

1 STATE OF NEW MEXICO  
2 ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT  
3 OIL CONSERVATION DIVISION  
4 SANTA FE, NEW MEXICO

5  
6 Docket No. 01-24

7  
8  
9 Moderated by Gregory Chakalian

10 Thursday, January 4, 2024

11 8:15 a.m.

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14 Remote Proceeding  
15 Santa Fe, NM 87501

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A P P E A R A N C E S

List of Attendees:

Gregory Chakalian, Hearing Examiner

Dean McClure, Examiner

Sheila Apodaca, Host

Darin Savage, Panel

Earl Debrine, Panel

Dana Hardy, Panel

Adam Rankin, Panel

Sharon Shaheen, Panel

Michael Feldewert, Panel

Deana Bennett, Panel

Jim Bruce, Panel

James Parrot, Panel

Paula Vance, Panel

Jordan Kessler, Panel

Jackie McLean, Panel

Earnest Padilla, Panel

Ben Holliday, Panel

Miguel Suazo, Panel

Beth Ryan, Panel

Michael Rodriguez, Panel

Sophia Graham, Panel

1 P R O C E E D I N G S

2 MR. CHAKALIAN: And these are the  
3 hearings of the oil conservation division. We are on  
4 the record and we will begin with several motions for  
5 continuance submitted within the 24-hour time period  
6 that I will grant verbally. I am calling 24047, '48,  
7 '49, '50 and '51.

8 Mr. Bruce, are you with us?

9 MR. BRUCE: Yes, sir.

10 MR. CHAKALIAN: Okay. These  
11 continuances are granted. And you want them on which  
12 docket, sir?

13 MR. BRUCE: Well, Mr. Examiner, I was  
14 going to bring up that I asked for February 1st and  
15 then I realized looking at my schedule I have some  
16 personal matters on February 1st going on and maybe  
17 February 17th would be better.

18 And the reason the motion was filed  
19 late is -- I think Mr. Padilla may be on the phone for  
20 an interest owner. He asked for a continuance late  
21 Tuesday, which is why these filings were late.

22 MR. CHAKALIAN: No worries. And I'm  
23 not worried about the reason for the late continuance.  
24 It's just that once we prepare the docket it's too  
25 much for the law clerk to continue to --

1 MR. BRUCE: Correct.

2 MR. CHAKALIAN: -- post and revise the  
3 docket. So we're going to keep them on if they come  
4 in within 48 hours of the docket. So Mr. Bruce, the  
5 next docket is the 15th of February, after the 1st.  
6 Does that work for you?

7 MR. BRUCE: That works for me, sir.

8 MR. CHAKALIAN: All right.

9 Ms. Apodaca, do we have room on that  
10 docket?

11 MS. APODACA: We do. There is room on  
12 that docket.

13 MR. CHAKALIAN: All right. So  
14 Ms. Apodaca, would you approve those continuances for  
15 those five cases and move them to the February 15th  
16 docket?

17 MS. APODACA: Yes, will do.

18 MR. CHAKALIAN: So Mr. Bruce, we're  
19 going to set those for another status conference; is  
20 that right?

21 MR. BRUCE: That should be an  
22 uncontested hearing.

23 MR. CHAKALIAN: Excellent.

24 MR. BRUCE: This -- yeah.

25 MR. CHAKALIAN: All right.

1           So we will set those, Ms. Apodaca, for  
2 a hearing by affidavit on the 15th.

3           MS. APODACA: Okay. Got it.

4           MR. BRUCE: Thank you.

5           MR. CHAKALIAN: All right. Thank you,  
6 Mr. Bruce.

7           Next we're going to 24077, Riley  
8 Permian Operating. There was a motion for a  
9 continuance. Who do we have representing Riley?

10          MS. GRAHAM: Hi, there, Mr. Hearing  
11 Examiner, this is Sophia Graham with Beatty & Wozniak.

12          MR. CHAKALIAN: Ms. Graham, once again,  
13 when would you like this reset?

14          MS. GRAHAM: We're requesting to be on  
15 the January 18th docket.

16          MR. CHAKALIAN: And for what type of  
17 hearing?

18          MS. GRAHAM: For a hearing by  
19 affidavit.

20          MR. CHAKALIAN: Affidavit hearing.

21          Ms. Apodaca, do we have room on the  
22 18th of January?

23          MS. APODACA: Yes, there's still room  
24 on that one.

25          MR. CHAKALIAN: Okay. So that motion

1 is granted.

2 We're now going to move to 24103, '104,  
3 '105, '106, '107, '108, and '109, Franklin Mountain  
4 Energy.

5 Is it Ms. Bennett?

6 MS. BENNETT: Good morning,  
7 Mr. Examiner, Deana Bennett on behalf of Franklin  
8 Mountain Energy.

9 MR. CHAKALIAN: Good morning. When  
10 would you like -- well, first of all, what type of  
11 hearing would you like this to be reset?

12 MS. BENNETT: For an uncontested  
13 affidavit hearing.

14 MR. CHAKALIAN: Affidavit hearing. And  
15 which date would you like?

16 MS. BENNETT: January 18th.

17 MR. CHAKALIAN: Ms. Apodaca, do we have  
18 room?

19 MS. APODACA: Yes, we do.

20 MR. CHAKALIAN: Okay. Those are now  
21 moved and the motion is granted.

22 MS. BENNETT: Thank you.

23 MR. CHAKALIAN: So we will continue now  
24 with the first status conference Tap Rock Operating  
25 22845, and it looks like 2294 --

1 MR. RODRIGUEZ: Good morning.

2 MR. CHAKALIAN: Good morning. Let me  
3 just start with the Tap Rock 22845. Is that  
4 consolidated with 22947 EOG?

5 MR. RODRIGUEZ: Yes, they are competing  
6 with one another.

7 MR. CHAKALIAN: All right. Very good.  
8 Excellent. Okay. And so who do we have here today?

9 MR. RODRIGUEZ: Good morning. Michael  
10 Rodriguez with Tap Rock Operating LLC.

11 MR. CHAKALIAN: Excellent.

12 MR. FELDEWERT: Good morning,  
13 Mr. Examiner, Michael Feldewert with the Santa Fe  
14 office of Holland & Hart for EOG Resources.

15 MR. CHAKALIAN: Okay. Thank you. Are  
16 there any other parties?

17 MS. BENNETT: Good morning,  
18 Mr. Examiner.

19 MR. BRUCE: Mr. Examiner -- go ahead,  
20 Deana.

21 MS. BENNETT: Thank you, Jim.

22 Good morning, Mr. Examiner. Deana  
23 Bennett from Modrall Sperlring, on behalf of Marathon  
24 Oil Permian LLC.

25 MR. CHAKALIAN: Very good.

1 MR. BRUCE: And Mr. Examiner, Jim Bruce  
2 for MRC Permian Company.

3 MR. CHAKALIAN: Very good. Thank you.  
4 Okay. If that's all -- I can't tell,  
5 is there someone else speaking? I guess it's papers  
6 being moved around.

7 All right. Let's start out with the  
8 Tap Rock. Mr. Rodriguez, how do you want to proceed?

9 MR. RODRIGUEZ: I think I can keep this  
10 fairly simply. I believe EOG and Tap Rock have come  
11 to an agreement and upon EOG's confirmation, Tap Rock  
12 is willing to dismiss its case and allow EOG to  
13 proceed in its case 22947, unopposed, at least from  
14 Tap Rock.

15 MR. CHAKALIAN: Okay. Very good.  
16 And so let me now turn to EOG.

17 MR. FELDEWERT: Yes, good morning.  
18 That's good news. That's my understanding as well.  
19 We're not prepared to proceed today. We would ask  
20 that the matter be moved to the March docket for an  
21 uncontested case.

22 MR. CHAKALIAN: Which March docket? We  
23 have the 7th or the 21st.

24 MR. FELDEWERT: The 7th.

25 MR. CHAKALIAN: 7th? All right. So

1 first I need to make some notes here. Let's see if I  
2 can find these cases in my lap. So it's my  
3 understanding that 22845 will be dismissed; is that  
4 correct?

5 MR. FELDEWERT: Correct.

6 MR. CHAKALIAN: All right. Very good.

7 And Mr. Rodriguez, will you be filing  
8 that or will Mr. Feldewert be filing that?

9 MR. RODRIGUEZ: I'll file that today.

10 MR. CHAKALIAN: Mr. Rodriguez, I don't  
11 generally see these. I suspect that you filed, what,  
12 a notice of dismissal or something of that nature and  
13 then the director signs it?

14 MR. RODRIGUEZ: Yeah, that's  
15 essentially the process. It's pretty quick and easy.

16 MR. CHAKALIAN: All right. Okay. And  
17 now we go back to 22947.

18 Ms. Apodaca, do we have room on March  
19 7th for an affidavit hearing?

20 MS. APODACA: Yes, we do.

21 MR. CHAKALIAN: Thank you. All right.

22 I'm not going to put it --

23 Mr. Feldewert, are there any other issues with 22947  
24 besides moving it to -- or that you're going to file,  
25 I guess, a continuance to the March 7th docket?

1 MR. FELDEWERT: Yes, sir.

2 MR. CHAKALIAN: I mean, is there  
3 anything else besides that?

4 MR. FELDEWERT: No.

5 MR. CHAKALIAN: Okay. Very good.

6 All right. Okay. Excellent. So we  
7 will continue now. 23621. And 23621 -- back and  
8 forth between screens here. Let's see. Where are we?  
9 Is that consolidated, yes, with 23622, '23, and it  
10 looks like 23647.

11 Who do we have for Matador?

12 MR. FELDEWERT: Good morning,  
13 Mr. Examiner, Michael Feldewert with the Santa Fe  
14 office of Holland & Hart.

15 MR. CHAKALIAN: Good morning, thank  
16 you. Any other parties?

17 MS. BENNETT: Good morning,  
18 Mr. Examiner. Deana Bennett on behalf of Franklin  
19 Mountain Energy from Modrall Sperling.

20 MR. CHAKALIAN: Good morning.

21 MS. RYAN: Good morning, Mr. Examiner.  
22 Beth Ryan on behalf of COG Operating.

23 MR. CHAKALIAN: Good morning, Ms. Ryan.

24 If that's all, Mr. Feldewert, how are  
25 we proceeding with these cases?

1 MR. FELDEWERT: This is part of a --  
2 these are contested by Franklin Mountain Remington  
3 wells, which I thought were going to be on this  
4 docket, but they're not.

5 So we are here on a status conference  
6 and I thought on those competing cases, this is a  
7 circumstance where ConocoPhillips owns a big chunk of  
8 the acreage and then MRC Permian and Franklin Mountain  
9 own interests. Matador has recently filed a revised  
10 well -- or revised applications for it's -- the W/2  
11 E/2 acreage.

12 COG, as I understand it, has sent out  
13 the competing well proposals in early December. The  
14 applications have not been filed yet. So -- but we --  
15 I believe the parties can have these matters ready for  
16 a hearing in March, if needed.

17 Again, I'm hoping that there can be  
18 some discussions between the parties and perhaps these  
19 can be resolved, because we have another number of  
20 other cases between Matador and COG and then Franklin  
21 Mountain that are set for a special hearing in  
22 February 8th, another on -- a hearing on February  
23 15th.

24 So it's keeping the Division's docket  
25 very busy, but I'm hoping the parties can meet in

1 early February and we can take some of the workload  
2 off of the Division. But this particular set of  
3 cases, if we need to set them for a hearing, I would  
4 suggest that it would need to be March.

5 MR. CHAKALIAN: Okay. Now, you were  
6 talking about other cases that you were surprised were  
7 not in some way consolidated or joined with these  
8 cases. Which cases are those?

9 MR. FELDEWERT: Ms. Bennett's going to  
10 correct me, but I think it's cases 23853 through  
11 23867, which are Franklin Mountain applications. It's  
12 called their Remington wells.

13 MR. CHAKALIAN: Ms. Bennett?

14 MS. BENNETT: Yes, thank you,  
15 Mr. Examiner. Mr. Feldewert is correct. I had  
16 intended to file continuances for those cases to be on  
17 the docket today. And I inadvertently did not file  
18 those continuances. I thought I had, but in preparing  
19 for the hearing today, last night I realized I hadn't.

20 And so that is why they are not on the  
21 docket. But given the way thing have played out this  
22 morning, it sounds to me like that's perhaps harmless  
23 error. At least that's what I'm saying at the moment,  
24 because it sounds like the COG competing cases and  
25 whatever new Matador competing cases wouldn't be right

1 for hearing until March 7th anyway.

2 And so I can file a continuance if the  
3 parties are -- if that's what we end up with is a  
4 March 7th contested hearing date. Then I could  
5 continue my cases to March 7th and get that -- get  
6 them back on track with the competing cases.

7 MR. CHAKALIAN: So let me confirm the  
8 case numbers. 23853 and then in sequence to '67?

9 MS. BENNETT: Yes, except for we  
10 accidentally filed one case two times. So 23868 --  
11 oh, sorry, right, you left out 23868. So you're  
12 right, that's it.

13 MR. CHAKALIAN: 23853 through 23867 are  
14 joined now with 23621, '22, '23, and 23647; is that  
15 correct?

16 MS. BENNETT: Well, it's more or less  
17 correct. The -- this is a very -- these are a very  
18 complicated set of cases. Matador only filed cases  
19 that compete with -- for the W/2 E/2. They do not  
20 have any competing E/2 E/2 or W/2 cases.

21 So really, for purposes of the four  
22 cases that are on the docket today, that should only  
23 be Franklin Mountain Energy cases 23858, '59, '60,  
24 '61, and '62. Those are the Franklin Mountain Energy  
25 W/2 E/2 cases that compete with the John Callahan W/2

1 E/2 cases.

2 MR. CHAKALIAN: So then are you saying  
3 that when we have our contested hearing March 7th,  
4 cases 23853 through '57 and then '63 through '67 are  
5 not part of that?

6 MS. BENNETT: They are -- they will be  
7 part of a different contested case that is related to  
8 the applications that Mr. Feldewert mentioned that he  
9 would be filing on behalf of COG.

10 MR. CHAKALIAN: But will those cases  
11 be -- okay. So is it your intent that cases '53  
12 through '67 be heard on March 7th?

13 MS. BENNETT: Yes.

14 MR. CHAKALIAN: Okay. It is your  
15 intent, okay.

16 MS. BENNETT: Correct.

17 MR. CHAKALIAN: And what you're saying  
18 is there'll be more cases beyond what we've already  
19 discussed, the four that are on the docket today, plus  
20 '53 through '67, that will be filed, that will also be  
21 heard March 7th?

22 MS. BENNETT: Yes, what I would propose  
23 is that the Division issue two separate prehearing  
24 orders. One for the W/2 E/2 cases, which right now,  
25 those are competing between Franklin Mountain Energy

1 and Matador.

2 And one for the W/2 and E/2 E/2, which  
3 will be competing cases between Franklin Mountain  
4 Energy and Concho or COG.

5 MR. CHAKALIAN: But we don't have all  
6 the case numbers to issue the prehearing order in at  
7 least one of those scenarios; is that right?

8 MS. BENNETT: That's right.

9 MR. CHAKALIAN: Okay. And was that the  
10 first instance or the second instance?

11 MS. BENNETT: Second.

12 MR. CHAKALIAN: Second, I thought so.  
13 Okay. So you're saying that as of today, we could  
14 issue a prehearing order for the W/2 E/2 cases, which  
15 are 23 -- Sheila, will you take note of this, please?

16 We're going to issue a prehearing order  
17 setting a contested hearing for March 7th for the four  
18 cases that are on the docket today. And I'm going to  
19 list them to be clear. 23621, 23622, and '23, 23647,  
20 23858, '59, '60, '61, and '62.

21 Is that correct, Ms. Bennett?

22 MS. BENNETT: Yes, that's correct.

23 MR. CHAKALIAN: So that we can issue a  
24 prehearing order today. Then we're going to have new  
25 cases coming in from Mr. Feldewert that we don't have

1 yet. And those will be part of a prehearing order  
2 that we issue with '53, '54, '56, '57, '63, '64, '65,  
3 and '67; is that right?

4 MS. BENNETT: Yes.

5 MR. CHAKALIAN: Well, it sounds to me  
6 like -- Mr. Feldewert, when will you be filing those  
7 cases?

8 MR. FELDEWERT: I anticipate filing  
9 them -- let's see those one of them December -- in the  
10 next couple of weeks.

11 MR. CHAKALIAN: Okay. In the next  
12 couple of weeks. When would you want a status  
13 conference on those cases so that we can issue a  
14 prehearing order?

15 MR. FELDEWERT: Let me think about  
16 this. We could possibly have a -- I'm looking at the  
17 calendar here. We could probably get them filed,  
18 Mr. Examiner, and have the status conference on the  
19 15th.

20 MR. CHAKALIAN: February 15th?

21 MR. FELDEWERT: Yeah.

22 MR. CHAKALIAN: Okay. February 15th.

23 And so, Ms. Bennett, why don't you  
24 continue -- I know that you are going to do some  
25 continuances for '53 through '67.

1                   Why don't you continue '58 through '62  
2 to the March 7th docket and all those other cases  
3 before '58 and after '62 to the February 15th docket  
4 so we can have a status conference on the new cases  
5 that Mr. Feldewert is going to file, along with those  
6 cases that now compete with the W/2 E/2 of the E/2?

7                   MS. BENNETT: I will do that.

8                   MR. CHAKALIAN: Okay. Wonderful. I'm  
9 going to make some notes and that's going to take a  
10 moment. So apologies, but that's the way it works  
11 here.

12                   And Sheila, did you get all that?

13                   MS. APODACA: I did, but the -- I was  
14 just looking at this and I think the new filed cases  
15 will have to go on the first docket in March in order  
16 to be properly noticed. I won't be able to get them  
17 on the notice for the February docket.

18                   MR. CHAKALIAN: Feldewert, did you hear  
19 that?

20                   MR. FELDEWERT: Unfortunately, yes.

21                   Mr. CHAKALIAN: Well, we have our  
22 rules, Mr. Feldewert, as you know.

23                   MR. FELDEWERT: So like -- so, yeah,  
24 you're right. I mean, I forgot about that. I guess  
25 the Division does not file for the February 15th

1 docket?

2 MS. APODACA: That's right. We don't  
3 do a separate notice for the second docket in  
4 February.

5 MR. FELDEWERT: Okay. Got it. Okay.

6 MS. BENNETT: Perhaps we don't --  
7 Mr. Examiner, perhaps we don't need a status  
8 conference for those cases to get put on a prehearing  
9 order. Perhaps the Division could issue a prehearing  
10 order with just the Franklin Mountain Energy cases on  
11 it for the moment and we could move to amend the  
12 prehearing order once the COG cases are filed?

13 MR. CHAKALIAN: So in other words we  
14 would be able to issue both prehearing orders today,  
15 you're saying?

16 MS. BENNETT: That's what I would  
17 propose, rather than pushing the cases down the road  
18 further or having another status conference.

19 MR. CHAKALIAN: So then you would  
20 continue all cases, '53 through '67, to the March 7th  
21 docket?

22 MS. BENNETT: That's what I would  
23 propose, given the circumstances.

24 MR. CHAKALIAN: And who would issue the  
25 motion to amend the prehearing order?

1 MS. BENNETT: Mr. Feldewert and myself  
2 could work on that jointly.

3 MR. CHAKALIAN: Okay. All right.

4 MS. BENNETT: Once his -- once the  
5 cases are filed and we have the case numbers, I think  
6 it could be a joint motion or it could be a motion  
7 from Mr. Feldewert, but we've prepared those motions  
8 in the past and submitted them to the Division for the  
9 Division's consideration.

10 MR. CHAKALIAN: I have no problem with  
11 that unless Mr. Feldewert objects to any of that.

12 MR. FELDEWERT: No, I mean, we could  
13 file then for the March 7th docket and as Ms. Bennett  
14 suggests, file the necessary motion to add them to the  
15 prehearing order.

16 MR. CHAKALIAN: Okay. So  
17 Mr. Feldewert, then let me just make sure I  
18 understand. Are you going to now -- after today is  
19 over, are you going to continue '21 through '23 and  
20 '47 to the March 7th docket?

21 MR. FELDEWERT: Yes.

22 MR. CHAKALIAN: Hold on now.

23 And Ms. Bennett, are you going to  
24 continue cases '53 to '67 to the March 7th docket?

25 MS. BENNETT: Yes, I am.

1 MR. CHAKALIAN: Okay. Very good.

2 And my only question is, Mr. Feldewert,  
3 when you file your new cases on or before February  
4 15th, are they -- how are they going to make it to the  
5 March 7th docket?

6 MR. FELDEWERT: Well, I'm going to have  
7 to file them now for a setting on the March 7th  
8 docket.

9 MR. CHAKALIAN: You had said that you  
10 were going to file them by February 15th, so now  
11 you're going to file them sooner?

12 MR. FELDEWERT: Yeah, because they  
13 can't -- they won't be published; right?

14 MR. CHAKALIAN: Right.

15 MR. FELDEWERT: According to Sheila,  
16 which is correct. So they won't be published. So in  
17 order to get them published on the -- by the Division,  
18 I'm going to have to shoot for the March 7th docket.

19 MR. CHAKALIAN: Okay. So you -- okay.  
20 So then --

21 MR. FELDEWERT: Is that right, Sheila?

22 MR. CHAKALIAN: When will you be --

23 MS. APODACA: Yes, that's right. So  
24 they'll have to be filed whatever 30 days is before  
25 March 7th.

1 MR. FELDEWERT: Your other option here  
2 would be to have a status conference on March 7th. I  
3 don't think there's any real hurry here. It might  
4 avoid some confusion. There's no drilling deadlines  
5 or anything.

6 MR. CHAKALIAN: Ms. Bennett?

7 MS. BENNETT: Mr. Examiner, I was -- I  
8 think we should go to a contested hearing on March  
9 7th, unsurprisingly. I was looking back through the  
10 case files and MRC filed their applications originally  
11 in June. We filed our applications in September.

12 If we have a status conference in  
13 March, we'll be looking at these cases, you know,  
14 maybe going to hearing in April, May, June, if they do  
15 go to hearing. That's a long time to have cases  
16 pending on the docket.

17 So I think we should press for a  
18 contested hearing and if Mr. Feldewert is correct that  
19 everything goes away by then, well then we won't even  
20 need a status conference.

21 MR. CHAKALIAN: All right. Okay. And  
22 I'm going to hold you to that timeframe, Ms. Bennett,  
23 for the future -- in future cases where the cases have  
24 been on the docket for a year or so. But thank you, I  
25 appreciate it. We will set them for a contested

1 hearing on March 7th.

2 MS. BENNETT: Thank you.

3 MR. CHAKALIAN: So I just want to make  
4 sure my notes are correct here. So I have the  
5 cases -- the four cases that are on today's docket  
6 will be continued to the March 7th docket for a  
7 contested hearing, joined with 23853 through '67,  
8 which will also be continued to the March 7th docket.

9 And Mr. Feldewert is filing new cases  
10 on or before what date, Mr. Feldewert?

11 MR. FELDEWERT: Well, I would file in  
12 time so they would be on the March 1st docket, which  
13 would be --

14 MR. CHAKALIAN: Right, when would that  
15 be?

16 MR. FELDEWERT: I'm sorry, March 7th  
17 docket. It would be on or before February 6th.

18 MR. CHAKALIAN: Okay. And that'll be  
19 on behalf of Franklin Mountain or COG?

20 MR. FELDEWERT: I'd have to check  
21 with -- well, the new cases would be the COG cases  
22 because it -- for the well proposals that they sent  
23 out.

24 MR. CHAKALIAN: Very good. COG.

25 MR. FELDEWERT: Right, Beth?

1 MS. RYAN: Yes, that's correct.

2 MR. CHAKALIAN: All right. Thanks.

3 And Mr. Feldewert, did you say February 5th or did you  
4 say February 7th would be the deadline?

5 MR. FELDEWERT: The -- actually I said  
6 February 6th.

7 MR. CHAKALIAN: Perfect.

8 MR. FELDEWERT: Tuesday the 6th is the  
9 deadline for the March 7th docket. So it'll be on or  
10 before that.

11 MR. CHAKALIAN: Okay. So we're going  
12 to issue two prehearing orders. No, we'll issue one  
13 prehearing order. Well, no, we're going to issue two  
14 prehearing orders and then we're going to get a motion  
15 to amend one of them to add the new cases; is that  
16 correct?

17 MS. BENNETT: Yes, that's correct.

18 MR. CHAKALIAN: All right. Very good.  
19 And Ms. Bennett, why do we need to issue two  
20 prehearing orders if we're just going to amend it?  
21 Why not issue one prehearing order?

22 MS. BENNETT: Well, one -- the reason  
23 for the two prehearing orders is because there's a  
24 difference in parties that are involved in the  
25 competing cases. So that's the reason for the two

1 different prehearing orders is the differences in the  
2 parties and the acreage involved.

3 MR. CHAKALIAN: Okay. Fine. So just  
4 for my notes, one prehearing order is for the cases --  
5 the four cases today. And 23858 through '62, that's  
6 one prehearing order.

7 So Ms. Bennett, on one prehearing  
8 order, I understand what cases are going to be on it.  
9 But on the second prehearing order, are those just  
10 going to be your cases 23853 through '57 and '63  
11 through '67; is that right?

12 MS. BENNETT: That's right. That --  
13 those are the cases that'll be on it from -- until  
14 Mr. Feldewert files the new cases.

15 MR. CHAKALIAN: Okay. I have all that.  
16 And Sheila, I'll work with you if  
17 that's -- if my notes are not clear enough; okay?

18 MS. APODACA: Okay.

19 MR. CHAKALIAN: But I think I  
20 understand. And I guess if we get it wrong, we could  
21 always amend it. All right.

22 MS. BENNETT: Thank you.

23 MR. CHAKALIAN: So we're going to move  
24 on to 23872, Spur Energy.

25 MS. HARDY: Good morning, Mr. Examiner.

1 Dana Hardy with the Santa Fe office of Hinkle Shanor,  
2 on behalf of Spur Energy Partners.

3 MR. CHAKALIAN: Ms. Hardy.

4 MR. PARROT: Good morning,  
5 Mr. Examiner. This is James Parrot with Beatty &  
6 Wozniak on behalf of Riley Permian. And I'm going to  
7 be addressing some of the motion to dismiss issues and  
8 my colleague, Miguel, is going to be addressing some  
9 of the procedural complexities here. So I'll let --  
10 I'll turn it over to him to introduce himself.

11 MR. SUAZO: Good morning, Mr. Examiner.  
12 Miguel Suazo with the Santa Fe office of --

13 MR. CHAKALIAN: Sheila, can you mute  
14 caller user number 6? All right. Thank you, Sheila.

15 So I'm a little confused, Mr. Suazo and  
16 Mr. Parrot on this motion you're talking about. I  
17 know about a motion for 24093, which I'm ready to rule  
18 on, but I'm not clear where we are.

19 So Ms. Hardy, what are they talking  
20 about?

21 MS. HARDY: Mr. Examiner, this  
22 application by Spur competes with Riley Permian's  
23 application that Spur has moved to dismiss.

24 MR. CHAKALIAN: Okay.

25 MS. HARDY: It's number 24093.

1 MR. CHAKALIAN: Thank you.

2 MS. HARDY: So that's the connection.

3 MR. CHAKALIAN: Now I understand the  
4 connection. They're not connected in our worksheet.  
5 I guess they should be connected in our worksheet.  
6 Okay. So we have the motion to dismiss. Ms. Hardy,  
7 it's your motion; is that correct?

8 MS. HARDY: That's correct.

9 MR. CHAKALIAN: All right. Very good.  
10 I read -- and I don't need lengthy argument here. But  
11 I do have some questions. I've read the motion  
12 carefully. I've read the -- I've looked through the  
13 exhibits. I've read the response. I did not read the  
14 reply, Ms. Hardy. Thank you for filing it, but there  
15 wasn't time yesterday to really go through that.

16 I didn't really feel as though I needed  
17 to spend much time on the reply. Ms. Hardy, I'll  
18 start with you. If I did grant your motion to  
19 dismiss, how do you foresee Riley proceeding?

20 MS. HARDY: In the past, applications  
21 dismissed for failure to submit a well proposal or for  
22 these types of deficiencies could be corrected and  
23 refiled. So I think that Riley could file a new  
24 application. It would just be filed in a new case.  
25 It would need to be renoticed and correct the

1 deficiencies that have been identified.

2 MR. CHAKALIAN: And with -- and why  
3 would that be more efficient than let's say allowing  
4 them to amend their application?

5 MS. HARDY: In the past, the Division  
6 has not allowed amended applications. It's required  
7 parties to file a new application. And I think that  
8 largely derives from the public notice issues, because  
9 when you're filing an application where you're  
10 correcting or supplementing information, it needs to  
11 be included in the public notice.

12 And we did attach to our reply the  
13 Division's policy on incomplete applications which  
14 states that incomplete applications will be dismissed  
15 and then refiled. So that's been the practice of the  
16 Division for the past several years. You can call  
17 something an amended application, but it gets filed in  
18 a new case, with a new number, and gets re-noticed.

19 MR. CHAKALIAN: So are you talking  
20 about -- because I printed out order number R-13165  
21 from 2009. Is that what you're talking about?

22 MS. HARDY: No, that is actually the  
23 order that addresses applications that are filed  
24 without well proposals and provides for their  
25 dismissal. I am talking about -- let me just find it

1 here. It's the June 20th or June 2020 policy that the  
2 Division issued regarding incomplete applications.

3 MR. CHAKALIAN: I know -- I'm aware of  
4 that notice on that.

5 MS. HARDY: Yes.

6 MR. CHAKALIAN: Thank you.

7 MS. HARDY: Yes.

8 MR. CHAKALIAN: That's what you're  
9 talking about?

10 MS. HARDY: Yes. June 11, 2020.

11 MR. CHAKALIAN: All right. I also  
12 pulled -- well, okay. So first of all, Ms. Hardy, I  
13 pulled a copy of order number R-13165. I also pulled  
14 '55 as well. But I felt as though '65 was more  
15 helpful than '55 was.

16 And based on Mr. Suazo's arguments, I  
17 did see where there were allowances made in the order  
18 for other circumstances or situations as it discusses.

19 I also saw how the order actually dealt  
20 with the cases in that order, that they were not  
21 dismissed, but that other allowances were made. I'm  
22 not going to go through all of that here, but I did  
23 review it carefully. So I do have the benefit of that  
24 order.

25 I also have -- I printed out -- and

1 Mr. Suazo, you were citing to a November 16th docket  
2 and verbatim transcript. What I think you meant was  
3 the November 2nd verbatim transcript, which was in the  
4 case.

5 We received it two weeks later, so it's  
6 dated November 16th. So it was a bit confusing. You  
7 mentioned at the November 16th hearing, but you meant  
8 November 2nd. So I figured all that out.

9 But Ms. Hardy, during the November 2nd  
10 hearing, I actually addressed with you the issue of  
11 the 30-day policy, because you said -- and this is on  
12 page 62 of the verbatim transcript.

13 You said "Well, I think that if  
14 Mr. Parrot's going to file, he could do so by  
15 December, the first week in December, for the first  
16 January docket, and the cases could be continued to  
17 the January 18th docket." And I actually took some  
18 notes. And they did file during the first week in  
19 December, by December 7th, which is what you had  
20 agreed with.

21 And you actually said on page 63 -- I  
22 said, "Okay." And you said, "That plan is fine with  
23 me, Mr. Examiner. And I assume after the parties  
24 reach an agreement that Spur's application would be  
25 withdrawn because definitely Riley is the only party

1 that's being pooled."

2 That made a difference to me as well,  
3 Ms. Hardy, because I felt like, you know, when it came  
4 to the notice issue, to me, the idea of dismissing an  
5 application for refiling -- and as you said just a few  
6 moments ago, it deals with notice to parties. But if  
7 the only party is your client and you guys have been  
8 negotiating with them since June -- and that comes  
9 from an affidavit that was attached to the response.

10 I'm sure you've seen it, so I don't  
11 have to cite it here, by the landman from -- oh, what  
12 is his name?

13 MR. PARROT: Mr. Examiner, that's  
14 Mr. Smith.

15 MR. CHAKALIAN: Yeah, Mr. Mark Smith.  
16 I have it here.

17 So Ms. Hardy, I really don't  
18 understand -- I understand that there are deficiencies  
19 that you point out. I don't find them fatal. I find  
20 that -- I just don't feel like this rises to the level  
21 of dismissing this application and forcing them to  
22 refile one based on your arguments. Am I missing  
23 something, Ms. Hardy?

24 MS. HARDY: Mr. Examiner, there are a  
25 couple of points I'd like to make. So with respect to

1 the status conference in November where we talked  
2 about Riley filing for this docket, we certainly  
3 weren't waiving the requirement that they provide a  
4 well proposal. I mean they could have done that  
5 timely.

6           They, you know -- the general  
7 requirement is that you submit a well proposal 30 days  
8 before you file. And then you file 30 days before the  
9 next docket. So as of November 2nd, they could have  
10 submitted a timely well proposal 30 days in advance of  
11 filing for this docket.

12           And Spur needed that well proposal to  
13 have information about the wells -- details of the  
14 wells that Riley is proposing to evaluate their  
15 development plan. And the order, 13165, that you  
16 mentioned and that we cited, in that case, those  
17 applications were not dismissed, but the party had  
18 actually provided a well proposal.

19           It just didn't contain exact footages.  
20 So here we have a situation where Riley didn't submit  
21 a well proposal at all until, I think about -- it was  
22 nine or ten days after they filed their pooling  
23 application.

24           So I think that's a different  
25 situation. I think Spur expected to receive a well

1 proposal if Riley was going to file a competing  
2 application in a timely manner and didn't receive one.

3 And then when you look at the  
4 deficiencies in the application, which include -- you  
5 know, there's no identification of whether it's a  
6 proximity tract unit, where there's a proximity tract  
7 well.

8 So there's no way, looking at the  
9 application to know, is this a non-standard unit, is  
10 it a proximity unit? You can't tell that from the  
11 application. It doesn't provide footages, which is  
12 typical. But it also doesn't say whether there's a  
13 proximity tract well and what the well is.

14 And you can't make that determination  
15 based on the surface and bottomhole locations because  
16 you need to know whether the well's within 330 feet of  
17 the adjacent tracts to know if it's a proximity unit.  
18 You can't tell that --

19 MR. CHAKALIAN: So Ms. Hardy -- I  
20 understand. So Ms. Hardy, the purpose behind this --  
21 and, you know, I looked in the rule. I looked in the  
22 rule and I don't see this guidance for policy in the  
23 rule. Am I missing it? Is it in the rule and I just  
24 don't see it?

25 MS. HARDY: It's not in the Division's

1 rules, Mr. Examiner. It's just been a longstanding  
2 policy that people follow.

3 MR. CHAKALIAN: Of course.

4 MS. HARDY: Or try to follow, unless  
5 there's an exceptional circumstance, which Riley  
6 doesn't advocate for.

7 MR. CHAKALIAN: So what is the --  
8 right. So the purpose behind the policy, the way I  
9 understand it, and correct me if I'm wrong, is so that  
10 parties have a chance to work things out before  
11 applications are filed; is that basically right?

12 MS. HARDY: That's correct.

13 MR. CHAKALIAN: Okay. And obviously  
14 having accurate information in the well proposal and  
15 the AFE is essential for parties to be able to work it  
16 out. So I understand your argument. And what you're  
17 basically saying is, "Look, they didn't comply with  
18 this. So we didn't have the information we needed to  
19 work it out." Okay. All right.

20 Mr. Suazo, let me hear from you.

21 MR. PARROT: Mr. Examiner, this is  
22 Mr. Parrot.

23 MR. CHAKALIAN: Oh, Mr. Parrot.

24 MR. PARROT: If it's acceptable to you,  
25 I'm going to address some of these substantive

1 arguments. So thank you very much. I think that  
2 Riley largely agrees with some of the points that  
3 you've raised in the questions that you've asked.  
4 And, you know, perhaps this entire discussion is  
5 indicative that an actual policy might be helpful.

