were attempting to file competing

1 pooling applications, when in the moment what Permian  
2 was doing was simply objecting to the pooling that V-F  
3 had proposed for that acreage.

4 And again here, Mr. Savage is  
5 discussing ownership outside of his spacing unit that  
6 we're not talking about. Permian owns in section 4,  
7 has a right to contest it. It's been set for  
8 contested hearing.

9 Rather than have the parties come back  
10 to the division twice between October and January, it  
11 makes sense just to have one set of contested hearings  
12 in January, so that in all event, Mr. Examiner, it's  
13 likely that all these cases could possibly be resolved  
14 by that time.

15 So rather than have separate hearings  
16 on this, we should just set it all at one time, allow  
17 the parties additional time to try to resolve it, and  
18 that would resolve, you know -- lessen the impact on  
19 both the parties and the division.

20 MR. CHAKALIAN: Mr. Savage, are you  
21 objecting to continuing 23728 to January, and  
22 consolidating it with the other cases we talked about?

23 MR. SAVAGE: Mr. Hearing Examiner, very  
24 much so. And let me explain and respond to Mr.  
25 Rankin. So we talked about this at the motion

1 hearing. It is correct, they own in section 4, and so  
2 they do have a right to object.

3 And we acknowledge that, and they  
4 objected. And they asked for a hearing -- a  
5 prehearing order in which they have a contested would  
6 allow for a contested hearing in which they would  
7 provide a competing application.

8 Now, it has been revealed and disclosed  
9 what the units are that they're going to be competing  
10 with, and it's 5 and 6. It's not 4.

11 They're not competing with 4, they're  
12 not competing 4 and 5, it's 5 and 6, up and down, that  
13 whole section, those two sections.

14 So clearly, if they had owned -- if  
15 they owned in the north half north half of five six,  
16 they would have filed a competing -- and in fact,  
17 they're required to.

18 That prehearing order that you signed,  
19 they are on notice that they need to meet those  
20 deadlines by that date, and they have not done it.

21 V-F Petroleum is entitled to have their  
22 applications heard because they have working interest;  
23 they qualify as an applicant. We want to develop that  
24 north half north half of 4 and 5, and we have a right  
25 to.

1                   And they are delaying -- what -- we  
2 believe what they're doing is they're out there trying  
3 to find leaseholds so they can develop it instead of  
4 us. And we have a right to do it at this point, and  
5 they do not.

6                   MR. CHAKALIAN: So Mr. Savage, in your  
7 motion to set an uncontested hearing for September  
8 21st, and I realize that it's now set for October 19th  
9 instead of September 21st, you're basically arguing  
10 that Permian doesn't have enough of an interest.

11                   An insufficient or minute interest is  
12 insufficient -- to justify a competing application.

13                   And what they're saying is we're not  
14 filing a competing application; we have an interest,  
15 and we have a right to object, and I haven't heard you  
16 address that.

17                   MR. SAVAGE: Okay. That's one of the  
18 factors is they have a very small interest. I believe  
19 it's like 1.2 percent. So it really does not justify  
20 that.

21                   One of the seven factors that the  
22 division uses to evaluate competing applications is  
23 the working interest, and so they do not qualify in  
24 that manner. They do have a right to object.

25                   So we offer, you know -- the division

1 has given them that right, and there's no point since  
2 they cannot qualify for a competing application in 4  
3 and 5, and they cannot qualify as a competing  
4 application in the north half north half of 5 and 6.

5 There's no reason to consolidate this  
6 or allow them to do a competing application. We --  
7 they have a right to have the case heard not by  
8 affidavit but in person, and then they will get that.

9 And we will have live witnesses and  
10 they will be able to question the witnesses to their  
11 heart's content to confirm that their correlative  
12 rights will be protected, and that waste will be  
13 prevented.

14 And that's the criteria for a live  
15 hearing.

16 MR. CHAKALIAN: Mr. Rankin, you've  
17 heard Mr. Savage's argument that he does not want this  
18 case consolidated with the other cases, and he wants  
19 to go to hearing as was ordered by myself.

20 Why should we not have a contested  
21 hearing on this 23728 on October 19?

22 MR. RANKIN: Mr. Examiner, so it's  
23 probably helpful to see this on a map, but essentially  
24 what's -- what's happened here is that Permian  
25 Resources has proposed developments for portions of

1 sections 5 and 6.

2 V-F currently has an application  
3 pending, the one that's contested, set for October  
4 19th that involves only the north half north half of  
5 sections 4 and 5. Permian owns a small interest in  
6 the north half of section 4 and 5.

7 V-F now has proposed wells that will  
8 cover and overlap Permian's acreage in section 5 and  
9 6. They proposed wells that are going to be in  
10 sections 4 and 5.

11 So what we have here is a set of cases  
12 that are all involved in the same acreage, some of  
13 which are contested cases and some of which -- I mean  
14 some of which have competing applications and some of  
15 which are simply contested.

16 Rather than have the parties appear  
17 twice, once in October and again in January over the  
18 same acreage for this very similar development, it  
19 should be in the interest of the division and the  
20 parties to simply hold one hearing in January.

21 That will allow the parties who are in  
22 discussions to continue the discussions and likely  
23 obviate the need at all for any contested hearing.

24 So I think I would urge the division to  
25 allow the parties additional time to resolve their

1 issues and avoid having separate hearings, which I  
2 think is -- it will be unduly burdensome on the  
3 parties.

4 And allow the parties the time to  
5 potentially resolve these matters.

6 MR. CHAKALIAN: So Mr. Savage, before I  
7 turn to the technical examiners to see if they have  
8 any questions here that might help resolve this, what  
9 I'm understanding from Mr. Rankin is that even though  
10 your case involves section 4 and 5 on October 19, the  
11 wells that are proposed would overlap with the cases  
12 23825, 26 and 27. Do you say that they won't overlap?

13 MR. SAVAGE: No, Mr. Hearing Examiner.  
14 Not in the north half north half. They would not.  
15 They have the -- Mr. Rankin, please let me explain  
16 this. You had your opportunity. Thank you.

17 They would not in the north half north  
18 half. They would overlap -- let's look at the map.  
19 Let's envision the map. So Permian Resources is  
20 proposing not to develop the entire 5 and 6, but just  
21 the south half, the north half, and in the south half.

22 So they're leaving open this north half  
23 north half. It's a tract. V-F Petroleum has filed  
24 applications for all of section 4 and 4, including the  
25 north half north half, which they own an interest in



1 all those units.

2 And they own an interest in all the  
3 units on the other side through 1 and 6, which overlap  
4 Permian Resources' applications. Plus they've  
5 developed that north half north half of section 1 and  
6 6.

7 So what we have is a full development  
8 plan without stranding in the acreage, and what they  
9 have is a very partial proposal, a very partial  
10 development plan.

11 Now if you consolidate this and let  
12 them have additional time to fish around to see if  
13 they can get working interest, the OCD will directly  
14 be giving them a windfall.

15 An unwarranted windfall, when under the  
16 rules and under the statutes, currently V-F petroleum  
17 has every right and entitlement because they're a  
18 working interest owner.

19 And it fits into their larger  
20 development plan that benefits the prevention of ways  
21 and the protection of correlative rights.

22 MR. CHAKALIAN: So let me turn to the  
23 technical examiner. Ms. Thompson?

24 MS. THOMPSON: I don't have any major  
25 questions for the cases as I have not gone into like

1 detailed review on them. However, it's always been  
2 the division's policy to focus on not having any  
3 stranded acreage, however the hearing examiner would  
4 like to take that. I do recommend that case is  
5 probably -- maybe not -- I'm not sure if it's supposed  
6 to be a contested hearing or if they're trying to get  
7 it hard together, but I think the sooner they're  
8 heard, the better.

9 MR. RANKIN: Mr. Examiner, I just  
10 wanted to clarify. I didn't mean to say that V-F's  
11 existing application for October 19th does overlap.  
12 It does not. I agree with Mr. Savage, and that's what  
13 I was meaning to say.

14 But what Mr. Savage said, and I agree,  
15 is that there's a lot more land, a lot more at issue  
16 here than simply the north half north half spacing  
17 unit.

18 And so, you know, the division's  
19 interests have been to hear everything at once, and I  
20 do believe that there is a benefit to waiting until  
21 January so that all these cases can be heard at one  
22 time, even though some of them are contested in the  
23 sense that they're competing applications, and the one  
24 is contested but doesn't have a competing application.

25 Nevertheless, they all involve the same

1 acreage, the same development area essentially. And  
2 so the parties would be benefited, and the division  
3 would as well, by having these heard at one time in  
4 January.

5 And that's, you know -- well, I guess  
6 that's basically the bottom line.

7 MR. CHAKALIAN: What I'd like to hear  
8 from our technical examiner is the following. Ms.  
9 Thompson, if we go to a contested hearing on 23728,  
10 which involves -- Mr. Savage, would you explain the  
11 sections that are involved in 23728 again?

12 MR. SAVAGE: Yes. We made application  
13 for the north half north half of sections 4 and 5.

14 MR. CHAKALIAN: Okay.

15 MR. SAVAGE: And that is because our  
16 well proposals were right. We own substantial working  
17 interest in that proposed unit, and when we made  
18 application, we were entitled as a matter of right  
19 under the statute and the rules to have a hearing.

20 MR. CHAKALIAN: Okay. I just wanted to  
21 ask that simple question about where the unit covers.  
22 So north half north half of sections 4 and 5. Okay.

23 And then we have these other cases  
24 filed by Permian Resources. Mr. Rankin, what piece of  
25 land is covered in 23825, 6, and 7?

1 MR. RANKIN: So in those cases, Mr.  
2 Examiner, it -- it covers all of sections 5 and 6  
3 except for the north half north half of those  
4 sections.

5 MR. CHAKALIAN: So they're a distinct  
6 pieces of land.

7 MR. RANKIN: They are. Now, Mr.  
8 Examiner, in addition to that, V-F has indicated, you  
9 know, through their filing in these cases that they  
10 are also filing overlapping competing cases that will  
11 involve the rest of sections 4 and 5 that overlap with  
12 Permian Resources' cases.

13 So for that reason, all this acreage  
14 and all these cases are tied up, and it makes sense to  
15 have them all be heard at one time.

16 MR. CHAKALIAN: Mr. Savage, why is that  
17 not correct?

18 MR. SAVAGE: Because they're not tied  
19 up because you could develop fully the north half  
20 north half of section 4 and 5, and then that would  
21 leave a place for V-F Petroleum to develop the north  
22 half north half of section 1 and 6.

23 And you would have a substantial amount  
24 of acreage developed. And then there would be a  
25 question of who gets operatorship for the remaining

1 interest in 4 or 5 and -- and 4, 5, 6 and 1. And that  
2 would be the proper focus.

3 MR. CHAKALIAN: All right. Okay. I --  
4 I've decided we're going to go ahead with the October  
5 19th hearing on this separate and distinct piece of  
6 land.

7 So we will have a contested hearing on  
8 23728 on October 19 as scheduled in this prehearing  
9 order. I appreciate the argument from parties. Shall  
10 we go back to -- now we still have the issue of 23825,  
11 6, and 7.

12 Right now I have in my notes that we're  
13 resetting this to November 16th for a status  
14 conference, but there seems to be some pushback on  
15 that that we should set it now for a January contested  
16 hearing.

17 Do the parties want -- Ms. Vance, do  
18 you want me to set this for both a status conference  
19 November 16 and a contested hearing in early January?

20 MS. VANCE: No, Mr. Hearing Examiner.  
21 I think we're fine with just setting it for the  
22 contested hearing in January. And I just need to  
23 confirm with our client on that, but we will follow up  
24 with the division and Mr. Savage.

25 MR. CHAKALIAN: Oh, good. I'm not

1 going to reset this for November 16. I'm going to  
2 reset this for -- and I don't have the schedule for  
3 2024 in front of me. We're going to set this for  
4 January. Is it the 7th, Ms. Vance? Do you know?

5 MS. VANCE: It looks like it's January  
6 4th.

7 MR. CHAKALIAN: January 4. So let me  
8 make notes here so we can move on. All right. So  
9 ultimately, what we're doing is 23825, 6, and 7 are  
10 being reset, not for a status conference in November,  
11 but for a contested hearing January 4.

12 Anything else on these three cases?  
13 Okay. All right. Let's call 23800. It looks like  
14 it's going to be consolidated with 01, 02, and 03.  
15 This is Legacy Reserves. Entry of appearance?

16 MS. GRAHAM: Sophia Graham with the  
17 firm Beatty & Wozniak representing Legacy Reserves  
18 Operating. And I'm joined today with --

19 MR. CHAKALIAN: Morning, Ms. Graham.

20 MS. GRAHAM: Good morning. And I'm  
21 joined today with James Parrot.

22 MR. PARROT: Good morning, Mr.  
23 Examiner.

24 MR. CHAKALIAN: Mr. Feldewert?

25 MR. FELDEWERT: Good morning, Mr.

1 Chakalian. I'm appearing on behalf of MRC Permian,  
2 who initially filed an objection to these matters  
3 proceeding by affidavit. We subsequently filed a  
4 withdrawal of that objection. So we maintain our  
5 appearance, but we do not object to the matters  
6 proceeding by affidavit.

7 MR. CHAKALIAN: Okay. Thank you, Mr.  
8 Feldewert. Ms. Graham?

9 MS. GRAHAM: Mr. Hearing Examiner,  
10 given that MRC has withdrawn their objection, we would  
11 like to move these cases back to hearing status this  
12 morning.

13 MR. CHAKALIAN: Of course. When would  
14 you like to have the uncontested hearing?

15 MS. GRAHAM: This morning if we may.

16 MR. CHAKALIAN: I'm not sure there's  
17 room on this docket to hear these today. We might be  
18 able to move them to the next docket, but we have  
19 about 50 different hearings today.

20 MR. PARROT: Mr. Examiner, if I might  
21 just step in. The four that are on the status  
22 conference are extremely similar to the two that are  
23 scheduled for hearing, and we believe we can do pretty  
24 much all of them at the same time.

25 Additionally, they are pooling

1 extensions, so they're going to be very short. And if  
2 they are continued the APD -- sorry. The -- the  
3 pooling's will expire. So --

4 MR. CHAKALIAN: Okay. I understand  
5 now.

6 MR. PARROT: Thank you.

7 MR. CHAKALIAN: So are you talking  
8 about 23809? Is it another one of your cases today?

9 MR. PARROT: Correct.

10 MR. CHAKALIAN: Is there another one  
11 you said?

12 MS. GRAHAM: 23804.

13 MR. CHAKALIAN: There it is. Okay. We  
14 don't have them next to each other on the spreadsheet,  
15 but I see them now.

16 Okay. So what you're saying is you  
17 would like to present all five case -- no. Six cases  
18 today and have them taken under advisement after an  
19 affidavit presentation. Is that right?

20 MS. GRAHAM: Yes. That's correct.

21 MR. CHAKALIAN: Okay. Very good.  
22 That's what we'll do then unless I hear an objection  
23 from Mr. Feldewert, but I don't think I'm going to.  
24 So --

25 MR. FELDEWERT: Nope.



1 MR. CHAKALIAN: Very good. Thank you,  
2 sir. So Ms. Graham, when we call the other two cases  
3 later, we will proceed on all six cases.

4 MS. GRAHAM: Okay.

5 MR. CHAKALIAN: Let me make a note what  
6 we're doing here today.

7 MR. PARROT: Thank you, Mr. Examiner.

8 MR. CHAKALIAN: Of course. Okay. We  
9 are now calling 23833 Franklin Mountain. Looks like  
10 it's consolidated with 34, 35, 36, 37, 38, 39, and 40.  
11 Entry of appearance, please?

12 MS. BENNETT: Good morning, everyone.  
13 Deana Bennett on behalf of Franklin Mountain Energy,  
14 LLC.

15 MR. CHAKALIAN: Good morning.

16 MR. FELDEWERT: Good morning, Mr.  
17 Examiner. Michael Feldewert, Santa Fe office of  
18 Holland & Hart appearing on behalf of COG Operating  
19 LLC, and separately for MRC Permian.

20 MR. CHAKALIAN: Good morning again.

21 MS. HARDY: And Mr. Examiner, Dana  
22 Hardy with the Santa Fe office of Hinkle Shanor on  
23 behalf of Armstrong Energy Corporation and Slash  
24 Exploration in case numbers 23833, 36, 38, and 39.

25 MR. CHAKALIAN: Okay. Thank you. Good

1 morning again. Ms. Bennett, how do you want to  
2 proceed?

3 MS. BENNETT: Well, before we get  
4 started, I did just want to say that also cases number  
5 41 and 42 on the docket are part of these as well in  
6 case those hadn't been identified a moment ago, Mr.  
7 Hearing Examiner.

8 MR. CHAKALIAN: They have not been.  
9 They have not been. Thank you for bringing that to my  
10 attention. So are there any other entries of  
11 appearance for 23841 and 42? Okay. Ms. Bennett?

12 MS. BENNETT: Excuse me. I'm sorry. I  
13 think I was confusing myself with the docket numbers  
14 versus the case numbers, so I'm sorry.

15 I was looking at the docket numbers of  
16 case numbers -- the docket number on the side for 23  
17 through 41 can all be discussed at one time, I think.

18 Which is a large number of cases, but  
19 if the division wants to go just group by group, I'm  
20 happy to do that, which is 23 -- yeah. Just -- sorry.  
21 I totally confused things by looking at the docket  
22 numbers versus the case numbers.

23 MR. CHAKALIAN: So let me recall these.  
24 Okay, Ms. Bennett? So I am now calling 23833 through  
25 23852. Is that what you are referring to, Ms.

1 Bennett?

2 MS. BENNETT: That's what I am  
3 proposing, but it looks like Mr. Feldewert might have  
4 a difference of opinion on that.

5 MR. FELDEWERT: Well, I think what  
6 you're going to find in the cases are there's  
7 different parties. Also, it's a little -- they're  
8 complicated enough individually. Okay?

9 And so my understanding, Ms. Bennett,  
10 is we have what we call across state wells, which is  
11 23833 to 23840. Right? And then we have some gold  
12 state wells which are 23841 through 23844.

13 And then the parallel wells, which is  
14 cases 23845 to 23852. I suggest we group them in that  
15 fashion.

16 MR. CHAKALIAN: Thank you, Mr.  
17 Feldewert. That's what we'll do. So we are now going  
18 to discuss Ms. Bennett, 23833, 34, 35, 36, 37, 38, 39,  
19 and 40 across state wells. How do you want to  
20 proceed?

21 MS. BENNETT: Thank you, Mr. Examiner.  
22 And just for the division's information, while these  
23 are different well names, they are part of a single  
24 development plan, which is why I had them in my mind  
25 as talking about them all together because they are

1 together a development plan that Franklin Mountain  
2 Energy is putting forward to cover multiple sections  
3 within this area.

4 So that's why I was suggesting we talk  
5 about them together, but I'm totally fine talking  
6 about them separately.

7 So with cross state, I will say we  
8 filed our applications and there has been an objection  
9 to these cases going by affidavit filed by Mr.  
10 Feldewert.

11 These cases along with the gold state  
12 and parallel state as I mentioned are part of a  
13 development area, and certain of Franklin Mountain  
14 Energy's gold state cases are already set for a  
15 contested hearing on November 2nd.

16 And Franklin Mountain Energy's  
17 preference would be because these cases do represent a  
18 single development plan, that all of these cases be  
19 set for a contested hearing on November 2nd.

20 MR. CHAKALIAN: Mr. Feldewert?

21 MR. FELDEWERT: So focusing on cross  
22 state cases, which is the ones you called, those  
23 involved sections 1 and 36. Involve both the Bone  
24 Spring proposals and Bone Spring -- and proposals in  
25 the Wolfcamp.

1                   That's why you have multiple case  
2 numbers. MRC Permian has submitted competing Wolfcamp  
3 and Bone Spring well proposals. They were sent at  
4 different times because of the submission of Franklin  
5 Mountain's plans at different.

6                   MRC has filed the -- not only sent the  
7 competing well proposals for the Wolfcamp in these  
8 sections, but they've also recently filed on Tuesday  
9 competing pooling applications, which are the Mongoose  
10 wells, and those were assigned cases 23885 to 23888.

11                  Those will appear on the November 2nd  
12 docket. Matador -- or MRC Permian also then sent out  
13 competing Bone Spring well proposal letters for the  
14 same acreage, but they were not out until the very end  
15 of September.

16                  So they will be right for filing and  
17 appear on the division's docket in December. So  
18 that's where Matador is on this. Conoco -- I mean COG  
19 operating is evaluating now both proposals from the  
20 various parties and deciding how to proceed.

21                  They may -- ConocoPhillips -- or COG  
22 Operating informs me that they may send out competing  
23 well proposals, what they would call their fray wells,  
24 F-R-A-Y. So there's a lot of things going on.

25                  It seems to me that the earliest that

1 we could try to sort all these out would be the  
2 December 2nd docket, because that is when Matador's  
3 second set of cases involving the Bone Spring for this  
4 acreage will be on the division's docket.

5 So then my proposal would be that for  
6 this set of cases, because of the parties involved and  
7 because of the status of the competing proposals, that  
8 it be continued to December 2nd as to -- because at  
9 that time, we should have enough information to sort  
10 things out and determine who's competing with whom,  
11 and whether I can even stay in the case.

12 MR. CHAKALIAN: Okay. Ms. Bennett,  
13 before I go back to you.

14 Ms. Hardy, do you have any wisdom to  
15 share with me about these cases?

16 MS. HARDY: Mr. Examiner, I agree with  
17 Mr. Feldewert. I think the parties need an  
18 opportunity to evaluate these competing proposals.

19 MR. CHAKALIAN: Okay. And Ms. Bennett,  
20 you have an objection for these cases 23833 through  
21 23840 being set for, I guess it's a contested hearing  
22 for December 2nd?

23 MS. BENNETT: Well, thank you, Mr.  
24 Hearing Examiner. Today is the first I've heard about  
25 these two new cases, so I wasn't even aware of them

1 until this very moment. Nor was I aware of the Bone  
2 Spring competing proposals being sent out recently.

3 So hence my suggestion that we have  
4 these cases set for hearing on November 2nd, which was  
5 based on the information I had at the time.

6 So I haven't had a chance to even  
7 confer with Franklin Mountain Energy about a December  
8 7th docket because I wasn't aware of these recently  
9 filed applications.

10 So, I mean, I do feel a little bit on  
11 my back foot here because generally speaking the  
12 division does have a preference for hearing all  
13 contested -- you know, competing applications at the  
14 same time.

15 And I'm certainly not going to be the  
16 one who tries to avoid that outcome here because I do  
17 think that it makes sense, although it is unfortunate  
18 to come to -- you know, to come today with a certain  
19 understanding and then have that sort of understanding  
20 be upset by facts that I wasn't aware of.

21 So I guess Franklin Mountain Energy  
22 does want these cases heard as soon as possible. In  
23 fact, today we are going to uncontested hearing on  
24 Franklin Mountain Energy satellite cases, which are  
25 just to the north of the cross cases.

1                   So Franklin Mountain Energy desires to  
2 go to hearing on these cases as soon as possible. If  
3 December 7th is the earliest date that we can make  
4 that happen, then so be it.

5                   But I would not want to then have to  
6 address competing applications from COG at that time  
7 as well, especially since COG has already filed  
8 competing applications which compete with the gold  
9 cases.

10                  And so it would just seem unfair to  
11 have to then delay the cases even further because of  
12 COG's decision to file its own competing applications  
13 given how far along we would be at that time.

14                  MR. CHAKALIAN: Okay. Mr. Feldewert,  
15 will you be prepared for a contested hearing on  
16 December -- you mentioned December 2nd, but Ms.  
17 Bennett is saying December 7. For a contested hearing  
18 on December 7 on these cross state cases?

19                  MR. FELDEWERT: Yeah. I think I have  
20 my days wrong. I believe the docket I'm looking right  
21 now is -- it would be December 7th.

22                  MR. CHAKALIAN: Okay.

23                  MR. FELDEWERT: I had suggested a  
24 status conference, and the reason is because it's my  
25 understanding that ConocoPhillips is running some



1 title on this acreage, and I don't know how long  
2 that's going to take.

3 That's why their competing well  
4 proposals are not going out. They also are evaluating  
5 Matador's well proposals because they recently  
6 received them, and they, you know, moving -- and so  
7 there's a lot of moving parts.

8 I'm not sure the parties are going to  
9 have enough time and be in a position, both because of  
10 the title that needs to be done by ConocoPhillips and  
11 because ConocoPhillips is now evaluating Matador's  
12 competing proposals, to have a hearing on December  
13 7th. That's why I suggested the status conference.

14 MR. CHAKALIAN: Ms. Bennett, I realize  
15 that you want to have a contested hearing as soon as  
16 possible. And of course, the first time we could set  
17 that would be December 7. But are you objecting to a  
18 status conference before December 7th? You are.

19 MS. BENNETT: Well, I'm objecting to a  
20 status conference on December 7th. If I would propose  
21 a contested hearing on December 7th. Mr. Feldewert  
22 said that the Matador -- or the MRC applications would  
23 be ripe for December 7th hearing.

24 That's what we have at this point is  
25 ripe cases that could go to hearing on December 7th.

1 So that would be my preference is to set these for a  
2 contested hearing on December 7th.

3 MR. CHAKALIAN: Okay.

4 MS. BENNETT: If something changes  
5 between now and December 7th, ConocoPhillips can  
6 submit a motion for continuance and we can address it  
7 at that time, but it seems fairly hypothetical at this  
8 point to keep pushing these cases down the road based  
9 on a hypothetical that Conoco might submit proposing  
10 applications.

11 MR. CHAKALIAN: Okay. All right. I'm  
12 going to reset these cases, 23833 to 23840, to a  
13 contested hearing on December 7. The parties can file  
14 a motion if they want to convert that to a status  
15 conference or if they want it dismissed before them.

16 Let's move on to the gold state cases  
17 23841, 42, 43, and 44. Ms. Bennett -- or is it Ms.  
18 Hardy who has these cases?

19 MS. BENNETT: Those are my cases again,  
20 Mr. Examiner. Deana Bennett.

21 MR. CHAKALIAN: Excellent, excellent.  
22 Now, are we scheduled for a hearing in October for  
23 these? We are scheduled. October 19. Is that right?

24 MS. BENNETT: Excuse me. No. November  
25 2nd for a contested -- we're set for a contested

1 hearing on Conoco's vulture cases and Franklin  
2 Mountain Energy's existing gold applications that we  
3 had filed prior to these additional gold applications.

4 So my preference would be and my  
5 suggestion would be to combine these gold applications  
6 with the contested hearing that's already set for  
7 November 2nd.

8 And the division issued a prehearing  
9 order on that, on the gold and vulture cases on  
10 December -- I'm sorry. October 3, 2023 for November  
11 2nd.

12 MR. CHAKALIAN: So before I go to the  
13 other parties, I want to make sure I understand, Ms.  
14 Bennett, what you're talking about. So I don't have  
15 the other cases in front of me on this docket. I only  
16 have the four gold state cases right now.

17 And are you saying that these are not  
18 currently set, but you would like them set with  
19 vulture cases?

20 MS. BENNETT: That's correct.

21 MR. CHAKALIAN: And what are the  
22 Vulture -- and what are the vulture cases numbers?

23 MS. BENNETT: Those numbers are 23869  
24 and 23870 and those --

25 MR. CHAKALIAN: Okay. Hold on. Let me

1 just -- amended prehearing order 23619, 23620, 23869,  
2 and 23870. So those are four cases. Is that what  
3 you're speaking about?

4 MS. BENNETT: Yes, Mr. Examiner. The  
5 first two, 23619 and 23620, are Franklin Mountain  
6 Energy cases, and those are gold cases.

7 We filed those gold applications  
8 earlier this year, and then COG submitted competing  
9 applications which are 23869 and 23870.

10 So we already have a contested hearing  
11 set for November 2nd that involves competing  
12 applications by Franklin Mountain Energy and by COG.

13 And so my request today is to add the  
14 new gold applications that we recently filed to that  
15 pre-existing prehearing order.

16 MR. CHAKALIAN: And what's the basis  
17 for adding these four cases?

18 MS. BENNETT: These four cases cover  
19 the same acreage or some of the same acreage that's at  
20 issue in the existing gold cases.

21 MR. CHAKALIAN: Some of the same?

22 MS. BENNETT: Yes. I don't have it --  
23 I can be more specific in a few minutes. I don't have  
24 it, although I imagine Mr. Feldewert might. But I  
25 didn't have a chance to check and look at what exactly

1 the original application covered --

2 MR. CHAKALIAN: Okay.

3 MS. BENNETT: But I know they covered  
4 sections 23 and 26 in Township 18 South and Range 34  
5 East, and our new applications, the new gold  
6 applications, also cover sections 23 and 26 in  
7 Township 18 South and Range 34 East.

8 MR. CHAKALIAN: Okay. Mr. Feldewert?

9 MR. FELDEWERT: See? I told you these  
10 were complicated. So on these gold state cases, they  
11 do involve sections 23, 26, and at least for one of  
12 the cases, involves sections 35. Okay?

13 The prehearing order addressed Franklin  
14 Mountain's initial cases, which covered only what I  
15 would call the west half of the west half of these  
16 sections. Okay?

