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

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

Docket No.  
42-24

Case Nos. 24184, 24185, 24255,  
24275, 24276, 24289, 24678,  
24290, 24296, 24297, 24457,  
24459, 24460, 24462, 24463,  
24479, 24542, 24574, 24575,  
24608, 24667, 24668, 24699,  
24701, 24712, 24713, 24714,  
24721, 24736, 24732, 24733,  
24734, 24735, 24750, 24755,  
24756, 24757, 24758, 24759,  
24760, 24761, 24762, 24763,  
24764, 24765, 24766, 24767,  
24768, 24769, 24770, 24771,  
24772, 24773, 24774, 24775,  
24776, 24777, 24778, 24779,  
24780, 24781, 24782, 24783,  
24784, 24785, 24786, 24787,

1 24788, 24789, 24790, 24791,  
2 24792, 24793, 24794, 24797,  
3 24799, 24807, 24808, 24809,  
4 24810, 24811, 24830, 24851,  
5 24852, 24854, 24855, 24856,  
6 24857, 24858, 24862, 24863,  
7 24861, 24870

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HEARING

10

DATE: Thursday, October 10, 2024

11

TIME: 8:30 a.m.

12

BEFORE: Hearing Examiner Gregory A. Chakalian

13

LOCATION: Pecos Hall

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Wendell Chino Building

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1220 South Saint Francis Drive

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Santa Fe, NM 87505

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REPORTED BY: James Cogswell

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JOB NO.: 6773986

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A P P E A R A N C E S

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

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

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

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

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

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

ALSO PRESENT:

John Garcia, Technical Examiner, Oil Conservation  
Division (by videoconference)  
Freya Tschantz, Oil Conservation Division  
Brian Dombroski, Witness (by videoconference)  
Paul Spear, Witness (by videoconference)  
Jonathan Truong, Witness (by videoconference)  
Michael Gregory, Witness (by videoconference)

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E X H I B I T S

NO.	DESCRIPTION	ID/EVD
Case No. 24713		
Exhibit A	Self-Affirmed Statement of Sean Johnson	40/40
Exhibit B	Self-Affirmed Statement of Brian Dombroski	40/40
Exhibit C	Self-Affirmed Statement of Michael Rodriguez	40/40
Case No. 24721		
Exhibit A	Self-Affirmed Statement of Isabella Sikes, Landman	49/49
Exhibit B	Self-Affirmed Statement of Staci Frey, Geologist	49/49
Exhibit C	Self-Affirmed Statement of Notice, James Bruce	49/49
Case No. 24736		
Exhibit A	Self-Affirmed Statement of Isabella Sikes, Landman	50/50
Exhibit B	Self-Affirmed Statement of Staci Frey, Geologist	50/50
Exhibit C	Self-Affirmed Statement of Notice, James Bruce	50/50

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

NO.	DESCRIPTION	ID/EVD
Case Nos. 24732/33/34/35, 24772		
Exhibit A	Self-Affirmed Statement of Landman Michael Gregory	65/65
Exhibit B	Self-Affirmed Statement of Geologist Thomas M. Anderson	65/65
Exhibit C	Self-Affirmed Statement of Lawyer Sharon S. Shaheen	65/65
Case No. 24830		
Catamount:		
Exhibit A	Self-Affirmed Statement of Denise Greer, Senior Landman	75/76
Exhibit B	Self-Affirmed Statement of Paul Spear, Geologist	75/76
Exhibit C	Self-Affirmed Statement of Notice	75/76
Exhibit D	Affidavit of Publication	75/76

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

NO.	DESCRIPTION	ID/EVD
Case No. 24851		
Exhibit A	Self-Affirmed Statement of Adams Davenport	80/80
Exhibit B	Self-Affirmed Statement of Dana S. Hardy	80/80
Case No. 24852		
Exhibit A	Self-Affirmed Statement of Adams Davenport	80/80
Exhibit B	Self-Affirmed Statement of Dana S. Hardy	80/80
Case No. 24854		
Exhibit A	Self-Affirmed Statement of Rex D. Barker	83/83
Exhibit B	Self-Affirmed Statement of Jonathan Truong	83/83
Exhibit C	Self-Affirmed Statement of Dana S. Hardy	83/83

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case Nos. 24855/56/57/58, 24862/63		
4	Exhibit A	Self-Affirmed Statement	
5		of Travis Macha	87/87
6	Exhibit B	Self-Affirmed Statement of	
7		Chris Reudelhuber	87/87
8	Exhibit C	Self-Affirmed Statement of	
9		Dana S. Hardy	87/87
10			
11	Case No. 24859		
12	Exhibit A	Compulsory Pooling	
13		Checklist	91/91
14	Exhibit B	Self-Affirmed Statement	
15		of Ben Metz, Geologist	91/91
16	Exhibit C	Declaration of Deana Bennett	
17		re: Notice information	91/91
18			
19	Case No. 24861		
20	Exhibit A	Compulsory Pooling	
21		Checklist	92/92
22	Exhibit B	Self-Affirmed Statement	
23		of Ben Metz, Geologist	92/92
24	Exhibit C	Declaration of Deana Bennett	
25		Re: Notice information	92/92

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

NO.	DESCRIPTION	ID/EVD
Case No. 24870		
Exhibit A	Self-Affirmed Statement of Taylor Warren	95/95
Exhibit B	Self-Affirmed Statement of Dana S. Hardy	95/95

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P R O C E E D I N G S

THE HEARING EXAMINER: Good morning, everyone. It's 8:30 a.m. These are the hearings of the Oil Conservation Division. My name is Gregory Chakalian. It is October 10 at 8:30 a.m. We're going to start with line 1, case number 23426, BTA Oil Producers.

Entries of appearance, please.

MS. HARDY: Good morning, Mr. Examiner. Dana Hardy with Hinkle Shanor, on behalf of BTA Oil Producers, LLC.

THE HEARING EXAMINER: Good morning.

MS. HARDY: Good morning.

MR. BRUCE: Mr. Examiner, Jim Bruce, on behalf of Texas Standard Oil.

THE HEARING EXAMINER: Texas, I'm sorry?

MR. BRUCE: Texas Standard Oil.

THE HEARING EXAMINER: Thank you, sir. Good morning.

MR. BRUCE: Good morning.

THE HEARING EXAMINER: Are those the only parties that you know of, Ms. Hardy?

MS. HARDY: Yes.

THE HEARING EXAMINER: Okay. What are

1 we doing with your case?

2 MS. HARDY: So I filed a motion to  
3 dismiss BTA's application late yesterday.

4 THE HEARING EXAMINER: Oh. Okay.

5 MS. HARDY: So it should take care of  
6 the matter, and expecting it to be dismissed.

7 THE HEARING EXAMINER: I'll get an  
8 order. I'll sign the order and it'll be over with.  
9 So thank you very much.

10 MS. HARDY: Thank you.

11 THE HEARING EXAMINER: Okay, we are off  
12 the record in that case.

13 (Off the record.)

14 THE HEARING EXAMINER: I'm now calling  
15 number 2 on our list. It's 24574. It's joined with  
16 24575, Marathon Oil Permian. Entries of appearance  
17 please.

18 MS. BENNETT: Good morning, Mr.  
19 Examiner. Deana Bennett, on behalf of Marathon Oil  
20 Permian, LLC.

21 THE HEARING EXAMINER: Good morning.

22 MS. SHAHEEN: Good morning. Sharon  
23 Shaheen, Santa Fe office of Spencer Fane, on behalf of  
24 Flat Creek Resources.

25 THE HEARING EXAMINER: Good morning.

1 MR. RODRIGUEZ: Good morning. Michael  
2 Rodriguez, on behalf of Civitas Permian Operating,  
3 LLC.

4 THE HEARING EXAMINER: Good morning.  
5 Let's start with you, Mr. Rodriguez. Did you file an  
6 objection?

7 MR. RODRIGUEZ: No, I did not.

8 THE HEARING EXAMINER: You did not.  
9 Are you monitoring?

10 MR. RODRIGUEZ: Yeah. Currently we're  
11 monitoring. These cases are all attached to several  
12 other cases that are on the docket. And I think Ms.  
13 Bennett might be able to speak to that a little bit  
14 more.

15 THE HEARING EXAMINER: Okay, so these  
16 cases should be joined, Ms. Bennett, with what other  
17 cases?

18 MS. BENNETT: Well, just very  
19 quickly --

20 THE HEARING EXAMINER: Yeah.

21 MS. BENNETT: -- I'm going to be  
22 dismissing these cases.

23 THE HEARING EXAMINER: Oh.

24 MS. BENNETT: I just received an email  
25 from Marathon saying that they've reached an agreement

1 with Flat Creek, and so that I can dismiss these  
2 cases. And so I can tell you which other cases they  
3 relate to if you'd like, but I think it might be  
4 irrelevant at this point.

5 THE HEARING EXAMINER: Good point. So  
6 Mr. Rodriguez, now that you know that these are being  
7 dismissed, how does that affect the other cases?

8 MR. RODRIGUEZ: I believe the other  
9 cases are set to just be heard as unopposed affidavit  
10 cases.

11 THE HEARING EXAMINER: Today?

12 MR. RODRIGUEZ: Today.

13 THE HEARING EXAMINER: Today. Okay.

14 Thank you, Mr. Rodriguez.

15 MR. RODRIGUEZ: And if you'd like. I  
16 can point out which case those --

17 THE HEARING EXAMINER: It's okay. Not  
18 necessary. I understand what's going on. Ms.  
19 Shaheen, anything further?

20 MS. SHAHEEN: No, Mr. Examiner. Our  
21 cases will go forward by affidavit today.

22 THE HEARING EXAMINER: And you have  
23 cases as well?

24 MS. SHAHEEN: Yes. And I can give you  
25 the numbers if you like. They're the Jurnegan cases.

1 THE HEARING EXAMINER: Thank you very  
2 much. Okay. So Ms. Bennett, you're going to file  
3 motions to dismiss?

4 MS. BENNETT: Yes. I'll file those  
5 today. Thank you.

6 THE HEARING EXAMINER: You, Ms.  
7 Bennett. We're off the record on those cases.

8 (Off the record.)

9 THE HEARING EXAMINER: Let's move to  
10 line number 4 through -- 806 is number 4 through 9, it  
11 looks like. And those case numbers are 24798 and  
12 24800, 803, 804, 805, and 806. Permian Resources.

13 Entries of appearance, please.

14 MS. SHAHEEN: Sharon Shaheen, on behalf  
15 of Permian Resources.

16 MS BENNETT: Good morning, Mr.  
17 Examiner. Deana Bennett, on behalf of Alpha Energy  
18 Partners.

19 MR. FELDEWERT: Good morning, Mr.  
20 Examiner. Michael Feldewert, Santa Fe office of  
21 Holland & Hart, on behalf of COG Operating, LLC, and  
22 Concho Oil & Gas, LLC.

23 THE HEARING EXAMINER: Morning. Mr.  
24 Rodriguez, are you involved with -- ?

25 MR. RODRIGUEZ: I'm not.

1 THE HEARING EXAMINER: Okay. So we  
2 have three parties here.

3 Mr. Feldewert, did you file an  
4 objection?

5 MR. FELDEWERT: No, sir.

6 THE HEARING EXAMINER: Okay.

7 Ms. Bennett?

8 MS. BENNETT: Yes. Thank you. And I  
9 think there might be at least one other party in these  
10 cases that is represented by Mr. Bruce. They filed an  
11 objection as well.

12 THE HEARING EXAMINER: Thank you, Ms.  
13 Bennett.

14 Mr. Bruce?

15 MR. BRUCE: Mr. Examiner, I believe I'm  
16 representing, I believe -- sorry, my computer was all  
17 screwed up when I got up this morning, and I'm  
18 operating by the seat of my pants. I -- I think I was  
19 representing Red River Energy Partners.

20 THE HEARING EXAMINER: That's correct,  
21 Mr. Bruce. It is on my sheet here. I wasn't sure if  
22 you were still representing them or not. Did you file  
23 an objection?

24 MR. BRUCE: I don't believe I did.  
25 It's -- I --

1 THE HEARING EXAMINER: Well, let's just  
2 assume that you did. So, we'll assume that you did.

3 So, Ms. Shaheen, these are your cases.

4 MS. SHAHEEN: Yes, thank you, Mr.  
5 Examiner. I spoke with Counsel for Alpha Energy, and  
6 she may be able to speak more to this. But I  
7 understand that Alpha will be sending out competing  
8 well proposals. And Permian -- as a result, Permian  
9 would propose that we set this for a contested hearing  
10 in January.

11 THE HEARING EXAMINER: Okay. That's  
12 perfectly fine. Any objections to that, Ms. Bennett?

13 MS. BENNETT: No objection to that. I  
14 think that is in line with the timing that it would  
15 take for me to get the applications on file. I  
16 haven't had a chance to coordinate with Alpha about  
17 particular dates in January, but I was thinking that's  
18 where we were headed.

19 THE HEARING EXAMINER: Mr. Feldewert,  
20 any objections to that?

21 MR. FELDEWERT: No, sir.

22 THE HEARING EXAMINER: Okay. And Mr.  
23 Bruce, any objections to a hearing contested in  
24 January?

25 MR. BRUCE: No, sir.

1 THE HEARING EXAMINER: Do you think Red  
2 River is going to file competing applications?

3 MR. BRUCE: I do not believe so. I  
4 think we can assume they're not.

5 THE HEARING EXAMINER: Okay. Freya,  
6 dates in January?

7 MS. TSCHANTZ: Yes. We have January  
8 14th and January 28th.

9 THE HEARING EXAMINER: Excellent.  
10 Thank you. Ms. Shaheen, January 14 or January 28?

11 MS. SHAHEEN: I'm going to be asking  
12 for another contested hearing in January, and on the  
13 14th. So let's go with the 28th on this one.

14 THE HEARING EXAMINER: Okay. Or we  
15 could, if you think that resolution is still possible,  
16 we can do a trailing docket and have both cases. That  
17 way possibly your witnesses will already be here?

