

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

**APPLICATIONS OF PERMIAN OILFIELD
PARTNERS, LLC TO APPROVE SALT WATER
DISPOSAL WELLS IN LEA COUNTY, NEW
MEXICO**

Case Nos. 24124 and 24125

PERMIAN OILFIELD PARTNERS, LLC'S REQUEST TO SET HEARING DATE

Permian Oilfield Partners, LLC ("POP"), through its undersigned attorneys, pursuant to the direction of the hearing office at the February 1, 2024 status conference held in these two cases, submits to the New Mexico Oil Conservation Division ("Division") its request to set a hearing date with respect to its two applications to approve salt water disposal wells in Lea County for February 16, 2024. In support whereof, the following is shown:

PROCEDURAL BACKGROUND:

1. On November 5, 2023, POP filed its administrative application for approval to drill the Vital Federal SWD Well #1 well at a surface location 335' from the South line and 258' from the West line, Unit M, Section 10, Township 20 South, Range 33 East, NMPM, Lea County, New Mexico for the purpose of operating a produced water disposal well.
2. As a result of the protest that MRC Permian Company ("MRC") submitted with respect to this administrative application, POP filed its application for the Vital Federal SWD Well #1 well (Case No. 23124) on December 22, 2023.
3. On November 5, 2023, POP filed its administrative application for approval to drill the Imperative Federal SWD Well #1 well at a surface location 795' from the North line and 2600' from the East line, Unit C, Section 11, Township 20 South, Range 33 East, NMPM, Lea County, New Mexico for the purpose of operating a produced water disposal well.

3. As a result of protest that MRC Hat Mesa, LLC (successor to Advance Energy Partners Hat Mesa, LLC) submitted with respect to this administrative application , POP filed its application for Imperative Federal SWD Well #1 well (Case No. 24125) with the Division on December 21, 2023, requesting a hearing date on February 1, 2024.

4. Counsel for MRC and Matador Production Company (“Matador”) entered appearances in both cases on January 11, 2024, and objected to the applications proceeding by affidavit.

5. Counsel for Avant Operating, LLC (“Avant”) entered an appearance on Case No. 24125 and objected to that case proceeding by affidavit.

6. The Division granted the requests of MRC, Matador and Avant to set a status conference in this matter on February 1, 2024.

7. At the February 1, 2024 status conference, counsel for MRC, Matador, and Avant all requested a May 2, 2024 hearing date, while POP requesting a hearing date for February 26, 2024.

THE PARTIES HAVE BEEN UNABLE TO AGREE ON A MUTUALLY ACCEPTABLE HEARING DATE:

8. POP retained undersigned counsel this afternoon due to a potential conflict that its former counsel had involving this matter.

9. In an email sent to POP’s former counsel at 6:01 p.m., MST, yesterday evening, Adam Rankin, counsel for Matador, stated that “Matador’s technical witnesses are unavailable for a contested hearing until May 2.” No further information was provided.

10. Undersigned counsel has also been informed that Avant’s counsel informed POP’s former counsel that Avant’s technical witnesses were not available for a late February

hearing. However, no further information was provided as to the reasons that they were not available for a late February hearing date.

11. Undersigned counsel has reached out to counsel for MRC and Matador this afternoon by email sent at 3:39 p.m. as well as counsel for Avant to determine whether they were amenable to a hearing date of February 29, 2024.

12. Understandably, since it is late on a Friday afternoon, opposing counsel have not responded to that email.

13. POP submits that the hearing on the applications should be set for February 29, 2024, or at a date close to February 29, 2024, for the following reasons. First, the administrative applications in these cases were filed in November and the pending applications were submitted in December. Thus, opposing parties have had sufficient time to review the applications and technical materials associated therewith and prepare an adequate response.

14. Second, while POP and its counsel understand that witness availability can sometimes be an issue, the mere naked assertion that a party's technical witnesses are unavailable for a hearing, and in MRC's case, not available for three months, is not sufficient to justify such a delay.

WHEREFORE, premises submitted, POP respectfully requests that its two applications be set for a hearing on February 29, 2024, or at a date close to February 29th.

ABADIE | SCHILL PC

/s/ Darin C. Savage

Darin C. Savage

Andrew D. Schill
William E. Zimsky
214 McKenzie Street
Santa Fe, New Mexico 87501

Telephone: 970.385.4401
Facsimile: 970.385.4901
darin@abadieschill.com
andrew@abadieschill.com
bill@abadieschill.com

Attorneys for Permian Oilfield Partners, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed with the New Mexico Oil Conservation Division and was served on counsel of record via electronic mail on February 2, 2024:

Michael H. Feldewert – mfeldewert@hollandhart.com
Adam G. Rankin – agrankin@hollandhart.com
Paula M. Vance – pmvance@hollandhart.com

***Attorneys for MRC Permian Company and Matador
Production Company***

Dana S. Hardy – dhardy@hinklelawfirm.com
Jaclyn M. McLean – jmclean@hinklelawfirm.com

Attorneys for Avant Operating, LLC

/s/ Darin C. Savage

Darin C. Savage