17 Conoco then filed competing pooling  
18 cases that addressed the entire west half of these  
19 sections. Those then were -- for the Franklin cases  
20 were set under prehearing order.

21 I then alerted the division to the  
22 filing of ConocoPhillips' cases for COG's cases. And  
23 they have now then been brought into the prehearing  
24 order.

25 But again, Franklin Mountain had the

1 west half west half cases, and ConocoPhillips had the  
2 entire west half cases.

3 So it's my understanding that Franklin  
4 Mountain has now filed cases that complicate things a  
5 little bit more, but what they did is they then filed  
6 cases to cover the east half of the west half to match  
7 up with ConocoPhillips.

8 And those are cases 23843 and 23844.  
9 Okay? So those are clearly involved with what you  
10 have under the prehearing order.

11 The other thing that Franklin Mountain  
12 did recently and is on this docket is now has moved  
13 into the east half of that acreage. Okay?

14 And they filed cases that seek to  
15 create a Wolfcamp units in that east half acreage, and  
16 that's the cases 23841 and 23842. They haven't filed  
17 anything for the Bone Spring. I don't know what their  
18 intent is for Conoco.

19 COG doesn't know what their intent is  
20 for the Bone Spring on that east half acreage. But  
21 Conoco COG, in light of their recent filings by  
22 Franklin Mountain, will also be filing competing  
23 applications for that east half acreage. Okay?

24 So I don't think we want to proceed to  
25 hearing on November that only deals with some of the

1 contest of acreage.

2 It seems to me it would be more  
3 efficient to address the west half cases and east half  
4 cases in one setting because it's the same acreage and  
5 roughly the same owners.

6 So my suggestion is to vacate that  
7 prehearing order for the November 2nd, and at that  
8 time on November 2nd proceed with a status conference  
9 to see where we are because we got a lot of  
10 outstanding questions.

11 I don't know if Franklin Mountain is  
12 going to be filing Bone Spring proposals in east half  
13 acreage.

14 I don't know the extent there's been  
15 discussions between the parties about east half  
16 development plans, and COG is likely going -- it's my  
17 understanding now that they've seen the east half  
18 plans, they're going to be filing competing proposals.

19 We should have that information by  
20 November 2nd. So it seems to me that it makes sense  
21 to vacate the prehearing order, get these cases sorted  
22 out on November 2nd, and see where the parties stand.

23 MR. CHAKALIAN: Before I come back to  
24 you, Ms. Bennett. Ms. Hardy, do you have anything to  
25 say about this?

1 MS. HARDY: I tend to agree with Mr.  
2 Feldewert, Mr. Examiner. I think the parties again  
3 need time to evaluate all of these competing  
4 applications and proposals.

5 MR. CHAKALIAN: Okay. Ms. Bennett,  
6 what I'm hearing from Mr. Feldewert, and -- and I'm  
7 not sure I have all of it, but some of it, is that the  
8 cases that we are scheduled to go to a November 2nd  
9 contested hearing involve the western part of some  
10 land.

11 Now he is saying or he is admitting  
12 that 23843 and 44 are also part of that land and could  
13 be consolidated potentially for the November -- well,  
14 it says here a November 2nd hearing.

15 Over here I have November 7, so the  
16 dates are getting confused, but I think it's November  
17 2nd is correct.

18 However, I think he's also suggesting  
19 that because some of your cases 23841 and 42 involve  
20 the east half of this land, of these sections, that it  
21 might be better to consolidate all these cases  
22 together for a contested hearing, and possibly not a  
23 contested hearing, after a status conference in  
24 November, which would mean vacating this order. What  
25 is your feeling about this?



1 MS. BENNETT: Thank you. And I guess  
2 I'd like to propose a compromise, which would be that  
3 we continue with the west half cases on November 2nd.

4 We can, as Mr. Feldewert confirmed, the  
5 23843, 23844 can be combined with the existing  
6 prehearing order, and we can have that as a contested  
7 hearing on November 2nd.

8 And then have a status conference, I  
9 suppose, on the east half cases at that time to see if  
10 COG has actually sent out proposal letters.

11 Again, this is a hypothetical that COG  
12 may send out proposal letters, and I don't want to  
13 keep kicking the can down the road if they actually  
14 aren't going to.

15 MR. CHAKALIAN: Okay.

16 MS. BENNETT: So I think having a  
17 compromise of the contested hearing for the west half  
18 on November 2nd, which will also keep us all mindful  
19 of the status conference and the need to get to the  
20 bottom of the east half situation in a timely fashion,  
21 would be a way to keep the cases moving forward while  
22 at the same time acknowledging that the east half  
23 cases may need further development.

24 MR. CHAKALIAN: Okay. Okay. That's  
25 what we'll do. We're going to set 23843 and 44 for a

1 contested hearing and consolidate those with 23619,  
2 23620, 23869, 23870. Let me make notes.

3 MS. BENNETT: Thank you.

4 MR. CHAKALIAN: Okay. And then we're  
5 still left with 23841 and 42. So we're going to set  
6 those for a status conference, Ms. Bennett?

7 MS. BENNETT: That's right. On  
8 November 2nd. Thank you.

9 MR. CHAKALIAN: So I'm going to say  
10 reset for November 2nd status conference. Okay. But  
11 Mr. Feldewert did file an objection to proceeding by  
12 affidavit in those two cases. Is that correct?

13 MR. FELDEWERT: Yes.

14 MR. CHAKALIAN: All right. Very good,  
15 very good. Let's move on to parallel. This is 23845  
16 through 23852. I believe we have all the parties  
17 here. Ms. Bennett, how do you want to proceed?

18 MS. BENNETT: Thank you, Mr. Examiner.  
19 So these cases involve section 35 in Township 18 South  
20 and Range 34 East and then section 2 in Township 19  
21 South, Range 34 East.

22 And again, these are part of the  
23 overall development plan that Franklin Mountain Energy  
24 is proposing. I was -- you know, I -- I'm interested  
25 to hear from Mr. Feldewert if MRC is going to file or

1 has filed competing applications for these cases  
2 before I say much more.

3 Just so I know what the status is of --  
4 if I'm remembering correctly, that MRC is -- actually,  
5 is MRC even in these cases, or is it just COG? Sorry.

6 MR. CHAKALIAN: Mr. Feldewert?

7 MR. FELDEWERT: Today I'm appearing in  
8 these cases on behalf of COG Operating LLC.

9 MS. BENNETT: Okay. In that case --  
10 I'm sorry.

11 MR. CHAKALIAN: Ms. Bennett, why don't  
12 you wait. Let me hear from Mr. Feldewert, and then  
13 I'll come back to you.

14 MS. BENNETT: Thank you.

15 MR. FELDEWERT: And I -- they did  
16 object to the matters proceeding by affidavit because  
17 they are in the process of putting together competing  
18 development plans that should go out this month.

19 Which means that we would be able to  
20 file applications for that December -- now I don't  
21 want to get my dates mixed up here. Is that December  
22 7th, right?

23 MR. CHAKALIAN: Yes. Docket --

24 MR. FELDEWERT: So it would be the  
25 December 7th docket is when they would be in a

1 position to file and have filed with the division the  
2 competing pooling applications.

3 MR. CHAKALIAN: So, Ms. Bennett, how do  
4 you want to proceed?

5 MS. BENNETT: I'd like to request that  
6 these cases be set for a status conference on November  
7 2nd, and if in fact COG has filed competing  
8 application or is in the position of filing competing  
9 applications for December 7th, then we can discuss  
10 that at the November 2nd docket.

11 MR. CHAKALIAN: Okay. That's what  
12 we'll do. We're going to reset these for a status  
13 conference November 2nd. Let me take a break, and let  
14 me go back to Ms. Apodaca.

15 Ms. Apodaca, are we going to be filing  
16 an amended prehearing order to reflect adding these  
17 consolidated cases to the November 2nd contested  
18 hearing?

19 MS. APODACA: I believe that that's  
20 what we'll be doing. I'll have to run it by Marlene  
21 [ph], but I believe that is what we'll have to do.

22 MR. CHAKALIAN: All right. Will you  
23 make a note of that? Okay. Fantastic.

24 MR. FELDEWERT: Mr. Chakalian, you're  
25 talking about the previous cases, the gold state?

1 MR. CHAKALIAN: Yes, yes.

2 MR. FELDEWERT: Okay.

3 MR. CHAKALIAN: I am. That's exactly  
4 what I'm talking about, yes sir. Okay. Let's see.  
5 It is 9:44. Let's take a five-minute break. We'll  
6 come back at 9:50, so a six-minute break. Thank you.

7 (Off the record.)

8 MR. CHAKALIAN: To continue with the  
9 Oil Conservation Division hearings, we are now at  
10 Colgate with case 23717. And I'm not sure if these  
11 are consolidated with 19, so I'll let counsel advise  
12 me on that. We have entry of appearance?

13 MS. MCLEAN: Hi. Good morning. Jackie  
14 McLean on behalf of Colgate Operating.

15 MR. CHAKALIAN: Good morning.

16 MS. MCLEAN: Good morning. And yes,  
17 these four are consolidated. And it says that Ms.  
18 Shaheen has entered an appearance in 23717, but I do  
19 not believe that is the case.

20 MR. CHAKALIAN: Okay. Very good. So  
21 we have 23717, 18, 19 and 20. Is that correct?

22 MS. MCLEAN: That's correct.

23 MR. CHAKALIAN: Okay. Are we ready for  
24 the hearing?

25 MS. MCLEAN: Yes, Mr. Examiner.

1 MR. CHAKALIAN: Okay. Now, as we do  
2 have many hearings today, I'm going to ask you to give  
3 us a brief overview of the case, what you're asking  
4 for, what you have filed in this case, and then we'll  
5 take questions from the technical examiners and  
6 myself. So please proceed.

7 MS. MCLEAN: Yes. Thank you, Mr.  
8 Examiner. If you recall, these cases were originally  
9 heard during the September 7, 2023 docket.

10 And the division requested that they be  
11 continued until today so that we could provide notice  
12 to the overriding royalty interest owners, which we  
13 had done in the original cases that we were moving to  
14 extend time to commence the drilling operations.

15 So we filed notices of supplemental  
16 exhibits with a new notice self-affirmed statement and  
17 all of the supporting documents showing that we did in  
18 fact complete and perfect notice for this case.

19 So we are simply asking at this time  
20 that all four cases 23717, 18, 19 and 20 be taken  
21 under advisement.

22 MR. CHAKALIAN: Perfect. Let's go to  
23 Ms. Thompson.

24 MS. THOMPSON: I have no questions for  
25 these cases.

1 MR. CHAKALIAN: Okay. Then we will  
2 take these four cases under advisement. Ms. McLean --

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

4 MR. CHAKALIAN: -- so we're now  
5 finished with cases 23717 through 23720, and we're  
6 going to move to Avant operating 23677. Entry of  
7 appearance, please?

8 MS. BENNETT: Good morning, Mr.  
9 Examiner. Deana Bennett on behalf of Avant Operating  
10 LLC.

11 MR. CHAKALIAN: Good morning. Good  
12 morning. Do we have any other parties?

13 MR. FELDEWERT: Yeah. Good  
14 morning -- good morning. Michael Feldewert from the  
15 Santa Fe office of Holland & Hart appearing on behalf  
16 of XTO Energy Inc.

17 MR. CHAKALIAN: Okay. Thank you, sir.  
18 I have a note that we also have EOG Resources entry of  
19 appearance. Is that correct? Maybe the notes wrong.

20 Ms. Bennett, are you familiar with any  
21 other parties?

22 MS. BENNETT: Yes, Mr. Examiner. EOG  
23 has entered an appearance in this case, and I believe  
24 I saw Ms. Kessler as a participant, but it could be  
25 that she's having some issues with her audio.

1 But EOG has entered an appearance in  
2 these cases, and I did want to combine 23677 and 23678  
3 for hearing.

4 MR. CHAKALIAN: Very good. And to your  
5 knowledge, there was no objection to proceeding by  
6 affidavit?

7 MS. BENNETT: Mr. Hearing Examiner, EOG  
8 did not object to the cases proceeding by affidavit.

9 XTO did object to the cases proceeding  
10 by affidavit, but I believe that that objection has  
11 been resolved and that we are able to proceed, but I  
12 will let Mr. Feldewert lay in on that.

13 MR. FELDEWERT: I agree that XTO's  
14 concerns in both cases have been resolved with the  
15 filings in the case.

16 MR. CHAKALIAN: Thank you, Mr.  
17 Feldewert. Okay.

18 Ms. Bennett, please, a brief overview,  
19 and then discuss your documents.

20 MS. BENNETT: Thank you, Mr. Examiner.  
21 In these two cases, these are companion cases, again  
22 23677 and 23678.

23 And Avant has submitted applications  
24 for non-standard unit approval as well as compulsory  
25 pooling for all of section 23 in Township 20 South and



1 Range 33 East. And the cases cover the Bone Spring  
2 and the Wolfcamp.

3 The non-standard unit application has  
4 been submitted to allow for more effective placement  
5 of surface facilities and efficient development. I've  
6 timely filed exhibits, land exhibits. We filed a  
7 declaration by Ms. Tiffany Serrantino [ph].

8 She's previously testified before the  
9 division, and her exhibits contain all the usual  
10 exhibits, plus a few additional exhibits to support  
11 the non-standard unit application request.

12 I submitted exhibits by John Kelly.  
13 He's the geologist for Avant Energy, and he's  
14 previously testified before the division and his  
15 credentials have been accepted as a matter of record.  
16 And the exhibits I submitted are the usual exhibits.

17 And then finally, I submitted exhibits  
18 by Mr. Shane Kelly. He's a reservoir engineer, and  
19 the exhibits we submitted by Mr. Kelly are exhibits to  
20 support the non-standard unit application, which are  
21 not typical hearing exhibits.

22 Mr. Kelly has not been previous -- he  
23 has not previously testified before the division, so I  
24 also submitted a resume from Mr. Kelly.

25 MR. CHAKALIAN: And do you have an

1 exhibit number for that?

2 MS. BENNETT: Yes. It's D3.

3 (Exhibits A and D3 were marked for  
4 identification.)

5 MR. CHAKALIAN: Let me get to it. What  
6 page number in your PDF is that?

7 MS. BENNETT: It's the very last page  
8 of the PDF. So it's maybe 117 of the PDF in case  
9 23677.

10 MR. CHAKALIAN: I'm in the document  
11 that you filed in 77, and I do see a professional  
12 summary marked as Exhibit D3 on page 111, the last  
13 page of your PDF. Okay. Please continue.

14 MS. BENNETT: And so Mr. Kelly  
15 graduated from Texas Tech in 2014 with a degree in  
16 petroleum engineering, and he's been a petroleum  
17 engineer since that time.

18 And most recently has been employed by  
19 Avant as the vice president of engineering. And so I  
20 would like to tender Mr. Kelly as an expert in  
21 petroleum engineering for these matters.

22 MR. CHAKALIAN: Okay. And I see Ms.  
23 Kessler now. Ms. Kessler, welcome. Do you object to  
24 this resume?

25 MS. KESSLER: Thank you, sir. I

1 apologize. We had a power outage in our building. I  
2 do not object. EOG is simply here to monitor this  
3 case, so we won't object moving forward. Thank you.

4 MR. CHAKALIAN: Okay. Mr. Feldewert?

5 MR. FELDEWERT: No objection.

6 MR. CHAKALIAN: Okay. Ms. Bennett, he  
7 is admitted as a expert witness in this case.

8 MS. BENNETT: Thank you. So with that,  
9 that is a very short summary of the exhibits that I  
10 submitted in each of the two cases. And I would ask  
11 that the -- oh. I apologize.

12 I did want to also mention that I've  
13 submitted the compulsory pooling checklist as well as  
14 tab A in each of the cases -- or Exhibit A.

15 So with that, I'd ask that Exhibits A,  
16 B, C, and D, and the sub exhibits be admitted into the  
17 record in case 23677 and in case 23678. And that  
18 these two cases be taken under advisement, and I'm  
19 happy to answer any questions I can.

20 MR. CHAKALIAN: Okay. What page number  
21 is the checklist on?

22 MS. BENNETT: The checklist is on page  
23 3 of the PDF.

24 MR. CHAKALIAN: Page 3.

25 MS. BENNETT: Exhibit A. Let me just

1 make sure I'm looking at the same -- so in the case  
2 number 236 -- I have 23678 open up right now, but it  
3 should be the same. It's the third page of the PDF.

4 MR. CHAKALIAN: I'm not finding it.  
5 Okay. I'm not finding it there. Maybe it's here.  
6 Hold on.

7 MS. BENNETT: Okay.

8 MR. CHAKALIAN: No. Okay. When I open  
9 up your PDF, and I'm looking at the PDF that was  
10 submitted yesterday, your exhibits in 23677. I'm not  
11 looking at 78 right now.

12 I don't see it, and so that's why I'm  
13 asking what page of the PDF it's on. So I don't have  
14 it on page 3. So --

15 MS. BENNETT: Okay.

16 MR. CHAKALIAN: And I don't see --

17 MS. BENNETT: Let me --

18 MR. CHAKALIAN: I don't see a list of  
19 exhibits anywhere. Did you list your exhibits  
20 somewhere?

21 MS. BENNETT: Yes. That's on page 2 of  
22 the PDF, so I'm wondering if somehow we did not end up  
23 getting the whole thing filed.

24 MR. CHAKALIAN: Well, let me tell you  
25 what I have here, and -- and I might be -- first of

1 all, are we talking about the document you filed  
2 yesterday?

3 MS. BENNETT: Well, so I just pulled up  
4 what's in the case files so that I can be on the same  
5 page as you. And I do see that for some reason, we  
6 are missing a few pages in the case file. So if you  
7 look at for example page two of the PDF, the self --

8 MR. CHAKALIAN: Let me get there. Hold  
9 on. Let me get there. Hold on. Okay. So if I look  
10 at page 2 of the PDF, yes.

11 MS. BENNETT: At the bottom of page 2,  
12 there's a roman numeral -- or there's number one, but  
13 below that it says "OCD Examiner Hearing," and then  
14 it's got a number 5 at the bottom.

15 MR. CHAKALIAN: Yes.

16 MS. BENNETT: So for some reason our  
17 page numbers 1 through 4 did not make it into the  
18 filing that we submitted, so I will refile today to  
19 ensure that all of the page numbers actually made it  
20 into the well files.

21 I'm not sure how that happened because  
22 I have a printout of what we submitted for filing.  
23 I'm looking at it right now, and it does have pages 1  
24 through 4 --

25 MR. CHAKALIAN: Oh. Interesting.

1 MS. BENNETT: -- on the printout, so  
2 I'm not entirely sure what happened.

3 MR. CHAKALIAN: Okay. So hold on one  
4 second. Ms. Thompson, are you able to ask the  
5 questions you need without the checklist? What else  
6 would be missing, Ms. Bennett, besides the checklist?

7 MS. BENNETT: So what's missing is the  
8 table of contents, which has the list of exhibits and  
9 the checklist, and that's all.

10 MR. CHAKALIAN: Ms. Thompson, would you  
11 be able to ask the questions you need without the  
12 checklist?

13 MS. THOMPSON: So I generally do go off  
14 the checklist to make sure that everything on the  
15 checklist is what's in the application, however --

16 MR. CHAKALIAN: So Ms. Bennett -- okay.  
17 So Ms. Bennett, why don't we take a break? Let's  
18 recess this case. Why don't you email the document --  
19 I don't know the -- are you able to file it  
20 immediately, or do you need time for refileing it?

21 MS. BENNETT: I can file it, you know,  
22 fairly immediately. It will take me a few minutes to  
23 work with my assistant to get it filed. I am -- while  
24 we've been talking -- go ahead --

25 MR. FELDEWERT: I can add -- I can add

1     that I looked at -- while you guys were talking, I  
2     looked at the next case 23678 and the checklist is  
3     there.

4                     MR. CHAKALIAN:   Oh.   Interesting.

5                     MR. FELDEWERT:   It looks like it's just  
6     the 23677 that's the issue.   And I did receive the  
7     checklist in the exhibit package that was provided to  
8     me.

9                     MR. CHAKALIAN:   Okay.   Thank you, Mr.  
10    Feldewert.   That does help.

11                    So Ms. Thompson, would you pull up the  
12    document from 23678.   It was a document that was  
13    actually filed on the 3rd, not the 4th, so there's a  
14    different date there, but here I see a table of  
15    contents and I do see a checklist.

16                    And Ms. Bennett, are you representing  
17    that this checklist would be operable for both cases?

18                    MS. BENNETT:   No, Mr. Examiner.  
19    Although it's similar for both cases, we have  
20    different well names, different pools, and pool codes.

21                    So I will go ahead and ask my assistant  
22    right now to file and email the table of contents and  
23    the compulsory pooling checklist in 23677.

24                    And if you don't mind recessing both  
25    cases just for efficiency's sake, and then I can come

1 back and talk about the -- or we can make sure that  
2 there's no questions.

3 MR. CHAKALIAN: Okay. Okay.

4 MS. THOMPSON: And Mr. Technical  
5 Examiner, there was a few other things I thought that  
6 were missing on their application as I was viewing it  
7 if they could add it.

8 MR. CHAKALIAN: Please. Please, yes.  
9 Go ahead.

10 MS. THOMPSON: -- resubmitting. On the  
11 C102s, there's quite a bit of information missing,  
12 such as pool names, codes, O-grid number.

13 And then it looks like on the first  
14 case at least, I was seeing an acreage at 160, but  
15 within your application I was seeing acreage at 640.  
16 If that could be assessed, the correct acreage?

17 MS. BENNETT: I can answer those  
18 questions right now if that's helpful.

19 MS. THOMPSON: Yeah.

20 MR. CHAKALIAN: Ms. Bennett, don't  
21 answer the questions now. Let's wait and come back.

22 MS. THOMPSON: Yeah. I just -- so I  
23 would like to resubmittal of the C102 with the  
24 checklist and the table of contents.

25 MS. BENNETT: Well, so if I may just



1 briefly address that because we won't be able to  
2 resubmit the C102s today. And the reason for that is  
3 I don't have C102s with the pool name and the pool  
4 code on them.

5 And so I can submit the C102s by  
6 Monday, let's say, but the reason why when I filed the  
7 applications I did notice -- or filed the exhibits I  
8 did notice that I didn't have the pool code and pool  
9 name, and I also noted that the acreage was wrong, or  
10 that it was 160 and we're asking for 640.

11 And one of the things was that because  
12 we're filing for a non-standard unit, we will have to  
13 sundry the C102s anyway to get to 640.

14 And so I was hoping I could cure the  
15 pool name, pool code, O-grid number, and the acreage  
16 when Franklin Mountain Energy -- I'm sorry. Avant  
17 operating sundries the C102s with the 640 acre unit.

18 But if that's not possible, I can  
19 definitely resubmit the C102s by Monday.

20 MS. THOMPSON: That's fine. Submit it  
21 when you could get all the information on there, and  
22 it will be needed down the road, so.

23 MS. BENNETT: I understand that. For  
24 sure.

25 MR. CHAKALIAN: Okay. So Ms. Thompson,

1     why don't we recess these two cases? We'll move on,  
2     and then Ms. Bennett, when you have filed what you  
3     need, what's missing from 23677, just raise your hand  
4     if you're not on the screen, and then I will get to  
5     you as soon as we're done with the next group of  
6     cases. Okay?

7                     MS. BENNETT: Thank you very much. I  
8     appreciate that.

9                     MR. CHAKALIAN: All right. Let's move  
10    on to Colgate operating 23758. Do we have an entry of  
11    appearance?

12                    MS. MCLEAN: Yes, Mr. Examiner. Jackie  
13    McLean on behalf of Colgate Operating.

14                    MR. CHAKALIAN: Okay. Good morning.  
15    And are these consolidated with any other cases?

16                    MS. MCLEAN: No. This is just a  
17    standalone.

18                    MR. CHAKALIAN: No. Very good. And  
19    are you ready to proceed?

20                    MS. MCLEAN: Yes, Mr. Examiner.

21                    MR. CHAKALIAN: Please go ahead.

22                    MS. MCLEAN: Thank you. Briefly, in  
23    this case, we are seeking to amend order number R22118  
24    to establish a 640 acre standard horizontal spacing  
25    unit comprised of the north half of sections 35 and 36

1 in Township 19 South Range 28 East Lea County.

2 And the reason for that is because  
3 after receiving the pooling order, Colgate determined  
4 that the well would produce from a different pool, the  
5 Winchester Wolfcamp gas pool, code 87760 rather than  
6 the east Wolfcamp Burton Flat east upper Wolfcamp  
7 pool.

8 And the Winchester Wolfcamp gas pool  
9 has a half section spacing, which would lead to the  
10 formation of a 640 acre unit comprised of the entire  
11 north half of sections 35 and 36.

12 So we submitted exhibit packet, which  
13 include the compulsory pooling checklist, the land  
14 professional's testimony Exhibit A, which has the  
15 application and proposed notice of hearing order  
16 number R22218, plot of tracked ownership interests, a  
17 list of pooled parties, a sample well proposal letter  
18 and AFE, a C102 for the well, and a chronology of  
19 contact.

20 And just one thing I wanted to point  
21 out in the land testimony and related exhibits is that  
22 the locations of the surface and bottom well did not  
23 change even with expanding this unit, so that is no  
24 different.

25 Exhibit B, geology testimony of

1 Christopher Canton that is supported by a regional  
2 locator map, cross section locator map, Wolfcamp  
3 subsea structure map, stratigraphic cross section, and  
4 a gun barrel development plan.

5 And then finally, Exhibit C, the notice  
6 testimony. That shows that we properly noticed all  
7 the parties to this case, including doing an affidavit  
8 of publication on August 17, 2023.

9 And unless there are additional  
10 questions, I ask that Exhibits A, B, and C be admitted  
11 into the record, and that case number 23758 be taken  
12 under advisement.

13 (Exhibits A, B, C were marked for  
14 identification.)

15 MR. CHAKALIAN: Are there any  
16 objections to the exhibits being taken into evidence?  
17 I'm not hearing any. They are admitted into evidence.  
18 Ms. Thompson?

19 (Exhibits A, B, C were received into  
20 evidence.)

21 MS. THOMPSON: I have no questions for  
22 this case.

23 MR. CHAKALIAN: Okay. So in case  
24 number 23758, we are taking this case under  
25 advisement. And we will move on to the next case.

1 Thank you.

2 MS. MCLEAN: Thank you.

3 MR. CHAKALIAN: So we are now calling  
4 Permian Resources 23759, and it looks like 23760 would  
5 be consolidated into this. May I have entries of  
6 appearance?

7 MS. MCLEAN: It's me again.

8 MR. CHAKALIAN: Oh. Very good.

9 MS. MCLEAN: Jackie McLean on behalf of  
10 Permian Resources Operating, and that's correct.  
11 23759 and 23760 are consolidated for this proceeding  
12 today.

13 MR. CHAKALIAN: And Ms. McLean, are  
14 there any other entries of appearance that you are  
15 aware of?

16 MS. MCLEAN: Not that I'm aware of, Mr.  
17 Examiner.

18 MR. CHAKALIAN: Please proceed.

19 MS. MCLEAN: Thank you. In case  
20 numbers 23759 and 23760, Permian Resources is applying  
21 for orders pooling all uncommitted interests in the  
22 top of the Third Bone Spring formation to the base of  
23 the Bone Spring formation in the south half of section  
24 35 and 36, Township 19 South, Range 29 East in Eddy  
25 County.

1                   And there is a depth severance in the  
2 Bone Spring within the unit. So Permian Resources is  
3 only seeking to pool from the stratigraphic equivalent  
4 of approximately 8,205 feet TVD to the base of the  
5 Bone Spring Formation, as shown on the Osage Federal  
6 10 well log.

7                   The exhibit packet submitted to the  
8 division for these cases includes the compulsory  
9 pooling checklist; the Exhibit A, land professional's  
10 testimony with all the land exhibits that we have set  
11 out on our exhibit index; Exhibit B, geology testimony  
12 of Christopher Canton and related geology exhibits;  
13 Exhibit C, the notice testimony that shows that we  
14 timely sent notice to all the parties to be pooled and  
15 also timely published on August 22, 2023.

16                  And I ask that Exhibits A, B, and C be  
17 admitted into the record in case numbers 23759 and  
18 23760, and that the cases be taken under advisement.  
19 And if there are any questions, I'm happy to answer  
20 those as well.

21                   (Exhibits A, B, and C were marked for  
22 identification.)

23                  MR. CHAKALIAN: Okay. Any objection to  
24 admitting these exhibits into evidence? Hearing none,  
25 they're admitted into evidence. Ms. Thompson?

1 (Exhibits A, B, and C were received  
2 into evidence.)

3 MS. THOMPSON: I'm reviewing it right  
4 now. The highlighted yellow participants on page 14  
5 and 15, are those the affected parties?

6 MS. MCLEAN: Yes. I believe there's --  
7 so which case are you looking at?

8 MS. THOMPSON: 23759.

9 MS. MCLEAN: Okay. 23759. Yes.  
10 There's also -- on page 13 of the PDF are the working  
11 interest owners that we're seeking to pool. Those are  
12 highlighted in yellow, and then page 14 and 15 are  
13 overrides and record title.