6 This 30-day guidance that was in order  
7 13155 and '65, it doesn't actually show up on the  
8 Division's announcements and notifications portion of  
9 its website. That's where you would typically see  
10 something like an interpretive rule that helps the  
11 Division interpret and implement the actual  
12 regulations.

13 So Riley's position is that this 30-day  
14 proposal is a very helpful guidance that comes from  
15 13155 and '65.

16 And actually as Ms. Bennett said -- and  
17 Ms. Bennett, I sincerely hope you don't mind me  
18 quoting you.

19 But as Ms. Bennett said, on -- at the  
20 November 2nd hearing discussion, the 30 days for the  
21 proposal letter isn't in an order, it's not in the  
22 rules, but it's sort of a presumption for good faith  
23 negotiations between the parties.

24 And that presumption is very helpful  
25 for the Division to make a determination in most

1 uncontested pooling applications about whether the  
2 applicant has attempted to gain voluntary pooling of  
3 the interest in the unit.

4 Now, as we know, the statute makes the  
5 lack of voluntary pooling a prerequisite for the  
6 Division to issue a pooling order. There is nowhere  
7 in any regulation, rule, or actually adopted policy,  
8 that says that the application itself must demonstrate  
9 that the parties have attempted to gain voluntary  
10 agreement; right?

11 And specifically 13165 and '55 say that  
12 whether the parties have successfully or  
13 unsuccessfully attempted to gain voluntary agreement  
14 to pool is the determination that shall be made at a  
15 hearing. It's not appropriate for motion to dismiss;  
16 right?

17 So this is not something that has to go  
18 in an application. It's not something that has to be  
19 submitted at the time of the application. It's a  
20 determination that's made at the hearing.

21 And the 30-day proposal is a very  
22 helpful guidance for establishing a rebuttable  
23 presumption that the applicant did in fact attempt to  
24 gain voluntary pooling before filing an application.  
25 But the key here, it's just a presumption. It's a

1 rebuttable presumption, you know?

2 Another party could come in and say,  
3 "Hey, I got a 30-day proposal and I reached out to the  
4 applicant and tried to negotiate with them and they  
5 just stonewalled me and I never heard from them."

6 The situation in this case is exactly  
7 the opposite. Riley was engaged in negotiations with  
8 Spur since June. And Riley wasn't even aware that  
9 Spur was pursuing this unit until it got well  
10 proposals in late August of 2023. You know, one would  
11 argue that that is actually not good faith  
12 negotiations on Spur's part.

13 If Spur is going to pursue a unit while  
14 the parties have been involved good faith negotiations  
15 for three months, the proper thing to do would be to  
16 inform Riley ahead of time about a plan to pursue a  
17 pooling application and then discuss that in the  
18 context of the negotiations.

19 And at the time, Spur was actually  
20 marketing itself and it's assets. Riley was  
21 considering acquiring any assets or Spur entirely.  
22 Spur was on the market. And so those discussions in  
23 Riley's mind were taking priority over a pooling  
24 process.

25 And the acquisition consideration

1 slowed down Riley's response time as it weighed  
2 multiple different options. So, you know, admittedly,  
3 Riley didn't get well proposals out until December  
4 15th. That was actually after Riley filed its  
5 application on December 5th.

6 But that was because this is an  
7 extremely complex, multi-variable calculus of how to  
8 proceed in the context of potential acquisition  
9 discussions and trade discussions and other  
10 negotiations that were happening.

11 MR. CHAKALIAN: Okay. Mr. Parrot, I  
12 understand your position. So you're basically saying  
13 that ordinarily, you agree with the policy or the  
14 guidance. Not policy, but the guidance, but in this  
15 case, there were complications based on the  
16 acquisition negotiations or process and analyzation.  
17 And that's why it was submitted late.

18 Ms. Hardy, at this point, do you have  
19 everything you need to proceed with this case? I  
20 suspect it will be a contested hearing. You have  
21 everything you need?

22 MS. HARDY: Mr. Examiner, I believe  
23 that we do. I think that we do at this point, but I  
24 think we might need more time because the Spur  
25 application's actually set for a contested hearing on

1 January 18th.

2 And so if Riley's application is  
3 permitted to go forward and the cases are  
4 consolidated, I think probably -- I would need to  
5 confirm with my client, but I think probably we would  
6 need a little more time to put that together. I  
7 think, you know, if we could do the first February  
8 docket, something like that would probably work.

9 MR. CHAKALIAN: So do we have --  
10 without my looking, Ms. Hardy, would you help me out?  
11 Do we have a prehearing order on your case?

12 MS. HARDY: We do in the Spur case,  
13 yes.

14 MR. CHAKALIAN: All right. Very good.  
15 All right. And I'm assuming you'd like to get your  
16 case heard as soon as possible?

17 MS. HARDY: That's correct.

18 MR. CHAKALIAN: Okay. So very good.  
19 So dismissing their case and having them refile and  
20 then wait and then holding up your hearing -- because  
21 we know it's going to be a contested hearing and we  
22 can't hear your case without including them, would  
23 delay your case even further. So I'm not going to do  
24 that.

25 I'm not going to dismiss it. Not based

1 on that, but based on the fact that I feel like their  
2 omissions in this case are excusable. I understand  
3 the guidance that's here. I think you've made the  
4 best argument you can make for your client, but  
5 ultimately I feel like that is a extreme measure.

6 And I also feel as though I -- I also  
7 feel like there's no -- there'll be no ultimate  
8 benefit to dismissing their case. They'll just refile  
9 it and it will delay your hearing. So for all of  
10 those reasons -- and I'm not going to issue a written  
11 order denying it. I'm just verbally issuing my order  
12 now saying I'm denying the motion to dismiss.

13 And when would you like your case --  
14 because we need to amend your prehearing order. We  
15 need to consolidate these two cases or join them.  
16 When do you want to have your hearing? I'm really  
17 going to leave that up to you because ultimately I  
18 feel like I'm going to lean toward you when it comes  
19 to when we're going to hear this.

20 MS. HARDY: Mr. Examiner, if we could  
21 have the case heard on the February 1st docket, that  
22 would be great.

23 MR. CHAKALIAN: So how -- Sheila, how  
24 busy is February 1st at this point?

25 MS. APODACA: It's pretty available.

1 MR. CHAKALIAN: Oh, good.

2 MS. APODACA: We probably have about --

3 MR. CHAKALIAN: All right. Then we  
4 will -- Ms. Hardy, we can hear your case toward the  
5 end of the docket, as we typically do for contested  
6 cases. And there is the chance, please let your  
7 witnesses know, that this case may go into February  
8 2nd.

9 Mr. Suazo or Mr. Parrot, are your  
10 witnesses available February 1st?

11 MR. PARROT: So Mr. Examiner, this is  
12 where I'd turn it over to my colleague because he's  
13 been handling a lot of the procedural aspects here.

14 MR. CHAKALIAN: Okay.

15 MR. PARROT: Thank you.

16 MR. SUAZO: Thank you, Mr. Examiner.  
17 Yes, I mean, I need to confirm with the client for  
18 certain, but I believe that they can be available on  
19 February 1st and 2nd.

20 MR. CHAKALIAN: Okay.

21 And for everyone's information, so  
22 everyone please hear this, starting February 1st, we  
23 will be hybrid. I know we've said this before.  
24 Technical IT has been, you know, delayed, however,  
25 they're downstairs working on the Pecos Room as we

1 speak.

2 They will be finished by the end of  
3 next week and we will have training during the last  
4 two weeks of January. So starting February 1st, we  
5 will be in hybrid mode, which means your witnesses can  
6 come to the hearing or they don't have to. They can  
7 appear virtually, as can you.

8 You do not need to be there, but if you  
9 feel like there's a benefit in your being there in  
10 person, then please feel free to attend.

11 Okay. We will amend the prehearing  
12 order that we have now.

13 Ms. Apodaca, would you make sure that  
14 case 24093 is joined with case 23872 on the amended  
15 prehearing order, setting a contested hearing for  
16 February 1st, at the Pecos Hall, in a hybrid fashion?

17 MS. APODACA: Yes, I have it noted.

18 MR. CHAKALIAN: Thanks, Ms. Apodaca.

19 Any other -- anything else, Mr. Suazo?

20 MR. SUAZO: Just one thing,  
21 Mr. Examiner. Just to be clear for the record, Riley  
22 is allowed to amend its application to cure the  
23 identified deficiencies?

24 MR. CHAKALIAN: Of course.

25 MR. SUAZO: Okay.

1 MR. CHAKALIAN: When will you do that?

2 MR. SUAZO: As soon as possible.

3 MR. CHAKALIAN: What does that mean?

4 MR. SUAZO: I would say by next week at  
5 the latest.

6 MR. CHAKALIAN: Okay.

7 So -- and Ms. Hardy, do you have an  
8 issue with their -- with the date that they file the  
9 amended application?

10 MS. HARDY: Well, I think the sooner  
11 the better, because I think we'll need to review it  
12 and make sure we don't need more information or any  
13 more time.

14 MR. SUAZO: The amendments are not  
15 really substantive, I think, at this point. I'm sure  
16 we can do that by the first part of next week at the  
17 latest, if not sooner.

18 MR. CHAKALIAN: So what if we set a  
19 deadline, Mr. Suazo, for January 10th, which is  
20 Wednesday?

21 MR. SUAZO: That'd be fine.

22 MR. CHAKALIAN: Okay. So close of  
23 business January 10th. All right. Mr. Suazo, you had  
24 mentioned that there was some other issues. Have we  
25 covered all the issues?

1 MR. SUAZO: Yes. All I was wanting to  
2 address directly were the procedural issues, and I  
3 think those were addressed in the context of the  
4 discussion today. So that is all I have.

5 MR. CHAKALIAN: Okay. Very good.

6 Ms. Hardy, is there anything else on  
7 this case?

8 MS. HARDY: No, thank you,  
9 Mr. Examiner.

10 MR. CHAKALIAN: All right. I just need  
11 to take some notes on this case. So it'll take me a  
12 moment to do that.

13 MR. PARROT: Mr. Examiner, do you mind  
14 if I just ask you, have we now also taken care of item  
15 number 31, case number 24093 on the worksheet?

16 MR. CHAKALIAN: I think we have, but  
17 let me finish my notes and then I'll --

18 MR. PARROT: Sorry, okay.

19 MR. CHAKALIAN: And then I will think  
20 about that question for just a moment. Hold on one  
21 second. So I'm calling case number 24093, which is  
22 joined with 23872 at this point. We had a status  
23 conference set for today. I believe both parties had  
24 addressed all the issues in this case. Is there  
25 anything further on this case?

1 MR. PARROT: No, Mr. Examiner.

2 MS. HARDY: Not from Spur.

3 MR. CHAKALIAN: Ms. Hardy?

4 MS. HARDY: No.

5 MR. CHAKALIAN: Okay. Very good.

6 MS. HARDY: Thank you.

7 MR. CHAKALIAN: Okay. Then that case  
8 is disposed of as well and we will see the parties  
9 February 1st, at Pecos Hall or by video, at the end of  
10 our regular docket for a contested hearing, unless of  
11 course they buy each other out or work it out.

12 Okay. And we will look for your  
13 amended application, Riley, on or before January 10th.

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

15 MS. HARDY: Thank you.

16 MR. CHAKALIAN: Thank you.

17 MR. SUAZO: Thank you.

18 MR. CHAKALIAN: Thank you.

19 I am now calling 23944, Pride Energy.  
20 It looks like it is joined with 23945.

21 MS. SHAHEEN: That is correct. Sharon  
22 Shaheen, Montgomery & Andrews on behalf of Pride  
23 Energy Company.

24 MR. CHAKALIAN: Good morning,  
25 Ms. Shaheen. Am I also missing Matador's cases that

1 should be joined with this, 24074, '75, and '76?

2 MS. SHAHEEN: I believe so.

3 MR. CHAKALIAN: Okay. Excellent.

4 MR. FELDEWERT: Yeah, Mr. Examiner,  
5 Michael Feldewert with the Santa Fe office of Holland  
6 & Hart, appearing on behalf of Matador. There's also  
7 two cases that were filed more recently than these  
8 cases and are at the end of your docket, 24101 through  
9 24102. Okay. They would also be related -- that is  
10 also related to these matters.

11 MR. CHAKALIAN: Okay. Hold on one  
12 second. Let me make some notes here so I don't make a  
13 mistake here. Okay. So I am also calling case 24101  
14 and 24102. And those cases are -- ah, here we go.  
15 Approval of overlapping horizontal well spacing unit,  
16 Matador Production Company. And those are yours,  
17 Mr. Feldewert?

18 MR. FELDEWERT: Yes, sir.

19 MR. CHAKALIAN: I see. Okay. So  
20 you're just bringing that to my attention. Excellent.  
21 So you would like all these cases to be joined  
22 together?

23 MR. FELDEWERT: Yes, please.

24 MR. CHAKALIAN: Okay.

25 And Ms. Apodaca, will you make a note

1 of that and I'll make notes as well?

2 MR. FELDEWERT: Because I'm looking  
3 here, yeah, they have them on your docket sheet as  
4 Stonewall, but they're really the Wayne Gaylord.

5 MR. CHAKALIAN: I do see -- well, I  
6 also see Wayne Gaylord 2930 Fed Com. Is that what  
7 you're talking about?

8 MR. FELDEWERT: I'm just looking on --  
9 I'm sorry, I'm looking on your docket sheet for today.

10 MR. CHAKALIAN: The worksheet? Okay.  
11 I'm looking at the hearings module where it actually  
12 says Wayne Gaylord 2930.

13 MR. FELDEWERT: Okay.

14 MR. CHAKALIAN: There's many screens  
15 here.

16 MR. FELDEWERT: Yeah, just want to make  
17 sure there's no confusion. But you're correct in  
18 putting all these cases together.

19 MR. CHAKALIAN: There's definitely  
20 confusion, but we're trying to work through it. So  
21 thank you.

22 All right. Ms. Shaheen?

23 MS. SHAHEEN: Thank you, Mr. Examiner.  
24 I understand that Pride and Matador have been  
25 conferring about a resolution of their competing

1 proposals and proposed that this case or all of these  
2 cases be continued to another status conference on  
3 February 1st.

4 MR. CHAKALIAN: Okay.

5 Mr. Feldewert, how do you feel about  
6 that?

7 MR. FELDEWERT: I agree that there's  
8 been productive discussions and agree that these  
9 should be moved to another status conference on  
10 February 1st.

11 MR. CHAKALIAN: Okay.

12 Ms. Apodaca, do we have room?

13 MS. APODACA: Yes, we do.

14 MR. CHAKALIAN: Okay. Good.

15 Ms. Apodaca, will you show that cases 23944 and '45  
16 are hereby joined with 24074, '75, and '76, and 24101  
17 and '102?

18 MS. APODACA: Yes.

19 MR. CHAKALIAN: All right. And the  
20 parties will file continuances through -- well, for  
21 the February 1st, for a status conference.

22 MS. KESSLER: Mr. Hearing Examiner,  
23 this is Jordan Kessler with EOG.

24 MR. CHAKALIAN: Yes, Ms. Kessler, good  
25 morning.

1 MS. KESSLER: Simply here to enter an  
2 appearance. No proposed changes to what you've just  
3 suggested.

4 MR. CHAKALIAN: Okay. Wonderful.  
5 Well, thank you. Ms. Kessler, what party do you  
6 represent?

7 MS. KESSLER: EOG Resources,  
8 Mr. Examiner.

9 MR. CHAKALIAN: Thank you. I -- I must  
10 have missed that. Thank you. And will you be filing  
11 an entry of appearance by paper or just verbally?

12 MS. KESSLER: The entry of appearance  
13 should have been filed several weeks ago. It should  
14 be in the case file, but I'll double check.

15 MR. CHAKALIAN: Let me -- let me see  
16 something here. In all the cases or just some of the  
17 cases?

18 MS. KESSLER: In the Pride Energy cases  
19 specifically. So 23944 and '45.

20 MR. CHAKALIAN: I see your name here on  
21 the worksheet for those two cases. Perfect. Thank  
22 you, Ms. Kessler.

23 All right. Thank you. If there's  
24 nothing more we'll move on.

25 Okay. We're here for -- okay. So

1 we're going to skip over those. Ah, now we're coming  
2 to some interesting cases. 24053, FAE II Operating.

3 MR. PADILLA: Mr. Examiner, Earnest Sal  
4 Padilla for the applicant FAE Operating.

5 MR. CHAKALIAN: Padilla?

6 MR. PADILLA: Yes.

7 MR. CHAKALIAN: Good morning.

8 And who else do we have?

9 MR. FELDEWERT: Good morning,  
10 Mr. Examiner. Michael Feldewert with the Santa Fe  
11 office of Holland & Hart. I'm appearing for a number  
12 of companies.

13 First off Apache Corporation.  
14 Secondly, Oxy entities, Oxy USA Inc, Oxy USA WTPLP,  
15 and Kerr-McGee Oil and Gas OnShore LP. And then  
16 third, I'm appearing for ConocoPhillips Company. And  
17 all these companies have objected to this matter  
18 proceeding.

19 MR. CHAKALIAN: I understand. Thank  
20 you.

21 I would like to read something that I  
22 have here. Give me one moment before you begin,  
23 Mr. Padilla. Mr. Padilla, did you file exhibits in  
24 this case?

25 MR. PADILLA: No, we hadn't filed any

1 exhibits yet.

2 MR. CHAKALIAN: Well --

3 MR. DEBRINE: And Mr. Hearing Examiner,  
4 this is Earl Debrine with Modrall Sperling.

5 MR. CHAKALIAN: Yes, sir. Good  
6 morning.

7 MR. DEBRINE: We also filed entries of  
8 appearance for Apache Corporation. And so  
9 Mr. Feldewert and I may have had dual representations.  
10 We'll need to sort that out, but we had also appeared  
11 in these cases.

12 MR. CHAKALIAN: Okay.

13 Did anyone file an exhibit in this  
14 case?

15 MR. PADILLA: Mr. Examiner, we did not  
16 file because it was set for status conference. and  
17 judging from the last hearing that we had on the South  
18 Jal Unit, that took quite a bit of time to file  
19 extensive exhibits.

20 MR. CHAKALIAN: Okay.

21 Mr. McClure, can you help me out here?  
22 I have an email discussing Exhibit 1 and Exhibit B.

23 MR. MCCLURE: Yeah, Mr. Hearing  
24 Examiner, I guess I'm not quite sure what you're  
25 looking at. I don't what email you're --

1 MR. CHAKALIAN: There was an email  
2 yesterday. Let me see if you were copied on this.  
3 No, you were not. Let me forward this to you.

4 MR. MCCLURE: Okay.

5 MR. CHAKALIAN: So while Mr. McClure  
6 looks at this email from yesterday, Mr. Padilla, when  
7 would you like to set this contested hearing?

8 MR. PADILLA: Well, Mr. Examiner, we  
9 also filed in the past oil recovery case that we have  
10 continued to February 15th. But I'm not whether there  
11 would be time because this will probably take close to  
12 a day to --

13 MR. CHAKALIAN: And what -- what case  
14 number are you talking about, sir?

15 MR. PADILLA: 24052.

16 MR. CHAKALIAN: Which I don't have on  
17 today's docket.

18 MR. PADILLA: No, it's not, because we  
19 continued it. We -- because it was not opposed. It  
20 was set for hearing today. And we necessarily had to  
21 continue that to the future date.

22 MR. CHAKALIAN: What date?

23 MR. PADILLA: We continued it to  
24 February 15th.

25 MR. CHAKALIAN: So let me make sure I

1 understand. So we're going to have a hearing by  
2 affidavit on February 15th on that case?

3 MR. PADILLA: No, I'd like to try both  
4 cases because the evidence for both cases is very  
5 similar. And it doesn't make any sense to do an  
6 affidavit case on that because the statutory  
7 unitization has to be tried first.

8 MR. CHAKALIAN: Okay. Let me look at  
9 that case, because I'm not familiar with the case  
10 number just in that way. So give me one moment here.  
11 And I'm going to need that case number again in just a  
12 moment. So -- okay. May I have that number again,  
13 please?

14 MR. PADILLA: 24052.

15 MR. CHAKALIAN: 24052? Okay. So we  
16 have -- I see, unopposed motion for a continuance,  
17 24052. Moves for a continuance of the captioned case  
18 to the Division docket of February 15th. Just so you  
19 know, Mr. Padilla, it doesn't talk about what type of  
20 setting you want us to give you.

21 So that motion would leave me guessing,  
22 are you asking for a status conference? Are you  
23 asking for a hearing by affidavit? I wouldn't know  
24 what you're asking for.

25 MR. PADILLA: Well, the way we tried

1 the South Jal Unit, we did them both at the same time,  
2 the same witnesses, and overlapping evidence. But the  
3 statutory unitization case has to come first.

4 Now, if you want us to do an affidavit  
5 case, I could -- it really doesn't make any sense to  
6 do an affidavit case because of the nature of the -- I  
7 would prefer to join these two cases.

8 MR. CHAKALIAN: Okay.

9 MR. PADILLA: And --

10 MR. CHAKALIAN: Mr. Padilla, I'm not  
11 suggesting how you represent your client in any way.  
12 You've been a lawyer much longer than I have. What I  
13 am suggesting though is when parties file motions for  
14 continuance, if they don't tell the law clerk what  
15 type of setting to give them, the law clerk is just  
16 guessing at what to do.

17 MR. PADILLA: Yeah, I understand that.

18 MR. CHAKALIAN: Okay. So what do  
19 you -- so you're asking not only to have this moved,  
20 but you're asking to join 24052 with '53 and set it  
21 for a contested hearing, when, in February?

22 MR. PADILLA: In February if we can,  
23 but these are long cases that -- judging from the  
24 South Jal Unit case, I think it took close to six  
25 hours.

1 MR. CHAKALIAN: So you're looking for a  
2 special setting then, a special hearing date?

3 MR. PADILLA: I think that makes sense.

4 MR. CHAKALIAN: Okay. Do you want to  
5 propose one?

6 MR. PADILLA: No. I think that depends  
7 on what the Division timeframe is. But I think late  
8 February may be a way to go.

9 MR. CHAKALIAN: Could you -- would you  
10 narrow it down to -- as opposed to late February,  
11 would you narrow it down to a -- you know, a date  
12 range for me?

13 MR. PADILLA: Well, we could do  
14 February 16th.

15 MR. CHAKALIAN: That would be a Friday,  
16 wouldn't it?

17 MR. PADILLA: That would be a Friday.

18 MR. CHAKALIAN: It would be a Friday.  
19 And you're saying that you're -- I'd rather not do a  
20 hearing of that length on a Friday because I don't  
21 know if that's going to continue to a Monday. And if  
22 it does, that would be a problem for me. So why don't  
23 we find another day after that, sir.

24 MR. FELDEWERT: Mr. Examiner.

25 MR. CHAKALIAN: Yes, Mr. Feldewert.

1 MR. FELDEWERT: If I could jump in  
2 here. I think February's going to be a problem for a  
3 lot of reasons. And I also note that, you know, based  
4 on my review, they're trying to put together and force  
5 people into an 8,000-acre unit, when there's an  
6 existing Langlie Jal Unit. So they're not expanding  
7 that.

8 They're instead, I guess, eliminating  
9 that and jumping to a nearly 8,000-acre statutory  
10 unit. I am not aware of any real discussion between  
11 FAE and Apache and Oxy and ConocoPhillips about this  
12 effort.

13 It seems to me the most prudent thing  
14 would be for the parties to engage in discussions, get  
15 a better understanding of what's being proposed, and  
16 see if they can reach some kind of resolution. So I  
17 would suggest a status conference in February, rather  
18 than trying to plug in a hearing for that reason.

19 And there's -- personally, I have a  
20 number of contested cases in February, including a  
21 commission hearing at the end of the month. So that's  
22 my two cents.

23 MR. CHAKALIAN: You said you have a  
24 commission hearing when?

25 MR. FELDEWERT: Well, the commission

1 has it scheduled the last week in February for a  
2 hearing.

3 MR. CHAKALIAN: And that would not be  
4 part of their regular business? It's outside their  
5 regular?

6 MR. FELDEWERT: It is. It is a -- it's  
7 my understanding it's a special docket that they put,  
8 that they've set, yes.

9 MR. CHAKALIAN: Okay. Yeah, because I  
10 would need to -- okay, thank you.

11 Mr. Padilla, what do you think about  
12 what Mr. Feldewert just mentioned?

13 MR. PADILLA: Well, I do know that  
14 Apache and FAE are pretty close to a buyout agreement.

15 MR. CHAKALIAN: Okay.

16 MR. PADILLA: So some of what -- so  
17 there have been discussions with ConocoPhillips and  
18 with Apache. And I'm not sure, I can't speak about  
19 Oxy. But I think discussions have been ongoing and so  
20 as far as we're concerned, the sooner the better,  
21 rather than having to do another status conference.

22 I acknowledge Mr. Feldewert's time  
23 constraints in terms of having other cases. So if  
24 he's got a conflict, we're willing to accommodate  
25 that, but the week after -- or the week of -- let's

1 see. I'm pretty clear the week of the 19th or the  
2 first week of March, certainly March 4th.

3 MR. CHAKALIAN: Okay.

4 Are there any other parties that want  
5 to chime in before I decide on what to do?

6 MR. DEBRINE: No, Mr. Chakalian, I  
7 think a March hearing probably makes sense.

8 MR. CHAKALIAN: Okay. All right.

9 Mr. Padilla, we have 24052 already  
10 scheduled for February 15th.

11 And Ms. Apodaca, what is that case  
12 scheduled for? What type of hearing or setting is  
13 that?

14 MS. APODACA: Okay. Hold on. I'm  
15 looking it up. It's taking a very long time to load  
16 up the docket for that date. Give me one second.  
17 Okay. So it's showing that it's set for a hearing.

18 MR. CHAKALIAN: For a hearing by  
19 affidavit?

20 MS. APODACA: Yeah.

21 MR. CHAKALIAN: Mr. Padilla, is there  
22 any -- since negotiations are ongoing between all of  
23 these parties, is there any point in having that  
24 hearing on -- the affidavit hearing on that case alone  
25 on the 15th?

1 MR. PADILLA: No, there really isn't.  
2 I mean, that case is dependent on whether or not the  
3 statutory unitization is granted or not.

4 MR. CHAKALIAN: Okay. So Mr. Padilla,  
5 if we change that from a hearing to a status  
6 conference and join it with 24053, do you have any  
7 objection with that?

8 MR. PADILLA: No.

9 MR. CHAKALIAN: All right.

10 So Ms. Apodaca, in my notes I am  
11 joining 24052 and '53 together for a status conference  
12 on February 15th. Mr. Padilla has already continued  
13 24052 through the portal.

14 So Mr. Padilla, it's incumbent upon you  
15 to continue today's case to February 15th for a status  
16 conference.

17 MR. PADILLA: Okay.

18 MR. CHAKALIAN: At that time, we'll see  
19 how the parties' negotiations have progressed, and we  
20 will make a determination on a March contested hearing  
21 special date, it sounds like, at that time.

22 MR. PADILLA: That's -- makes sense.

23 MR. CHAKALIAN: Okay.

24 Anything further?

25 MR. MCCLURE: Mr. Hearing Examiner,

1 were you still wanting to come back around to me on  
2 that case '53? I'm sorry. I was missing some of your  
3 conversation while I was reading.

4 MR. CHAKALIAN: No, you're right. I  
5 forgot all about you, Mr. McClure. Yes, please.  
6 Would you help me with this email here?

7 MR. MCCLURE: Okay. I was --  
8 essentially what it looks like that Mr. Goetz is  
9 referring to is the ownership spreadsheet that is  
10 attached to that exhibit. It extends over several  
11 hundred pages, but it's -- we can't read it.

12 MR. CHAKALIAN: Okay. Very good. But  
13 it does belong with this case; is that correct?

14 MR. MCCLURE: That's my understanding.  
15 It looks like it does.

16 MR. CHAKALIAN: Mr. Padilla, is it part  
17 of your application that you filed?

18 MR. PADILLA: I'd have to look. Yes, I  
19 think it's part of the application.

20 MR. FELDEWERT: Yeah, I looked at that,  
21 Mr. Examiner. I looked at that yesterday. That was  
22 part of what they filed with their application. I  
23 likewise did not read it yet.

24 MR. CHAKALIAN: All right. Thank you.  
25 So Mr. Padilla, we're asking you to

1 clean up this exhibit for us in your application.  
2 I'll be specific from the email I received. Give me a  
3 moment here.

4 The problem is, as Mr. McClure just  
5 stated, that Exhibit 1, the portion identified as  
6 Exhibit B and is entitled "Schedule," showing the  
7 percentage and type of ownership, the font is too  
8 small and becomes illegible when magnified. It needs  
9 to be resubmitted.

10 MR. PADILLA: Okay.

11 MR. CHAKALIAN: So Mr. Padilla, instead  
12 of resubmitting just that one part of it, please just  
13 fix it within the application and file an amended  
14 application that basically cleans that exhibit up.

15 MR. PADILLA: All right. Well, I'll do  
16 that. I don't want to run into the discussion that  
17 was held into -- in the prior cases -- Spur case in  
18 terms of amending an application.

19 MR. CHAKALIAN: Good. Thank you.

20 MR. MCCLURE: Mr. Hearing Examiner?

21 MR. CHAKALIAN: Mr. McClure.

22 MR. MCCLURE: If I may suggest, it  
23 could be beneficial to the Division is we also -- in  
24 addition to the higher resolution PDF in the file, it  
25 may be beneficial to us if we also receive an Excel

1 format of that spreadsheet for our easier review of  
2 it.

3 MR. PADILLA: I hope my clients are  
4 listening to that. So I will get it anyway.

5 MR. CHAKALIAN: Okay. Thank you,  
6 Mr. Padilla.

7 MR. PADILLA: An Excel spreadsheet  
8 probably makes more sense.

9 MR. CHAKALIAN: Okay. Thank you, sir.

10 All right. If there's nothing more on  
11 24053, we will see the parties at a status conference  
12 on February 15th, and we will move onto the next case.  
13 So let me find that next case. Ah, 24054, '55, '56,  
14 '57, Pilot Water Solutions.

15 MR. PADILLA: Mr. Examiner, Earnest Sal  
16 Padilla for the applicant in this cases.

17 MR. CHAKALIAN: And the applicant's  
18 name is Pilot Water Solutions?

19 MR. PADILLA: Yes.

20 MR. CHAKALIAN: Okay.

21 Any other parties?

22 MR. DEBRINE: Good morning,  
23 Mr. Examiner. Earl Debrine with the Modrall Sperling  
24 firm for Apache Corporation.

25 MR. CHAKALIAN: Mr. Debrine.

1 MS. RYAN: Good morning, Mr. Hearing  
2 Examiner. Beth Ryan on behalf of ConocoPhillips.

3 MR. CHAKALIAN: Okay. Good morning.  
4 Any other parties?

5 Okay. Mr. Padilla?

6 MR. PADILLA: Mr. Examiner, I just  
7 learned I think the day before yesterday that we may  
8 have to dismiss the Flutie because of the location.  
9 And that would be in case 24055. I don't have enough  
10 information right now to tell you that we will dismiss  
11 that, but otherwise, we just would like a setting for  
12 these cases.

13 MR. CHAKALIAN: Okay.

14 And Mr. Debrine, do you have anything  
15 you want me to note?

16 MR. DEBRINE: No, Mr. Examiner. I  
17 think this is probably going to be contested cases  
18 that we'll need to set a hearing date for.

19 MR. CHAKALIAN: Okay.

20 And Ms. Ryan?

21 MS. RYAN: I agree, Mr. Examiner. I  
22 think these can go ahead and get set for a contested  
23 docket.

24 MR. CHAKALIAN: Okay.

25 I'm inclined to set this for a special

1 hearing, cases 24054 through '57. What month would  
2 the parties like this hearing?

3 Mr. Padilla?

4 MR. PADILLA: Mr. Examiner, what is  
5 the -- probably March. March makes sense.

6 MR. CHAKALIAN: Okay. We have dockets,  
7 which I'm not -- I'm just saying we have dockets on  
8 the 7th and 21st. So it couldn't be those two weeks.  
9 So we're looking at the week of -- starting on the  
10 12th of March through, I would say, the 14th. So we  
11 can do March 12th through 14th or March 26th through  
12 28th.

13 Which of those groups of numbers appeal  
14 to the parties?

15 MR. PADILLA: What was the first set,  
16 Mr. Examiner, sorry?

17 MR. CHAKALIAN: The 12th through the  
18 14th.

19 MR. PADILLA: Looking at my schedule,  
20 the latter part of March works better for me.

21 MR. CHAKALIAN: The 26th through the  
22 28th?

23 MR. PADILLA: Right.

24 MR. CHAKALIAN: Okay.

25 Mr. Debrine?

1 MR. DEBRINE: That looks open on my  
2 schedule, Mr. Examiner.

3 MR. CHAKALIAN: Ms. Ryan?

4 MS. RYAN: That's agreeable to us.

5 MR. CHAKALIAN: Okay. Very good.

6 So why don't we set it for the 26th,  
7 which is a Tuesday. We will -- now, Mr. Feldewert  
8 just mentioned that the commission is having a special  
9 docket. And I think he said that was the end of  
10 February. So I don't think we need to worry about the  
11 commission in Pecos Hall, unless I'm missing something  
12 on the 26th.

13 Ms. Apodaca, do you know anything?

14 MS. APODACA: I will have to check with  
15 the secretary's office on that because they do loan  
16 the room out to other people also.

17 MR. CHAKALIAN: All right. Well,  
18 Ms. Apodaca, what we can do is in the prehearing order  
19 that we're going to issue on these four cases, what we  
20 can say is that we will hold it in Pecos Hall, in a  
21 hybrid setting. And then if Pecos Hall is taken, we  
22 will let the parties know and we will just restrict it  
23 to a virtual.

24 MS. APODACA: Okay.

25 MR. CHAKALIAN: All right. Is there

1 anything else from the parties on these four cases?

2 MR. PADILLA: No, Mr. Examiner, not  
3 from us.

4 MR. CHAKALIAN: Okay. Mr. Padilla,  
5 when would we be getting a motion to dismiss '55?

6 MR. PADILLA: I'll find out, but within  
7 the next week I should know what we're doing with that  
8 case. They may have to refile the administrative  
9 application. I think that may have already been done,  
10 which -- to correct the well location.

11 MR. CHAKALIAN: Well, if it's been  
12 done, wouldn't you know the case number?

13 MR. PADILLA: I don't know the case  
14 number and I don't have enough information from -- I  
15 mean, as I stated, I didn't learn about this -- that  
16 there was a problem with this Flutie well.

17 But I can either dismiss it and -- or  
18 leave it on if it's not a problem. If the well  
19 location had to be changed, then it's material  
20 difference. And so we may have to dismiss and refile  
21 it.

22 MR. CHAKALIAN: Mr. McClure, do you  
23 have a opinion about this?

24 MR. MCCLURE: Mr. Hearing Examiner, I  
25 don't at this time have an opinion, but I'm not sure

1 what you're asking of me, I guess. I apologize.

2 MR. CHAKALIAN: That's okay. I'm a  
3 little confused by Mr. Padilla. Mr. Padilla seems to  
4 say that in case number 24055 the well identification  
5 might be faulty and he may either dismiss it and then  
6 refile it, it may have already be refiled. I'm a  
7 little unclear about this.

8 And so Mr. Padilla, would you help me  
9 here?

10 MR. PADILLA: Generally, you have to  
11 start out with filing a C108 administratively. And if  
12 there is an objection, then we proceed to hearing.