18 MS. SHAHEEN: That's possible. It's a  
19 little complicated, but that's fine. We can shoot for  
20 January 14th. It would be fine.

21 THE HEARING EXAMINER: Perfect.

22 Freya, could you make a note that we  
23 need a pre-hearing order for these cases? It looks  
24 like there's six cases.

25 Ms. Shaheen, do you anticipate --

1 Well, I suppose Ms. Bennett, if you're  
2 filing competing, would you also file a motion to  
3 consolidate?

4 MS. BENNETT: I will.

5 THE HEARING EXAMINER: Okay. Thank  
6 you. And when do you anticipate -- have you sent out  
7 proposals yet?

8 MS. BENNETT: No. The proposals are  
9 planning to be sent out in the next couple of weeks,  
10 which is why --

11 THE HEARING EXAMINER: Right.

12 MS. BENNETT: -- then, we're cascading  
13 into January.

14 THE HEARING EXAMINER: Makes sense.  
15 Thank you.

16 Ms. Shaheen, is there anything else?

17 MS. SHAHEEN: Not from Permian, thank  
18 you for --

19 THE HEARING EXAMINER: So we'll do  
20 January 14th. This will be the first contested  
21 hearing on that special docket. And if we add your  
22 other cases, it'll trail. Okay. Anything else, Mr.  
23 Feldewert --

24 MR. LARSON: Pardon, Mr. Hearing  
25 Officer?

1 THE HEARING EXAMINER: I hear you.

2 MR. LARSON: Hi. I apologize. I had  
3 to call from a different phone. I was able to listen  
4 on the first one, but apparently no one could hear me.

5 My name is Derek Larson, and I'm  
6 appearing on behalf of -- I can list them, but several  
7 of the, at this point, unleased owners of property on  
8 these cases. And just wanted to --

9 THE HEARING EXAMINER: I think I see  
10 them, Mr. Larson. Like, Bill Taylor and Harvey  
11 Taylor, et cetera?

12 MR. LARSON: Yes, sir.

13 THE HEARING EXAMINER: Okay --

14 MR. LARSON: And I apologize for --

15 THE HEARING EXAMINER: That's okay.  
16 Have you filed an entry of appearance?

17 MR. LARSON: Yes, I did, as well as an  
18 objection to the hearing by affidavit. But having  
19 listened now to the resetting in January, that sounds  
20 fine.

21 THE HEARING EXAMINER: Oh, good.  
22 Excellent. Do you anticipate filing a competing  
23 application?

24 MR. LARSON: No.

25 THE HEARING EXAMINER: Okay.

1 MR. LARSON: We will likely be -- we're  
2 in the process of negotiating voluntary leases, and I  
3 think we'll have that wrapped up in the very near  
4 future, certainly by January.

5 THE HEARING EXAMINER: If you do  
6 participate in the contested hearing, would you be  
7 questioning witnesses, or would you be presenting any  
8 of your own?

9 MR. LARSON: Probably not. We just  
10 want -- we do want it to be on the record, and have a  
11 full hearing as opposed to by affidavit, so.

12 THE HEARING EXAMINER: Okay. If you  
13 still do have an interest in the contested hearing,  
14 it'll be in person here in Santa Fe. Do you know  
15 that?

16 MR. LARSON: Correct. Yes, sir.

17 THE HEARING EXAMINER: Okay. I wanted  
18 to make sure you knew.

19 MR. LARSON: Yes.

20 THE HEARING EXAMINER: Anything  
21 further, Mr. Larson?

22 MR. LARSON: No. Thank you.

23 THE HEARING EXAMINER: Yeah, thank you.

24 Mr. Feldewert, if you participate in  
25 the contested hearing, would you be presenting any

1 witnesses?

2 MR. FELDEWERT: Doubtful.

3 THE HEARING EXAMINER: Okay. And Mr.  
4 Bruce, would you be presenting any witnesses?

5 MR. BRUCE: I doubt it.

6 THE HEARING EXAMINER: Okay, thank you.  
7 So it sounds like it'll be Ms. Bennett and Ms. Shaheen  
8 who'll be carrying the weight of the hearing.

9 MS. SHAHEEN: That sounds right to me.

10 THE HEARING EXAMINER: All right.  
11 Excellent. Anything further, Ms. Shaheen?

12 MS. SHAHEEN: Not for me. And thank  
13 you.

14 THE HEARING EXAMINER: Ms. Bennett?

15 MS. BENNETT: Nothing further. Thank  
16 you so much.

17 THE HEARING EXAMINER: All right.  
18 We'll get a pre-hearing order out, and then we'll look  
19 for your filings in six weeks or so, and we'll  
20 consolidate them and go from there. We're off the  
21 record in these cases.

22 (Off the record.)

23 THE HEARING EXAMINER: Moving now to  
24 lines 10 -- which is joined with other lines here.  
25 It's Flat Creek Resources 24807, 808, 809, and 810.

1 Entries of appearance, please.

2 MS. SHAHEEN: Sharon Shaheen from the  
3 Santa Fe office of Spencer Fane, on behalf of Flat  
4 Creek Resources.

5 THE HEARING EXAMINER: Thank you.

6 MS. HARDY: Good morning, Mr. Examiner.  
7 Dana Hardy with Hinkle Shanor on behalf of Permian  
8 Resources Operating.

9 THE HEARING EXAMINER: Thank you.  
10 Okay. Ms. Hardy, did you file an objection?

11 MS. HARDY: Yes, we did object.

12 THE HEARING EXAMINER: Can you tell me  
13 why?

14 MS. HARDY: Yes, because Permian  
15 Resources owns a significant interest in these basin  
16 units and is negotiating with other parties to  
17 acquire, or will have, approximately 80 percent of the  
18 acreage, which is far more than Flat Creek owns.

19 THE HEARING EXAMINER: Yeah.

20 MS. HARDY: And so Permian Resources  
21 wants an opportunity to try to reach an agreement or  
22 propose its own development plan.

23 THE HEARING EXAMINER: Which way do you  
24 think you're going?

25 MS. HARDY: I don't know the answer to

1 that question right now.

2 THE HEARING EXAMINER: So you may file  
3 competing applications if negotiations are not  
4 successful?

5 MS. HARDY: That's correct.

6 THE HEARING EXAMINER: Okay. Ms.  
7 Shaheen, how long are you willing to negotiate before  
8 you ask me for a setting?

9 MS. SHAHEEN: That's also a good  
10 question. I've spoken with Ms. Hardy, and I think it  
11 might be helpful for us to set this for a contested  
12 hearing in January if that's possible.

13 THE HEARING EXAMINER: This is the case  
14 that you were going to ask --

15 MS. SHAHEEN: Yes. And it's a little  
16 complicated because I'm in the position of probably  
17 withdrawing, as I have a conflict, since I also  
18 represent Permian. So that --

19 THE HEARING EXAMINER: You think you'll  
20 be withdrawing from representing Flat Creek?

21 MS. SHAHEEN: Yes.

22 THE HEARING EXAMINER: Then I think  
23 what I'll do, Ms. Shaheen, is, let's set these for  
24 another status conference, maybe next month, in  
25 December or November, or something like that. That

1 way we can see who's representing them and how the  
2 negotiations are going with Ms. Hardy's client. And  
3 then we can see how serious the parties are about  
4 having a contested hearing. Since we're limited to  
5 the number of contested hearings and technical  
6 examiners that we have access to each month, unless  
7 something is at an impasse, I'm not going to set a  
8 contested hearing.

9 MS. SHAHEEN: That makes perfect sense.

10 THE HEARING EXAMINER: All right. So  
11 then would you prefer November or December to have  
12 another status conference?

13 MS. SHAHEEN: I think November would be  
14 good.

15 THE HEARING EXAMINER: Freya, what are  
16 the dates? Is it the 7th and the 21st?

17 MS. TSCHANTZ: We would need to set it  
18 on November 21st. That's our status conference  
19 docket.

20 THE HEARING EXAMINER: That's right.  
21 Thank you. Okay. So Ms. Shaheen, while you're still  
22 representing Flat Creek, would you file a continuance  
23 to the November 21st docket?

24 MS. SHAHEEN: I will do that.

25 THE HEARING EXAMINER: All right.

1 Thank you.

2 Anything further, Ms. Hardy?

3 MS. HARDY: No, thank you.

4 THE HEARING EXAMINER: Very good.

5 We're off the record in those cases.

6 (Off the record.)

7 THE HEARING EXAMINER: Let's move on  
8 now to Avant Operating's application. This is line  
9 14. It is joined with line 15. It's 24872, 24873.

10 Entries of appearance, please.

11 MR. HOLLIDAY: Good morning, Mr.  
12 Examiner. Ben Holliday, on behalf of the applicant,  
13 Avant Operating.

14 THE HEARING EXAMINER: Morning.

15 MR. FELDEWERT: Good morning, Mr.  
16 Examiner. Michael Feldewert with the Santa Fe office  
17 of Holland & Hart, appearing on behalf of Apache  
18 Corporation. I'm also appearing on behalf of Permian  
19 Resources. And I'm also appearing on behalf of  
20 Mewbourne Oil Company.

21 THE HEARING EXAMINER: Thank you.

22 MS. HATLEY: Good morning, Mr.  
23 Examiner. Keri Hatley appearing on behalf of  
24 ConocoPhillips.

25 THE HEARING EXAMINER: I didn't quite

1 get your name. Would you say it again?

2 MS. HATLEY: Yes. Keri, K-E-R-I,  
3 Hatley, H-A-T-L-E-Y.

4 THE HEARING EXAMINER: And what firm  
5 are you with?

6 MS. HATLEY: ConocoPhillips.

7 THE HEARING EXAMINER: Thank you. Ms.  
8 Hatley, did you file an objection?

9 MS. HATLEY: No, sir.

10 THE HEARING EXAMINER: Okay, thank you.  
11 And so, are you monitoring?

12 MS. HATLEY: Yes.

13 THE HEARING EXAMINER: Thank you, Ms.  
14 Hadley.

15 Mr. Feldewert, did you file an  
16 objection?

17 MR. FELDEWERT: Yes, sir. Well, let me  
18 step back. Apache Corporation filed an objection.  
19 Permian Resources filed an objection. But, I was told  
20 this morning that Permian Resources can now withdraw  
21 its objection.

22 THE HEARING EXAMINER: Okay.

23 MR. FELDEWERT: So we won't be doing  
24 that. Mewbourne is evaluating its position in these  
25 matters.

1 THE HEARING EXAMINER: But you're  
2 maintaining a past objection?

3 MR. FELDEWERT: Yes.

4 THE HEARING EXAMINER: Okay. So we  
5 still have an objection. Mr. Holliday, how do you  
6 want to proceed?

7 MR. HOLLIDAY: I would prefer that we  
8 set this for a status conference. It sounds like  
9 there's an opportunity to resolve this. If we could  
10 set it for a status conference on the December docket,  
11 that would be preferable.

12 THE HEARING EXAMINER: Preferable to  
13 the November docket?

14 MR. HOLLIDAY: Yes.

15 THE HEARING EXAMINER: When did you  
16 file these cases?

17 MR. HOLLIDAY: These cases were  
18 filed -- I actually have entered an appearance on  
19 behalf of the party that filed the cases. I believe  
20 these were filed in September.

21 THE HEARING EXAMINER: September. All  
22 right. So they're not very old then. So you would  
23 prefer the December docket, and Freya, that would be  
24 December what?

25 MS. TSCHANTZ: The 19th.

1 THE HEARING EXAMINER: December 19.  
2 All right. So, Mr. Holliday, that should give you two  
3 months to negotiate. And if by that time it doesn't  
4 look good, then we'll set these for a contested  
5 hearing.

6 We could even set them in January, so  
7 you might want to think about dates in January. We  
8 already offered another party dates on January 14 and  
9 28, so you might think about those dates for a  
10 contested hearing if your negotiations don't pan out.

11 MR. HOLLIDAY: Yes, sir.

12 THE HEARING EXAMINER: Okay. Freya,  
13 would you say it again? December what?

14 MS. TSCHANTZ: December 19th.

15 THE HEARING EXAMINER: 19th, thank you,  
16 status conference.

17 So Mr. Holliday, would you move these  
18 two cases to the December 19 docket?

19 MR. HOLLIDAY: Yes, sir.

20 THE HEARING EXAMINER: All right, thank  
21 you. Anything further, Mr. Holliday?

22 MR. HOLLIDAY: No, thank you.

23 THE HEARING EXAMINER: Mr. Feldewert?

24 MR. FELDEWERT: No, thank you.

25 THE HEARING EXAMINER: All right.

1                   And Ms. Hatley?

2                   MS. HATLEY: No, thank you.

3                   THE HEARING EXAMINER: All right.

4 Well, thank you. We're off the record.

5                   (Off the record.)

6                   THE HEARING EXAMINER: Calling now,  
7 line 16, Civitas Permian, at 24713.

8                   Entries of appearance, please.

9                   MR. RODRIGUEZ: Good morning, Michael  
10 Rodriguez, on behalf of Civitas Permian Operating,  
11 LLC.

12                  THE HEARING EXAMINER: Thank you.

13                  MS. HARDY: Good morning, Mr. Examiner.  
14 Dana Hardy with Hinkle Shanor, on behalf of 3R  
15 Operating.

16                  THE HEARING EXAMINER: Thank you.

17                  MR. SAVAGE: Good morning, Mr. Hearing  
18 Examiner. Darin Savage with Abadie & Schill,  
19 appearing on behalf of Cimarex Energy.

