

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

**APPLICATION OF AVANT OPERATING, LLC  
FOR COMPULSORY POOLING,  
LEA COUNTY, NEW MEXICO.**

**CASE NO. 24497**

**ORDER DENYING INTERVENTION**

This matter comes before the Oil Conservation Division's Hearing Examiner on Permian Resources Operating, LLC's (Permian) Notice of Intervention and Objection. Having reviewed the Notice and Avant Operating LLC's (Avant) Response, and being otherwise fully apprised of the premises, FINDS AND ORDERS:

1. Avant filed their application for compulsory pooling on April 30, 2024.
2. The Division noticed the case on its June 13, 2024 regular docket.
3. On June 3, 2024, Fasken Oil & Ranch, Ltd filed an entry of appearance and notice of objection to proceeding by affidavit.
4. On June 5, 2024, Fasken withdrew its objection.
5. On June 6, 2024, Avant timely filed its pre-hearing statement listing Fasken as the only other party to date and its exhibit package.
6. On June 13, 2024, a hearing by affidavit was conducted on the Division's regular docket. No party objected to the admission of exhibits into the administrative record.
7. At the end of Avant's presentation, the evidentiary record was closed, and the case taken under advisement.
8. Permian does not hold a working interest in the acreage that Avant seeks to pool, and therefore, was not entitled to notice under 19.15.4.10.A NMAC.
9. Under 19.15.4.11 NMAC, "a person with standing with respect to the case's

subject matter may intervene by filing a written notice of intervention...at least one business day before the date for filing a pre-hearing statement.”

10. Under 19.15.4.11.B NMAC, the Division Examiner “may, at their discretion, allow late intervenors to participate if the intervenor files a written notice ... or by oral appearance on the record at the hearing.”

11. Permian filed its Notice of Intervention on July 3, 2024, and is therefore a late intervenor.

12. Permian asserts that Commission Order No. R-21454, in addition to 19.15.4.11.B NMAC, provides authority for the Division to permit Permian to Intervene. A close reading of Order R-21454 does not address late intervention and is not relevant to this Intervention.

13. Permian’s Notice does not provide a basis upon which the Division may conclude that its intervention is necessary to prevent waste, protect correlative rights, or protect the public health or the environment.

Based on the findings and law cited herein, the late filed Notice of Intervention and Objection is not well taken and denied.

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GREGORY CHAKALIAN  
HEARING EXAMINER