13 And if an application that has been  
14 filed administratively, then we necessarily have to  
15 wait and dismiss this case until the new well -- my  
16 understanding is that the well location was the  
17 problem with the Flutie. I didn't know until the day  
18 before yesterday that that was a problem. And --

19 MR. CHAKALIAN: And was it -- and  
20 Mr. Padilla, was it a party that brought that to your  
21 attention?

22 MR. PADILLA: It was my client, Pilot  
23 Waters.

24 MR. CHAKALIAN: It was the client,  
25 okay. So basically what I'm hearing from you is that

1 the C108 in 24055 may have misidentified the well  
2 location?

3 MR. PADILLA: Yes, that's my  
4 understanding.

5 MR. CHAKALIAN: And you're saying that  
6 that can't be just corrected by amending the C108?  
7 You're saying it has to be dismissed and refiled?

8 MR. PADILLA: Well, that's what I need  
9 to determine. I don't know whether there's been a  
10 filing by my client's consultant without my -- without  
11 any input to me until the day before yesterday.

12 MR. CHAKALIAN: So Mr. Padilla, you're  
13 saying that your client's consultant can file cases  
14 with the Division without your knowing it?

15 MR. PADILLA: Well, in this case they  
16 did. I think they're trying to correct the well  
17 location because the apparent objections to this  
18 particular well had to do with the well location.

19 And if there is no objection to the new  
20 location, then it can be approved administratively,  
21 without going to hearing. Judging from the entry of  
22 appearances here, it seems to me that that's not going  
23 to happen.

24 MR. CHAKALIAN: I'm surprised to hear  
25 that clients can file cases without their

1 representatives knowing about it. That's somewhat  
2 disturbing.

3                   Anyway, Mr. McClure, do you have any  
4 comment about this or shall we just move on?

5                   MR. MCCLURE: Well, I guess the  
6 question I'd have for Mr. Padilla, are you referring  
7 to they resubmitted an -- application for this well  
8 with a new surface well location? Is that what you're  
9 referring to?

10                   MR. PADILLA: I could -- yes, that's  
11 what I'm saying. That's my understanding, yes.

12                   MR. MCCLURE: So there's, like, a whole  
13 different C108 for this well with a modified surface  
14 well location?

15                   MR. PADILLA: That would be the case,  
16 yes. The geology and that kind of stuff would be the  
17 same, obviously.

18                   MR. MCCLURE: And this new application  
19 had its own -- correct?

20                   MR. PADILLA: I'm sorry, I didn't hear.

21                   MR. MCCLURE: This brand-new admin  
22 application, it has its own notice, independent of the  
23 notice for this hearing?

24                   MR. PADILLA: Yes.

25                   MR. MCCLURE: So I guess is your

1 applicant asking to dismiss their application in  
2 this -- or is your client asking to dismiss their  
3 application in this case then or --

4 MR. PADILLA: Well, let me put it this  
5 way. If they filed an administrative application, I  
6 think that we have to dismiss case 24055.

7 MR. CHAKALIAN: Mr. Padilla, how would  
8 that application be titled?

9 MR. PADILLA: It would be an  
10 application for a saltwater disposal, a SWD well.

11 MR. CHAKALIAN: Okay. And would it  
12 be -- would it come in from Pilot Water Solutions?

13 MR. PADILLA: It would come in from  
14 them through their consultant who is doing the work  
15 for filing and doing that. I didn't know until the  
16 day before yesterday that that was going on.

17 MR. CHAKALIAN: I'm just trying to give  
18 Ms. Apodaca something to search for so we can see if  
19 someone has filed another application for Pilot Water  
20 Solutions.

21 Ms. Apodaca, are you able to search for  
22 that or would you have seen that?

23 MS. APODACA: I am searching. Let me  
24 see if I can --

25 MR. CHAKALIAN: All right.

1           Mr. Padilla, would you please ask your  
2 client not to file documents? I think it's better  
3 that one person representing a client file documents  
4 so that we don't have this confusion in the future.

5           MR. PADILLA: Well, I agree with that,  
6 Mr. Examiner. I sent back an email saying we may have  
7 to dismiss this case if they already had filed  
8 something.

9           MR. CHAKALIAN: Okay. All right.  
10 Well, we'll wait -- we may come back to that 24055  
11 case, Mr. Padilla, if you find something that's been  
12 filed. In the meantime, we're going to issue a  
13 prehearing order for 24054 through 24057, for a  
14 contested hearing, special hearing, March 26, 2024.  
15 Is there anything else on that case?

16           MR. PADILLA: No, sir.

17           MR. CHAKALIAN: I'm now calling 24093,  
18 Riley Permian Operating. It looks like it stands --  
19 oh, no, we've already dealt with that case. So we're  
20 going to move on. I'm going to call 24110, Franklin  
21 Mountain Energy. We have a status conference. It  
22 looks like 24111, '112, and '115 are joined.

23           MS. BENNETT: Good morning,  
24 Mr. Examiner. Deana Bennett on behalf of Franklin  
25 Mountain Energy, from Modrall Sperling.

1 MR. CHAKALIAN: Ms. Bennett.

2 MS. BENNETT: Thank you.

3 MR. CHAKALIAN: Thank you.

4 MR. FELDEWERT: Good morning,  
5 Mr. Examiner. Michael Feldewert from the Santa Fe  
6 office of Holland & Hart for MRC Permian.

7 MR. CHAKALIAN: Mr. Feldewert.

8 Any other parties?

9 Okay. Ms. Bennett, how do you want to  
10 proceed?

11 MS. BENNETT: Thank you, Mr. Examiner.  
12 So these cases are identified as Buttercup cases, but  
13 they are actually called -- they are actually the  
14 Cross wells. The Buttercup comes from a reference in  
15 the applications to a overlapping spacing unit. So  
16 these are actually Franklin Mountain Energy Cross  
17 wells.

18 And the Franklin Mountain Energy Cross  
19 wells are subject to a prehearing order that the  
20 Division issued on December 8th, setting previously  
21 filed Cross cases for a contested hearing with MRC  
22 Permian Company, Mongoose cases.

23 And so what I should have done, and  
24 what I will do after this hearing, is file a motion to  
25 amend the existing prehearing order to add these cases

1 to that prehearing order.

2 MR. CHAKALIAN: And hold on. So  
3 Ms. Bennett, let me just be clear. You said that  
4 there's a prehearing order already out there on  
5 certain cases, on Mongoose cases. I don't have the  
6 case numbers and I don't know when the contested  
7 hearing is set for.

8 MS. BENNETT: The contested hearing is  
9 set for February 8th, 2024.

10 MR. CHAKALIAN: February 8th. Oh,  
11 that's the case. Oh, okay. Right.

12 MS. BENNETT: Yep. And I have the  
13 Mongoose case numbers if you'd like those.

14 MR. CHAKALIAN: Yes, please. Go ahead.

15 MS. BENNETT: Those are case numbers  
16 23961, '962, '963, and '964.

17 MR. CHAKALIAN: Okay. And I think  
18 there's more cases than that; aren't there?

19 MS. BENNETT: There are. Yes, there  
20 are.

21 MR. CHAKALIAN: There are many cases,  
22 though. I think there's 15 cases altogether?

23 MS. BENNETT: It looks like 7 -- yeah,  
24 15.

25 MR. CHAKALIAN: Good. I thought so.

1 And don't we have a status conference on February 1st  
2 on all these cases?

3 MS. BENNETT: No, those are the status  
4 conferences for a different set of cases.

5 MR. CHAKALIAN: It is? Okay.

6 MS. BENNETT: Yeah.

7 MR. CHAKALIAN: All right. So now,  
8 you're saying that you're going to file a motion to  
9 amend the prehearing order to, what, add these cases,  
10 24110 through '15, to that?

11 MS. BENNETT: Yes. Yes, that's  
12 correct.

13 MR. CHAKALIAN: So you want them to be  
14 part of the contested hearing February 8th?

15 MS. BENNETT: That's correct.

16 MR. CHAKALIAN: Okay.

17 MS. BENNETT: And I don't have -- I  
18 will likely be requesting separately dismissal of  
19 certain of the cases that are on the prehearing order.

20 MR. CHAKALIAN: Okay.

21 MS. BENNETT: We filed these cases as  
22 replacement applications due to some inadvertent  
23 discrepancies in our applications.

24 MR. CHAKALIAN: Okay.

25 MS. BENNETT: And I believe -- and I'm

1 not intending to speak for Mr. Feldewert here, but I  
2 believe he might have filed some amended applications,  
3 too, but that might need to be added to this  
4 prehearing order, but I'm not sure.

5 MR. CHAKALIAN: Okay. Before I go to  
6 Mr. Feldewert, so once we get your motion to amend,  
7 you're not asking us -- you're only asking us to amend  
8 the caption of the prehearing order; is that right?

9 MS. BENNETT: That's right.

10 MR. CHAKALIAN: Hold on. Now, are you  
11 still planning on being ready for a February 8th?  
12 Yes, you are, okay. Very good.

13 MS. BENNETT: Yes.

14 MR. CHAKALIAN: And you know that  
15 that'll be in Pecos Hall?

16 MS. BENNETT: Yes.

17 MR. CHAKALIAN: Okay, good. And also  
18 virtual for your witnesses or for whoever.

19 MS. BENNETT: Yes.

20 MR. CHAKALIAN: Okay. Is there  
21 anything else you want me to know about these cases?

22 MS. BENNETT: Not from my perspective,  
23 no. Thank you.

24 MR. CHAKALIAN: Great.

25 Mr. Feldewert?

1 MR. FELDEWERT: We have no objection to  
2 moving these matters to February 8th and adding them  
3 to the prehearing order. That's all right.

4 MR. CHAKALIAN: Is there anything else  
5 you want me to know?

6 MR. FELDEWERT: Not at this -- not  
7 nothing that you need to know at this point.

8 MR. CHAKALIAN: All right. So you will  
9 be ready for February hybrid hearing.

10 MR. FELDEWERT: In Pecos Hall, what  
11 used to be Porter Hall, yes.

12 MR. CHAKALIAN: Oh, it used to be  
13 Porter Hall? I didn't know that.

14 MR. FELDEWERT: Yeah.

15 MR. CHAKALIAN: Another tidbit of  
16 information. Okay. Let me take some notes here.

17 So Ms. Apodaca --

18 MR. FELDEWERT: Okay. So I'm sorry, I  
19 will say, Mr. Examiner -- okay. Ms. Bennett was kind  
20 enough to remind me that -- and you mentioned February  
21 1st. There will be some Mongoose well cases on the  
22 February 1st docket that will be added to the  
23 prehearing order and replace some applications under  
24 the prehearing order.

25 MR. CHAKALIAN: Okay.

1 MR. FELDEWERT: So we'll deal with  
2 that --

3 MR. CHAKALIAN: Well, we have --  
4 Mr. Feldewert, we have a motion to amend from  
5 Ms. Bennett. Are you -- would it be more efficient  
6 to -- are you going to wait till after the February  
7 1st status conference to motion to amend the  
8 prehearing order again?

9 MR. FELDEWERT: No. In fact, I think  
10 where you're going here is if perhaps Ms. Bennett and  
11 I can get together and file a single motion?

12 MR. CHAKALIAN: That'd be great.

13 MR. FELDEWERT: Make things less  
14 confusing. I'll just have to check to see if we got  
15 case numbers. I think we were waiting on case numbers  
16 for a couple of them.

17 MR. CHAKALIAN: Okay.

18 MR. FELDEWERT: So I'd suggest  
19 Ms. Bennett and I will get together, file the correct  
20 motion to amend the prehearing order for the February  
21 8th special hearing date.

22 MR. CHAKALIAN: Okay. And I suspect  
23 also that if the parties are dismissing any cases,  
24 they will add that to their motion as well?

25 MR. FELDEWERT: Yes, sir.

1 MR. CHAKALIAN: Okay, great. Okay.

2 I have -- Ms. Apodaca, do you  
3 understand what's going on with that amending the  
4 prehearing order?

5 MS. APODACA: Yes, I do. And I have  
6 the case numbers for the newly filed Mongoose cases.

7 MR. FELDEWERT: Wonderful.

8 MS. APODACA: 24142 through 24145.

9 MR. FELDEWERT: Thank you very much,  
10 Sheila.

11 MR. CHAKALIAN: And Ms. Apodaca, did  
12 you happen to find anything from Pilot Water Solutions  
13 that Mr. Padilla was talking about before?

14 MS. APODACA: No, I didn't. I  
15 searched --

16 MR. CHAKALIAN: Okay.

17 MS. APODACA: -- for Pilot and the only  
18 cases that show up are the ones that are here on the  
19 docket.

20 MR. CHAKALIAN: Okay. So Mr. Padilla,  
21 it looks like your client has not filed anything  
22 behind your back.

23 MR. MCCLURE: Mr. Hearing Examiner, we  
24 did see an administrative application, but it's not in  
25 the hearing process. It -- which is why it may not be

1 as -- or it wasn't appearing, I guess, showing up, I  
2 guess, for the hearing submittals. And that was  
3 submitted October 24th, it looks like. So I'm  
4 assuming that may be what Mr. Padilla is referring to.

5 MR. CHAKALIAN: Mr. Padilla, are you  
6 still there?

7 MR. MCCLURE: Well, I guess he's not on  
8 camera.

9 MR. CHAKALIAN: All right. Well, thank  
10 you for that update, Mr. McClure. I appreciate it.

11 Okay. I think we're done with 24110  
12 through 24115. And we will hear those cases February  
13 8th in Pecos Hall, in a hybrid fashion, along with  
14 many other cases. And we will issue an amended  
15 prehearing order once we get that motion.

16 So thank you and we will move on to  
17 Avant Operating, 24118, 24119. We have a status  
18 conference.

19 MS. BENNETT: Good morning,  
20 Mr. Examiner, Deana Bennett from Modrall Sperling on  
21 behalf of Avant Operating, LLC.

22 MR. CHAKALIAN: Good morning.

23 Ms. Hardy?

24 MR. BRUCE: Mr. Examiner, Jim Bruce on  
25 behalf of PBEX and EGL Resources.

1 MR. CHAKALIAN: Okay. Thank you, sir.

2 MS. HARDY: And Mr. Examiner, Dana  
3 Hardy on behalf of COG Operating, and Concho Oil and  
4 Gas.

5 MR. CHAKALIAN: Very good. Thank you,  
6 Ms. Hardy.

7 Ms. Bennett, where are we going with  
8 these two cases?

9 MS. BENNETT: Thank you, Mr. Examiner.  
10 Avant Operating filed these cases for today's docket  
11 and in the interim, EGL and PBEX objected to the cases  
12 going by affidavit.

13 And it's my understanding that PBEX and  
14 EGL have filed competing cases that will be set for  
15 the February 1st docket. And so I would ask that  
16 these cases be consolidated and set for a contested  
17 hearing on February 1st.

18 MR. CHAKALIAN: Okay. So we're looking  
19 at February 1st, contested hearing. I need to know  
20 what those other case numbers are.

21 So Mr. Bruce or Ms. Hardy, do you know  
22 what those cases are?

23 MR. BRUCE: I will get those to you,  
24 Mr. Examiner. But I -- and as I mentioned earlier, I  
25 have some personal matters going on on February 1st

1 and 2nd.

2 MR. CHAKALIAN: Okay.

3 MR. BRUCE: And it's already a lengthy  
4 contested case on that docket. I would prefer that  
5 these matters be continued to March for hearing, all  
6 of them.

7 MR. CHAKALIAN: Okay. Well, when can  
8 you give me the case numbers?

9 MR. BRUCE: I will have them to you by  
10 tomorrow.

11 MR. CHAKALIAN: Okay.

12 And Ms. Bennett, you don't know what  
13 these competing case numbers are?

14 MS. BENNETT: No, I don't. I tried to  
15 find them last night and today and wasn't able to find  
16 the case numbers, but Ms. Apodaca may be able to help  
17 us with those.

18 MR. CHAKALIAN: Okay. All right.

19 Mr. Bruce, are you the one who filed  
20 these competing cases?

21 MR. BRUCE: Yes, sir.

22 MR. CHAKALIAN: Oh, you -- okay, not  
23 Ms. Hardy, but you, okay.

24 Ms. Hardy, what do you have to say?

25 MR. BRUCE: Correct.

1 MS. HARDY: I don't have anything to  
2 add, Mr. Examiner.

3 MR. CHAKALIAN: Okay.

4 MS. HARDY: It depends on Mr. Bruce's  
5 applications and Ms. Bennett.

6 MR. CHAKALIAN: So Ms. Hardy, you  
7 haven't filed anything that's competing?

8 MS. HARDY: That's correct. At this  
9 point we're monitoring these cases.

10 MR. CHAKALIAN: Oh, monitoring.

11 MS. HARDY: Concho and COG.

12 MR. CHAKALIAN: I see. So you  
13 didn't -- COG did not object to these going forward by  
14 affidavit?

15 MS. HARDY: That's correct.

16 MR. CHAKALIAN: So Mr. Bruce's client  
17 PBEX objected to it. I understand.

18 MS. HARDY: Correct.

19 MR. CHAKALIAN: Thank you for the  
20 clarification, Ms. Hardy.

21 Okay. So Mr. Bruce, who would you have  
22 filed these on behalf of?

23 MR. BRUCE: They're under the name of  
24 EGL. PBEX is the working interest owner and its  
25 operator -- its sister company EGL --

1 MR. CHAKALIAN: Okay.

2 MR. BRUCE: -- is the op.

3 MR. CHAKALIAN: Okay.

4 And Ms. Apodaca, are you able to search  
5 for EGL?

6 MS. APODACA: I will search, but I will  
7 also tell you that there are some applications still  
8 waiting in the queue for processing by Mr. Bruce. So  
9 it could be that they have not been processed or  
10 assigned a case number yet.

11 MR. CHAKALIAN: Very good.

12 Okay. All right. So it sounds like,  
13 Ms. Bennett, that Mr. Bruce -- the cases may still be  
14 in our queue to file, first of all, the competing  
15 cases. It also sounds like he's not available  
16 February 1st and is asking for an early-March  
17 contested hearing. How do you feel about that?

18 MS. BENNETT: I understand his  
19 unavailability at the beginning of February. So I  
20 would propose the February 15th docket as a contested  
21 hearing date.

22 MR. CHAKALIAN: Okay.

23 MS. BENNETT: That kind of splits the  
24 baby, for lack of a better word.

25 MR. CHAKALIAN: Okay.

1                   Mr. Bruce, are you available February  
2 15th?

3                   MR. BRUCE: I think I am, but let me  
4 check. I would still prefer March. One reason is  
5 Ms. Bennett asked me who to contact at EGL to talk  
6 about potential settlement. And I have also spoken  
7 with my client about potential settlement of their  
8 differences.

9                   And, well, you've been here long enough  
10 now, Mr. Examiner, that those discussions are not  
11 necessarily quick. So --

12                  MR. CHAKALIAN: What if we do this?  
13 What if we set these for a February 1st status  
14 conference to see how negotiations are proceeding, if  
15 they're proceeding at all.

16                  And then we can make a determination at  
17 that time whether we need to set a special hearing in  
18 February to accommodate Ms. Bennett or whether we need  
19 to set it for early March. Does that sound fair to  
20 the parties?

21                  MR. BRUCE: That'd be fine,  
22 Mr. Examiner, yes.

23                  MR. CHAKALIAN: Are you okay with that,  
24 Ms. Bennett?

25                  MR. BRUCE: I can be available on the

1 morning of February 1st and I do have a few other  
2 uncontested cases. So --

3 MR. CHAKALIAN: Okay.

4 Ms. Bennett, is that okay with you?

5 MS. BENNETT: That's okay, yes. Thank  
6 you.

7 MR. CHAKALIAN: Okay. Very good. So  
8 then, Ms. Bennett, will you continue these to the  
9 February 1st docket for a status conference? We'll  
10 wait to see what Mr. Bruce's competing case numbers  
11 will be.

12 And Ms. Apodaca, if you can make a note  
13 that these cases will be joined with the EGL cases  
14 that you process?

15 MS. APODACA: Okay. Yes, I'll do that.

16 MR. CHAKALIAN: And I'll put it in my  
17 notes here as well. Here we are. Avant. All right.

18 Mr. Bruce, do you know when you filed  
19 these new competing EGL cases?

20 MR. BRUCE: I believe it was late  
21 Tuesday night.

22 MR. CHAKALIAN: Oh, okay. No wonder.  
23 All right.

24 MR. BRUCE: I do have -- I was working  
25 rather late and I actually fell asleep at my desk and

1 woke up and I --

2 MR. CHAKALIAN: Okay. All right. I  
3 understand. February 1st. Thank you, sir.

4 If there's nothing further on these  
5 cases, we will move onto Matador Production 23915,  
6 23916, 23991, 23992, those four cases.

7 MS. VANCE: Good morning, Mr. Hearing  
8 Examiner. Paula Vance with the Santa Fe office of  
9 Holland & Hart, on behalf of the applicant MRC  
10 Permian.

11 MR. CHAKALIAN: Good morning,  
12 Ms. Vance.

13 Well, it looks like we're having an  
14 affidavit hearing this morning. So please proceed.

15 MS. VANCE: Thank you, Mr. Hearing  
16 Examiner. So in these cases MRC seeks to pool all the  
17 uncommitted interests in the Bone Spring formation.

18 In the pool is the Shugart Bone Spring  
19 North and the pool code is 56405. And that's  
20 underlying each of the spacing units. It's -- the  
21 referenced acreage is all in Township 17, Range 31  
22 East, and that's in Eddy County, New Mexico.

23 So in case number 23991, MRC seeks to  
24 pool a standard 313.23-acre, more or less, horizontal  
25 well spacing unit. And that's comprised of the N/2

1 N/2 of Sections 31 and 32. And initially dedicate  
2 this to the Cedar State 3221 Fed Com 121H well.

3 And then in case number 23992, MRC  
4 seeks to pool a standard 313.33-acre, more or less,  
5 horizontal well spacing unit. And that's comprised of  
6 the S/2 of the N/2 of Sections 31 and 32. And  
7 initially dedicate this to the Cedar State 3221 Fed  
8 Com 122H.

9 And then in case number 23915, MRC  
10 seeks to pool a standard 313.53-acre, more or less,  
11 horizontal well spacing unit. And that's comprised of  
12 the N/2 of the S/2 of Sections 31 and 32. And  
13 initially dedicate this to the Cedar State 3221 Fed  
14 Com 123H.

15 And then lastly, in case number 23916,  
16 MRC seeks to pool a standard 313.53-acre, more or  
17 less, horizontal well spacing unit. And that's  
18 comprised of the S/2 of the S/2 of Sections 31 and 32.  
19 And dedicate this to the Cedar State 3221 Fed Com 124H  
20 well.

21 So in these cases, we have provided a  
22 copy of the application, in which we have requested to  
23 designate Matador Production Company as the operator.  
24 We've included the compulsory pooling checklists, as  
25 well as a self-affirmed statement from landman Hawks

1 Holder, and geologist Andrew Parker, both of whom have  
2 previously testified before the Division.

3 And then Mr. Holder's statement is  
4 Exhibit C, which includes all the requisite  
5 sub-exhibits. C1 are the -- C102s, C2 is a land tract  
6 map.

7 C3 is a list of the uncommitted working  
8 interest owners and overrides with an asterisk  
9 indicated which parties Matador is seeking to pool, or  
10 MRC is seeking to pool. C4 is a sample well proposal  
11 letter with AFEs. C5 is a chronology of contacts.

12 This is followed by Mr. Parker's  
13 statement, which is Exhibit D. And D -- and it also  
14 includes all the requisite geology exhibits or  
15 sub-exhibits, which we have D1 as the locator map, D2  
16 is a subc structure and cross-section map, and D3 is a  
17 stratigraphic cross-section.

18 In these cases, Mr. Parker did not  
19 observe any faulting pinch outs or other geologic  
20 impediments to the horizontal drilling of these wells.

21 And then we have Exhibit E, which is a  
22 self-affirmed statement of notice from myself, with  
23 sample notice letters that were timely mailed. You'll  
24 notice there are two in each of the cases. So we've  
25 had some additional notice.

1                   And the same with Exhibit F, which is  
2 the affidavit of notice of publication. We have two  
3 for each of the cases and, just like the letters, were  
4 timely published.

5                   And then unless there are any  
6 questions, I would ask that all the exhibits and sub  
7 exhibits be admitted into the record in these cases  
8 and that the cases be taken under advisement.

9                   MR. CHAKALIAN: All right, Ms. Vance.  
10 Let's take them one at a time.

11                   We'll start with 23915. Are there any  
12 objections to the admission into evidence of Exhibit A  
13 through F?

14                   Not hearing any, Exhibits A through F  
15 and their subparts are admitted into evidence.

16                   Mr. McClure?

17                   MR. MCCLURE: Thank you, Mr. Hearing  
18 Examiner.

19                   Ms. Vance, looking at case file for the  
20 23915, the exhibits that were submitted, on page -- it  
21 appears that the second notice that was sent out was  
22 sent out on December 15th. I'm looking at your letter  
23 on Page 37 of 46.

24                   MS. VANCE: Yes.

25                   MR. MCCLURE: Okay. And it appears

1 that perhaps the reason for this new notice was  
2 because the case was continued and you're noticing  
3 them of the January 4th date; is that correct?

4 MS. VANCE: That's correct.

5 MR. MCCLURE: Okay. Now, scrolling  
6 down a few pages -- or excuse me the immediate  
7 following pages, that is the notice for the initial  
8 notice letter, right, for the case when it was heard  
9 priorly; is that correct?

10 MS. VANCE: Can you ask the question  
11 again? You cut out there for a second.

12 MR. MCCLURE: Okay.

13 MS. VANCE: So I didn't quite hear you.

14 MR. MCCLURE: Oh, I apologize.

15 Hopefully my headset is connecting correctly. There  
16 is two pages following that notice letter, which has  
17 the delivery spreadsheet, I guess, if that's what  
18 we're calling it. That's the spreadsheet for the  
19 notice that was conducted October 13th; is that  
20 correct?

21 MS. VANCE: Correct. And I apologize,  
22 typically I put the dates associated with the letters  
23 with the mailing report so you can identify which  
24 report goes with which letter. But the first two  
25 pages on those, that's for the October notice. And

1 then the second two pages would be for the December  
2 notice.

3 So I can make sure that we identify  
4 dates next time around. But each of the notice  
5 reports and each of the packets, it should be -- the  
6 first two pages are associated with the first letter  
7 and the second two pages of the report are associated  
8 with the second notice.

9 MR. MCCLURE: Okay. I guess my next  
10 question to that is it appears that there are less  
11 notices -- the second time around. Do you know the  
12 reason for that?

13 MS. VANCE: That -- these were -- this  
14 is just additional notice. And I can't say that I  
15 went through and made sure that all of the noticed  
16 parties matched up to the parties in our exhibit C3,  
17 which is the pooling exhibit.

18 So anyone who did not get noticed the  
19 first time around, we made sure that we continued the  
20 case and then -- or, you know, as needed, and provided  
21 that notice to the parties we may have missed.

22 MR. MCCLURE: All right. So  
23 essentially some people on that first -- of the first  
24 notice letter were not actually directly notified of  
25 the January 4th date then; is that correct?

1 MS. VANCE: No, because they were  
2 already provided notice with the first notice letter.

3 MR. MCCLURE: Yeah, for the November  
4 2nd date; correct, is when they were submitted for?

5 MS. VANCE: Correct.

6 MR. MCCLURE: Okay.

7 MS. VANCE: But in each of our notice  
8 letters, we do provide a -- the link to the Division's  
9 website so that any interested party can monitor the  
10 cases and see that a party -- or see that the case has  
11 been continued.

12 MR. MCCLURE: Now, in regards to your  
13 notice of -- or you affidavit -- then essentially what  
14 went on here was the one that was provided October  
15 17th was essentially for the November 2nd date,  
16 wherein the one provided December 19th is for the  
17 January 4th date; is that correct? The intent for the  
18 reason that you provided two notice of publications?

19 MS. VANCE: That should be correct.  
20 That sounds right. I do have to look a little bit  
21 closer. Give me just one moment.

22 Yeah, if you go to the first NOP,  
23 you'll see at the very top it talks about November  
24 2nd. And that will be on page 43 in that first  
25 paragraph of the NOP affidavit. And then if you go to

1 page 45, you will see the January 4th date noted in  
2 that NOP.

3 MR. MCCLURE: Okay. Thank you,  
4 Ms. Vance. I have no other questions.

5 Thank you, Mr. Hearing Examiner.

6 MR. CHAKALIAN: Okay. So Ms. Vance, we  
7 will take case number 23915 under advisement and we  
8 will move onto 23916. Let me get there. Okay. So  
9 I'm looking at your exhibit packet once again. We  
10 have exhibits A through F.

11 Are there any objections then to  
12 receiving these exhibits into evidence?

13 Not hearing any, these exhibits and  
14 their sub parts are admitted into evidence.

15 Mr. McClure?

16 MR. MCCLURE: Thank you, Mr. Hearing  
17 Examiner.

18 Ms. Vance, all my questions and your  
19 responses for case 23915, that also applies to 23916;  
20 correct?

21 MS. VANCE: That's correct.

22 MR. MCCLURE: And it also applies to  
23 cases 23991 and 23992; is that also correct?

24 MS. VANCE: That's correct.

25 MR. MCCLURE: Mr. Hearing Examiner, do

1 you want me to go through this for the other two cases  
2 as well, just to have it on the record for them or how  
3 do you want me to proceed?

4 MR. CHAKALIAN: I think however you're  
5 comfortable doing it. Evidentiary -- we have a  
6 preponderance of evidence standard in administrative  
7 hearings.

8 If you feel like Ms. Vance has  
9 accurately and reliably answered your questions, I  
10 feel like you have evidence showing that notice was  
11 properly produced. And if you don't have any contrary  
12 evidence, I think you can make a decision based on  
13 that evidence.

14 MR. MCCLURE: Okay. Thank you. I  
15 won't bring up then, confirming, I guess, for those  
16 other two cases, since I've done so now. They don't  
17 necessarily need to be in the cases transcript, I  
18 guess would be the thought process.

19 MR. CHAKALIAN: Okay.

20 And Ms. Vance, do you see the  
21 evidentiary standard or what I've discussed with  
22 Mr. McClure any differently?

23 MS. VANCE: No, I think that that works  
24 from our end.

25 MR. CHAKALIAN: So now, looking at the

1 exhibits for 23991, we have exhibits A through F. Are  
2 there any objections to receiving these exhibits into  
3 evidence?

4 Not hearing any, Exhibits A through F  
5 and their subparts are admitted into evidence and this  
6 case will be taken under advisement as was 23916,  
7 which I forgot to say that. I'm saying it now.

8 Now we move onto 23992, the last of  
9 Ms. Vance's cases in this grouping. Okay. So let's  
10 see what we have here.

11 We have -- and Ms. Vance, I want to say  
12 thank you for submitting separated exhibits for each  
13 case. In the past, some parties have submitted one  
14 group of exhibits and had multiple case numbers on  
15 them. The Division finds that difficult to work with.  
16 So thank you for submitting these separately, the way  
17 you have.

18 Again, we have Exhibits A through F  
19 here in 23992. Are there any objections into  
20 receiving these exhibits into evidence?

21 Not hearing any, these exhibits are  
22 admitted into evidence and this case is taken under  
23 advisement. Thank you for your presentation.

24 MR. MCCLURE: Mr. Hearing Examiner,  
25 that was case 23992? Sorry to interrupt you.

1 MR. CHAKALIAN: It was, yes.

2 MR. MCCLURE: Okay. Thank -- okay.

3 MR. CHAKALIAN: To recap, we have heard  
4 cases 23915, '16, 23991, and '92. All four cases have  
5 been taken under advisement.

6 MS. VANCE: Thank you, Mr. Hearing  
7 Examiner.

8 MR. CHAKALIAN: Thank you, Ms. Vance.

9 MS. VANCE: Thank you, Mr. McClure.

10 MR. CHAKALIAN: And good morning.

11 We are now hearing Permian Resources  
12 cases 23985 and '86.

13 MS. HARDY: Mr. Examiner, Dana Hardy  
14 with Hinkle Shanor on behalf of Permian Resources.

15 MR. CHAKALIAN: Good morning. And  
16 Ms. Hardy, I believe that we heard these cases before  
17 and then we're continuing the hearing?

18 MS. HARDY: That's correct.

19 MR. CHAKALIAN: Okay. Would you just  
20 put it on the record why we're back?

21 MS. HARDY: Sure. So these cases were  
22 initially presented on December 7th, but there was an  
23 issue with Exhibit A4, which is the nonstandard  
24 spacing unit offset tract map. We hadn't included the  
25 parties in the corners adjacent to the unit, in that

1 map. So we did that. We provided our updated  
2 exhibits on Tuesday.

3 There were two additional parties in  
4 those corners that needed to be notified, EOG and Oxy.  
5 So that's what we provided in our supplemental  
6 exhibits on Tuesday. And then after submitting those,  
7 we were able to obtain Permian Resources'  
8 communication with Oxy, discussing the notice and the  
9 application so that they had received it yesterday.

10 And so we did submit a second set of  
11 exhibits yesterday that the only difference is that it  
12 includes those email communications with Oxy. So with  
13 that, unless there are questions, I would ask that the  
14 exhibits A, B, and C, and the associated subparts be  
15 admitted into the record in each case and that the  
16 cases be taken under advisement.

17 MR. CHAKALIAN: Now, before I turn this  
18 over to Mr. McClure, we're going to hear -- we're  
19 going to take both cases individually. So right now  
20 I'm looking at your exhibit packet that was filed  
21 yesterday. I think it was yesterday. Yes, yesterday.  
22 It says "Second Notice of Amended Exhibits" as you  
23 just described.

24 Colgate, LLC is providing the attached  
25 amended exhibit packet which includes additional

1 notice information. It would be helpful if you would  
2 put on the record which -- and in the future, in the  
3 cover letter it would be helpful as well. Which  
4 exhibits are you amending in this exhibit list which  
5 is on two pages?

6 MS. HARDY: Sure. So I am looking  
7 at -- I believe it's Exhibit C7.

8 MR. CHAKALIAN: Indication with  
9 additional offset interests. Okay. But what about  
10 what you mentioned before about the map with corners  
11 and --

12 MS. HARDY: Sure. The updated map is  
13 Exhibit A4.

14 MR. CHAKALIAN: Okay. So we have A4  
15 and C7. Those are the only two amended exhibits in  
16 this second notice that were not provided on December  
17 7th?

18 MS. HARDY: Additionally, in the notice  
19 exhibits, we provided the certified mail receipts and  
20 tracking and affidavit for those new parties.

21 MR. CHAKALIAN: Okay.

22 MS. HARDY: So that's all included in  
23 the same exhibit.

24 MR. CHAKALIAN: But which -- so which  
25 exhibit would be added to in this list?

1 MS. HARDY: It would be the -- we  
2 updated C1, C2, C3.

3 MR. CHAKALIAN: So to recap, A4 is  
4 amended, C1, C2, C3, C4, and C7 are all amended?

5 MS. HARDY: Yes, that's correct.

6 MR. CHAKALIAN: Mr. McClure, did you  
7 get that?

8 MR. MCCLURE: Yes, sir, Mr. Hearing  
9 Examiner, I did.

10 MR. CHAKALIAN: Okay.

11 Do you -- okay. So first of all, are  
12 there any objections to these amended exhibits that I  
13 just listed, A4, C1, C2, C3, C4, and C7 being admitted  
14 into evidence?

15 Not hearing any, they are so admitted.

16 Mr. McClure, do you have any questions?

17 MR. MCCLURE: Yes, I do, Mr. Hearing  
18 Examiner.

19 MR. CHAKALIAN: Please.

20 MR. MCCLURE: Ms. Hardy, what -- is it  
21 correct that the old area that is being requested here  
22 covers the N/2 of Sections 3 and 4 and the NE/4 of  
23 Section 5?

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

25 MR. MCCLURE: Now, looking at your

1 latest -- the newest exhibit packet that's in the case  
2 file, the one that was submitted yesterday, if I  
3 may -- your attention to page 15 of 125. That should  
4 be the first of the C102s.