20                  THE HEARING EXAMINER: Mr. -- is there  
21 more?

22                  MS. BENNETT: Yes.

23                  THE HEARING EXAMINER: Oh.

24                  MS. BENNETT: Good morning, Mr.  
25 Examiner. Deana Bennett, on behalf of Marathon Oil

1 Permian, LLC.

2 THE HEARING EXAMINER: Have you  
3 actually filed an entry of appearance?

4 MS. BENNETT: I did. I filed it  
5 yesterday.

6 THE HEARING EXAMINER: Oh, yesterday.  
7 Okay.

8 MS. BENNETT: I also entered my  
9 appearance orally, on September 12th.

10 THE HEARING EXAMINER: Thank you. And  
11 you're representing who?

12 MS. BENNETT: Marathon Oil Permian.

13 THE HEARING EXAMINER: Thank you. Ms.  
14 Bennett, did you file an objection?

15 MS. BENNETT: I did not.

16 THE HEARING EXAMINER: You did not.  
17 Mr. Savage?

18 MR. SAVAGE: Did not, thank you.

19 THE HEARING EXAMINER: You said no?

20 MR. SAVAGE: No.

21 THE HEARING EXAMINER: Okay. All  
22 right, Mr. Rodriguez?

23 MR. RODRIGUEZ: Thank you. Would you  
24 like me to present the abbreviated version of --

25 THE HEARING EXAMINER: Okay.

1 MR. RODRIGUEZ: So in case number  
2 24713, the land witness in this case is Sean Johnson,  
3 who has previously testified before the Division as an  
4 expert in petroleum land matters. However, the  
5 geologist in this case, who is Brian Dombroski, has  
6 not previously testified before the Division and  
7 attaches Exhibit B1, his resume, for review.

8 THE HEARING EXAMINER: Is he here with  
9 us?

10 MR. RODRIGUEZ: He is.

11 THE HEARING EXAMINER: Let's get him  
12 sworn in. Dombroski?

13 MR. DOMBROSKI: Dombroski. Yes, sir.

14 THE HEARING EXAMINER: Can you say it  
15 again, please?

16 MR. DOMBROSKI: Dombroski.

17 THE HEARING EXAMINER: Would you spell  
18 your name for the record?

19 MR. DOMBROSKI: Brian, B-R-I-A-N,  
20 Dombroski, D-O-M-B-R-O-S-K-I.

21 THE HEARING EXAMINER: Okay. And what  
22 field of expertise are you seeking to be qualified  
23 before this Division?

24 MR. DOMBROSKI: Geology. Petroleum  
25 geology.

1 THE HEARING EXAMINER: Petroleum  
2 geology. Okay. While I'm pulling up the exhibits for  
3 this case, can you briefly talk about your education  
4 and then go into your experience?

5 MR. DOMBROSKI: Yes, sir. I -- I got a  
6 undergrad and master's degree from North Carolina  
7 State. Did exploration for lithium in the mountains  
8 of North Carolina straight out of school. Went to  
9 Chesapeake Energy and worked there for approximately  
10 ten years. Did -- drilled more than 100 wells in  
11 the -- primarily in the Fort Worth Basin. Did  
12 exploration and as well as science.

13 From there moved to Galvanic Energy.  
14 Started a lithium -- that's a lithium exploration  
15 company. And then most recently went to Novo Oil &  
16 Gas. Worked there for six years in the Northern  
17 Delaware Basin, specifically. Drilled a number of  
18 wells. And then finally when -- when Novo sold, was  
19 hired as a contractor with Blue Ox, which became part  
20 of Civitas. And that's where I currently am.

21 THE HEARING EXAMINER: Okay. Thank  
22 you. Mr. Rodriguez, I'm looking for your exhibits in  
23 this case, 24713. I'm in the right case number.

24 MR. RODRIGUEZ: Yes. I'm sorry there  
25 was an amended exhibit packet that was submitted --

1 that.

2 THE HEARING EXAMINER: No wonder. Let  
3 me figure out which it is, because I also have entries  
4 of appearance, and we don't list the documents,  
5 unfortunately, by what they are, so we literally have  
6 to click on each one to figure out what it is. Okay,  
7 I think I found it. It's a 38-page document in which  
8 you have an Exhibit B and B1?

9 MR. RODRIGUEZ: That is correct.

10 THE HEARING EXAMINER: So can you help  
11 me with -- what page is Exhibit B1 on?

12 MR. RODRIGUEZ: About 28, I believe.

13 THE HEARING EXAMINER: Thank you.

14 MR. RODRIGUEZ: Thank you.

15 THE HEARING EXAMINER: So Mr.  
16 Dombroski, while you were giving me an overview of  
17 your education and your experience, I heard that you  
18 drilled wells, but I wasn't sure in what capacity you  
19 were. So I'm looking now at your resume because I  
20 didn't get what I needed from what you told me.

21 MR. DOMBROSKI: Okay.

22 THE HEARING EXAMINER: But I see that  
23 you were a geologist at these companies.

24 MR. DOMBROSKI: Yes, sir.

25 THE HEARING EXAMINER: So now I'm

1 putting two and two together, and I'm getting what I  
2 need. So thank you, sir. You are hereby qualified as  
3 an expert in petroleum geology before this Division  
4 from here on in.

5 MR. DOMBROSKI: Thank you.

6 THE HEARING EXAMINER: So while we have  
7 you here, let me ask our technical examiner, Mr.  
8 Garcia, are you with us?

9 MR. GARCIA: Yeah, sorry.

10 THE HEARING EXAMINER: Thank you. Do  
11 you have any questions in this case?

12 MR. GARCIA: I do not.

13 THE HEARING EXAMINER: You do not.

14 Okay. So thank you, Mr. Dombroski. We don't need to  
15 put you under oath and ask you any questions today.

16 MR. DOMBROSKI: Okay.

17 THE HEARING EXAMINER: Thank you for  
18 your participation. Mr. Rodriguez, you've heard that  
19 we don't have any technical questions. You want to  
20 give me just a very quick wrap-up on your exhibits and  
21 ask them to be entered so we can move on?

22 MR. RODRIGUEZ: Absolutely. Exhibit C  
23 contains the notice testimony and exhibits, where the  
24 notice of hearing letters are demonstrated to be sent  
25 out July 19, 2024, and the affidavit of publication

1 was published July 25, 2024. And at this point, I  
2 request the exhibits and related sub-exhibits be  
3 admitted into the record in case 24713, and the case  
4 be taken under advisement.

5 THE HEARING EXAMINER: Perfect. Any  
6 objections?

7 MS. BENNETT: No objections.

8 THE HEARING EXAMINER: Okay.

9 MS. SAVAGE: No objections.

10 THE HEARING EXAMINER: Thank you.

11 MR. SAVAGE: No objection, thank you.

12 THE HEARING EXAMINER: These exhibits  
13 are admitted to evidence, and your case is taken under  
14 advisement.

15 (24713 Exhibit A, Exhibit B and Exhibit  
16 C were marked for identification and  
17 received into evidence.)

18 MR. RODRIGUEZ: Thank you.

19 THE HEARING EXAMINER: Thank you, Mr.  
20 Rodriguez.

21 Okay, let's move on to cases 17  
22 through -- well, let's just say 17 and 18 for now.  
23 This is Cimarex Energy. Wait a second. They're  
24 joined together by the two different companies, so I'm  
25 not sure -- I'm going to call them anyway. 24721 and

1 24736. Entries of appearance, please.

2 MR. SAVAGE: Good morning, Mr.  
3 Examiner. Darin Savage with Abadie & Schill,  
4 appearing on behalf of Cimarex Energy Company.

5 THE HEARING EXAMINER: Thank you. And  
6 who is --

7 MR. BRUCE: Mr. Examiner, Jim Bruce,  
8 representing Pride Energy Company.

9 THE HEARING EXAMINER: Okay. Okay,  
10 very good. Thank you. So these cases are joined for  
11 what reason, Mr. Savage?

12 MR. SAVAGE: These are a joint  
13 application for the creation of Wolfbone for Cimarex  
14 and Pride Energy.

15 THE HEARING EXAMINER: Is this a  
16 special pool application?

17 MR. SAVAGE: This is a special pool  
18 application, that's correct.

19 THE HEARING EXAMINER: And is this  
20 similar to the one we did last -- it is similar.

21 MR. SAVAGE: Is somewhat similar.  
22 Subject lands are not as broad. But it is similar.  
23 And the orders that were issued requesting it are very  
24 similar.

25 THE HEARING EXAMINER: What order

1 number was that?

2 MR. SAVAGE: I'm looking through our  
3 exhibits that we submitted, and that would be order  
4 R23132.

5 THE HEARING EXAMINER: That's a little  
6 fast for me; R what?

7 MR. SAVAGE: R23132.

8 THE HEARING EXAMINER: Okay. So in  
9 that order, was that competing compulsory pooling  
10 applications at one time?

11 MR. SAVAGE: That is correct.

12 THE HEARING EXAMINER: And did the  
13 technical team deny in favor of creating a special  
14 pool?

15 MR. SAVAGE: That's correct.

16 THE HEARING EXAMINER: It's identical  
17 to the other cases we dealt?

18 MR. SAVAGE: Yeah, it's pretty close.  
19 There are some details that are different.

20 THE HEARING EXAMINER: Okay. So have  
21 you and Mr. Bruce filed a joint application for a  
22 special pool?

23 MR. SAVAGE: We filed a joint  
24 application, and we filed a joint hearing packet.

25 THE HEARING EXAMINER: You did, okay.

1           Mr. Garcia, do we need a hearing packet  
2 for the joint application?

3           MR. GARCIA: I believe the exhibit --  
4 they submitted are all we need.

5           THE HEARING EXAMINER: I'm sorry, I  
6 didn't hear you, Mr. Garcia.

7           MR. GARCIA: I believe they submitted  
8 the exhibits that we would need for --

9           THE HEARING EXAMINER: Okay.

10          MR. GARCIA: -- this case.

11          THE HEARING EXAMINER: All right. Let  
12 me take a look at them.

13          So Mr. Savage, I'll pull up your case,  
14 24721.

15          Mr. Bruce, do you want to tell me  
16 anything while I'm pulling up this exhibit packet?

17          MR. BRUCE: No, Mr. Examiner. But  
18 there's one little sticking point that we can get to  
19 at the end, but basically Cimarex and Pride agreed on  
20 everything. And in this case, finally, we sent out  
21 notice to all the necessary parties for the special  
22 pool rules.

23          THE HEARING EXAMINER: So what's the  
24 sticking point?

25          MR. BRUCE: It's not really a sticking

1 point. It's just a difference. The application file  
2 stipulated that a certain well log would be used to  
3 define the pool and define the upper and lower extent  
4 of the pool. Cimarex's geologist has said that the  
5 upper limit should be a little higher and the lower  
6 limit should be a little lower. Since we're dealing  
7 with, number one, the same well log, and number two,  
8 everybody's looking for the top and the bottom, I'm  
9 not going to make a big fight out of that.

10 I did include the well log, and perhaps  
11 the technical examiners would like to look at that and  
12 make a determination as to which depths are correct,  
13 but that point isn't worth fighting over. So whatever  
14 the Division decides is fine with everybody.

15 THE HEARING EXAMINER: Thank you, Mr.  
16 Bruce. Mr. Bruce, these are joint exhibits, so are  
17 you saying that you have reviewed them, and that  
18 you're asking for these exhibits in tabs 1, 2, and 3,  
19 and 4, to be admitted into evidence?

20 MR. BRUCE: Yes, Mr. Examiner. The  
21 affidavit of Matthew Pride was developed by Pride.  
22 And then even though the parties conferred on notice,  
23 I actually sent out all the notices, so that was Pride  
24 also. But yes, the other exhibits, submitted by  
25 Cimarex, are perfectly fine with me. Mr. Savage

1 shared those with me before the hearing.

2 THE HEARING EXAMINER: Okay. So are  
3 you saying that your only witness in here is Mr.  
4 Pride?

5 MR. BRUCE: Correct.

6 THE HEARING EXAMINER: Okay. And has  
7 he been qualified as an expert for the Division?

8 MR. BRUCE: He's a landman and just  
9 general oil and gas operator. He's part owner of  
10 Pride Energy Company, surprisingly, and he's had a lot  
11 of practical experience in all aspects. But yes, he  
12 is an expert.

13 THE HEARING EXAMINER: Okay. The  
14 question was, has he been accepted as an expert in his  
15 field before this Division previously?

16 MR. BRUCE: Yes.

17 THE HEARING EXAMINER: Okay.

18 MR. BRUCE: And he --

19 THE HEARING EXAMINER: And does it say  
20 that in the affidavit?

21 MR. BRUCE: Oh boy, I --

22 THE HEARING EXAMINER: I can look.

23 MR. BRUCE: I think it does.

24 THE HEARING EXAMINER: Mr. Bruce, I can  
25 look at it. I just thought you might know. And you

1 said that you did the notice on this. When were the  
2 letters sent out?

3 MR. BRUCE: Letters were sent out --  
4 and I'm not in front of the computer and I don't  
5 have --

6 THE HEARING EXAMINER: All right. I'll  
7 look myself. It's okay. I thought you might know.  
8 No worries.

9 MR. BRUCE: Thank you --

10 THE HEARING EXAMINER: Thank you, Mr.  
11 Bruce. I'll take care of it. Thank you, Mr. Bruce.

12 Mr. Savage, since you're here in the  
13 room with me is Isabella Sikes your witness?

14 MR. SAVAGE: That's correct. She's a  
15 landman for Cimarex.

16 THE HEARING EXAMINER: And has she  
17 been --

18 MR. SAVAGE: And she has --

19 THE HEARING EXAMINER: Okay.

20 MR. SAVAGE: -- and the exhibit  
21 describes that. And I point out on Matthew Pride's  
22 statement, paragraph 2 --

23 THE HEARING EXAMINER: Okay.

24 MR. SAVAGE: -- also describes him as  
25 being qualified.

1 THE HEARING EXAMINER: Perfect. And  
2 then what about Ms. Staci Frey?

3 MR. SAVAGE: Staci Frey is a geologist,  
4 and she also has testified previously.

5 THE HEARING EXAMINER: So all of the  
6 experts in the exhibits have been qualified in their  
7 fields before this Division, great. Can you tell me,  
8 when were the notice letters sent out?

