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

TRANSCRIPT OF VIRTUAL PROCEEDINGS
April 10, 2025

HEARD BEFORE:
HEARING EXAMINER GREGORY CHAKALIAN
TECHNICAL HEARING EXAMINER DEAN McCLURE

REPORTED BY:

VERITEXT LEGAL SOLUTIONS, LLC

500 4th Street, Northwest, Suite 105

Albuquerque, New Mexico 87102

1 TRANSCRIPT OF PROCEEDINGS

2 HEARING EXAMINER CHAKALIAN: It
3 is 9:03 a.m. Today is April 10,
4 2025. This is the regular docket of
5 the OCD, the Oil Conservation
6 Division.

7 My name is Gregory Chakalian,
8 for the court reporter last name is
9 C-H-A-K-A-L-I-A-N. We have a new
10 court reporter today so I am going to
11 ask that the first time you speak
12 that you state your name and spell it
13 for the court reporter, that includes
14 the attorneys.

15 I am going to be calling cases
16 in the order that they were sent out
17 yesterday to all the parties.

18 Case number one, Permian
19 Resources compulsory pooling case.

20 MS. VANCE: Good morning,
21 Mr. Hearing Examiner. Paula Vance
22 with the Santa Fe office of Holland &
23 Hart on behalf of Permian.

24 I am similarly having an issue
25 with my video. I have been trying to

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figure it out all morning, but every time I get onto Teams it is not showing up.

HEARING EXAMINER CHAKALIAN: I understand, I know your voice, Paula, so thank you.

Do we have any other parties or is this uncontested?

MS. VANCE: These are uncontested. Previously I believe Mr. Samaniego was a party, but that was dispensed with, and for the benefit of the court reporter, again, my name is Paula, P-A-U-L-A, and my last name is Vance, V-A-N-C-E.

HEARING EXAMINER CHAKALIAN: Back on the record today, because we started this hearing last month, if I am not mistaken, and we needed some revised exhibits.

MS. VANCE: That's correct. That would be in case -- that first case 24963.

HEARING EXAMINER CHAKALIAN:

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That is the only one I called so far.

So what have you submitted and let's go to Mr. McClure to find out if everything is what he wanted.

MS. VANCE: So in this case it was perfecting notice. We sent out notice to the three additional parties. I think previously I had communication with Mr. McClure, but you will see that the three parties, and they have an asterisk next to their names on the pooling exhibit, we provided notice to them and Permian also followed up with lease offers and that is all within the hearing packets for that case.

HEARING EXAMINER CHAKALIAN:
What else did you submit that was revised?

MS. VANCE: That would be the additional notice that we are here to perfect and that was -- and we included a copy of that sample letter that went out and that was on

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March 5, 2025, and then a copy of the notice, the Affidavit of Notice of Publication, which was timely published March 22, 2025.

HEARING EXAMINER CHAKALIAN: In my notes, Miss Vance, I see that you will also be providing updated CPACs and C-102s, is that not what you show?

MS. VANCE: I -- hold on one second. I did update the compulsory link checklist, but I think I had previously done that before we were at the last hearing and I am double checking, but I thought we updated all of that at the least hearing.

HEARING EXAMINER CHAKALIAN: Let's go to Mr. McClure.

Mr. McClure.

TECHNICAL EXAMINER McCLURE: Thank you, Mr. Hearing Examiner.

Miss Vance, it does appear -- I guess I had two quick questions, you may want to get the landman, but do

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you want me to talk to Miss Vance first, Mr. Hearing Examiner?

HEARING EXAMINER CHAKALIAN:

Yes, please.

TECHNICAL EXAMINER McCLURE:

Miss Vance, is it your understanding Mr. Samaniego is no longer being requested to be pooled by Permian?

MS. VANCE: That is correct, he is no longer being pooled.

The three parties -- the interest that he was claiming from our title analysis it would be that interest actually would go to the three parties that we have included and referenced and that is what we discussed at the last hearing, so the three parties on the updated pooling exhibit that had the asterisk, those would be the three parties that Permian is pooling.

TECHNICAL EXAMINER McCLURE:

Okay, we are probably going to want to get the landman sworn in to revise

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his statement then because it seems that maybe there is an amendment he needs to do to his paragraph eight then.

The other question I had for you is there was a typo on form C-102 which I wanted you to correct which would, essentially, make the spacing unit non-standard if it stands as is.

MS. VANCE: Let me see. And where is the typo in the C-102, can you just point it out?

TECHNICAL EXAMINER McCLURE: One area of the lateral is represented as being 330 feet from the core to core line, which would make it so you can't bring in that proximity tract above it in that particular region.

MS. VANCE: Okay, right below where it says Section 12.

TECHNICAL EXAMINER McCLURE: I don't have it directly in front of me, but that could be correct. It

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has 320 in all the points except one that is left at 330, but that would make it non-standard if that is correct.

MS. VANCE: Okay, I believe there may be an explanation for that, and it may be because these include lots so they are irregular, and so even though it says the 320 it might actually encroach, allow for the enlarged spacing unit, but I do believe Mr. Christian is available, he is on the line and could probably answer that if that is not the correct answer.

HEARING EXAMINER CHAKALIAN:
Let's get Mr. Christian sworn in.

Would you turn on your camera, sir.

Mr. Christian, would you state and spell your name for the record, please.

MR. CHRISTIAN: Collin Christian, C-O-L-L-I-N, last name

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C-H-R-I-S-T-I-A-N.

HEARING EXAMINER CHAKALIAN:

Raise your right hand. Do you swear or affirm under penalty of perjury that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

MR. CHRISTIAN: I do.

HEARING EXAMINER CHAKALIAN:

And you have been previously qualified as an expert in what field?

MR. CHRISTIAN: Petroleum land management.

HEARING EXAMINER CHAKALIAN:

You put your hand down.

Mr. McCLURE.

TECHNICAL EXAMINER McCLURE:

Mr. Christian, can I direct your attention to paragraph eight of your affirmed statement, it is on page 14 of 50 in the latest exhibit packet.

MR. CHRISTIAN: Yes, I have got it pulled up.

TECHNICAL EXAMINER McCLURE: Do

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you see, I guess the beginning of the second sentence where it says Permian is pooling these parties out of abundance of caution?

MR. CHRISTIAN: Is this paragraph eight?

TECHNICAL EXAMINER McCLURE: Yes, that's correct.

MR. CHRISTIAN: Oh, yes. Sorry.

TECHNICAL EXAMINER McCLURE: Is Permian still requesting to pool Mr. Samaniego and American Energy Resources?

MR. CHRISTIAN: We are not pooling them anymore, they are not on the exhibits anymore because of the updated title we have gotten does not show them owning an interest.

TECHNICAL EXAMINER McCLURE: Thank you, sir.

Let me find the page with the C-102. Maybe I didn't write it down in my notes. I guess it is directly below it looks like.

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Can I direct your attention to the land plot for the C-102, which is kind of directly below that but on page 17 of 50.

MR. CHRISTIAN: Yes, I am there.

TECHNICAL EXAMINER McCLURE: Do you see where there is an area that represents the 330 feet between the quarter quarter line and the lateral of the proposed well?

MR. CHRISTIAN: Yes.

TECHNICAL EXAMINER McCLURE: Is that a typo or is that correct?

MR. CHRISTIAN: I believe that's a typo. The whole plan lateral for this well will fall within 330 feet at the quarter quarter line to allow for the occlusion of proximity tracts, so we can correct that.

TECHNICAL EXAMINER McCLURE: Sounds good. I know I had made that request at the last hearing, and

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maybe it was just forgotten about, I guess, in the list of requests I had made.

Okay, sounds very good, we will need a correction to that.

I thank you, Mr. Christian.

Thank you, Mr. Hearing Examiner, I have no further questions, but am requesting Permian submit and amended C-102.

HEARING EXAMINER CHAKALIAN: Is that the only document that Permian needs to amend at this point to the hearing packet?

TECHNICAL EXAMINER McCLURE: Well, provided we are fine with the verbal update to the landman statement, then I believe so, yes.

HEARING EXAMINER CHAKALIAN: Okay. I leave that to your discretion, Mr. McClure, if you are fine with the testimony correcting any issues you had with paragraph eight then I leave that to your

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discretion.