5 MS. HARDY: Yes, it's case 23985?

6 MR. MCCLURE: Yes, that's correct.

7 MS. HARDY: Okay.

8 MR. MCCLURE: On the -- it has a first  
9 take point identified there. Now, that first take  
10 point is outside of the area that's being requested to  
11 be pooled. Is that correct or is that a mistake?

12 MS. HARDY: I believe that that -- the  
13 first take point would not be outside of the area to  
14 be pooled. So --

15 MR. MCCLURE: Well, I --

16 MS. HARDY: Yeah, so I think that it  
17 looks like it might be moved slightly -- they didn't  
18 distinguish, from what I'm looking at, between the  
19 surface hole location and the first take point. So I  
20 think I would need to confirm with my client. But I  
21 think that the first take point would -- may need to  
22 be adjusted on the C102.

23 MR. MCCLURE: Now, Ms. Hardy, on page  
24 21 -- 125, that looks like that's the letter -- the  
25 well proposal letter?

1 MS. HARDY: Yes.

2 MR. MCCLURE: It also appears that that  
3 same error on the first take point appears within this  
4 letter as well.

5 MS. HARDY: You know, it's my  
6 understanding that that is another tract that's  
7 operated by Permian Resources. But I would need to  
8 confirm with them whether the take point needs to be  
9 adjusted to be included a little bit to the -- it  
10 would be a little bit to the east; right? Within  
11 that --

12 MR. MCCLURE: Yeah, I mean --

13 MS. HARDY: Yeah.

14 MR. MCCLURE: Yeah, at the very least  
15 it'd have to be over 200 feet to the east. And if  
16 it's less than 300 feet to the east, you would also  
17 need an NSL.

18 MS. HARDY: Right.

19 MR. MCCLURE: But I guess what my  
20 question is, are you in a position where you're able  
21 to get a direct answer as to what their intent was?  
22 Because it kind of makes a difference as to how we can  
23 proceed in these cases, because obviously if the first  
24 take point here was meant to be where it's listed,  
25 then obviously this case can't be approved.

1 MS. HARDY: Right.

2 MR. MCCLURE: It need -- it would have  
3 to have the additional pooled area included.

4 MS. HARDY: Right. I need to confirm  
5 with them. So I could probably do that if we wanted  
6 to move onto other cases and we could come back to  
7 these. I don't -- I would just need probably a few  
8 minutes to be able to do that.

9 MR. MCCLURE: And now, Mr. Hearing  
10 Examiner, I do have a few other questions here. I  
11 don't know if you want me to proceed or wait until  
12 Ms. Hardy hears back from her clients.

13 MR. CHAKALIAN: So Ms. Hardy -- well,  
14 Mr. McClure, are these questions applicable to all the  
15 cases or just this one?

16 MR. MCCLURE: Oh, you know what?  
17 Actually, these follow-up ones will be for both of  
18 these cases, 23985 and 23986.

19 MR. CHAKALIAN: Okay.

20 So Ms. Hardy, are you asking to  
21 basically recess these two cases while you consult  
22 with your client?

23 MS. HARDY: Yes.

24 MR. CHAKALIAN: Okay. Very good.

25 MS. HARDY: That would be my request.

1 MR. CHAKALIAN: We will do that. We  
2 will do just that. Ms. Hardy, when you are ready,  
3 would you just come back on the screen and raise --  
4 there's a way to raise your hand. Do you see it at  
5 the bottom?

6 MS. HARDY: Yes, I do.

7 MR. CHAKALIAN: Yeah, just raise your  
8 hand and as soon as we're done with the next case,  
9 we'll come back to you; okay?

10 MS. HARDY: Okay. Thank you very much.

11 MR. CHAKALIAN: Okay. You're welcome.

12 Okay. Let us continue with Flat Creek  
13 Resources, 23997, '998, '999. we're here for a  
14 hearing.

15 Ms. Bennett?

16 MS. BENNETT: Thank you. Actually,  
17 I'll defer to Ms. Shaheen first and then I'm happy to  
18 speak after that.

19 MR. CHAKALIAN: Ah, okay.

20 Ms. Shaheen?

21 MS. SHAHEEN: Thank you. Sharon  
22 Shaheen, Montgomery & Andrews on behalf of Flat Creek  
23 Resources.

24 MR. CHAKALIAN: Thank you. Are we  
25 proceeding to a hearing today?

1 MS. SHAHEEN: That is my understanding.  
2 My understanding is that all of the parties who  
3 entered an appearance have withdrawn their appearances  
4 and we'll be proceeding by affidavit today.

5 MR. CHAKALIAN: You mean they're  
6 withdrawn their objection?

7 MS. SHAHEEN: They have withdrawn  
8 their -- I haven't looked at the document, but my  
9 understanding is they have withdrawn their objections  
10 and maybe even withdrawn their appearances.

11 MR. CHAKALIAN: Okay. Very good.  
12 That's what I was trying to clarify.

13 So Ms. Bennett, who are you  
14 representing?

15 MS. BENNETT: Thank you, Mr. Hearing  
16 Examiner. I represent Durango Production Company.

17 MR. CHAKALIAN: Okay.

18 MS. BENNETT: And MEC Petroleum Corp.

19 MR. CHAKALIAN: Okay. And do we have  
20 another party representing Spur Energy?

21 MS. VANCE: Yes, Mr. Hearing Examiner.  
22 Paula Vance with the Santa Fe office of Holland & Hart  
23 on behalf of Spur Energy Corporation -- or Energy  
24 Partners, sorry.

25 MR. CHAKALIAN: Very good.

1                   Ms. Vance and Ms. Bennett, did you both  
2 object to proceeding by affidavit and are you both  
3 withdrawing your objection?

4                   MS. BENNETT: Mr. Hearing Examiner, I  
5 did object to the cases going by affidavit and I have  
6 withdrawn the objection to the cases going by  
7 affidavit, but I have not withdrawn the entry of  
8 appearance.

9                   MR. CHAKALIAN: Right.

10                   And Ms. Vance?

11                   MS. VANCE: Yes, the same exact  
12 situation.

13                   MR. CHAKALIAN: Okay.

14                   MS. VANCE: We have withdrawn our  
15 objection, but we are maintaining our entry of  
16 appearance to reserve our rights.

17                   MR. CHAKALIAN: Of course. And have  
18 you had a chance to look at Ms. Shaheen's exhibits in  
19 these three cases?

20                   MS. VANCE: I have, yes.

21                   MR. CHAKALIAN: Okay.

22                   MS. VANCE: I believe she sent them on  
23 Friday, perhaps. Is that it, revised exhibits on  
24 Friday?

25                   MS. SHAHEEN: Actually, we resubmitted

1 revised exhibits yesterday in which we -- and I was  
2 going to go through this in my presentation. We are  
3 no longer pooling MEC or Durango Production. Spur --  
4 we continue to pool Spur as a royalty owner.

5 And we made some changes to exhibits  
6 A4, by deleting the highlighting from MEC and Durango,  
7 because we're no longer pooling them. And we also  
8 revised exhibits A5 to indicate the additional  
9 communications that have occurred among all the  
10 parties.

11 MR. CHAKALIAN: Okay. All right. Why  
12 don't you proceed with your case? We're going to take  
13 them one at a time, MS. Shaheen. So let's start with  
14 23997. Although, you can give an overview for all  
15 three if you want at the same time. It's up to you.

16 MS. SHAHEEN: Okay. It might be  
17 helpful. In these three cases, Flat Creek seeks to  
18 pool Section 2 of 25 South, Range 26 East and Section  
19 35, Township 24 South, Range 26 East in the Bone  
20 Spring formation. At this point, as I mentioned, I  
21 think we're only pooling WPX as a working interest  
22 owner and the other pooled parties are royalty owners.

23 In case number 23997, applicant seeks  
24 an order pooling a 320-acre standard unit, comprised  
25 the E/2 E/2 of Section 2 and the E/2 E/2 of Section

1 35, to drill the Jawbone Fed Com Bone Spring or BS  
2 number 1H well.

3 In case number 23998, applicant seeks  
4 an order pooling a standard 640-acre unit, with the  
5 proximity tracts, comprised of the W/2 E/2 and E/2 W/2  
6 of both Sections 2 and Section 35. And I'll direct  
7 you to Exhibit A2, which gives you a map of the pooled  
8 units. That's on PDF page 34.

9 MR. CHAKALIAN: Ms. Shaheen, before you  
10 continue, may I ask that in the future when you submit  
11 exhibits, will you submit them for one case at a time  
12 as opposed to a series of cases? It makes it a lot  
13 easier for the technical reviewers later down the road  
14 to -- yeah, anyway. So you understand; right? Thank  
15 you. Okay.

16 MS. SHAHEEN: Yes, I'm happy to do  
17 that. So I missed the memo on that before.

18 MR. CHAKALIAN: There was no memo, we  
19 just have mentioned it a few times during these  
20 hearings and there was no memo. So you didn't miss  
21 anything.

22 MS. SHAHEEN: Okay. Finally, in case  
23 number 23999, applicant seeks an order pooling a  
24 standard 320-acre unit, comprised of the W/2 W/2 of  
25 Sections 2 and Section 35.

1           In the combined exhibits, if you turn  
2 to the table of contents, we've included all three  
3 checklists under tab 1, all three applications under  
4 tab 2.

5           And our landman, Mr. Gregory, addresses  
6 all three applications in his self-affirmed statement  
7 which is attached as Exhibit A. And that could be  
8 found at PDF page 27. It has the usual exhibits,  
9 including the two revised exhibits which are noted on  
10 the cover page and the table of contents as being  
11 Exhibits A4 and A5 that we discussed earlier.

12           Mr. Gregory previously testified before  
13 the Division and has had his credentials accepted as a  
14 expert in land matters.

15           MR. CHAKALIAN: May I interrupt you for  
16 a moment, Ms. Shaheen? I see the filing from December  
17 29th and I see the filing from yesterday. Was  
18 there -- the filing from 12/29 says January 4, 2024.  
19 I realized that's the hearing date.

20           But it says revised exhibits A4. Well,  
21 does that indicate to me that there was a original A4?  
22 And if so, where is that?

23           MS. SHAHEEN: That was filed two days  
24 before the original scheduled hearing in the hopes  
25 that we would go to hearing by affidavit on that date.

1 And I want to say that was -- I can't recall off hand  
2 when those applications were filed. But I believe  
3 they may have been heard as a status conference.

4 MR. CHAKALIAN: Okay.

5 MS. SHAHEEN: The first docket in  
6 December.

7 MR. CHAKALIAN: I have it here. I  
8 found it. You filed this on 12/5 and it was for the  
9 December 7th docket. Okay. I found the original  
10 exhibits and then I see the amended Exhibit A4 and  
11 then I see the amended Exhibits A4 and A5.

12 So then this filing from two days ago,  
13 on the second of January, this has -- this is the  
14 latest exhibit packet and it has all of the exhibits,  
15 including the updated A4 and A5; is that correct?

16 MS. SHAHEEN: Actually, I believe we  
17 filed that exhibit package yesterday. So on Tuesday,  
18 we filed with revised exhibits to a -- revised  
19 exhibits, I believe, A4. And then I was provided with  
20 updated chronologies of contacts yesterday morning.  
21 And so I went ahead and filed another exhibit package  
22 to include the revised exhibits A5.

23 MR. CHAKALIAN: The date at the very  
24 top, if you look in our imaging system -- and I'm not  
25 suggesting that you do. The reason I mention that is

1 because at the very top of the exhibit, it says  
2 "Received by OCD 12/29/23 at 3:14 p.m." And that's  
3 the one with the revised A4. And then we received on  
4 the 2nd of January, at 5:16 p.m., the final document.

5 So now I'm on the same page with you  
6 and hopefully Mr. McClure is -- I haven't confused  
7 Mr. McClure. So please proceed now.

8 MS. SHAHEEN: Yeah, and I'll correct.  
9 I said we filed it yesterday, and apparently we filed  
10 it two days ago.

11 MR. CHAKALIAN: Okay.

12 MS. SHAHEEN: The days just kind of run  
13 into each other. So thank you for clarifying.

14 MR. CHAKALIAN: Yeah.

15 MS. SHAHEEN: There are a couple of  
16 unique circumstances here. Black Creek acquired these  
17 permits from the previous -- from a previous operator  
18 and they are in the process of changing the well names  
19 on the existing federal permits.

20 And they've also submitted sundry  
21 notices changing the depth in the permit, because the  
22 original permits are for the Wolfcamp and these are  
23 going to be Bone Spring wells. So for the Division's  
24 information, we attached those sundry notices as  
25 Exhibit A9.

1 I don't think there's any substantive  
2 issue here, but we wanted to make it clear that that  
3 was the case. As tab 4, Exhibit B, we have the  
4 affirmation of geologist Thomas M. Anderson, who has  
5 also previously testified before the Division and had  
6 his credentials and testimony accepted into the  
7 record. We have the usual geology exhibits.

8 Exhibit C, at tab 5, is my affirmation  
9 of notice and attached thereto is the table of the  
10 mailings and the affidavit of publication. Unless we  
11 have more questions -- you have more questions, I  
12 would ask that the exhibits in all three cases -- and  
13 I could do it one at a time if you prefer. And I  
14 will.

15 I ask that the exhibits for case number  
16 23997 be accepted into the record and that that case  
17 number 23997 be taken under advisement.

18 MR. CHAKALIAN: Thank you.

19 So let's start with 23997 by itself.  
20 We have Exhibits A, B, and C and their subparts. Is  
21 there any objection into receiving these exhibits into  
22 evidence as they have been revised on January 2nd?

23 MS. BENNETT: Thank you, Mr. Hearing  
24 Examiner. No objections from Durango or MEC to submit  
25 the revised exhibits into the record.

1 MR. CHAKALIAN: Thank you, Ms. Bennett.  
2 Ms. Vance?

3 MS. VANCE: No objection from Spur.

4 MR. CHAKALIAN: Excellent.

5 These exhibits and their subparts, in  
6 the revised condition that they are, are admitted into  
7 evidence.

8 Mr. McClure?

9 MR. MCCLURE: Thank you, Mr. Hearing  
10 Examiner.

11 Ms. Shaheen, you had revised the  
12 exhibit A4; correct?

13 MS. SHAHEEN: That is correct.

14 MR. MCCLURE: Now, your revisions that  
15 you did for that exhibit, did that include a change of  
16 parties to be pooled or was that an ownership  
17 breakdown or -- let me back up. I guess what was the  
18 revision made to Exhibit A4?

19 MS. SHAHEEN: We unhighlighted MEC and  
20 Durango Productions because they are no longer being  
21 pooled.

22 MR. MCCLURE: Okay. Thank you. That  
23 answered my question there. That was exactly where I  
24 was going. Now, it appears that original notice --  
25 direct notice was provided October 17th and the notice

1 of publication -- or excuse me.

2 The direct notice of it was provided  
3 November 17th and notice of publication was provided  
4 November 19th, which both referenced the December 7th  
5 hearing; is that correct?

6 MS. SHAHEEN: That is correct.

7 MR. MCCLURE: Was any additional notice  
8 conducted after that, in regards to this January 4th  
9 hearing?

10 MS. SHAHEEN: No, it was not. My  
11 understanding is that once folks get notice, then they  
12 can enter an appearance as MEC and Durango and Spur  
13 did. And then they will -- having entered their  
14 appearance for the first hearing, they will have been  
15 on -- they will be on notice for the next hearing that  
16 would be held.

17 MR. MCCLURE: Okay. Thank you,  
18 Ms. Shaheen. No further questions.

19 MS. SHAHEEN: Thank you.

20 MR. CHAKALIAN: So Ms. Shaheen, that  
21 raises a question. I'd like some guidance from the  
22 parties, because of what you just said is interesting.

23 So when I look at the Rule 19.15.4, and  
24 I go to the notice requirements and I look at the  
25 19.15.4.12, notice requirements "Notice Requirements

1 for Specific Adjudications" there is under "A.(1),  
2 Compulsory pooling and statutory unitization."

3 And it is clear, the rule is clear  
4 there. And then I go to Section B., 19.15.4.12  
5 Section B., capital B which talks about the "Type and  
6 content of notice."

7 Now, it talks about "The applicant  
8 shall send a notice that 19.15.4.9 NMAC requires by  
9 certified mail, return receipt requested, to the last  
10 known address of the person to whom the notice is to  
11 be given at least 20 days prior to the application's  
12 scheduled hearing date and shall include a copy of the  
13 application; the hearing's date, time and place; and  
14 how protests are made."

15 And then it goes on to talk about when  
16 you're unable to locate people you publish notice and  
17 give them constructive notice.

18 And in reading that sentence that I  
19 just read on the record, the hearing's date, time, and  
20 place, I think Mr. McClure is wondering, and so am I,  
21 that if the notice has to require a specific date,  
22 time, and place of a hearing, and that hearing  
23 changes -- the date, time, and place of the hearing  
24 changes, you said a moment ago that -- in response to  
25 the question, you said a moment ago that it's your

1 understanding that once you provided that initial  
2 hearing date, time, and place, that it's up to the  
3 parties to follow that case to the next docketed  
4 hearing.

5 Can you -- has it -- and since you  
6 know, I've only been here since August. How long has  
7 it been the practice that once you provide initial  
8 notice -- because the same thing with the publication;  
9 right?

10 So if you can't locate someone by mail,  
11 you're allowed to provide constructive notice by an  
12 advertisement at least, what, ten business days before  
13 the hearing. So that would apply to both situations,  
14 the direct notice and the constructive notice.

15 How long has it been the practice where  
16 it's up to the parties to basically follow the case?

17 MS. SHAHEEN: Well, in my experience,  
18 it's always been that. I haven't been practicing for  
19 the Division nearly as long as some of my other  
20 colleagues. I would call on Mr. Bruce or Mr. Padilla  
21 or even Mr. Feldewert to talk about that.

22 MR. CHAKALIAN: Okay.

23 MS. SHAHEEN: But that's my  
24 understanding and that's what I learned from my mentor  
25 who has practiced before the Division since the time

1 that Mr. Bruce and Mr. Padilla have been practicing  
2 for the Division. I think if you think about it, it's  
3 a due process question; right? I mean, that's why you  
4 get notice.

5 And my understanding is the Division  
6 has always treated that one notice as sufficient due  
7 process to have knowledge of an upcoming hearing.

8 MR. CHAKALIAN: Okay. Well, we have --

9 MS. SHAHEEN: Whether it's a status  
10 conference or whatever it is.

11 MR. CHAKALIAN: Okay. Well, we have  
12 Ms. Bennett and Ms. Vance with us on these cases.

13 So let's start with Ms. Bennett. What  
14 do you have to say about that?

15 MS. BENNETT: Thank you, Mr. Hearing  
16 Examiner. So Rule 19.15.4.15 addresses this issue.  
17 And Rule 19.15.4.15 states that -- discusses  
18 continuances at adjudicatory hearings and states that  
19 once -- I'm paraphrasing here.

20 But once notice has been given, the --  
21 a hearing can be continue without necessity of notice  
22 of the same being serviced, served, or published. So  
23 I think that is the answer to the question.

24 MR. CHAKALIAN: I think it is, too.

25 MS. BENNETT: And that it is not merely

1 practice, but is within the Division's rules.

2 MR. CHAKALIAN: Yep. I think that's  
3 exactly what I was looking for.

4 Mr. McClure, that answers our question  
5 from yesterday.

6 MR. MCCLURE: Thank you.

7 MR. CHAKALIAN: Excellent. Okay.  
8 Ms. Shaheen, let's go onto the next case, 23998. Let  
9 me pull it up here. Oh, I forgot to say, Ms. Shaheen,  
10 we will take 23997 under advisement.

11 MS. SHAHEEN: Thank you.

12 MR. CHAKALIAN: Now, let's go onto the  
13 next case, 23998.

14 MS. SHAHEEN: With respect to case --

15 MR. CHAKALIAN: I'm sorry?

16 MS. SHAHEEN: With respect to case  
17 number 23998, I ask that the Division take these --  
18 excuse me, admit the Exhibits A, B, and C with their  
19 subparts and into the record and take case number  
20 23998 under advisement.

21 MR. CHAKALIAN: Okay.

22 Are there any objections to receiving  
23 into evidence Exhibits A, B, C, and their subparts  
24 into evidence?

25 MS. BENNETT: Mr. Hearing Examiner,

1 Deana Bennett. No objection to the admission of the  
2 revised exhibits.

3 MR. CHAKALIAN: Thank you.

4 MS. VANCE: No objection from Spur.

5 MR. CHAKALIAN: Thank you, Ms. Vance.

6 So Exhibits A, B, and C and their  
7 subparts in their revised format are admitted into  
8 evidence.

9 Mr. McClure, do you have any additional  
10 questions on this case?

11 MR. MCCLURE: Mr. Hearing Examiner, I  
12 do not have any additional questions for this case.

13 MR. CHAKALIAN: Okay.

14 This case is now complete and taken  
15 under advisement. And let's go to the final case,  
16 23999.

17 Ms. Shaheen?

18 MS. SHAHEEN: Thank you. I ask that  
19 the Division enter into the record in case number  
20 23999 Exhibits A, B, and C and all of their subparts  
21 and take -- proceeds to take this case under  
22 advisement.

23 MR. CHAKALIAN: Are there any  
24 objections to receiving these revised exhibits into  
25 evidence?

1 MS. BENNETT: No objection to receiving  
2 the revised exhibit into evidence.

3 MS. VANCE: No objection from Spur.

4 MR. CHAKALIAN: Exhibits A, B, and C  
5 and their revised subparts are admitted into evidence.

6 Mr. McClure?

7 MR. MCCLURE: I have no further  
8 questions, Mr. Hearing Examiner.

9 MR. CHAKALIAN: Very good. This case  
10 is taken under advisement.

11 Thank you, Ms. Shaheen.

12 MS. SHAHEEN: Thank you.

13 MR. CHAKALIAN: Thank you.

14 We're now calling 24058, Cimarex  
15 Energy, for a hearing.

16 MR. BRUCE: Mr. Examiner, Jim Bruce  
17 representing Cimarex.

18 MR. CHAKALIAN: Mr. Bruce, please  
19 proceed.

20 MR. BRUCE: Mr. Examiner, I've  
21 submitted an exhibit package. Exhibit 1 is the  
22 self-affirmed statement of Pat Gray, the landman in  
23 this case.

24 Order number R22421, which is submitted  
25 as Exhibit 1A, pooled mineral interest owners in the

1 Wolfcamp formation underlying a unit comprised of the  
2 W/2 of both Sections 29 and 32, 25 South, 27 East for  
3 purposes of drilling the Southern Hills 32-29 Well  
4 Number 3H.

5 That order was entered on December 5,  
6 2022, and of course, requires the well to be commenced  
7 within a year of the entry of the order. The -- in  
8 this case Cimarex requests an extension of the well  
9 commencement deadline to December 5th, 2024. The  
10 landman states in paragraph 6 of his affidavit the  
11 reasons for that.

12 Exhibit 2 is the affidavit of mailing  
13 with Exhibit 2A, my notice letter. There are five  
14 parties. All of them received notice by certified  
15 mail. I did not receive a green card back from Oxy.  
16 But the Postal Service's online tracking stages show  
17 that they did receive notice. But regardless -- and  
18 that is my certified notice spreadsheet, Exhibit 3.

19 But I did publish notice in the  
20 newspaper. That is Exhibit 4. And then finally,  
21 Exhibit 5 is the application and proposed notice. And  
22 the only thing I would comment on that is, of course,  
23 the order was set to expire December 5th, a month ago.

24 But it has been Division practice that  
25 if you file an application to extend the order, before

1 the order expires, they will accept that, so long as  
2 the other evidence supports it. And Exhibit 5, I  
3 copied the applications file, which shows that the  
4 application was filed a week before December 5th.

5 And so I believe everything is timely  
6 and that notice was given. I'd ask that Exhibits 1,  
7 1A, 2, 2A, 3, 4, and 5 be admitted into the record and  
8 the matter be taken under advisement. Thank you.

9 MR. CHAKALIAN: Are there any  
10 objections to admitting Exhibits 1 through 5 into  
11 evidence?

12 Not hearing any, Exhibits 1 through 5  
13 are admitted into evidence.

14 Mr. McClure?

15 MR. MCCLURE: Thank you, Mr. Hearing  
16 Examiner.

17 Mr. Bruce, it is your understanding  
18 that the public notice was not required; is that  
19 correct?

20 MR. BRUCE: I -- on these extension  
21 requests, I've always notified the pooled parties of  
22 the extension request. Since I am the author of the  
23 New Mexico Supreme Court decision on certified notice,  
24 I guess I feel a little sensitive to that matter.

25 MR. MCCLURE: Well, I apologize,

1 Mr. Bruce, but that actually wasn't my question, I  
2 guess. Let me rephrase my question. Is it your  
3 understanding that all direct notice was received by  
4 all the persons, therefore, the public notice was not  
5 actually needed to cure notice in this case; is that  
6 correct?

7 MR. BRUCE: It's -- that is correct,  
8 but as of yesterday, I hadn't received the green card  
9 back from Oxy. And I -- assuming I do and the  
10 holidays have certainly screwed up that type of stuff,  
11 I would -- I will probably file that as soon as I  
12 receive it.

13 I'll probably get to the Post Office,  
14 you know, Friday or Saturday and see if that's -- has  
15 arrived. And -- but anyway, I did give publication  
16 notice.

17 MR. MCCLURE: Okay. Well, the reason,  
18 I guess, that I'm asking these questions is you were  
19 out of date on your public notice.

20 MR. BRUCE: Oh, I was?

21 MR. MCCLURE: Yeah.

22 MR. BRUCE: Okay.

23 MR. MCCLURE: You probably missed the  
24 New Year's Day or Christmas Day, one or the other, in  
25 your calculation of days.

1 MR. BRUCE: Yeah, I've done that  
2 before, yes. If that's the case, I request that the  
3 case be continued to January 18th, just for the  
4 purpose of letting the time pass, but hopefully by  
5 then I will have received the green card back.

6 But as you can tell by Exhibit 3, I had  
7 to attach the Postal Service's online notice. But I  
8 haven't gotten a green card back. So whatever you  
9 guys decide.

10 MR. CHAKALIAN: So Mr. Bruce, why don't  
11 we do this? Why don't you file a continuance in case  
12 number 24058, move it out to the next docket on the  
13 18th of January, and we will pick this up where we  
14 left off? Unless Mr. McClure has any further  
15 questions for you, we'll be done with this case for  
16 today.

17 MR. BRUCE: Okay. Thank you.

18 MR. MCCLURE: Oh, no, Mr. Hearing  
19 Examiner. I have no further questions. Thank you.

20 MR. CHAKALIAN: Okay. Thanks for  
21 catching that, Mr. McClure.

22 And Mr. Bruce, we'll look for your  
23 motion -- not your motion, your continuance file.

24 MR. BRUCE: Well, I will file today.

25 MR. CHAKALIAN: Sorry, Mr. Bruce, I

1 didn't catch the last bit of what you said. And maybe  
2 you're gone now. So I guess it wasn't that important.

3 Okay. Let's continue. We are now  
4 going to call 24062, SPC Resources.

5 MR. RANKIN: Good morning,  
6 Mr. Examiner. Adam Rankin appearing on behalf of the  
7 applicant in this case.

8 MR. CHAKALIAN: Good morning. Please  
9 proceed.

10 MR. RANKIN: Good morning,  
11 Mr. Examiner. In this case SPC Resources is seeking  
12 an order to amend Division order R-21096 as amended,  
13 to allow for a one-year extension of time to drill an  
14 initial well under the order, until February 17th,  
15 2025.

16 The approved order that we're seeking  
17 to amend here constitutes a spacing unit of the --  
18 comprised of the W/2 and the E/2 of Section 12,  
19 Township 22 South, Range 26 East and the W/2 and E/2  
20 of Section 7, Township 22 South, Range 27 East, in  
21 Eddy County, New Mexico.

22 The ordered pooled uncommitted  
23 ownership interests in the Wolfcamp formation in the  
24 Purple Sage Wolfcamp pool. The unit is dedicated to  
25 the Caveman 402H well and the Caveman 442H well. In

1 this case, Mr. Examiner, we filed Exhibits A, B, and C  
2 on Tuesday.

3 Exhibit A is a copy of the application  
4 that was filed in the case requesting the extension of  
5 time. It lays out the history and background that  
6 preceded the filing of the application and a summary  
7 of the justification for the requested extension.  
8 Exhibit B attached to the Exhibit packet is a landman  
9 statement from Mr. Chris Astwood.

10 Mr. Astwood is a landman that has  
11 previously testified before the Division and has had  
12 his credentials as an expert in petroleum matters  
13 accepted as a matter of record.

14 In his affidavit or rather his  
15 self-affirmed statement, Mr. Astwood reviews the  
16 history and background that is outlined in the  
17 application and provided some additional details in  
18 support of the requested extension. The current  
19 deadline, as I mentioned under the order, would be  
20 February 17th, 2024.

21 The company's requesting an additional  
22 one year, until February 17th, 2025. However, it does  
23 intend and the drilling of these wells is on its rig  
24 schedule in June. So it has -- it intends to drill  
25 these wells before the one-year period.

1           A couple things to note, Mr. Examiner,  
2           SPC Resources has recently been acquired and is now a  
3           wholly owned subsidiary of Permian Resources. That  
4           sale closed just in December, but it is effective back  
5           to September. Permian Resources, as I mentioned, you  
6           know, has hit the ground running with this.

7           They have every interest in drilling  
8           these wells and, in fact, they're on their schedule  
9           for June. While the acquisition is a factor in this  
10          and the request for an extension of time is not the  
11          principal factor, as you'll see in the testimony that  
12          was outlined here, there's some -- a long history of  
13          issues related to the Carlsbad brine well.

14          In fact, the spacing unit at issue is  
15          within the one-mile radius of the Carlsbad brine well  
16          remediation site. And just on November 13th, the  
17          Division lifted it's final drilling suspension,  
18          lifting and permitting drilling operations within a  
19          one-mile radius of the brine well.

20          So clearing any further, sort of,  
21          regulatory obstacles to drilling within the spacing  
22          unit. So with that, that all is outlined in  
23          Mr. Astwood's statement.

24          In addition, attached to his statement  
25          is Exhibit B1, which is a copy of the notice letter

1 and mailing report, reflecting the status of the  
2 updated notice that was provided to all the mineral  
3 interest owners who were subject to the pooling order,  
4 which is attached as well.

5 In the preparation for this hearing and  
6 this application, SPC did do a complete review of  
7 ownership and updated notice to all the owners within  
8 the spacing unit. Importantly, as is outlined in  
9 Mr. Astwood's statement, no pooled party has been  
10 asked to pay any of their shares of expenses yet.

11 No other operator has proposed a  
12 competing plan of development and there are no other  
13 wells in this acreage. And no party has objected to  
14 the requested extension. And as stated, the extension  
15 here was the most expedient path forward to allow for  
16 the wells to be developed and this acreage to be  
17 drilled.

18 It will allow for the proposed initial  
19 wells to be drilled within SPC's June rig schedule  
20 deadline. And one thing I wanted -- I need to point  
21 out, that came to our attention. The -- two of the  
22 parties in the -- within the pooled unit are new  
23 owners. They acquired their interests two days before  
24 the application was filed in this case.

25 And those two parties are Cibolo

1 Resources, LLC, and TH McElvain Oil & Gas. Those two  
2 parties are listed and included in the certified  
3 mailing report. However, the notice to those parties  
4 was mailed after the deadline, so they have not yet  
5 had 20 days' notice prior to the hearing.

6 What happened is as we were reviewing  
7 the updated parties, we identified -- or the SPC  
8 identified that there was an assignment immediately  
9 preceding the filing of the application. And so,  
10 therefore, these parties are entitled to notice. So  
11 they did get notice, however, it has not yet been 20  
12 days.

13 So what we'll do, Mr. Examiner, is at  
14 the end of this I will ask that this case be continued  
15 to the January 18th docket to allow for notice to  
16 those parties to be perfected. I will submit a  
17 supplemental statement from Mr. Astwood that  
18 identifies -- provides the green card showing that the  
19 notice was provided.

20 You'll see and hear that we've already  
21 provided the certified mailing registry tracking  
22 number, but we'll go ahead and provide the green card  
23 showing that notice was sent and the date it was sent,  
24 so you can confirm that notice will have been  
25 perfected by January 18th. As to --

1           MR. CHAKALIAN: So Mr. Rankin, it shows  
2 on the Post Office website the latest update says "The  
3 customer has requested that the Postal Service  
4 redeliver this item on January 4th, in the West Lake  
5 Hills, Texas ZIP Code." And so until it's delivered,  
6 it's not actually -- they're not actually on notice;  
7 is that right?

8           MR. RANKIN: Well, I don't know that's  
9 true. I mean, I think the notice -- the addresses  
10 that we provided notice to by certified mail are the  
11 addresses in the assignments that were reported of  
12 record with the county. So they're valid addresses of  
13 record as outlined in the assignments.

14           So, you know, sometimes there's issues,  
15 sometimes they're not there, they refused to accept  
16 certified mailing service. I mean, I don't know what  
17 the issues may be, but they're valid addresses. So we  
18 just ask that we be given time to allow the notice to  
19 be perfect.

20           Well, of course, if we have proof, as  
21 the rules provide, of -- that notice was actually  
22 received, then we can provide that. But as of right  
23 now, I haven't checked myself, so I don't know exactly  
24 the status today of what the mailing is on those two.

25           But they are valid addresses that the

1 addresses that were filed of record in November, I  
2 believe, when the assignments were made. And so  
3 they -- you know, there's no reason to believe that  
4 they wouldn't be received.

5 MR. CHAKALIAN: Okay. All right. So  
6 are you asking to take this case under advisement and  
7 the exhibits into evidence?

8 MR. RANKIN: Mr. Examiner, I will --  
9 yeah, I -- just one other exhibit to present. And  
10 that's the Exhibit C, which is a copy of the affidavit  
11 of publication that was published in the Carlsbad  
12 Current-Argus.

13 It reflects that notice of the  
14 application in today's hearing was timely published  
15 and identifies each of the pooled parties by name,  
16 except for Cibolo and McElvain. Those two parties  
17 were not identified in that publication because at the  
18 time we did not know of their assignment.

19 So Mr. Examiner, at this time we would  
20 move the admission of Exhibits A through C. And as I  
21 noted, I will file a supplemental exhibit just to  
22 confirm that the notice was provided to Cibolo and  
23 McElvain. We'll provide a copy of the assignment so  
24 you can see the addresses that we sent the notices to  
25 were the addresses that were in the assignments.

1                   And then we ask that this case -- I  
2 will ask and file a formal continuance that these  
3 cases be continued to the January 18th docket.

4                   MR. CHAKALIAN: Okay. I understand.

5                   So are there any objections to  
6 receiving Exhibits A through C into evidence?

7                   Not hearing any, Exhibits A, B, B1, and  
8 C are admitted into evidence.

9                   Mr. McClure, do you have any questions?

10                  MR. MCCLURE: Yes, I do. Thank you,  
11 Mr. Hearing Examiner.

12                  Mr. Rankin, setting aside for a second  
13 the additional two persons, this notice letter is  
14 dated December 6, 2023. Is it your understanding that  
15 that was also the date that it was mailed out?

16                  MR. RANKIN: I have to double check  
17 that, Mr. McClure. I'm not sure that -- it may have  
18 been mailed out a little bit later than that, because  
19 there were so many noticed parties. I think it's  
20 nearly 500 people were required to get notice. So I'm  
21 not exactly sure of the exact dates of notice. I can  
22 pull that for you and confirm what the date was.

23                  I know that it was timely. I can  
24 confirm that it was timely because the deadline to  
25 provide notice was December 15th and I know it was

1 provided in advance of that.