9 MR. SAVAGE: So Mr. Bruce took care of  
10 that. It's in his affidavit. Pull it up here.

11 THE HEARING EXAMINER: Thank you.

12 MR. SAVAGE: Also, if I could add,  
13 Exhibit B1 gives the vertical extent that we discussed  
14 as a sticking point. We asked that the OCD consider  
15 the depths that Ms. Frey provided in her exhibits as  
16 they consider the vertical extent of these.

17 THE HEARING EXAMINER: We'll get to  
18 Mr. --

19 MR. SAVAGE: Okay.

20 THE HEARING EXAMINER: -- Garcia, and  
21 his questions in a minute. I'm just trying to find  
22 out if the notice was sent out timely.

23 MR. SAVAGE: Yeah. Mr. Bruce may be  
24 able to speak to this better than myself. But  
25 according to his exhibit notice, statement of notice,

1 it looks like that all the letters were timely.

2 THE HEARING EXAMINER: I see September  
3 19 is the date on the letter, so that would work for  
4 today. It's 20 days, isn't it? Twenty calendar days?

5 MR. SAVAGE: It's 20 calendar days, and  
6 then the publication, which we also did, is ten  
7 business days.

8 THE HEARING EXAMINER: All right.  
9 Well, let me make sure that the 19th is 20 calendar  
10 days. Give me a minute.

11 MR. SAVAGE: Yes.

12 THE HEARING EXAMINER: Yes, it's one  
13 day to spare. And then the publish date?

14 MR. SAVAGE: Down at the last exhibit.  
15 Looks like that was September 25th.

16 THE HEARING EXAMINER: And that's  
17 ten --

18 MR. SAVAGE: Business days.

19 THE HEARING EXAMINER: -- business  
20 days. I wonder if that will work. You said it was  
21 the 25th, didn't you?

22 MR. SAVAGE: Beginning with the issue  
23 dated September 25, 2024, ending with the issue dated  
24 September 25, 2024.

25 THE HEARING EXAMINER: I see it. Thank

1 you. Yep, one day to spare.

2 MR. SAVAGE: Okay.

3 THE HEARING EXAMINER: I'll never  
4 understand why you guys cut this so close. Really, I  
5 don't understand it but that's not for me to  
6 understand. Anyway. Okay. So we see notice is good.  
7 Do you want to ask to admit these now, Mr. Savage, so  
8 we can get to Mr. Garcia's questions?

9 MR. SAVAGE: I will do it, yes. I ask  
10 the Division to admit to the record Exhibits A, B, and  
11 C, and all sub-exhibits in these two particular cases.

12 THE HEARING EXAMINER: Thank you.  
13 Okay. So are there any objections?

14 Mr. Rodriguez, any objections? Didn't  
15 you enter an appearance in this case? No, I guess you  
16 didn't. Nope. Excuse me, Mr. Rodriguez. Didn't mean  
17 to make you nervous.

18 MR. RODRIGUEZ: Thank you.

19 THE HEARING EXAMINER: Okay. I'm not  
20 hearing any objections, so the exhibits are admitted  
21 into evidence.

22 (24721 Exhibit A, Exhibit B and Exhibit  
23 C were marked for identification and  
24 received into evidence.)

25 //

1 (24736 Exhibit A, Exhibit B and Exhibit  
2 C were marked for identification and  
3 received into evidence.)

4 This is a joint exhibit, and it applies  
5 to both cases, as we've said.

6 I'm going to turn now to Mr. Garcia.

7 MR. GARCIA: My original question was  
8 why there were two different depths, but now I  
9 understand why. So I guess, Mr. Savage, I'll start  
10 with you. Your client just wants the pool to be from  
11 the base of the third Bone Springs to the base of the  
12 Wolfcamp Bay?

13 MR. SAVAGE: That is correct. And Ms.  
14 Frey is online and available for any questions also,  
15 as well as the landman witness. But yes, it's top of  
16 the third Bone Spring to the base of the Wolfcamp Bay.

17 MR. GARCIA: The top of the -- virtual  
18 connectivity interruption -- and then, Mr. Bruce, your  
19 client is also on top of third Bone Springs to the  
20 base of Wolfcamp Bay?

21 MR. BRUCE: Yeah. The nomenclature is  
22 the same, it's just that what are those depths? And  
23 as a result, in Mr. Pride's affidavit, we include the  
24 type log from the subject well. That's so the  
25 Division can look at it and maybe decide which one

1 they should go with.

2 MR. GARCIA: Yeah, I guess more of a  
3 statement than a question. I understand why the  
4 geologists are picking the long tops. Reading logs is  
5 a science, but it's also an art form. And I don't  
6 think I've ever seen two geologists pick the same top.  
7 Since you guys have a difference in opinion on the  
8 top, I'll probably just have OCD's geologist pick the  
9 top in this case. If there's no objections to that.

10 MR. BRUCE: No objection here.

11 MR. SAVAGE: No objection.

12 MR. GARCIA: Okay. Yeah, I'll get with  
13 our geologists. And, you know, they've been working  
14 the area for decades, and have them read some logs and  
15 pick the tops. But you guys agree on the formations  
16 and the formations are going to dip and dive anyways,  
17 so.

18 Okay. I don't believe I have any other  
19 questions, Mr. Examiner.

20 THE HEARING EXAMINER: So, Mr. Garcia,  
21 this is in regards to order number R23132. Did you  
22 hear that?

23 MR. GARCIA: Yeah. And I issued that  
24 order too.

25 THE HEARING EXAMINER: I figured.

1 MR. GARCIA: It was forever ago. But I  
2 remember it.

3 THE HEARING EXAMINER: How do you  
4 foresee proceeding once you decide about the special  
5 pool?

6 MR. GARCIA: We'll issue an order in  
7 the special pool separately of the compulsory pooling  
8 order, just to keep the record clean for future,  
9 because pools can be amended and changed as time  
10 develops. And then, I would foresee the Division, on  
11 our own merit, not coming to hearings, just reopening  
12 those cases and issuing an order on, you know, based  
13 on the testimony that was presented, whenever that  
14 order was issued.

15 THE HEARING EXAMINER: Thank you, Mr.  
16 Garcia.

17 Mr. Savage, anything further?

18 MR. SAVAGE: Yes. At the previous  
19 status conference, there was a discussion about  
20 allocation formula and where to place the allocation  
21 formula. And usually you place the allocation formula  
22 in the Wolfbone application, or the application for  
23 the special pool. It was agreed to keep the Wolfbone  
24 application clean. Both parties have different  
25 allocation formulas on this, so we inquired about if

1 the OC would like the allocation formula to be in a  
2 pooling application. And I believe, Mr. Garcia, that  
3 was the OCD's preference on that.

4 So there needs to be, as I would  
5 understand that based on those on that discussion and  
6 the in the final understanding, that we need some kind  
7 of -- I don't know if it would be an amended  
8 application, or if it would be a supplement to an  
9 application. But there needs to be some kind of  
10 procedural mechanism to get the allocation formula  
11 before the Division. And I also think that's a notice  
12 issue that would need to go to owners.

13 Now, I'm all for expediting this, and  
14 if there's a way to do that and provide notice, then,  
15 you know, perhaps the OCD can make a ruling without  
16 any kind of substantial hearing, based on the previous  
17 record.

18 The other point that makes this a  
19 little bit difficult is that Pride did their pooling  
20 applications for the Wolfcamp only. And that was  
21 during the application notice. And Cimarex did their  
22 application for the Bone Spring only. So when notices  
23 were sent out with the application, both formations  
24 were not listed. Now that's a little bit different  
25 from the previous. So if the Division could provide

1 some guidance on those that would be appreciated.

2 THE HEARING EXAMINER: Before, Mr.  
3 Garcia chimes in, let's hear from Mr. Bruce about the  
4 allocation table and notice, et cetera.

5 MR. BRUCE: Mr. Examiner, in Pride's  
6 original application it was just a straight pooling  
7 application of the Wolfcamp, so there was no  
8 allocation. And to date, the working interest owners  
9 have never been given notice of any potential  
10 allegation of production between the third Bone Spring  
11 zone and the upper Wolfcamp zone.

12 So anything, whether it's a forced  
13 pooling proceeding or some other proceeding, the  
14 working interest owners, in the unit acreage, which  
15 will initially comprise the well unit that both  
16 Cimarex and Pride force pools, we'll need to give  
17 notice to all of the interest orders there.

18 THE HEARING EXAMINER: Thank you, Mr.  
19 Bruce.

20 Mr. Savage, so it sounds to me like the  
21 initial applications were distinct in their notice,  
22 one being only in the Bone Spring and the other only  
23 in the Wolfcamp.

24 MR. SAVAGE: That's correct.

25 THE HEARING EXAMINER: So it sounds

1 like if the Division approves the special pool, you'd  
2 have to do notice all over again.

3 MR. SAVAGE: I think you would have to  
4 do some form of notice to account for that. I --

5 THE HEARING EXAMINER: Okay, hold on  
6 now. Let me finish my questions. That being said,  
7 did you include competing allocation tables in your  
8 original applications or not?

9 MR. SAVAGE: So we did separate  
10 applications, originally, separate applications for  
11 the Wolfbone pool. And in those original  
12 applications, we did account for the allocation  
13 formula. And I even included as an exhibit an example  
14 of a revised or amended pooling application for going  
15 forward.

16 Then we had the hearing on the  
17 previous -- on the other case, and it was determined  
18 that that was all beyond the scope. So we submitted a  
19 new joint application, and we did not include the  
20 allocation formula or tables for that application, but  
21 to an application for the Wolfbone. And that was  
22 based on a conversation with the Division that they  
23 said they would prefer the allocation formula to be in  
24 a pooling application.

25 And so we assumed that there would be

1 some kind of amended pooling application that would  
2 provide for an allocation. Now, the allocation is  
3 pretty straightforward. It would be easily, I  
4 believe, and if Mr. Bruce would agree, that would be  
5 described within a paragraph.

6 THE HEARING EXAMINER: Okay.

7 So, Mr. Garcia, you hear the issues  
8 going on here. It sounds like we have an issue with  
9 the allocation table and with notice.

10 MR. GARCIA: Correct.

11 THE HEARING EXAMINER: So if you do  
12 approve the Wolfbone special pool, how do you want to  
13 proceed, knowing now that there's notice issues and  
14 allocation table issues?

15 MR. GARCIA: I don't know the best  
16 legal means or terminology for it, but if there's  
17 issues with the cases, and if the approval of the  
18 Wolfbone is going to change their notices or their  
19 plans geologically, I mean, they can refile exhibits  
20 and re-notice. And, I mean, if the parties want, they  
21 can re-hold a contested hearing. I don't know if  
22 that's the preferred method, but if there's going to  
23 be debates about allocation and stuff like that too,  
24 they may need to go back to give that another hearing.

25 THE HEARING EXAMINER: Okay.

1 Mr. Savage?

2 MR. SAVAGE: Can Mr. Bruce and I  
3 confer --

4 THE HEARING EXAMINER: Of course.

5 MR. SAVAGE: -- and provide some  
6 feedback? Maybe like a short motion that would  
7 request a procedure for going forward?

8 THE HEARING EXAMINER: Sure.

9 MR. SAVAGE: If that would be --

10 THE HEARING EXAMINER: It sounds like  
11 no matter what, you're going to have to re-notice. So  
12 we're going to need more evidence one way or another.  
13 Whether that means we have to have a hearing or not is  
14 a different situation. It sounds like the allocation  
15 tables -- now, once there is a Wolfbone special pools  
16 created, would that necessarily change both party's  
17 allocation tables?

18 MR. SAVAGE: I don't believe so.

19 THE HEARING EXAMINER: Okay.

20 Mr. Bruce?

21 MR. BRUCE: No. Even though Pride's  
22 has not been formally proposed, Mr. Savage knows  
23 basically what it is. But obviously all the working  
24 interest owners in the 328th, or pool, need to be  
25 notified of what the allocations would be.

1 THE HEARING EXAMINER: Okay. You're  
2 still talking about notice, but I'm talking about  
3 would there be competing allocation tables if a  
4 special --

5 MR. BRUCE: Yes.

6 THE HEARING EXAMINER: -- pool is  
7 granted? That's my question to you.

8 MR. BRUCE: Yes.

9 THE HEARING EXAMINER: There would be  
10 competing -- okay. Well, if there is competing, then,  
11 I mean, we still don't necessarily have to have a  
12 hearing. The parties can submit their competing  
13 allocation tables and show that they've provided  
14 sufficient notice. And then Mr. Garcia and the  
15 technical team can include that evidence with their  
16 review of the compulsory pooling applications and  
17 decide who has the best one.

18 MR. SAVAGE: If I may, I'm wondering if  
19 we could do an approach similar to, like, a closing  
20 statement?

21 THE HEARING EXAMINER: Mm-hmm.

22 MR. SAVAGE: A closing statement that  
23 has exhibits. The only difficulty with that is, like  
24 if one of the parties saw exhibits for the first time.  
25 And you'd have to see exhibits up front, have an

1 opportunity to address them, and then go straight to  
2 the closing statement. And I think that would  
3 expedite it.

4 THE HEARING EXAMINER: Okay.

5 MR. SAVAGE: And I think we could  
6 probably avoid the major substance of a hearing.

7 THE HEARING EXAMINER: Mr. Bruce?

8 MR. BRUCE: It sounds like I have no  
9 problems with that.

10 THE HEARING EXAMINER: I think what I  
11 understand you're saying, Mr. Savage, is that once Mr.  
12 Garcia and his team issue an order on the Wolfbone,  
13 then the parties would have a certain amount of time  
14 after that to submit exhibits, and share exhibits with  
15 each other, showing notice and showing the special  
16 allocation table. The parties can then have another  
17 period of time after that to submit written closing  
18 arguments on that. That's what you're saying?