14 MS. THOMPSON: I'm sorry. I'm  
15 scrolling through this as quickly as possible, so.  
16 And you said -- where was the depth severance at?

17 MS. MCLEAN: The depth severance  
18 is -- sorry. Let me go back to my note here. It is  
19 8,200 feet TVD to the base of the Bone Spring. So  
20 it's just the third Bone Spring that we're seeking to  
21 pool.

22 MS. THOMPSON: Okay. Yeah. I don't  
23 have any other questions for this case.

24 MR. CHAKALIAN: Okay. These two cases  
25 will be taken under advisement, and we will move on to

1 the next case, Spur Energy 23716.

2 MS. MCLEAN: Jackie McLean on behalf of  
3 Spur Energy in case number 23716.

4 MR. CHAKALIAN: And is it consolidated  
5 with any other case, Ms. McLean?

6 MS. MCLEAN: No, Mr. Examiner. This is  
7 just a standalone case.

8 MR. CHAKALIAN: And are there any other  
9 parties that you know of?

10 MS. MCLEAN: Not that I'm aware of.

11 MR. CHAKALIAN: Okay. Very good. Why  
12 don't you proceed?

13 MS. MCLEAN: Thank you, Mr. Examiner.  
14 In case number 23716, Spur is requesting a one-year  
15 extension of time to drill these Merak wells that were  
16 authorized by order number R-21859.

17 And this is the second request to  
18 extend the drilling deadline due to the fact that Spur  
19 has been delayed by offset development, and Spurs need  
20 to avoid conflict with simultaneous drilling  
21 operations, so they can't drill until those offset  
22 developments are done.

23 And the exhibit packet that we  
24 submitted in Exhibit A, which is the land  
25 professional's testimony, the application proposed



1 notice of hearing in the order that we are seeking to  
2 extend.

3 And then Exhibit B, which is notice  
4 testimony that shows that we timely noticed all the  
5 parties that are subject to the pooling order, and we  
6 also timely published on August 18, 2023.

7 Unless there are questions, I ask that  
8 Exhibits A and B be admitted into the record in case  
9 number 23716, and that this case be taken under  
10 advisement.

11 (Exhibits A and B were marked for  
12 identification.)

13 MR. CHAKALIAN: Unless there's any  
14 objection to these exhibits being admitted, they are  
15 hereby admitted into evidence. Ms. Thompson?

16 (Exhibits A and B were received into  
17 evidence.)

18 MS. THOMPSON: I don't have any  
19 questions, but I believe our other technical examiner,  
20 Ward, may have a question.

21 MR. CHAKALIAN: Please.

22 MR. RIKALA: Yes. I was just going to  
23 question what's your concern about SIMOPs?

24 MS. MCLEAN: I couldn't barely  
25 understand what is you said. Sorry.

1 MR. RIKALA: What is your concern about  
2 SIMOPs?

3 MS. MCLEAN: Oh. So basically, I  
4 believe just the closeness of the operations.

5 They don't want their drilling to be  
6 disturbed, and I can get additional testimony, but I  
7 believe that there is an agreement that they've worked  
8 out with the other operators that Spur will not begin  
9 drilling due to the formations until those other wells  
10 are complete.

11 MR. RIKALA: Okay. Thank you.

12 MR. CHAKALIAN: Do you have any further  
13 questions, sir?

14 MR. RIKALA: No. I do not.

15 MR. CHAKALIAN: Okay. Thank you. Then  
16 we will take this case under advisement. Thank you.

17 MS. MCLEAN: I'm hearing someone else.  
18 I don't know.

19 MS. THOMPSON: That's my fault, sorry.

20 MS. MCLEAN: Okay.

21 MR. CHAKALIAN: Okay. We're going to  
22 move on to my Mewbourne Oil 23773, 23774.

23 MR. FELDEWERT: Good morning, Mr.  
24 Chakalian. Michael Feldewert with the Santa Fe office  
25 of Holland & Hart appearing on behalf of the

1 applicant.

2 MR. CHAKALIAN: Very good. Thank you.  
3 Good morning. Do you know if there's any other  
4 parties that entered an appearance on this case?

5 MR. FELDEWERT: I am not aware of any  
6 other interested parties.

7 MR. CHAKALIAN: Okay. And I'm not  
8 hearing or seeing any others. Please proceed.

9 MR. FELDEWERT: In these consolidated  
10 cases, Mewbourne seeks to create two spacing units in  
11 the Wolfcamp formation underlying the north half of  
12 section 17 and 18, 21 South, 27 East.

13 So you'd have a north half north half  
14 spacing unit, and in a separate south half north half  
15 spacing unit in the Wolfcamp. The exhibits filed in  
16 both cases are very similar because the interests are  
17 the same.

18 Whether you're dealing with the north  
19 half north half or the south half and the north half,  
20 same pooled parties. So I'm just looking at 23773,  
21 and in each case, we filed the appropriate checklist  
22 and application applicable to that case.

23 Exhibit A in both cases is the same.  
24 It's a statement of Ariana Rodrigues, who is a landman  
25 who has previously testified before the division. And

1 she provides the C102s for the well that's of interest  
2 in each case.

3 She also provides an ownership  
4 breakdown, including by -- not only by track, but by  
5 spacing unit, and is highlighted in red in each case.  
6 The parties that remain to be pooled, she's also  
7 provided them as Exhibits A3 in each case.

8 The well proposal letter and AFE for  
9 each particular well, and then she has what she calls  
10 the summary of communications with the parties that  
11 the company seeks to pool.

12 Exhibit B in each case is a statement  
13 of Charles Crosby. He's a geologist with the company  
14 who has previously testified for the division, and he  
15 provides in each case a structure map for the Wolfcamp  
16 formation that he discusses.

17 And then he also provides a  
18 stratigraphic cross section that he addresses and  
19 identifies the initial target interval for the  
20 proposed wells. The Exhibit C is the notice affidavit  
21 from my office.

22 What you'll observe is that all of the  
23 parties that they seek the pool did receive notice by  
24 certified mail.

25 So while we filed an Exhibit D as in

1 David, that is a affidavit of publication in the  
2 newspaper, that is no longer necessary since all the  
3 parties received notice by certified mail.

4 So with that, I'll move the admission  
5 of Exhibits A, B, C, and I guess I'll go ahead and put  
6 D in there too and ask the division to take these two  
7 cases under advisement.

8 (Exhibits A, A3, B, C, and D were  
9 marked for identification.)

10 MR. CHAKALIAN: Okay. Are there any  
11 objections to taking these exhibits and admitting them  
12 into evidence? Not hearing any. Ms. Thompson, any  
13 questions for this party?

14 (Exhibits A, A3, B, C, and D were  
15 received into evidence.)

16 MS. THOMPSON: I do not have any  
17 questions for this case.

18 MR. CHAKALIAN: Okay. And should I be  
19 consulting with Mr. Rikala as well?

20 MR. RIKALA: No questions, sir.

21 MR. CHAKALIAN: Okay. Are you going to  
22 be participating in the rest of the cases and asking  
23 questions so I should look to you for questions?

24 MR. RIKALA: If I have a question, I'll  
25 contact Hailee, I guess. Thank you.

1 MR. CHAKALIAN: You can turn on your  
2 screen as well, and I'll know you want to ask a  
3 question in that case.

4 MR. RIKALA: Okay. Sounds good, sir.  
5 Thank you.

6 MR. CHAKALIAN: Okay. Mr. Feldewert,  
7 we're taking these two cases under advisement. Thank  
8 you, sir. We're going to move on to Matador Product  
9 23776. Ms. Vance?

10 MS. VANCE: Yes. I'm sorry. I've had  
11 a little bit of a tickle in my throat this morning.  
12 Good morning, Mr. Hearing Examiner, technical  
13 examiners.

14 Paula Vance with the Santa Fe office of  
15 Holland & Hart on behalf of the applicant Matador  
16 Production Company.

17 MR. CHAKALIAN: Is this case  
18 consolidated with any other?

19 MS. VANCE: It is not.

20 MR. CHAKALIAN: Okay. And are there  
21 any other parties that you know of?

22 MS. VANCE: There are not.

23 MR. CHAKALIAN: Why don't you proceed?

24 MS. VANCE: Thank you, Mr. Hearing  
25 Examiner. In case number 23776, Matador seeks to

1 amend the division order for its Gavilon Fed Com  
2 wells, and those are the 104H, 114H, 124H, and 134H,  
3 and is asking for a one year extension on that order.

4 And as I go through the exhibits, I'll  
5 explain why. In the exhibit packet, we have provided  
6 as Exhibit A, a copy of the extension application.  
7 Then Exhibit B is a copy of the original pooling  
8 order, and that order is R-22347.

9 And that's followed by Exhibit C, which  
10 is an affidavit of Landman Isaac Evans, in which he  
11 explains why there is good cause for the extension.

12 And that is because Matador filed  
13 permits with the BLM in April 2023, and is still  
14 waiting on approval for those. We also provided some  
15 sub exhibits. Sub-Exhibit C1 is an updated pooling  
16 list.

17 There were two interests that changed,  
18 and in Mr. Evans' statement, he addresses this in  
19 paragraph 6.

20 But that Exhibit C1, the interest that  
21 changed, originally, it was WHWL LLC was a working  
22 interest owner, and that interest is now owned by  
23 Chief Capital, which is listed in the revised exhibit.

24 And then one of the overrides was owned  
25 by Marathon, and that override is now partially owned

1 by Matador. I also included as Exhibit C2 a copy of  
2 the original notice list.

3 I know I've had at least one examiner  
4 who has asked for that, so I typically include it.

5 And that is followed by Exhibit D,  
6 which is a self-affirmed statement of notice from  
7 myself with a copy of the sample notice letter that  
8 went out on September 15, 2023.

9 And then the affidavit of notice of  
10 publication, which is Exhibit E, and that was timely  
11 published on September 17, 2023. Let me just check  
12 one thing here.

13 Looks like everything was delivered, so  
14 I'm not sure the affidavit was necessary, but it is in  
15 there.

16 And unless there are any questions, I  
17 would ask that the exhibit and sub-exhibits be  
18 accepted into the record, and the case number 23776 be  
19 taken under advisement by the division at this time.  
20 And I --

21 (Exhibits A, B, C, C1, C2, D, and E  
22 were marked for identification.)

23 MR. CHAKALIAN: Okay.

24 MS. VANCE: -- for any questions.

25 MR. CHAKALIAN: Not hearing any



1 objections to the exhibits being admitted into  
2 evidence, so they are here by admitted. Ms. Thompson?

3 (Exhibits A, B, C, C1, C2, D, and E  
4 were received into evidence.)

5 MS. THOMPSON: Yeah. I just want to  
6 verify. Are you just looking for the extension of  
7 time for the one year for the commencement of  
8 drilling, or are you also trying to pool additional  
9 parties?

10 MS. VANCE: It's just the one year  
11 extension. I just provided that, the -- like I said,  
12 the original pool party was WHWL, but that interest is  
13 now owned by Chief Capital.

14 They took that interest subject to the  
15 pooling, and so -- but just wanted to let the -- you  
16 know, provide an update to the division.

17 MS. THOMPSON: Sure. I just wanted to  
18 verify. Thank you.

19 MR. CHAKALIAN: No other questions?

20 MS. THOMPSON: No other questions.

21 MR. CHAKALIAN: And we will take this  
22 case under advisement. And then we will move on to  
23 XTO Energy 23777 and 78. Looks like they should be  
24 consolidated. Ms. Vance, are you representing those  
25 two cases?

1 MS. VANCE: I am, Mr. Hearing Examiner,  
2 and you are correct. Those are consolidated cases.

3 MR. CHAKALIAN: Okay. Very good. Are  
4 there any other parties that you know of?

5 MS. VANCE: Not that I'm aware of, no.

6 MR. CHAKALIAN: Very good. Please  
7 proceed.

8 MS. VANCE: Yes. Give me one second.  
9 Make sure I have everything up.

10 In these cases, XTO is seeking approval  
11 to pool all uncommitted mineral interests -- or  
12 mineral owners in the underlying -- in acreage all in  
13 Township 23 South, Range 31 East, Eddy County, New  
14 Mexico.

15 And in case number 23777, XTO is  
16 seeking to pool a standard 799.9 acre more or less  
17 horizontal spacing unit. And in that case, that's for  
18 the Wolfcamp formation. And the pool is sand dunes.

19 A Wolfcamp in the pool code is 96991,  
20 and that's comprised of the west half equivalent of  
21 irregular section 5, the west half of section 8, and  
22 the northwest quarter of section 17.

23 And this spacing unit will be initially  
24 dedicated to the proposed JRU DI 7 Sawtooth Fed Com  
25 112H, 113H, and 117H. And I would note -- well, I've

1 noted this in the checklist, which is Exhibit A, that  
2 the 112H is a proximity well allowing for the enlarged  
3 spacing.

4 And then in case number 23778 XTO seeks  
5 to pool a standard again, 799.9 acre more or less  
6 spacing unit.

7 And I won't repeat it, but it's on the  
8 same description of land, but this will be in the Bone  
9 Spring formation, and the pool is the Los Medanos  
10 Bone -- I'm sorry. Bone Spring, and that pool code is  
11 40295.

12 And this spacing unit will be initially  
13 dedicated to the James Ranch unit, JRU drill island,  
14 DI 7 Sawtooth Fed Com 118H, 803H, 804H, 807H, 903H,  
15 and 904H and 908H. And again, just to point you to  
16 the exhibit.

17 Exhibit A is the compulsory pooling  
18 checklist, and we did note that the 804H is a  
19 proximity well allowing for that enlarged spacing.

20 And the 908H is at a non-standard well  
21 location, and XTO has already applied administratively  
22 for approval of that NSL.

23 In these cases, we have included a copy  
24 of the applications, we provided the compulsory  
25 pooling checklist, which I've already directed you to,

1 as well as the self-affirmed statement of Landman  
2 Joshua Prastic [ph] and geologist Aaron Basil.

3 Neither of whom have testified before  
4 the division, so we have provided a copy of their  
5 resume. And you'll find a copy in each of the hearing  
6 packets. Mr. Prastic's [ph] resume is Exhibit C1, and  
7 then Mr. Basil, his resume is Exhibit D1.

8 And I will provide just a quick rundown  
9 and ask that they both be tendered as experts in their  
10 respective fields. Mr. Prastic [ph] is a graduate of  
11 the University of Texas. He has a bachelor's of  
12 science in business administration.

13 He also has a JD from the University of  
14 Houston, and he has been with ExxonMobil for 12 plus  
15 years as a commercial and land advisor. And then Mr.  
16 Basil, he has two bachelor's degrees. One in business  
17 administration and one in geology.

18 He also has a master's in geology from  
19 Colorado School of Mines. He worked eight years with  
20 QEP Resources as a senior geologist, and he's been  
21 with ExxonMobil for over a year as a geoscientist.

22 I would ask that their credentials be  
23 accepted as a matter of record at this time.

24 (Exhibits A, C1, and D1 were marked for  
25 identification.)

1 MR. CHAKALIAN: Not hearing any  
2 objections to admitting this gentleman as an expert  
3 witness. Please proceed.

4 MS. VANCE: Thank you, Mr. Hearing  
5 Examiner. Sorry. I thought I heard something in the  
6 background.

7 MR. CHAKALIAN: Background noise.

8 MS. VANCE: Mr. Prastic [ph], his -- in  
9 both hearing packets, he has a statement, which is  
10 Exhibit C.

11 Again, his resume is Exhibit C1; C2 are  
12 the C102s; C3 is a land track map; C4 is a breakdown  
13 of the ownership, which also lists and is highlighted  
14 in yellow the parties to be pooled; and then C5 is a  
15 sample well proposal letter and AFE's for each of the  
16 wells; and then C6 is a chronology of contacts.

17 This is followed by Mr. Basil's  
18 statement, which is Exhibit D, and includes again his  
19 resume, which is Exhibit D1. And then D2 is a locator  
20 map, D3 is a subsea structure and cross section map,  
21 and D4 is a structural cross section.

22 In these cases, Mr. Basil did not  
23 observe any faulting, pinch-outs, or other geologic  
24 impediments to the horizontal drilling of these wells.

25 And then lastly, in both packets is

1 Exhibit E, a self-affirmed statement of notice from  
2 myself with sample letters that were timely mailed on  
3 September 15, 2023.

4 And I do believe that all the letter  
5 notice made it, but I did include as Exhibit F an  
6 affidavit of notice of publication, which was timely  
7 published in each case on September 19, 2023.

8 So unless there are any questions, I  
9 would ask that all exhibits and sub-exhibits be  
10 admitted into the record, and that these cases be  
11 taken under advisement at this time. And I stand by  
12 for any questions.

13 (Exhibits C2, C3, C4, C5, C6, D, E, and  
14 F were marked for identification.)

15 MR. CHAKALIAN: Are there any  
16 objections to receiving these exhibits into evidence?  
17 Hearing none, they are so admitted. Ms. Thompson?

18 (Exhibits A, C1, C2, C3, C4, C5, C6, D,  
19 D1, E, and F were received into  
20 evidence.)

21 MS. THOMPSON: I just wanted to verify.  
22 You said that you did submit for an SL  
23 administratively?

24 MS. VANCE: That's correct.

25 MS. THOMPSON: Okay. I have no other

1 questions.

2 MR. CHAKALIAN: These cases will be  
3 taken under advisement. Thank you, Ms. Vance.

4 MS. VANCE: Thank you, Mr. Hearing  
5 Examiner. Thank you, technical examiners.

6 MR. CHAKALIAN: Let me go back to Ms.  
7 Bennett if she's still with us. Ms. Bennett, are you  
8 here?

9 MS. BENNETT: Yes, I am. Thank you.

10 MR. CHAKALIAN: Okay. Very good. Ms.  
11 Bennett, where are you with refiling the information  
12 we need to proceed with your cases?

13 MS. BENNETT: So I just now emailed  
14 you, Mr. Examiner and Technical Examiner Thompson, the  
15 table of contents and compulsory checklist that was  
16 omitted, and my assistant is working on filing that  
17 through the permitting --

18 MR. CHAKALIAN: Something has happened,  
19 Ms. Bennett, with your connection in which it's very  
20 difficult to hear you. I don't know why, but I did  
21 just -- okay. But I did just get your email now. Let  
22 me see what I have.

23 And I see that Mr. Feldewert, Ms.  
24 Kessler, some other people I don't know -- Ms.  
25 Thompson, and you said you are also filing this to the

1 portal. Is that correct? All right. Let's -- yeah.  
2 Your connection is terrible all of a sudden.

3 I don't know why. I do have your table  
4 of contents, and I do have your checklist. Ms.  
5 Thompson, does that give you the information you need  
6 to ask questions about this case?

7 MS. THOMPSON: Yeah.

8 MR. CHAKALIAN: Okay. And Mr.  
9 Feldewert, did you put your camera on because you have  
10 an objection?

11 MR. FELDEWERT: No. I put my camera on  
12 to let you know that I received it. I don't have any  
13 issue with what was submitted to the division.

14 MR. CHAKALIAN: Very good. And Ms.  
15 Kessler?

16 MS. KESSLER: Same as Mr. Feldewert.  
17 Thank you.

18 MR. CHAKALIAN: Okay. Thank you.  
19 Okay. Ms. Bennett, try to speak loudly because  
20 really, your connection is terrible all of a sudden.

21 MS. BENNETT: I will do my best. I'm  
22 not sure what happened. I haven't changed anything,  
23 so I'll do my best. Can you all hear me at all?

24 MR. CHAKALIAN: Go ahead.

25 MS. BENNETT: Well, I am ready to stand



1 for any questions that Ms. Thompson may have for me at  
2 this point having submitted materials.

3 MR. CHAKALIAN: Okay. Okay. Thank  
4 you. So Ms. Thompson, let's start with 23677. Do you  
5 have any questions for Ms. Bennett on this case?

6 MS. THOMPSON: Yeah. As far as the  
7 checklist goes, I do not have any questions. It looks  
8 like everything is in order. However, I also did note  
9 while going through the case that I didn't see a track  
10 map indicating the offset parties.

11 MS. BENNETT: Yes. Thank you for that.  
12 And it is included in the exhibit packet, and it is  
13 Exhibit B7.

14 MS. THOMPSON: 37?

15 MS. BENNETT: B as in boy, 7.

16 MS. THOMPSON: Oh. B7. Okay.

17 MR. CHAKALIAN: B7.

18 MS. BENNETT: And labeled adjacent to  
19 those three -- map.

20 MS. THOMPSON: Give me one second to  
21 find it. E3 -- do you have a -- oh. I see it. Okay.  
22 Yeah. Perfect. Okay. So it looks like the checklist  
23 and everything looks perfect.

24 So outside of just what I had already  
25 told you for needing information for the C102 down the

1 road, I think everything should be fine.

2 MR. CHAKALIAN: And then Ms. Thompson,  
3 what about the other case that's consolidated?

4 MS. THOMPSON: Let me take a very quick  
5 look at it. Sorry. I don't have both of them open.  
6 That was 78; correct?

7 MR. CHAKALIAN: Yes. It is.

8 UNIDENTIFIED SPEAKER: Seen a lot of  
9 corrective actions.

10 MS. THOMPSON: It also looks good as  
11 well, and if I have any further questions down the  
12 road, I could always reach out to Ms. Bennett.

13 MR. CHAKALIAN: Okay. Mr. Feldewert,  
14 did you say something like, "I see a lot of  
15 corrections"?

16 MR. FELDEWERT: Was not me.

17 MR. CHAKALIAN: Wasn't you, okay. I  
18 guess someone has their microphone on and we're  
19 hearing some background noise. Okay. Ms. Thompson,  
20 it sounds to me like these cases can be taken under  
21 advisement. Is that what you are recommending?

22 MS. THOMPSON: Yes, sir.

23 MR. CHAKALIAN: Okay. Very good. So  
24 Ms. Bennett, you are successfully achieved taking  
25 under advisement status on 23677 and 23678. Thank

1     you.

2                   MS. BENNETT:   Thank you very much --  
3     hearings.   Thank you.

4                   MR. CHAKALIAN:   It was very -- I don't  
5     really think I understood what you said but thank you  
6     anyway.   All right.   Let's move on to 23780 V-F  
7     Petroleum and 23781.

8                   Good morning, Mr. Hearing Examiner.  
9     Good morning, technical examiners.   Darin Savage on  
10    behalf of Abadie & Schill appearing on behalf of V-F  
11    Petroleum Incorporated.

12                  MR. CHAKALIAN:   Good morning, Mr.  
13    Savage.   Are there any other parties that you know of?

14                  MR. SAVAGE:   No.   Not that I know of.

15                  MR. CHAKALIAN:   Very good.   Are you  
16    ready to proceed?

17                  MR. SAVAGE:   I am.

18                  MR. CHAKALIAN:   Okay.   Please proceed.

19                  MR. SAVAGE:   And we're presenting these  
20    in consolidated form.   The case 23780 covers lands in  
21    the south half of section 33, Township 18 South, Range  
22    28 East, Eddy County, New Mexico.

23                  The landman for this case and the  
24    geologist are also the landman geologist for the other  
25    case, and that's Sean [ph] Johnson.

1           Has testified as the landman, testified  
2 before as an expert witness, and his credentials have  
3 been accepted as a matter of record.

4           And the geologist, Jason Lodge [ph],  
5 has also testified before the division as an expert  
6 witness, and his credentials have been accepted.

7           In case number 23780, V-F Petroleum  
8 seeks an order pooling all uncommitted interests in  
9 the first and second Bone Spring formation underlying  
10 a non-standard 320 acre more or less spacing unit  
11 comprised of the south half of section 33.

12           The orientation of the unit is laid  
13 down east to west, and setback requirements under  
14 statewide rules are met. V-F Petroleum will apply  
15 administratively for approval of the non-standard  
16 spacing unit.

17           Mr. Johnson, the landman's exhibit  
18 includes Exhibit A, a self-affirmed statement, the  
19 C102s and ownership breakdown, well proposal with  
20 AFE's, and what looks to be like a thorough summary of  
21 communications describing the chronology of contacts.

22           Mr. Lodge's [ph] Exhibit B for this  
23 case includes his geology statement, along with  
24 geology Exhibits B1 through B4. That's the location  
25 map, the subsea structure map, a structural cross

1 section, and the gun barrel representation.

2 Exhibit C provides a self-affirmed  
3 statement of notice for mailings and publication.  
4 Notice was both timely sent and published.

5 In the next case, 23781, that involves  
6 lands in the south half of sections 32 and 33,  
7 Township 18 South, Range 28 East, Eddy County, New  
8 Mexico. Again, we have the same landman and geologist  
9 as expert witnesses.

10 In this case, V-F Petroleum seeks an  
11 order pooling all uncommitted interests in the Third  
12 Bone Spring formation underlying a non-standard 320  
13 acre more or less spacing unit comprised of the south  
14 half of section 32 and 33.

15 V-F Petroleum will apply  
16 administratively for approval of the non-standard  
17 spacing unit. Again, Mr. Johnson's Exhibit A include  
18 A1 through A4, and that's his landman statement,  
19 C102s, ownership breakdown, well proposal letter with  
20 AFE's, and the communications summary.

21 And Mr. Lodge's [ph] Exhibit B includes  
22 his geology statement with Exhibits B1 through B4.  
23 And those are the same exhibits, location map, subsea  
24 structure map and structural cross section and a gun  
25 barrel representation.

1                   Exhibit C provides a self-affirmed  
2 statement of notice for mailings and publication  
3 notice.

4                   Notice was both timely sent and  
5 published. Both Mr. Johnson and Mr. Lodge [ph]  
6 affirmed that the approval of this application is in  
7 the best interest of conservation, protection of  
8 correlative rights, and prevention of waste.

9                   Mr. Hearing Examiner, at this time, I  
10 request that Exhibits A, B, and C, and all sub-  
11 exhibits be admitted to the record for cases 23780 and  
12 23781, and that the cases be taken under advisement.  
13 And I stand available for any questions. Thank you.

14                   (Exhibits A1, A2, A3, A4, B1, B2, B3,  
15 B4 and C were marked for  
16 identification.)

17                   MR. CHAKALIAN: Are there any  
18 objections? Not hearing any. Mr. Savage, these  
19 exhibits are admitted into evidence in both cases.  
20 Ms. Thompson?

21                   (Exhibits A1, A2, A3, A4, B1, B2, B3,  
22 B4 and C were received into evidence.)

23                   MS. THOMPSON: I have no questions.

24                   MR. CHAKALIAN: Okay. Mr. Savage,  
25 these two cases will be taken under advisement.

1 MR. SAVAGE: All right. Thank you very  
2 much. And I think I also present for the next set of  
3 cases, so I'll stay on.

4 MR. CHAKALIAN: For the Devon Energy  
5 cases?

6 MR. SAVAGE: Correct.

7 MR. CHAKALIAN: Okay. Very good. I'm  
8 calling 23786, 87, 88, 89 Devon Energy. Mr. Savage,  
9 please proceed.

10 MR. SAVAGE: Okay. Good morning.  
11 Darin Savage with Abadie & Schill appearing on behalf  
12 of Devon Energy Production Company.

13 We are presenting these cases 23786,  
14 23787, 23788, and 23789 in consolidated form, and they  
15 cover lands in sections 35, Township 23 South, Range  
16 29 East, and section 2, Township 24 South, Range 29  
17 East, Eddy County, New Mexico.

18 The landman, Aaron Young, for these  
19 cases has testified before the division as an expert  
20 witness, and his credentials have been accepted and  
21 made a matter of record.

22 The geologist, Sarah Jancuska, and I  
23 hope that's the correct pronunciation of her name, but  
24 that's J-A-N-C-U-S-K-A, in these cases has not  
25 testified previously before the division as an expert

1 witness.

2 She has worked for Devon since January  
3 2018, and has worked in New Mexico for the past year.  
4 She has a bachelor's in geology from LaSalle  
5 University and a master's of geoscience from Virginia  
6 Tech.

7 Her resume is provided to the division  
8 for review attached to her statement, and I ask that  
9 she be accepted into the record as an expert witness  
10 in geology.

11 MR. CHAKALIAN: Okay. Mr. Savage, I'm  
12 looking at the exhibit package. What page number of  
13 the 62 pages is the resume?

14 MR. SAVAGE: Well, let's see here. I'm  
15 looking at -- she's in each packet. I'm looking at  
16 the first packet for case number 23786, and it looks  
17 like she would be in Exhibit B. And I'm scrolling  
18 down. That looks like it's on page 31 of -- I have  
19 49.

20 MR. CHAKALIAN: Forty-nine, yes. Thank  
21 you. I was looking at the wrong document. Thank you.  
22 Okay. Okay. 33. Okay. Are there any objections to  
23 admitting Ms. Sarah Jancuska as an expert witness?

24 Not hearing any, she is so admitted.  
25 Please proceed, Mr. Savage.



1 MR. SAVAGE: Thank you. In case 23786,  
2 Devon seeks an order pooling all uncommitted interest  
3 in the Bone Spring formation designated as an oil pool  
4 underlying a standard 319.66 more or less spacing unit  
5 covering the east half west half of section 35 and lot  
6 3, the southeast northwest, and the east half  
7 southwest of section 2.

8 The unit is dedicated to the Tater Tot  
9 2-35 Fed Comp 332 H well. Orientation of well is  
10 stand-up. The well is orthodox in location.