TECHNICAL EXAMINER McCLURE:

Considering the rest of the exhibit packet is in agreement with their no longer doing Mr. Samaniego then I am fine with the verbal update.

HEARING EXAMINER CHAKALIAN:

Miss Vance, it sounds like we are going to be leaving the record open for this case until you submit another amended exhibit packet with the corrected C-102 and a cover letter.

MS. VANCE: Not a problem.

HEARING EXAMINER CHAKALIAN:

When do you want us to leave the record open until?

MS. VANCE: Um, I am not sure when, I would have to confer with Mr. Christian to see when they would be able to get a revised C-102, but I would imagine it would be within the next week or so.

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Mr. Christian is here with us now.
Mr. Christian.

MR. CHRISTIAN: Yes, I think we could have a revised one in a day or so.

HEARING EXAMINER CHAKALIAN: A day or so, okay.

So, Miss Vance, close of business tomorrow, is that enough time for you?

MS. VANCE: Can we make it Wednesday of next week, so that would be the 16th?

HEARING EXAMINER CHAKALIAN: Okay, sounds good.

So we are going to leave it open until April 16th close of business to receive your amended exhibit packet with cover letter, thank you very much.

MR. SAMANIEGO: This is Jonathan Samaniego from American Energy Resources.

HEARING EXAMINER CHAKALIAN:

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Would you state and spell your name.

MR. SAMANIEGO: Jonathan
Samaniego, J-O-N-A-T-H-A-N
S-A-M-A-N-I-E-G-O.

HEARING EXAMINER CHAKALIAN:
You are not a party.

MR. SAMANIEGO: Yes, sir.
Under the title that Permian has done
their statements of a cloud being in
the title, American Energy,
regardless of a cloud prior to the
state sale upon the state sale
cleared any cloud that might have
been prior to the sale and the state
sale -- under property tax code the
state sale, the sale, everything that
is with the property goes with the
property because Permian cannot find
severance in the minerals that
predates the tax sale shows there was
minerals included in the sale and
that property too under tax code
property state law the minerals went
with the sale and Mr. Samaniego

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obtained them and, therefore,
Mr. Samaniego had the right to lease
to American Energy.

HEARING EXAMINER CHAKALIAN:

Thank you, Mr. Samaniego.

Miss Vance, do you want to
respond to that?

MS. VANCE: Sure. When -- if
there is an issue with title this is
not the correct venue, we can go to a
district court and as was decided at
the last hearing Mr. Samaniego is no
longer a party to this hearing.

HEARING EXAMINER CHAKALIAN:

Mr. Samaniego, what Miss Vance is
trying to explain, this forum does
not adjudicate title disputes, so if
you have a title dispute with Permian
then you would file suit in the
district court.

MR. SAMANIEGO: With respect to
affected parties I am going to motion
for a stay to protect collective
rights that may be effected and that

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way we can get a clear title and a clear understanding of everybodys' ownership and interest through a district court.

HEARING EXAMINER CHAKALIAN:

Okay, Mr. Samaniego, you are more than welcome to file whatever you need to file, you have the number, if I am not mistaken.

MR. SAMANIEGO: Yes, sir.

Thank you.

HEARING EXAMINER CHAKALIAN:

Off the record.

Moving to 25233, this is an amendment for Permian Resources. Appearances, please.

MS. VANCE: Paula Vance with the Santa Fe office of Holland & Heart on behalf of the applicant, Permian.

HEARING EXAMINER CHAKALIAN:

Are there any other parties that you know of?

MS. VANCE: No.

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HEARING EXAMINER CHAKALIAN:

Please proceed.

MS. VANCE: So in this particular case all we are doing is opening up the previously -- opening up the order to pool additional parties, it is the same three parties that were referenced in the last case that we just discussed, so in this case we have included a copy of the application, the order, along with a statement from Mr. Collin Christian who has previously testified before the division, along with an updated pooling exhibit, again, that identifies those parties that are being added to the pooling. We also included a copy of the lease offer that was sent to those parties and an updated chronology of contacts.

Lastly, we have a copy of the notice that went out to those parties that was timely mailed on February 21, 2025, and then an

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Affidavit of Notice of Publication
which was timely published on
February 23, 2025, and unless there
are any questions I would request
that the case be taken under
advisement at this time.

HEARING EXAMINER CHAKALIAN:

Thank you.

Mr. McClure.

TECHNICAL EXAMINER McCLURE:

Mr. Hearing Examiner, I do have the
questions for the landman.

HEARING EXAMINER CHAKALIAN:

Mr. Christian, I remind you you are
still under oath.

Mr. McClure, go ahead.

TECHNICAL EXAMINER McCLURE:

Mr. Christian, if I can direct your
attention to, essentially, your pool
person list, it looks like it is
found on page 16 of 56.

MR. CHRISTIAN: Yes, I am
there.

TECHNICAL EXAMINER McCLURE: Is

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it correct that the three persons that is highlighted in yellow, or is it correct that those persons are the ones that Permian is requesting to be added to the pooling order?

MR. CHRISTIAN: Yes, sir, that is correct.

TECHNICAL EXAMINER McCLURE: If I can direct your attention to the next page down, page 17 of 56, it looks like this is, I guess maybe notes about that prior table, do you see where I am referring to?

MR. CHRISTIAN: Yes.

TECHNICAL EXAMINER McCLURE: Here you have a note talking about buffer acreage being removed from city/SPC to adjust for unit acreage; do you see the note I am referring to?

MR. CHRISTIAN: Yes.

TECHNICAL EXAMINER McCLURE: Can you please describe for me, I guess what is meant by that note?

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MR. CHRISTIAN: Yes. So in putting this unit together there are tons of lots within the city and so figuring out the total acreage and correct acreage amount can be tough to do, so pretty much what we have done is, you know, a portion of this acreage is credited to the city of Carlsbad, you know, a portion is leased to SPC and other individuals, and what we have done is use the buffer acreage and use kind of the city as well as our own interest to, you know, make, I guess the nets true up, so it is either going to be owned by the city or it is the acreage that is owned by Permian Resources now, previously SPC.

TECHNICAL EXAMINER McCLURE:
Now when you are referring to "buffer acreage" I guess can you please describe that concept to me in a little bit more detail?

MR. CHRISTIAN: I would say the

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way we are thinking about it is the acreage that makes up this whole unit in making it whole, so anything around these lots, you know, I think we are thinking of roads, alleys, everything as far as that stuff.

TECHNICAL EXAMINER McCLURE:

Okay, so these 38.48 acres, they do exist, but they are underlying, like city streets?

MR. CHRISTIAN: Yes.

TECHNICAL EXAMINER McCLURE:

And rural roads and stuff like that; is that correct?

MR. CHRISTIAN: Yes, sir, that's correct.

TECHNICAL EXAMINER McCLURE: So

who is Permian attributing the minerals that underlie those roads and railroads to?

MR. CHRISTIAN: A lot of it -- I would have to look back at all of our title, but a lot of it is attributed to the city of Carlsbad

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for the roads, but I would have to look back at all the exact title.

TECHNICAL EXAMINER McCLURE: I guess is Permian asking to pool any of these 38 or asking the division to force pool any of these 38.48 acres?

MR. CHRISTIAN: No, we are not asking to force pool any of that. Either that is acreage that is owned by the city and leased to Permian Resources now or owned by Permian Resources, so, no, we are not asking to force pool any of that 38 acres.

TECHNICAL EXAMINER McCLURE: So then is it correct that all 38.48 of these acres, the minerals are either owned by Permian or leased to Permian?

MR. CHRISTIAN: I believe that is correct, yes.

TECHNICAL EXAMINER McCLURE: Now in that table above there is a final total of 1,267 and some-odd hundredth of an acre; is that

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correct?

MR. CHRISTIAN: That is correct.

TECHNICAL EXAMINER McCLURE: Is that the true acreage that is within the entirety of the unit?

MR. CHRISTIAN: Yes.

TECHNICAL EXAMINER McCLURE: Okay, so how does this 38.49 come in to that total, then?

MR. CHRISTIAN: That would just be acreage that would be rolled out of our SPC.