19 MR. SAVAGE: Mm-hmm. And that would  
20 put everything before the Division.

21 THE HEARING EXAMINER: Right.

22 And Mr. Garcia, would you find that  
23 helpful?

24 MR. GARCIA: Yeah, I have no issues  
25 with any of that.

1 THE HEARING EXAMINER: You said you  
2 have no issue.

3 MR. GARCIA: Yep.

4 THE HEARING EXAMINER: Okay.

5 MR. GARCIA: That works.

6 THE HEARING EXAMINER: Okay. Thank  
7 you, sir. Okay. So that's what we'll do. That's  
8 what we'll do. I think it all depends on when the  
9 order comes out for the special pool. Mr. Garcia, I  
10 know you don't like to be put on the spot like this,  
11 but is there any estimate on when that might happen?

12 MR. GARCIA: Probably early 2025,  
13 because we're still working --

14 THE HEARING EXAMINER: Okay.

15 MR. GARCIA: -- on, what is it, the  
16 August 8th docket, I think, we're on.

17 THE HEARING EXAMINER: Okay.

18 MR. GARCIA: Yeah, by early 2025, I'd  
19 hope.

20 THE HEARING EXAMINER: Okay.

21 So Mr. Savage and Mr. Bruce, I'll put  
22 the onus on you. Once the order comes out, why don't  
23 you file a motion to reopen the record in the original  
24 cases. And I don't know what the case numbers were  
25 that brought us order number R23132.

1           Once you file a motion, a joint motion,  
2           to reopen the hearing record in both of those cases,  
3           and I will set deadlines for submission of notice  
4           exhibits, and submission of competing allocation  
5           tables. And then we'll set a deadline for your review  
6           and closing argument. Does that seem fair?

7           MR. SAVAGE: Okay.

8           MR. BRUCE: Yep.

9           MR. GARCIA: That sounds good, yeah.  
10          Thank you.

11          THE HEARING EXAMINER: All right.  
12          Okay. I have my notes to that effect. It's up to the  
13          parties to file that joint motion in early 2025 when  
14          that new order comes out. And is there anything  
15          further, Mr. Savage or Mr. Bruce?

16          MR. SAVAGE: Not from Cimarex. Thank  
17          you.

18          MR. BRUCE: Nope.

19          THE HEARING EXAMINER: Okay.

20          Then Mr. Garcia, can we take this case  
21          under advisement?

22          MR. GARCIA: Yes.

23          THE HEARING EXAMINER: Okay, very good.  
24          Thank you, gentlemen.

25          Okay, we're off the record in that

1 case.

2 (Off the record.)

3 THE HEARING EXAMINER: Let's now move  
4 to lines 19 through 23. That is Flat Creek Resources  
5 24732, 33, 34, 35, and 72.

6 Entries of appearance, please.

7 MS. SHAHEEN: Sharon Shaheen from the  
8 Santa Fe office of Spencer Fane on behalf of Flat  
9 Creek Resources.

10 THE HEARING EXAMINER: Thank you.

11 MS. HARDY: Mr. Examiner, Dana Hardy  
12 with Hinkle Shanor, on behalf of 3R Operating, and 3R  
13 is the successor and interest to Murchison Oil and  
14 Gas.

15 THE HEARING EXAMINER: Thank you.

16 MR. SAVAGE: Darin Savage with Abadie &  
17 Schill, appearing on behalf of Cimarex Energy.

18 THE HEARING EXAMINER: Thank you.

19 MS. BENNETT: Deana Bennett, on behalf  
20 of Marathon Oil Permian, LLC.

21 THE HEARING EXAMINER: Thank you.

22 I'm --

23 MR. RODRIGUEZ: I'm sorry, Mr.  
24 Examiner. Michael Rodriguez, on behalf of Civitas  
25 Permian Operating, LLC, and we entered appearances in

1 items 21 through 23.

2 THE HEARING EXAMINER: Thank you, Mr.  
3 Rodriguez. I'm just going to go through the parties  
4 and ask. Mr. Rodriguez, did you file an objection?  
5 And if you did, did you withdraw it?

6 MR. RODRIGUEZ: No objection.

7 THE HEARING EXAMINER: No objection.  
8 Ms. Bennett?

9 MS. BENNETT: Thank you, Mr. Examiner.  
10 Marathon did object to the earlier iteration of these  
11 cases, but did not object to these cases moving  
12 forward. And the cases that I discussed earlier today  
13 that I'm going to be dismissing were the cases that  
14 competed with these cases and with the Civitas case  
15 that Mr. Rodriguez put up earlier today. So I'm still  
16 in the cases, monitoring for Marathon, but no  
17 objection to proceeding by affidavit.

18 THE HEARING EXAMINER: Thank you.  
19 Mr. Savage?

20 MR. SAVAGE: No objection to proceeding  
21 by affidavit.

22 THE HEARING EXAMINER: Thank you.  
23 And Ms. Hardy?

24 MS. HARDY: No objection.

25 THE HEARING EXAMINER: All right.

1 Ms. Shaheen?

2 MS. SHAHEEN: Thank you, Mr. Examiner.  
3 We filed our exhibits with the usual self-affirmed  
4 statements of the landman, Michael Gregory, and the  
5 geologist, Thomas M. Anderson. Both have previously  
6 testified and been qualified in their fields.

7 The exhibits also contain my statement  
8 regarding notice. The notice letter was sent out on  
9 September 20th, which is exactly ten business --  
10 sorry, 20 calendar days. And the publication was  
11 published on September 26, 2024, which is exactly ten  
12 business days. And with that, I would ask for the  
13 exhibits to be admitted into the record, along with  
14 the sub-exhibits.

15 THE HEARING EXAMINER: Thank you. Let  
16 me take a look at your exhibit packet. I see one  
17 filed on the 3rd of October, so it's timely. I see  
18 Exhibits A, B, and C, plus typical checklists,  
19 application, et cetera. Are there any objections to  
20 these exhibits?

21 MS. BENNETT: No objections.

22 MR. SAVAGE: No objection.

23 MR. RODRIGUEZ: No objection.

24 THE HEARING EXAMINER: Ms. Hardy?

25 MS. HARDY: No objection.

1 THE HEARING EXAMINER: Your mic is off.  
2 But I heard, "No objection." Thank you.

3 Okay. Ms. Shaheen, your exhibits in  
4 these five cases are admitted into evidence, under the  
5 representations you made about the timely notice.

6 (24732/33/34/35, 24772, Exhibit A,  
7 Exhibit B and Exhibit C were marked for  
8 identification and received into  
9 evidence.)

10 Let's go to Mr. Garcia. Mr. Garcia?

11 MR. GARCIA: I have a few questions.  
12 So I'm turning my case numbers.

13 THE HEARING EXAMINER: 24732, 33, 34,  
14 35, and then 24772.

15 MR. GARCIA: Okay. Ms. Shaheen, is  
16 your landman with us today?

17 MS. SHAHEEN: Yes, he is. Mr. Gregory  
18 should be on.

19 THE HEARING EXAMINER: Mr. Gregory,  
20 would you turn on your camera? Thank you.

21 MR. GREGORY: Okay. Can y'all hear me?

22 THE HEARING EXAMINER: We can. Would  
23 you state and spell your name for the record?

24 MR. GREGORY: Yes. It is Michael  
25 Gregory, M-I-C-H-A-E-L G-R-E-G-O-R-Y.

1 THE HEARING EXAMINER: Would you raise  
2 your right hand? Do you swear or affirm under penalty  
3 of perjury that the testimony you're about to give is  
4 the truth, the whole truth, and nothing but the truth?

5 MR. GREGORY: I do.

6 THE HEARING EXAMINER: And just to  
7 reiterate what Ms. Shaheen represented, you have been  
8 qualified as a landman expert before this Division?

9 MR. GREGORY: Yes, sir.

10 THE HEARING EXAMINER: Okay, very good.

11 Mr. Garcia?

12 MR. GARCIA: Good morning. I had a  
13 question on case 24732, and then case 24772. PDF page  
14 74 of your exhibit packet, it shows all the tracts,  
15 and it shows in the right corner that that BLM lease  
16 is still pending?

17 MR. GREGORY: Yes.

18 MR. GARCIA: Is that still pending as  
19 of today?

20 MR. GREGORY: It is still pending as of  
21 today. WPX Energy was the lessee of that BLM lease,  
22 and then missed a rental payment in 2022. And so  
23 they've been seeking reinstatement of the lease since  
24 2022. And it's currently in a pending status with  
25 BLM. I have been working with WPX on this, and

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1 keeping tabs on their reinstatement efforts. And WPX  
2 has indicated their support of us, including this  
3 lease in the unit, should they be successful with  
4 reinstatement. But yes, it still is in pending  
5 status.

6 MR. GARCIA: And do you have a  
7 foreseeable timeline on when that will be resolved?

8 MR. GREGORY: They've been referencing  
9 sometime in 2025. I think it's a joint committee  
10 meeting. BLM mentioned that there is a handful of  
11 reinstatement efforts, and it was their goal to get --  
12 to get those completed, I think, by the -- the Q3  
13 lease sale of next year, which is in July. And so  
14 that -- that's all the information I have on -- on --  
15 on their timing.

16 MR. GARCIA: Yeah, I guess what I'm  
17 struggling at is, your application asked for these two  
18 cases, for the OCD to compulsory pool 320 acres or 240  
19 acres. And I'm not sure if OCD should do that, or  
20 even can do that. And I'm not sure how the other  
21 interest owners would know, because depending on if  
22 it's 320 or 240, their interest changes, and the costs  
23 they're subject to pay change. And so I don't know if  
24 these cases, I guess, are really ripe for OCD to be  
25 hearing them at this point.

1 MS. SHAHEEN: If I may interject here,  
2 I did, in our pre-hearing statement, took the  
3 opportunity to explain previous instances in which the  
4 Division has issued orders approving alternative  
5 spacing units. And I'm happy to go through those or  
6 you can take a look at the pre-hearing statement. I  
7 think the most recent example of when I'm aware of an  
8 alternative approval actually had to do with Flat  
9 Creek Resources cases involving the Rena 7 wells. And  
10 let me see if I can find that order number. Order  
11 numbers R-22845, 22846, and 22847.

12 In addition, the Division recognizes  
13 authority to approve alternative wells in case numbers  
14 20897-20899. Those were the applications for the  
15 interstate wells that were filed by Titus. And then I  
16 also identified a number of orders in the pre-hearing  
17 statement, where the Division has issued orders  
18 approving alternatives for various vertical wells.

19 MR. GARCIA: This is all in your pre-  
20 hearing statement?

21 MS. SHAHEEN: Yes.

22 MR. GARCIA: Okay. I just found it,  
23 page 7.

24 MS. SHAHEEN: I believe it starts on  
25 page 6.

1 MR. GARCIA: Yeah. I guess some of  
2 these are heavily before my time, 1982.

3 MS. SHAHEEN: Yes, the vertical wells  
4 would probably be before you were born.

5 MR. GARCIA: Okay. I guess I'll look  
6 into these more.

7 Does Flat Creek have a plan on how they  
8 are going to notify the Division and interest owners  
9 on which development plan is ultimately, I guess, the  
10 successful one for which acreage was pooled?

11 MR. GREGORY: Yes. We would -- we  
12 would repropose the wells, you know, upon receiving an  
13 order, and then upon knowing if we would include that  
14 pending deal and tract or not. I'll note that in my  
15 initial well proposals, we did describe this  
16 alternative scenario, and so, you know, these owners  
17 are aware via that proposal that there could be two  
18 different options here with -- with how -- how the --  
19 how long their laterals would end up being.

20 MR. GARCIA: And no interest owner's  
21 objected to either proposal?

22 MR. GREGORY: No, sir.

23 MR. GARCIA: Okay.

24 Mr. Hearing Examiner, I guess I would  
25 have to look at some of these older orders, because I

1 have not seen these other cases before, to see what  
2 OCD decided in situations like this in the past. So  
3 I'm not sure, I guess, the legal path for these.

4 THE HEARING EXAMINER: Well, I think,  
5 just thinking out loud, we can take these cases under  
6 advisement. It sounds like you have issues with two  
7 of the five cases?

8 MR. GARCIA: Correct. That's where the  
9 questions were around, was 24732 and 24772.

10 THE HEARING EXAMINER: So it sounds to  
11 me like you don't have the same issue with 33, 34, and  
12 35?

13 MR. GARCIA: Correct, no issues there.

14 THE HEARING EXAMINER: And do you have  
15 any questions for the witnesses in those three cases?

16 MR. GARCIA: No questions.

17 THE HEARING EXAMINER: Okay.

18 MR. GARCIA: Those are standard cases,  
19 no leases pending.

20 THE HEARING EXAMINER: Well, from a  
21 hearing perspective, it sounds like we can close the  
22 hearing record. I don't hear that you need to have  
23 any amended exhibits admitted into evidence here in  
24 any of the cases. And I think it's up to you on  
25 whether you'll approve or deny the applications as you

1 have them now. So I don't think there's anything left  
2 to do in these cases.

3 Ms. Shaheen?

4 MS. SHAHEEN: Not that I'm aware of.

5 THE HEARING EXAMINER: Okay. So Mr.  
6 Garcia, I believe we can take these under advisement,  
7 and the ball is in your court.

8 MR. GARCIA: That works for me.

9 And thank you, Ms. Shaheen, for  
10 including that history of similar cases.

11 MS. SHAHEEN: Thank you. The question  
12 has come up before.

13 THE HEARING EXAMINER: Okay. Thank  
14 you.

15 Thank you, Mr. Gregory, for your  
16 participation today.

17 We are off the record in those cases.  
18 They're taken under advisement.

19 (Off the record.)

20 THE HEARING EXAMINER: We're now going  
21 to move on to line 24 on our docket. It is case  
22 number 24830, Catamount Energy.