11 Mr. Young's Exhibit A includes his  
12 landman affidavit, excuse me, the self-affirmed  
13 statement, the C102 ownership, well proposal with AFE,  
14 and the chronology of contacts.

15 Ms. Jancuska's Exhibit B includes her  
16 geology statement, and she has provided Exhibit B1 and  
17 Exhibit B2, the stratigraphic cross section and a  
18 structure map for these.

19 Exhibit C provides the self-affirmed  
20 statement of notice for mailing and publication  
21 notice. Notice was timely mailed. And all working  
22 interest on these were locatable.

23 In the next case, Exhibit Number  
24 2378 -- I'm sorry. 23787, Devon seeks an order  
25 pooling all uncommitted interest in the Bone Spring

1 formation designated as an oil pool underlying a  
2 standard 279.67 acre more or less spacing unit  
3 covering the southwest, northeast, and the west half  
4 southeast of section 35.

5 And lot 2, the southwest, northeast,  
6 and the west half southeast of section 2. This unit  
7 is dedicated to the Tater Tot 2-35 Fed Com 334H well.  
8 Again, the orientation is stand-up, and the well is  
9 orthodox.

10 Mr. Young's Exhibit A includes again,  
11 Exhibits A1 through A4, as described before. And Ms.  
12 Jancuska's Exhibit B again includes the same geology  
13 statement, and that's for all -- all four cases today,  
14 and the Exhibits B1 and B2 geology exhibits.

15 Exhibit C provides a notice for  
16 mailings and publication notice, the self-affirmed  
17 statement. Notice was timely mailed and publication  
18 was also timely.

19 In the next case, case number 23788,  
20 Devon seeks an order pooling all uncommitted interest  
21 in the Purple Sage Wolfcamp. We're switching  
22 formations here.

23 So looking at the Wolfcamp designated  
24 as a gas pool underlying a non-standard 599.2 acre  
25 spacing unit covering lot 2, lot 1 in the south half

1 northeast and the southeast of section 2, and the east  
2 half northeast, southwest northeast, and the southeast  
3 of section 35.

4 The unit is dedicated to the three  
5 wells. The Tater Tot 235 Fed Com 622H, 624H, and 713H  
6 wells. Orientation of the unit is a stand-up, south  
7 to north, and the wells have non-standard locations.

8 Devon has sought administrative  
9 approval for both the non-standard locations and the  
10 non-standard spacing unit and has received the  
11 division's approval for these applications.

12 Mr. Young's Exhibit A for case 23788  
13 includes his landman self-affirmed statement, the  
14 C102s, ownership, well proposal with AFE's, and the  
15 chronology of contacts.

16 And Ms. Jancuska's, as I mentioned, has  
17 the same exhibits that cut across all cases, and those  
18 are Exhibit B, B1, and B2.

19 Exhibit C provides a self-affirmed  
20 statement of notice for mailings and notice  
21 publication, and notice was timely mailed, and it was  
22 timely published.

23 And then finally, the last case, and  
24 that's case number 23789. Devon seeks an order  
25 pooling all uncommitted interest in the Purple Sage

1 Wolfcamp formation designated as a gas pool underlying  
2 a standard 639.56 acre more or less spacing unit  
3 covering the west half of 35 and lot 3, lot 4, the  
4 south half northwest, and the southwest of section  
5 22 -- I'm sorry. Section 2.

6 The unit is dedicated to the three  
7 wells. The Tater Tot 2-35 Fed Com 621H well, 711H  
8 well, and the 712H well. Again, the orientation is  
9 stand-up south to north.

10 The wells do have non-standard  
11 locations, but Devon has sought administrative  
12 approval, and has received the division's approval in  
13 these matters.

14 Mr. Young's exhibit for case 23788  
15 includes his -- again, his standard exhibits. Landman  
16 statement, C102, ownership, well proposal with AFE,  
17 and chronology of contacts.

18 And again, Ms. Jancuska's geology  
19 exhibits include her statement and the structure map  
20 and the stratigraphic cross section with landing  
21 zones. Exhibit C again is a self-affirmed statement  
22 of notice. Notice was timely mailed and timely  
23 published.

24 Mr. Young and Ms. Jancuska both  
25 affirmed that the granting of the applications in

1 these four cases would prevent waste, protect  
2 correlative rights, and avoid the drilling of  
3 unnecessary wells.

4 At this time, I move that Exhibits A,  
5 B, and C and all sub-exhibits be admitted into record  
6 for cases 23786 through 23789, and that these cases be  
7 taken under advisement. And I stand available for any  
8 questions you may have. Thank you.

9 (Exhibits A, B, B1, B2, C were marked  
10 for identification.)

11 MR. CHAKALIAN: Thank you. Give me one  
12 moment, Mr. Savage, before I turn this over to Ms.  
13 Thompson. So I was reviewing 23786, 23787, and you  
14 mentioned 23789, which I'm not sure that I called that  
15 case.

16 MR. SAVAGE: Okay. You may not have.  
17 I apologize for that, but --

18 MR. CHAKALIAN: That's okay. I know I  
19 didn't but let me call that case as well so that I  
20 make sure we're doing this correctly.

21 MR. SAVAGE: Okay.

22 MR. CHAKALIAN: So in addition to 23787  
23 and 23788, I'm also calling 23789. Are there any  
24 interested parties or any other parties that wish to  
25 be heard this morning while we take this case on

1 affidavit status. Not hearing any.

2 So Mr. Savage, you presented exhibits  
3 for all three cases. I am admitting all exhibits in  
4 all three cases into the evidence, and I'm turning now  
5 to Ms. Thompson to ask her questions.

6 MS. THOMPSON: I actually have no  
7 questions for these cases.

8 MR. CHAKALIAN: Okay. Mr. Savage,  
9 these cases will be taken under advisement. Thank you  
10 for your presentation.

11 MR. SAVAGE: Mr. Hearing Examiner, do I  
12 need to introduce myself into the last case 89, and  
13 move that they be -- that the testimony be admitted  
14 into that as one of the exhibits?

15 MR. CHAKALIAN: Yes. Yes, please.

16 MR. SAVAGE: Okay. Darin Savage for  
17 case 23789. Darin Savage with Abadie & Schill  
18 appearing on behalf of Devon Energy Production Company  
19 LP.

20 I have presented the testimony in this  
21 case as well as exhibits, and I ask the division take  
22 the case under advisement, and move that Exhibits A,  
23 B, and C and all sub-exhibits for case 23789 be  
24 admitted into the record, and the case be taken under  
25 advisement.

1 MR. CHAKALIAN: Are there any  
2 objections to taking the exhibits in case number 23789  
3 into evidence? Not hearing any, and Ms. Thompson, are  
4 you saying you don't have any questions for any of  
5 these four cases, 86, 87, 88, and 89?

6 MS. THOMPSON: Correct. I have no  
7 questions.

8 MR. CHAKALIAN: Okay. Wonderful.  
9 These four cases are taken under advisement, and the  
10 exhibits in all four cases are admitted into evidence.

11 (Exhibits A, B, B1, B2, C were received  
12 into evidence.)

13 We now go to Colgate Operating, and I  
14 do see Ms. McLean representing Colgate. We are  
15 calling cases 23791, 92, 93. Are those cases  
16 consolidated, Ms. McLean?

17 MS. MCLEAN: Yes. That's correct, Mr.  
18 Examiner.

19 MR. CHAKALIAN: Okay. And are there  
20 any other parties that you're aware of that have  
21 entered an appearance?

22 MS. MCLEAN: Not that I'm aware of.

23 MR. CHAKALIAN: Are there any  
24 interested parties? Okay. Not hearing any. Please  
25 proceed.

1 MS. MCLEAN: Thank you. In case  
2 numbers 23791, 23792, and 23793, Colgate seeks to  
3 amend order numbers R-22320, R-22322, R-22324 and R-  
4 22326 to establish larger spacing units due to the  
5 acquisition of a federal lease.

6 And collectively, these applications  
7 seek to pool the Wolfcamp and Bone Spring formations  
8 underlying the west half of section 17 and 20,  
9 Township 20 South, Range 34 East in Lea County, New  
10 Mexico. And --

11 MR. CHAKALIAN: I have a question, Ms.  
12 McLean. Ms. McLean, is it the same order number, R-  
13 22320 in each of the three cases that you're seeking  
14 to amend?

15 MS. MCLEAN: No, Mr. Examiner. In case  
16 number 23791, we're speaking to amend order number R-  
17 22320; in case number 23972, we're seeking to amend  
18 order number R-22322, and then in case number 23793,  
19 we're seeking to amend two orders. R-22324 and R-  
20 22326.

21 MR. CHAKALIAN: Okay. Thank you. I  
22 just wanted to get that on the record. Please  
23 proceed.

24 MS. MCLEAN: Yes. No problem. And in  
25 that case number R2 -- or sorry. I want to add an R



1 in front of everything now.

2 In case number 23793, we are combining  
3 those two orders through a proximity tract well so  
4 that we can establish one 640 acre spacing unit, which  
5 is the entire Bone Spring and Harkey formations that  
6 were pulled in those previous orders.

7 And the exhibit packets that we  
8 submitted to the division for these cases, all three  
9 of them have very similar exhibits. A compulsory  
10 pooling checklist for each case.

11 Exhibit A, in each case it's the land  
12 professional's testimony of Travis Macha, which  
13 includes all of the related land exhibits.

14 Exhibit B, geology testimony of Ira  
15 Bradford in those geology exhibits that are included  
16 in all of the exhibit indices.

17 And then Exhibit C in each case  
18 includes the notice testimony, and when all the  
19 letters were sent to the parties to be pooled, as well  
20 as the affidavits of publication, which shows that we  
21 timely published notice for all three of these cases  
22 on September 19, 2023.

23 And unless there are questions, I ask  
24 that Exhibits A, B, and C be admitted into the record  
25 in case numbers 23791, 23792, and 23793. And that

1       these cases be taken under advisement.

2                       (Exhibits A, B, and C were marked for  
3                       identification.)

4                       MR. CHAKALIAN:   Ms. McLean, the expert  
5       witnesses you have included in your exhibit packets,  
6       have they all been previously recognized as experts  
7       before this division?

8                       MS. MCLEAN:    Yes.

9                       MR. CHAKALIAN:   Okay.

10                      MS. MCLEAN:    Yes, Mr. Examiner.   They  
11       have.

12                      MR. CHAKALIAN:   Just wanted to make  
13       sure of that.   Okay.   So not hearing any objections to  
14       admitting your exhibits in these three cases into  
15       evidence, I will admit them in cases 23791, 23792, and  
16       23793.

17                      They're all admitted into evidence at  
18       this point.   I will turn to Ms. Thompson for any  
19       questions.

20                      (Exhibits A, B, and C were received  
21                      into evidence.)

22                      MS. THOMPSON:   Yes.   I have a few  
23       questions just for more clarification's sake.

24                      MR. CHAKALIAN:   Please.

25                      MS. MCLEAN:    Okay.

1 MS. THOMPSON: So for cases 23791 and  
2 92, you're looking to amend for a larger acreage area  
3 and to pool additional interest owners for those --  
4 for those order numbers?

5 MS. MCLEAN: That's correct.

6 MS. THOMPSON: Okay. And then can you  
7 explain to me the two different orders for case 23793.

8 MS. MCLEAN: Yes. In 23793, it's order  
9 numbers R-22324 and R-22326. And those were orders  
10 that were entered for two separate Bone Spring and  
11 Harkey units.

12 They originally encompassed 280 acres  
13 each, but now with the addition of that new federal  
14 lease, we're seeking to expand the acreage on those  
15 two units.

16 Or combine them and combine them  
17 into -- just to be clear. Seeking to expand and  
18 combine them into one unit since we are adding that  
19 proximity tracked well.

20 MS. THOMPSON: Right. And I see that  
21 you have already had an original NSO orders for both  
22 of those. R numbers as well?

23 MS. MCLEAN: Yes. That's correct.

24 MS. THOMPSON: Not exactly sure how  
25 that -- or I see three NSO orders. I'm not exactly

1     sure how that will affect those. I would have to get  
2     with another city engineer, but I don't really have  
3     any other questions. Everything seems to be in order.

4                     MS. MCLEAN: Thank you.

5                     MR. CHAKALIAN: Ms. Thompson, do you  
6     need more time to review any documents before we take  
7     this case under advisement?

8                     MS. THOMPSON: No. I could always  
9     reach out to Ms. McLean about requesting further  
10    documents.

11                    MR. CHAKALIAN: Okay. So you believe  
12    these three cases are ready to be taken under  
13    advisement then?

14                    MS. THOMPSON: Yes. I do.

15                    MR. CHAKALIAN: Okay. Very good. Ms.  
16    McLean, these three cases are now taken under  
17    advisement. Thank you for your presentation.

18                    MS. MCLEAN: Thank you.

19                    MR. CHAKALIAN: I now -- thank you.  
20    I'm now calling EOG Resources 23794. Mr. Feldewert, I  
21    see your camera on. Is this case consolidated with  
22    any other case?

23                    MR. FELDEWERT: No. This is a  
24    standalone matter, Mr. Chakalian.

25                    MR. CHAKALIAN: Very good. All right.

1 Thank you, sir. Are there any other parties that have  
2 entered an appearance that I don't know about or that  
3 you know about, Mr. Feldewert?

4 MR. FELDEWERT: No. We're not  
5 expecting any opposition.

6 MR. CHAKALIAN: Very good, very good.  
7 Okay. Please proceed.

8 MR. FELDEWERT: And one of the reasons  
9 we're not expecting any opposition is because this  
10 matter seeks approval of a voluntary unit for primary  
11 recovery. This is not statutory unitization.

12 This is purely approval of a voluntary  
13 unit which was required by the state form. The state  
14 form asked the OCD to approve the unit area and the  
15 unit agreement.

16 The proposed unit area consists of a  
17 little over 10,800 acres of state and fee lands in  
18 Eddy County, New Mexico, and this unitized interval is  
19 going to be limited to the Bone Spring and Wolfcamp  
20 formations.

21 That's why you'll see that the name of  
22 this unit is the Padron State BS-WC Unit. With our  
23 exhibit package, we've provided the application, and  
24 then the self-affirmed statement of Mr. Riker Everett,  
25 who's a landman with the company.

1                   This is his first time testifying, so  
2                   he has provided in paragraph two the credentials that  
3                   we believe qualify him to testify as an expert in  
4                   petroleum land matters.

5                   He then provides as part of his  
6                   statement the Exhibit A1, which is what they call a  
7                   state fee unit form. It's a mandatory form required  
8                   by the state land office. You have to follow this  
9                   form.

10                  It was a little confusing when I looked  
11                  at it. If you look at page three, there are multiple  
12                  page threes, and the reason for that is because we  
13                  needed multiple page threes to be able to identify the  
14                  acreage.

15                  So this is apparently how it's done  
16                  with the state form. The unit agreement then  
17                  continues and has with it the customary Exhibit A to  
18                  the unit agreement, which is a -- a map of the unit  
19                  area and tracks.

20                  Exhibit B to the unit agreement  
21                  provides the ownership breakdown, first by the Bone  
22                  Spring formation, and then second by the Wolfcamp  
23                  formation.

24                  And then Exhibit C is a track  
25                  participation schedule, and as it reflects and is

1 reflected Mr. Riker's statement, currently around 87  
2 percent of the working interest ownership has been  
3 committed.

4 And we anticipate the remaining working  
5 interest owners committing as well. Exhibit A2 in our  
6 package is the preliminary approval letter from the  
7 New Mexico State Land Office.

8 That preliminary approval letter  
9 includes the approval of the exclusion of existing  
10 older vertical and horizontal wells in the unitized  
11 area from unit operations.

12 And that's explained not only in the  
13 state land office letter, but also in Mr. Riker's  
14 statement.

15 (Exhibits A, A1, A2, B, and C were  
16 marked for identification.)

17 MR. CHAKALIAN: Mr. Feldewert, before  
18 you continue. Which of these expert witnesses have  
19 been recognized previously?

20 MR. FELDEWERT: None of them.

21 MR. CHAKALIAN: Okay. And in this  
22 packet here, did you provide a CV or resume for these  
23 two witnesses?

24 MR. FELDEWERT: No. What I did and  
25 what we've done in the past is if you look at, for

1 example, in Mr. Everett's statement, paragraph two, he  
2 provides his educational background and work history.  
3 Okay?

4 MR. CHAKALIAN: Well, let's deal with  
5 admitting them as experts before you continue. I want  
6 to get that out of the way. So what page of the 45-  
7 page PDF that I'm looking at, what page would be that  
8 paragraph two?

9 MR. FELDEWERT: It'd be page 7 of the  
10 45-page PDF.

11 MR. CHAKALIAN: Thank you. I see it  
12 here. So what I see here in paragraph two is "I  
13 graduated from the University of Texas in December of  
14 '09. I've been employed by EOG Resources for six  
15 years and working as a landman for 13 years."

16 MR. FELDEWERT: Correct.

17 MR. CHAKALIAN: Okay. Is there any  
18 objection to admitting Mr. Riker Everett as an expert  
19 landman in this matter? I'm not hearing any, so he  
20 will be recognized as an expert witness in this case.

21 And now, do you have another witness  
22 that you need to be qualified?

23 MR. FELDEWERT: Certainly. And I  
24 apologize, Mr. Chakalian, and I will go through that  
25 process if you'd like me to. So if we go to where we



1 filed as Exhibit B, you'll see the self-affirmed  
2 statement of Brandon Swain, who's a geologist.

3 It's on page 32 of the 45-page PDF. He  
4 indicates this is his first time testifying before the  
5 division as a petroleum geologist. And in paragraph  
6 two of that statement, he provides his credentials and  
7 work history.

8 I won't repeat it just to try certain  
9 things, but I would therefore move the admission of  
10 Mr. Swain as an expert witness in petroleum geology.

11 MR. CHAKALIAN: Okay. And just a  
12 question for you, Mr. Feldewert, because I'm not  
13 familiar with this type of affidavit. Are these  
14 normally notarized?

15 MR. FELDEWERT: So let's step back.  
16 It's not an affidavit. It's a self-affirmed  
17 statement, which is authorized by New Mexico.

18 And you'll see that paragraph 9, Mr.  
19 Swain's statement provides the necessary information  
20 that allows these self-affirmed statements to be  
21 utilized by the division.

22 MR. CHAKALIAN: Okay. So it's not an  
23 affidavit, it's a self-affirming statement, which is  
24 allowed. And this is the first time I'm thinking  
25 about a self-affirming statement. Are you saying that

1 this is allowed under our rules?

2 MR. FELDEWERT: It's allowed by  
3 statute, yes. And I quite --

4 MR. CHAKALIAN: By statute?

5 MR. FELDEWERT: I believe it's by  
6 statute, and I don't -- I'm sorry. I don't have it  
7 right in front of me.

8 Can't remember which one it is, but  
9 there's -- I think Mr. Brancard [ph] started this and  
10 allowed this, so it's been a number of months and  
11 there's --

12 MR. CHAKALIAN: Okay.

13 MR. FELDEWERT: -- you see in a lot of  
14 cases parties using these self-affirmed statements.  
15 It's just a little more efficient.

16 MR. CHAKALIAN: I take your word for  
17 it, Mr. Feldewert. So these two gentlemen will be  
18 admitted as expert witnesses in this case based on  
19 your representations and the self-affirming statements  
20 here that have been admitted as exhibits. So please  
21 proceed.

22 MR. FELDEWERT: Sure. So looking at  
23 Exhibit B for Mr. Swain, you'll see that he provides  
24 to the division structure maps for both the Bone  
25 Spring formation and then the Wolfcamp formation, and

1 he identifies and outlines the unit area on each.

2 And shows also a line of cross sections  
3 that he then utilizes to create a stratigraphic cross  
4 section that runs from the top of the Bone Spring down  
5 to the base of the Wolfcamp.

6 And he identifies the formations that  
7 are involved -- or I'd say the intervals that are  
8 involved within these two formations.

9 Exhibit C is an affidavit of notice  
10 from my office and that's utilized solely for the  
11 purpose of providing notice to royalty and overriding  
12 royalty interest owners that are not clearly  
13 contractually committed to unitization by the  
14 instruments creating those interests.

15 Again, this is a voluntary unit, so  
16 working interest owners will either join or they don't  
17 join.

18 And at Exhibit D is an affidavit of  
19 publication in the newspaper providing notice of this  
20 hearing to again, those royalty and overriding  
21 interest owners that are not clearly contractually  
22 committed to the unit by the instrument creating those  
23 interests.

24 So with that, we would move the  
25 admission of EOG Exhibits A, B, C, and D, and ask that

1     this matter be taken under advisement.

2                     (Exhibit D was marked for  
3                     identification.)

4                     MR. CHAKALIAN:   Okay.   These exhibits  
5     are admitted into evidence.   Ms. Thompson?

6                     (Exhibits A, B, C, and D were received  
7                     into evidence.)

8                     MS. THOMPSON:   Yes.   After reviewing  
9     the packet, I didn't see -- or we're going to need a  
10    type log indicating formation interval.   I'd like the  
11    formation top, so like where the top of the formations  
12    at and the bottom of the formations with depth showing  
13    in measured depth, so --

14                    MR. FELDEWERT:   So --

15                    MS. THOMPSON:   -- formations they are.

16                    MR. FELDEWERT:   Let me ask you this.  
17    If we look at the Exhibit B2, which is the  
18    stratigraphic cross section, I believe Mr. Swain  
19    identifies the top of the Bone Spring and then the  
20    base of the Wolfcamp by way of, I would say, five type  
21    logs.

22                    MS. THOMPSON:   Right.   However, though  
23    that's a cross section, it doesn't give us the  
24    formation interval within a metric depth.

25                    So while we're on here, do you see the

1 depth of these locations? Or let me try to zoom in a  
2 little bit, sorry.

3 MR. FELDEWERT: So if I look at that, I  
4 believe it has depth. Does it not?

5 MS. THOMPSON: They do, however --  
6 well, that is very blurry, but --

7 MR. FELDEWERT: I guess what I'm saying  
8 is I think we have five type logs with measured  
9 depths.

10 MS. THOMPSON: Right. And so like  
11 this, this is a cross section. So it's similar to a  
12 type log which just give you the formation tops. But  
13 it doesn't necessarily show -- sorry. I'm looking at  
14 it a little bit closer.

15 MR. FELDEWERT: That's fine. Take your  
16 time.

17 MS. THOMPSON: So -- sorry. Give me  
18 one second.

19 MR. FELDEWERT: Yeah. So just while  
20 you're doing it. If I look at it, you'll see the  
21 measured depth is labeled in the cross section for  
22 each of the five wells.

23 I do have, I believe, a witness  
24 available if you want to ask any questions about that.

25 MS. THOMPSON: While I'm looking at

1 this a little bit more, Ward, did you have a quick  
2 question?

3 MR. RIKALA: Yes. My question is what  
4 kind of unit is this?

5 MR. FELDEWERT: This would be what they  
6 would call an exploratory unit. So it's purely  
7 voluntary unit.

8 The only unique thing here is that  
9 there is a group of older wells in the unit area that  
10 are being excluded because of the vantage of the  
11 wells.

12 MR. RIKALA: Okay. A follow-up  
13 question to that. Is there any kind of a drilling  
14 obligation --

15 MR. FELDEWERT: Yes.

16 MR. RIKALA: -- that the company wells  
17 per year to keep it or the unit starts to contract?

18 MR. FELDEWERT: So if you look at page  
19 18 of the unit agreement that's been preliminary  
20 approved by the state land office. It's page 4 of the  
21 unit agreement, but it's page 18 of the 45-page PDF.

22 There's a paragraph eight, which  
23 provides the initial drilling obligation. And then  
24 there -- as you may or may not know, there's a  
25 periodic, I believe it's a yearly, submission that's

1 required in the state land office about the  
2 development of the unit.

3 Mr. Swain I see is on. He probably has  
4 more information about that than I do, but it's my  
5 understanding that they have to periodically submit  
6 updates to the state land office on the development of  
7 the unit. This is purely driven by what the state  
8 land office requires.

9 MR. RIKALA: Okay. Thank you, sir.

10 MS. THOMPSON: Okay. So I guess, like,  
11 this will work as a type log.

12 However, if possible, if you could pick  
13 like a single well from this cross section that's like  
14 zoomed in where we could easily see the measured  
15 depths, because here right now it's quite too blurry  
16 for me to actually read it.

17 And showing the tops and bottoms of the  
18 formations to be submitted in addition to this, and  
19 have it clearly labeled as a type log.

20 MR. FELDEWERT: Certainly. I assume we  
21 can do that as a supplement to the record. We don't  
22 have to come back. Do we?

23 MS. THOMPSON: Yeah. You could do it  
24 as a supplemental to the record.

25 MR. FELDEWERT: All right.

1 MR. CHAKALIAN: Ms. Thompson, it looked  
2 like there was a witness who was available for any  
3 questions you might have. Did you not want to take  
4 advantage of that?

5 MS. THOMPSON: I won't lie. Unit cases  
6 are definitely not my strong suit, so I don't have any  
7 questions at the moment, however, I am getting a  
8 message from one of our other engineers who might want  
9 me to ask a question.

10 Just give me one second. Okay. So  
11 yeah. No other questions.

12 MR. CHAKALIAN: Okay. Mr. Feldewert,  
13 thank you for your presentation, and I want to make a  
14 note here. We're going to take this case under  
15 advisement, but Ms. Thompson has asked you to  
16 submit -- would you put it in your own words, sir?

17 MR. FELDEWERT: Sure. We will submit  
18 an additional exhibit that will be labeled as a type  
19 log, that will identify the measured depth from the  
20 top of the Bone Spring formation to the base of the  
21 Wolfcamp, which is the unitized intervals sought in  
22 this manner.

23 MR. CHAKALIAN: Very good. Okay. I  
24 have that note here. Thank you. We're going to move  
25 on to Legacy Reserves 23804, and I believe we are



1 combining this case 23804 with 23809. Is that  
2 correct?

3 MS. GRAHAM: Yes. That's correct,  
4 Mr. --

5 MR. CHAKALIAN: And then we had earlier  
6 cases as well that we are combining. Is that correct?

7 MS. GRAHAM: Yes. And those cases are  
8 23800 through 23803.

9 MR. CHAKALIAN: Very good. All right.  
10 So I'm calling 23800, 01, 02, 03, and I'm also calling  
11 04 and 09. Okay. May I have your name again?

12 MS. GRAHAM: Sophia Graham with Beatty  
13 and Wozniak on behalf of Legacy Reserves Operating.

14 MR. CHAKALIAN: Very good, Ms. Graham.  
15 And do we have any other interested parties with us  
16 who have entered an appearance?

17 MR. FELDEWERT: Mr. Chakalian, this  
18 morning I appeared when these were initially called  
19 for MRC Permian, and noted that while we had initially  
20 objected to some of these cases going forward, that  
21 has now been withdrawn. We just made --

22 MR. CHAKALIAN: Okay. Thank you.

23 MR. FELDEWERT: -- our appearance.

24 MR. CHAKALIAN: Thank you for reminding  
25 me. Are there any other entries of appearance?

1 MR. PARROT: Mr. Examiner, my name is  
2 James Parrot. I'm also with Beatty and Wozniak  
3 representing Legacy, but Sophia is going to handle the  
4 hearing today.

5 MR. CHAKALIAN: Okay. Thank you, sir.  
6 Are there any other parties? I'm not hearing any.  
7 Ms. Graham, with the withdrawal of the objection  
8 mentioned by Mr. Feldewert, were there any other  
9 objections or was that the only one?

10 MS. GRAHAM: No. That was the only  
11 one.

12 MR. CHAKALIAN: Okay. So you are now  
13 going to present evidence in, it looks like a total of  
14 six cases. Is that correct?

15 MS. GRAHAM: Yes.

16 MR. CHAKALIAN: Okay. Please proceed.

17 MS. GRAHAM: Thank you for allowing us  
18 to present these matters together today. As we  
19 discussed earlier, we'll be addressing case numbers  
20 23800 through 23803 in consolidated form in addition  
21 to 23804 and 23809, all of which are nearly identical  
22 applications to request an extension of drilling  
23 obligations.

24 Case numbers 23800 through 23803 are  
25 applications to amend division orders R-22336, 22337,

1 22338, and 22339 issued on October 28th of 2022.

2 And moving on to cases 23804 and 23809,  
3 these applications also seek to extend the  
4 commencement of drilling obligations found in division  
5 orders R-22392 and R-22394 issued on November 17th of  
6 2022.

7 In these subject orders, these orders  
8 pooled all the uncommitted interest owners in the Bone  
9 Spring formation underlying standard 320 acre  
10 horizontal spacing units in sections 15 and 22, and  
11 then sections 14 and 23 of Township 19 South, Range 33  
12 East in Lea County.

13 The initial proposed wells for these  
14 units are the Sapphire Fed Com 501H, 502H, 503H, and  
15 504H. The Ruby Fed Com 501H and 502H. And good cause  
16 exists for Legacy's request for an additional year to  
17 commence drilling.

18 For these matters for case numbers  
19 23800 through 23803, that request would be through  
20 October 28th of 2024, and for case numbers 23804 and  
21 23809, the new requested date is November 17th of  
22 2024.