2 MR. MCCLURE: Okay. So you know to  
3 provide it prior to December 15th, essentially, is  
4 what you're getting at?

5 MR. RANKIN: Right.

6 MR. MCCLURE: Okay. Thank you. Now,  
7 the two new persons, and I probably missed it in one  
8 of these paragraphs, you referenced the date that that  
9 had actually went out in writing in the application  
10 here?

11 MR. RANKIN: I don't -- I didn't  
12 reference the date that those notices went out. I --  
13 it was -- I believe they were sent on the December  
14 22nd, because I went through this yesterday to figure  
15 it all out. It was December 22nd that the notice of  
16 those two new parties was mailed.

17 MR. MCCLURE: Okay. Now, you  
18 referenced that you were going to file some amended  
19 exhibits anyway. Is it your intent to also include  
20 reference to when those were mailed out then?

21 MR. RANKIN: Those being the -- for the  
22 two additional parties?

23 MR. MCCLURE: Yes, that's correct.

24 MR. RANKIN: Yes, I will.

25 MR. MCCLURE: Okay. Thank you,

1 Mr. Rankin.

2 Thank you, Mr. Hearing Examiner. No  
3 further questions.

4 MR. CHAKALIAN: Okay. So, Mr. Rankin,  
5 I want to take some notes before we move on. So let  
6 me get to my notes section on 24062. All right. So  
7 Mr. Rankin, you're going to file for a continuance to  
8 the January 18th docket?

9 MR. RANKIN: Correct. That would give  
10 the -- allow for the notice to be perfected to those  
11 two additional parties.

12 MR. CHAKALIAN: And their names are  
13 Cibolo and what?

14 MR. RANKIN: Cibolo Resources, LLC is  
15 one, and the other is TH McElvain Oil & Gas.

16 MR. CHAKALIAN: Okay. And then it  
17 seemed as though Mr. McClure asked you if you -- and  
18 you said you were going to file amended exhibits to  
19 show that -- whatever happened with those two notices.  
20 Was there something else that you were going to amend  
21 as well or file?

22 MR. RANKIN: No, I just was going to  
23 file, I guess I would frame them as, supplemental  
24 exhibits, in addition to our exhibits. So it's just a  
25 supplementation to demonstrate that notice was sent to

1 these additional parties on, I believe it was --  
2 certified mailing was sent on the 22nd of December.

3 MR. CHAKALIAN: And let me see.

4 Mr. McClure, help me out. Was there  
5 something else that you were wondering whether  
6 Mr. Rankin was going to either amend or file?

7 MR. MCCLURE: No, I think how he has  
8 laid out is my understanding as well.

9 MR. CHAKALIAN: Okay. So we'll keep  
10 the record open, Mr. Rankin, for the supplemental  
11 exhibits and we will conclude this hearing on January  
12 18th.

13 MR. RANKIN: Thank you.

14 MR. CHAKALIAN: Is there anything else  
15 in this case?

16 MR. RANKIN: Nothing further. Thank  
17 you. I appreciate your consideration.

18 MR. CHAKALIAN: Well, I hope you feel  
19 better.

20 MR. RANKIN: Thank you.

21 MR. CHAKALIAN: You're welcome.

22 Okay. Let's move onto the next case.  
23 It looks like 24064. Yes, 24064, Spur Energy. We're  
24 having a hearing today by affidavit, Ms. Hardy?

25 MS. HARDY: Hi, Mr. Examiner --

1 MR. CHAKALIAN: Ah, that's right. Are  
2 you back?

3 MS. HARDY: I am back. Ms. McLean is  
4 going to present this Spur case.

5 MR. CHAKALIAN: Okay.

6 MS. HARDY: But I do have the  
7 information that came up previously on case number  
8 23985 and 23986 for Permian Resources.

9 MR. CHAKALIAN: Okay. Let's recall  
10 case 23985, 23986. Ms. Hardy, what do you have for  
11 us?

12 MS. HARDY: Thank you. So first, on  
13 the exhibits, I wanted to clarify in both cases that  
14 we had provided additional notice exhibits that are  
15 numbers C4, 5, 6, and 7. Those are --

16 MR. CHAKALIAN: Let me locate those.  
17 Hold on.

18 MS. HARDY: -- additional exhibits that  
19 show, because they only relate to the notice to the  
20 new parties.

21 MR. CHAKALIAN: Okay. Let me get  
22 there. Hold on a second. 23985. I'm just going to  
23 look at 23985 first.

24 MS. HARDY: Sure.

25 MR. CHAKALIAN: Now, what filing are

1 you talking about? Which date of -- which filing  
2 date?

3 MS. HARDY: If you look at our second  
4 notice of admitted exhibits that was filed yesterday.

5 MR. CHAKALIAN: Very good, yeah. And  
6 what page are we on?

7 MS. HARDY: It starts at Exhibit C4.  
8 Which let me get there, page number wise. Should be  
9 page -- I'm scrolling through. We had a lot of  
10 parties to notice in this original case. So it's  
11 taking me a minute. I am sorry. A whole lot of  
12 parties, actually. Okay. So beginning at page --  
13 PDF, exhibit packet, page number 108.

14 MR. CHAKALIAN: Okay. All right.  
15 Okay. I'm on 108, C4. Okay.

16 So when we last heard this case a  
17 little earlier today, Mr. McClure, what was Ms. Hardy  
18 curing?

19 MR. MCCLURE: Mr. Hearing Examiner,  
20 that was the first take point that was out of the  
21 pooled area.

22 MS. HARDY: Right. So I was going to  
23 address that next, but I wanted to clarify the  
24 exhibits that we had actually submitted that were  
25 amended, because Mr. Examiner, you had asked about

1 that.

2 MR. CHAKALIAN: Okay. I understand.

3 MS. HARDY: Okay. So that was the  
4 first thing. And then the take points -- and I --  
5 it's my understanding those would be only an issue in  
6 case number 23985, Mr. McClure. And those C102s need  
7 to be corrected to show the take point moving, you  
8 know, roughly 100 feet to the east so it's within the  
9 unit.

10 It's just -- it was an error on those  
11 documents. So I can go ahead and submit C102s once I  
12 receive them from the -- my client. They've asked  
13 them to be corrected in case number 23985.

14 MR. MCCLURE: Now, Ms. Hardy, I  
15 apologize, how far to the east did you say they were  
16 changing the first take point?

17 MS. HARDY: I mean, I think they should  
18 move roughly 100 feet to the east. I mean, they'll  
19 move so that they're, you know, within the pooled  
20 unit, basically. I think it was just a mistake. It  
21 might have been -- it should have been 2540 or  
22 something like that and it was 2450. So they matched  
23 up the take point with the surface location.

24 MR. MCCLURE: Oh, I apologize. I was  
25 looking at the case file and I just thought I

1 missed -- I had not heard you say where getting moved  
2 to. We'll evaluate the C102, I guess, when they do  
3 get submitted. Just for your information, though,  
4 it's -- it would need moved to the east greater than  
5 200 feet is what it appears from first glance, anyway.

6 MS. HARDY: But to be in a orthodox  
7 location, it would need to be 100 feet, right, from  
8 the end of the unit?

9 MR. MCCLURE: You're right, but you're  
10 200 feet to the west of the area.

11 MS. HARDY: Right.

12 MR. MCCLURE: So to be a standard  
13 location, you'd actually have to move 300 feet.

14 MS. HARDY: Right.

15 MR. MCCLURE: But this case would be  
16 approvable as long as you're within the area, provided  
17 they then get it in a cell.

18 MS. HARDY: Right.

19 MR. MCCLURE: But that's neither here  
20 nor there for this case, I guess.

21 MS. HARDY: Right. So the area in the  
22 application and the exhibits is correct. It's just we  
23 need to update those C102s so that they match.

24 MR. MCCLURE: Now, the certified  
25 letters that had went out with the well proposals,

1 essentially what you got submitted to us here is just  
2 to tell us what went out in mail. This isn't really  
3 providing information to us, per se, other than to  
4 show us what you sent to the interest owners; is that  
5 correct?

6 MS. HARDY: The notice information?

7 MR. MCCLURE: On page 21 of 125.

8 MS. HARDY: Right. So that is Permian  
9 Resources' well proposal letter, correct.

10 MR. MCCLURE: Yeah. So essentially all  
11 you're presenting to us is just telling us --  
12 essentially showing us what you had sent to them.

13 The reason I ask is because in theory  
14 we would want to correct all errors in the exhibits,  
15 but that would -- seems like now I'm looking at it,  
16 that'd be inappropriate to correct here -- went out.  
17 So this letter --

18 MS. HARDY: Right.

19 MR. MCCLURE: So this exhibit is  
20 correct. It just has incorrect information on it.

21 MS. HARDY: Right. The well  
22 proposal --

23 MR. MCCLURE: Is what I'm trying to get  
24 at.

25 MS. HARDY: The well proposal contains

1 a typo on the first take point for the wells, in case  
2 number 23985, right. But typically in the past, you  
3 know, if it's -- there's not a substantial change in  
4 what's been proposed, it's really an issue going to  
5 good faith negotiation. So that wouldn't be something  
6 we would need to correct with the Division.

7 MR. MCCLURE: Mr. Hearing Examiner, I  
8 guess my recommendation here would be to continue it  
9 till they get this new C102 submitted and we'll review  
10 the C102s at whatever date it's continued. But my  
11 question to you is do you want me to continue with my  
12 questioning of these cases?

13 MR. CHAKALIAN: Hold on. Good  
14 question. So 23985, does that same problem occur in  
15 23986?

16 MR. MCCLURE: No.

17 MS. HARDY: No, well --

18 MR. MCCLURE: Oh, yeah.

19 MS. HARDY: Sorry.

20 MR. MCCLURE: We both agree, I guess.

21 MR. CHAKALIAN: Ms. Hardy?

22 MS. HARDY: It does not, no.

23 MR. CHAKALIAN: Okay. Why don't we do  
24 this? Why don't we -- Ms. Hardy, why don't you file a  
25 continuance in 23985 to cure any problems with the

1 exhibits. I will take notes to specifically mention  
2 which exhibits you're going to be amending. I'm going  
3 to do that now, actually.

4 And then let's take up 23986, because  
5 it sounds like we can dispose of that one case.

6 MS. HARDY: Yes.

7 MR. CHAKALIAN: Is that correct,  
8 Ms. Hardy?

9 MS. HARDY: That's correct. And the  
10 amended C102s would be Exhibit A2 --

11 MR. CHAKALIAN: Well, no, I haven't  
12 quite --

13 MS. HARDY: Oh, sorry.

14 MR. CHAKALIAN: I haven't quite reached  
15 the area that I need to get to and it'll just delay me  
16 here. All right. So let's see. Okay. So you're  
17 going to file a continuance. Continue by applicant to  
18 January 18th; is that right?

19 MS. HARDY: Yes, that's correct.

20 MR. CHAKALIAN: On docket to cure the  
21 C102 where you're going to move the take point about  
22 200 feet to the east; is that about right?

23 MS. HARDY: That's about right.

24 MR. CHAKALIAN: Any other things you're  
25 curing in the exhibits?

1 MS. HARDY: Not that I know of,  
2 Mr. Examiner. I hope not.

3 MR. CHAKALIAN: All right.

4 Mr. McClure, is there anything -- I  
5 know you haven't completed your questions for this  
6 case. But if any of your questions go to fixing any  
7 other exhibits, it might be a good idea to put  
8 Ms. Hardy on notice of that now.

9 MR. MCCLURE: Thank you, Mr. Hearing  
10 Examiner. That is correct. There is additional  
11 notice, relatively minor, but this goes for both this  
12 case and case 23986.

13 MR. CHAKALIAN: All right. Then why  
14 don't you ask all your questions now so that Ms. Hardy  
15 knows everything she needs to revise before January  
16 18th.

17 MR. MCCLURE: Okay. Sounds good. You  
18 want me to go ahead and continue right now?

19 MR. CHAKALIAN: Yes, please. Yes.

20 MR. MCCLURE: Okay. Thank you,  
21 Mr. Hearing Examiner.

22 Ms. Hardy, I guess it's not really a  
23 question. It's more informational, I guess, on your  
24 part.

25 It appears that these wells will

1 actually traverse two different pools, one of them  
2 being the pool you have selected, and one of them  
3 being an additional pool. And the C102s will need to  
4 reflect this and then the pooling checklist will need  
5 to also reflect this.

6 MS. HARDY: Okay. Thank you.

7 MR. MCCLURE: Are you ready, I guess,  
8 for those pool codes and areas?

9 MS. HARDY: Yes, please.

10 MR. MCCLURE: Okay. You're currently  
11 listed Parkway Bone Spring pool, pool code 49622.  
12 That is correct for the NE/4 of Section 5. And the  
13 SE/4 of Section 5 as well.

14 MS. HARDY: Okay.

15 MR. MCCLURE: Now, for the -- 3 and 4,  
16 the correct pool is Gatuna Canyon. Pool code on it is  
17 96688.

18 MS. HARDY: Okay.

19 MR. MCCLURE: Are you comfortable  
20 looking up that pool name on your side or do you want  
21 me to try to spell the name out to you?

22 MS. HARDY: I can look it up,  
23 Mr. McClure. Thank you. Okay.

24 MR. MCCLURE: As far as corrections, I  
25 believe that's the only correction, but I do have one

1 additional quick question that applies to both of  
2 these cases.

3 Just to confirm, as of now, all of the  
4 offset operators, or I should say effective persons,  
5 of the NSP for both of these cases, have they now  
6 either been noticed or provided waivers?

7 MS. HARDY: Yes, that's correct.

8 MR. MCCLURE: Okay. Thank you. No  
9 further questions. Thank you, Ms. Hardy.

10 MR. CHAKALIAN: Mr. McClure, are you  
11 suggesting that the waivers be part of the exhibits?

12 MR. MCCLURE: Oh, they are part of the  
13 exhibits already, it looks like.

14 MR. CHAKALIAN: Right.

15 MR. MCCLURE: Those are those emails  
16 that's at the intel.

17 Is that correct, Ms. Hardy? Are they  
18 all included?

19 MS. HARDY: That's correct.

20 MR. MCCLURE: Okay. Yeah, because they  
21 definitely need to be there. I just thought they  
22 were.

23 MR. CHAKALIAN: So the -- my notes in  
24 this case and only this case, 23985, show that  
25 Ms. Hardy will continue this hearing, which has

1 already begun, to the January 18th docket to cure the  
2 C102 to move the take point about 200 feet to the east  
3 and to amend the checklist to show the two pools  
4 instead of just one.

5 Mr. McClure, does that handle it?

6 MR. MCCLURE: Correct. The only maybe  
7 additional caveat is the C102 will also be corrected  
8 to include the additional pool.

9 MR. CHAKALIAN: So amend the checklist  
10 and the C102 to show the two pools. Got it.

11 MR. MCCLURE: Yep.

12 MR. CHAKALIAN: All right.

13 So Ms. Hardy, we'll take up this case  
14 on January 18th, continue the hearing here. And let's  
15 continue with your other case. And that's case 23986.

16 MS. HARDY: Mr. Examiner or  
17 Mr. McClure, it sounds like we need to correct the  
18 pool codes in 23986 as well; right?

19 MR. MCCLURE: That is correct,  
20 Ms. Hardy.

21 MS. HARDY: Okay. So in that one, I  
22 don't know if it's the Division's preference for me to  
23 just submit those or if we need to continue that case  
24 as well.

25 MR. CHAKALIAN: Let me ask Mr. McClure.

1 MR. MCCLURE: In the past, and I see no  
2 reason not to continue the practice, we've been taking  
3 under advisement, leaving the record open for them to  
4 submit the amended.

5 MR. CHAKALIAN: If you're comfortable  
6 with that, that's what we'll do.

7 So Ms. Hardy, have we -- have I been  
8 asked to enter the exhibits into evidence?

9 MS. HARDY: Yes. And if I haven't  
10 asked that, then I would request that all of the  
11 exhibits be admitted into evidence and that the case  
12 be taken under advisement.

13 MR. CHAKALIAN: I don't remember if we  
14 did that before we took a recess on these two cases.  
15 So let's just be careful.

16 So are there any objections to taking  
17 these Exhibits A through C in their revised state into  
18 evidence?

19 Not hearing any, Exhibits A, B, C, and  
20 their subparts in their revised state, as submitted on  
21 January the 3rd, are received into evidence. We are  
22 going to leave the record open for Ms. Hardy to  
23 correct the C102 to add the second pool code.

24 Is that right, Mr. McClure?

25 MR. MCCLURE: Yes, that is correct,

1 Mr. Hearing Examiner.

2 MR. CHAKALIAN: Very good.

3 MR. MCCLURE: As well as the checklist  
4 as well. Did you -- I apologize.

5 MR. CHAKALIAN: Oh, and on the  
6 checklist both. Okay. Very good.

7 MR. MCCLURE: Yeah.

8 MR. CHAKALIAN: Ms. Hardy, when will  
9 you do that?

10 MS. HARDY: I should be able to do that  
11 within -- I mean, by middle of next week, I think.

12 MR. CHAKALIAN: That's fine. January  
13 10th?

14 MS. HARDY: Sure.

15 MR. CHAKALIAN: All right. So I'm  
16 going to take some notes on this case.

17 Mr. McClure, is there any other  
18 questions on this case?

19 MR. MCCLURE: No further questions,  
20 Mr. Hearing Examiner.

21 MR. CHAKALIAN: So we will take case  
22 23986 under advisement while we wait for those amended  
23 exhibits.

24 MR. MCCLURE: Did we have a submittal  
25 date on those? I apologize. I'm not sure if I heard.

1 MR. CHAKALIAN: That's the 5th.

2 MR. MCCLURE: The 5th, okay. Thank  
3 you.

4 MR. CHAKALIAN: We have -- I'm sorry.  
5 We have the 10th of January as the date for  
6 submission.

7 MR. MCCLURE: Okay. The 10th, okay.

8 MR. CHAKALIAN: The 10th, the middle of  
9 next week. The 10th.

10 Is that your understanding, Ms. Hardy?

11 MS. HARDY: Yes, thank you.

12 MR. CHAKALIAN: Okay. And Ms. Hardy,  
13 if there's nothing else, then we will conclude 23986  
14 and come back on the 18th for 23985.

15 MS. HARDY: Thank you very much.

16 MR. CHAKALIAN: Thank you.

17 Now, I am calling 24064, Spur Energy  
18 Partners.

19 MS. MCLEAN: Good morning,  
20 Mr. Examiner. It's Jackie McLean with Hinkle Shanor  
21 on behalf of Spur Energy Partners.

22 MR. CHAKALIAN: Good morning,  
23 Ms. McLean.

24 Let me check with the court reporter  
25 for a moment. Do you need a five-minute break,

1 Mr. Court Reporter?

2 THE REPORTER: Yes, please, whenever  
3 you get a stopping point.

4 MR. CHAKALIAN: Let's -- Ms. Court  
5 Reporter. We had an Australian man. What is your  
6 name?

7 THE REPORTER: I'm Dana.

8 MR. CHAKALIAN: Oh, Dana, welcome back.

9 THE REPORTER: Thank you.

10 MR. CHAKALIAN: And happy New Year's to  
11 you.

12 Okay. Let's take a five-minute break.  
13 It is -- let's say it's 11:30 now. It's not really.  
14 We'll make it fiction. And we'll come back at 11:35.  
15 Thank you.

16 (Off the record.)

17 MR. CHAKALIAN: Ms. McLean?

18 MS. MCLEAN: Yes, Mr. Examiner.

19 MR. CHAKALIAN: We ready to have you.

20 MS. MCLEAN: Thank you. I'm ready to  
21 go. All right.

22 In case number 24064, Spur applies for  
23 an order pooling all uncommitted interests in the Yeso  
24 formation underlying 160-acre, more or less, standard  
25 horizontal spacing unit. That's comprised of the S/2

1 N/2 of Section 28, Township 18 South, Range 26 East,  
2 in Eddy County. And the unit will be dedicated to the  
3 Weezer 28 Fee 1H and 10H and 60H wells.

4 Spur has submitted an exhibit packet  
5 for this case that contains a compulsory pooling  
6 checklist along with Exhibit A, the self-affirmed  
7 statement of Scott Hartman. And Mr. Hartman has  
8 previously testified before the Division as an expert  
9 in petroleum land matters.

10 The exhibits attached to his  
11 self-affirmed statement include the application,  
12 proposed notice of hearing, C102s, a plot of tracts,  
13 the tract ownership interest, a unit recapitulation,  
14 and a full parties list, as well as a sample well  
15 proposal letter and AFEs, and a chronology of  
16 contacts.

17 Exhibit B is the self-affirmed  
18 statement of geologist Matthew Van Wie. Mr. Van Wie  
19 has also previously testified before the Division.  
20 And attached to his self-affirmed statement is a  
21 location map, subc structure map, structural cross  
22 section, a gun barrel diagram and a wellbore location  
23 map.

24 And then finally, Exhibit C, which is  
25 the notice testimony. And attached to that is a copy

1 of the notice letter that was sent to all interested  
2 parties, a chart setting out when notice was sent and  
3 when we received the green cards back, copies of the  
4 certified mail receipts and returns, and affidavit of  
5 publication.

6 And that shows that we timely published  
7 on December 13, 2023. And with that, I ask that  
8 Exhibits A through C be admitted into the record in  
9 case number 24064 and that the case be taken under  
10 advisement. And I'm happy to answer any questions.

11 MR. CHAKALIAN: Thank you, Ms. McLean.

12 Are there any objections to taking  
13 Exhibits A through C into evidence?

14 Hearing none, Exhibits A, B, C, and  
15 their subparts are admitted into evidence.

16 Mr. McLean? I'm sorry.

17 MS. MCLEAN: We do have similar names.

18 MR. CHAKALIAN: Thank you, Ms. McLean.

19 Mr. McClure?

20 MR. MCCLURE: [No audible response.]

21 MR. CHAKALIAN: You're muted, sir.

22 MR. MCCLURE: No questions, Mr. Hearing  
23 Examiner.

24 MR. CHAKALIAN: That's a good sign,  
25 Ms. McLean. This case will be taken under advisement.

1 Thank you.

2 MS. MCLEAN: Thank you.

3 MR. CHAKALIAN: I am now calling 24066,  
4 Mewbourne Oil.

5 MS. MCLEAN: That is also me,  
6 Mr. Examiner.

7 MR. CHAKALIAN: Okay.

8 MS. MCLEAN: Jackie McLean on behalf of  
9 Mewbourne Oil Company.

10 MR. CHAKALIAN: Please proceed.

11 MS. MCLEAN: Thank you. In case number  
12 24066, Mewbourne seeks an order pooling additional  
13 uncommitted interests under Division order number  
14 R-22195-A, which had pooled uncommitted interests in  
15 the Wolfcamp formation underlying a non-standard  
16 horizontal spacing unit comprised of the W/2 of  
17 Sections 6 and 7, Township 19 South, Range 35 East, in  
18 Lea County.

19 And the order dedicated the unit to the  
20 Beefalo 7/6 State Com #713H well. Since the order was  
21 entered, Mewbourne has identified additional interests  
22 in the unit that should be pooled under the terms of  
23 the order. And so we have submitted an exhibit packet  
24 in support of the application.

25 Exhibit A is a self-affirmed statement

1 of Brad Dunn. And the exhibits attached to his  
2 self-affirmed include the application and proposed  
3 notice of hearing, a copy of the order R-22195-A, plot  
4 of tracts with the tract ownership interests, and a  
5 pooled parties list, a sample well proposal letter,  
6 and AFEs, and a chronology of contacts.

7 We also have Exhibit B, which is a  
8 notice testimony. And attached to Exhibit B is a copy  
9 of the notice letter sent to the additional parties to  
10 be pooled, a chart setting out when notice was sent  
11 and received back, copies of the certified mail  
12 receipts and returns, and an affidavit of publication,  
13 which shows that we timely published on December 12,  
14 2023.

15 And I ask that Exhibits A and B be  
16 admitted into the record and that case number 24066 be  
17 taken under advisement.

18 MR. CHAKALIAN: All right.

19 Let's start out with the exhibits. Are  
20 there any objections to receiving Exhibits A and B and  
21 their subparts into evidence?

22 Not hearing any, they are so admitted.

23 Mr. McClure?

24 MR. MCCLURE: Thank you, Mr. Hearing  
25 Examiner.

1 Ms. McLean, so Mewbourne missed 11  
2 percent of Oxy's ownership in 120 acres?

3 MS. MCLEAN: That appears to be  
4 correct. You know, I'm not totally in on all of what  
5 goes on, but from my understanding, they did not --  
6 when they reran the title and they needed to add Oxy  
7 to the pooling, it was just updating the title work  
8 and that sometimes happens. There's sometime changes  
9 in ownership interests, that sort of thing.

10 So that's why we're reopening the case  
11 so that we can, you know, provide them notice, give  
12 them an opportunity to participate. And now that's  
13 what we have done.

14 MR. MCCLURE: Okay. Thank you. Yeah,  
15 I was just -- originally there was originally -- even  
16 though that it states as such in the packet, I was  
17 almost -- that maybe originally Oxy was committed and  
18 now they decided not to be committed or they're  
19 working out a deal.

20 But obviously if the new -- are  
21 identified, then exactly so need to go through and  
22 amend. Okay. Thank you, Ms. McLean, no further  
23 questions.

24 Thank you, Mr. Hearing Examiner.

25 MS. MCLEAN: Thank you.

1 MR. CHAKALIAN: Thank you, Mr. McClure.  
2 We'll take this case under advisement,  
3 Ms. McLean. Thank you.

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

5 MR. CHAKALIAN: I'm calling Devon  
6 Energy Production, compulsory pooling, cases 24067,  
7 '68, '69, and '70.

8 MR. SAVAGE: Good morning, Mr. Hearing  
9 Examiner.

10 Good morning, Mr. Technical Examiner.

11 Darin Savage with Abadie & Schill,  
12 appearing on behalf of the applicant, Devon Energy  
13 Production Company, L.P.

14 MR. CHAKALIAN: Are you ready to  
15 proceed?

16 MR. SAVAGE: I am. I believe there's  
17 some appearances made.

18 MR. FELDEWERT: Mr. Examiner, Michael  
19 Feldewert with the Santa Fe office of Holland & Hart,  
20 appearing on behalf of MRC Permian. I will point out  
21 that when I was looking at the files this morning, I  
22 noted that we had appeared for MRC in case 24070. I  
23 should have appeared in all four of these Tiger Paw  
24 cases, which is 24067, 24068, and 24069.

25 I'm doing that now and we are also --

1 or have filed this morning an entry of appearance for  
2 MRC Permian in these other three cases.

3 MR. CHAKALIAN: Are you objecting to  
4 going forward by affidavit?

5 MR. FELDEWERT: No, sir.

6 MR. CHAKALIAN: Okay. Thank you.

7 Mr. Savage?

8 MR. SAVAGE: Thank you. Cases 24067,  
9 24068, 24069, and 24070 presented a consolidated form  
10 cover lands in Sections 22, 23, and 24, in Township 20  
11 South, Range 29 East, Eddy County, New Mexico.

12 The landman, Andy Bennett, has  
13 testified previously before the Division and his  
14 credentials have been accepted as an expert in  
15 petroleum land matters. And the geologist as well has  
16 testified previously before the Division and is an  
17 expert witness.

18 In case number 24067, Devon seeks an  
19 order pooling all uncommitted interests in the Bone  
20 Spring formation, designated as an oil pool,  
21 underlying a standard 640-acre, more or less, spacing  
22 unit comprised of the N/2 of Sections 23 and 24. The  
23 unit will be dedicated to the Tiger Paw 24-23 Fed Com  
24 331H Well.

25 Orientation of the well and unit is

1 laid down east to west and the location of the well is  
2 standard. The 331H well is a proximity well in its  
3 position to create the larger standard unit.

4 Mr. Bennett's Exhibit A --

5 MR. CHAKALIAN: Mr. Savage, excuse me.

6 MR. SAVAGE: Yes.

7 MR. CHAKALIAN: I'm just looking  
8 through your exhibits while you're speaking and it --  
9 I've not seen a signature, in this matter is what I  
10 mean. I've not seen -- so Mr. Andy Bennett, the way  
11 he signed his self-affirming statement is different  
12 than I've ever seen before.

13 MR. SAVAGE: That's correct,  
14 Mr. Hearing Examiner. Mr. Bennett was travelling  
15 during the holidays when we put this together and we  
16 were doing things by email. And so since he was not  
17 available to provide a signature with a scanning  
18 machine or fax, we decided to do it by email.

19 I believe that satisfies -- the way  
20 it's worded satisfies all the criteria for an official  
21 signature. But if there's an issue there, we can  
22 certainly do a revised signature page.

23 MR. CHAKALIAN: And Mr. Feldewert, have  
24 you seen this?

25 MR. FELDEWERT: I don't believe I had.

1 MR. CHAKALIAN: It's on page 16, the  
2 signature page.

3 MR. FELDEWERT: No, I'm sorry. I'm  
4 looking at that now. If you ask me if I've seen it  
5 done this way before, I don't recall.

6 MR. CHAKALIAN: Okay. But you have no  
7 objection to it?

8 MR. FELDEWERT: The answer to that  
9 question is no, I don't.

10 MR. CHAKALIAN: Okay. Very good.

11 MR. FELDEWERT: I know Mr. Bennett.  
12 He's not going to do anything.

13 MR. CHAKALIAN: And Mr. McClure, are  
14 you okay with this?

15 MR. MCCLURE: Yeah, I am fine, as long  
16 as you're good with it. I'm good.

17 MR. CHAKALIAN: There's nothing for me  
18 to rule on. I don't have any reason to question it  
19 more than it's different and Mr. Savage has provided  
20 an explanation on the record. There's no objection  
21 from anyone.

22 So Mr. Savage, please continue.

23 MR. SAVAGE: Okay. Thank you.  
24 Mr. Bennett's Exhibit A for case 24067 includes his  
25 landman self-affirmed statement signed by email and

1 authenticated by email, a C102, ownership breakdown,  
2 well proposal letter with AFE, and the chronology of  
3 contacts.

4 Mr. Dixon's Exhibit B for this case  
5 includes his self-affirmed geology statement, along  
6 with six geology exhibits showing the potential for  
7 development as he describes in his statement.

8 Exhibit C provides a self-affirmed  
9 statement of notice for mailings and publication  
10 notice. Notice was timely mailed. Devon found all  
11 owners to be locatable. Service of notice by  
12 publication was timely and published to account for  
13 any unforeseen contingencies.

14 Mr. Hearing Examiner, at this point,  
15 I'll go ahead and ask that the Exhibits A, B, and C  
16 for case 24067 be -- and all sub-exhibits be admitted  
17 into the record and this case be taken under  
18 advisement, pursuant to any questions.

19 MR. CHAKALIAN: Okay. Thank you,  
20 Mr. Savage.

21 Are there any objections to Exhibits A,  
22 B, and C taken into evidence?

23 MR. FELDEWERT: No, sir.

24 MR. CHAKALIAN: Thank you. Not --  
25 thank you.

1 Exhibits A, B, C, and their subparts  
2 are admitted into evidence.

3 Mr. McClure?

4 MR. MCCLURE: I have no questions for  
5 this case or any of the other three, provided that any  
6 questions Mr. Feldewert might have doesn't jog  
7 something, I guess.

8 MR. CHAKALIAN: Okay.

9 Mr. Feldewert, do you have any  
10 questions on this case?

11 MR. FELDEWERT: I do not.

12 MR. CHAKALIAN: Okay.

13 24067 is hereby taken under advisement.  
14 Let's move onto the next case, 24068.

15 Mr. Savage, that introduction and  
16 presentation that you gave, does it also suffice for  
17 this case?

18 MR. SAVAGE: It does in fact suffice.  
19 And I'm looking to see if there's any anomalies and I  
20 don't see any.

21 So I would ask that -- I would state  
22 that if going to the -- over all the remaining three  
23 cases and in all the remaining three cases, including  
24 the -- and the first case, Mr. Bennett and Mr. Dixon  
25 affirmed that the approval of these applications is in

1 the best interest of conservation, protection of  
2 correlative rights, and the prevention of waste, and  
3 will prevent the drilling of unnecessary wells.

4 So at this time, I move that A, B --  
5 Exhibits A, B, and C and all sub-exhibits for cases  
6 24068, 24069, and 24070 be taken under advisement.

7 MR. CHAKALIAN: Okay. Let's start out  
8 with 24068. I'll take them one at a time.

9 Any objections to these exhibits listed  
10 here on page 2 of the packet, submitted on the 2nd of  
11 January, being admitted into evidence?

12 MR. FELDEWERT: No, I -- but I do have  
13 one question now that I'm looking this. And I'm -- I  
14 don't know. I'm looking at the packet for the first  
15 case.

16 MR. CHAKALIAN: Okay. Well, let me  
17 finish here and then we'll go back to the other case.

18 So Exhibits A, B, C, and their subparts  
19 in case 24068 are admitted into evidence.

20 Mr. McClure, you said you had no  
21 questions for this case?

22 MR. MCCLURE: That's correct,  
23 Mr. Hearing Examiner.

24 MR. CHAKALIAN: Great.

25 And Mr. Feldewert, you have no

1 questions on this case; is that correct?

2 MR. FELDEWERT: The question I have  
3 probably applies to all four.

4 MR. CHAKALIAN: Okay. Fine. So why  
5 don't you ask it now?

6 MR. FELDEWERT: Okay. Great.  
7 So I'm looking at the ownership  
8 breakdown for the tracts, Mr. Savage.

9 MR. CHAKALIAN: Mr. Feldewert, what  
10 page are you on?

11 MR. FELDEWERT: Oh, I'm sorry. I'm on  
12 page 20 of 50, in case 24067.

13 MR. CHAKALIAN: Yeah, I'm in -- okay.  
14 Let's -- can you find the -- since we're in 24068  
15 right now.

16 MR. FELDEWERT: Okay.

17 MR. CHAKALIAN: Can you find the page  
18 number in this case so that we're all looking at the  
19 same thing?

20 MR. FELDEWERT: I can attempt to do  
21 that. 24068, is that the one you said, Mr. Examiner?

22 MR. CHAKALIAN: Yes, sir.

23 MR. FELDEWERT: Give me a minute.  
24 Okay. So I'm on 24068. I'm on page, now, 27 of 63.

25 MR. CHAKALIAN: Perfect. Thank you.

1 MR. FELDEWERT: Thank you. So --

2 MR. CHAKALIAN: Go ahead.

3 MR. FELDEWERT: I'm looking at, I guess  
4 it's, Tract 1, 160 acres. It has the Federal Abstract  
5 Company in Santa Fe, and/or the Matador Entities. And  
6 then when I go to the compilation of interests, down  
7 on page 28, it basically reflects the same thing.

8 And then when I go to page 29, at the  
9 bottom, pooling list recapitulation, it's got the  
10 Federal Abstract, Matador, and MRC entities. And then  
11 it's either -- it has working interest/royalty  
12 interest. I'm trying to figure out what Matador has,  
13 based on your records. Do you know, Savage?

14 MR. SAVAGE: This is what Devon has  
15 provided. So they have a working interest ownership.  
16 I mean, as I understand this, this is as Matador  
17 and/or MRC. And I don't know the exact entity that it  
18 was finally signed into, but they prevailed in a  
19 federal sale of lease.

20 And so there was, you know -- going  
21 through that process, I believe that Devon attempted  
22 to have a large net, making sure that everybody was --  
23 all the parties were addressed that could have been  
24 involved in that process for the federal lease and the  
25 assignment -- you know, in the assignment.

1           So Matador, MRC owns working interests  
2 and apparently they're also a record title owner  
3 because there hasn't been any subsequent assignments  
4 since that sale, that sale being fairly recent.

5           So -- and if there's a way to refine  
6 this or to, you know, make it more precise, you know,  
7 we would certainly -- and if that's necessary -- the  
8 Division finds that necessary, we could certainly, you  
9 know, look at that. But as it was done at the time of  
10 the -- putting the exhibits together, that is the way  
11 that Devon addressed it.