23 Entries of appearance, please.

24 MR. FELDEWERT: Good morning, Mr.  
25 Examiner. Michael Feldewert of the Santa Fe office of

1 Holland & Hart, on behalf of the applicant.

2 THE HEARING EXAMINER: Mr. Feldewert, I  
3 don't see any other parties?

4 MR. FELDEWERT: No.

5 THE HEARING EXAMINER: Okay. Very  
6 good. Please proceed.

7 MR. FELDEWERT: Sure. We submitted our  
8 hearing packet for this matter, which consists of 82  
9 pages. And I would invite you to turn to page 16 --

10 THE HEARING EXAMINER: Okay. Give me a  
11 minute.

12 MR. FELDEWERT: -- of the 82-page PDF,  
13 while I talk about what we're creating here.

14 THE HEARING EXAMINER: Okay. Hold on  
15 one second before you continue. Let me --

16 MR. FELDEWERT: Sure.

17 THE HEARING EXAMINER: -- pull up your  
18 exhibit pack so we're looking at the same thing.

19 MR. FELDEWERT: And this would be the  
20 second page of Exhibit A1, page 16 of the 82-page PDF.

21 THE HEARING EXAMINER: And I'm on page  
22 16, so please proceed.

23 MR. FELDEWERT: Sure. So in this  
24 matter, the company seeks to pool a 1,941-acre non-  
25 standard horizontal well spacing unit, and in Mancos

1 formation, which would involve the Basin Mancos Gas  
2 Pool, underlying a portion, section 9, on the left  
3 side, all of sections 10 and 11 in the middle of this  
4 outline on page 16, and then a portion, section 12,  
5 for the three horizontal wells that are depicted with  
6 the lime green lines on here.

7 This Basin Mancos, the gas pool, was  
8 created back in 2008 by Division order R12984. It  
9 provides for a 320-acre spacing, but with the  
10 subsequently adopted horizontal well rules, the  
11 spacing unit, or the building blocks, for this gas  
12 pool can be either quarter sections or half sections.

13 Now when you look at this, you'll see  
14 that this proposed non-standard spacing unit borders  
15 the state of Colorado. It also involves development  
16 under the Navajo Lake. You'll also see, in sections  
17 11 and 14, a meandering blue line. That's because the  
18 spacing unit runs from San Juan County into Rio Arriba  
19 County.

20 One of the reasons for the non-standard  
21 spacing unit is not only because of the unique land  
22 configuration here, but also you have, on the far  
23 left, in what would be the southeast quarter  
24 equivalent of section 9, you have an existing federal  
25 exploratory unit called the Allison unit. And then

1 all the way over in the right-hand side, you'll see  
2 acreage excluded in the southwest quarter of section  
3 12, because that is unleased federal acreage and, as  
4 Ms. Greer testified, the BLM could not indicate if or  
5 when that acreage would be put up for lease. So  
6 that's the circumstance involved here, and why they're  
7 seeking a non-standard spacing unit for these three  
8 initial horizontal wells.

9 We've submitted, in our hearing  
10 package, a self-affirmed statement of Denise Greer as  
11 Exhibit A. She has previously testified. And she  
12 provided these, not only these maps, but the C102s.  
13 And then Exhibit A3 is an extensive and complicated  
14 tract map, because you're dealing with lots here  
15 around the Navajo Lake area. She's identified in that  
16 exhibit, the owners that they seek to pool, in red,  
17 and you'll see that they're very small interest  
18 owners.

19 Also included a list of overriding  
20 royalty interest owners that the company seeks to  
21 pool. She also provides, in well proposal letter, a  
22 multiple page chronology of contacts. And then  
23 finally A6, in her statement, is a tract showing the  
24 quarter section or equivalent notice area for the non-  
25 standard spacing unit and a list of those affected

1 parties.

2 We then have provided with Exhibit B,  
3 the self-affirmed statement of Paul Spear. He is a  
4 senior geologist in Aztec, New Mexico. This is the  
5 first time he's testified before the Division.  
6 Exhibit B1 identifies his educational background and  
7 work history, and we believe these credentials qualify  
8 him to testify as an expert in petroleum geology.

9 He has provided for you a structure map  
10 as Exhibit B2, across the proposed spacing unit.  
11 Exhibit B3 shows the well logs and their locations  
12 that he used for his stratigraphic cross section. And  
13 then B4 consists of a stratigraphic cross section,  
14 which identifies the target interval in this Mancos  
15 formation. Exhibit C is our affidavit of notice,  
16 certified mail to the affected parties.

17 And then finally, Exhibit D are two  
18 affidavits of publication, one for a newspaper in San  
19 Juan County, and one for a newspaper in Rio Arriba  
20 County.

21 (24830 Catamount Exhibit A through  
22 Exhibit D were marked for  
23 identification.)

24 I believe, Mr. Garcia, you may recall  
25 this unique acreage configuration because the company

1 pursued a similar spacing unit, non-standard spacing  
2 unit, for the basin Fruitland coal formation back in  
3 August of 2022, which was the ultimate subject of  
4 order R22434.

5 So with that, we ask that these  
6 exhibits be accepted into the record and that this  
7 matter be taken under advisement.

8 THE HEARING EXAMINER: Are there any  
9 objections? Not hearing any, the exhibits are  
10 admitted into evidence.

11 (24830 Catamount Exhibit A through  
12 Exhibit D were received into evidence.)  
13 Mr. Spear, are you with us?

14 UNIDENTIFIED SPEAKER: He is on.

15 THE HEARING EXAMINER: Excellent.

16 MR. SPEAR: Yes, I'm here. Sorry about  
17 that.

18 THE HEARING EXAMINER: I see you,  
19 Mr. Spear. Would you raise your right hand, please?  
20 Would you state and spell your name before I swear you  
21 in?

22 MR. SPEAR: Paul Spear, P-A-U-L  
23 S-P-E-A-R.

24 THE HEARING EXAMINER: Do you swear or  
25 affirm under penalty of perjury, that the testimony

1 you're about to give is the truth, the whole truth,  
2 and nothing but truth?

3 MR. SPEAR: Yes.

4 THE HEARING EXAMINER: Okay. Did you  
5 prepare this CV that I have here on page 16?  
6 Actually, I don't know if it's on page 16. Excuse me,  
7 it's page 52, I apologize. We're at 53.

8 MR. SPEAR: Yes, I did.

9 THE HEARING EXAMINER: You did prepare  
10 it? Okay. I've reviewed it. You are hereby  
11 qualified as an expert as a petroleum geologist before  
12 this Division from here on in. Let's go to Mr.  
13 Garcia. Mr. Garcia, do you have any questions in this  
14 case?

15 MR. GARCIA: No questions.

16 Thank you, Mr. Feldewert, for pointing  
17 out the NSP exhibit. I could not find it yesterday.  
18 But I see it now. And I do remember these cases  
19 because it's a far drive up to that part of the lake.

20 MR. FELDEWERT: Yes, sir.

21 MR. GARCIA: But no questions, Mr.  
22 Examiner.

23 THE HEARING EXAMINER: Thank you.  
24 Thank you, Mr. Speer. And Mr. Feldewert, the case is  
25 taken under advisement.

1 MR. FELDEWERT: Thank you.

2 MR. SPEAR: Thank you.

3 THE HEARING EXAMINER: Let's move on to  
4 case number 25, 26, and -- well, now I'm not sure  
5 about that. So let me call BTA Oil Producers, 24851,  
6 24852, and it looks like it's joined with 24853, which  
7 I don't see on our docket today. Entries of  
8 appearance, please.

9 MS. HARDY: Mr. Examiner, Dana Hardy,  
10 with Hinkle Shanor, on behalf of BTA Oil Producers,  
11 LLC.

12 THE HEARING EXAMINER: Thank you. What  
13 happened to case 24853?

14 MS. HARDY: We filed a motion to  
15 continue 24853 to the next docket, because we had to  
16 clarify a notice issue.

17 THE HEARING EXAMINER: So then, Freya,  
18 would you un-join that case, because I think we're  
19 hearing the other two cases today by affidavit, and  
20 it's just going to confuse me next time.

21 MS. TSCHANTZ: Sure.

22 THE HEARING EXAMINER: Okay.

23 So, Ms. Hardy, are there any other  
24 parties that you know of?

25 MS. HARDY: They're not.

1 THE HEARING EXAMINER: Not, okay.  
2 Would you please present your cases?

3 MS. HARDY: Sure. Thank you.

4 THE HEARING EXAMINER: They are your  
5 amended cases, aren't they?

6 MS. HARDY: They are. In both cases,  
7 BTA is seeking a one-year extension of two pooling  
8 orders due to gas takeaway limitations. This is the  
9 first extension request. Our land witness, Adam  
10 Davenport, has previously testified and been qualified  
11 as an expert in petroleum land matters. Our notice  
12 letter, which is provided in Exhibit B, was sent  
13 timely on September 16, 2024, and we also timely  
14 published on September 22, 2024.

15 So unless there are questions, I ask  
16 that these two cases be taken under advisement and  
17 that the exhibits be admitted into the record.

18 THE HEARING EXAMINER: Thank you, Ms.  
19 Hardy. I thought you alluded to the "good cause."  
20 But I'm not sure what it is.

21 MS. HARDY: The good cause, Mr.  
22 Examiner, are gas takeaway constraints. Their ability  
23 to drill the wells has been delayed because they need  
24 to have gas takeaway in place to avoid flaring before  
25 they do that. And Mr. Davenport's affidavit says that

1 additional gas takeaway capacity is expected to be  
2 operational during the second quarter of 2025.

3 THE HEARING EXAMINER: Okay. Thank  
4 you. So without objection, your exhibits are admitted  
5 into evidence.

6 (24851 Exhibit A and Exhibit B were  
7 marked for identification and received  
8 into evidence.)

9 (24852 Exhibit A and Exhibit B were  
10 marked for identification and received  
11 into evidence.)

12 Mr. Garcia, any questions on this case?

13 MR. GARCIA: No questions.

14 THE HEARING EXAMINER: Or these two  
15 cases? Excuse me.

16 MR. GARCIA: No questions.

17 THE HEARING EXAMINER: Okay, very good.  
18 So the exhibits were admitted into 24851, 24852, and  
19 these two cases will be taken under advisement.

20 Thank you, Ms. Hardy.

21 MS. HARDY: Thank you.

22 THE HEARING EXAMINER: Okay, moving on  
23 now to BTA Oil Producers, line 27 of our docket,  
24 24854.

25 MS. HARDY: Dana Hardy on behalf of

1 BTA.

2 THE HEARING EXAMINER: Any other  
3 parties?

4 MS. HARDY: No, Mr. Examiner.

5 THE HEARING EXAMINER: Please proceed.

6 MS. HARDY: Thank you. This is a  
7 pooling case involving the Pennsylvanian Shale  
8 formation. Our land witness, Rex Barker, has  
9 previously testified and been qualified as an expert  
10 in petroleum land matters.

11 Our geology expert, Witness Jonathan  
12 Truong, has not previously testified before the  
13 Division. We did provide his CV, along with his  
14 affidavit. He is available if there are questions,  
15 and I would request that he be qualified as an expert.

16 THE HEARING EXAMINER: Mr. Truong, are  
17 you with us?

18 MR. TRUONG: Yes, sir.

19 THE HEARING EXAMINER: Excellent.  
20 Would you state and spell your name for the record?

21 MR. TRUONG: Jonathan Truong.  
22 J-O-N-A-T-H-A-N, Truong, T-R-U-O-N-G.

23 THE HEARING EXAMINER: Do you know to  
24 turn on your camera, Mr. Truong?

25 MR. TRUONG: Yes, sorry.

1 THE HEARING EXAMINER: Very good. No,  
2 you're fine.

3 Would you raise your right hand,  
4 please? Do you swear or affirm under penalty of  
5 perjury that the testimony you're about to give is the  
6 truth, the whole truth, and nothing but truth?

7 MR. TRUONG: I do.

8 THE HEARING EXAMINER: Okay. I have  
9 not had a chance to review your CV, or your resume, as  
10 you call it. First of all, what field are you seeking  
11 to be qualified?

12 MR. TRUONG: Petroleum geology.

13 THE HEARING EXAMINER: Okay. Thank  
14 you. Would you give me a rundown of your education  
15 and experience in the industry that would support that  
16 expertise?

17 MR. TRUONG: Yes, sir. I got my  
18 undergraduate in petroleum engineering from Texas A&M,  
19 and then proceeded to get a master's in geology and  
20 geophysics from LSU. I have eight years of experience  
21 within oil and gas, six of those within the field of  
22 geology. Most recently worked as a -- working as a  
23 geologist at BTA Oil Producers, spanning from  
24 exploration, acquisition, development, mostly in  
25 the -- the Permian basin.

1 THE HEARING EXAMINER: Thank you, Mr.  
2 Truong. You are hereby qualified as an expert as a  
3 petroleum geologist before this Division.

4 Ms. Hardy, when was this notice sent  
5 out?

6 MS. HARDY: Mr. Examiner, we are only  
7 pooling one party, and our notice letter was sent on  
8 September 24, 2024, and it was received. We did also  
9 timely publish on September 19th.

10 THE HEARING EXAMINER: Perfect. Thank  
11 you, Ms. Hardy.

12 Are there any objections to these  
13 exhibits. These exhibits are admitted into evidence.

14 (24854 Exhibit A, Exhibit B and Exhibit  
15 C were marked for identification and  
16 received into evidence.)

17 Mr. Garcia, any questions?

18 MR. GARCIA: One question that just  
19 popped up this morning. Ms. Hardy, is there a  
20 difference in the exhibit packets? One was submitted  
21 on 10/2 and then we had one pop up yesterday, on  
22 October 9th.

23 MS. HARDY: Yes. Mr. Examiner -- thank  
24 you for mentioning that. We did file amended  
25 exhibits. We submitted them on Monday, and we

1 corrected the pool code and the checklist. So that  
2 was the only difference.

3 THE HEARING EXAMINER: So, Freya, would  
4 you remove the exhibit packet that was filed on 10/2,  
5 please?

6 MS. TSCHANTZ: Yes.

7 THE HEARING EXAMINER: All right, thank  
8 you.

9 Anything else, Mr. Garcia?

10 MR. GARCIA: No.

11 THE HEARING EXAMINER: Wonderful.  
12 We'll take this case under advisement.

13 Thank you, Mr. Truong and Ms. Hardy.

14 MS. HARDY: Thank you.

15 THE HEARING EXAMINER: Moving on to  
16 line 28 through 33. These are Permian Resource  
17 applications, case numbers 24855, 56, 57, 58, 24862  
18 and 63.