23 The exhibit packet that was filed on  
24 Tuesday contains the applications and the relevant  
25 affidavits. Exhibit A includes the applications,

1 Exhibit B is the affidavit of Legacy's land witness,  
2 Taylor Thoreson.

3 Ms. Thoreson has previously testified  
4 before the division, and had her qualifications  
5 accepted as those of an expert in petroleum land  
6 matters.

7 Ms. Thorson notes that she is familiar  
8 with these cases, including the related pooling  
9 applications, pooling orders, and reasons for Legacy's  
10 extension requests. Exhibit B also includes the  
11 related pooling application and subject orders.

12 Moving on, Exhibit C is the notice  
13 affidavit showing that notice letters were mailed to  
14 the interested parties. Immediately after the copy of  
15 the notice letter are the certified mailing receipts  
16 showing delivery to numerous interested parties.

17 And Exhibit D is the affidavit of  
18 publication in the Hobbs News-Sun. And with that,  
19 we'd request that the exhibits be admitted into the  
20 record, and that these matters be taken under  
21 advisement.

22 (Exhibits A, B, C, and D were marked  
23 for identification.)

24 MR. CHAKALIAN: Are there any  
25 objections into admitting these exhibits into

1 evidence? I'm not hearing any. These exhibits are  
2 admitted into evidence. Please proceed. Ms.  
3 Thompson, any questions?

4 (Exhibits A, B, C, and D were received  
5 into evidence.)

6 MS. THOMPSON: Yeah. I wanted to know  
7 because you didn't mention it, but what your good  
8 cause was for the extension of time.

9 MS. GRAHAM: Legacy is seeking to  
10 revise its development plan based on the approximate  
11 well data that it's received and would appreciate the  
12 additional time to plan and permit additional wells to  
13 allow for batched drilling.

14 MS. THOMPSON: Would you be able to  
15 provide a drilling schedule?

16 MS. GRAHAM: We can certainly provide  
17 that.

18 MR. CHAKALIAN: You know, we actually  
19 do have a witness from Legacy on the hearing if you'd  
20 like to ask a question. Perhaps we could get an  
21 answer for you right now if we have somebody.

22 MS. THOMPSON: I'm just curious how  
23 that schedule is working out so that we can make sure  
24 that you're able to meet the drilling timelines within  
25 the year.

1 MS. THORESON: Sure. I'm happy to  
2 speak on that. Can you all hear me?

3 MS. THOMPSON: Yeah.

4 MR. CHAKALIAN: Yes. Can you turn your  
5 camera on, please?

6 MS. THORESON: Oh. We'll see if it  
7 works today.

8 MR. CHAKALIAN: Taylor, you mind just  
9 also introducing yourself?

10 MS. THORESON: Sure. It looks like the  
11 camera is not up there -- there we go. Wow. That's  
12 close up. So I'm Taylor Thoreson. I'm the VP of land  
13 and business development here at Legacy Reserves. So  
14 yeah. Just like what was noted by --

15 MR. CHAKALIAN: Wait. Hold on. Hold  
16 on. I haven't sworn you in yet, so before you give  
17 any testimony let's get you sworn in. Would you raise  
18 your right hand, please?

19 Do you swear or affirm that the  
20 testimony you're about to give is the truth, the whole  
21 truth, and nothing but the truth?

22 MS. THORESON: I do.

23 MR. CHAKALIAN: Okay. Now Ms.  
24 Thompson, would you please ask specific questions to  
25 this witness? Ms. Thompson, I think you're muted. I

1 think I see your mouth moving.

2 CROSS-EXAMINATION

3 BY MS. THOMPSON:

4 Q I would like to know if Legacy Reserves has  
5 a drilling schedule for the wells provided in these  
6 cases.

7 A We do. These wells are currently scheduled  
8 for -- for development in 2024. As was noted by our  
9 team, we have been in the process of submitting  
10 additional permits whenever we additionally propose  
11 these wells and -- and receive the initial order.

12 This is viewed more as a single zone  
13 development and now it's going to be multi-horizon,  
14 and that's -- that's the need for the additional time  
15 is it's really just to get APDs approved.

16 Q Okay. Would you be able to submit that  
17 schedule as a supplementary exhibit?

18 A Sure. We'd be happy to.

19 MS. THOMPSON: I have no other  
20 questions.

21 MR. CHAKALIAN: Okay. Okay. So Ms.  
22 Graham, does that conclude your presentation for these  
23 consolidated cases, 2380, 01, 02, and 03?

24 MS. GRAHAM: Yes, Mr. Hearing Examiner.

25 MR. CHAKALIAN: Okay. Then we will

1 take these four cases under advisement subject to your  
2 additional exhibit. Let me take a note of that before  
3 we continue with your other cases.

4 And Ms. Thompson, how would you label  
5 that additional exhibit? Is it a drilling plan?

6 MS. THOMPSON: Drilling schedule.

7 MR. CHAKALIAN: Schedule, thank you.

8 MS. THOMPSON: Or a rig schedule.

9 MR. CHAKALIAN: A what? Sorry. Rate  
10 schedule?

11 MS. THOMPSON: Rig schedule.

12 MR. CHAKALIAN: RIG?

13 MS. THOMPSON: Yes.

14 MR. CHAKALIAN: Thank you. Let me just  
15 make a note of that. All right. So that's going to  
16 be for all four of these cases. All right. Ms.  
17 Graham, are you ready to proceed on the next, I guess,  
18 two cases?

19 MS. GRAHAM: Mr. Hearing Examiner, I  
20 addressed those case numbers along -- I addressed  
21 23804 and 809 along with 23800.

22 MR. CHAKALIAN: Okay. I was looking at  
23 your exhibits filed in these four cases, so let me go  
24 back and pull up this other case before we continue.  
25 So 04.



1 All right. So here I have these two  
2 cases are filed together, 04 and 09. And are you  
3 saying that these are the same exhibits in the other  
4 cases?

5 MS. GRAHAM: No. We submitted them  
6 separately. There are two different packets with  
7 these. So there are two series of consolidated cases.

8 MR. CHAKALIAN: Okay.

9 MS. GRAHAM: And I apologize if I  
10 presented them together and muddled the information.

11 MR. CHAKALIAN: So can you just explain  
12 what is the difference between these two consolidated  
13 cases and the other four consolidated cases?

14 MS. GRAHAM: Yes. They're very  
15 similar. The lands are adjacent to each other, so the  
16 horizontal spacing units for matters 23804 and 809 are  
17 in sections 14 and 23. And they're for the Ruby Fed  
18 Com 501H and 502H wells.

19 MR. CHAKALIAN: Are there any other  
20 differences between the two packets?

21 MS. GRAHAM: No. Just that they're on  
22 adjacent lands and the -- you know, they'll be drilled  
23 consecutively.

24 MR. CHAKALIAN: Okay. Ms. Thompson,  
25 are there any questions for these two cases?

1 MS. THOMPSON: No questions for these  
2 two cases.

3 MR. CHAKALIAN: Okay. Does the same  
4 stipulation in effect for these two cases in which you  
5 want a rig schedule?

6 MS. THOMPSON: Yes. I would like it  
7 for all six cases.

8 MR. CHAKALIAN: All six cases. Okay.  
9 So Ms. Graham, you understand that?

10 MS. GRAHAM: Yes.

11 MR. CHAKALIAN: Okay. Very good. So  
12 wait, Ms. Graham. When you submit this exhibit, I  
13 suspect it will be Exhibit E, as in Edward?

14 MS. GRAHAM: Yes. We can label it as  
15 such.

16 MR. CHAKALIAN: Okay. Great. And will  
17 you be filing it in both consolidated matters 00  
18 through 03 and then 04 and 09?

19 MS. GRAHAM: Yes. We'll amend each of  
20 those.

21 MR. CHAKALIAN: Okay. And Ms. Graham,  
22 did you move for the admission of these Exhibits A  
23 through D in this consolidated matter 04 and 09?

24 MS. GRAHAM: I believe I did, but if  
25 you'd like, I can do that again.

1 MR. CHAKALIAN: I would. Thank you.

2 MS. GRAHAM: Okay. So we will move for  
3 Exhibits A, B, C, and D in the matters 23804 and 23809  
4 to be admitted into the record and taken under  
5 advisement.

6 MR. CHAKALIAN: Your Exhibits A through  
7 D are admitted into evidence. We are expecting you to  
8 file Exhibit E in this matter, as we are in the other  
9 consolidated matter.

10 And we will take these two cases, 23804  
11 and 809 under advisement. Thank you for your  
12 presentation.

13 MS. GRAHAM: Thank you.

14 MS. THOMPSON: Thank you.

15 MR. CHAKALIAN: I'm now calling Novo  
16 Oil & Gas 23805, 23806. And who do we have  
17 representing Novo?

18 MS. BENNETT: Good morning, Mr. Hearing  
19 Examiner. This is Deana Bennett.

20 MR. CHAKALIAN: Ms. Bennett, that's not  
21 going to work. I can't hear you at all. It's --

22 MS. BENNETT: Any better?

23 MR. CHAKALIAN: Not at all, no. Maybe  
24 you can call in? And Ms. Pena?

25 MS. PENA: Yes. Good morning, Mr.

1     Hearing Examiner. My name is Yarithza Pena. I'm also  
2     with Modrall Sperling.

3             Deana's intent was to introduce me as  
4     well in front of the division, but I think she's  
5     having some technical difficulties this morning.

6             MR. CHAKALIAN: And there she is again.  
7     Let's see how we do this time, Ms. Bennett.

8             MS. BENNETT: Hello is this any better?

9             MR. CHAKALIAN: Much better. Much  
10    better.

11            MS. BENNETT: Okay.

12            MR. CHAKALIAN: Please proceed.

13            MS. BENNETT: Ms. Pena will be  
14    presenting these cases today, but I did want to take  
15    the opportunity to welcome Ms. Pena officially to our  
16    firm, and to let you all know that she's joined  
17    Modrall Sperling. And we're very excited to have her  
18    as part of our team. Thank you.

19            MR. CHAKALIAN: Welcome, Ms. Pena to  
20    our little group here, and please proceed.

21            MS. PENA: Thank you. So I will be  
22    presenting 23805 and 23806 consolidated. I'll begin,  
23    they're very similar cases.

24            In 23805 we are seeking to amend order  
25    number R-22410, which pooled all uncommitted interests

1 in the Wolfcamp formation in the west half of section  
2 26, Township 22 South, Range 28 East in Eddy County.

3 And this unit was dedicated to three  
4 wells, and Novo was designated as a operator for the  
5 wells and unit.

6 In case number 23806, we are seeking to  
7 amend orders numbers R-22411, and an amended order  
8 22411A, which pooled all uncommitted interests in the  
9 Bone Spring in 160 acre standard horizontal spacing  
10 unit in the west half west half of section 26,  
11 Township 22 South, Range 28 East in Eddy County, and  
12 dedicated two wells and Novo as the operator of these  
13 wells and unit.

14 In both cases, Novo seeks a one-year  
15 extension of time to December 5th of 2024 for the  
16 deadline to commence drilling.

17 Good cause exists for this extension  
18 since Novo's corporate parent company was a party to a  
19 sales transaction in June of this year, and it also  
20 caused delays in their drilling schedule. Both cases  
21 have similar exhibit packets.

22 Exhibit A contains the declaration of  
23 Mr. Peter Schmidt, the land professional for Novo, and  
24 he has previously testified before the division and  
25 has been accepted as an expert witness.

1                   Exhibit A also includes the  
2       applications and proposed notices for both cases, and  
3       also the previous orders we are seeking to amend.

4                   Exhibit B contains the notice  
5       declaration of Mr. Earl Debrine [ph] with scans of the  
6       notice letters that were sent to the interested  
7       parties, as well as the signed green cards that we  
8       received from all the parties.

9                   At this point, I would ask that  
10      Exhibits A and B and their subparts be admitted to the  
11      record in case numbers 23805 and 23806, and both cases  
12      be taken under advisement. And I'm happy to answer  
13      any questions. Thank you.

14                   (Exhibits A and B were marked for  
15      identification.)

16                   MR. CHAKALIAN: The exhibits are  
17      admitted into evidence and Ms. Thompson, are you going  
18      to want to hear more about the good cause?

19                   (Exhibits A and B were received into  
20      evidence.)

21                   MS. THOMPSON: She covered it. I have  
22      no questions.

23                   MR. CHAKALIAN: So the good cause was  
24      that the company was taken over by another company and  
25      that caused a delay?

1 MS. PENA: And there was a sale that  
2 they had to wait for, yes. And so that caused a delay  
3 in their drilling schedule, which pushed these wells  
4 out.

5 MR. CHAKALIAN: Okay. And Ms.  
6 Thompson, that's sufficient good cause for you?

7 MS. THOMPSON: Yeah. Sorry. Someone  
8 else over here. But I would -- I definitely would  
9 like to know, like, more of a reason for the delay as  
10 sales transactions of companies don't generally slow  
11 down production time in a field when it comes to  
12 drilling schedules.

13 So if there was some kind of other  
14 delay for that drilling time, I would be interested in  
15 hearing about that.

16 MR. CHAKALIAN: Ms. Pena, we're not  
17 putting you on the spot, but is there something that  
18 you can submit to flesh out the good cause a little  
19 further?

20 MS. PENA: We would be happy to  
21 supplement a declaration from, you know, Novo and Mr.  
22 Schmidt to provide more of an explanation on how this  
23 caused a delay in their drilling schedule if that  
24 would be sufficient.

25 MR. CHAKALIAN: It would be for me.

1 When I heard the good cause, I felt as though we  
2 needed a bit more, and it seems like Ms. Thompson  
3 agrees with me.

4 So not to put you on the spot, I know  
5 this is your first presentation to the OCD, but if you  
6 could submit -- well, I'm not saying if you could  
7 submit.

8 I'm ordering you to submit a more of a  
9 detailed good cause explanation, but we will take  
10 these cases under advisement with the caveat that you  
11 are going to submit more of a good cause explanation.

12 MS. PENA: Thank you.

13 MR. CHAKALIAN: Thank you. Okay. We  
14 are now at Permian Resources 28315, 28316, 28317. Mr.  
15 Feldewert, is this your case, or Ms. Shaheen, is this  
16 your case?

17 MS. SHAHEEN: Yes. Sharon Shaheen,  
18 Montgomery & Andrews on behalf of Permian Resources  
19 Operating, LLC.

20 MR. CHAKALIAN: Very good, very good.  
21 And Mr. Feldewert, did you enter an appearance here?

22 MR. FELDEWERT: I had entered an  
23 appearance for Fasken Oil and Ranch, but I believe,  
24 Ms. Shaheen, that Fasken Oil and Ranch is longer being  
25 pooled; correct?



1 MS. SHAHEEN: That is correct, and you  
2 can see that being evident in Exhibit A2 in column E  
3 where we identify those parties who are being force  
4 pooled. It indicates that Fasken has assigned a JOA  
5 and is voluntarily participating.

6 MR. FELDEWERT: And I, Mr. Chakalian, I  
7 no longer need to be involved in the case. Thank you.

8 MR. CHAKALIAN: Wonderful. Thank you,  
9 sir. All right. Are there any other parties before  
10 we proceed? And I suspect we're proceeding by  
11 affidavit, Ms. Shaheen?

12 MS. SHAHEEN: That is correct.

13 MR. CHAKALIAN: All right. Very good.  
14 I don't see any other parties, so please proceed.

15 MS. SHAHEEN: Thank you. In this case,  
16 Permian Resources seeks to pool all uncommitted  
17 mineral interest in the Wolfcamp formation.

18 The pool code is set forth there in  
19 paragraph six of the landman affidavit, who, by the  
20 way, has had his credentials accepted and his  
21 testimony accepted as a matter of record before the  
22 division.

23 Here they seek to pool a standard 640  
24 acre spacing unit comprised of the south half of  
25 section 27 and section 28, Township 19 South, Range 28

1 East in Eddy County, and they proposed to drill two  
2 wells: the Big Burro 27 State Com number 203H, and the  
3 Big Burro 27 State Com number 204H.

4 The first and last take points that are  
5 proposed here actually meet the setback requirements  
6 for oil wells.

7 This is a little bit unique in that  
8 Permian Resources believes that this particular pool,  
9 although it is designated as a gas pool, these wells  
10 will actually be oil wells.

11 And once the oil gas ratio is  
12 determined, then they will seek to either get approval  
13 for a non-standard spacing unit, or get approval for  
14 non-standard locations depending on whether the wells  
15 are producing oil or gas.

16 And that is explained in the landman's  
17 affidavit in paragraph eight. So attached to his  
18 affidavit are the following exhibits. Exhibit A1 is a  
19 tract and lease map. Exhibit A2 has the unit  
20 ownership and breakdowns of interest.

21 As I mentioned before, column E  
22 indicates the port parties that we seek to force pool.  
23 The chronology of contacts is attached as Exhibit A3.  
24 The C102s are attached as Exhibit A4.

25 The well proposal letter and AFE's

1 attached as Exhibit A5, and the notice letter of the  
2 application is attached as Exhibit A6.

3 Exhibit B is the self-affirmed  
4 statement of the geologist, Mr. Canton [ph], who has  
5 also had his credentials and testimony accepted  
6 previously by the division. He has five exhibits  
7 attached to his affirmation.

8 Exhibit B1 is the regional locator map;  
9 Exhibit B2, the cross section locator map; Exhibit B3,  
10 the structure map; Exhibit B4, the stratigraphic cross  
11 section; and Exhibit B5 is the gun barrel.

12 My affirmation of notice is attached as  
13 Exhibit C, and we've included a chart of the status of  
14 all the deliveries.

15 We've also published timely, and that  
16 is attached as an exhibit to my affirmation of notice.

17 And with that, I would ask that the  
18 exhibits be admitted into the record, and that these  
19 cases be taken under advisement. Happy to answer any  
20 questions.

21 (Exhibits A1, A2, A3, A4, A5, B, B1,  
22 B2, B3, B4, B5, and C were marked for  
23 identification.)

24 MR. CHAKALIAN: So Ms. Shaheen, your  
25 presentation included all three cases. Is that

1 correct?

2 MS. SHAHEEN: No, Mr. Examiner.  
3 The -- the presentation was only for the Big Burro  
4 Wolfcamp 27 State Com. That's case number 23815.

5 MR. CHAKALIAN: Sure. I thought so,  
6 but then you said that you were asking for all the  
7 cases to be taken under advisement, which confused me.

8 MS. SHAHEEN: Oh. My bad. I  
9 apologize. I asked that case number 23815 be taken  
10 under advisement.

11 MR. CHAKALIAN: Okay. So I am  
12 admitting these exhibits into evidence. These are  
13 exhibits -- let's see. Where's our table of contents?  
14 A1 through A6, and B1 through B5 and Exhibit C. They  
15 are admitted into evidence. Ms. Thompson, any  
16 questions on this case?

17 (Exhibits A1, A2, A3, A4, A5, B, B1,  
18 B2, B3, B4, B5, and C were received  
19 into evidence.)

20 MS. THOMPSON: I have no questions on  
21 this case.

22 MR. CHAKALIAN: Okay. So 23815 will be  
23 taken under advisement. And now Ms. Shaheen, are you  
24 ready to proceed on the Ironhorse cases?

25 MS. SHAHEEN: I am.

1 MR. CHAKALIAN: Okay. Please proceed.

2 MS. SHAHEEN: Sharon Shaheen,  
3 Montgomery & Andrews on behalf of Permian Resources  
4 Operating LLC for case numbers 23816 and 23817. We  
5 followed the same format here. The affidavit of the  
6 landman is attached as Exhibit A.

7 And here he only has five exhibits,  
8 however. And in Exhibit A1, column E indicates the  
9 parties who are being force pooled, and we have the  
10 same remaining exhibits there.

11 Mr. Canton's [ph] affidavit is attached  
12 as Exhibit B, and he has the same exhibits that were  
13 presented for the Big Burro in 23815. Again, my  
14 affirmation of notice is attached as Exhibit C.

15 We have the table of the status of  
16 delivery to everyone and also the affidavit of  
17 publication, which is attached to the affirmation of  
18 notice. So I'll just back up and say what this case  
19 refers to in case number 23816.

20 Permian Resources seeks an order  
21 pooling all interest in the first and the third Bone  
22 Spring intervals in a standard 320 acre unit comprised  
23 of the north half north half of sections 35 and 36 in  
24 Township 19 South, Range 29 East.

25 And it proposes to drill therein the

1 Ironhorse 35-36 Fed State number 131H.

2 In case number 23817, Permian Resources  
3 seeks to pool the first and third Bone Spring  
4 intervals, and this is in the Winchester Bone Spring  
5 pool in a standard 320 acre unit comprised of the  
6 south half of the north half of section 35 and 36, and  
7 proposes to drill the Ironhorse 35-36 Fed State number  
8 132H well.

9 And I'll note that here we seek only to  
10 pool the first and the third Bone Spring intervals  
11 because there is currently existing production in the  
12 second Bone Spring interval, and those wells are  
13 operated by a third party.

14 And with that, I'm happy to answer any  
15 questions. Otherwise, ask that Exhibits A and A1  
16 through A5 and Exhibit B, and B1 through B5, as well  
17 as my Exhibit C are admitted into the record. And  
18 that these two cases be taken under advisement.

19 (Exhibits A, A1, A2, A3, A4, A5, B, B1,  
20 B2, B3, B4, B5, and C were marked for  
21 identification.)

22 MR. CHAKALIAN: Okay. Thank you, Ms.  
23 Shaheen. I am admitting into evidence Exhibits A1  
24 through 5, B1 through 5, and Exhibit C. Ms. Thompson,  
25 any questions for Ms. Shaheen?

1 (Exhibits A, A1, A2, A3, A4, A5, B, B1,  
2 B2, B3, B4, B5, and C were received  
3 into evidence.)

4 MS. THOMPSON: No questions on these  
5 cases.

6 MR. CHAKALIAN: Okay. Ms. Shaheen, we  
7 will take these two cases under advisement.

8 MS. SHAHEEN: Thank you very much.

9 MR. CHAKALIAN: Thank you for your  
10 presentation. I am now calling Mewbourne cases  
11 docketed as 23819, 23820. Mr. Bruce, are you with us?  
12 We can come back to these two cases.

13 Let's go on to Franklin Mountain 23829,  
14 23830, 23831, 23832. I assume these are consolidated  
15 together. Is that correct?

16 MS. BENNETT: That's correct. This is  
17 Deana Bennett on behalf of Franklin Mountain Energy.

18 MR. CHAKALIAN: Please proceed, Ms.  
19 Bennett.

20 MS. BENNETT: Thank you very much.

21 MS. HARDY: Mr. Examiner, I wanted to  
22 enter my appearance.

23 MR. CHAKALIAN: Ms. Hardy. Thank you.

24 MS. HARDY: Thank you.

25 MR. CHAKALIAN: Excuse me, Ms. Hardy.

1 Did you file an entry of appearance?

2 MS. HARDY: I did in case numbers 23831  
3 and 23832.

4 MR. CHAKALIAN: Perfect. I do see it  
5 here now, yes. Thank you for your entry of  
6 appearance. Ms. Bennett?

7 MS. BENNETT: Thank you. And Ms.  
8 Hardy, in these cases -- and I apologize. Are these  
9 the cases that you've entered in appearance on behalf  
10 of Armstrong Energy and Slash, or just Armstrong  
11 Energy?

12 MS. HARDY: It is both entities.

13 MS. BENNETT: Okay. Great. Thank you.

14 MS. HARDY: Thank you.

15 MS. BENNETT: I just wanted to make  
16 sure I was tracking here as well. Thank you. So yes,  
17 in these four cases, these four cases are part of  
18 Franklin Mountain Energy's development plan that I  
19 discussed earlier.

20 And these four cases are companion  
21 cases that seek to pool uncommitted working interest  
22 in the Wolfcamp formation.

23 And together these four cases cover the  
24 west half and east half of sections 24 and 25, and the  
25 north half of section 36 -- or the north half of the



1 north half of section 36, I should say, in Township 18  
2 South, Range 34 East, Lea County, New Mexico. And --

3 MR. CHAKALIAN: And Ms. Bennett, are  
4 you seeking to proceed by affidavit?

5 MS. BENNETT: Yes. I am. I apologize.

6 MR. CHAKALIAN: You are. And Ms.  
7 Hardy, is there any objection?

8 MS. HARDY: I do not object. Thank  
9 you.

10 MR. CHAKALIAN: Wonderful. Wonderful.  
11 Okay. Please proceed.

12 MS. BENNETT: Thank you. So on  
13 Tuesday, we timely filed our exhibits, and I did check  
14 the docket files, and we did include the table of  
15 contents and the compulsory pooling check lists in  
16 these four cases.

17 I'm still unsure what happened with the  
18 earlier cases, but they are in the packets. And so  
19 what I've included in the packets are the general  
20 exhibits that I'll explain quickly.

21 First, is the compulsory pooling  
22 checklist. Second is the self-affirmed declaration of  
23 Don Johnson, the land man. And he has previously  
24 testified before the division, and his credentials  
25 have been accepted.

1                   And behind his declaration are the  
2                   usual exhibits, including my notice exhibit. We've  
3                   also included the self-affirmed declaration of Ben  
4                   Kessel.

5                   And Mr. Kessel has also previously  
6                   testified before the division, and his credentials  
7                   have been accepted as a matter of record. He's the  
8                   geologist for Franklin Mountain Energy, and we've  
9                   provided the usual suite of exhibits there as well.

10                  The only thing I did want to point out  
11                  about these four cases is that we are proposing, or  
12                  Franklin Mountain Energy is proposing overlapping  
13                  spacing units, and so these will overlap in the north  
14                  half of the north half of section 36 with the cross  
15                  cases that we talked about earlier today.

16                  And in Mr. Johnson's declaration, we  
17                  provide an explanation for the need for the overlap,  
18                  and there has been no objection to the overlapping  
19                  spacing unit that we proposed -- or units, I should  
20                  say.

21                  So with that, I would request the  
22                  admission of the exhibit in cases 23829, 23830, 23831,  
23                  and 23832, and I would request that those cases be  
24                  taken under advisement.

25                  MR. CHAKALIAN: Okay. Let's start out

1 with 23829 and 23830. I'm looking at that exhibit  
2 packet. I'm not looking at the other two yet.

3 So I will admit into evidence Tab A,  
4 the compulsory pooling checklist, Exhibits B1 through  
5 B10, and Exhibits C1 through C11, and opening the  
6 question to Ms. Thomas [sic]?

7 (Exhibits B1 through B10 and C1 through  
8 C11 were identified and received into  
9 evidence.)

10 MS. BENNETT: I'm not sure if I lost  
11 audio, but I'm not hearing any questions, Ms.  
12 Thompson, so my apologies. If I've lost audio, it  
13 wouldn't surprise me.

14 MR. CHAKALIAN: I think you might be  
15 muted. We can't hear you, Ms. Thompson. Why don't we  
16 take a break? It's 11:55 and we're not hearing Ms.  
17 Thompson even though she's trying to say something.  
18 It's obvious.

19 Before we take a break, Ms. Bennett,  
20 just a question for you. I see here in case number  
21 23829 we have a compulsory pooling checklist, and it's  
22 listed as 23829.

23 And what I'm wondering is, did you file  
24 separate exhibit packets for each of the four cases?

25 MS. BENNETT: I did.

1 MR. CHAKALIAN: You did. Okay. Very  
2 good. So then -- Ms. Thompson just sent me a message  
3 saying, "No questions." Ms. Thompson, is that no  
4 questions for all four cases or just the first two  
5 that I'm dealing with?

6 Ms. Thompson, are you going to send me  
7 another message? Is that how I'll know?

8 MS. THOMPSON: Yes. Sorry. I've  
9 been -- I think I'm having issues.

10 MR. CHAKALIAN: There you are. There  
11 you are. Okay. Could you tell me, do you have any  
12 questions in any of the four cases, or just no  
13 questions for this first case?

14 MS. THOMPSON: No questions. The only  
15 question I actually really had was if I had missed  
16 seeing a gun barrel diagram while looking through the  
17 cases.

18 MS. BENNETT: Usually the gun barrel is  
19 Exhibit C2. Let me just get to Exhibit C2.

20 MS. THOMPSON: Okay. I have it. It's  
21 the wellbore schematic, page --

22 MS. BENNETT: Yes.

23 MS. THOMPSON: Okay. Yes. Perfect.  
24 So yeah. No other questions.

25 MS. BENNETT: Thank you.

1 MR. CHAKALIAN: Okay. So let's take  
2 these one at a time because it looks like we have a  
3 prehearing statement for 23829 and 2 -- oh. Through  
4 23832.

5 Okay. So these are the four cases in  
6 this prehearing statement. So there's one prehearing  
7 statement for four cases, Ms. Bennett. And yet there  
8 are separate packets of exhibits for each case. Is  
9 that correct?

10 MS. BENNETT: That's correct.

11 MR. CHAKALIAN: All right. Well then  
12 I've admitted your exhibits for case number 23829 into  
13 evidence, and I want to be a bit of a stickler to do  
14 this properly.

15 We don't have any questions for 23829,  
16 and I've admitted all the exhibits, so this case will  
17 be taken under advisement. Now let's look at the next  
18 case, which is 23830. And here I have a exhibit  
19 packet.