12           MR. FELDEWERT: So in the proposed  
13 units in this case, Devon intends to credit the  
14 correct Matador entity with 43.75 working interest?

15           MR. SAVAGE: Yeah, that would be  
16 correct. I mean, I believe that they -- after the  
17 pooling order's issued, they would repropose -- and  
18 they propose it and people would make their elections  
19 and they're in direct communication with Matador and  
20 any subsequent entity that's involved.

21           So as I understand, the 43.75 percent  
22 would be credited to the correct entity in this. It's  
23 analogous to how -- where you have ambiguity of title  
24 between, you know, two different entities and you list  
25 those entities and note that because of the ambiguity

1 you're going to pool both of them. That's kind of  
2 analogous to how, I guess, Devon approached this.

3 MR. FELDEWERT: Okay. So the reason  
4 the Federal Abstract Company is listed is why?  
5 Because it -- do you know?

6 MR. SAVAGE: I don't have a full  
7 understanding of that, no.

8 MR. FELDEWERT: Okay.

9 MR. SAVAGE: As I would presume or  
10 assume, somehow that Federal Abstract Company was  
11 involved in the shortchange from the federal sale to  
12 the actual acquisition. But I -- that was just my  
13 speculation on that, I would assume. But we could  
14 certainly identify that if that -- you believe that's  
15 a title issue.

16 MR. FELDEWERT: Okay. Well, that's all  
17 the questions I have.

18 MR. CHAKALIAN: Well, Mr. Feldewert,  
19 Mr. Savage left you with a question which is they can  
20 fix that if necessary. Do you object to me taking  
21 this case under advisement at this point or do you  
22 not?

23 MR. FELDEWERT: I do not.

24 MR. CHAKALIAN: Okay.

25 MR. FELDEWERT: And if they can provide

1 some clarification either, you know, after today or  
2 when they send out the election under the pooling  
3 order, that would be very helpful.

4 MR. CHAKALIAN: Okay.

5 Mr. McClure, do you have any question  
6 based on what Mr. Feldewert asked?

7 MR. MCCLURE: Mr. Hearing Examiner, I  
8 would -- these application packets, I think the nature  
9 they did it is a little unusual. I think maybe the  
10 reason for that is there may actually be a question as  
11 to whether they're allowed to do so under rule the way  
12 they have done it. Specifically I'm looking at  
13 19.15.4.12. A.(1)(b)(iii).

14 And in -- within that rule it says that  
15 "the names and last known addresses of the  
16 interests -- pooled and the nature and percent of  
17 their interests and an attestation that the applicant  
18 has conducted a diligent search." And then it goes on  
19 to talk about addresses and records and such.

20 I guess the question I would have is  
21 whether what was presented here would qualify as a --  
22 portraying the nature and percent of each of the  
23 interest owners' interests, I guess, since they have,  
24 like, three different interest owners summed together.

25 MR. CHAKALIAN: Mr. Savage?

1 MR. SAVAGE: I believe I can address  
2 that. So because this is a federal sale, the -- and  
3 Matador, as the overriding company, prevailed in that  
4 sale, there -- the total interests -- so let's say I'm  
5 looking at Tract 1 in case 24067. That total 25  
6 interest is going to go to a Matador -- Matador as  
7 ownership or Matador entity or affiliate.

8 So I believe that the full 25 percent  
9 is accounted for under the regulation, because we've  
10 identified. It just happened that this was pursuant  
11 to a federal sale.

12 And so this Federal Abstract Company,  
13 as far as I understand, would have been some --  
14 possibly some kind of an intermediary, but is not  
15 going to be the entity that finally owns this, as I  
16 understand. So there shouldn't be a question of the  
17 Division of the percentage.

18 You know, Federal Abstract, they -- you  
19 know, they received notice at that address, 419 East  
20 Palace Avenue. That was more of a gratuitous -- I  
21 would assume that is a gratuitous notice, but it's not  
22 material to the final evaluation of this application.

23 But if -- you know, if there is a  
24 need -- I mean, I don't see a material issue here, but  
25 if there is a need to clarify this, I mean, as

1 Mr. Feldewert pointed out, Devon and Matador can  
2 certainly -- are in communication and the interests  
3 would be precisely defined about who makes the  
4 election.

5 So there shouldn't be -- you know, this  
6 is -- you know, I -- as I said, it's somewhere in --  
7 the OCD in the past has addressed this issue when, for  
8 example, there's an ambiguity of title, where two  
9 parties may have ownership, but you don't know exactly  
10 which one.

11 The Division has accounted for that  
12 ambiguity by allowing the pooling of both and allowing  
13 the parties to address the matter after the order has  
14 been issued and the elections made.

15 I think, you know -- and that's a  
16 situation where you would not know specifically who  
17 owns what percentage, potentially. But in this  
18 situation, you do know who owns the percentage, and  
19 that would be Matador.

20 MR. CHAKALIAN: Mr. McClure?

21 MR. MCCLURE: Mr. Savage -- you're fine  
22 with me addressing Mr. Savage directly; right,  
23 Mr. Hearing Examiner?

24 MR. CHAKALIAN: Oh, please. You're --  
25 yep.

1 MR. MCCLURE: Okay. Thank you.

2 Mr. Savage, okay. So I guess just to  
3 make sure I'm understanding then, slice -- pie being  
4 25 percent interest in, well jack 1 for instance,  
5 here. Like, that is defined.

6 The question is just whether -- the  
7 question is as to who actually owns it now. Is that  
8 what the question is? And it's one of these three  
9 different entities or two different entities, because  
10 it seems like you've got Matador and their subsidiary  
11 lumped together here.

12 MR. SAVAGE: Okay. As I understand  
13 this, it'll be Matador who will be the owner. But  
14 they may -- and I believe Mr. Feldewert made the  
15 appearance on behalf of MRC Permian. So that may be  
16 the final owner of this, but it's not going to be  
17 partitioned up amongst those, as I understand.

18 It would be MRC Permian who would be  
19 the final owner of that full slice of pie, I assume,  
20 or, you know, Matador would be the other entity -- the  
21 only other entity that could have claim of ownership  
22 to it, as I understand.

23 MR. MCCLURE: Okay. Thank you,  
24 Mr. Savage.

25 Mr. Hearing Examiner, I have no further

1 concerns on Mr. Savage's explanation.

2 MR. CHAKALIAN: Okay. All right.

3 Well, we will take this case under  
4 advisement, Mr. Savage, and we will move onto 24069.  
5 And let's take a look at the Exhibits in 24069. I am  
6 seeing -- excuse me?

7 MR. SAVAGE: No, I'm sorry. I didn't  
8 know if you wanted me to provide any additional  
9 presentation before we just --

10 MR. CHAKALIAN: No, I think you already  
11 asked me if I would take this under advisement and you  
12 finished your presentation. So I just need to go case  
13 by case.

14 MR. SAVAGE: Yes, sir.

15 MR. CHAKALIAN: So we're in 24069. I'm  
16 looking at Exhibits A, B, and C and their subparts.  
17 Are there any objections to taking these into  
18 evidence?

19 MR. FELDEWERT: No, sir.

20 MR. CHAKALIAN: Thank you.

21 They are so admitted.

22 And Mr. McClure, I think you already  
23 said you didn't have questions on this case?

24 MR. MCCLURE: That is correct,  
25 Mr. Hearing Examiner.

1 MR. CHAKALIAN: Great.

2 So 24069 is taken under advisement.

3 And then we have, last but not least, number '70. And

4 in number 70 I seemed to see an additional submission.

5 What is here? There are two submissions yesterday. I

6 see an exhibit packet with Exhibits A through C, and

7 then I see, ah, the entry of appearance for

8 Mr. Feldewert in this case. Now I see. Okay.

9 All right. Are there any objections to  
10 taking Exhibits A, B, C into evidence?

11 MR. FELDEWERT: No, sir.

12 MR. CHAKALIAN: Thank you.

13 Exhibits A, B, C, and subparts are so  
14 admitted into evidence.

15 Mr. McClure, you already stated you did  
16 not have any questions on this case.

17 And Mr. Feldewert, I don't believe you  
18 have questions either; is that correct?

19 MR. FELDEWERT: I do not.

20 MR. CHAKALIAN: Case 24070 is now taken  
21 under advisement. It is 12:04 p.m. It is time for  
22 lunch. We will come back at one o'clock to continue  
23 these hearings and we will start with case 24071,  
24 Mewbourne Oil, a hearing by affidavit. Thank you.

25 MR. SAVAGE: Thank you.

1 (Off the record.)

2 MR. CHAKALIAN: It is one o'clock on  
3 the 4th of January. We are back on the record.

4 And Mr. Feldewert, I am calling case  
5 number 24071, Mewbourne Oil Company. We are having an  
6 affidavit hearing.

7 MR. FELDEWERT: And Mr. Examiner, good  
8 morning. This is Michael Feldewert on behalf of the  
9 applicant both in this case and in 24072, and I have  
10 some good news.

11 I learned this morning that they had  
12 reached agreement with the only party that they were  
13 seeking to pool, which is Marathon, so we have now  
14 filed with the Division this morning a notice of  
15 dismissal for both of these cases.

16 MR. CHAKALIAN: Okay. Thank you very  
17 much. And we're also in receipt of a objection that  
18 you filed in a separate case, 24081. Let me call that  
19 case now since we're going to call it a little out of  
20 order. This is case 61 in our docket, 24081, Marathon  
21 Oil Permian, Twisted Tea BS.

22 Appearances, please?

23 MR. HOLLIDAY: Mr. Examiner, this is  
24 Ben Holliday, the Holliday Energy Law Group on behalf  
25 of Marathon Oil Permian, LLC.

1 MR. CHAKALIAN: Good afternoon,  
2 Mr. Holliday.

3 MR. FELDEWERT: And Mr. Examiner,  
4 Michael Feldewert with the Santa Fe office of Holland  
5 & Hart, appearing on behalf first, XTO Holdings, LLC,  
6 and then separately for Chevron USA Inc.

7 MR. CHAKALIAN: Okay. So we were going  
8 to have -- oh, go ahead, Ms. Hardy.

9 MS. HARDY: I apologize. Dana Hardy  
10 with Hinkle Shanor on behalf of COG Operating and  
11 Concho Oil and Gas.

12 MR. CHAKALIAN: Okay. Before we  
13 continue, are there any other appearances? No. Okay.

14 Mr. Holliday, we were going to hear  
15 your case today by affidavit, but we, as you know,  
16 received an objection from Mr. Feldewert.

17 And Ms. Hardy, are you objecting or are  
18 you just monitoring?

19 MS. HARDY: COG is just monitoring  
20 these cases.

21 MR. CHAKALIAN: Thank you.

22 And Mr. Feldewert, what was the  
23 objection based on?

24 MR. FELDEWERT: It was based in the  
25 fact that both XTO Holdings and Chevron USA are in

1 discussions about development of part of this acreage  
2 involved here, which I believe is Section 7. In fact,  
3 I think Chevron's been working with COG on that,  
4 they've been working with XTO on that.

5 And that's -- and Chevron, primarily  
6 because of the holidays, just learned about this case  
7 late yesterday. You know, it got into the hands of  
8 the right person. XTO was a little quicker. They  
9 were able to file their notice and objection  
10 yesterday, but Chevron's was filed in this morning.

11 I think they contemplate now, in light  
12 of this case, filing a competing proposal. Or they  
13 will -- do have a competing proposal that will involve  
14 Section 7, where apparently they overlap.

15 MR. CHAKALIAN: Mr. Holliday?

16 MR. HOLLIDAY: Yes, sir. I mean, we  
17 respectfully request that this late intervention be  
18 stricken. We've properly noticed all the parties in  
19 this case, including XTO and Chevron. They both  
20 returned green cards well before the holidays. And we  
21 only received notice of this last night.

22 I'll add that well proposals were sent  
23 timely and conversations between all the parties were  
24 had going back to mid-October. And at no point has  
25 Marathon received any indication of a competing

1 development plan.

2 MR. CHAKALIAN: is there some authority  
3 in the rules, Mr. Holliday, that allows me to strike  
4 an objection?

5 MR. HOLLIDAY: Yes, Mr. Hearing  
6 Examiner, there is. We actually filed -- during lunch  
7 we filed a motion to strike. Under -- let's see. Let  
8 me get my notes out here.

9 Under New Mexico Administrative Code  
10 19.15.10, a party is supposed to enter an appearance  
11 in able -- in order to be able to present technical  
12 evidence, the party must enter their appearance at  
13 least one day prior to the prehearing statement filing  
14 date.

15 In that case, this was December 27th.  
16 That was the cutoff date. XTO and Chevron entered  
17 their notice of appearance yesterday and today,  
18 respectively.

19 So under the administrative code  
20 19.15.4.11 C., "The Division examiner is -- may strike  
21 the notice of intervention on a party's motion if the  
22 intervener fails to show a good standing, unless they  
23 show participation is going to contribute  
24 substantially to the prevention of waste, protection  
25 of correlative rights, protection of public health,

1 and protection of the environment."

2 So our -- Marathon's position is that  
3 this intervention is untimely and there's been no good  
4 cause shown to allow it to go forward.

5 MR. CHAKALIAN: All right. Before I  
6 hear from Mr. Feldewert, what was the first citation  
7 you gave me? 19 what?

8 MR. HOLLIDAY: 19.15.10 C.

9 MR. CHAKALIAN: C? I'm not familiar  
10 with that. Let me look it up. Okay. 10, Safety.  
11 Are -- 19.15.10 NMAC?

12 MR. HOLLIDAY: I believe so. That's  
13 what I have on my notes.

14 MR. CHAKALIAN: Okay.

15 MR. FELDEWERT: It could be 19.15.4.10.

16 MR. HOLLIDAY: .4.10, thank you.

17 MR. CHAKALIAN: Oh, 4.10, ah, okay.  
18 Okay. And I have 19.15.4.10 in front of me. And then  
19 you were saying what subsection?

20 MR. HOLLIDAY: Subsection C.

21 MR. CHAKALIAN: Ah, okay. Let me look.  
22 "Parties to an adjudicatory proceeding shall include a  
23 person who properly intervenes." That's under A.(3).  
24 "A person entitled to notice may enter an appearance  
25 at any time by filing a written notice of appearance,"

1 and that's B.

2 "A party who has not entered an  
3 appearance at least one business day prior to the  
4 prehearing statement filing date provided in another  
5 area shall not be allowed to present technical  
6 evidence at the hearing."

7 Now, Mr. Holliday, I understand how  
8 that would confine evidence, but I don't see how that  
9 confines an objection. Can you explain that to me?

10 MR. HOLLIDAY: Well, if you move down  
11 to number 11 C.

12 MR. CHAKALIAN: Okay.

13 MR. HOLLIDAY: That's the authority to  
14 strike the intervention on a party's motion, which we  
15 filed a motion. Where the intervener fails to show  
16 good standing unless they've shown good standing as  
17 defined under the statute.

18 And Marathon's position is that we  
19 filed our motion to strike the intervention because  
20 good cause under the definition of the statute hasn't  
21 been shown.

22 MR. CHAKALIAN: "A person with standing  
23 with respect to the case subject matter may intervene  
24 by filing a written notice of intervention with the  
25 Division at least one business day before the date for

1 filing a prehearing statement." And that would be  
2 last week, basically, last Thursday.

3 "The Division examiner" -- let me  
4 look -- let me read B. "The Division examiner, at  
5 their discretion, allow late intervenors to  
6 participate if the intervenor files a written notice  
7 on or before the date provided in Subsection A, or by  
8 oral appearance on the record at the hearing." Okay.

9 "The Division examiner or the  
10 commission may strike notice if the intervenor fails  
11 to show that the intervenor has standing, unless the  
12 intervenor shows that intervenor's participation will  
13 contribute substantially to the prevention of waste,"  
14 blah, blah, blah.

15 So Mr. Holliday, the way I read this  
16 rule is that as long as the intervenor -- well, we'll  
17 call them a late intervenor because it's after the  
18 date cited above. If the late intervenor files a  
19 written notice or by oral appearance -- so it looks  
20 like I have the discretion to either allow  
21 Mr. Feldewert to intervene and object or not.

22 Is that basically what -- the way you  
23 read this rule as well?

24 MR. HOLLIDAY: Yes, Mr. Examiner.

25 MR. CHAKALIAN: Okay. All right. And

1 you're arguing -- and I have not read your motion. I  
2 didn't know about your motion. This is the first time  
3 I'm hearing about your motion. So it may -- if you  
4 feel like you want me to have time to read your  
5 motion, we'll have to recess this case so that we can  
6 take it last so that I have time to read the motion.

7           However, if you can sum it up for me on  
8 why I should use my discretion to strike this  
9 intervention, because it sounds to me like -- and I'll  
10 come to Mr. Feldewert after I think this through to  
11 get his take on it and because he hasn't had time to  
12 respond to the motion, obviously.

13           It sounds to me like you're not arguing  
14 that he doesn't have subject matter. Are you arguing  
15 to me that he doesn't have standing?

16           MR. HOLLIDAY: We're arguing that he's  
17 time barred from his intervention or failure to show  
18 good cause.

19           MR. CHAKALIAN: Okay. Fine. But --

20           MR. HOLLIDAY: At your discretion.

21           MR. CHAKALIAN: You're not -- okay.  
22 One thing at a time. You're not arguing to me that he  
23 doesn't have standing?

24           MR. HOLLIDAY: Correct.

25           MR. CHAKALIAN: Okay. Fine. You're

1 arguing that he's time barred and he has not cited to  
2 good cause to basically allow me to use my discretion  
3 in his favor?

4 MR. HOLLIDAY: Yes, sir.

5 MR. CHAKALIAN: Okay. Good. Fine. I  
6 don't think I need to read the motion for that part of  
7 it. Now, where does it talk about that you have to  
8 show good cause to late intervening?

9 MR. HOLLIDAY: I suppose the good cause  
10 reference is in 19.4.10 C., where there is the  
11 discussion of technical evidence. And 19.15.4.11 C.

12 MR. CHAKALIAN: Let's go one at a time,  
13 because this is the first time I'm hearing this; okay?

14 MR. HOLLIDAY: Sure.

15 MR. CHAKALIAN: So let's go with 10  
16 first, 10 C. Now, it seems to me that a party can  
17 object if it -- in my discretion if I allow a late  
18 filing, if I allow them to late intervene.

19 It seems to me that there's a  
20 difference between objecting that you go through a  
21 hearing by affidavit and being able to submit contrary  
22 evidence. There seems to be a difference there to me.  
23 Are you arguing that there is not?

24 MR. HOLLIDAY: That's our position that  
25 it's not, yes, sir.

1 MR. CHAKALIAN: Why?

2 MR. HOLLIDAY: Our position is not that  
3 good cause is required under both 10 and 11, because  
4 the burden is on the late intervenor to demonstrate  
5 good cause. Either that good cause in the definition  
6 of, let's see, 4.10 or under 4.11, it has to meet one  
7 of the four guideposts of the OCD.

8 And there has been no -- and I know  
9 Mr. Feldewert still has time to rebut, but so far we  
10 haven't seen any good cause shown.

11 MR. CHAKALIAN: And we'll get to that.  
12 But I want to think this through carefully. "A party  
13 who has not entered an appearance at least one day  
14 prior to the time provided elsewhere shall not be  
15 allowed to present technical evidence at the hearing,  
16 unless the Division examiner, for good cause,  
17 otherwise directs."

18 I -- Mr. Feldewert, in a simple answer  
19 yes or no, are you seeking to enter technical evidence  
20 today at the hearing?

21 MR. FELDEWERT: No.

22 MR. CHAKALIAN: That's what I thought.  
23 Okay.

24 So Mr. Holliday, I don't see that as  
25 controlling my discretion, okay. So now we go down to

1 intervention. And we talk here in 11, under  
2 intervention. And it doesn't talk about -- I don't  
3 see in number 11 -- in subpart 11 of this rule, where  
4 you need good cause.

5 I see where you need standing. I see  
6 where you need good standing and I see where I have  
7 discretion to not allow Mr. Feldewert to intervene,  
8 because he is a late intervenor. Although it does say  
9 that "the Division may allow late intervenors to  
10 participate if the intervenor files written notice or  
11 by oral appearance at the hearing."

12 Is that, like, last minute you can  
13 intervene, unless, in my wisdom, I may strike notice  
14 of intervention if they fail to show that they have  
15 standing. Okay, standing. "Unless the intervenor  
16 shows the intervenor's participation will contribute  
17 substantially to the prevention of waste or  
18 protection." Okay.

19 Now, so Mr. Holliday, do you have an  
20 argument that Mr. Feldewert's client does not have  
21 standing in this case?

22 MR. HOLLIDAY: I do not.

23 MR. CHAKALIAN: Okay. Fine. Do you  
24 argue that his participation will not contribute  
25 substantially to the prevention of waste, protection

1 of correlative rights, or protection of public health  
2 or the environment?

3 MR. HOLLIDAY: We do.

4 MR. CHAKALIAN: Aha, you do, okay.

5 Before you make that argument, Mr. Feldewert, what is  
6 your argument as to standing in this case?

7 MR. FELDEWERT: We automatically have  
8 standing because we're a party that received notice.  
9 So we're a party being pooled. So Mr. Examiner, if  
10 you go to 19.15.4.10 --

11 MR. CHAKALIAN: Hold on. Hang on. I  
12 have to -- I'm taking notes, so hold on one second. I  
13 know you're dying to tell me this, but let me finish  
14 taking notes. So you received -- so you did receive  
15 notice and you are a party being pooled. Okay. Now,  
16 where do you want me to go?

17 MR. FELDEWERT: So there's a difference  
18 between intervention and a party who is -- or a  
19 company who is a party of record, because they were  
20 entitled to notice; okay? If you're a party that  
21 received notice or entitled to notice, you don't have  
22 to intervene, you're already affected; okay?

23 We are -- both Chevron and XTO are  
24 parties that they seek to pool. So we don't need to  
25 file a notice of intervention. So that's -- put that

1     aside.  Once you're --

2                   MR. CHAKALIAN:  Well, before we put it  
3     aside, Mr. Feldewert, will you cite to the rule for  
4     that proposition you stated?

5                   MR. FELDEWERT:  Sure.  4.10 A.  "The  
6     parties to an adjudicatory proceeding shall include."

7                   MR. CHAKALIAN:  I see it, sure.

8                   MR. FELDEWERT:  Okay.  All right.

9                   MR. CHAKALIAN:  Okay.  I see it.

10                  MR. FELDEWERT:  Then if you're a party,  
11     which we are, you're in Subsection B, which says "A  
12     person entitled to notice may enter an appearance at  
13     any time," including at the end there, "by oral  
14     appearance on record at the hearing."  As a result,  
15     there's no timeline here that we're on.

16                  MR. CHAKALIAN:  So Mr. Feldewert,  
17     you're saying it's perfectly permissible under the  
18     rule to file an objection as you did?

19                  MR. FELDEWERT:  Yes.

20                  MR. CHAKALIAN:  Okay.

21                  Now, Mr. Holliday, you've seen the  
22     citation to the rule under 19.15.4.10 A. that  
23     Mr. Feldewert's client is automatically a party to  
24     this proceeding under A.(2).  You see that; right?

25                  MR. HOLLIDAY:  Yes.

1 MR. CHAKALIAN: Okay. Good. And are  
2 you -- do you have an argument against that  
3 proposition?

4 MR. HOLLIDAY: No.

5 MR. CHAKALIAN: No? Okay. Fine. And  
6 so then you see -- then you see, under B "a person  
7 entitled to notice may enter an appearance at any time  
8 by filing a written notice." Well, they may enter an  
9 appearance at any time or by oral appearance on the  
10 record at the hearing. So how is his objection filed  
11 earlier today -- how is that objectionable?

12 MR. HOLLIDAY: Marathon objects on the  
13 basis that we've been working on a deal with the  
14 parties for months. And at no point during these --  
15 which include technical discussions between the  
16 engineers.

17 And at no point has a competing plan  
18 been raised and we got notice of the competing plan 15  
19 hours before the hearing, or in the -- and during the  
20 hearing.

21 MR. CHAKALIAN: You know, Mr. Holliday,  
22 I understand your argument, but the rules specifically  
23 allow for this filing. And, you know, as a  
24 prosecutor, how many times did defense attorneys have  
25 a last-minute witness that wasn't on the witness list,

1 and you just had to deal with it?

2 MR. HOLLIDAY: Right.

3 MR. CHAKALIAN: That's just how you  
4 rolled. And so as much as I'd like to -- well, no, I  
5 won't even say it that way. But as much as I  
6 understand your concern, the rules allow for it.

7 So we are now at the status of a status  
8 conference. Thank you for your motion. The motion is  
9 denied. We are now at a status conference. How do  
10 you want to proceed in your case?

11 MR. HOLLIDAY: Given the resurgence of  
12 interest from Chevron and XTO, I would suggest that we  
13 at least push this another month, if not more. I  
14 think the parties will have something to say between  
15 each other, hopefully.

16 MR. CHAKALIAN: Okay. It sounds to me  
17 like you would like to -- you want to file a  
18 continuance for another status conference down the  
19 road?

20 MR. HOLLIDAY: Yes, I would propose  
21 that I file a motion for continuance to the  
22 February -- the first February hearing date.

23 MR. CHAKALIAN: Just a month away?  
24 Okay. So you want to be on the February 1st calendar.  
25 Let me find out from Shiela if we have space.

1 MS. APODACA: We do have space. It's  
2 for a status conference?

3 MR. CHAKALIAN: Yes.

4 MS. APODACA: Yeah, we have space for  
5 that.

6 MR. CHAKALIAN: So Sheila, if I'm not  
7 mistaken, all the cases that will be on the February  
8 1st, it's my understanding that we have to publish  
9 notice 20 days before February 1st for all cases  
10 that'll be heard in February; is that correct?

11 MS. APODACA: For the initial notice  
12 for new e-filed cases.

13 MR. CHAKALIAN: Okay. And do we have a  
14 sense of how many cases we'll have on that docket, at  
15 this point?

16 MS. APODACA: It looks like once I  
17 finish processing what's in the queue, I think there  
18 will be about 60.

19 MR. CHAKALIAN: Oh, that's -- well, we  
20 can handle that in the morning. Okay.

21 Mr. Holliday, we will -- well, it's up  
22 to you to file the continuance and pay for the fee,  
23 but we will put this on the February 1st docket. I  
24 will take some notes as to why we're doing this.  
25 24071 -- ah, 24081.

1 MR. HOLLIDAY: '81, yes, sir.

2 MR. CHAKALIAN: Yes. 24081. All  
3 right. And you know, Mr. Holliday, I learn -- every  
4 docket I learn new things and new ways to look at  
5 these rules, so, you know, thank you.

6 MR. HOLLIDAY: Sure.

7 MR. FELDEWERT: Thank you for your  
8 time, Mr. Examiner.

9 MR. CHAKALIAN: Of course,  
10 Mr. Feldewert. I -- yeah. And Mr. Feldewert, before  
11 you go -- I'm sure I'll see you again before the day's  
12 over, but before you go, which parties are you  
13 representing?

14 MR. FELDEWERT: It was XTO Holdings,  
15 LLC, and then Chevron USA Inc.

16 MR. CHAKALIAN: Okay. So that's who's  
17 filing -- those are the parties on behalf of the  
18 filing of the objection today?

19 MR. FELDEWERT: And it's now in the  
20 Division's case files.

21 MR. CHAKALIAN: Oh, it is.

22 MR. FELDEWERT: Well, it will be. We  
23 filed them. So one of them was filed yesterday and  
24 one was filed this morning.

25 MR. CHAKALIAN: We -- Sheila sent me

1 the objection. That's how I could call that case out  
2 of order. I just didn't understand what you meant by  
3 it's in the case file, but I understand now. You mean  
4 the objection.

5 Okay. Sounds good. So we will accept  
6 this for a status conference on February 1st, after  
7 Mr. Holliday files a continuance in this case.

8 Mr. Holliday, on February 1st do you  
9 foresee my setting a contested hearing for this case  
10 or do you believe that the parties are going to  
11 negotiate some sort of settlement?

12 MR. HOLLIDAY: I believe the parties  
13 will likely negotiate some sort of settlement. And if  
14 there is a contested hearing there's no -- we want to  
15 keep the case moving, but there's no need to set it  
16 hard for the February docket, especially if  
17 Mr. Feldewert has a busy plate already.

18 MR. FELDEWERT: Appreciate that,  
19 Mr. Holliday.

20 MR. CHAKALIAN: Thank you very much.

21 Okay. And Mr. Feldewert, you had  
22 mentioned before that you were filing notices of  
23 dismissal in 24071 and '72?

24 MR. FELDEWERT: The Mewbourne cases,  
25 yes. In fact, I think they've been filed this

1 morning, because I found out this morning.

2 MR. CHAKALIAN: Didn't know that.

3 Okay. Very good.

4 MR. FELDEWERT: I was very busy this  
5 morning, Mr. Examiner.

6 MR. CHAKALIAN: Yes.

7 And Mr. Holliday, thank you for your  
8 participation.

9 And I am now moving onto 24073,  
10 Matador. We're having a hearing.

11 MS. VANCE: Good afternoon, Mr. Hearing  
12 Examiner. Paula Vance with the Santa Fe office of  
13 Holland & Hart on behalf of Matador Production  
14 Company.

15 MR. CHAKALIAN: Yes, Ms. Vance. Please  
16 proceed.

17 MS. VANCE: Okay. So in this case,  
18 Matador is seeking to amend the Division order for its  
19 Kathy Kregor Federal Com 114H. And it is respectfully  
20 requesting an extension of time to commence the  
21 drilling of the initial well under the order. In our  
22 hearing packet, we have provided a copy of the  
23 application which is Exhibit A.

24 Exhibit B is a copy of the original  
25 orders. This is the second request for an extension.

1 And the -- we've provided a explanation of good cause  
2 in the self-affirmed statement of the landman, Hannah  
3 Bollenbach, who has previously testified before the  
4 Division.

5 Her statement is Exhibit C. And I  
6 believe -- let's see. It is paragraph 5, she explains  
7 the good cause. We're just waiting on APDs to be  
8 approved. But the APDs were filed in April 2022.

9 And so we've also included with her  
10 testimony, an updated revised copy of the pooling  
11 exhibit where -- I'm not sure which -- I don't  
12 remember which parties off the top of my head, but I  
13 believe Matador was able to reach a voluntary  
14 agreement with at least a couple of the parties. So  
15 we've provided an updated pooling exhibit.

16 And then I have Exhibit D, which is my  
17 self-affirmed statement of notice with a sample copy  
18 of the letter notice that went out on December 15th.  
19 And following that is Exhibit E, which is a notice of  
20 publication affidavit that shows we timely published  
21 notice on December 19, 2023.

22 And unless there's any questions, I  
23 would ask that the exhibits and the sub-exhibit be  
24 admitted into the record and this case be taken under  
25 advisement in the Division.

1 MR. CHAKALIAN: Thank you.

2 Are there any objections to these  
3 exhibits?

4 Not hearing any, Exhibits A, B, C, D,  
5 and E are admitted into evidence.

6 And we'll go to our technical examiner,  
7 Mr. McClure.

8 MR. MCCLURE: No questions, Mr. Hearing  
9 Examiner.

10 MR. CHAKALIAN: Okay. Ms. Vance, case  
11 number 24073 is taken under advisement. Thank you.

12 MS. VANCE: Thank you.

13 MR. CHAKALIAN: I am now calling 24078,  
14 Devon Energy Productions, and 24079.

15 MR. SAVAGE: Good afternoon,  
16 Mr. Hearing Examiner.

17 Good afternoon, Mr. Technical Examiner.  
18 Darin Savage on behalf of the  
19 applicant.

20 MR. CHAKALIAN: Proceed.

21 MR. SAVAGE: Thank you. Cases 24078  
22 and 24079 presented in consolidated form cover lands  
23 in Sections 10 and 11, in Township 22 South, Range 27  
24 East, Eddy County, New Mexico. The landman is Jake  
25 Norris. He has testified previously for the Division

1 and his credentials have been accepted.

2 The geologist Joe Dixon has also  
3 testified previously before the Division. And his  
4 credentials have been accepted as an expert witness.

5 In case number 24078, Devon seeks an  
6 order pooling all uncommitted interests in the Purple  
7 Sage Wolfcamp formation, designated as an oil pool,  
8 underlying a standard 640-acre, more or less, spacing  
9 unit comprised of the N/2 of Sections 10 and 11. The  
10 unit will be dedicated --

11 MR. BRUCE: Mr. Examiner, several other  
12 people interested in this case.

13 MR. SAVAGE: I'm sorry.

14 MR. CHAKALIAN: Yes, Mr. Bruce, I saw  
15 your entry of appearance here. So please go ahead  
16 and -- please go ahead.

17 MR. BRUCE: Jim Bruce on behalf of  
18 Mewbourne Oil Company. I do not object to anything  
19 that Mr. Savage is presenting, but I think there's a  
20 couple of other parties involved, too.

21 MR. CHAKALIAN: You're right, there  
22 are. You're right, sir, there are.

23 And now we'll go to -- is it  
24 Ms. Bennett or Ms. Hardy?

25 MS. BENNETT: Yes, thank you.

1 Ms. Bennett -- well, Deana Bennett on behalf of Magnum  
2 Hunter Production. And I am appearing on behalf of  
3 Magnum Hunter Production Company in case number 24078  
4 only.

5 And Magnum Hunter does not object to  
6 the cases -- or the case proceeding by affidavit, but  
7 is entering an appearance to protect -- preserve its  
8 rights.

9 MR. CHAKALIAN: Thank you, Ms. Bennett.  
10 And Ms. Hardy or Ms. McLean?

11 MS. MCLEAN: Can you hear me?

12 MR. CHAKALIAN: I can now, yes.

13 MS. MCLEAN: Okay. This is -- my  
14 computer's microphone seems to work, but not this  
15 speaker. So I have an interesting setup. Anyways,  
16 Jackie McLean on behalf of COG Operating and Concho  
17 Oil and Gas in case numbers 24078 and 24079.

18 MR. CHAKALIAN: Okay. Thank you.

19 Okay. Mr. Savage -- oh, and --

20 MR. PADILLA: Mr. Examiner, let me  
21 enter an appearance. This is Ernest Padilla on behalf  
22 of BK Exploration Corporation. We don't have  
23 objection to presentation of this case by affidavit.

24 MR. CHAKALIAN: All right. And  
25 Ms. McLean, that was the question I was going to ask

1 you.

2 MS. MCLEAN: Yes, no objections,  
3 Mr. Hearing Examiner.

4 MR. CHAKALIAN: Okay.

5 Mr. Savage, it sounds like you can  
6 proceed without objection.

7 MR. SAVAGE: Yes, I apologize for that,  
8 Mr. Hearing Examiner. That's, I guess, the  
9 consequences of a big lunch and coming in the  
10 afternoon.

11 So in case number 24078, Devon seeks an  
12 order pooling all uncommitted interests in the Purple  
13 Sage Wolfcamp formation, designated as an oil pool,  
14 underlying a standard 640-acre, more or less, spacing  
15 unit comprised of the N/2 of Sections 10 and 11. The  
16 unit will be dedicated to the Atlatl 11-10 Fed Com  
17 621H and 622H wells.

18 The orientation of the wells and unit  
19 is laid down east to west and the location of the  
20 wells is nonstandard. Devon will be applying  
21 administratively for approval of the unorthodox well  
22 locations.

23 Mr. Norris' Exhibit A for the case  
24 includes his landman self-affirmed statement, the  
25 C102s, an ownership breakdown, well proposal letter

1 with AFEs, and the chronology of contacts. And  
2 Mr. Dixon's Exhibit B in this case include his geology  
3 statement, along with five geology exhibits.

4 Exhibit C provides a self-affirmed  
5 statement of notice for mailings and the publication  
6 notice. Notice was timely mailed and there were a --  
7 quite a number of working interest owners, almost 100,  
8 it looks like.