19 Entries of appearance, please.

20 MS. HARDY: Mr. Examiner, Dana Hardy  
21 with Hinkle Shanor on behalf of Permian Resources  
22 Operating.

23 THE HEARING EXAMINER: Good morning.

24 MS. HARDY: Good morning.

25 MR. DISHONG: Good morning, Mr. Hearing

1 Examiner --

2 MR. DISHONG: Good morning, Mr.

3 Hearing --

4 MS. HARDY: And I --

5 MR. DISHONG: Oh, I'm sorry.

6 THE HEARING EXAMINER: Go ahead.

7 MR. DISHONG: Good morning, Mr. Hearing  
8 Examiner. My name is Matt Dishong. I'm here with R.  
9 Reese & Associates, and we appear on behalf of  
10 Northern Oil and Gas, and we are just monitoring.

11 THE HEARING EXAMINER: Okay. Would you  
12 turn on your camera, sir?

13 MR. DISHONG: Yes, sir. Sorry, I  
14 didn't know anyone else wanted to see me.

15 THE HEARING EXAMINER: I like to see  
16 people, preferably in person, but I understand. Did  
17 you file an objection and withdraw it, or did you not  
18 ever file an objection?

19 MR. DISHONG: No, we're not objecting.

20 THE HEARING EXAMINER: You never  
21 objected. So you're just monitoring?

22 MR. DISHONG: Yes, sir.

23 THE HEARING EXAMINER: Very good. Have  
24 you had a chance to review the exhibits that were  
25 filed in these cases?

1 MR. DISHONG: Yes, sir.

2 THE HEARING EXAMINER: Okay, good. Are  
3 there any objections to receiving them as evidence?

4 MR. DISHONG: No, sir.

5 THE HEARING EXAMINER: All right. Will  
6 you have any questions for any of the witnesses in  
7 Permian Resources?

8 MR. DISHONG: No, sir.

9 THE HEARING EXAMINER: You will not.  
10 Okay. Thank you, Mr. Dishong.

11 Ms. Hardy?

12 MS. HARDY: Thank you, Mr. Examiner.  
13 These are pooling cases that involve the first and  
14 third Bone Spring intervals of the Bone Spring  
15 formation. Our witnesses are Ryan Curry [ph] for  
16 land, and Chris Reudelhuber for geology. Both  
17 previously testified before the Division, and been  
18 recognized as experts. Our notice letter was timely  
19 sent on September 17, 2024, and we timely published on  
20 September 20, 2024.

21 So with that, unless there are  
22 questions, I request that the exhibits be admitted and  
23 that the case be taken under advisement.

24 THE HEARING EXAMINER: Okay.

25 Are there any other objections besides

1 Mr. Dishong's party? Not hearing any, your exhibits  
2 in both -- well, not both, in all cases, all five  
3 cases, are admitted into evidence.

4 (24855/56/57/58, 24862/63 Exhibit A,  
5 Exhibit B and Exhibit C were marked for  
6 identification and received into  
7 evidence.)

8 Mr. Garcia, are there any questions for  
9 any Permian witness?

10 MR. GARCIA: No questions.

11 THE HEARING EXAMINER: Okay.

12 Ms. Hardy, your cases are taken under  
13 advisement.

14 And it was good meeting you, Mr.  
15 Dishong. Thank you.

16 MR. DISHONG: Thank you.

17 MS. HARDY: Thank you.

18 THE HEARING EXAMINER: Okay. Moving on  
19 to Franklin Mountain Energy, we have two cases, 24859,  
20 24861. It is line 34 and 35 on our docket.

21 MS. PENA: Good morning, Mr. Hearing  
22 Examiner. Yarithza Pena with Modrall Sperling, on  
23 behalf of Franklin Mountain Energy.

24 THE HEARING EXAMINER: Good morning,  
25 Ms. Pena. Are there any other parties that you know

1 of?

2 MS. PENA: Not that I am aware of.

3 THE HEARING EXAMINER: Very good.

4 Would you please proceed?

5 MS. PENA: Yes. I have a quick  
6 question, as well, that involves these cases. So  
7 these involve the Gold State wells and there are  
8 companion cases with Gold State wells that were heard  
9 on June 26th. They were originally a contested  
10 hearing, and they were heard with the Golden Parallel  
11 wells. And at the time they were heard as affidavit  
12 hearings as MRC told us that morning that they were  
13 going to be dismissing their cases. And they  
14 dismissed their cases on October 9th.

15 And as Mr. Garcia mentioned earlier  
16 today in the docket, he said that they were getting  
17 ready to review the August hearings, or August  
18 applications. So we were just wondering if these  
19 cases would be taken under advisement, since back in  
20 August, MRC dismissed their cases, and at the time  
21 with our affidavit hearing, that was the caveat.

22 So we're just checking in on those  
23 cases.

24 THE HEARING EXAMINER: Okay. So you're  
25 not asking about these cases today? You're asking

1 about older cases?

2 MS. PENA: Older cases that are  
3 companion cases with these.

4 THE HEARING EXAMINER: Okay. Companion  
5 cases. Okay. Let's get through the hearing on these.  
6 And do you have case numbers for Mr. Garcia?

7 MS. PENA: I do.

8 THE HEARING EXAMINER: What case  
9 numbers are they?

10 MS. PENA: So the Gold cases were  
11 24356, and 24358 through 24360. And the Parallel well  
12 cases that were heard at the same time were 24348,  
13 24350 through 55, and 24362.

14 THE HEARING EXAMINER: You lost me.

15 MS. PENA: Okay.

16 THE HEARING EXAMINER: Maybe Mr. Garcia  
17 is keeping up with you, but I'm certainly not.

18 MS. PENA: All right.

19 THE HEARING EXAMINER: So are you  
20 saying that you presented cases by affidavit on June  
21 26th?

22 MS. PENA: Yes.

23 THE HEARING EXAMINER: That is what you  
24 said. How many cases were there that you presented by  
25 affidavit?

1 MS. PENA: They're ten, I believe.

2 THE HEARING EXAMINER: Ten?

3 MS. PENA: Yes.

4 THE HEARING EXAMINER: And these are  
5 not competing cases, because the competing cases were  
6 dismissed?

7 MS. PENA: Yes. But at the time of the  
8 hearing, they hadn't been dismissed yet.

9 THE HEARING EXAMINER: Right. I  
10 understand. But we took them under advisement as of  
11 the June 26th date?

12 MS. PENA: Once MRC were to dismiss  
13 their cases, which happened in August.

14 THE HEARING EXAMINER: But we heard  
15 them in June by affidavit?

16 MS. PENA: Yes.

17 THE HEARING EXAMINER: Okay. And you  
18 heard today that Mr. Garcia is working on August  
19 cases, so you're wondering what happened to these  
20 cases?

21 MS. PENA: Yes.

22 THE HEARING EXAMINER: Okay. Well,  
23 we'll give him some time to look them up. Whether he  
24 needs it or not, I don't know. But why don't you  
25 present your evidence in these two cases --

1 MS. PENA: Absolutely.

2 THE HEARING EXAMINER: -- and we'll get  
3 through these, and then we'll find out.

4 MS. PENA: Yes. Thank you so much.

5 THE HEARING EXAMINER: Okay.

6 MS. PENA: So in 24859 and 24861,  
7 Franklin seeks an order pooling all committed  
8 interests into Bone Spring standard safety units. We  
9 timely filed similar exhibit packets in both of these  
10 cases, with a standard set of exhibits.

11 The landman is Don Johnson, who has  
12 previously testified before the Division. And the  
13 geologist is Ben Metz, who has also previously  
14 testified before the Division. Our notice exhibits  
15 are on tab C, and our sample notice letter was sent  
16 out on September 18, 2024. And our publication was on  
17 September 22, 2024.

18 I would ask that the exhibits in both  
19 these cases be admitted into the record and that these  
20 two cases are also taken under advisement.

21 THE HEARING EXAMINER: Are there any  
22 objections to the exhibits? Not hearing any, your  
23 exhibits in both cases are admitted into evidence.

24 (24859 Exhibit A, Exhibit B and Exhibit  
25 C were marked for identification and

1 received into evidence.)  
2 (24861 Exhibit A, Exhibit B and Exhibit  
3 C were marked for identification and  
4 received into evidence.)

5 Mr. Garcia, do you have any questions  
6 in these two cases?

7 MR. GARCIA: No questions.

8 THE HEARING EXAMINER: Okay, very good.  
9 So these two cases are taken under  
10 advisement, Ms. Pena.

11 MS. PENA: Thank you.

12 THE HEARING EXAMINER: Mr. Garcia, did  
13 you hear the question about ten cases that were heard  
14 by affidavit on June 26?

15 MR. GARCIA: I believe so, and I think  
16 I got all the case numbers down. If I may screen  
17 share real quick, I guess.

18 THE HEARING EXAMINER: Thank you.

19 MR. GARCIA: Is it all these cases?

20 MS. PENA: Yes, that is correct.

21 MR. GARCIA: Okay. Like I said, I  
22 caught most of them but I missed the second half.

23 And then your question is just, what is  
24 the status of the order on these things?

25 MS. PENA: Yes, that's our question.

1 MR. GARCIA: All right. I will follow  
2 up with you because I'll have to go check where  
3 they're at, because they should have been issued. If  
4 not, that might be my fault, to be honest. It might  
5 have got missed when I was reviewing cases.

6 We had a transition in staff lately,  
7 and I think Mr. Coderaff [ph] knows, like -- he had  
8 two cases I let slip through the cracks, and these  
9 might have been similar. So I will follow up with an  
10 email to you on it.

11 MS. PENA: Okay. Thank you so much. I  
12 appreciate it.

13 MR. GARCIA: No problem.

14 THE HEARING EXAMINER: Ms. Pena, were  
15 you saying that the competing cases were dismissed  
16 months after the hearing?

17 MS. PENA: Yes.

18 THE HEARING EXAMINER: So, Mr. Garcia,  
19 I wonder whether the fact that the competing cases  
20 weren't dismissed until months after in some way put  
21 them on hold?

22 MR. GARCIA: It could have, because  
23 competing cases, we wait for the transcripts for sure,  
24 and then we take our time in reviewing those. And so  
25 they tend to be slower. I might have just missed the

1 dismissal of the competing cases come through.

2 THE HEARING EXAMINER: Perfect.

3 MR. GARCIA: I'll look into them.

4 THE HEARING EXAMINER: Well, now Ms.  
5 Pena has added two more cases to those ten, so there  
6 are 12 now that are companion it looks like.

7 Thank you very much, Ms. Pena.

8 We're off the record.

9 (Off the record.)

10 THE HEARING EXAMINER: Calling line 36.  
11 It is 24870, Steward Energy.

12 Entries of appearance, please.

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

15 THE HEARING EXAMINER: Do you know of  
16 any other parties?

17 MS. HARDY: There are no other parties.

18 THE HEARING EXAMINER: Thank you.  
19 Please proceed.

20 MS. HARDY: Thank you. In this case,  
21 Steward seeks a one-year extension of time to commence  
22 drilling operations under the pooling order, due to  
23 gas prices and takeaway limitations. This is the  
24 first extension for these this order. Our land  
25 witness, Taylor Warren, has previously testified

1 before the Division, and been recognized as an expert  
2 witness in petroleum land matters. Our notice letter  
3 was timely sent on September 19, 2024. And we timely  
4 published on September 24, 2024.

5 So with that, I request that the  
6 exhibits be admitted and that the case be taken under  
7 advisement.

8 THE HEARING EXAMINER: Thank you. Are  
9 there any objections to these exhibits? These  
10 exhibits are admitted into evidence.

11 (24870 Exhibit A and Exhibit B were  
12 marked for identification and received  
13 into evidence.)

14 Mr. Garcia, do you have any questions  
15 in this case?

16 MR. GARCIA: No questions.

17 THE HEARING EXAMINER: Very good. This  
18 case is taken under advisement. Thank you, Ms. Hardy.

19 MS. HARDY: Thank you.

20 THE HEARING EXAMINER: Moving now to  
21 248 -- actually that may conclude our docket because  
22 Freya, this case, 24833, COG Operating, this motion to  
23 reopen, I understand that -- well, it's on the docket;  
24 I'll call it.

25 I'm calling case 24833, COG Operating.

1 Entries of appearance, please.

2 MS. HARDY: Dana Hardy with Hinkle  
3 Shanor, on behalf of COG Operating.

4 THE HEARING EXAMINER: Thank you.

5 MR. SUAZO: Good morning, Mr. Hearing  
6 Examiner. Miguel Suazo with the Santa Fe office of  
7 Beatty & Wozniak, on behalf of XTO Energy.

8 THE HEARING EXAMINER: Thank you. And  
9 did you file the motion, sir?

10 MR. SUAZO: Yes, Mr. Hearing Examiner.  
11 We filed an amended version this morning, just noting  
12 COG's opposition to the motion filed.

13 THE HEARING EXAMINER: Okay. So let's  
14 talk about it for a moment.

15 MR. SUAZO: Sure.

16 THE HEARING EXAMINER: I skimmed  
17 your --

18 Mr. Garcia, do you have anything that  
19 you wanted to talk about in this? Or you can sign off  
20 if you don't.

21 MR. GARCIA: I have no major items with  
22 this.

23 THE HEARING EXAMINER: All right.  
24 Well, thank you for your participation, Mr. Garcia.

25 MR. GARCIA: Thank you.

1 THE HEARING EXAMINER: Okay. Mr.  
2 Suazo, I skimmed through, but why don't you briefly  
3 restate your motion?

4 MR. SUAZO: Sure. So our client  
5 contacted us to represent them at this hearing, which  
6 they expected to be today on the 10th. And when we  
7 started our preparations for the hearing, we realized  
8 that it had actually occurred on the 3rd. The reason  
9 for the belief that it was going to be held today was  
10 because the letter from COG indicated it was going to  
11 be held that day and it turned out it was not.

