

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

APPLICATION OF TITUS OIL & GAS PRODUCTION, LLC
FOR APPROVAL OF PRODUCTION ALLOCATION,
LEA COUNTY, NEW MEXICO

Case No. 21872

**APPLICANT'S RESPONSE TO
THE NEW MEXICO STATE LAND OFFICE'S PREHEARING STATEMENT**

Applicant Titus Oil & Gas Production, LLC ("Titus" or "Applicant") hereby submits its response to the Prehearing Statement filed on behalf of the Commissioner of Public Lands and the New Mexico State Land Office ("NMSLO PHS").

As explained in the record before the Division and in Titus's Prehearing Statement and Brief in Support of Application ("Titus PHS"), Titus's proposed El Campeon 404H well ("Well") will prevent waste, protect correlative rights, and lessen environmental impact. The application should therefore be approved. Moreover, for all the reasons stated in the Titus PHS and in Titus's response to the OCD's prehearing statement, neither a memorandum of understanding nor a joint powers agreement is necessary to allow the drilling of the Well.

Nonetheless, Titus acknowledges that it is actively negotiating an agreement with the NMSLO to memorialize the NMSLO's position on the matters stated in the NMSLO PHS. Titus looks forward to coming to an agreement with the NMSLO as quickly as possible, with the understanding that the NMSLO supports approval of the application with such an agreement in place.

Respectfully submitted,

MONTGOMERY & ANDREWS, P.A.

By: /s/Sharon T. Shaheen

Sharon T. Shaheen

Ricardo S. Gonzales

P.O. Box 2307

Santa Fe, New Mexico 87504-2307

(505) 986-2678

sshaheen@montand.com

rgonzales@montand.com

Attorneys for Titus Oil & Gas Production, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following counsel of record by electronic mail on September 24, 2021:

Eric Ames
Jesse Tremaine
Assistant General Counsel
NM ENERGY AND MINERALS AND NATURAL
RESOURCES DEPARTMENT
1220 S. St. Francis Drive
Santa Fe, NM 87501
(575) 741-1231
(505) 231-9312
eric.ames@state.nm.us
jessek.tremaine@state.nm.us

*Attorneys for Intervenor NM Oil
Conservation Division*

Dana Hardy
Michael Rodriguez
HINKLE SHANOR, LLP
P.O. Box 2068
Santa Fe, NM 87504-2068
(505) 982-4554
dhardy@hinklelawfirm.com
mrodriguez@hinklelawfirm.com

and

Harold L. Hensley, Jr.
State Bar #1142
KELLY HART & HALLMAN LLP
P.O. Box 3580
500 W. Illinois, Suite 800
Midland, TX 79702
(432) 688-0423
(432) 683-6518 (fax)
Harold.hensley@kellyhart.com

Attorneys for Pegasus Resources, LLC

Michael H. Feldewert
Adam G. Rankin
Julia Broggi
Kaitlyn A. Luck
HOLLAND & HART, LLP
P.O. Box 2208
Santa Fe, NM 87504
(505) 988-4421
mfeldewert@hollandhart.com
agrarkin@hollandhart.com
jbroggi@hollandhart.com
kaluck@hollandhart.com

Attorneys for EOG Resources, Inc.

Ari Biernoff, General Counsel
Nicholas Koluncich
NEW MEXICO STATE LAND OFFICE
P.O. Box 1148
Santa Fe, NM 87504-1148
(505) 827-5756
abiernoff@slo.state.nm.us
nkoluncich@slo.state.nm.us

*Attorneys for Stephanie Garcia Richard,
Commissioner of Public Lands of the State of
New Mexico, and New Mexico
State Land Office*

/s/ Sharon T. Shaheen
Sharon T. Shaheen