TECHNICAL EXAMINER McCLURE: So, currently, in that table you have 1123.45 attributed to SPC Resources LLC; is that correct?

MR. CHRISTIAN: That's correct.

TECHNICAL EXAMINER McCLURE: So is the 38.48 acres a part of that 1,123?

MR. CHRISTIAN: I do not believe it is, no.

TECHNICAL EXAMINER McCLURE: So

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then does all the totals in that table come out to 1,267?

MR. CHRISTIAN: Yes, they do.

TECHNICAL EXAMINER McCLURE: So I am just going to call it 40 acres just to make it easier from this point forward, but I am referring to 38.48.

Of that 40 acres of buffer acres the buffer 40 acres that you have listed below, if that is attributed to SPC but it is not included in that 1,123 acres then how is it that the true acreage of that unit is 1,267?

MR. CHRISTIAN: I would have to look back at the calculations on this and kind of talk with our group as well who helped put this together.

TECHNICAL EXAMINER McCLURE: Is it fair to say that there may be a typo here somewhere then in terms of the calculations?

MR. CHRISTIAN: So I do know

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the true acreage for the unit is 1267., you know, 09. I need to see exactly on the buffer, you know, I think that's been ruled out of us and the city, I think we could probably do a better job of explaining exactly what we are doing there with the buffer acreage.

TECHNICAL EXAMINER McCLURE:

Okay, now at this point standing here in the hearing are you able to tell me what this table should look like then if it were to include all the acreage?

MR. CHRISTIAN: If it was going to include the buffer acreage?

TECHNICAL EXAMINER McCLURE:

Well, Permian is asking for the division to include that acreage in the unit that we are force pooling persons into; is that correct?

MR. CHRISTIAN: Yes, but it's just an acreage total situation where it is like the city is leasing to SPC

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so it is just totalling up acreage,
we are not asking to force pool that,
it is just an acreage total thing.
We know that is the unit total and
that is the buffer amount and so it
is just figuring the breakdown of
what that exactly is supposed to be.

TECHNICAL EXAMINER McCLURE:

Well, a little bit of context so
maybe you could more easily
understand what I am looking for.

An applicant is required to
provide the division with a breakdown
of the different interests in the
unit, so what I am trying to grasp is
how that is figured into this total
of the unit, and right now it seems
to be outside of the table.

MR. CHRISTIAN: Yeah.

TECHNICAL EXAMINER McCLURE:

Unless it is a part of that
1,123 acres.

MR. CHRISTIAN: No, it wouldn't
be a part of that.

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TECHNICAL EXAMINER McCLURE: So based upon that, I am assuming that all these net acres here does not add up to 1,267, do you believe that is accurate?

MR. CHRISTIAN: I believe all of this should add up to 1,267 and then that's, you know, if it added up to above that you would have almost the 40 buffer acreage rolled into SPC, so I believe all of this should add up, but I could confirm that.

TECHNICAL EXAMINER McCLURE: To prevent us from having to continue this case, Mr. Hearing Examiner, I am almost wondering if we could give the applicant a chance to do that and maybe hear it again later today, I don't know what your thoughts are on the matter, though.

HEARING EXAMINER CHAKALIAN:
Well, the docket is pretty full today and by the pace we are going right now I don't believe we are going to

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be able to come back to it, so I think we will either need to continue it to another docket, so, Miss Vance, when do you want to continue this case?

MS. VANCE: Well, one, I did want to point out this is just -- there is a pooling order in place and we are requesting to pool additional parties, but this isn't new pooling, there is a pooling order in place, so I just want to clarify.

HEARING EXAMINER CHAKALIAN:
Thank you.

MS. VANCE: So I am sure Permian would like to get this heard as soon as possible. I know there is a special docket next week on the 15th, I believe, so if I can confer with my client and see how soon we could update the hearing packet to make these edits and get back to the Hearing Examiner and the Technical Examiner during this hearing and just

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confirm if the 15th would work.

HEARING EXAMINER CHAKALIAN:

That works for me.

Mr. McClure.

TECHNICAL EXAMINER McCLURE: It

does for me as well.

HEARING EXAMINER CHAKALIAN:

Miss Vance, let's take a five-minute
break and maybe you could confer
during that time; okay?

MS. VANCE: Okay, thank you.

(Short break taken.)

HEARING EXAMINER CHAKALIAN:

Back on the record 9:37 a.m.

Miss Vance, did you confer with
your client?

TECHNICAL EXAMINER McCLURE:

You are muted, Miss Vance, if you are
speaking.

MS. VANCE: Sorry about that.

I was on the phone with
Mr. Christian.

That does work.

HEARING EXAMINER CHAKALIAN:

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Then, Miss Vance, please continue your case to the April 15th docket and we will pick it up there.

MS. VANCE: Okay.

HEARING EXAMINER CHAKALIAN: We are off the record in that case.

Moving on to cases 3 to 6 on our docket 25039, 40, 41, 42 and appearances, please.

MS. VANCE: Paul Vance with the Santa Fe office of Holland & Hart on behalf of Oxy.

HEARING EXAMINER CHAKALIAN: Thank you.

MR. SAVAGE: Darin Savage with Abadie & Schill on behalf of Alpha Energy Partners.

MS. BENNETT: Deana Bennett, Bennett, that is D-E-A-N-A B-E-N-N-E-T-T, on behalf of Avant Operating LLC.

HEARING EXAMINER CHAKALIAN: Mr. Savage, would you spell your name for the court reporter.

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MR. SAVAGE: Darin Savage,
D-A-R-I-N S-A-V-A-G-E.

HEARING EXAMINER CHAKALIAN:
Miss Bennett, let me start with you,
did you withdraw your objection?

MS. BENNETT: Mr. Hearing
Examiner, I did not file an objection
in these cases, I am monitoring them
only on behalf of Avant, but I did
want to just state I have been in
discussions with counsel for Permian
Resources and it is my understanding
that they are going to be submitting
a revised exhibit packet to address
some issues with respect to Avant's
interest in these units, and so I am
looking forward to hearing that from
Read & Stevens counsel, if that is
what they decided to do.

HEARING EXAMINER CHAKALIAN:
Thank you for the heads-up.

Mr. Savage.

MR. SAVAGE: We filed an
objection initially and the parties

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resolved the matter so we withdrew
the objection.

HEARING EXAMINER CHAKALIAN:

Thank you, Mr. Savage.

Miss Vance.

MS. VANCE: I apologize, I
jumped in the worksheet.

I am Paula Vance from the Sante
Fe office of Holland & Hart on behalf
of Permian Resources and Read &
Stevens. I actually entered an
appearance for Oxy, I apologize for
that.

What both Miss Bennett and
Mr. Savage stated is my understanding
as well.

HEARING EXAMINER CHAKALIAN:

Would you present these in a group
format, please?

MS. VANCE: Yes. Can you give
me just one second, I am pulling up
the exhibit packets for reference, if
needed.

These are extension cases and

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so we have provided a copy of the application, the original pooling orders, and then a statement from Mr. Mark Hajdik, who has previously testified before the division.

In this statement, to Mr. Savage's point, it speaks to the agreement that both Permian and Read & Stevens and Alpha have come to. We have also noted that since Permian last appeared in these cases before the division a couple of those interests have changed, including which are referenced in Mr. Hajdik's statement, there is BTA Oil, Alpha and RAB/Avant; however, they are not listed in the updated pooling exhibit. In fact, there is actually no updates to the pooling exhibit, that was an oversight on my part. Those parties, those new parties, Permian is working on an agreement with them so we are not listing them as pooled parties and so following

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that is the affidavit of Notice of Publication, the sample letter was timely mailed on December 20, 2024, and then the affidavit was timely published on December 22, 2024, and so unless there are any questions I would ask these cases be -- that the exhibits be taken under advisement or that the exhibits be accepted and the cases be accepted for advisement.

HEARING EXAMINER CHAKALIAN:

Miss Bennett, any objections?

MS. BENNETT: No objections.

HEARING EXAMINER: Mr. Savage, any objections?

MR. SAVAGE: No objection.

HEARING EXAMINER CHAKALIAN: So your exhibits are admitted into evidence in all four cases.

Mr. McClure.