9 And Devon located all working interest  
10 owners except for eight, which represents small  
11 interests that have been -- as I understand, have been  
12 historically nonresponsive. Three overriding royalty  
13 interest owners are unlocatable.

14 Service of notice by publication was  
15 timely and published to account for any unlocatable  
16 parties or unforeseen contingencies. Mr. Hearing  
17 Examiner, at this point, I would ask that Exhibits A,  
18 B, and C, and all sub-exhibits for case 24078 be  
19 admitted into the record and the case taken under  
20 advisement. And I stand for any questions.

21 MR. CHAKALIAN: Okay.

22 Does any other party object to these --  
23 to any of these exhibits being entered into evidence?

24 MS. BENNETT: No objections.

25 MR. CHAKALIAN: Thank you.

1 Not hearing any objections or hearing  
2 no objection, Exhibits A, B, C, and their subparts are  
3 admitted into evidence.

4 Mr. McClure?

5 MR. MCCLURE: No questions,  
6 Mr. Hearing.

7 MR. CHAKALIAN: Okay.

8 And Mr. Savage, case number 24078 is  
9 taken under advisement. Let me now go to '79 and  
10 enter those exhibits into evidence. We have Exhibits  
11 again, A, B, C, and subparts.

12 Are there any objections?

13 Not hearing any, Exhibits A, B, C, and  
14 its subparts are so admitted.

15 Mr. McClure?

16 MR. MCCLURE: No questions, Mr. Hearing  
17 Examiner.

18 MR. CHAKALIAN: Thank you.

19 Case number 24079 is taken under  
20 advisement. So thank you Mr. Savage.

21 MR. SAVAGE: Thank you.

22 MR. CHAKALIAN: Thank you.

23 So now we go to 24080. This is Permian  
24 Resource Operating.

25 MS. MCLEAN: Hi, Jackie McLean on

1 behalf of Permian Resources Operating. And I just  
2 want to let you know that Ms. Kessler emailed us and  
3 said that she needed to get off. So she was just  
4 going to be observing and I just wanted to let you  
5 know that.

6 MR. CHAKALIAN: Thank you for letting  
7 me know.

8 Are there any other parties? No?

9 Ms. McLean, do you know of any other  
10 parties?

11 MS. MCLEAN: I do not.

12 MR. CHAKALIAN: Okay. Very good. Why  
13 don't you proceed by affidavit?

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

15 In case number 24080, Colgate applies  
16 for pooling all uncommitted interests in the Bone  
17 Spring formation underlying a 318.59-acre, more or  
18 less, horizontal spacing unit comprised of the N/2 N/2  
19 of Section 25, Township 19 South, Range 30 East, and  
20 the N/2 N/2 of irregular Section 30, Township 19,  
21 Range 31 East, in Eddy County.

22 And the unit will be dedicated to the  
23 Mojo 30-25 Fed Com 111H, 121H, and 131H wells. And  
24 Colgate submitted an exhibit packet for this case  
25 containing the compulsory pooling checklist. Exhibit

1 A, the land professional testimony of Mason Maxwell  
2 and related land exhibits.

3 Exhibit B, geology testimony of Ira  
4 Bradford, which also attached to that are the regional  
5 locator maps, cross sections maps, first, second, and  
6 third Bone Spring, subc structure map, the  
7 stratigraphic cross section, and the gun barrel  
8 diagram.

9 And then Exhibit C, which is the notice  
10 testimony and includes a copy of the notice letter  
11 that was sent to the parties to be pooled, a chart  
12 showing when the notice was sent and when we received  
13 the returns, copies of the certified mailed green  
14 cards and returns, and an affidavit of publication  
15 that shows we timely published on December 13, 2023.

16 And at this point, I ask that Exhibits  
17 A, B, and C be admitted into the record in case number  
18 24080, and that the case be taken under advisement.

19 MR. CHAKALIAN: Ms. McLean, what  
20 page -- oh, here it is. I found it. Give me a moment  
21 here.

22 MS. MCLEAN: Okay.

23 MR. CHAKALIAN: I tried searching for  
24 Mr. Canton's self-affirming statement and I couldn't  
25 find it, but he has previously testified, so we're in

1 good shape.

2 Okay. Are there -- well, are there any  
3 objections to these exhibits being received into  
4 evidence?

5 Not hearing any, Exhibits A, B, C, and  
6 its subparts are so admitted.

7 And Mr. McClure?

8 MR. MCCLURE: Thank you, Mr. Hearing  
9 Examiner.

10 Ms. McLean, I guess a quick correction,  
11 we'll get that out of the way. The pool you have  
12 listed is nearly correct in as the name is essentially  
13 correct, but it's the northwest pool, rather than just  
14 the straight up pool. So if you're ready, I'll give  
15 you the actual pool code that is appropriate for the  
16 entirety of this well -- or spacing unit, I mean.

17 MS. MCLEAN: Yeah.

18 MR. MCCLURE: All right. It's 97020.

19 MS. MCLEAN: 20?

20 MR. MCCLURE: Two -- I'm sorry. Say  
21 that one more time. I apologize.

22 MS. MCLEAN: 97020?

23 MR. MCCLURE: Yes, that is correct.

24 And are you confident in looking up the pool name  
25 itself or do you want me to try to provide that to you

1 here as well?

2 MS. MCLEAN: We can look it up.

3 MR. MCCLURE: Okay. Another quick  
4 question I have for you. Going to your Exhibit B6,  
5 it's listed as page 32 of 58.

6 MS. MCLEAN: Okay. I'm going there  
7 right now. Yes, okay.

8 MR. MCCLURE: Now, your -- what is  
9 indicated for the 131H well, what formation is that  
10 being indicated? It looks like on the legend to the  
11 right it's saying the third Bone Spring sand, but yet,  
12 on the edge of that cross section it has, like, the  
13 region above that labeled as the third Bone Spring  
14 sandstone.

15 MS. MCLEAN: Yes, and I believe that  
16 the testimony also says that it is in the third Bone  
17 Spring -- well, hold on. I'm just reading it. It  
18 should be the third Bone Spring formation, which is  
19 the formation that that well is to be drilled in.

20 I'm not sure, perhaps there was a typo.  
21 I can get that information from the client and we can  
22 supplement that if necessary.

23 MR. MCCLURE: Okay. And maybe I'm just  
24 misinterpreting what they mean by how this cross  
25 section is labeled, I guess. It just looks like

1 there's, like, a red -- wrote in there, that I would  
2 assume -- I'm just going under the assumption that  
3 this is the -- I'm sorry, Ms. McLean, what was that?

4 MS. MCLEAN: I was just going to say, I  
5 think that it's hung on the Wolfcamp formation. And  
6 it does show that the red line is the third Bone  
7 Spring. So I don't know if it's just where that --  
8 where the actual typing is that is causing confusion,  
9 but I can, you know, clarify that.

10 MR. MCCLURE: Oh, actually, Ms. McLean,  
11 now that you say that, I think that is the reason  
12 where my confusion is where they got it labeled. It's  
13 just quite a bit higher than where the line that it  
14 indicates.

15 But when I consider what you bring up,  
16 that it says it's flattened on the top of the  
17 Wolfcamp, which is correct, and how much higher it is  
18 labeled than that -- where it's flat, then I guess it  
19 makes sense that what they're referring to is the  
20 third Bone Spring sand top being that red line.

21 MS. MCLEAN: That's what I think so.  
22 Because that -- if you read the self-affirmed  
23 statement, it said that that exhibit is hung on the  
24 top of the Wolfcamp. So -- and then that says it's  
25 flattened on top of the Wolfcamp. So I think that

1 that might be causing the confusion, just where they  
2 decided to label it.

3 MR. MCCLURE: Yeah. I think you're  
4 correct. I think, like, where they labeled it is not  
5 as ideal as it could be. But with the associated --  
6 or I shouldn't say associated. With the rest of  
7 exhibit and your testimony, I think we should be fine.  
8 no further questions. Thank you, Ms. McLean.

9 Thank you, Mr. Hearing Examiner.

10 MR. CHAKALIAN: Okay. So --

11 MS. MCLEAN: And then Mr. McClure --  
12 oh, sorry.

13 MR. CHAKALIAN: Okay. So Mr. McClure,  
14 if we take this case under advisement today, are you  
15 requiring a submission of a corrected document to show  
16 the proper pool code and name?

17 MR. MCCLURE: Correct.

18 MR. CHAKALIAN: Okay.

19 MR. MCCLURE: That's absolutely  
20 correct.

21 MR. CHAKALIAN: Okay.

22 So Ms. McLean, do you understand that?

23 MS. MCLEAN: Yes, I do, Mr. Examiner.

24 MR. CHAKALIAN: Thank you.

25 Mr. McClure, is the C102 that needs to

1 be corrected?

2 MR. MCCLURE: It would be the pooling  
3 checklist and the C102.

4 MR. CHAKALIAN: Okay. Very good.

5 Okay. So Ms. McLean, is there anything  
6 else on this case?

7 MS. MCLEAN: I just have one question  
8 for you, Mr. Examiner. Would you like us to submit an  
9 entire new packet or just that? Because I think your  
10 preference is the entire packet.

11 MR. CHAKALIAN: Yes. That way there's  
12 no confusion and the technical examiner has one large  
13 document to look at instead of multiple documents,  
14 yes.

15 MS. MCLEAN: Okay. Thank you.

16 MR. CHAKALIAN: Yes. When would you be  
17 able to submit the corrected forms?

18 MS. MCLEAN: I'm sure by January 10th,  
19 which seems to be the going date for all of it.

20 MR. CHAKALIAN: That's the going date  
21 is correct. Okay. Thank you, Ms. McLean. Appreciate  
22 it.

23 MS. MCLEAN: Thank you.

24 MR. CHAKALIAN: Okay. I'm now calling  
25 case number 24082, Silverback Operating.

1 MR. SAVAGE: Yes, Darin Savage with  
2 Abadie & Schill, appearing on behalf of Silverback  
3 Operating II, LLC.

4 MR. CHAKALIAN: Mr. Savage, are there  
5 any other parties in this case?

6 MR. SAVAGE: I don't believe so.

7 MR. CHAKALIAN: I don't think so  
8 either. Thank you. Please proceed.

9 MR. SAVAGE: Okay. So --

10 MR. CHAKALIAN: Oh, I think we're also  
11 hearing 24083 at the same time.

12 MR. SAVAGE: That is correct. They're  
13 related.

14 MR. CHAKALIAN: Okay. Please proceed.

15 MR. SAVAGE: This is cases 24082 and  
16 24083. They cover land in the S/2 of Section 22,  
17 Township 18 South, Range 26 East, Eddy County, New  
18 Mexico. And these cases seek to reopen cases 23315  
19 and 23316, in order to pool additional working  
20 interest owners recently identified.

21 The landman for these cases, Jake  
22 Bebermeyer has not testified before the Division as an  
23 expert witness in petroleum land matters.

24 Mr. Bebermeyer graduated with a Bachelor's in Energy  
25 Management from the University of Tulsa, and is an

1 AAPL registered professional landman, having been a  
2 member of AAPL for 14 years.

3 He has worked as a professional landman  
4 since 2011 and graduated from Apache's Corporations  
5 Land Development Program, where he worked for Apache  
6 for six years. He is a contract landman for  
7 Silverback and his resume, Mr. Hearing Examiner, is  
8 attached to his self-affirmed statement for your  
9 review.

10 MR. CHAKALIAN: I have it. Page 22 of  
11 79. Give me a moment.

12 MR. SAVAGE: Okay.

13 MR. CHAKALIAN: And you're seeking to  
14 have him qualified as an expert in -- as a landman?

15 MR. SAVAGE: Professional land matters,  
16 that's correct.

17 MR. CHAKALIAN: Professional petroleum  
18 landman?

19 MR. SAVAGE: Petroleum landman.

20 MR. CHAKALIAN: Okay, Mr. Savage. He  
21 is accepted as a landman expert.

22 MR. SAVAGE: Thank you. The geologist,  
23 Nathaniel Gilbertson has testified previously before  
24 the Division and his background and credentials have  
25 been accepted the record.

1           In case number 24082, Silverback seeks  
2 to amend the existing order pooling owners in the  
3 standard 160-acre spacing unit comprised of the N/2  
4 S/2 of Section 22, in the Yeso formation underlying  
5 said unit. And this was established by the original  
6 order R-22655.

7           This case, 24082, is a continuation and  
8 an extension of the original case, 23315. And  
9 Silverback seeks to amend the order to pool the  
10 additional owners. And those are listed in D2 and  
11 there's three of them.

12           And to also properly impose the  
13 additional working interest owners a risk penalty of  
14 10 percent and the overhead rates of 8,000 per month  
15 for drilling and 800 a month for production, which are  
16 the same as the original pooling. The unit is  
17 dedicated to the Krauss 22 C 103, 203, 102, and 204  
18 wells.

19           Orientation of the unit is laid down  
20 east to west and all setback requirements under  
21 statewide rules are met for wells 103, 203, and 204.  
22 102 is unorthodox and Silverback will be applying to  
23 the Division for approval of the nonstandard location.

24           Since case 24082 is a continuation of  
25 the original case, the original case had Exhibits A,

1 B, and C, and subparts. Therefore, hopefully for  
2 the -- to make things easier for the Division, we've  
3 identified exhibits in case 24082 as a continuation,  
4 Exhibits D, E, and F.

5 However, last night I was looking over  
6 the landman's statement. We usually use Exhibits A1  
7 through A4 for the landman exhibits. And it looks  
8 like we left that reference in the landman's  
9 statement, A1 through 4, which should be reference D1  
10 through D4.

11 And if the Division consents, we would  
12 like to provide a supplemental landman statement to  
13 address and correct this discrepancy.

14 MR. CHAKALIAN: So first take me to the  
15 page that you're talking about.

16 MR. SAVAGE: Okay. So this is in both  
17 landman statements in 24082. After you get past all  
18 the reference materials, you get -- on page 16 of 79.

19 MR. CHAKALIAN: Okay.

20 MR. SAVAGE: You have the self-affirmed  
21 statement of Jake Bebermeyer. If you'll notice, all  
22 the exhibits are correctly described, however, they  
23 are referenced -- for example, the C102 is referenced  
24 as A1. That should be D1.

25 MR. CHAKALIAN: What page are you on?

1 MR. SAVAGE: That is page 18.

2 MR. CHAKALIAN: Let me get there.

3 Okay. I'm on page 18 and the C102 --

4 MR. SAVAGE: Towards the bottom.

5 MR. CHAKALIAN: Toward the bottom,  
6 thank you. I see. It's attached as A1, but really  
7 it's what?

8 MR. SAVAGE: D1. We've included D1 in  
9 the packet.

10 MR. CHAKALIAN: Yeah, you definitely  
11 want to correct those.

12 MR. SAVAGE: Thank you, yes.

13 MR. CHAKALIAN: So -- and then the  
14 other thing I saw which was somewhat confusing was  
15 that you have your A, B, C, D, and then you go back,  
16 because you have the old case number, the old case is  
17 here and the old exhibits in here. Those are also by  
18 letters.

19 MR. SAVAGE: That is correct. So for  
20 the landman statement -- so, for example, the landman  
21 statement is Exhibit D and that's a brand-new  
22 statement. But then we have -- we went ahead and  
23 included -- because the landman is really what gets  
24 focused on in this kind of case in our opinion.

25 And that's the, you know, notice to the

1 new working interest owners. So we've included all  
2 the landman exhibits. We identified them as D1  
3 through D4, but basically they reflect the original  
4 exhibits. Then on the geology exhibit, which we --  
5 the new testimony is E, Exhibit E. And if -- let's  
6 see if I can -- Exhibit E. That's page 52.

7 This is a testimony from the geologist  
8 and basically he says that all the previous exhibits  
9 apply to the lands. And so we included the original  
10 designations, and that's B1.

11 MR. CHAKALIAN: I understand.

12 MR. SAVAGE: Yeah, okay.

13 MR. CHAKALIAN: I understand. So --  
14 okay. Are you finished with your presentation?

15 MR. SAVAGE: I was rolling it up. So  
16 the -- we have the same geology exhibits and then all  
17 notice was timely mailed and published. And so that  
18 would -- that would finish 24082.

19 MR. CHAKALIAN: Okay. Let's deal with  
20 the exhibits at this time, knowing that you're going  
21 to submit an amended exhibit packet to correct those  
22 references.

23 But at this time, are there any  
24 objections to Exhibits D, E, B as in boy, and F?

25 Not hearing any, those exhibits are

1 admitted into evidence.

2 Mr. McClure, do you have any questions  
3 about this case?

4 MR. MCCLURE: No questions, Mr. Hearing  
5 Examiner.

6 Mr. CHAKALIAN: All right.

7 So Mr. Savage, this case will be taken  
8 under advisement while we wait for you to submit an  
9 amended exhibit packet. And exactly which exhibits  
10 will you be amending?

11 MR. SAVAGE: So I will just -- so what  
12 I'll do is I'll -- with your consent is amend Exhibit  
13 D, which is the landman statement. And then I will  
14 include that in a new packet, a revised packet, and  
15 list it as an amended hearing packet.

16 MR. CHAKALIAN: Fine. So ultimately  
17 there is literally only one exhibit being amended and  
18 that is Exhibit D, and that does not follow to D1  
19 through D4?

20 MR. SAVAGE: That's right. It will --  
21 with the revision, it will coordinate with the D1  
22 through D4. It will reference it correctly, the D1  
23 through D4.

24 MR. CHAKALIAN: But the only exhibit  
25 that's actually being amended is D.

1 MR. SAVAGE: That's correct.

2 MR. CHAKALIAN: Not D1 through D4?

3 MR. SAVAGE: That is correct.

4 MR. CHAKALIAN: That's what I'm asking.

5 Okay. Very good. Okay. This case will be taken  
6 under advisement. Next week will be enough time for  
7 you?

8 MR. SAVAGE: Yes, that'd be fine. You  
9 know, in fact, I've already done it. I just need to  
10 get ahold of the landman to signature.

11 MR. CHAKALIAN: So we'll give you a  
12 deadline of January 10th to submit it.

13 MR. SAVAGE: That's great. All coming  
14 in. Yeah, thank you.

15 MR. CHAKALIAN: It's a good day. all  
16 right. Very good. Let's move onto case '83. Are you  
17 going to present that case?

18 MR. SAVAGE: Yes. And this one is  
19 basically the same, 24083, except it deals with the  
20 S/2 S/2 of Section 22. But everything else  
21 corresponds to '82.

22 So I think if there's any -- if there's  
23 not any questions, we could -- I could ask -- move  
24 that those exhibits be admitted to the record and that  
25 case be taken under advisement, subject to any

1 questions from examination.

2 MR. CHAKALIAN: Okay. Let me open that  
3 case. Give me one second here so I can admit those  
4 into evidence as necessary. Are you making any  
5 corrections to this exhibit packet?

6 MR. SAVAGE: Yes. We will also correct  
7 Exhibit D.

8 MR. CHAKALIAN: Same one, okay.

9 Are there any objections to admitting  
10 Exhibits D, E, B as in boy, or F?

11 Not hearing any, I will admit those  
12 exhibits and their subparts into evidence.

13 Mr. McClure, any questions on this  
14 case?

15 MR. MCCLURE: No questions, Mr. Hearing  
16 Examiner.

17 MR. CHAKALIAN: Okay. Perfect.

18 So Mr. Savage, case number 24083 is  
19 taken under advisement while we await your corrected  
20 Exhibit D. And I need to make some notes here. So  
21 that'll take a moment.

22 MR. SAVAGE: Thank you very much.

23 MR. CHAKALIAN: Yes, thank you, sir.

24 Silverback. I am now calling 24084,  
25 Ameredev Operating Incorporated.

1 MS. VANCE: Good afternoon, again,  
2 Mr. Hearing Examiner. Paula Vance with the Santa Fe  
3 office of Holland & Hart on behalf of the applicant  
4 Ameredev Operating, LLC.

5 MR. CHAKALIAN: Indicate any other  
6 parties, do you know of any?

7 MS. VANCE: I do not.

8 MR. CHAKALIAN: Please proceed.

9 MS. VANCE: Thank you, Mr. Hearing  
10 Examiner. So in this case, Ameredev seeks approval to  
11 pool all uncommitted interests in the Bone Spring  
12 formation and the pool is WC-025, G-08 S263620C, and  
13 that's the lower Bone Spring. And the pool code is  
14 98150.

15 And that's -- and in this case,  
16 Ameredev seeks to pool a standard 320-acre, more or  
17 less, horizontal well spacing unit comprised of the  
18 W/2 W/2 of Sections 28 and 33. And that's in Township  
19 25 South, Range 36 East, Lea County, New Mexico. And  
20 initially dedicate this spacing unit to the proposed  
21 Tea Olive Fed Com 25-36-33 71H well.

22 So in this case, we have included a  
23 copy of the application. We've provided the  
24 compulsory pooling checklist. And also the  
25 self-affirmed statement of landman Lizzie Lauper and

1 geologist Parker Foy, both of whom have previously  
2 testified before the Division. And their credentials  
3 have been accepted as a matter of record.

4 Ms. Lauper's statement is Exhibit C,  
5 which includes sub-exhibits C1, C102, C2, a land tract  
6 map, and a list of the uncommitted owners highlighted  
7 that Ameredev seeks to pool. C3 is a sample copy of  
8 the well proposal letter, along with a sample copy of  
9 lease offers to the uncommitted or unleased mineral  
10 interest owners, as well as AFEs. And C4 is a  
11 chronology of contacts.

12 This is followed by Mr. Foy's  
13 statement, which is Exhibit D. It includes  
14 sub-exhibits D1 a locator map, D2 a subc structure  
15 map, D3 a cross section map, and D4 a stratigraphic  
16 cross section. In these cases Mr. Foy did not observe  
17 any faulting pinch outs or other geologic impediments  
18 to horizontal drilling of this well.

19 And then lastly is Exhibit E, a  
20 self-affirmed statement of notice from myself with a  
21 sample copy of the notice letter that was timely  
22 mailed on December 15, 2023. And Exhibit F, which is  
23 an affidavit of notice of publication, which was  
24 timely published on December 17, 2023.

25 And unless there are any questions, I

1 would ask that the exhibits and sub-exhibits be  
2 admitted into the record and that the case be taken  
3 under advisement by the Division.

4 MR. CHAKALIAN: Okay.

5 Are there any objections to taking  
6 Exhibits A, B, C, D, E, and F into evidence?

7 Not hearing any, they are so admitted.

8 Mr. McClure?

9 MR. MCCLURE: Thank you, Mr. Hearing  
10 Examiner.

11 Ms. Vance, can I direct your attention  
12 to your Exhibit number D4, which should be page 34 of  
13 40? It's your -- or the cross section.

14 MS. VANCE: If you'll give me one  
15 moment. Sure. I am there.

16 MR. MCCLURE: The datum that it's hung  
17 on there, it labels it as the Bone Spring. Is that  
18 the top of the Bone Spring formation?

19 MS. VANCE: Let me look at the  
20 statement.

21 MR. MCCLURE: I was kind of glancing at  
22 it, but I --

23 MS. VANCE: It -- one moment. You know  
24 what? It doesn't say in the statement. So I am not  
25 sure. I'd have to ask the geologist to confirm.

1 MR. MCCLURE: I'll provide you a little  
2 bit of context. The pool you identified there is the  
3 lower Bone Spring.

4 MS. VANCE: Got it.

5 MR. MCCLURE: Where your well is  
6 targeted is right at that datum. And assuming that --  
7 you know, that we have a shell above the Bone  
8 Spring -- first Bone Spring sand, then that would put  
9 this not in the lower Bone Spring pool. Instead this  
10 would put it in the upper Bone Spring pool. Go ahead.

11 MS. VANCE: One -- give me one second.  
12 Because I think it actually -- I think we state which  
13 bench we're targeting.

14 MR. MCCLURE: Oh, okay.

15 MS. VANCE: Let me -- give me one  
16 moment.

17 MR. MCCLURE: Yeah, because if you do,  
18 that would clarify.

19 MS. VANCE: Maybe actually in the  
20 landman statement. Give me -- I'm going to scroll up  
21 and see if I can see. Yeah, I am pretty sure we  
22 identify. I thought we did.

23 MR. MCCLURE: I was going to say it  
24 identifies the pool here. I just -- I'm not sure if  
25 it has the target bench or not.

1 MS. VANCE: I'm scanning through my  
2 communications with Ameredev real quick to see if I  
3 can see anything that confirms which bench it is.  
4 Yes. So Ameredev is targeting the first Bone Spring.

5 MR. MCCLURE: The first Bone Spring  
6 sand?

7 MS. VANCE: Yeah. The first Bone  
8 Spring formation, yes.

9 MR. MCCLURE: Specifically the first  
10 Bone Spring sandstone; is that correct?

11 MS. VANCE: Well --

12 MR. MCCLURE: The reason I ask is  
13 because that right there is where the boundary is. It  
14 is the top of the first Bone Spring sand is where the  
15 vertical extent is for the top of the lower Bone  
16 Spring pool.

17 So if you're specifically targeting the  
18 first Bone Spring sandstone, which I assume is the  
19 case -- then you are in the correct pool, although  
20 your vertical limits on your pooling checklist would  
21 be incorrect.

22 MS. VANCE: Okay. Can you explain to  
23 me why the vertical limits would not be correct on the  
24 checklist?

25 MR. MCCLURE: Well, you don't identify

1 any vertical limits on the checklist. I can scroll  
2 up, but I am thinking you have N/A wrote in there.  
3 Yeah.

4 MS. VANCE: So -- go ahead.

5 MR. MCCLURE: Go ahead.

6 MS. VANCE: Well, I think that -- so in  
7 our application we're pooling the -- I mean, we  
8 haven't specified, you know, pooling a specific  
9 vertical limit. We're just pooling the interests in  
10 the Bone Spring for the spacing. But in terms of this  
11 well, which bench it's targeting, it's targeting the  
12 first Bone Spring sand.

13 MR. MCCLURE: Yes. But --

14 MS. VANCE: So --

15 MR. MCCLURE: Go ahead, Ms. Vance.

16 MS. VANCE: I'm sorry. No.

17 MR. MCCLURE: If you had more  
18 questions. Okay. Essentially, though, to have the  
19 whole of the Bone Spring, you'd have two separate  
20 pools.

21 MS. VANCE: I'm --

22 MR. MCCLURE: There should be an upper  
23 Bone Spring pool and there should be a lower Bone  
24 Spring pool. So if you, of course, pool the entire --  
25 then you clearly have a, well, incomplete, I guess,

1 pooling checklist if you wanted to pool both those  
2 pools.

3 MS. VANCE: Include both the upper and  
4 the lower Bone Spring to include the entire Bone  
5 Spring formation per the application. Okay.

6 MR. MCCLURE: Yeah. I was going to  
7 say, that would be correct. Now, having said that, I  
8 don't want to say precedent, but it would be maybe the  
9 first that we started doing multiple vertical pools,  
10 vertically offset pools, if that makes sense.

11 I mean, essentially it'd be akin to,  
12 like, the Bone Spring and the Wolf Camp being together  
13 on the same pooling checklist.

14 MS. VANCE: Yeah.

15 MR. MCCLURE: But I don't know if the  
16 Division has made an outright determination as to how  
17 we would proceed.

18 Now, it's correcting your pooling your  
19 checklist, if, like, I wanted to go about having both  
20 the upper and lower Bone Spring on there in order to  
21 pool the Bone Spring, then I mean, I -- if that's what  
22 the applicant would like to do, then I'm sure the  
23 Division could make a determination as to whether we  
24 would, you know, approve it or deny it and send it  
25 back and tell you to limit your vertical extent.

1           And I do -- I don't know what way the  
2 Division and the director would decide in that matter.

3           MS. VANCE: Understood. My -- what I  
4 think may have happened is based on, you know, the  
5 C102, and, you know, information about the well  
6 itself, possibly the district geologist had just given  
7 the one pool because that's the target bench that this  
8 particular well is in. And that's why we don't have  
9 both of the pools.

10           But I understand what you're saying.  
11 Do you have -- I mean, I'd like to just confer with  
12 Ameredev on that, just to confirm, but my question  
13 would be, can you please provide to me the pool name  
14 and code for the upper Bone Spring in that area?

15           And then I'm not sure how you'd like to  
16 proceed, Mr. Hearing Examiner, but I do want to get  
17 clarification and confirm with Ameredev to make sure  
18 that, you know, I'm following what they'd like to do.

19           And then maybe go back to Mr. McClure  
20 and see what you think in terms of what we need to put  
21 on the checklist.

22           MR. CHAKALIAN: Mr. McClure, how do you  
23 want to proceed?

24           MR. MCCLURE: Well, I guess first, to  
25 answer Ms. Vance's first question in regards to the

1 pool code for the upper Bone Spring.

2 I don't immediately have it in front of  
3 me because our district geologist in Lea County is out  
4 on sick leave today, I believe, or that would be  
5 something in the -- that the Division could  
6 immediately follow up with you over the next few days.

7 In regards to the question of how to  
8 proceed, I guess, how long will it -- would it take  
9 you to find out how Ameredev would like to proceed  
10 here?

11 MS. VANCE: Well, I've got the next two  
12 cases and I've got two other cases. And then I can go  
13 ahead and just give the landman a quick call and  
14 discuss.

15 And then if -- and I don't think it'll  
16 take very long. I can jump back -- you know, if the  
17 hearing examiner doesn't mind if I kind of check back  
18 in at the end of the hearing. Hopefully I'll have an  
19 answer and then maybe we can have a path forward.

20 MR. CHAKALIAN: So I think our options  
21 here are either continue the hearing or take the case  
22 under advisement with certain stipulations.

23 Mr. McClure, what do you prefer?

24 MR. MCCLURE: If we don't know what  
25 route they're going to take yet, then I would prefer

1 to continue if those are the two options.

2 MR. CHAKALIAN: Okay.

3 So Ms. Vance, what we'll do is we will  
4 recess this case. We will come back to it. When you  
5 come back raise your hand using the icon. And we will  
6 check in with you and see if you know what direction  
7 you're going in or whether we should continue this  
8 hearing to the next docket.

9 MS. VANCE: Understood. Thank you,  
10 Mr. Hearing Examiner.

11 Thank you, Mr. McClure.

12 MR. CHAKALIAN: Of course.

13 Let's go onto Matador, 24086.

14 MS. VANCE: That is me again,  
15 Mr. Hearing Examiner and Mr. McClure. Paula Vance on  
16 behalf of the applicant, Matador Production Company.

17 MR. CHAKALIAN: And are there any other  
18 parties that you know of?

19 MS. VANCE: No.

20 MR. CHAKALIAN: Okay. Please proceed.

21 MS. VANCE: Thank you, Mr. Hearing  
22 Examiner. So in these cases, Matador Production  
23 Company is seeking to amend the Division orders for  
24 its Harold Melton 112H. And that's case number 24086.  
25 And then the Glen Spiller Federal Com 111H, which is

1 case 24087. And is asking for a one-year extension on  
2 the orders.

3 In these -- in the hearing packets, we  
4 have provided a copy of the application, which is  
5 Exhibit A. And then Exhibit B is a copy of the  
6 original orders. Again, this is the second request  
7 for an extension. So both of the orders are in there.

8 We have as Exhibit C the self-affirmed  
9 statement from our landman, Hannah Bollenbach, who has  
10 previously testified before the Division.

11 And similar to the previous case that I  
12 presented with the Kathy Kregor, paragraph 5 should --  
13 has the statement of good cause and outlines that  
14 Matador filed its APDs in April 2022 and is still  
15 waiting for approval from the BLM. And then we did  
16 provide an updated pooling exhibit, which is Exhibit  
17 C1. And you'll see there is just one party there.

18 Matador reached a voluntary agreement  
19 with, I believe, two of the other parties that had  
20 previously been listed. And then lastly is Exhibit D,  
21 which is a self-affirmed statement of notice with a  
22 copy of the notice letter that was timely mailed on  
23 December 15, 2023.

24 And you'll see in the mailing report  
25 that that notice -- I'm sorry. I'm looking at the

1 wrong one. That notice was received and delivered to  
2 the one party that Matador still is seeking to pool.  
3 And so we did not include a NOP affidavit.

4 So unless there are any questions, I  
5 would ask that all exhibits and sub-exhibits be  
6 admitted into the record and that these cases be taken  
7 under advisement at this time.

8 MR. CHAKALIAN: Are there any  
9 objections to these exhibits being admitted into  
10 evidence?

11 Hearing none, Exhibits A, B, C, C1, and  
12 D are so admitted.

13 Mr. McClure?

14 MR. MCCLURE: Thank you, Mr. Hearing  
15 Examiner.

16 Ms. Vance, is it accurate to say that  
17 at this time the only person being asked to be forced  
18 pooled is Oxy; is that correct?

19 MS. VANCE: That's correct.

20 MR. MCCLURE: So you are -- in addition  
21 to asking for an extension of time, are you dropping  
22 off all of the overriding interest owners as well as  
23 potentially the other category that we like, the  
24 titleholders?

25 MS. VANCE: Let me confirm on that.

1 But as far as I know, the -- this is correct. So --  
2 in that we are only seeking to pool the one party.  
3 But I do want to confirm that. I'm happy to confirm  
4 with Matador and just follow up via email if that  
5 works for the hearing examiner and Mr. McClure.

6 MR. MCCLURE: Yeah, I was going to say  
7 the original -- order R-22046, most definitely force  
8 pools your overriding royalty interest owners and  
9 there may or may not have been titleholders. I don't  
10 remember that.

11 MS. VANCE: If you'll -- I don't  
12 believe there was. I believe it was just the  
13 overrides.

14 MR. MCCLURE: Yeah, now having said  
15 that, if we're now dropping that, I guess, then in  
16 theory -- then I guess the notice would be accurate.  
17 Otherwise, my question would then be, was public  
18 notice conducted to cure the notice that was attempted  
19 to be provided to the overriding royalty interest  
20 owners?

21 MS. VANCE: Well, if -- I mean, I just  
22 need to confirm that, you know, we're just pooling the  
23 one party. If that's the case, then we wouldn't need  
24 to provide notice via a notice of publication;  
25 correct?

1 MR. MCCLURE: I would think that's  
2 correct. Now, whether the Division needs to include  
3 an additional paragraph in the issued order -- change  
4 of pooled parties or pooled persons, I don't know on  
5 that side of things. But if it is only Oxy that's  
6 being force pooled now, then I would think your notice  
7 is sufficient.

8 MR. CHAKALIAN: Okay. I have the same  
9 question for Ms. Vance. Are we continuing this case  
10 or are we taking it under advisement with some sort of  
11 stipulated amendment?

12 MS. VANCE: I would ask that the cases  
13 be taken under advisement. And I am sure I will get a  
14 very quick response from Matador confirming which  
15 parties we're, you know -- that it is just the one  
16 party being pooled or not.

17 MR. CHAKALIAN: Okay. Now, you said  
18 cases. Do you mean case?

19 MS. VANCE: Yes, well, cases, because  
20 my guess is that Mr. McClure probably has the same  
21 questions about both cases, since both cases are only  
22 pooling one party. So I would say cases.

23 MR. CHAKALIAN: But the other case,  
24 '84, we needed a -- we needed some correction made to  
25 the -- was it the checklist or the C102, Mr. McClure?

1 MR. MCCLURE: On the '84, we made a  
2 determination of how they want to proceed as far as do  
3 the whole of the -- what their vertical extent is.  
4 But I think Ms. Vance is referring to the next case on  
5 the docket, I'm guessing. Although, that's for  
6 Matador. So maybe I'm -- oh, excuse me. I was  
7 looking wrong.