20 Once again, I'm admitting tab A, the  
21 checklist, Exhibits B1 through B10, Exhibits C1  
22 through C11. No, there are no questions from Ms.  
23 Thomas [sic]. This case will be taken under  
24 advisement.

25 MS. BENNETT: Thank you.

1 MR. CHAKALIAN: You're welcome. Now  
2 let's continue with the third case, which is 31. In  
3 31, we now have the entry of appearance by Ms. Hardy.  
4 Ms. Hardy, you have no objection to this case being  
5 taken under advisement?

6 MS. HARDY: That's correct. No  
7 objection.

8 MR. CHAKALIAN: Okay. Nor to case  
9 number 33?

10 MS. HARDY: That's correct.

11 MR. CHAKALIAN: Very good. Okay. So  
12 Ms. Bennett, looking at your exhibit packet in 31, I  
13 have tab A, the checklist, which is admitted into  
14 evidence. I have Exhibits B1 through B10 and Exhibits  
15 C1 through C11 that are all admitted into evidence.

16 Now this case will be taken under  
17 advisement. And finally. In 32, I have the  
18 checklist, tab A, I have B1 through B10, and C1  
19 through C11 all admitted now into evidence. And this  
20 case will be taken under advisement as well.

21 So thank you for your work, your  
22 presentation today. If there's nothing else, we'll  
23 move back to Mr. Bruce. Mr. Bruce, are you with us?

24 MR. BRUCE: Yes. Can you hear me, Mr.  
25 Examiner?

1 MR. CHAKALIAN: Yes. Now that you're  
2 speaking, I can hear you. So let's call 238 --

3 MR. BRUCE: Go ahead.

4 MR. CHAKALIAN: Thank you. 23819,  
5 23820 Mewbourne cases. Mr. Bruce, thank you for your  
6 entry of appearance. Are there any other parties that  
7 you know that have entered an appearance in these two  
8 cases?

9 MR. BRUCE: No.

10 MR. CHAKALIAN: These are amendment  
11 cases. Aren't they?

12 MR. BRUCE: That is correct. Both  
13 cases are seeking an extension of the well  
14 commencement deadline.

15 MR. CHAKALIAN: Please proceed with  
16 your presentation.

17 MR. BRUCE: And I apologize, I could  
18 hear you before when you called the cases, and my  
19 phone showed that I was unmuted, but obviously  
20 something went awry.

21 So anyway, these cases collectively  
22 involve the south half south half of sections 27, 28,  
23 and 29 in Township 20 South, Range 27 East. The  
24 orders pooled the Bone Spring formation.

25 The first case, which concerns the Nina

1 well, involves the east half of that acreage for 240  
2 acre unit. The second case for the Pinta well  
3 involves the west half of that acreage for a 240 acre  
4 unit.

5 The Exhibit 1 is the statement of  
6 Braxton Blandford, the landman who is -- he has  
7 previously testified before the division, and been  
8 qualified as a witness. So in his Exhibit 1, he has  
9 attached the order in each case.

10 These orders were issued on October 28,  
11 2022, each order. Soon after that, Mewbourne  
12 submitted APDs to the Bureau of Land Management.

13 They have not yet been approved, and so  
14 Mewbourne is asking an additional year to October 28,  
15 2024, to drill the pooled well. Hopefully it won't  
16 take that long to get an APD approved, but you never  
17 know with the Bureau of Land Management.

18 So that is the reason why good cause  
19 exists for applicant's extension. Exhibit 2 is my  
20 statement of certified mailing. What I did was I  
21 notified all of the parties who were originally  
22 pooled.

23 The pooling lists are separate in each  
24 cases so that the notice letters are obviously  
25 different. Exhibit 3 in each case is a certified



1 notice spreadsheet showing who did and did not receive  
2 actual notice.

3 Exhibit 4 is a separate affidavit of  
4 publication in each case. So combined, people either  
5 received actual or constructive notice. And finally,  
6 Exhibit 5 is the application and proposed notice in  
7 each case.

8 I would move the admission of Exhibits  
9 1 through 5 and ask that both cases be taken under  
10 advisement.

11 (Exhibits 1, 2, 3, 4, and 5 were marked  
12 for identification.)

13 MR. CHAKALIAN: Mr. Bruce, I'm looking  
14 at your PDF. It's 21 pages in the one I'm looking at,  
15 and this is case number -- let me make sure that you  
16 have the right. Well, there's different numbers.  
17 There's different numbers here.

18 I'm looking at your exhibit, and I want  
19 to make sure I understand how you set up these  
20 exhibits. I have Exhibit Number 1 in this case,  
21 23819. The self-affirming statement of Braxton  
22 Blandford.

23 Then I have Exhibit 1A. I have Exhibit  
24 1A, which is a copy of the order itself.

25 MR. BRUCE: Correct.

1 MR. CHAKALIAN: And then I have  
2 something called Exhibit A, which is also called  
3 Exhibit 6 revised, which is a compulsory pooling  
4 checklist from, I think, the old case.

5 MR. BRUCE: That -- that -- yeah.  
6 That's the compulsory fluent checklists attached to  
7 Exhibit 1A. When the pooling was done, that was my  
8 Exhibit 6.

9 MR. CHAKALIAN: Okay. All right. That  
10 was what was confusing me, but I figured it out.

11 MS. THOMPSON: Mr. Examiner, during  
12 our -- when we issue any orders, we always attach an  
13 Exhibit A, which is the compulsory pooling checklist.  
14 So that is our Exhibit A that we attach to that order.

15 MR. CHAKALIAN: Very good. That makes  
16 sense. Thank you, Ms. Thompson. Do you have any  
17 questions for Mr. Bruce on 23819 or 23820?

18 MS. THOMPSON: I do not. Thank you.

19 MR. CHAKALIAN: Okay. Let's get these  
20 admitted into evidence. First, these exhibits in  
21 23819, I'm admitting into evidence Exhibits 1, 2, 3,  
22 4, and 5. Mr. Bruce, you don't list the 1A on your  
23 exhibit list.

24 Are you seeking for that to be  
25 admitted?

1 (Exhibits 1, 2, 3, 4, and 5 were  
2 received into evidence.)

3 MR. BRUCE: Yes. It is referenced in  
4 the landman's affidavit as being submitted as Exhibit  
5 1A. So next time, I'll break it out. Thank you.

6 MR. CHAKALIAN: Right. Okay. Great.  
7 So I'm also admitting in this case Exhibit 1A, and  
8 this case will be taken under advisement.

9 (Exhibit 1A was marked for  
10 identification and received into  
11 evidence.)

12 Now, let me go to the next case in case  
13 things are a little different there. So I'm going to  
14 23820, and looking at your exhibit list, but I don't  
15 see an exhibit list in this case, sir. I don't think  
16 you submitted exhibits in this case.

17 MR. BRUCE: I did. I did.

18 MR. CHAKALIAN: They're not here.  
19 Where they are in 19, they're not here in 20.

20 MR. BRUCE: Well, let me explain  
21 something. And this goes back to my problems with my  
22 original cases up at the front of the hearing.

23 MR. CHAKALIAN: Okay.

24 MR. BRUCE: I scanned this in late  
25 yesterday, late Tuesday afternoon, and then I started

1 working and I uploaded it to the division's permitting  
2 site. And I can certainly submit them again, but I  
3 uploaded them to the division's permitting site.

4 But early in the morning on Wednesday I  
5 woke up and said, "Did I hit the submit button?"

6 MR. CHAKALIAN: Okay.

7 MR. BRUCE: So about seven o'clock in  
8 the morning, I hit the submit button. Wednesday  
9 morning, I hit the submit button, so I thought they  
10 were part of the record, and I apologize. I can  
11 certainly resubmit them right now.

12 MR. CHAKALIAN: Okay. Great. Because  
13 we can't take this case under advisement until you  
14 have submitted your exhibit. So I'm going to hold off  
15 on 23820 until you do submit your exhibits, and I'm  
16 going to move on to our last two cases.

17 MR. BRUCE: Okay.

18 MR. CHAKALIAN: And then we'll come  
19 back to this case, sir. So don't worry. We're not  
20 leaving you in the lurch. I'm going to call 23578  
21 Steward Energy.

22 MS. HARDY: Mr. Examiner, Dana Hardy  
23 with Hinkle Shanor on behalf of Steward Energy.

24 MR. CHAKALIAN: Good afternoon now. I  
25 was going to take a break, but if these next two cases

1 are quick, then I don't see the point of taking a  
2 break unless someone objects to that. Ms. Hardy?

3 MS. HARDY: No objections from me.  
4 This should be quick I hope.

5 MR. CHAKALIAN: I hope. Are there any  
6 other parties that have entered an appearance in this  
7 case, Ms. Hardy?

8 MS. HARDY: There are not.

9 MR. CHAKALIAN: Okay. I'm seeing  
10 something at EOG conference room.

11 MS. KESSLER: Mr. Hearing Examiner,  
12 this is Jordan Kessler with EOG. Our case actually  
13 will have some live witnesses, so perhaps after Ms.  
14 Hardy's case, we can discuss timing and what you  
15 prefer to do.

16 MR. CHAKALIAN: That sounds wonderful.  
17 Thank you, Ms. Kessler. Okay. Ms. Hardy, it doesn't  
18 sound like there's any other parties that have entered  
19 an appearance in your 23578 Steward Energy case.  
20 Would you like to proceed?

21 MS. HARDY: Yes, thank you. In this  
22 case, Steward seeks an order of pooling uncommitted  
23 interest in the San Andres formation underlying a 265  
24 acre more or less standard horizontal spacing unit  
25 comprised of the east half of a regular section 11,

1 Township 13 South, Range 38 East in Lea County.

2 This unit will be dedicated to the Gale  
3 Federal 2H well, and it is a proximity tract unit.  
4 The completed interval of the well will be located  
5 within 330 feet of the quarter, quarter section line  
6 separating the west half east half, and east half east  
7 half.

8 The exhibit packet that we've submitted  
9 to the division includes the compulsory pooling  
10 checklist.

11 Exhibit A is the landman's affidavit.  
12 The landman is Mr. Taylor Warren. He has provided the  
13 C102, plot of tracks, ownership interest, pooled  
14 parties, proposal letter, and his summary of  
15 communications.

16 Exhibit B contains the geology  
17 testimony of Shane Seals. Mr. Seals' exhibits include  
18 a location map, structure map, gun barrel diagram, and  
19 a stratigraphic cross section.

20 Exhibit C is my notice affidavit, and  
21 attached to that affidavit are the chart of parties  
22 who were noticed, the certified mail receipts, and  
23 also an affidavit of publication, which shows that we  
24 timely published notice of this case.

25 With that, unless there are questions,

1 I ask that the exhibits be admitted into the record  
2 and that this case be taken under advisement.

3 (Exhibits A, B, and C were marked for  
4 identification.)

5 MR. CHAKALIAN: Okay. So let's discuss  
6 the exhibits first. Unless I hear an objection, I'm  
7 going to admit Exhibits A1 -- well, actually A, and  
8 then A1 through A5. B and then B1 and B2, C and C1  
9 through C4 into evidence.

10 And Ms. Thompson, any questions for Ms.  
11 Hardy on this case?

12 (Exhibits A, A1 through A5, B, B1, B2,  
13 C, and C1 through C4 were received into  
14 evidence.)

15 MS. THOMPSON: Just a couple. Going  
16 through the interest owners, I'm assuming that the  
17 highlighted ones would be the interest owners that  
18 you're pooling?

19 MS. HARDY: That's correct.

20 MS. THOMPSON: Is this -- I got a  
21 little bit confused on your C102s. Is there an  
22 overlapping spacing unit with that blue liner?

23 MS. HARDY: No. I don't believe there  
24 is.

25 MS. THOMPSON: Or is it just indicating

1 land ownership?

2 MS. HARDY: That could be.

3 MS. THOMPSON: Okay.

4 MS. HARDY: I'm actually not sure  
5 exactly what the blue outline represents. I'm not  
6 aware of an overlapping spacing unit.

7 If there was one -- I can clarify that  
8 with my client, but if there was one, we would seek  
9 approval of that administratively.

10 MS. THOMPSON: Okay. And then also I  
11 think I saw somewhere that there was a proximity  
12 track.

13 MS. HARDY: This is a proximity tracked  
14 well. That's correct.

15 MS. THOMPSON: Yeah. Okay. Then I  
16 think the last thing was there were like one or two of  
17 your green cards I didn't see signatures for or  
18 returns.

19 MS. HARDY: That's correct, and that  
20 happens sometimes. And I don't know why parties  
21 sometimes mail them back without signatures, but we do  
22 see that periodically for some reason. And we did  
23 timely published notice as well.

24 MS. THOMPSON: Okay. Yes. I see that.  
25 Okay. I don't have any other questions.



1 MR. CHAKALIAN: Ms. Thompson, you had a  
2 question, I think. Is it about this map, well  
3 location and acreage dedication plan?

4 MS. THOMPSON: It was on the C102,  
5 which is Exhibit A2.

6 MR. CHAKALIAN: A2.

7 MS. THOMPSON: However, closer  
8 inspection shows that it does show a blue line at the  
9 bottom saying that that's oil and gas lease land.

10 MR. CHAKALIAN: Yes.

11 MS. THOMPSON: Yes.

12 MS. HARDY: Oh. That's correct. It  
13 does.

14 MS. THOMPSON: Yeah. So everything  
15 looks okay on this.

16 MR. CHAKALIAN: Okay. Wonderful.  
17 Thank you. All right. Then we will take this case  
18 under advisement.

19 MS. HARDY: Thank you.

20 MR. CHAKALIAN: And let's discuss with  
21 Ms. Kessler the timing of the final case of the day,  
22 23810. Besides Mr. Bruce's case, which we're waiting  
23 for exhibits.

24 MR. RANKIN: Good morning, Mr.  
25 Examiner. I'm Adam Rankin, and I'll be presenting

1 EOG's case this afternoon.

2 We also have one other matter on the  
3 docket that hasn't been addressed, and that was the  
4 Goodnight case that was deferred from earlier this  
5 morning. So we do have still to address that as well.

6 And my recommendation, Mr. Examiner,  
7 because I believe the EOG case will take a little bit  
8 of time, that we break for lunch and then return to  
9 that at the end after having a break for lunch.

10 MR. CHAKALIAN: Great. So are you  
11 talking about case 23775?

12 MR. RANKIN: Yes.

13 MR. CHAKALIAN: Okay. Very good. And  
14 that's Ms. Shaheen?

15 MS. SHAHEEN: Yes, Mr. Examiner.  
16 Sharon Shaheen, Montgomery & Andrews, on behalf of  
17 Empire New Mexico.

18 MR. CHAKALIAN: Okay. Great. And Mr.  
19 Rankin is representing Goodnight?

20 MR. RANKIN: Yes.

21 MR. CHAKALIAN: Okay. Very good. And  
22 please refresh my memory. Why did we come back to  
23 that? Why are we coming back to that case?

24 MR. RANKIN: You know, I don't recall  
25 why it was deferred, but basically, Mr. Examiner, we

1 were discussing the party's position.

2 Our position would be to consolidate  
3 these cases -- this case, rather, with the cases that  
4 are set on the November 2nd docket. They are similar  
5 and related.

6 And during the interim, Mr. Examiner,  
7 I've been able to confer with Ms. Shaheen, and she has  
8 indicated that she agrees, and agrees to a  
9 consolidation.

10 However, they were going to ask for a  
11 different hearing date so they could push it back to  
12 November 16th is their request. That date works for  
13 us if it's available with the division for a contested  
14 hearing.

15 MR. CHAKALIAN: Okay. So let's resolve  
16 this case, then we'll break for lunch after I listen  
17 to Ms. Kessler. Okay.

18 So what I'm hearing, Mr. Knight [sic]  
19 and Ms. Shaheen, is that you have conferred, and that  
20 you would like to move a contested hearing from  
21 November 2nd to November 16th. Is that correct?

22 MR. RANKIN: That's correct.

23 MR. CHAKALIAN: It is correct. Okay.  
24 So let me make a note here. Now, we're consolidating  
25 this case 23775 with what other case numbers, Mr.

1 Rankin?

2 MR. RANKIN: 23614 through 23617.

3 MR. CHAKALIAN: I have a note. We  
4 will -- Ms. Apodaca, did you catch that?

5 MS. APODACA: Yes. I did.

6 MR. CHAKALIAN: Okay. Wonderful. Just  
7 checking to see if you're still there. All right.

8 MS. APODACA: Yep. I'm here.

9 MR. CHAKALIAN: So Mr. Rankin, we will  
10 take up this case, the last case of the day, 23810,  
11 which you anticipate taking how long, by the way?

12 MR. RANKIN: Well, I think the  
13 presentation of the case can be very quick on my end.  
14 It has all been subject to pre-written testimony, but  
15 there may be questions from the division examiner.

16 So depending on the extent of the  
17 questions it may take, you know, anywhere from 15  
18 minutes to 20 minutes or half an hour.

19 MR. CHAKALIAN: Okay. So let me look  
20 this case -- yes?

21 MR. BRUCE: I did about three or four  
22 minutes ago resubmit Mewbourne's exhibits in case  
23 23820 for the division. And if you're going to take a  
24 lunch break, I would simply ask that that case be  
25 taken up as soon as possible after the lunch break.

1 MR. CHAKALIAN: I might be able to get  
2 rid of it before the lunch break if you'll hold on a  
3 minute. Okay. So let's look at 23810. Let's see.  
4 We have here appearances, EOG Resources, Mr. Rankin,  
5 and on behalf of Holland & Hart.

6 Okay. We have here -- I don't know why  
7 it's so small, but we have here it looks like exhibits  
8 for the hearing. And then we have here notice of  
9 supplemental exhibits.

10 This is something we got yesterday.  
11 Okay. Mr. Rankin, you filed the late exhibit  
12 yesterday. Is that right?

13 MR. RANKIN: That's correct.

14 MR. CHAKALIAN: Okay. Sounds good.  
15 And then Ms. Kessler, what is your involvement in this  
16 case?

17 MS. KESSLER: Mr. Examiner, Jordan  
18 Kessler with EOG. Mr. Rankin is representing us. I  
19 am running IT, and here in the office with my  
20 witnesses.

21 MR. CHAKALIAN: Now I understand.  
22 Okay. So you're with the witnesses, and Mr. Rankin is  
23 separate from you. I understand. Very good. Okay.  
24 Then I will let you guys go for a lunch break.

25 I'll deal with Mr. Bruce before I take

1 my lunch break. We will come back -- it is now --  
2 let's say it's 12:15. Let's come back at one o'clock  
3 in about 41 minutes for 23810.

4 MR. RANKIN: Thank you.

5 MR. CHAKALIAN: Okay. Mr. Bruce, let's  
6 finish up your case. Let me go to your case. Can I  
7 have the case number, please?

8 MR. BRUCE: 23820. I just checked a  
9 few seconds ago and I didn't see where the filing --

10 MR. CHAKALIAN: I see it.

11 MR. BRUCE: It is? Okay.

12 MR. CHAKALIAN: It's here. I have it.  
13 23820. Hold on a minute. Very good. I do have this.  
14 I have once again, Exhibits 1 through 5. I don't have  
15 a 1A. Is there supposed to be a 1A here? Yes. There  
16 is. Okay.

17 MR. BRUCE: There is a 1A, yes sir.

18 MR. CHAKALIAN: It's the same thing  
19 here as the other one. Okay. So I'm going to admit  
20 into evidence Exhibits 1, 1A, 2, 3, 4, and 5. And now  
21 that the exhibits have been filed, we will take this  
22 case under advisement.

23 MR. BRUCE: Thank you very much.

24 MR. CHAKALIAN: You're welcome. Enjoy  
25 your day, and Ms. Thompson, will you be the technical

1 examiner for 23810?

2 MS. THOMPSON: That should be Dean  
3 McClure.

4 MR. CHAKALIAN: Very good. So we're  
5 done, Ms. Thompson. And I'd like to talk to you later  
6 about that issue we were going back and forth with.

7 MS. THOMPSON: That's absolutely fine.  
8 Also, I believe there is an email regarding case  
9 23775.

10 MR. CHAKALIAN: Is that from Phil?

11 MS. THOMPSON: Yes.

12 MR. CHAKALIAN: Okay. Well, let me  
13 look at that then before I go to lunch. This does not  
14 look like something I'm going to deal with before  
15 lunch. I'll deal with this after lunch, yes.

16 MS. THOMPSON: Oh. So a quick summary  
17 of it is that he does not want to group that one case  
18 in with the other four wells due to that the other  
19 four wells are new wells, and this is an existing  
20 older well.

21 MR. CHAKALIAN: Perfect.

22 MS. THOMPSON: And so that it should  
23 stand on its own, separate from those other cases.

24 MR. CHAKALIAN: Perfect. So in other  
25 words, 23775 we will not consolidate with the other

1 cases.

2 MS. THOMPSON: Correct.

3 MR. CHAKALIAN: Let me find out who was  
4 on 23775. Hold on. 2377 -- it is not in any kind of  
5 order here, so -- oh. I remember this case was with  
6 the other two cases. Sarah does Goodnight Midstream.  
7 Goodnight Midstream.

8 We have moved this to a contested  
9 hearing. We have moved the contested hearing from  
10 November 2nd docket to November 16th docket, but we  
11 have consolidated it with the others, and he does not  
12 want it consolidated.

13 Okay. We're going to have to deal with  
14 this after lunch then.

15 MS. THOMPSON: Correct, yeah.

16 MR. CHAKALIAN: Yeah. And hopefully  
17 Ms. Shaheen can join us in that discussion.

18 MS. THOMPSON: I have to run an errand,  
19 so I do have to leave so I could be back in time, so.

20 MR. CHAKALIAN: Great. We will see  
21 everyone at one o'clock.

22 MS. THOMPSON: All right. perfect.

23 MR. CHAKALIAN: Sorry, Ms. Shaheen. I  
24 see you, Ms. Shaheen. We'll get to 23775 at o'clock  
25 before we take the other case.



1 MS. SHAHEEN: Okay. Thank you.

2 MR. CHAKALIAN: By all means, thank  
3 you.

4 (Off the record.)

5 MR. CHAKALIAN: Do we have the court  
6 reporter present? Is it Ms. Fulton?

7 THE REPORTER: I'm here.

8 MR. CHAKALIAN: I thought so. Ms.  
9 Fulton, I wanted to ask you. We had a hearing two  
10 weeks ago and we're waiting for the verbatim  
11 transcript. Have you sent that yet?

12 THE REPORTER: I would contact the  
13 Veritext department. It should have been sent.

14 MR. CHAKALIAN: It should have been.

15 THE REPORTER: Yeah. So let me email  
16 that department and see what's holding up.

17 MR. CHAKALIAN: Thank you. Because we  
18 have a case that went to a contested hearing on  
19 September 21st, and I don't believe we have the  
20 transcript so that the parties can move forward with  
21 the case.

22 THE REPORTER: Okay. Can you chat your  
23 email address, and I will get back with you with the  
24 information.

25 MR. CHAKALIAN: Can I do what now?

1 THE REPORTER: Put your email address  
2 in the chat, and I will get you the information.

3 MR. CHAKALIAN: Oh, sure. Sure, sure,  
4 sure. I'll do that right now.

5 THE REPORTER: Thank you.

6 MR. CHAKALIAN: As soon as I find the  
7 chat button. There it is.

8 THE REPORTER: Got it. Thank you.

9 MR. CHAKALIAN: Okay. You're welcome.

10 THE REPORTER: And I will get the  
11 information for you.

12 MR. CHAKALIAN: Okay. Well, thank you,  
13 ma'am.

14 THE REPORTER: Yeah.

15 MR. CHAKALIAN: Okay. So let me call  
16 our last case of the day. I am now calling -- well,  
17 we do need to deal with one other thing first. 23775  
18 is Goodnight Midstream. Ms. Shaheen, are you with us?

19 MS. SHAHEEN: I am.

20 MR. CHAKALIAN: Okay. Wonderful.  
21 Yeah. I can hear you. And then do we have any other  
22 parties that are with us still on 23775?

23 MR. RANKIN: Mr. Examiner, Adam Rankin  
24 is here.

25 MR. CHAKALIAN: Okay. Yep. Wonderful.

1 Wonderful. So I've received an email from -- hold on.  
2 Let me pull it up here. I received an email from Mr.  
3 Goetz [ph].

4 And Mr. Goetz [ph] is our UIC group  
5 manager, and he does not want this case 23775 to be  
6 consolidated with 23614, 5, 6, and 7 for his own  
7 reasons. I'm not sure that I need to read them from  
8 his email, but he makes a good point in his email.

9 So with that being said, what are we  
10 going to do with 23775? Ms. Shaheen?

11 MS. SHAHEEN: I would have to confer  
12 with my client as to how they would like to proceed.  
13 Although it is Goodnight's application, so Mr. Rankin  
14 may want to weigh in before I --

15 MR. CHAKALIAN: I'm sure he will. I'm  
16 sure he will. Mr. Rankin?

17 MR. RANKIN: Thank you, Mr. Examiner.  
18 Yes. Goodnight's strong preference would be to have  
19 that case heard, if not in conjunction with the  
20 others, then at the earliest available contested  
21 hearing docket.

22 MR. CHAKALIAN: Okay. Okay. The  
23 next --

24 MS. SHAHEEN: I'm sorry. If I may just  
25 weigh in there, I think it might be helpful for us to

1 have the transcript assuming that we're going to  
2 proceed on the four other cases first.

3 It'd be helpful for us to have the  
4 transcript of those cases before we go forward on the  
5 23775 case.

6 MR. CHAKALIAN: Okay. So let me make  
7 sure I understand you before I go to Mr. Rankin for  
8 his feedback on that. So what you're saying then is  
9 case 23614 through 17 is going to hearing -- when is  
10 that, Ms. Shaheen?

11 MS. SHAHEEN: Well, right now it's set  
12 for hearing on November 2nd. We would be fine if it  
13 was moved to November 16th.

14 But my point is, a lot of them -- and I  
15 think Mr. Rankin will agree with me here, a lot of the  
16 testimony and documentation that will be presented on  
17 those four cases will be pertinent to the same -- to  
18 case number 23775.

19 And in an effort to make to the hearing  
20 on 23775 less burdensome on everyone, we may want to  
21 have the transcript from the first four cases  
22 available before it's heard. That's just my humble  
23 opinion.

24 MR. CHAKALIAN: I'm looking for  
25 this -- here we go. Here we have an amended

1 prehearing order issued on the 6th of September.  
2 There was an opposed motion for a continuance and  
3 amended prehearing order filed in August.

4 And there was a response filed by  
5 Goodnight September 5th. And we moved the case to  
6 November 2nd. And those are 23614 through 17.

7 And what you're saying here is -- and  
8 I'm not -- I'm not really considering moving from the  
9 2nd to the 16th, so let's take that off the table for  
10 now.

11 But what you're saying is after that  
12 hearing is over, and it usually takes about two weeks,  
13 according to Ms. Fulton, to get a verbatim transcript,  
14 you would like to use that testimony and evidence in  
15 the case that we are talking about now, 23775.

16 MS. SHAHEEN: I think we would like to  
17 have that option.

18 MR. CHAKALIAN: Let's go to Mr. Rankin.

19 MR. RANKIN: Well, I -- I don't suppose  
20 it's unreasonable to have both parties and the  
21 division at that time to review the transcript.

22 I do believe that for the reasons we  
23 requested them to be heard together, there's a lot of  
24 overlap in terms of location, geology, engineering.  
25 It's all intertwined in that area there.

1                   So I think, you know, having sufficient  
2     time to review the transcript, I don't know if the  
3     division is going to want written closings in the --  
4     in the cases or not, but taking all that into  
5     consideration there, there may be some burden on the  
6     parties just in terms of wrapping up those four cases.

7                   So we may need a little time before we  
8     can dive into another one that could be very related.  
9     So I -- you know, maybe the thing to do would be to --  
10    if you can get it on the docket in December, I mean  
11    December 21st would be great.

12                  That would give us time to review and  
13    to prepare for a new hearing before the year escapes  
14    us.

15                  MR. CHAKALIAN:   So I have an entry of  
16    appearance here from Mr. Padilla on behalf of Empire.  
17    Is he with us here?   Because it sounds like I'd like  
18    to hear from him as well.

19                  MS. SHAHEEN:    I believe I could --

20                  MR. CHAKALIAN:   Okay.

21                  MS. SHAHEEN:    -- well.   He and Ms.  
22    Hardy and I are all three representing Empire in these  
23    cases.

24                  MR. CHAKALIAN:   I see.

25                  MS. SHAHEEN:    And I would just note

1 that I believe Ms. Hardy is not available on December  
2 21st, and I'm not available on December 7th.

3 MR. CHAKALIAN: Okay.

4 MR. CHAKALIAN: So December's not  
5 looking good for Empire.

6 MR. RANKIN: Oh. Mr. Examiner, I would  
7 just say that they got three sets of law firms over  
8 there. Two of them on behalf of one of the hearings.

9 MR. CHAKALIAN: Okay. I understand --

10 MS. SHAHEEN: Well, and I have to -- I  
11 don't know what my client's availability is in  
12 December, although I think they may be available on  
13 December 7th. I think the clients are available on  
14 December 7th.

15 MR. CHAKALIAN: That sounds like it  
16 would be too soon considering that we want information  
17 from the November 2nd hearing.