TECHNICAL EXAMINER McCLURE: I do have questions for the landman, Mr. Hearing Examiner.

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Miss Vance, can you get him on?

MS. VANCE: I know he was in a meeting and I may have to send him a message to get him on the line because I am not seeing him.

HEARING EXAMINER CHAKALIAN:
Well, then we will be in recess on these cases until the landman is able to join us.

Would you turn your camera on. In the meantime would you state and spell your name for the record.

MR. HAJDIK: Mark Hajdik,
M-A-R-K H-A-J-D-I-K.

HEARING EXAMINER CHAKALIAN: I am going to swear you in as soon as I can see you. I can see you.

Would you raise your right hand, please. Do you swear or affirm under penalty of perjury that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

MR. HAJDIK: I do.

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HEARING EXAMINER CHAKALIAN:

Thank you.

What field of expertise have you been previously admitted here in this division?

MR. HAJDIK: Land.

HEARING EXAMINER CHAKALIAN:

Land, okay.

Mr. McClure.

TECHNICAL EXAMINER McCLURE:

Mr. Hajdik, very briefly can you describe for me the good cause for the extension for these four cases?

MR. HAJDIK: We had kind of a two pronged situation here, we were waiting on the orders for the adjacent section so we could more timely co-develop and minimize parent-child situation and we had some kind of upside zones we were testing in the vicinity and those zones started flowing back earlier this year so we are actually going to be able to add a couple of wells

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based on this development for the wells, so that was the reason of pushing it beyond the initial expiration as results back.

TECHNICAL EXAMINER McCLURE:
Now, currently, Permian is asking for, approximately, a six-month extension on these orders, do you foresee that being enough time to take into account your neighboring acreage?

MR. HAJDIK: Yes, we have taken care of all of that. The six-month was an agreement Alpha, they have an expiration in 2026, so this will give us enough time to kind of balance the code of element, you know, get the offset results which we currently have, and, you know, meet Alpha's needs.

TECHNICAL EXAMINER McCLURE:
Now when you are referring to the neighboring acreage, is that part of competing compulsory pooling cases

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that is currently being heard in front of the division?

MR. HAJDIK: They were, those orders were issued last week.

TECHNICAL EXAMINER McCLURE: So Permian -- does Permian -- are they now the operator of that neighboring acreage?

MR. HAJDIK: Correct.

TECHNICAL EXAMINER McCLURE: And as such you do foresee that Permian will be drilling out these units in question, that being the Riddler 310 federal com wells within the next six months?

MR. HAJDIK: Yes, we are planning to start drillings this summer in order to meet the 1015s.

TECHNICAL EXAMINER McCLURE: Thank you, Mr. Hajdik.

Mr. Hearing Examiner, no further questions.

HEARING EXAMINER CHAKALIAN: With those answers can we take these

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under advisement or do we need any kind of amendment?

TECHNICAL EXAMINER McCLURE: We can take that under advisement, Mr. Hearing Examiner.

HEARING EXAMINER CHAKALIAN: Perfect. Thank you, we are off the record in these four cases.

Moving onto cases 7 through 12, these are Oxy USA cases, 25103, 104, 105, 106, 107 and 108. Entrance of appearance please.

MS. VANCE: Paula Vance with the Santa Fe office of Holland & Hart on behalf of Oxy.

HEARING EXAMINER CHAKALIAN: Thank you.

MS. HATLEY: Keri, K-E-R-I, last name Hatley, H-A-T-L-E-Y, internet appearance on behalf of COG Operating, COG Production, and Marathon Oil Permian.

HEARING EXAMINER CHAKALIAN: Did you enter an objection that you

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withdrew or just monitoring?

MS. HATLEY: We are monitoring only.

Ms. McLEAN: Jackie McLean on behalf of 3R Operating and we are monitoring as well. And McLean is M-C-L-E-A-N.

HEARING EXAMINER CHAKALIAN: Miss Vans, if there are no other parties could you please present these in a group fashion?

MS. VANCE: Yes, but before I get started our landman has not appeared before the division previously, so I wanted to go ahead and just swear her in now, if that is possible, and she should be on the line, her name is Miss Alissa Payne.

HEARING EXAMINER CHAKALIAN: Let's do that. Let's get her qualified.

MS. VANCE: We did include a copy of her resume that is Exhibit C-1.

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HEARING EXAMINER CHAKALIAN:
Thank you.

I see you there, Miss Payne,
would you raise your right hand.

MS. PAYNE: Yes, hi, good
morning.

HEARING EXAMINER CHAKALIAN:
Good morning.

Before I swear you in would you
state and spell your name for the
record.

MS. PAYNE: It is Alissa,
A-L-I-S-S-A, last name Payne,
P-A-Y-N-E.

HEARING EXAMINER CHAKALIAN:
Thank you.

Would you raise your right
hand. Do you wear or affirm under
penalty of perjury that the testimony
you are about to give is the truth,
the whole truth, and nothing but the
truth?

MS. PAYNE: I do.

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Thank you.

What field are you seeking to be admitted as an expert?

MS. PAYNE: Petroleum land management.

HEARING EXAMINER CHAKALIAN: Very good, land management. I am not looking at your resume right now, tell me about your education that goes to that expertise.

MS. PAYNE: Yes, I graduated from Texas Tech University in 2018 with a degree in energy commerce.

HEARING EXAMINER CHAKALIAN: What did you do after you graduated?

MS. PAYNE: I came to work for Occidental and have been here since.

HEARING EXAMINER CHAKALIAN: Very good. From 2018 to present you are with Occidental and what is your position there?

MS. PAYNE: I am a senior land negotiator.

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Land negotiator, okay. And as senior land negotiator what are some of your duties?

MS. PAYNE: Um, I am analyzing acreage to manage a drill schedule and am working non-op wells as well for our land department.

HEARING EXAMINER CHAKALIAN:
Okay. From here on in you are qualified before this division as a petroleum land management expert.

So, Miss Vance, that has been done.

MS. VANCE: Thank you. So I will present these as consolidated cases.

This involves acreage all in Township 24 South, Range 29 East, and that is Eddy County. There are overlaps and notice was provided, no objections were received and so I believe we can drop that portion of the applications and I will go through the specific spacing units

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for each of these.

In case 25103 this is Oxy is seeking to pool the interest in a 317.34-acre spacing unit and that is comprised of lots 1 through 4 which is the west half of the west half equivalent of irregular Sections 19 and 30 and dedicating that unit to the SORO CC 19_30 Fed Com 11H and this will be in the first Bone Spring, so we are only pooling a portion of the Bone Spring for each of these cases.

Case number 25104, Oxy is seeking to pool the interests in a 320-acre, more or less, spacing unit, and that is comprised of the east half and west half irregular Sections 19 and 30, dedicating that unit to the SORO CC 19_30 Fed Com 12H.

And case 25105, Oxy is seeking to pool the interests in a 640-acre, more or less, spacing unit, and that is comprised of the east half of

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irregular Sections 19 and 30 and dedicating that unit to the SORO CC 19_30 13H and 14H, and that is in the first Bone Spring, and the 14H is the proximity well.

And then in case number 25106, Oxy seeks to pool the interests in the 317.34-acre, more or less, spacing unit, and that is comprised of lots 1 through 4 and that is the west half west half equivalent of irregular Sections 19 and 30 and dedicating that spacing unit to the SORO CC 19_30 Fed Come 71H and 72H, and this is pooling the third Bone Spring.

Case number 25107, Oxy is seeking to pool the interests in a 320-acre, more or less, spacing unit, and that is comprised of the east half of west half of irregular Sections 19 and 30 and dedicating that unit to the SORO CC 19_30 Fed Com 73H, and that is in the third

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Bone Spring.

And then, lastly, is case number 25108, Oxy is seeking to pool the interests in a 640-acre, more or less, spacing unit, and that is comprised of the east half of irregular Sections 19 and 30 and dedicating that unit to the SORO CC 19_30 Fed Com 74H, 75H and 76H, and that is the third Bone Spring and the 75H is the proximity well.

The pool code is 96671. In these cases we have included a copy of the applications, the compulsory pooling checklist, as well as the self-affirmed statement of the landman, Alissa Payne, who has now been qualified as an expert in land and Seth Brazell, who has previously testified and his credentials have been accepted as a matter of record.