8 Yeah, they're both for Matador. So I  
9 think she's referring to '87.

10 MR. CHAKALIAN: Now I understand.

11 MR. MCCLURE: I mean, I'll let her  
12 speak.

13 MS. VANCE: Yes.

14 MR. MCCLURE: Yeah.

15 MS. VANCE: Sorry. Yes.

16 MR. CHAKALIAN: No, hey, you're good.

17 MS. VANCE: I was referring to case  
18 24086 and 24087.

19 MR. CHAKALIAN: All right.

20 MS. VANCE: We did file a consolidated  
21 prehearing statement and that's why I was referring to  
22 the two cases.

23 MR. CHAKALIAN: Now I understand.

24 Okay. I got it.

25 Okay. So I think -- Mr. McClure,

1 unless you object, I think this case we can take under  
2 advisement with the correction or with the  
3 clarification that Ms. Vance will provide later in  
4 this hearing; is that correct?

5 MR. MCCLURE: Well, the only caveat I  
6 would throw out there -- I don't have a problem with  
7 that, but the only thing I guess, my word of caution,  
8 would be for Ms. Vance that if it turns out that they  
9 do wish to pool or continue to pool all the overriding  
10 interest owners and we take it under advisement, then  
11 I'd be -- then my advice would be to just deny the  
12 case and make them come back.

13 MR. CHAKALIAN: Okay.

14 MR. MCCLURE: With the proper notice  
15 because notice would no longer be good if they're  
16 still doing overriding interest owners. That's my  
17 only -- to take it under advisement.

18 MR. CHAKALIAN: Okay. Let's -- then  
19 let's put this on hold. We'll recess this case as  
20 well.

21 Does -- Ms. Vance, does '87 also suffer  
22 from the same question that Mr. McClure is going to  
23 ask you about the interest owners?

24 MS. VANCE: Yes, but I do want to just  
25 make a statement or just a quick argument regarding,

1 you know, the wanting to dismiss the cases. We did --  
2 if you look at our mailing report, it's pretty  
3 lengthy. So I think we did include the overrides in  
4 the notice, as well as the NOP.

5 But in terms of who we have still  
6 remaining on the pooling exhibit, it's just the one  
7 party. So I don't think that we would need to quickly  
8 dismiss the cases. I just need to confirm that we  
9 do -- are in fact dropping the overrides. But I am  
10 fairly confident that we did provide notice to them.

11 MR. MCCLURE: Ms. Vance, your second  
12 noticed person on your notice spreadsheet, which  
13 seemed to indicate that that one's getting returned to  
14 you, so without looking further beyond that, I would  
15 definitely be very hesitant to think that your notice  
16 will be good to get notice to all your overriding  
17 interest owners.

18 MS. VANCE: So we did a notice of  
19 publication. I did not include it.

20 MR. MCCLURE: Oh, you did? Okay.

21 MS. VANCE: I -- yes, we did a notice  
22 of publication, but I did not include it because we  
23 are only -- because the exhibit we have for the  
24 updated pooling only has the one party.

25 So if we needed to include the notice

1 for the overrides or anything like that, I do have a  
2 notice of publication and an affidavit that was  
3 confirming that we timely published the notice of  
4 publication.

5 MR. MCCLURE: What is the date on that  
6 affidavit of the notice? Was it timely for this  
7 hearing?

8 MS. VANCE: Yes. I'm looking it up  
9 right now. If you give me one moment. December 19th  
10 for both of them.

11 MR. MCCLURE: I guess -- Mr. Hearing  
12 Examiner, I guess maybe if we want to require -- to  
13 submit that notice of -- then that would seem that  
14 that cures the notice and we could potentially then  
15 take this under advisement if you would like.

16 MR. CHAKALIAN: And I think the  
17 argument -- and I think Ms. Vance's argument is that  
18 notice isn't necessary if the only party being pooled  
19 is that one party.

20 Is that right, Ms. Vance?

21 MS. VANCE: That's correct.

22 MR. CHAKALIAN: Right.

23 MS. VANCE: And I am sending a very  
24 quick email right now to confirm that it is just the  
25 one party and we've dropped the overrides.

1 MR. CHAKALIAN: Sure. Before you do  
2 that, let's have you put on the record the last case  
3 that you have, number '87. Let's get those exhibits  
4 admitted into evidence and then we'll recess all three  
5 cases, I guess that would be '84, '86, and '87, until  
6 the end of the hearing.

7 MS. VANCE: Yes, Mr. Hearing Examiner.  
8 I would note that when I started, because I filed a  
9 consolidated prehearing statement, I did actually  
10 mention both the case number and the well for 24087.  
11 And that's the Glen Spiller Federal Com 111H.

12 So I apologize. I thought that you  
13 would call both of them and that I could go ahead and  
14 present them as consolidated cases.

15 MR. CHAKALIAN: That's fine. I'm  
16 just -- when it comes to admitting exhibits, though, I  
17 go one at a time. So let me deal with 24087.

18 Are there any objections to Exhibits --  
19 Matador Exhibits A, B, C, C1, and D?

20 Not hearing any, they are so admitted  
21 into evidence.

22 And Mr. McClure, why don't you reserve  
23 any questions on this case until we come back from  
24 recess on the three cases that we have.

25 MR. MCCLURE: Sounds good, Mr. Hearing

1 Examiner.

2 MR. CHAKALIAN: All right. Sounds  
3 good. So these three cases are in recess and we'll  
4 look forward to seeing you again, Ms. Vance, in a  
5 little bit.

6 MS. VANCE: Thank you, Mr. Hearing  
7 Examiner.

8 Thank you, Mr. McClure.

9 MR. CHAKALIAN: Thank you.

10 Okay. I am now calling Apache  
11 Corporations 24089, '90, '91, and '92.

12 Ms. Bennett?

13 MS. BENNETT: Good afternoon, everyone.  
14 Deana Bennett from Modrall Sperlring on behalf of  
15 Apache Corporation.

16 MR. CHAKALIAN: Okay.

17 Ms. McLean, I think you're trying to  
18 speak?

19 MS. MCLEAN: Can you hear me?

20 MR. CHAKALIAN: Yes, now I can, yes.

21 MS. MCLEAN: Okay. My little -- I  
22 don't even know what I need to push over here right  
23 now because I've got so many different forms of  
24 communication happening. Okay. Jackie McLean for  
25 Mongoose Minerals. And we do not object to Apache

1 proceeding by affidavit today.

2 MR. CHAKALIAN: And have you had a  
3 chance to review the exhibits in the packets?

4 MS. MCLEAN: Yes, we have. And we do  
5 not object to their admission.

6 MR. CHAKALIAN: Okay. Perfect.

7 So Ms. Bennett, would you like to  
8 present all the cases together and then we'll take  
9 them separate through the questions for Mr. McClure?

10 MS. BENNETT: Yes, that would be great.

11 MR. CHAKALIAN: Okay. Please.

12 MS. BENNETT: These four cases are  
13 companion cases for Apache's Camacho development area.  
14 And in each case, Apache is seeking to pool a  
15 320-acre, standard spacing unit. And together, the  
16 four cases cover Sections 25 and 26, in Township 19  
17 South, Range 27 East.

18 We timely filed exhibit packets on  
19 Tuesday. And in each exhibit packet we include a  
20 table of contents. And the table of contents, the  
21 first item in our packet is the compulsory pooling  
22 checklist. The second set of exhibits are the  
23 declaration of Blake Johnson, the -- a professional  
24 landman with Apache.

25 And he's previously testified before

1 the Division and his credentials have been accepted as  
2 a matter of record. And behind his declaration we  
3 include the usual land exhibits, including the  
4 application, C102s, the tract map.

5 Exhibit B3 also includes the list of  
6 the parties being pooled, B4 summary of contacts, and  
7 a sample proposal letter, and then the AFEs.

8 Tab C is the declaration of Drew  
9 Chenoweth who has been -- who's previously testified  
10 before the Division and his credentials has been  
11 accepted as a matter of record. And behind his  
12 declaration he's included the usual suite of geology  
13 exhibits.

14 And here Apache is targeting both the  
15 second Bone Spring and the third Bone Spring. And so  
16 he's included geology exhibits for each of those  
17 targets in each packet. And then the final tab is our  
18 notice declaration. And it shows that we mailed the  
19 notice letter on 12/15 and we also timely published on  
20 12/14.

21 So with that, I am done with my  
22 overview of the case and happy to stand for any  
23 questions on a case-by-case basis and admit the  
24 exhibits on a case-by-case basis.

25 MR. CHAKALIAN: Okay. So let's start

1 with 24089. I have Exhibits A, B, C, and D.

2 Ms. McLean has already said there's no objection.

3 Are there any other parties who are  
4 interested parties that object to these exhibits?

5 Not hearing any, those exhibits are  
6 admitted into evidence.

7 Mr. McClure?

8 MR. MCCLURE: Thank you, Mr. Hearing  
9 Examiner.

10 Ms. Bennett, your Exhibit C6, I guess,  
11 page 40 of 76. I guess I have a request for you. I  
12 mean, I could have questions about it, but I guess I  
13 just have kind of an overall request. Could we submit  
14 an amended exhibit here with much higher resolution on  
15 that cross section?

16 It appears like maybe it was printed  
17 out and drew on, then rescanned, and it's very  
18 difficult to, well, make out a lot, I guess, on it.

19 MS. BENNETT: Yeah, sure thing. And  
20 that's just on C6?

21 MR. CHAKALIAN: Mr. McClure, it also  
22 looks like C7 suffers from the same thing.

23 MR. MCCLURE: Oh, yeah. I meant all  
24 the cross sections. And yes, that is C7 as well.

25 Thank you, Mr. Hearing Examiner, yes. I do want the

1 C7 as well.

2 MS. BENNETT: And I don't want to add  
3 insult to injury here to myself, but would that also  
4 cover C11 and C12 which are the cross sections for the  
5 third Bone Spring?

6 MR. MCCLURE: Oh, yes. Yes, these ones  
7 as well. I guess let me clarify, all the cross  
8 sections, I guess.

9 MS. BENNETT: Okay.

10 MR. MCCLURE: Which would be C11 and  
11 C12 as -- I looked at this last night and I didn't  
12 remember all the different exhibits for them, I guess.

13 MS. BENNETT: Understandable.

14 MR. CHAKALIAN: Is that your only  
15 question Mr. McClure?

16 MR. MCCLURE: Yes. And I don't know if  
17 it's a question so much as a request, but yes, that  
18 was my only -- the only thing I had for all four of  
19 these cases.

20 MR. CHAKALIAN: Okay. Sounds good.

21 So Ms. Bennett, are each of these  
22 packets then going to need some sort of an amendment  
23 for cross sections?

24 MS. BENNETT: Yes, the cross sections  
25 are the same in each of the packets.

1 MR. CHAKALIAN: Very good. Are you  
2 going to -- let's -- what is a reasonable deadline to  
3 file these?

4 MS. BENNETT: Probably Monday. Let me  
5 just take a look at what the -- yeah, that -- Monday  
6 the 8th, I think should be reasonable.

7 MR. CHAKALIAN: Okay. I like January  
8 the 10th. So --

9 MS. BENNETT: Okay. Well, let's stick  
10 with January 10th then.

11 MR. CHAKALIAN: We're kind of sticking  
12 with that unless there's some reason not to. So  
13 January 10th will be the deadline to file the amended  
14 C6, C7, C11, C12 in 24089. And we'll get to the other  
15 cases in a minute. So this case will be taken under  
16 advisement, Ms. Bennett. Thank you.

17 Let's now move onto the next case.  
18 That will be number '90. Let's see. Okay. Let's  
19 take a look here. So in front of me I have Exhibits  
20 A -- well, yes, tabs A, B, C, D.

21 Are there any objections from anyone  
22 else, besides Ms. McLean?

23 Not hearing any, these tabs and their  
24 exhibits are admitted into evidence and Ms. Bennett is  
25 going to file much clearer exhibits. And it looks to

1 me that it is the same -- let me go to the list here  
2 with cross sections. Let me -- the way it's listed  
3 here, it's hard to tell whether they are or -- here we  
4 are. C11, C12 need to be corrected and C6 and C7.

5 It's the same ones, Ms. Bennett.

6 So there we have '90. That case will  
7 be taken under advisement. And let's now go to the  
8 next case, '91. And we have tabs A, B, C, and D with  
9 the same sub-exhibits.

10 Are there any objections?

11 Not hearing any, they are admitted into  
12 evidence. Let's take a look at these cross sections  
13 as well.

14 Here we have -- Ms. Bennett, while I'm  
15 scrolling through this, do all four exhibit packets  
16 use the same two experts?

17 MS. BENNETT: Yes, they do.

18 MR. CHAKALIAN: Okay. Very good. So  
19 we do have C --

20 MS. BENNETT: And --

21 MR. CHAKALIAN: Sorry, go ahead.

22 MS. BENNETT: I was just going to say  
23 for your benefit, they are the same cross sections in  
24 each packet as well.

25 MR. CHAKALIAN: Then we'll just leave

1 it at that. So this case will be taken under  
2 advisement. And then we have one case left for you  
3 and that would be '92. And let's get these exhibits  
4 into evidence.

5 Are there any objections to tabs A, B,  
6 C, and D?

7 Not hearing any, they're admitted into  
8 evidence and we will await your resubmission. So when  
9 you do submit, please just submit one document -- one  
10 amended exhibit packet with the four correct cross  
11 sections or -- I just shouldn't say corrected. I mean  
12 more -- clearer cross sections is what I'll say.

13 MS. BENNETT: I will do that.

14 MR. CHAKALIAN: Thank you for --

15 MS. BENNETT: Thank you.

16 MR. CHAKALIAN: Thank you very much.

17 And so these cases are taken under advisement. Thank  
18 you.

19 MS. BENNETT: Thank you so much.

20 MR. CHAKALIAN: Thank you so much.

21 Now, we're going to Chevron USA. We  
22 have a hearing on case number 24095 and '96.

23 Ms. Vance?

24 MS. VANCE: Good afternoon, again,  
25 Mr. Hearing Examiner and Mr. McClure. Paula Vance on

1 behalf of the applicant, Chevron USA, Inc.

2 MR. CHAKALIAN: And are there any other  
3 parties, Ms. Vance?

4 MS. VANCE: Not that I know of.

5 MR. CHAKALIAN: Not that I know of  
6 either. Okay. Please proceed.

7 MS. VANCE: Yes. Before we get  
8 started, I did want to note -- sorry. We need to  
9 continue one of the cases, case number 24095. It came  
10 to my attention there is actually an existing well in  
11 that spacing unit that we need to provide overlapping  
12 notice on.

13 Unfortunately the operator didn't come  
14 up in the title because they are a wellbore interest,  
15 contract interest. And so we weren't aware until just  
16 recently. So we do need to provide notice, so I would  
17 ask that we continue that case, but I would like to  
18 present the W/2 case which is case number 24096.

19 MR. CHAKALIAN: So which docket are you  
20 proposing to continue '95?

21 MS. VANCE: I would ask to continue for  
22 a month. So if we could present at the February 1st,  
23 that would -- we'll file a continuance if that works  
24 for the Division.

25 MR. CHAKALIAN: Okay. Very good. I'll

1 make a note of that and why don't you proceed with  
2 '96?

3 MS. VANCE: Thank you, Mr. Hearing  
4 Examiner. So in case number 24096, Chevron seeks to  
5 pool the uncommitted interests underlying a standard  
6 640-acre, more or less, horizontal well spacing unit  
7 comprised of Lots 3 and 4, S/2 of the NW/4 and SW/4,  
8 which is all combined the W/2 equivalent of Section 5,  
9 Township 24 South, Range 29 East, Eddy County, New  
10 Mexico.

11 And then the W/2 of Section 32,  
12 Township 23 South, Range 29 East, again all of that  
13 acreage in Eddy County, New Mexico. And Chevron seeks  
14 to initially dedicate the spacing unit to the CB SE 5  
15 32 Federal Com 3 201H and 202H. And I would note that  
16 the 202H is a proximity well to include the proximity  
17 tracts, allowing for the enlarged spacing unit.

18 So in this case, we have included a  
19 copy of the application. We've provided the  
20 compulsory pooling checklists, as well as the  
21 self-affirmed statement of landman Douglas Crawford  
22 and geologist Efren Mendez, both of whom have  
23 previously testified before the Division.

24 Mr. Crawford's statement is Exhibit C  
25 and which in his exhibits also includes the

1 sub-exhibits, the requisite landman suite of exhibits.  
2 So we've got these C102s, which is exhibit C1.

3 C2 is the land tract map and  
4 uncommitted owners and also would note that Chevron  
5 is -- there is seeking to pool from beneath the base  
6 of the first Bone Spring to the base of the Bone  
7 Spring formation. So Chevron is seeking to pool just  
8 the vertical extent for that particular vertical  
9 extent.

10 So in that sub exhibit C2, we have  
11 included a breakdown of the ownership in the vertical  
12 offset. And so following that we've got sub exhibit  
13 C3 which is a sample proposal with AFEs. And then C4  
14 is a chronology of contacts. This is followed by  
15 Mr. Mendez's statement which is Exhibit D, which  
16 includes the requisite geology sub-exhibits.

17 Exhibit D1 is a project locator map, D2  
18 is a subc structure map, D3 is a cross section map and  
19 stratigraphic cross section, and then D4 is a type log  
20 for the Kotadee [ph] 32C, which is the reference well  
21 used to pick the vertical extent that's being pooled.

22 In this case, Mr. Mendez did not  
23 observe any faulting pinch outs or other geologic  
24 impediments to the horizontal drilling of these wells.  
25 And then we have, lastly, Exhibit E, a self-affirmed

1 statement of notice with a sample letter that was  
2 timely mailed on December 15, 2023.

3 And Exhibit F, which is an affidavit of  
4 notice of publication, which was timely published on  
5 December 19, 2023. And unless there are any  
6 questions, I would ask that the exhibits and  
7 sub-exhibits be admitted into the record and that the  
8 cases be taken -- or this case be taken under  
9 advisement at this time.

10 MR. CHAKALIAN: All right.

11 Any objection to Chevron Exhibits A, B,  
12 C, D, E, and F?

13 Not hearing any they are admitted into  
14 evidence.

15 Mr. McClure?

16 MR. MCCLURE: No questions, Mr. Hearing  
17 Examiner.

18 MR. CHAKALIAN: Okay.

19 Case number 24096 is being taken under  
20 advisement. 24095 is being continued by Chevron to  
21 the February 1st docket for a hearing; is that  
22 correct, Ms. Vance?

23 MS. VANCE: That's correct, Mr. Hearing  
24 Examiner.

25 MR. CHAKALIAN: Okay. Very good.

1                   So we have notes reflecting that. And  
2 we move onto COG Operating, 24097, '98, '99, and  
3 24100.

4                   MR. FELDEWERT: Good afternoon,  
5 Mr. Examiner. Michael Feldewert with the Santa Fe  
6 office of Holland & Hart, appearing on behalf of COG  
7 Operating in these four cases that are consolidated  
8 for presentation here today.

9                   MR. CHAKALIAN: And I don't see any  
10 other parties. Do you know of any?

11                  MR. FELDEWERT: I am not aware of any  
12 other parties.

13                  MR. CHAKALIAN: Okay. So please  
14 proceed.

15                  MR. FELDEWERT: These consolidated four  
16 cases seek to pool standard horizontal spacing units  
17 in the upper Wolfcamp and as its own pool, the upper  
18 Wolfcamp formation, underlying Sections 20 and 29 and  
19 24 South, 32 East. So these are going to be for  
20 standup wells called the Azores wells.

21                  We have filed a similar set of cases in  
22 all four matters, except that the E/2 E/2 case, which  
23 is 20497, is the only one that seek to pool working  
24 interest owners. So that's the only case that's going  
25 to have your well proposal letter, your AFEs and your

1 chronology of contacts.

2 The other three cases will not have  
3 that because they are not applicable to the  
4 non-cost-bearing owners that they seek to pool. So if  
5 you look at, for example, the exhibits filed in case  
6 24097, this is for that E/2 E/2 spacing unit where  
7 there's a working interest owner involved.

8 So we provide the well -- the  
9 compulsory pooling checklist and we provide the  
10 application. Exhibit A is the self-affirmed statement  
11 of Michael Potts who's a landman with the company who  
12 has previously testified before the Division. He  
13 provides, in each case and as Exhibit A1, the C102s  
14 for the particular wells involved.

15 Exhibit A2 in each case is a tract  
16 ownership for the spacing unit that is involved,  
17 showing the federal leases that are involved.

18 Exhibit A3 would then be an ownership  
19 breakdown showing the ownership in each tract, the  
20 working interest ownership, and then the overriding  
21 interest owners and a record titled owner that they  
22 seek to pool, all of which are highlighted in yellow.

23 This particular case, since we have a  
24 working interest owner involved, has the well proposal  
25 letter, which is Exhibit A4, along with the AFEs. I

1 think it got flipped, the AFEs are shown first and  
2 then the well proposal letter's shown second, but it's  
3 the same stuff. Exhibit A5 is the chronology of  
4 contacts.

5 We then have as Exhibit B in each case  
6 the affidavit from the geologist who has previously  
7 testified before the Conversation Division as an  
8 expert in petroleum geology. He provides the same set  
9 of exhibits for all four cases, which consists of a  
10 location plat and a gun barrel showing the proposed  
11 wells in each spacing unit.

12 His structure map, his cross section  
13 location map showing the location of the well logs  
14 that he used to create then what is a cross section  
15 from A to A prime for this proposed spacing unit.

16 Exhibit C then in each case is the affidavit from my  
17 office, showing that these applications were sent by  
18 certified mail to the parties that are being pooled.

19 And then since there was some overrides  
20 whose interest in some cases -- or who did not receive  
21 notice by certified mail yet in some cases, we provide  
22 as Exhibit D as in David the affidavit of publication.  
23 So with that said, I would move the admission of  
24 Exhibits A, B, and C, and D in each case and ask that  
25 the four matters be taken under advisement.

1 MR. CHAKALIAN: Okay.

2 We'll start with 24097. Are there any  
3 objections to Exhibits A, B, C, and D?

4 Not hearing any, they are admitted into  
5 evidence.

6 Mr. McClure, do you have any questions  
7 on this case?

8 MR. MCCLURE: No questions, Mr. Hearing  
9 Examiner.

10 MR. CHAKALIAN: Then this case is taken  
11 under advisement. Let's go to '98 which presumably  
12 will look very different. And let's take a look at  
13 these exhibits here. Interesting.

14 So Mr. Feldewert, you had said that '97  
15 was going to look different than '98. What did you  
16 mean?

17 MR. FELDEWERT: So if I look at -- what  
18 are you looking at? 20498; right?

19 MR. CHAKALIAN: Yeah, 24098.

20 MR. FELDEWERT: Okay. You'll see it --  
21 the only difference is that in that case and in the  
22 remaining three cases, when you go to the Exhibit A  
23 you just have A1, A2, and A3. You do not have a well  
24 proposal letter and AFES.

25 MR. CHAKALIAN: I see.

1 MR. FELDEWERT: And you do not have a  
2 chronology of contacts because we're not pooling any  
3 working interest owners.

4 MR. CHAKALIAN: Very good. I  
5 understand.

6 Okay. Now, in 24098, are there any  
7 objections to Exhibits A, B, C, or D?

8 Hearing none, they are admitted into  
9 evidence.

10 Mr. McClure?

11 MR. MCCLURE: No questions on this  
12 case, Mr. Hearing Examiner.

13 MR. CHAKALIAN: This case will be taken  
14 under advisement. Let's go onto '99. Looking at the  
15 packet of exhibits, we have A, B, C, D.

16 Are there any objections into taking  
17 these exhibits into evidence?

18 Hearing none, they are so admitted.

19 Mr. McClure?

20 MR. MCCLURE: No questions for this  
21 case either, Mr. Hearing Examiner.

22 MR. CHAKALIAN: Okay.

23 And then finally we're going to go to  
24 24100. So this case is taken under advisement and we  
25 are at 24100. And we have Exhibits A, B, C, and D.

1 Are there any objections?

2 Not hearing any, these exhibits are  
3 admitted into evidence.

4 Mr. McClure?

5 MR. MCCLURE: Thank you, Mr. Hearing  
6 Examiner. I just have one quick clarifying verbal  
7 statement for Mr. Feldewert or from Mr. Feldewert, I  
8 guess.

9 Based upon the other three cases, it  
10 looks like your direct notice was sent out on December  
11 15th. Speculative -- I mean, I would assume that this  
12 was also done, however, it looks like on your template  
13 for your notice letter, the date was left off. So  
14 just if you could verbally confirm, I guess, that  
15 written notice was conducted December 15th or before?

16 I'm on page 24 of 27.

17 MR. FELDEWERT: In which case,  
18 Mr. McClure?

19 MR. MCCLURE: The last case, the 24100.

20 MR. FELDEWERT: Oh, let me get there.  
21 I think I know what you're talking about.

22 MR. CHAKALIAN: Yeah, Mr. Feldewert --

23 MR. FELDEWERT: It was only in this  
24 case; correct?

25 MR. MCCLURE: Yeah, this is the only

1 one I noticed that in. Yes, that is correct,  
2 Mr. Feldewert.

3 MR. FELDEWERT: Yeah. No, thank you.  
4 You are correct. In each matter they were all sent  
5 out at the same time. It's basically the same  
6 parties. So yes, it would have had the date of  
7 December 15th on it.

8 MR. MCCLURE: Okay. Thank you,  
9 Mr. Feldewert.

10 Thank you, Mr. Hearing Examiner. No  
11 further questions.

12 MR. CHAKALIAN: Okay. I'm going to  
13 check something here. Delivered to agency, all  
14 tracking history, Commerce City, December 14th.

15 So I can -- so Mr. McClure, I tracked  
16 the first tracking number on that list right below the  
17 letter with the date left off and it looks like it was  
18 sent out of Commerce City, Colorado on December 14th.  
19 So it looks like it would have been on or before  
20 December 15th.

21 MR. MCCLURE: Very good. Thank you,  
22 sir.

23 MR. CHAKALIAN: That dated it.

24 MR. FELDEWERT: That's -- how'd you do  
25 that?

1 MR. MCCLURE: You just enter it on  
2 the --

3 MR. CHAKALIAN: I just copied and  
4 pasted. It's simple as that. I just copy and pasted.

5 MR. MCCLURE: You know how to do it  
6 Mr. Feldewert. Don't lie to us.

7 MR. FELDEWERT: I'm not sure I've ever  
8 done that. So I'm not -- no, don't give me that much  
9 credit.

10 MR. CHAKALIAN: Okay. So case number  
11 24100 is taken under advisement.

12 Thank you, Mr. Feldewert.

13 MR. FELDEWERT: Thank you, gentlemen.

14 MR. CHAKALIAN: Thank you. We're down  
15 to our last two before we come back to Ms. Vance.

16 And hopefully Ms. Vance you're ready  
17 for us when we come back to you.

18 We are calling 24101, Matador.

19 MR. FELDEWERT: Mr. Examiner, I'm going  
20 to short circuit you here. If you recall these cases  
21 were dealt with this morning.

22 MR. CHAKALIAN: I don't remember, but  
23 I'm glad you told me. Thank you.

24 MR. FELDEWERT: Yeah, let me get back  
25 to -- it was when we were dealing with the -- give me

1 a minute.

2 MR. MCCLURE: The Wayne Gaylord, if  
3 that helps.

4 MR. FELDEWERT: Yes, thank you. Wayne  
5 Gaylord. When we were dealing with Matador cases  
6 24074 to '76.

7 MR. CHAKALIAN: I see it here.

8 MR. FELDEWERT: Yeah, so we've already  
9 addressed these matters.

10 MR. CHAKALIAN: I see it here. I'm  
11 looking through my notes in these cases and I didn't  
12 put a note in this -- in that and I'm surprised I  
13 didn't put a note there. Were there other cases on  
14 top of 24074 and '76 that we were --

15 MR. FELDEWERT: Yeah, well, we would  
16 have been -- it would have been Pride, Burton Flat.

17 MR. CHAKALIAN: Here it is, yes. Pride  
18 Energy. Yes, I see it now. 23944. Here's where the  
19 note is. Okay.

20 MR. FELDEWERT: Yeah, you got it.

21 MR. CHAKALIAN: Very good. Thank you  
22 for bringing that up. I appreciate it.

23 MR. FELDEWERT: Okay.

24 MR. CHAKALIAN: Thank you very much.  
25 And we're going to have a status conference on those

1 cases February 1st.

2 So Ms. Vance, we are left with your  
3 three cases. What are you doing with them?

4 MS. VANCE: Yes. Okay. So I will -- I  
5 have answers to everything for you.

6 MR. CHAKALIAN: Excellent. Let's start  
7 with 24084, Ameredev.

8 MS. VANCE: Okay. Perfect. So I just  
9 want to confirm, it is the first Bone Spring sand.  
10 And so it should just be in the compulsory pooling  
11 checklist. Let me go to it really quick. I believe  
12 all we need to do -- because it is that pool name and  
13 pool code for this particular well that all we would  
14 need is actually -- where is it?

15 In the formation, that first line under  
16 formation and pool is just put lower Bone Spring,  
17 because we're not pooling, you know, like, a vertical  
18 extent of that particular pool. We're pooling that  
19 pool. So I believe that's the only revisionment [ph]  
20 that we need to do in this case.

21 MR. CHAKALIAN: Mr. McClure?

22 MR. MCCLURE: Thank you. Yeah.

23 Ms. Vance, I concur and based upon,  
24 like, those cases we just heard from Mr. Feldewert, it  
25 was perfectly fine to do it that way. So I think you

1 should be fine if you would like to do that and that's  
2 what your plan is.

3 In which case my suggestion, I guess,  
4 Mr. Hearing Examiner, would be just for us to take it  
5 under advisement and then just leave the record open  
6 for a revised pooling checklist.

7 MR. CHAKALIAN: Okay. Hold on. I want  
8 to take notes.

9 MR. MCCLURE: Oh, I'm -- okay.

10 MR. CHAKALIAN: Well, I -- you're fine.  
11 Taken under advisement with an amended  
12 pooling checklist?

13 MR. MCCLURE: Correct.

14 MR. CHAKALIAN: And what information  
15 needs to be amended on the checklist, the pool code?

16 MR. MCCLURE: No. I don't know if  
17 you're looking at the pooling checklist right now, but  
18 a couple fields --

19 MR. CHAKALIAN: I'm not, no.

20 MR. MCCLURE: Oh, okay. It's -- the  
21 field is labeled formation name or vertical extent.  
22 It's the -- it's just above the pool code by a couple  
23 lines.

24 MR. CHAKALIAN: So the vertical extent?

25 MR. MCCLURE: Yeah, yes, I'm sorry.

1 Yes, that is correct. And they just need to -- it  
2 sounds like their plan is to correct it from Bone  
3 Spring to lower Bone Spring.

4 MS. VANCE: That's correct.

5 MR. CHAKALIAN: Well, okay. Ms. Vance,  
6 this case -- and when will you be filing that,  
7 Ms. Vance?

8 MS. VANCE: I will file it as soon as  
9 we are done with the hearing.

10 MR. CHAKALIAN: So how about we give  
11 you a deadline of tomorrow, the 5th of January?

12 MS. VANCE: That works for me. I do  
13 have a question just based off of some of the feedback  
14 that you provided to us. Am I only needing to provide  
15 a revised checklist with a cover letter or am I doing  
16 a cover letter with a completely revised hearing  
17 packet?

18 MR. CHAKALIAN: Yes, ma'am.

19 MS. VANCE: Okay. Easy enough. Okay.

20 MR. CHAKALIAN: Yes, please. Thank you  
21 for clarifying. Okay. I have that case now. We have  
22 taken that case 24084 under advisement. We're going  
23 to wait for your checklist to be amended with that  
24 vertical extent. And that's really the only change  
25 there.

1                   Now we're going to 24089. Let me find  
2 it. 24089. And what information do you have for us  
3 on this case?

4                   MS. VANCE: So we do -- we are  
5 continuing to pool the overrides. They just were  
6 inadvertently left off, but if you go to any of -- if  
7 you go to the original case, which I can give you the  
8 case numbers, you will see that those parties are on  
9 the pooling exhibit.

10                  But what I would propose to do is just  
11 go ahead and file revised packets that includes the  
12 overrides so that you can see that they remain pooled  
13 under the original pooling, under order.

14                  MR. CHAKALIAN: Okay.

15                  MS. VANCE: And I can --

16                  MR. CHAKALIAN: I'm sorry, Ms. Vance.  
17 I said the wrong case number and I want to correct  
18 myself.

19                  MS. VANCE: Oh, sure.

20                  MR. CHAKALIAN: I said 24089 was the  
21 next one of your cases that we're dealing with.  
22 That's not correct. What is the correct case number?

23                  MS. VANCE: So the two cases should be  
24 24086 and 24087.

25                  MR. CHAKALIAN: All right. '86 and

1 '87, very good. Okay. Now, so what are we doing with  
2 '86? Let's talk about them one at a time.

3 MS. VANCE: So '86 I would propose that  
4 I will provide a -- just a revised hearing packet that  
5 includes the updated pooling exhibit that includes all  
6 the parties that remain under the pooling order, which  
7 includes the overrides.

8 MR. CHAKALIAN: And what exhibit number  
9 is that?

10 MS. VANCE: C1.

11 MR. CHAKALIAN: C1, okay. So -- and  
12 you can do that by when?

13 MS. VANCE: I can do that after the  
14 hearing and I will --

15 MR. CHAKALIAN: Let's say close of  
16 business tomorrow?

17 MS. VANCE: That sounds perfect. And I  
18 will also include the affidavit of notice of  
19 publication to cover the notice, because I know that  
20 that was a concern for Mr. McClure since, you know,  
21 our report says that some of those came back.

22 MR. CHAKALIAN: So Mr. McClure, is it  
23 okay with you if we take this case under advisement as  
24 long as Ms. Vance submits the information she just  
25 talked about by close of business tomorrow?

1 MR. MCCLURE: Yes. I am in agreement,  
2 Mr. Hearing Examiner.

3 MR. CHAKALIAN: Wonderful.

4 So Ms. Vance, we'll take that case  
5 under advisement and that is -- and it just  
6 disappeared in front of me. So that was 240 -- was it  
7 '86?

8 MS. VANCE: Correct.

9 MR. CHAKALIAN: Great. Now we have  
10 '87. So let me find '87. 24087. And what are we  
11 doing with this case?

12 MS. VANCE: The exact same thing.

13 MR. CHAKALIAN: Ah, very good. Well,  
14 I'm not able to copy and paste my notes, so hold on a  
15 second. So applicant must provide -- ah, must revise  
16 hearing packet with updated pooling Exhibit C1, by  
17 close of business tomorrow, including all parties and  
18 include the affidavit of publication; right?

19 MS. VANCE: Correct.

20 MR. CHAKALIAN: Ms. Vance? You're  
21 nodding. Okay. I wasn't looking at the screen.

22 MS. VANCE: Sorry.

23 MR. CHAKALIAN: No, it's fine. I just  
24 didn't know. Okay. We have that note as well.

25 Mr. McClure, does that course of action

1 seem appropriate to you?

2 MR. MCCLURE: Yes, it does, Mr. Hearing  
3 Examiner.

4 MR. CHAKALIAN: Very good.

5 So unless there's anything further,  
6 24084, '86, and '87 are all taken under advisement  
7 with the notes and the discussion we've just had. And  
8 I believe that concludes today's docket unless  
9 there -- unless I am missing something.

10 MS. VANCE: Nothing from me,  
11 Mr. Hearing Examiner.

12 MR. CHAKALIAN: That's good.

13 MR. MCCLURE: Nothing I'm aware of  
14 either, Mr. Hearing Examiner.

15 MR. CHAKALIAN: Okay. Very good.  
16 Well, thank you for everyone's participation and enjoy  
17 the snow.

18 MR. MCCLURE: Thank you.

19 MR. CHAKALIAN: Bye, bye, thank you.

20 (Whereupon, the meeting concluded at  
21 3:54 p.m.)

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CERTIFICATE

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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CERTIFICATE OF TRANSCRIBER

I, TRAVIS HARTLEY, 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.



TRAVIS HARTLEY

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[applications - audio]

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[august - believe]

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[mendez - motion]

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