18 So it sounds like the end of December  
19 isn't working, so maybe the very beginning of January  
20 then is the best time to set this for a contested  
21 hearing. And I know Mr. Rankin, you'd like to have it  
22 sooner than later. I understand that.

23 But hearing what I hear from Ms.  
24 Shaheen -- Ms. Apodaca, when is the first docket in  
25 January of '24?

1 MS. APODACA: I believe it's the 4th.  
2 January 4th.

3 MR. CHAKALIAN: Very good. Let's set  
4 this case for --

5 MR. RANKIN: Mr. Examiner, if I may  
6 just interject. I have another set of contested cases  
7 that were just set today for January 4th.

8 I did hear Ms. Shaheen state that she  
9 knows her clients are available on December 2nd, but I  
10 didn't hear a statement about whether they are or not  
11 available on the 21st.

12 So I guess I would ask if it's possible  
13 to confer with her client and determine whether the  
14 21st is available. I know this party is not  
15 available, but maybe the client is available.

16 MR. CHAKALIAN: Ms. Shaheen?

17 MS. SHAHEEN: I'm happy to confer and  
18 get back with you about that. I don't know how long  
19 that will take, but I can report back to everyone as  
20 soon as I do hear back from the client.

21 MR. CHAKALIAN: Okay. We're going to  
22 be going for maybe a little bit here on this last  
23 case, so if you do hear back from your client and your  
24 witnesses are available, then maybe we can set this  
25 for December 21st -- no.



1                   Let's see. Yeah. December 21st. And  
2                   if that doesn't work, then we can move it to, I guess,  
3                   the second docket in January because Mr. Rankin is not  
4                   available on January 7th because he's already busy on  
5                   that day. Is that fair, Ms. Shaheen?

6                   MS. SHAHEEN: That sounds good. I will  
7                   present those two options to the client.

8                   MR. CHAKALIAN: Okay. Thank you, Ms.  
9                   Shaheen. I'll leave this as undetermined then for  
10                  now.

11                  And Ms. Shaheen, if in fact we end this  
12                  next case and close out the docket for today, why  
13                  don't you file some sort of notice of availability  
14                  with the -- you could email it to me and the other  
15                  parties.

16                  And that way we'll get this set either  
17                  in late December or -- or late January for hearing.

18                  MS. SHAHEEN: Will do.

19                  MR. CHAKALIAN: Okay. Thank you. I'm  
20                  now calling case number 23810 EOG Resources. And I  
21                  know that we have everyone available. So Mr. Rankin,  
22                  are you ready?

23                  MR. RANKIN: Thank you, Mr. Examiner.  
24                  We are appearing on behalf of the applicant in this  
25                  case, EOG Resources Incorporated. Adam Rankin with

1 the Santa Fe office of Holland & Hart.

2 In this case, Mr. Examiner, we have  
3 three witnesses who submitted pre-filed written  
4 testimony in this case. The exhibits that were filed  
5 on Tuesday are marked as Exhibits A through E.

6 In this case, EOG is seeking an  
7 extension of its authority to conduct a pilot project.  
8 Closed loop gas capture pilot project through its  
9 Caballo well. That authorization was approved  
10 initially under an order R-21061.

11 It was subsequently administratively  
12 approved for an additional term by the division  
13 director.

14 However, under the conditions of that  
15 approval, the division has requested or required that  
16 further extensions be authorized only after notice and  
17 hearing.

18 Accordingly, we have filed an  
19 application to request that extension for another two  
20 years and have submitted exhibits and testimony in  
21 support. And at this time, Mr. Examiner, I would like  
22 to introduce our three witnesses for swearing in.

23 MR. CHAKALIAN: Okay. Please.

24 MR. RANKIN: Mr. Examiner, two of our  
25 witnesses are here with me, and the third, Mr. Brice

1     Lecter, is remote at EOG's offices in Midland. So Mr.  
2     Letcher, if you're there, if you will show yourself,  
3     and Mr. Examiner will be able to swear you in.

4                   MR. CHAKALIAN: I'll swear all three  
5     witnesses at the same time. So Mr. Letcher, Mr.  
6     Yarger and Mr. Geesaman, would you please all raise  
7     your right hands? Okay. I think I can see you in the  
8     small picture here.

9                   Do you swear or affirm that the  
10    testimony you're about to give is the truth, the whole  
11    truth, and nothing but the truth? Mr. Letcher first.

12                   MR. LETCHER: Yes, sir.

13                   MR. CHAKALIAN: Okay. Great. Mr.  
14    Yarger?

15                   MR. YARGER: Yes. I do.

16                   MR. CHAKALIAN: Wonderful. And Mr.  
17    Geesaman?

18                   MR. GEESAMAN: Yes. I do.

19                   MR. CHAKALIAN: Okay. Fantastic.  
20    Before we continue, Mr. Rankin, this is an uncontested  
21    case. Is it not?

22                   MR. RANKIN: That is correct.

23                   MR. CHAKALIAN: Okay. Great. And  
24    you're seeking an amendment to what order?

25                   MR. RANKIN: It would be order number

1 R-21061.

2 MR. CHAKALIAN: Okay. Very good. And  
3 my technical examiner, is it Dean McClure?

4 MR. MCCLURE: Yes. I'm here, Mr.  
5 Hearing Examiner. Mr. McClure.

6 MR. CHAKALIAN: Okay. Great. And Mr.  
7 McClure, did you get the late filed exhibit as well?

8 MR. MCCLURE: Yes. I did see that.  
9 Thank you, sir.

10 MR. CHAKALIAN: Just want to make sure  
11 that you had everything you needed to effectively  
12 cross examine the witnesses. Okay. Mr. Rankin,  
13 please proceed.

14 MR. RANKIN: Thank you, Mr. Examiner.  
15 At this time, I'll call our first witness, Mr. Ryan  
16 Yarger. He's a petroleum engineer. Mr. Yarger  
17 submitted a self-affirmed statement marked as Exhibit  
18 A that was filed on Tuesday.

19 In his self-affirmed statement, Mr.  
20 Yarger reviews the history and background of the well  
21 that's subject to this pilot project and closed loop  
22 gas capture authority.

23 He reviews the background and history  
24 and explains the circumstances that gave rise to the  
25 division's concerns, and the actions that EOG has

1 taken to address them. Attached to his self-affirmed  
2 statement are Exhibits A1, which is his resume.

3 Mr. Yarger has not previously testified  
4 before the division and therefore has attached his  
5 resume outlining his qualifications to testify as an  
6 expert in petroleum engineering.

7 So Mr. Examiner, at this time, I would  
8 ask that the division recognize Mr. Yarger as a expert  
9 in petroleum engineering.

10 MR. CHAKALIAN: Okay. Let me take a  
11 look here. Here we go. Give me a moment here. I'm  
12 on page 16 of 59, and I see his CV. And Mr. Rankin,  
13 you're seeking to qualify him as an expert witness in  
14 what field?

15 MR. RANKIN: Petroleum engineering.

16 MR. CHAKALIAN: Petroleum engineering.  
17 Okay. University of Wyoming Laramie. Oh. I was just  
18 there. Okay. I am admitting this witness as an  
19 expert in petroleum engineering. Please proceed.

20 MR. RANKIN: Thank you. Also attached  
21 to Mr. Yarger's testimony are Exhibits A2 through A5.  
22 A2 is the order that is subject to this hearing and  
23 the request to extend.

24 A3 is the administrative extension that  
25 was granted by the division authorizing the extension

1 of the pilot project, as well as outlining the  
2 conditions of approval, including the requirement to  
3 come before the division at hearing to seek further  
4 extensions.

5 Also attached as A4 is a C103 notice  
6 that was provided to the division outlining some of  
7 the issues that are discussed in Mr. Yarger's  
8 testimony.

9 Finally, Exhibit A5 is a similar C103  
10 notice that Mr. Yarger refers to in his testimony  
11 outlining some of the similar issues that were  
12 previously experienced in the well.

13 Exhibit B is a self-affirmed statement  
14 of Mr. Brice Letcher. He's also a petroleum engineer  
15 with EOG. He has previously testified before the  
16 division and has had his credentials as an expert  
17 accepted as a matter of record.

18 Attached to his self-affirmed statement  
19 is our Exhibits B1 through B6. Mr. Letcher's  
20 testimony reviews the work that EOG did to upgrade and  
21 update the well at issue here.

22 They conducted a workover in which they  
23 drew the tubing, installed tubing packer, and  
24 conducted some mechanical integrity tests both on the  
25 production casing and on the intermediate casing to

1 confirm the integrity of the well.

2 So in his testimony, he reviews the  
3 work that EOG did to conduct that. Also attached to  
4 his testimony is an error review map.

5 EOG conducted an updated error review  
6 to confirm status and construction of wells that  
7 penetrate the proposed -- the existing injection  
8 interval. He identifies that there are additional  
9 wells at EOG as drills and identifies those in his  
10 testimony and his exhibits.

11 Finally, B6 is a notice map that  
12 outlines the noticed parties that were subject to  
13 notice by the division's requirements.

14 Those parties are the same as under the  
15 original order, and so those -- all those parties  
16 received notice of today's application and of the  
17 hearing. Exhibit C is the self-affirmed statement of  
18 Mr. Patrick Geesaman.

19 He is a petroleum geologist, and like  
20 Mr. Yarger, has not previously testified. So attached  
21 to his self-affirmed statement as C1 is his resume.  
22 It outlines his qualifications to testify as a  
23 petroleum geologist.

24 At this time, Mr. Examiner, I would  
25 move Mr. Geesaman as an expert in petroleum geology.

1 MR. CHAKALIAN: Okay. I'm just looking  
2 here. I found it on page 52 of 59, his resume. So  
3 give me a moment here. And I'm sorry. You said in  
4 what field?

5 MR. RANKIN: Petroleum geology.

6 MR. CHAKALIAN: Petroleum geology.  
7 Okay. Mr. Geesaman, you are hereby qualified as an  
8 expert in petroleum geology. Please proceed.

9 MR. RANKIN: Thank you, Mr. Examiner.  
10 Mr. Geesaman reviews -- in his testimony, provides  
11 outline, an overview of the geologic context here.

12 Identifying the geologic seals and  
13 barriers that prevent migration outside of not only  
14 the injection zone, but other zones around the case  
15 and cemented wellbore.

16 His Exhibit C2 is a cross section that  
17 identifies the location of the bottom of the  
18 intermediate casing as well as the target interval for  
19 the injection, and he refers to that in his testimony.

20 Finally, attached as Exhibits D and E  
21 is an affidavit that was prepared by me reflecting  
22 that we have provided notice to each of the parties  
23 required by the division to receive notice of the  
24 hearing and of the application.

25 In addition, out of an abundance of



1 caution, we also prepared a affidavit of publication  
2 in the newspaper within the county, and that affidavit  
3 reflecting that we actually did so, and timely did so,  
4 is attached as Exhibit E.

5 So with that Mr. Examiner, I would just  
6 simply ask if I would be able to ask each of the  
7 witnesses just to confirm their testimony and that  
8 they adopt their testimony and make them each  
9 available for examination by the division technical  
10 examiner.

11 MR. CHAKALIAN: That sounds good.  
12 Thank you.

13 MR. RANKIN: Mr. Yarger, you've been  
14 sworn in to testify. Have you reviewed your Exhibit  
15 A, which is your self-affirmed statement?

16 MR. YARGER: Yes. I have.

17 MR. RANKIN: Do you have any changes or  
18 modifications to what you presented to the division in  
19 your self-affirmed statement?

20 MR. YARGER: No, sir.

21 MR. RANKIN: I guess the only thing  
22 I'll note, Mr. Yarger, is we did submit a late  
23 exhibit, Exhibit A6, which is a copy of the local  
24 gathering line and how it connects to the point of  
25 compressor at the point of marketing. You're familiar

1 with that exhibit?

2 MR. YARGER: Yes. I am.

3 MR. RANKIN: Okay. So at this time,  
4 Mr. Examiner, I would move the admission of Exhibits  
5 A, and all of the attachments A1 through A5 -- or  
6 rather A1 through A6. And that would make Mr. Yarger  
7 available for cross examination by the division.

8 MR. CHAKALIAN: All right. Let me make  
9 sure that I'm admitting the proper exhibits. Hold on  
10 one second. Okay.

11 So we have A1 through A5 original, and  
12 then we have an A6, which is the supplemental exhibit.  
13 They are admitted. May I ask who prepared  
14 supplemental Exhibit A6?

15 (Exhibits A and A1 through A6 were  
16 marked for identification and received  
17 into evidence.)

18 MR. RANKIN: I believe that -- well, I  
19 guess, I believe it was EOG's regulatory team put it  
20 together.

21 MR. CHAKALIAN: But it's coming in  
22 under this witness's testimony. Is it not?

23 MR. RANKIN: That's correct.

24 MR. CHAKALIAN: Okay. That's why  
25 you're asking to admit A6 now.

1 MR. RANKIN: Yes.

2 MR. CHAKALIAN: Okay. Okay. Well, we  
3 don't have any of the parties to voir dire the  
4 witness. So Mr. Yarger, what is your knowledge about  
5 Exhibit A6?

6 MR. YARGER: I'm a facilities engineer  
7 that covers that area of the field. That station and  
8 that well are in operation.

9 MR. CHAKALIAN: What was your  
10 involvement in creating this exhibit?

11 MR. YARGER: I provided the technical  
12 direction for the regulatory team on what pipeline and  
13 station need to be included in that exhibit.

14 MR. CHAKALIAN: Great. And you've  
15 reviewed this exhibit, and you are attesting to its  
16 accuracy?

17 MR. YARGER: Yes. I am.

18 MR. CHAKALIAN: Okay. Then Exhibits A1  
19 through supplemental Exhibit A6 are admitted into  
20 evidence, and this witness is available for cross  
21 examination. Mr. McClure?

22 MR. MCCLURE: Thank you, Mr. Hearing  
23 Examiner.

24 CROSS-EXAMINATION

25 BY MR. MCCLURE:

1           Q     Mr. Yarger, trying to see where I want to  
2     start, I guess. And see what all's under yours versus  
3     the following witnesses.

4                 Now, a reference is made, I believe in your  
5     testimony here, that two of the wells that are  
6     approved under order R-21747 have been brought online.  
7     Is that correct, or did I misunderstand that?

8           A     They have been connected to infrastructure.  
9     We have not made them available to injection yet.  
10    Pursuant to the order, we require a notice and  
11    submission at the MIT to the division before we can  
12    proceed.

13          Q     Yeah. But they use -- the infrastructure is  
14    essentially installed at this point, and you'd be  
15    ready to bring them online within, say, a matter of  
16    week. Would that be accurate to say?

17          A     Yes, sir.

18          Q     Okay. Now reference is also made that  
19    either one -- now I'm assuming we're referring to  
20    these two wells, that either one of them would only be  
21    able to take the gas at a rate about 5 million cubic  
22    feet a day.

23                 Was that -- was those these two wells that  
24    you were referring to?

25          A     Correct. That's our estimate for those

1 wells.

2 Q So I guess would it be accurate to say -- I  
3 mean like your initial rate was estimated before  
4 approximately 5 million, but as far as total volume  
5 overtime, would it be accurate to say that these two  
6 wells would take the place of the 2H well?

7 The Caballo 2H well, or would that be  
8 inaccurate to say?

9 A That would be inaccurate to say.

10 Q All right. Could you provide a little bit  
11 more details in regards to that, sir, please?

12 A Yes. The two wells that you're referencing  
13 are connected to a different high pressure system, and  
14 we would not be able to move the same gas that we can  
15 send to the Caballo to those wells.

16 So while -- while yes, from a volumetric  
17 basis, a rate basis, you know 5 million on each well  
18 does equal roughly the 10 million for the Caballo, we  
19 do not have the infrastructure in the same part of the  
20 field.

21 Q Now I believe a list of source wells for --  
22 oh. Here we go. Yeah. For the -- by the R-21747. I  
23 believe that list of source wells contained -- well,  
24 greater than about 1000 wells.

25 Now it did not seem to contain this

1 particular well in that list, but all the adjacent  
2 wells to this well is in that list.

3 So would it be accurate to say that on the  
4 low pressure side, that there is connectivity between  
5 the fourth gas for this injection well, the 2H, and  
6 those other two referenced wells?

7 A Correct.

8 Q So I guess my question for you then is  
9 understanding that maybe the high pressure systems are  
10 not connected, are there not equivalent high pressure  
11 systems for the other two referenced wells?

12 A Can you -- can you clarify that question.  
13 What -- what do you mean by equivalent high pressure  
14 system?

15 Q Well, essentially earlier you -- or just a  
16 second ago, you were saying that it's not connected to  
17 the same high pressure system as the 2H wells, these  
18 other two referenced wells. But the low pressure side  
19 is connected; correct?

20 A Correct.

21 Q Yeah. So is there not a gas lift compressor  
22 or a midstream booster or something that is upping  
23 pressure in the general area of these other two  
24 referenced wells?

25 And if not, how are you planning to utilize

1       them, I guess, for injection wells?

2           A       The other two wells are connected to a high  
3       pressure system as -- as you're asking. However,  
4       despite the connectivity on the low pressure system,  
5       we are constrained by the hydraulics of the field as  
6       to how we can move that gas around.

7           So even though there is connectivity on the  
8       low pressure side, that does not meet parity with  
9       connectivity on the high pressure side in terms of our  
10      ability to move gas from areas of one upset to an area  
11      with a specific closed loop gas capture well.

12          Q       So approximately, I guess how many miles is  
13      there between these two separate projects? Just  
14      approximately.

15          A       Approximately 5 -- 5 miles.

16          Q       So it's just that there's not enough  
17      pipeline capacity to transport the oil across -- or  
18      excuse me. The gas across the gathering system? Is  
19      that essentially what you're getting at?

20          A       Correct. This is a very congested part of  
21      the field.

22          Q       So then I guess in order to utilize those  
23      two wells, what would be EOG's operational plan if  
24      that was required? Would you even try to use those  
25      two wells, or would you look for another well in this

1 immediate vicinity?

2 A Our intention is still to utilize those two  
3 wells in question regardless because they provide  
4 closed loop gaps, capture support in our more northern  
5 area of operations.

6 Q Yes. Absolutely. But if this request or if  
7 this order R-21061 was not to have an extension  
8 granted, would EOG's resort then come the end of the  
9 year be to install additional infrastructure to bring  
10 the gas from this field up to those two wells, or  
11 would you instead look for another candidate within  
12 this immediate vicinity?

13 A So they're mutually exclusive projects  
14 because were we to not be granted the extension on  
15 this, that would just be an outright loss of the  
16 injection capacity.

17 Even if you add additional infrastructure in  
18 order to utilize the same gas that would have been  
19 sent to Caballo to the other two wells, those wells  
20 would already have been placed into service in support  
21 of our more northern area of operations.

22 Q Okay. So of the wells that is in the  
23 immediate vicinity of the 2H well, how many are there  
24 that could be utilized for closed loop gas capture  
25 purposes?



1           A     We do not have any candidates identified in  
2     that immediate area.

3           Q     What criteria did EOG use, I guess, to  
4     eliminate the wells that are in the area? I just  
5     don't know how many wells, I guess.

6                     Kind of like -- my question is like how many  
7     wells are there even in the area that were eliminated  
8     from a possible candidacy, I guess.

9           A     So the initial screening criteria that we  
10    had discussed with the division for the original order  
11    still stands.

12                    And so since the original order was issued,  
13    EOG has not had a significant amount of activity in  
14    that area in that specific formation. And so as a  
15    result, our candidate pool since then has not gotten  
16    larger.

17          Q     Now, when you're regarding to the initial  
18    criteria, are you referencing, like, specifically like  
19    the Avalon Shale type, or are you talking about  
20    production or we talking about, like, having top of  
21    cement the surface?

22                    Or what -- I guess what criteria are you  
23    specifically referencing that the division had laid  
24    out and was used to pinpoint this well, I guess. This  
25    2H well.

1           A     A combination. You know, specifically, you  
2 know, zonal isolation and, you know, proper detainment  
3 of the gas is always our -- our first criteria.

4                     And then from there, you know, we're looking  
5 for things like lower flowing casing pressure that  
6 indicates good injectivity as well as other various  
7 factors in the low -- level construction, which  
8 I'll -- I'll defer to Brice on that.

9                     And so since, you know, we do require a well  
10 with lower flowing casing pressure, that does require  
11 us to have a drilling program that is -- drilling  
12 targets that are appropriate for that.

13                    And this area of the field just has not seen  
14 as significant effectivity.

15           Q     Now, within this application and in addition  
16 to this application, the supplemental information that  
17 was submitted by EOG when they made the first  
18 extension request administratively, it was submitted  
19 on October 28th of 2022.

20                    Within both that information and this  
21 application, it's reference that EOG will pursue  
22 additional options for injection.

23                    I guess what was meant then and what is  
24 meant now or how EOG tends to pursue additional  
25 injection options if the thought processes there are

1 no other candidates that would even work, I guess.

2 A That was meant in a holistic manner. We had  
3 since started a pilot project in Texas. We are  
4 continuing screening our various areas of the field,  
5 but that was a holistic statement.

6 Q Now, understanding that it sounds like -- or  
7 what we have here is approximately the 2H -- let me  
8 back up.

9 What's in your testimony is that the 2H well  
10 can approximately take around 10 million cubic feet  
11 per day at 1100 pounds its surface. How much --  
12 utilization has EOG been using it, I guess.

13 I mean, certainly we're not putting in 10  
14 million a day on an ongoing basis. Do you have like  
15 any sort of approximate numbers in terms of like  
16 volume per month type numbers?

17 A I don't have volume metric numbers off the  
18 top of my head, but we have been utilizing the well  
19 multiple times per month on average.

20 Q Okay. But I guess hypothetically speaking,  
21 if there were to be two wells that would take it at 5  
22 million per day, then since you're not using this one  
23 at the full 10 million per day, then hypothetically  
24 speaking, two of the wells that would take it at 5  
25 million a day, if you had the infrastructure to

1 connect to them, would serve as a suitable replacement  
2 then. Is that correct?

3 A That's incorrect. This well is in a  
4 different area of the field from those wells. So, you  
5 know, our intention is to have local support for these  
6 various sales stations.

7 So we would be -- the best way to describe  
8 it very non-technically is robbing Peter to pay Paul.  
9 We'd be taking injection capacity from -- from one  
10 area and moving it to a different one.

11 Q Oh. I apologize. That wasn't what I meant  
12 by my question.

13 What I meant is in a hypothetical world, if  
14 the criteria for determining what is a suitable  
15 injection well were to be broadened, and you were to  
16 find wells in this immediate area that would take it  
17 at 5 million a day, then would those then serve as a  
18 replacement for this well?

19 A Yes. Could you have offset neighbors  
20 that -- that could do the job? Yes.

21 Q And I guess my question to you is it almost  
22 sounds like maybe further screening hadn't been done  
23 in recent time. So this is -- maybe trying to  
24 remember from years and years ago.

25 If the criteria were to be broadened to

1 include additional formations throughout the Bone  
2 Springs and/or Wolfcamp, do you believe that there may  
3 be wells that meet that criteria in the immediate  
4 vicinity?

5 A I can't speak -- speak on that without  
6 seeing the data on our flowing casing pressure.

7 Q Okay. So maybe that's your concern more so  
8 than formation is your concern is that under current  
9 artificial lift code conditions, it's taking higher  
10 surface pressures to lift. Is that what we're  
11 referring to, Mr. Yarger, I guess?

12 A Not -- not quite. In this context, I'm  
13 using flowing casing pressure as a proxy for bottom  
14 hole pressure to give us an indication of injection  
15 capacity.

16 Q And I guess from your perspective, what  
17 would you consider to be a suitable cutoff point as  
18 far as how high of a bottom hole pressure would be a  
19 suitable replacement?

20 A Speaking to -- to flowing casing pressure,  
21 which is our -- our proxy in this case, I'm typically  
22 looking for wells that are below 800 PSI.

23 Q And I don't know if it's included in here,  
24 but what is the bottom hole flowing pressure for the  
25 2H well?

1           A     I'll need to defer to Brice on our -- on our  
2     current status on that. I've only been looking at it  
3     during injection events.

4           Q     In regards to the 2H well. If memory  
5     serves, EOG was originally approved -- well, I mean  
6     they still approved for the 3500 pounds, but it seems  
7     like additional infrastructure was going to have to be  
8     installed in order to meet that.

9                     Has that taken place for the 2H or are you  
10    still using your gas lift system?

11          A     The 2H utilizes our sales system. It's not  
12    utilizing a -- a booster compressor.

13          Q     Okay. Yeah. So then it is tied into your  
14    booster. Okay. Approximately what sort of schedule  
15    would EOG be looking at to being able to -- I mean,  
16    I'm assuming you had to install a high pressure line  
17    specifically for that purpose; correct?

18                     And it's probably that line is depicted on  
19    that additional supplemental A6, I think it was. Is  
20    that correct?

21          A     Correct.

22          Q     Yeah. If EOG needed to install a line to an  
23    additional well in immediate vicinity, what sort of  
24    time schedule would EOG need to be able to do that?

25          A     Depending on land ownership, six to nine

1 months.

2 Q Okay. I'm kind of -- I apologize, sir.  
3 What was that?

4 A I said assuming there was a well in the  
5 vicinity.

6 Q Oh. Yes, yes. Of course. Of course. If I  
7 recall correctly, I believe that was actually the time  
8 range I think that -- I don't remember if it was  
9 yourself or not.

10 That the division had talked to if EOG -- I  
11 guess it's right at about a year ago now. It seems  
12 like six to nine months was kind of the time frame  
13 that was estimated back then as well.

14 Not a question there. I apologize. There's  
15 no question there.

16 A No problem.

17 Q Now during injection events, what would you  
18 say is approximately a good average maximum pressure  
19 that you've been experiencing injecting into the 2H?

20 A Can you specify which pressure?

21 Q Surface. Like your surface pressure  
22 injecting gas into the 2H. For context, my notes say  
23 that back in the August of 2022 events, the maximum  
24 experienced pressure was 916 PSI.

25 I'm just not sure if that is the typical

1 average, or if we see closer to like that 1100, or if  
2 it's above that or below that.

3 A We averaged closer to 1050 PSI be -- the  
4 data that you're referencing where we were below 1000  
5 PSI, that was early in the injection cycle.

6 Q Mr. Yarger, you're familiar with the MIT's  
7 that were conducted back in August 25th of 2022. Are  
8 you?

9 A Yes, sir.

10 Q Okay. And I probably asked these same  
11 questions back then as well I suppose, but I don't  
12 remember the answers now.

13 In the notes here, the 1000 PSI and 1500 PSI  
14 that was conducted on the intermediate casing, the 8  
15 5/8. Is that correct to your recollection?

16 A That is correct.

17 Q Okay. During that time, and again, I  
18 apologize. Yeah. I probably asked you this a year  
19 ago, but I don't remember the answer.

20 The production casing, was it sitting at  
21 zero while the MIT's were being conducted, or did it  
22 have pressure at surface?

23 A I would need to verify on that. It's been a  
24 minute for me as well.

25 Q Yeah. Okay. And it seems to me like maybe



1 it was zero. I just don't remember for sure. They  
2 would have been sitting -- I don't recall that MIT was  
3 conducted on the production casing during that event.  
4 Do you recall if that was the case?

5 A No, sir. We hadn't pulled the well. It was  
6 just done on the intermediate casing at that point in  
7 time.

8 Q Okay. So it would be safe to assume that  
9 the fluid column was gas then present in the  
10 production casing. Do you think that would be  
11 accurate to say?

12 A That would likely be accurate.

13 Q Okay. In regards to the more recent MIT's,  
14 that's for Mr. Letcher. Would that be a more suitable  
15 witness, or do you feel comfortable speaking towards  
16 them, Mr. Yarger?

17 A That would be more suitable for Mr. Letcher.

18 Q Okay. Mr. Yarger, are you aware of whether  
19 an MIT has been conducted at 110 percent the MASP in  
20 recent times on this 2H well?

21 A That would also be more suitable for Mr.  
22 Letcher.

23 MR. MCCLURE: Okay. Thank you all.  
24 I'll remember to ask him. And I think this Mr.  
25 Letcher -- I believe that's all my questions. Thank

1     you, Mr. Yarger.

2                     MR. YARGER:   Thank you.

3                     MR. RANKIN:   Mr. Examiner, may I ask a  
4     few questions?  I don't know if any of the other  
5     division has additional questions or if I may follow  
6     up with the redirect.

7                     MR. CHAKALIAN:  By all means, I was  
8     waiting for -- Mr. McClure, are you the only technical  
9     examiner today?

10                    MR. MCCLURE:   I mean, it's a  
11    possibility that Mr. -- I'm probably going to butcher  
12    his last name.  Ward might be present.

13                    MR. CHAKALIAN:  Okay.

14                    MR. MCCLURE:   I'm not entirely certain.  
15    I apologize, Mr. Examiner.  I'm not sure other than  
16    myself.

17                    MR. CHAKALIAN:  No worries.  All right.  
18    Mr. Rankin.  Redirect, please?

19                    MR. RANKIN:   Thank you.

20                                 REDIRECT EXAMINATION

21    BY MR. RANKIN:

22                 Q     Mr. Yarger, one thing I just want to ask you  
23    about because I don't think it came out clearly in  
24    your testimony or your discussion with Mr. McClure.