In each of the hearing packets you will find with Miss Payne's exhibits the standard land exhibit,

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sub exhibit requirements, because these have been involved in overlap along with the pooling exhibit the diagram also depicts the overlaps so the proposed unit in relation to the existing units.

Following the land is the geology, Mr. Brazell's statement is Exhibit D, and that includes all of the required geology sub exhibits.

Then, lastly, Exhibit E is my self-affirmed statement of Notice with a sample copy of the Notice that went out, and that was timely dated on December 20, 2024.

And then Exhibit F is a copy of the Affidavit of Notice of Publication, which was timely published on December 21, 2024.

Unless there are any questions I would ask that all the exhibits and sub exhibits be admitted into the record and that these cases be taken under advisement at this time.

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HEARING EXAMINER CHAKALIAN:
Are there any objections?

MS. McLEAN: No objection.

HEARING EXAMINER CHAKALIAN:
Verifying not hearing any your
exhibits are admitted into evidence,
Miss Vance, and we will turn to
Mr. McClure.

TECHNICAL EXAMINER McCLURE: I
do have questions for the landman.

HEARING EXAMINER CHAKALIAN:
Miss Payne, will you turn your camera
on. I remind you you are under oath.
Mr. McClure.

TECHNICAL EXAMINER McCLURE:
Thank you, Mr. Hearing
Examiner.

Miss Payne, can you very
briefly describe for me the reason
that the applicant is requesting to
pool the Bone Spring one and Bone
Spring three separately here, not
including the Bone Spring two?

MS. PAYNE: Right, yeah,

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because of the existing second Bone Spring development that is there in Section 30 we are only looking to produce the first and the third.

TECHNICAL EXAMINER McCLURE:

Okay, thank you.

Can I draw your attention looking at -- specifically looking at case 25105, this is one of the east half cases.

MS. PAYNE: There are quite a few.

TECHNICAL EXAMINER McCLURE: I think 25108 is one of them and 105 is the other.

MS. PAYNE: Yes, got it.

TECHNICAL EXAMINER McCLURE: If I could draw your attention to page 19 of 58, this should be your tract map.

MS. PAYNE: Okay.

TECHNICAL EXAMINER McCLURE:

There appears to be a typo on this slide, I just want to confirm that

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with you. Do you see above the tract map where you have identified as east half west half and then also you reference 320 acres?

MS. PAYNE: Yes.

TECHNICAL EXAMINER McCLURE: Is it correct that what you meant to include here was the east half of those sections and then 640 acres?

MS. PAYNE: That's correct.

TECHNICAL EXAMINER McCLURE: And would this also be correct for case 25108, which is also the east half?

MS. PAYNE: Let me just confirm here.

Yes, that's correct.

TECHNICAL EXAMINER McCLURE: Thank you, Miss Payne.

Mr. Hearing Examiner, I don't have any further questions, but I will need a correction to the CPAC and C-102s.

HEARING EXAMINER CHAKALIAN:

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Thank you.

Miss Vance, we will continue this record to receive an amending hearing packet with cover letter to correct the CPAC and the C-102s.

MS. VANCE: Go ahead, sorry.

TECHNICAL EXAMINER McCLURE: I apologize for interrupting, Mr. Hearing Examiner, actually there is one additional question I want to ask Miss Payne if I may real fast.

HEARING EXAMINER CHAKALIAN: Sure. Miss Payne.

TECHNICAL EXAMINER McCLURE: Miss Payne, to confirm, are there any depth severances within the Bone Spring within these units?

MS. PAYNE: There are not any depth severance in Section 30 that I am aware of.

TECHNICAL EXAMINER McCLURE: Are there any in Section 19, that you are aware of?

MS. PAYNE: No, 19 is owned

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100 percent by Oxy.

TECHNICAL EXAMINER McCLURE:

Okay, thank you, Miss Payne.

I apologize, Mr. Hearing

Examiner. That concludes my

questions.

HEARING EXAMINER CHAKALIAN:

Miss Vance.

MS. VANCE: Could you please

repeat what you wanted updated on the

checklist?

TECHNICAL EXAMINER McCLURE:

Yes, Miss Vance, we have two

different pools within this area, if

you have a pen and paper I will give

you the pool code for those and the

sections.

MS. VANCE: I am ready.

TECHNICAL EXAMINATION McCLURE:

Alright, Section 19 is pool code

50371.

MS. VANCE: Okay.

TECHNICAL EXAMINER McCLURE:

And then the pool code in Section 30

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I believe is the one you already have on there, yes, 96671, that is for Section 30 only, and then Section 19 is the Pierce Bone Spring that I just gave you.

MS. VANCE: Now in reference to that are you going to want updated C-102s, because I believe they only reference the one pool?

TECHNICAL EXAMINER McCLURE: That is correct, Miss Vance. In addition to that on the CPAC I know historically speaking we have been doing the Bone Spring as the formation and including the vertical extent in the later role, I guess do you have any thoughts on that?

MS. VANCE: Which -- I am trying to find the box that you are referring to. Below formation pool?

TECHNICAL EXAMINER McCLURE: That is correct, where you have first Bone Spring and the formation name or vertical extent box.

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MS. VANCE: Sure. I just wanted to be clear it was the first Bone Spring, but to, you know, to Miss Payne's, the question she answered, there is no vertical or there is no depth severance so I just wanted to keep it clean by being clear they are only pooling the first Bone Spring but there is no depth severance, I am happy to edit that, if you like, or note there is no depth severance and they are only seeking to pool the specific targets, but I leave it to your discretion however you would like that to appear in the checklist.

TECHNICAL EXAMINER McCLURE:

Yeah, I think the cleanest way to go about that would be to change that to Bone Spring and then do the first Bone Spring in your vertical extent and then it goes by default that you are saying there is no depth severance applies to the entirety of

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the Bone Spring; are you on the same page?

MS. VANCE: I am. So you would like to see listed Bone Spring and then next to that first Bone Spring or third Bone Spring?

TECHNICAL EXAMINER McCLURE:
Um --

MS. VANCE: Oh, I see, vertical extent, I am sorry, I did not see that below there, got you. So Bone Spring and then vertical extent two lines below that, got it.

TECHNICAL EXAMINER McCLURE: I know that is the more common way we have been approaching this, and, yeah, I think that might be the cleanest way. The context is I just want to confirm that we have it identified there is no depth severance in the Bone Spring and I think this might be the best approach to that.

MS. VANCE: I can do that.

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TECHNICAL EXAMINER McCLURE:
So, Miss Vance, you understand everything that I am asking to be updated between the CPAC and C-102s?

MS. VANCE: And the plot for, I believe it is 25105 and 25108, I believe where it said 320 and it is supposed to be 640, correcting that as well.

TECHNICAL EXAMINER McCLURE:
Yeah, that is correct, Miss Vance, I was actually hemming and hawing in my own mind whether the verbal confirmation would be enough for the minor typo, but since we are submitting an exhibit packet anyway it would be worthwhile to amend that as well.

MS. VANCE: That works for me. So I got the checklist and the -- I will also have to -- I believe we referenced the pools in Miss Payne's statement, so I will have to correct that as well.

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TECHNICAL EXAMINER McCLURE:
Okay, thank you, Miss Vance.

HEARING EXAMINER CHAKALIAN:
How much time would you like?

MS. VANCE: I will have to talk with Miss Payne, I could send her an e-mail just to see how long it will take to get the updated C-102s, I am not sure how long it will take to turn that around. She is still on the line so she may be able to provide a quick update on that.

MS. PAYNE: I will have to check with regulatory to see what kind of turnaround.

HEARING EXAMINER CHAKALIAN:
Miss Vance, here is what I will do so we could get off the record and keep moving these cases along. I will give you until April 16th, same deadline as last time, if you need more time file a Motion.

MS. VANCE: Thank you.

HEARING EXAMINER CHAKALIAN:

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Thank you. We are off the record in those cases.

Let's move on to case number 13 on our docket. This is V-F Petroleum case 25151. Entrance of appearances, please.

Mr. Savage, are you there?