12 And so after conferring with Ms. Hardy,  
13 essentially what we would like to have happen is for  
14 this matter to be set for a status conference and  
15 continued to October 31st. And we're optimistic that  
16 the parties will be able to resolve their issues by  
17 that time, hopefully.

18 THE HEARING EXAMINER: In thinking  
19 about your motion yesterday, and I know that you filed  
20 an amended motion to comply with the request from the  
21 hearing bureau, and any time you file a motion, please  
22 put in the position of every other party, because we  
23 don't know whether it's opposed. I mean, we assume  
24 it's opposed, but we don't know that it's opposed.  
25 And if it's not opposed, please include a proposed

1 order for --

2 MR. SUAZO: Sure.

3 THE HEARING EXAMINER: That being said,  
4 we also did notice that the entry of appearance that  
5 you made in writing was on September 30th.

6 MR. SUAZO: Correct.

7 THE HEARING EXAMINER: And I believe  
8 that the Division published notice correctly for the  
9 October 3rd docket. What I wonder is, do you review  
10 those notices from the Division?

11 MR. SUAZO: We do. I commit the  
12 time -- well, and still, the client has not asked to  
13 object. I think they're interested in the docket.  
14 And I'm not sure that we were really expecting to  
15 actually actively represent the client on the 10th,  
16 until we got further directed from them.

17 So there was a little bit of a  
18 disconnect between the notice and what was actually  
19 being asked of us. So I think that was kind of a  
20 cause for the lag and the late realization that the  
21 case had actually been heard on October 3rd.

22 THE HEARING EXAMINER: And when the  
23 case was called on the 3rd and Ms. Hardy proceeded by  
24 affidavit --

25 Is that right, Ms. Hardy?

1 MS. HARDY: That's correct.

2 THE HEARING EXAMINER: I thought so. I  
3 don't remember that specifically. But were you in  
4 attendance?

5 MR. SUAZO: No.

6 THE HEARING EXAMINER: You were not.  
7 Okay.

8 Ms. Hardy?

9 MS. HARDY: Mr. Examiner, as Mr. Suazo  
10 said, I am cautiously optimistic that the parties can  
11 reach an agreement on this issue. But as you've  
12 pointed out, the entry of appearance was filed on  
13 September 30th, and I communicated by email with Ms.  
14 Graham and Mr. Suazo that day about whether they plan  
15 to object at the hearing on Thursday, which would have  
16 been the 3rd. And then I know my partner, Ms. McLean,  
17 spoke with Ms. Graham immediately after the hearing on  
18 the 3rd about the fact that it had occurred, because  
19 Ms. Graham called Ms. McLean.

20 So XTO's counsel was aware of the  
21 hearing and was also aware immediately afterwards that  
22 it happened, but didn't file this motion until  
23 yesterday. And, as you noted, hadn't contacted us  
24 regarding the motion.

25 So we do oppose the motion for those

1 reasons, and we would like to hopefully reach an  
2 agreement. But if that doesn't work, we would file a  
3 response and have the motion considered or request  
4 that it be considered on October 31st, on that docket.

5 THE HEARING EXAMINER: Okay. So we'll  
6 talk about a time frame for a response in just a  
7 moment.

8 Mr. Suazo, and of course I didn't know  
9 that Ms. Hardy communicated with someone in your  
10 office, again, alerting them to the fact that the  
11 hearing was going to occur on the 3rd, several days  
12 before it occurred. So what do you have to say to  
13 that?

14 MR. SUAZO: So I think the disconnect  
15 there is that, yes, we did receive an email asking if  
16 we were going to object or oppose. And we didn't know  
17 what the client's position was at that time. And we  
18 clarified that, still thinking that the hearing was  
19 actually going to be today on the 10th. That's what  
20 was not clear on the communications. We were  
21 expecting this to occur today, not on the 3rd.

22 THE HEARING EXAMINER: I understand.

23 And Ms. Hardy, are you saying that in  
24 your email you reiterated that the hearing was going  
25 to be on the 3rd?

1 MS. HARDY: The email, sent on  
2 September 30th, and I have it here, states "Can you  
3 please confirm that XTO does not object to COG  
4 proceeding by affidavit on Thursday."

5 THE HEARING EXAMINER: Okay.

6 MS. HARDY: Didn't say the date of the  
7 Thursday, but it was sent a couple days prior to that  
8 Thursday.

9 THE HEARING EXAMINER: Okay. I  
10 understand.

11 MS. HARDY: Yeah.

12 THE HEARING EXAMINER: And I understand  
13 the confusion.

14 Mr. Suazo, as you know, this is an  
15 opposed motion, so I'm not doing anything at this  
16 point. I'm going to wait for Ms. Hardy to file a  
17 response, or to let me know that there is no response,  
18 that the parties have negotiated successfully and that  
19 you won't be filing a response. I would assume at  
20 that point, you would withdraw your motion?

21 MR. SUAZO: Right.

22 THE HEARING EXAMINER: All right.

23 MR. SUAZO: We are prepared to proceed  
24 down that path, yes, assuming we get the clear from  
25 the client.

1 THE HEARING EXAMINER: So is there a  
2 rule, or I think I saw a rule in your motion, that  
3 allows you to reopen a case?

4 MR. SUAZO: Yes.

5 THE HEARING EXAMINER: The question in  
6 my mind is that since the Division properly noticed  
7 the case for the 3rd of October, I understand you got  
8 a letter from --

9 And who sent that letter, Ms. Hardy?

10 MS. HARDY: It was the hearing notice  
11 letter sent by my office to XTO.

12 THE HEARING EXAMINER: Hearing notice  
13 letter. I'm not familiar because that happens between  
14 parties. So I'm not --

15 MS. HARDY: Yeah. It's just our  
16 standard hearing notice letter. And it was timely  
17 sent --

18 THE HEARING EXAMINER: Right.

19 MS. HARDY: -- more than 20 days before  
20 October 3rd but there was a typo in the letter stating  
21 that --

22 THE HEARING EXAMINER: Okay. So  
23 parties typically send out notices to each other?

24 MR. SUAZO: Correct.

25 THE HEARING EXAMINER: So parties don't

1 rely on the notice that the Division posts?

2 MR. SUAZO: It's not that they don't,  
3 it's just that there's various sources of information.

4 THE HEARING EXAMINER: Okay.

5 MR. SUAZO: And so if we're taking it  
6 based on the letter from the other side, that, "Okay,  
7 this is when the hearing is," and that goes to the  
8 client, they tell us, "Okay, the hearing's on this  
9 date." You know, there's a lot of dockets going on.  
10 In retrospect, of course, we should have looked at  
11 that a little more closely. But I think under the  
12 circumstances, it was reasonable for the client to  
13 believe that they only needed our services on the  
14 10th.

15 THE HEARING EXAMINER: So the letter  
16 that your office sent, Ms. Hardy, goes directly to the  
17 client. Is it sent from your client to their client?

18 MS. HARDY: No. It's sent by my office  
19 to the parties who are being pooled. It's our pooling  
20 notice letter.

21 THE HEARING EXAMINER: Oh, it's a  
22 pooling notice letter?

23 MS. HARDY: Yes.

24 THE HEARING EXAMINER: Okay. Which is  
25 different than a proposal?

1 MR. SUAZO: Yeah.

2 MS. HARDY: Correct.

3 THE HEARING EXAMINER: Okay, all right.  
4 The short course is in in a week and half, so I'll be  
5 more fluid with all of this after the short course in  
6 Houston. At least I hope so. But, at what point do  
7 you send out this letter?

8 MS. HARDY: That letter is sent at  
9 least 20 days prior to the hearing date by certified  
10 mail.

11 THE HEARING EXAMINER: By certified  
12 mail?

13 MS. HARDY: Correct.

14 THE HEARING EXAMINER: What is the  
15 purpose of it?

16 MS. HARDY: It is the letter that  
17 notifies the parties of the day that the application  
18 is set for hearing.

19 THE HEARING EXAMINER: And Freya, when  
20 do you send the notice for the docket, when you're  
21 sending out notice for a new -- because this was a new  
22 case --

23 Is that right, Ms. Hardy?

24 MS. HARDY: That's right.

25 THE HEARING EXAMINER: Okay. Freya,

1 when do you send that out?

2 MS. TSCHANTZ: Twenty days in advance  
3 of the hearing.

4 THE HEARING EXAMINER: And you send it  
5 to the attorneys only, not the parties, right?

6 MS. TSCHANTZ: I send it to everyone  
7 who's signed up for our distribution list, and also  
8 post it to the website.

9 THE HEARING EXAMINER: Okay. Well,  
10 our -- what is the name of your client, Mr. Suazo?

11 MR. SUAZO: XTO Energy.

12 THE HEARING EXAMINER: XTO Energy.

13 Freya, is XTO Energy on the  
14 distribution list?

15 MS. TSCHANTZ: I would have to check.  
16 There is about 200 contacts.

17 THE HEARING EXAMINER: Ms. Hardy or Mr.  
18 Suazo, do you know if the distribution list includes  
19 entities besides law firms?

20 MR. SUAZO: It does.

21 MS. HARDY: It does this Mr. Examiner,  
22 yes.

23 THE HEARING EXAMINER: Mr. Suazo, do  
24 you know if XTO is on that list?

25 MR. SUAZO: I would need --

1 THE HEARING EXAMINER: You don't know.

2 MR. SUAZO: I don't know.

3 THE HEARING EXAMINER: You don't know.

4 All right. I'll wait for Ms. -- I mean either way, I  
5 understand that they -- even if they did get Ms.

6 Tschantz's notice, there was confusion based on Ms.

7 Hardy's letter. I will hope that the parties

8 negotiate this out.

9 So let's talk about deadlines for your  
10 response. You're asking for the October 31st docket?

11 MR. SUAZO: Yes.

12 THE HEARING EXAMINER: Okay. And why  
13 are you asking for that docket, as opposed to the  
14 November docket?

15 MR. SUAZO: Based upon conversations  
16 with the client, they think that they're pretty close  
17 to working out the situation.

18 THE HEARING EXAMINER: Okay. So what  
19 is the situation, by the way?

20 MR. SUAZO: I think they're working on  
21 a JOA and they just need a little more time to pin  
22 down those details. I think there are some other  
23 issues with associated acreage. I'm not really privy  
24 to those details.

25 THE HEARING EXAMINER: Okay.

1 MR. SUAZO: But that's my understanding  
2 of the situation.

3 THE HEARING EXAMINER: And correct me  
4 if I'm wrong, but if they do achieve a JOA with Ms.  
5 Hardy's client, it would take them out of the  
6 compulsory pooling order?

7 MR. SUAZO: Right.

8 MS. HARDY: That's right, correct.

9 THE HEARING EXAMINER: Okay. And  
10 that's what they're hoping for?

11 MR. SUAZO: Correct.

12 THE HEARING EXAMINER: They don't want  
13 to be forced pooled?

14 MR. SUAZO: That's right.

15 THE HEARING EXAMINER: I understand.

16 Ms. Hardy, do you have an objection to  
17 the October 31st docket?

18 MS. HARDY: I do not.

19 THE HEARING EXAMINER: Okay. Very  
20 good. When would you like to file your response?

21 MS. HARDY: If we could file it on  
22 Monday, October 28th --

23 THE HEARING EXAMINER: Okay.

24 MS. HARDY: -- that would be great,  
25 because it may not be necessary.

1 THE HEARING EXAMINER: Yeah. You'll  
2 let me know?

3 MS. HARDY: Yes.

4 THE HEARING EXAMINER: All right, along  
5 with Mr. Suazo. Either party can file something  
6 letting us know, you know, "We've cleared up our  
7 differences. We don't need to be on the docket." So  
8 we'll remove you. But we will expect -- well, it's  
9 Ms. Hardy's case, and she would have to put it on the  
10 docket. It's been taken under advisement, so the  
11 hearing record is closed.

12 Freya, how does that work? This case  
13 is closed in the hearing bureau. How does it get  
14 reopened if necessary and put on a docket?

15 MS. TSCHANTZ: I had to reopen it just  
16 to add it to today's docket, so it is in a position to  
17 be added to a later docket.

18 THE HEARING EXAMINER: Okay. So it's  
19 been reopened?

20 MS. TSCHANTZ: Yes.

21 THE HEARING EXAMINER: Okay.

22 Ms. Hardy, if you're not able to  
23 resolve the JOA, and if this case will be heard on  
24 October 31st, I'll depend on you to continue it into  
25 that docket. I don't know who pays for that, but

1 that's between the parties, who's going to pay for  
2 that fee. Please file your response by close of  
3 business on Monday, October 28th. I'll consider it.  
4 If you have a reply. You can do it verbally --

5 MR. SUAZO: Okay.

6 THE HEARING EXAMINER: -- at the status  
7 conference. And we'll see how the parties are  
8 proceeding. But I'll come to some sort of decision on  
9 October 31st on the motion --

10 MR. SUAZO: Okay.

11 THE HEARING EXAMINER: -- based on your  
12 exhibits, and based on the response. But I understand  
13 more about it now than I did yesterday when I first  
14 saw your motion.

15 Is there anything further from the  
16 parties?

17 MS. HARDY: No. Thank you.

18 MR. SUAZO: No. Thank you, Mr.  
19 Examiner.

20 THE HEARING EXAMINER: Thank you.  
21 We're in recess on that case. And I believe that  
22 concludes all of our cases today. Thank you,  
23 everyone. We're off the record.

24 (Whereupon, at 10:07 a.m., the  
25 proceeding was concluded.)

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CERTIFICATE

I, JAMES COGSWELL, 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. October 24, 2024



JAMES COGSWELL  
Notary Public in and for the  
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, MARGARET GROWE, 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.

October 24, 2024



MARGARET GROWE

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[correct - determination]

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[examiner - fane]

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[further - gregory]

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[tschantz's - wells]

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