25                         But if you would for the division, explain

1 the operational differences in the location of where  
2 the Caballo 2H is located and where the wells that are  
3 authorized to conduct pilot project close loop gas  
4 capture under order 21747 are located.

5 I think you testified that there's a 5 mile  
6 difference between the two, but there may also be an  
7 operational difference in terms of activity. How does  
8 that impact EOG's preference to maintain the  
9 additional injection capacity in the Caballo 2H?

10 If you would just explain that for the  
11 division so they understand.

12 A Yes. The area of the two additional wells  
13 is currently undergoing significant development.  
14 There's actually been large developments on either  
15 side of those wells. So EOG has a lot of production  
16 coming online in that area.

17 And so that is one of the drivers for having  
18 an active closed loop gas capture program in that area  
19 and investing in the infrastructure in order to  
20 utilize the two wells approved under the other order.

21 In comparison, the Caballo has had limited  
22 offset activity. There's been some in other  
23 formations, but smaller packages not near the extent  
24 of production coming online that we have in our  
25 northern acre.

1           Q     So tell me a little more about the need for  
2     EOG to maintain the injection capacity in the Caballo  
3     here. I think I understood you to say that there's a  
4     distinction operationally between the two.

5                     It's easy to -- to share injection capacity,  
6     and you need the injection capacity under the other  
7     order.

8                     Explain if you would that you -- I  
9     understand you to say that you've evaluated potential  
10    targets for additional injection around the Caballo  
11    2H, but you have not identified any suitable  
12    candidates? Is that correct?

13            A     That's correct.

14           Q     But nevertheless, EOG needs that capacity to  
15    be able to offset midstream interruptions.

16           A     Correct.

17           Q     In that location.

18           A     Correct. It's servicing our existing base  
19    production in that area.

20           Q     Now, one of the questions that Mr. McClure  
21    asked you is whether you evaluate any other potential  
22    zones in the Bone Spring.

23                     The Bone Spring is made up of several  
24    different geologic benches, and he's also asked you  
25    about whether you've looked at the Wolfcamp. As I

1 understand Mr. Yarger, you may be able to answer this  
2 in a limited way.

3 And maybe you can talk to Mr. Geesaman  
4 later, but I understand one of the reasons that this  
5 particular injection interval was targeted in the  
6 upper Bone Spring here is because it's got a good  
7 geologic seal with Bone Spring lime on the upper side.

8 Provides a good geologic barrier to upward  
9 migration. And then you've got a carbon at below. Is  
10 that your understanding why this particular zone was  
11 identified?

12 A That is correct.

13 Q And then you're not aware of any other wells  
14 that are candidates that also are completed within  
15 that good geologic zone between the carbon and the  
16 upper Bone Spring lime?

17 A Unfortunately not. As I mentioned to Mr.  
18 McClure, we -- we haven't had significant development  
19 in that zone, in that area, the field since these  
20 wells were originally drilled -- or the Caballo was.

21 Q And what -- I think you -- you said that the  
22 number one factor when you're evaluating candidates is  
23 whether there's good zonal isolation. What do you  
24 mean by that?

25 A I mean that we have evaluated the geologic

1 formations and have confidence that there will not be  
2 migration of gas to either another formation or  
3 another well.

4 Q So you've got some history here of injection  
5 through this well, and you've not identified or seen  
6 any evidence of migration out of zone in this  
7 particular location?

8 A No. We have not seen any evidence.

9 Q So you've got good confidence that this well  
10 is operating as expected and so I guess you prefer to  
11 keep going with this one.

12 A Correct.

13 Q Okay. And now, before I asked you  
14 hypothetically whether or not if there were any wells  
15 that you -- candidates for injection within the area  
16 of the 2H that could receive gas at up to 5 million  
17 cubic standard feet a day if you could find two of  
18 those that you might be able to replace the injection  
19 capacity of this well.

20 But just to be clear. Have you found any  
21 such wells that are able to replace the injection  
22 capacity of this well?

23 A We have not.

24 Q Okay. If you did, would you propose to use  
25 them?

1           A     Should they meet the rest of the criteria.

2           Q     You would?

3           A     Yep.  Yes.

4           Q     Now, you mentioned that there are -- you're  
5     using this well for injections multiple times a month.  
6     And is that -- in every case, is that due to midstream  
7     upsets?

8           A     Yes.  It's only due to midstream upsets.

9           Q     Okay.  So have you seen an uptick or an  
10    increase in midstream upsets over time, or is that  
11    pretty much a stable rate?

12          A     There has been an uptick this year.

13          Q     Okay.  And so because of that, was this  
14    while taking on more important role to be able to meet  
15    the injection capacity of the EOG in this area?

16          A     Yes.  It has.

17          Q     And without that, you would have to  
18    either -- you'd have to shut it, essentially.  
19    Production under the division's rules.

20          A     Correct.  We would.

21                   MR. RANKIN:  Okay.  I don't think I  
22    have any other questions of Mr. Yarger at this time.

23                   MR. CHAKALIAN:  Thank you, Mr. Rankin.  
24    Mr. McClure, is there any cross examination on the  
25    redirect testimony?

1 MR. MCCLURE: No, sir, Mr. Hearing  
2 Examiner. I have no further questions in regards to  
3 that.

4 MR. CHAKALIAN: Okay. Mr. Rankin, do  
5 you want to call your second witness?

6 MR. RANKIN: I would, Mr. Examiner.  
7 Mr. Brice Letcher is EOG's second witness. Mr.  
8 Letcher, have you reviewed your self-affirmed  
9 statement that was submitted as Exhibit B with the  
10 division?

11 MR. LETCHER: Yes. I have.

12 MR. RANKIN: You have any changes or  
13 corrections to your testimony as it was filed?

14 MR. LETCHER: No, sir.

15 MR. RANKIN: Mr. Examiner, at this  
16 time, I would move the admission of Exhibit B and its  
17 attachments, B1 through B6, to the record.

18 MR. CHAKALIAN: Okay. Exhibits B and  
19 B1 through B6 are admitted into evidence.

20 (Exhibits B and B1 through B6 were  
21 received into evidence.)

22 MR. RANKIN: At this time, Mr.  
23 Examiner, I would offer Mr. Letcher for examination by  
24 the division.

25 MR. CHAKALIAN: Mr. McClure?



1 MR. MCCLURE: Thank you, Mr. Hearing  
2 Examiner.

3 CROSS-EXAMINATION

4 BY MR. MCCLURE:

5 Q Mr. Letcher -- forget this question, and  
6 maybe it was actually a question for Mr. Yarger. If  
7 so, then I'll just withdraw it.

8 But there's reference made in one of the  
9 self-affirmed statements to no hydrocarbons were, I  
10 guess, seen or observed while bleeding off the  
11 pressure on the intermediate casing. Was that with  
12 your own or is that Mr. Yarger that that was for?

13 A That's correct. Yeah. No hydrocarbons have  
14 been -- have been seen when we bleed off the  
15 intermediate casing pressure.

16 Q Okay. I guess my question towards that is  
17 was that determined by gas sampling while bleeding off  
18 the pressure once a month, or how was that determined,  
19 sir?

20 A We have done like water analysis on -- on  
21 the -- that -- casing.

22 MR. CHAKALIAN: Mr. Letcher, would you  
23 speak louder, please?

24 THE WITNESS: Okay. We have pulled  
25 like water samples, you know, from that intermediate

1 casing and done analysis on the water collected. Is  
2 that what you're asking?

3 BY MR. MCCLURE:

4 Q Yeah. Yes, sir. I mean, well I was  
5 referencing hydrocarbon specifically, but I guess in  
6 regards to the water -- I mean, I guess you could find  
7 hydrocarbons in the water. Excuse me.

8 But in regards to the water samples, was  
9 that what you were looking for was oil, or were you  
10 checking to see how fresh it was, or what precisely, I  
11 guess, were you looking at to determine whether there  
12 were hydrocarbons or not?

13 A No hydrocarbons were seen in the water  
14 sample and no -- no gas was witnessed or observed  
15 water down the intermediate casing, so it was just a  
16 few gallons of water each time. Each time that we  
17 bled it down.

18 Q Okay. So then it'd be accurate to say that  
19 there really wasn't gas to even try to catch and  
20 sample every time you bled down. Okay. Okay. That  
21 kind of -- okay. That kind of answered my question  
22 there.

23 Are you aware, Mr. Letcher, how recently or  
24 if ever -- I think maybe initially it was done, but  
25 how recently MIT was deducted at 110 percent or even

1 approaching that of the maximum allowable surface  
2 pressure?

3 A I would have to look back at previous --  
4 previous tests. The recent MIT test we conducted we  
5 went to up to 1600 pounds on the production casing,  
6 which is more than 110 percent of -- of our max  
7 available injection pressure.

8 So we didn't, you know -- we didn't go to  
9 the -- the full like 3500, I think was approved in the  
10 original order primarily just due to the -- you know,  
11 we're not set up to go to that pressure anyways.

12 Q I guess your guy's compressor facility, what  
13 is your maximum pressure that you're able to achieve?

14 A Coming from the sales line, from the sales  
15 station, I believe the max -- max capable that we  
16 could see is around 1200 pounds.

17 Q Okay.

18 A And off of our LGO injection system is  
19 around 1300 pounds.

20 Q Now, it looks like at the beginning of  
21 September, I'm assuming directly prior to installing  
22 the tubing packer, it looks like four different MITs  
23 were conducted.

24 Looks like a low pressure and a high  
25 pressure for both the production casing and

1 intermediate casing. Is that correct?

2 A Yes, sir. There was essentially two tests  
3 where we tested the production casing while also  
4 recording the intermediate casing pressure at the same  
5 time.

6 And in the second test, doing the reverse  
7 where we pressure tested the intermediate casing while  
8 also recording the production casing at the same time.

9 Q And during each of those tests, what  
10 pressure was the other casing string held at?

11 A So during the production casing test we  
12 held, I think it was 350 pounds on the intermediate  
13 casing primarily just to make sure that we get a good  
14 line on the chart that's readable.

15 Q Yeah. Exactly. See if it changes.

16 A Yes, sir.

17 Q I guess my question is though, are you  
18 referring specifically to the high pressure test on  
19 the production casing when you say there were 300 --  
20 or approximately 300 pounds on intermediate casing?

21 A That's correct.

22 Q Now during the low pressure test on the  
23 production casing, is that also accurate that you were  
24 holding 300 or was that a different number?

25 A So are you referring to the intermediate

1 casing test -- pressure test?

2 Q Oh. I was going to say it looks like there  
3 was a 300 pound pressure test held on the production  
4 casing according to the charts that's in the --

5 A Okay. Chart --

6 Q Go ahead, sir.

7 A -- was simultaneous during the intermediate  
8 casing pressure test.

9 Q Oh. Okay. Oh. Okay. Then I misunderstood  
10 those. Okay. So then there was only two different  
11 MITs conducted, not four.

12 And the reason there's four charts is the  
13 low pressure chart was for the top set of casing  
14 versus the one that you were actually MITing. Is that  
15 correct?

16 A That's correct. We had two charts recording  
17 during both tests.

18 Q Oh. Okay. Okay. That I -- okay. I'm  
19 understanding now. I was just thinking that you guys  
20 run a low and high on both of them and ran four  
21 different, but I understand where you're at now.

22 During those tests, what were the fluid  
23 columns that were present in both of the casing  
24 strings?

25 A So during the -- during both tests, the

1 production casing, we had an RBP. We had a retrieval  
2 bridge plug set at 9,083 feet, and we had circulated,  
3 you know, good clean fluid.

4 So we had a -- a full column of fluid  
5 standing in the well water during that test. And the  
6 same can be said for the intermediate casing, you  
7 know, down to the top of cement.

8 We have, you know, loaded the intermediate  
9 casing, which took less than a barrel. And, you know,  
10 pressured it up to hold either the 300 pounds during  
11 the production casing test or -- or the 1000 pounds  
12 when we did the actual intermediate test.

13 Q To your knowledge, has EOG ever conducted a  
14 test with a fluid column of gas present in the  
15 production casing rather than liquid?

16 A Other than -- other than what we see during  
17 injection, I would say no. But -- but for  
18 establishing mechanical integrity of the well board,  
19 you know, I think it -- it's certainly appropriate  
20 to -- to do it with fluid.

21 Q Yeah. I mean, that is definitely the normal  
22 procedure. That is correct. In this particular case  
23 though, we're experiencing a extraordinarily low  
24 influx of pressure that's coming from somewhere.

25 And I guess maybe leading into my next

1 question, and it seems like we talked about this --  
2 maybe not with yourself, sir. But it seems like I  
3 talked to EOG about this a year ago.

4 And if recollection serves me correctly, and  
5 please correct me if I'm wrong, is it your  
6 understanding that the production casing for this well  
7 was constructed using eight round threads?

8 A I -- I don't believe that is accurate  
9 actually.

10 Q Do you happen to know what threads might  
11 have been? I know that's kind of a very specific  
12 question, but you know off the top of your head?

13 A Not off the top of my head, but I -- I  
14 believe that it is a premium connection.

15 Q Okay. It's definitely possible maybe I'm  
16 misremembering. For some reason I was thinking, but I  
17 could be completely off base because it's been a long  
18 time since I've looked to myself or talked to EOG  
19 about this. Moving on.

20 A In reference to your question about -- the  
21 pressure question -- gas, or the possibility of gas  
22 migrating into the intermediate casing.

23 I think it, you know, probably worth pointing out  
24 again that we have not seen any -- some gas on the  
25 intermediate casing when we bled those pressures down.

1           Q     Yeah. You raise a good point, sir. Now it  
2 is your understanding that the top of cement for the  
3 intermediate casing, not between the production  
4 intermediate, but in the -- outside the intermediate.

5                     It's your understanding the top of cement's  
6 at surface. Is that correct?

7           A     For the intermediate casing?

8           Q     Yes, sir. For the 8 5/8.

9           A     Yes, sir.

10          Q     Now reference is made to the installation of  
11 having a tubing packer in there, making thermal  
12 expansion less of a concern.

13                     Was the reason for that is because of the  
14 proposed plan to inject down the tubing rather than  
15 down the casing? Is that accurate to say?

16          A     Yes, sir. Based on, as you're aware, the --  
17 the pressures that we've seen on the intermediate  
18 casing, the fluctuations that we see during injection  
19 events, our thought was by installing the packer, we  
20 would provide an extra -- an extra, you know, layer --  
21 an extra barrier between the intermediate casing and  
22 our injection conduit.

23                     So the thought there is that, you know, it  
24 may not -- while it may not eliminate the temperature  
25 related events on their immediate casing, we think it



1     should really quiet things down.

2           Q     Now I don't recall where I saw it in here,  
3     so it's not immediately in front of me.

4                     But it seems like I saw somewhere that the  
5     workover installing the tubing packer was conducted  
6     like the beginning of September. Like maybe September  
7     3rd. Is that correct?

8           A     Yes, sir. I believe the MIT tests were  
9     conducted on the 1st of September.

10          Q     Yes, sir. If I'm looking at the charts.

11          A     And then the packer was installed on the  
12     5th, I believe.

13          Q     Okay. I guess the reason I asked that  
14     question is since then, has the well been utilized in  
15     the manner that is described in this application in as  
16     injecting down the tubing?

17          A     No, sir. We have -- we have not injected  
18     into it in terms of the closed loop gas capture.

19          Q     All right. So we don't at this time have  
20     any data on whether the proposed change of  
21     operation -- or how much difference the proposed  
22     change operation made then. Is that correct?

23          A     Yes, sir.

24          Q     Okay. Are you aware, sir, Mr. Letcher, what  
25     the bottom hole blowing pressure is for the 2H well?

1           A     I don't necessarily have exact numbers, but  
2     based on what we see during injection and, like,  
3     closed loop gas capture injection. We're injecting a  
4     solid stream of gas. Probably around 1100 pounds.  
5     1100 pounds.

6           Q     So that's during injection event. So would  
7     that be what Mr. Yarger was referring to when he was  
8     referring to the bottom hole flowing pressure? Would  
9     that be equivalent?

10          A     I think he may have been referring to like  
11     our casing pressure during -- during production.  
12     So --

13          Q     I absolutely believe so. Oh. Go ahead,  
14     sir. I apologize. Go ahead.

15          A     Oh, no. It's fine. During gas lift  
16     operations, we see, you know, less than 800 pounds on  
17     our injection side.

18          Q     What kind of -- close to 800 pounds? Is  
19     that accurate to say or do you think it's several 100  
20     pounds below the 800, or do we have any approximate  
21     thoughts on the matter, I guess?

22          A     Probably -- probably around, I'd say between  
23     500 and 800 pounds.

24          Q     Okay. Thank you, sir. Yeah. For some  
25     context is essentially the only reason I was asking

1 was because the --

2 A -- I'm sorry.

3 Q Yes. Of course. Yeah. A 300 range like  
4 kind of -- I kind of assumed, yes, sir.

5 Just for some context, I was just thinking  
6 about the criteria that Mr. Yarger had mentioned and  
7 referred to a good candidate being something with  
8 pressure below 800 pounds.

9 And I wasn't sure how close this well was to  
10 that threshold. Regardless, there's no question  
11 there. I'm just providing some context.

12 A Okay.

13 MR. MCCLURE: I do not believe I have  
14 any more questions for you, sir. Thank you, Mr.  
15 Letcher. Thank you, Mr. Rankin, and thank you, Mr.  
16 Hearing Examiner.

17 MR. MCCLURE: Mr. Rankin, any redirect?

18 MR. RANKIN: Just a couple, Mr. Hearing  
19 Officer.

20 REDIRECT EXAMINATION

21 BY MR. RANKIN:

22 Q I think -- I think it might be helpful just  
23 to put in context some of the questions Mr. McClure  
24 was asking around MASP, which I understand to be the  
25 maximum allowable surface pressure that's authorized

1 for injection under the order of R-21061.

2 Is your understanding of when he said MASP,  
3 that it meant the maximum allowable surface pressure?

4 A Yes.

5 Q And under the order that was approved by the  
6 division, initially it authorized EOG to inject at a  
7 surface pressure of approximately -- 3500 pounds --  
8 PSI. Is that right?

9 A Yes.

10 Q But EOG is not utilizing that pressure level  
11 because it hasn't installed the pressor to assist with  
12 injection; correct?

13 A Yes, sir. I think initially when we applied  
14 for this well, we wanted -- we wanted the higher  
15 allowable pressure in case we needed it.

16 But, you know, in operation we had  
17 discovered that -- that we are able to inject at less  
18 than 1300 pounds.

19 Q So is it your understanding going forward  
20 that based on your experience with this well that EOG  
21 is not going to need that additional MASP that was  
22 approved under the original order?

23 A Correct.

24 Q Would EOG be -- if it would satisfy the  
25 division or make the division more comfortable, would

1 EOG be satisfied with a lower maximum allowable  
2 surface pressure under an amended order?

3 A Yes, sir. I believe so.

4 Q And that would be based on your experience  
5 with the operation, something less than 1500 PSI.  
6 Would that be acceptable to EOG?

7 A Yes, sir. I think based on the MIT that we  
8 conducted, you know, maybe something in the range of  
9 1450 pounds, 1500 pounds would be more appropriate.

10 Q Right. And that will allow EOG to continue  
11 to operate the well in a capacity and at a rate and  
12 pressure that's demonstrated is -- that the well can  
13 maintain under its current construction status. Yes?

14 A Yes.

15 Q Okay. I wanted to ask you just to kind of  
16 bring the point home, but Mr. McClure was asking  
17 whether or not EOG identified any gas or hydrocarbons  
18 in the intermediate casing annulus behind the  
19 production casing. You recall that question?

20 A Yes.

21 Q Now, you testified that EOG had collected  
22 water samples and other samples to determine whether  
23 there were any hydrocarbons, had seen none, and  
24 subsequent to that as I understand the timing, EOG  
25 then conducted the MITs.

1           One on the production side and one on the  
2       intermediate casing side; correct?

3           A       Yes.

4           Q       And based on those MITs, was it surprising  
5       to you that you saw no hydrocarbons or gas contained  
6       in the intermediate casing annulus?

7           A       No, sir. Based on the successful MIT test  
8       verifying that we have good, you know, wellbore  
9       integrity on both the production casing and the  
10      intermediate casing, not surprising to -- to not  
11      discover hydrocarbons on the intermediate casing.

12          Q       And that's because the MIT test on both the  
13      production and intermediate casing side are sort of  
14      the ultimate test of the integrity of that wellbore.  
15      Is that fair?

16          A       Yes, sir.

17          Q       And based on that, Mr. Letcher, you -- I  
18      mean, is it your opinion that you have no qualms or  
19      concerns about the ability of this well to maintain  
20      safe operations for intermittent and periodic gas  
21      injection as a pilot project?

22          A       That's correct. Based on the successful MIT  
23      tests, we have no concerns with continuing to operate  
24      as we have.

25                   MR. RANKIN: I have no further

1 questions, Mr. Examiner.

2 MR. CHAKALIAN: Mr. McClure. Any cross  
3 examination on those questions and answers?

4 MR. MCCLURE: No, sir, Mr. Hearing  
5 Examiner. Thank you.

6 MR. CHAKALIAN: Okay. Mr. Rankin,  
7 would you like to present your final witness?

8 MR. RANKIN: I would, Mr. Hearing  
9 Officer. Our final witness today is Mr. Patrick  
10 Geesaman. He is a petroleum geologist. In  
11 anticipation of today's hearing, he's prepared self-  
12 affirmed statement marked as Exhibit C.

13 It was filed with the division on  
14 Tuesday. Attached to his exhibit -- rather, his  
15 statement, is Exhibit C1, which is his resume  
16 outlining his credentials as an expert in petroleum  
17 geology, and I would ask based on his record,  
18 education, and working experience, he be qualified to  
19 testify as an expert in petroleum geology.

20 MR. CHAKALIAN: I think he was already  
21 qualified. Good.

22 MR. RANKIN: I wanted to do it twice.  
23 Okay. Never mind. At this time then Mr. Hearing  
24 Officer, I would tender Mr. Geesaman for examination  
25 by the division technical examiner.

1 MR. CHAKALIAN: Sounds good. Did you  
2 want to admit his exhibits under his --

3 MR. RANKIN: Oh. Sure. Yes. Exhibits  
4 C and C1 and C2, I would ask that they be admitted  
5 along with Exhibits D and E.

6 MR. CHAKALIAN: Okay. So Exhibit C, D,  
7 and E, and I'm assuming there's no corrections to  
8 these exhibits?

9 MR. RANKIN: No corrections.

10 MR. CHAKALIAN: Very good. Exhibit C,  
11 D, and E are admitted into evidence, and Mr. McClure,  
12 would you like to cross examine this witness?

13 (Exhibits C, D, and E were received  
14 into evidence.)

15 MR. MCCLURE: Yes. I would, Mr.  
16 Hearing Examiner.

17 MR. CHAKALIAN: Okay.

18 CROSS-EXAMINATION

19 BY MR. MCCLURE:

20 Q Mr. Geesaman, I apologize if I'm saying your  
21 last name incorrectly. I apologize for that. It  
22 looks like your self-affirmed statement is kind of --  
23 I mean, don't get me wrong. It -- it gives us exactly  
24 what we need, but just to confirm.

25 Essentially what we're speaking to is if the



1 intermediate casing were to leak at the shoe for  
2 whatever reason, you're essentially expressing here  
3 that there's layers that would prevent upward mobility  
4 of any such injections or fluid or gas whatnot. Is  
5 that correct?

6 A Yes. That's correct.

7 Q I guess my additional question to that is if  
8 there were to be a leak in the casing, understanding  
9 that I believe the top would seem back to the surface.

10 But if there were to be a leak in the  
11 immediate casing above that, do you believe there is  
12 adequate barriers below the rustler and the surface  
13 casing to prevent upward mobility?

14 A So just to be clear about what you're  
15 asking. So intermediate casing competency, there's  
16 4000 feet of evaporites from the casing shoe up to the  
17 top of the rustler. So those evaporites are extremely  
18 good seals, so yes.

19 I think there's good separation between the  
20 Dollar Mountain [ph] group and any of the formations  
21 above the Achoen [ph] evaporite series.

22 Q Now I think the shoe for the surface casing  
23 is at 1190, and the top of the rustler is listed as  
24 1104 on the wellbore diagram. Is that your  
25 understanding?

1           A     Yeah.

2           Q     So I guess my question is shortly from 1190  
3 up or 1200 up, do you believe there's adequate  
4 protection between that rustler and if there were to  
5 be hydrocarbons leaked in the intermediate casing?

6           A     So I -- you're looking at the surface  
7 casing. I have no reason to believe that there's any  
8 problems with the surface casing there.

9           Q     No.

10          A     And honestly, the shallow geology, it's  
11 relatively unconsolidated sands and silts. So it's  
12 not -- they're not great seals up there, but I don't  
13 believe that's where we're concerned.

14          Q     I apologize. I apologize, sir. Maybe I  
15 asked my question incorrectly. I'll give you some  
16 additional context. If there were to be  
17 hypothetically a leak at, say, 1300 pounds in the --  
18 or excuse me. 1300 feet in the intermediate casing.

19                Do you believe there'd be adequate barriers  
20 between 1300 feet and the rustler to prevent that  
21 upward mobility?

22          A     Yes. So that's still in significant halite,  
23 so salt, and that's some of the best sealing rock  
24 around, so yes. I think that would provide good seal  
25 between 1300 feet and the base of your surface casing.

1           Q     Okay. Thank you, sir. I was, you know,  
2     speculating as much, but it's always good to directly  
3     ask. Now earlier -- and maybe I misunderstood, so  
4     please correct me if I did misunderstand.

5                     Is it your understanding that zones within  
6     the Bone Spring and the Wolfcamp, other than the  
7     Avalon Shell, would not have adequate zonal isolation?

8           A     I believe there are likely other candidates  
9     that do have zonal isolation. However, based on other  
10    criteria that we're looking for for these closed loop  
11    gas capture wells, they do not meet those other  
12    criteria.

13          Q     Okay. Thank you. I mean, I was pretty sure  
14    that was the answer, but I'm just making sure that I  
15    was understanding EOG's position here.

16          A     Sure.

17                     MR. MCCLURE: Well, it seems like I  
18    always let the geologist off easy. I think that's all  
19    the questions I have for you, sir. Thank you. Thank  
20    you for your time. Thank you, Mr. Rankin. And --

21                     MR. CHAKALIAN: Yes, sir. Mr. Rankin.  
22    Any redirect?

23                     MR. RANKIN: No, sir.

24                     MR. CHAKALIAN: Okay. Does that  
25    conclude your case in chief?

1 MR. RANKIN: Yeah. Mr. Examiner, at  
2 this time, we have no further witnesses. All of our  
3 exhibits have been admitted to the record.

4 And at this point, Mr. Examiner, I  
5 would ask that the case be taken under advisement, and  
6 that the division approves the application as filed.

7 And that if there's any questions since  
8 there are no other parties or follow-ups, we're happy  
9 to have a conversation with the division if anything  
10 else comes up.

11 MR. CHAKALIAN: No closing statement,  
12 Mr. Rankin?

13 MR. RANKIN: And then just one thing I  
14 wanted to point out if it wasn't totally clear from my  
15 dialogue with Mr. Letcher.

16 But if it's helpful to the division,  
17 you know, an amended order extending the authority to  
18 inject could -- could include a reduction in the MASP,  
19 in the maximum allowable surface pressure if that  
20 would satisfy the division over some of the concerns  
21 about the integrity of the well so that it's operating  
22 at lower pressures.

23 And I think a limit of 1450 is  
24 something that EOG could live with, and it would give  
25 it some flexibility to operate within the pressures

1     it's currently experiencing and it's injection events.

2                   MR. CHAKALIAN:   Mr. McClure, does that  
3     satisfy you?

4                   MR. MCCLURE:    I guess I understand  
5     where they're coming from as far as being able to  
6     comment on what the division is going to do moving  
7     forward with this case.

8                   I don't know if it'd be appropriate to  
9     get too into detail there, I guess, but I definitely  
10    do understand where Mr. Rankin is coming from.

11                  MR. CHAKALIAN:   Okay.   Perfect.   Okay.  
12    Mr. Rankin, then that will conclude the hearing in  
13    this case, and the division will take the case under  
14    advisement.  Is there anything else before we sign  
15    off?

16                  MR. MCCLURE:    Guess that must be a no.  
17    Silence is a good thing sometimes.

18                  MR. RANKIN:    No.   I think there's  
19    nothing further.

20                  MR. CHAKALIAN:   Okay.   So we're off the  
21    record now.

22                               (Whereupon, the meeting concluded at  
23                               3:28 p.m.)

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CERTIFICATE OF DEPOSITION OFFICER

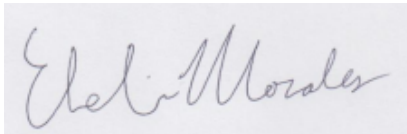
I, DANA FULTON, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that 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 Missouri

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I, EBELIN MORALES, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

A handwritten signature in blue ink that reads "Ebelin Morales". The signature is written in a cursive style with a large initial "E".

EBELIN MORALES

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**[production - purely]**

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**[time - tubing]**

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