MR. SAVAGE: Good morning, Mr. Hearing Examiner. Good morning, Darin Savage with Abadie & Schill appearing on behalf of V-F Petroleum Incorporated.

HEARING EXAMINER CHAKALIAN:

Thank you.

MS. HATLEY: Keri Hatley on behalf of Marathon Oil, Permian and COG.

HEARING EXAMINER CHAKALIAN:

Monitoring?

MS. HATLEY: Yes, monitoring only.

MS. McLEAN: Jackie McLean on behalf of Permian Resources and we are monitoring only.

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HEARING EXAMINER CHAKALIAN:

Perfect.

Mr. Savage.

MR. SAVAGE: Yes, Mr. Examiner.

This case covers lands in Sections 33, 34 and 35, Township 18 South. The landman for this case has testified before the division as an expert witness and his credentials has been accepted, as well as have the geologist, Stephen Burke, and his credentials have been accepted as matter of record for geology.

In this case V-F Petroleum states an order pooling all commuted interests in the Bone Spring Formation underlying a standard 400-acre, more or less, spacing unit comprised of the north half northwest quarter of Section 35 and the north half north half of Sections 34 and 33. The unit will be dedicated to two additional wells and these are the two Walker wells 224H and 234H.

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Orientation of the unit is lay down east to west. Mr. Shaw's exhibit includes his landman affidavit statement, the C-102s ownership breakdown, well proposals and chronology of context. And Mr. Burke's Exhibit B includes his geology affidavit that show the potential for the development as described in his affidavit. Exhibit C provides the Affidavit of Notice for mailings and publications notice, all interested working owners were locatable and notice letters were submitted January 23, 2025 and notice was timely published on January 25, 2025.

Mr. Examiner, at this time I am going to move A, B and C be admitted into the record for 25151 and this case be taken under advisement. Witnesses and counsel are available for questions, thank you.

HEARING EXAMINER CHAKALIAN:

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Did you mention when the letter and when the affidavit for publication were submitted?

MR. SAVAGE: I did.

January 23rd.

HEARING EXAMINER CHAKALIAN: I didn't catch you, but if you did that is fine with me. They were both timely?

MR. SAVAGE: They are.

HEARING EXAMINER CHAKALIAN: Any objections to the exhibits?

MS. McLEAN: No.

HEARING EXAMINER CHAKALIAN: Not hearing any your exhibits are admitted into evidence. I will turn to Mr. McClure.

TECHNICAL EXAMINER McCLURE: Mr. Hearing Examiner, I am going to have questions for, and I apologize I was adding notes to the prior cases here, here we have Mr. Shaw and what is the geologist's name, Mr. Savage?

MR. SAVAGE: Mr. Burke.

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HEARING EXAMINER CHAKALIAN:
Mr. McClure, Shaw, Burke, which one?

TECHNICAL EXAMINER McCLURE: I
am going to have questions for both
of them, primarily for the landman,
though.

HEARING EXAMINER CHAKALIAN:
Let's start with Mr. Shaw.

Mr. Shaw.

MR. SHAW: Yes, sir.

HEARING EXAMINER CHAKALIAN: I
will get you sworn in when I could
see you.

MR. SHAW: Can you see me?

HEARING EXAMINER CHAKALIAN: I
can see you. Thank you. Would you
please raise your right hand.

MR. SHAW: Yes, sir.

HEARING EXAMINER CHAKALIAN: Do
you swear or affirm under penalty of
perjury that the testimony you are
about to give is the truth, the whole
truth, and nothing but the truth?

MR. SHAW: Yes, sir.

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HEARING EXAMINER CHAKALIAN:
Would you state and spell your name,
please, for the record.

MR. SHAW: Yes. Jordan,
J-O-R-D-A-N, last name Shaw, S-H-A-W.

HEARING EXAMINER CHAKALIAN:
Mr. Shaw, you know you are a witness
in our motion hearing at the end of
this docket; right?

MR. SHAW: Yes, sir.

HEARING EXAMINER CHAKALIAN:
Mr. McClure.

TECHNICAL EXAMINER McCLURE:
Thank you, Mr. Hearing Examiner.

Mr. Shaw, I am looking at your
affirmed statement, paragraph 5, it
should be found on page 12 of 61 is
the initial part of it.

MR. SHAW: Yes, sir.

TECHNICAL EXAMINER McCLURE: In
this statement you reference that V-F
is seeking to pool what you describe
it as the Bone Spring Formation and
then you go on to describe it as the

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top of the first Bone Spring to the base of the third Bone Spring; do you see where I am referencing?

MR. SHAW: Yes, sir.

TECHNICAL EXAMINER McCLURE: Do you know if the Avalon exists in this area?

MR. SHAW: No, sir, I do not.

TECHNICAL EXAMINER McCLURE: Would it be V-F's intent to pool the entirety of the Bone Spring including the Avalon or would it be V-F's intent to only do the top of the first Bone Spring to the base of the Third Bone spring?

MR. SHAW: I had a conversation -- this would best be probably answered by Mike Burke, but what I am looking at that depth of 3,632 feet, and it was my understanding, again, this was my conversation with Mike Burke, our geologist, that he did not see an Avalon in these sections, and so he

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looked at that depth as the top of the first Bone Spring, but, again, Mike Burke would be probably the best one to answer that.

TECHNICAL EXAMINER McCLURE:

Thank you, Mr. Shaw. I will talk to Mr. Burke here in a second, and I may have to ask you additional questions afterwards depending upon his responses.

Moving on from that topic, you know, actually I am ready to move on, I guess I am ready to move on to Mr. Burke now. Thank you, Mr. Shaw.

MR. SHAW: I am just trying to locate him at the moment. He is actually currently out of the office, but I will let Darin know once I am able to get a hold of him. He should be able to jump on, but --

HEARING OFFICER CHAKALIAN: We will be on recess in this case.

Mr. Savage, when you have your witness let us know and we will come

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back to this case.

MR. SAVAGE: Thank you,
appreciate it.

HEARING OFFICER CHAKALIAN:
Moving onto number 14 on our docket,
25164, this is a COG compulsory
pooling, it looks like it stands by
itself. Appearance please.

MS. VANCE: Paula Vance with
the Santa Fe office of Holland & Hart
on behalf of the applicant COG.

HEARING EXAMINER CHAKALIAN:
Are there any other parties that you
know of?

MS. VANCE: I believe so.

MS. LUCK: This is Kaitlyn
Luck, K-A-I-T-L-Y-N L-U-C-K, for WR
Non-Op LLC and Chief Capital.

We don't have any objection, we
are just standing by observing
preserving rights to appeal.

HEARING EXAMINER CHAKALIAN:
Perfect.

Miss Vance.

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MS. VANCE: So we actually previously presented this case at the last hearing and so we are just here to perfect notice and there is a cover page that outlines what was updated, so on the revised pooling exhibit COG actually reached agreement with several parties and then we have also included the overrides that we provided that additional notice to and included with the pooling exhibit and then there is an additional -- a revised letter, Exhibit E, and I will tell you that additional letter went out on March 7, 2025 to those parties and we also covered with additional notice of publication and that was timely published on March 15, 2025, so unless there are any questions I would ask that the exhibits and the revised exhibits be admitted into the record and that this case be taken under advisement at this time.

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HEARING EXAMINER CHAKALIAN:

Okay, are there any objections?

Not hearing any your
exhibits --

MS. LUCK: No objections, thank
you.

HEARING EXAMINER CHAKALIAN:

Your exhibits are admitted into
evidence.

Mr. McClure.

TECHNICAL EXAMINER McCLURE:

Mr. Hearing Examiner, I have a quick
clarification question with Miss
Vance.

Miss Vance, looking at the
transcript from the last hearing that
this was heard at I think there was
reference to maybe some existing
orders that may be overlaps of this
one and may no longer be needed; is
that correct?

MS. VANCE: That is correct,
and I do not have the existing order
number in my notes from the last

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hearing and I don't have those in front of me, but, yes, this was previously pooled with a different development plan. This is to replace that order because this is a different development, this involves U-turn wells and I am happy to look through my notes and grab that order number for reference, I can either e-mail that to you or I can follow-up at the end of the hearing with that information.

TECHNICAL EXAMINER McCLURE: It would probably be good to have it in the transcript if we don't have anything in the file. Do you think you referenced those hearing orders in the previous hearing transcript?

MS. VANCE: I believe so, because I did provide a short historical background of, you know, why we were back at a hearing for the same acreage and I do believe that I provided a summary of -- that

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included a discussion at the previous orders involved.

TECHNICAL EXAMINER McCLURE:

Miss Vance, if you could just e-mail those for easier reference for myself then that should be sufficient here. I will let you respond to that, Miss Vance.

MS. VANCE: Actually, I just pulled up my notes and I can tell you, so the prior orders it was the original case was case number 23650 and the order was R-TAC 22859 and I believe there was an extension request and that was under case 24745 and the order was R-TAC 22859 TAC-A, and so once an order is issued through this then I can make a note to follow-up, but that would extinguish those existing orders or I would have to look back on my notes, I don't think we dismissed that because we wanted to keep it intact until we had this order issued.

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TECHNICAL EXAMINER McCLURE:
Okay, thank you, Miss Vance, and I don't think you will need to do anything on your end, we will just terminate it when we do the order for this one, it will be included in that same order.

MS. VANCE: Perfect.

TECHNICAL EXAMINER McCLURE:
Thank you, Mr. Hearing Examiner, I have nothing further for this case.

HEARING EXAMINER CHAKALIAN:
Can we take this under advisement?

TECHNICAL EXAMINER McCLURE:
Yes, we can.

HEARING EXAMINER CHAKALIAN:
Thank you, Miss Vance.

Moving onto 15, 25182, it is a Cimarex case.

MR. HOLLIDAY: Good morning, everyone, Ben Holliday on behalf of the applicant Cimarex Energy Company of Colorado, and that is Holliday with two Ls.

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HEARING EXAMINER CHAKALIAN:
Thank you, Mr. Holliday.

MS. KESSLER: This is Jordan Kessler with EOG Resources and we are just monitoring this case.

HEARING OFFICER CHAKALIAN: Can you spell your name for the reporter.

MS. KESSLER: J-O-R-D-A-N, last name K-E-S-S-L-E-R.

HEARING EXAMINER CHAKALIAN:
You said you were monitoring, so Mr. Holliday, please proceed.

MS. VANCE: There is one other party.

HEARING EXAMINER CHAKALIAN: Is that you, Miss Vance?

MS. VANCE: Yes. Good morning, Paula Vance with the Santa Fe office Holland & Hart on behalf of Matador.

HEARING EXAMINER CHAKALIAN:
Are you monitoring?

MS. VANCE: Yes, just monitoring, thank you.

HEARING EXAMINER CHAKALIAN:

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Mr. Holliday, take it away.

MR. HOLLIDAY: So this case Cimarex wants to pool from 7,680 feet to the base of the Bone Spring underlying a 960-acre standard horizontal spacing unit comprised of the east half of Sections 23, 26 and 35 all located in Township 25 South, ranging 26 East Eddy county, New Mexico. This unit will be dedicated to the winning 2326 Fed Com notes, and, for the record, this case number 25182 is a companion case with 25181 that was heard by affidavit in March. The reason these two are separated is due to existing Bone Spring production in Section 35, so 25181 seeks to pool the upper Bone Spring from the top of the formation to 7,680 feet, but as to Sections 23 and 26 only. So 25181 excludes 35 due to that pre-existing Bone Spring development.

The case today seeks to pool

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the east half of both these Sections 23 and 26 at well as 35 but from the depth of 7,680 feet to the base of the Bone Spring. So this is pooling the remainder of the Bone Spring and the reason these cases were separated, there was originally an objection to 182 and that has since been withdrawn and we are now hearing it by affidavit.

In terms of the exhibits we provided the affidavit of Landman Curtis and Kelleghan. Both Curtis and Kelleghan have been previously recognized as experts by the division and have testified and both are also available if the Technical Examiner has any questions.

So turning to the exhibits, Mr. Curtis provides our standard suit of land exhibits shown in our table of contents that is A-1 through 7. Mr. Kelleghan provides likewise the standard geology exhibits in B-1

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through B-4. Exhibit C is my packet, it is the Notice of Affidavit and the associated attachments.

Notice in this case was timely sent by certified mail on February 18, 2025, and we also timely published in the Carlsbad Current-Argus on February 2, 2025.

So with that unless there is any questions, I request that the exhibits be admitted and these cases be taken under advisement at this time.

HEARING EXAMINER CHAKALIAN:
Thank you, Mr. Holliday.

Any objections?
Not hearing any your exhibits are admitted into evidence.

Mr. McClure.
TECHNICAL EXAMINER McCLURE:

Mr. Examiner, I will have questions for the landman.

HEARING EXAMINER CHAKALIAN:
Mr. Curtis, could we get you on the

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screen.

MR. CURTIS: Right here.

HEARING EXAMINER CHAKALIAN: As soon as you turn your camera on I can swear you in.

Mr. Curtis, please raise your right hand.

Do you swear or affirm under penalty of perjury that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

MR. CURTIS: I do.

HEARING EXAMINER CHAKALIAN: Would you state and spell your name for the record?

MR. CURTIS: K-E-A-T-O-N
C-U-R-T-I-S.

HEARING EXAMINER CHAKALIAN: You previously have been admitted as an expert as a landman.

MR. CURTIS: Yes, sir.

HEARING EXAMINER CHAKALIAN: Mr. McClure.

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TECHNICAL EXAMINER McCLURE:
Mr. Curtis, is it accurate that
Cimarex is asking to pool the east
half of these sections only?

MR. CURTIS: That's correct.

TECHNICAL EXAMINER McCLURE: Is
it also accurate to say that Cimarex
is asking to pool the entirety of the
third Bone Spring?

MR. CURTIS: Um, yes, those
will include the third Bone Spring.

TECHNICAL EXAMINER McCLURE:
Now when you say it will encompass
the third Bone Spring do you mean
those depths is the top and low lower
bounds of 30 Bone Spring?

MR. CURTIS: Internally we are
calling them Harkey wells, which
Cahill might be able to testify
better than I, but that zone exists
on the top of the third Bone Spring.

TECHNICAL EXAMINER McCLURE: I
may need to ask your geologist a
little more then because the Harkey

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is a pool that is recognized in the state of Texas. In the state of New Mexico we consider it a part of the third Bone Spring, so I will just need some clarifying questions there I guess, but sticking with you for a second here, is it accurate to say that there are no depth severances within the Bone Spring Formation?

MR. CURTIS: That's correct.

TECHNICAL EXAMINER McCLURE: So the only reason Cimarex is asking for only the third Bone Spring, is that solely because of the existing wells in the Bone Spring two?

MR. CURTIS: That's correct.

TECHNICAL EXAMINER McCLURE: It doesn't look like I gave a page reference in my notes to the summary of interest table. Where is that at?

MR. HOLLIDAY: I believe it is on page 25.

TECHNICAL EXAMINER McCLURE:
Thank you, Mr. Holliday.

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Mr. Curtis, if I could direct your attention to page 25 of 76.

MR. CURTIS: I am here.

TECHNICAL EXAMINER McCLURE: Is Cimarex asking to pool CGWI Holdings LLC?

MR. CURTIS: We are, yes. I can take a little context to add to that, if you like.

TECHNICAL EXAMINER McCLURE: Possibly, depending on your response to my next question.

Was notice provided, was notice of this application provided to CGWI Holdings LLC?

MR. CURTIS: So we submitted -- let me break that one down.

So with CGWI originally the owner we were attempting to pool in the very beginning of this, the owner that received the well proposal was Royal Ltd. We got hold of Arroyo in February, from that communicated they were going to communicate or lease

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their interest. At this point the applications for these two cases had already been submitted and leased to CGW and with that we took the applications already being at the level as notice; however, we did submit additional proposals once we received recognizing it was a working interest and so they received it both ways.

TECHNICAL EXAMINER McCLURE: Go ahead, sir.

MR. CURTIS: I was just going to add that after communicating with them once they pooled that lease they were aware of our cases and we are going to continue to evaluate.

TECHNICAL EXAMINER McCLURE: So as a clarifying question, then, is it correct to state that their only notification in regards to this case is via whatever the mineral interest owner may have told them and your mail; is that correct?

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MR. CURTIS: That would be I believe correct, yes.

TECHNICAL EXAMINER McCLURE:
Mr. Hearing Examiner, I think I am ready to for the geologist.

HEARING EXAMINER CHAKALIAN:
Okay. Mr. Kelleghan.

Would you state and spell your name for the record.

MR. KELLEGHAN: First name is C-A-H-I-L-L, last name is K-E-L-L-E-G-H-A-N.

HEARING EXAMINER CHAKALIAN:
Raise your right hand.

Do you swear or affirm under penalty of perjury that the testimony you are go to give is the truth, the whole truth, and nothing but the truth?

MR. KELLEGHAN: Yes, I do.

HEARING EXAMINER CHAKALIAN:
And you have previously been admitted as an expert in what field?

MR. KELLEGHAN: In the field of

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geology.

HEARING EXAMINER CHAKALIAN:

Mr. McClure.

TECHNICAL EXAMINER McCLURE:

Mr. Kelleghan, did you hear the earlier testimony regarding the Harkey when I was speaking to your landman?

MR. KELLEGHAN: Yes, sir. So we are -- go ahead.

TECHNICAL EXAMINER McCLURE: I guess my question to you is the extent that is being requested, does that include the entirety of the third Bone Spring?

MR. KELLEGHAN: That does not cover the entirety of the third Bone Spring. Our target interval is a subzone within the third Bone Spring and the base of a zone is the base of a third Bone Spring, so, technically, there is a subinterval above us within the third Bone Spring we are not pooling.

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TECHNICAL EXAMINER McCLURE: Is it accurate to say the third Bone Spring carbonate is above your vertical limit, then?

MR. KELLEGHAN: Yes, sir.

TECHNICAL EXAMINER McCLURE: Okay, thank you, Mr. Kelleghan.

I don't have anymore questions, Mr. Hearing Examiner, though I will have requests associated with this case, including that we continue it for notice to be cured.

HEARING EXAMINER CHAKALIAN: Do you want to tell Miss Vance -- sorry, don't tell Miss Vance, tell Mr. Holliday what you need.

TECHNICAL EXAMINER McCLURE: Mr. Holliday, in regards to notice to CGWI Holdings LLC we are going to need to provide them notice of this application.

In regards to the CPAC, and let me scroll up to it, if we could correct -- are you with me where we

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are looking at that group that is under formation/pool on the CPAC?

MR. HOLLIDAY: Let me go with you really quick. You mean the checklist?

TECHNICAL EXAMINER McCLURE: Yes, the pooling application checklist.

THE HOLLIDAY: Okay, yes, sir. Which line?

TECHNICAL EXAMINER McCLURE: If we could change that formation to be the Bone Spring and then move what you have there down to the vertical extent.

Do you know if in the landman's statement we talk about -- I was just looking at it and we don't. Um, can we also include in there, and I know it is going to make it longer, but maybe in parenthesis or something in regard to that top saying it is at the Harkey or maybe saying it is at the base of the third Bone Spring

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carbonate since we don't use Harkey
in the state of New Mexico.

MR. HOLLIDAY: Yes, sir.

TECHNICAL EXAMINER McCLURE: I
believe that was what -- my
understanding was of Mr. Kelleghan's
testimony was.

MR. HOLLIDAY: That's correct.

TECHNICAL EXAMINER McCLURE:
Also, in addition to that, can we --
do you see down lower where it has
the description TRS County, the
spacing unit area?

MR. HOLLIDAY: Yes, sir.

TECHNICAL EXAMINER McCLURE:
Can we direct that to reference the
east half of those sections.

MR. HOLLIDAY: Yes.

TECHNICAL EXAMINER McCLURE:
Thank you, Mr. Holliday.

I have nothing else to request,
Mr. Hearing Examiner.

HEARING EXAMINER CHAKALIAN:

Mr. Holliday, when will your notice

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be perfected so we could come back and close this case?

MR. HOLLIDAY: I guess we will need 30 days, so we could get that notice out today and we should be able to get this on the next hearing by affidavit docket in May.

HEARING EXAMINER CHAKALIAN: Okay, I think it is May 8th, let me look at my calendar. It is, it is May 8th.

So, Mr. Holliday, would you continue this case to the May 8th docket.

MR. HOLLIDAY: Yes, I will.

HEARING EXAMINER CHAKALIAN: We are off the record in this case.

Let me go back to Mr. Savage, Mr. Savage, did you find your witness?

MR. SAVAGE: Our witness apparently is traveling in east Texas right now and we are trying to get a hold of him. Mr. Shaw is reaching

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out to him.

HEARING EXAMINER CHAKALIAN:

Fine. You just let me know; okay?

MR. SAVAGE: Yes, will do.

Thank you.

HEARING EXAMINER CHAKALIAN:

Let's move onto today's number 16 and maybe 17 on our docket are tied together, this is 25216, 25219, Texas Standard.

Appearances, please.

MS. BENNETT: Deana Bennett on behalf of Texas Standard.

HEARING EXAMINER CHAKALIAN:

Are there any other parties entered that you know of?

MS. BENNETT: No.

HEARING EXAMINER CHAKALIAN: Go right ahead.

MS. BENNETT: Today I was informed by Texas Standard they were able to reach a voluntary agreement with all the parties they were seeking to pool, so I will be filing

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a dismissal of these cases after the docket.

HEARING EXAMINER CHAKALIAN:

Wonderful, we will expect the Notice of Dismissal. Thank you very much. Off the record in this.

Moving onto 18 and 19, 25223 and 25224.

MS. McLEAN: Jackie McLean on behalf of the Newbourne Oil Company and there are two parties.

MS. KESSLER: Good morning, Mr. Examiner, Jordan Kessler with EOG Resources.

HEARING EXAMINER CHAKALIAN:

Thank you, Miss Kessler.

MS. HATLEY: Keri Hatley on behalf of COG Operating and Permian monitoring only.

MS. McLEAN: In 25223 and 25224 we are applying for an order pulling all uncommitted interest in the Bone Spring Formation in two standard horizontal spaces units comprised of

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the southeast quarter of Section 23 and the south half of Section 24, Township 24 South, Range 28 East in Eddy County, and the units will be dedicated to the Queen wells.

The exhibit packets that were submitted for these cases contain compulsory pooling checklists, Exhibit A, the statement of Brad Dunn, who has been previously admitted to testify as an expert in petroleum land matters. Exhibit B, the statement of Tyler Hill, who has also been previously admitted to testify as an expert in petroleum geology, and a sample of the notice letter sent to all interested parties on February 12, 2025, and an Affidavit of Publication for February 27, 2025.

With that I ask that Exhibits A, B and C be admitted into the record and that cases 25223 and 25224 be taken under advisement.

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HEARING EXAMINER CHAKALIAN:
Thank you, Ms. McLean.
Any objections?
Hearing none you're admitted
into evidence and then, Mr. McClure,
do you have any questions on these
two cases?

TECHNICAL EXAMINER McCLURE:
Mr. Hearing Examiner, these cases are
25216 and 25219; is that correct?

HEARING EXAMINER CHAKALIAN:
No, this is Mewbourne 25223 and
25224, we skipped over 16 and 19,
they are being dismissed.

TECHNICAL EXAMINER McCLURE:
Okay, thank you, Mr. Hearing
Examiner, I was still writing notes
for the prior case.

HEARING EXAMINER CHAKALIAN:
Sure.

TECHNICAL EXAMINER McCLURE: In
neither one of these cases do I have
questions.

HEARING EXAMINER CHAKALIAN:

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Perfect.

Thank you, Miss McLean, we will take these under advisement.

Moving onto Strata Production, 20 and 21 on our documents, 25226, 25227.

MS. DALRYMPLE: Shelly Dalrymple from Spencer Fane on behalf of Strata Company. S-H-E-L-L-Y, last name D-A-L-R-Y-M-P-L-E.

HEARING EXAMINER CHAKALIAN: I don't see any other parties entering in your cases. Would you present them? They're amendment cases, they are very simple cases. What is the good cause to amend?

MS. DALRYMPLE: Unforeseen service facility and takeaway issues and Mr. Mitch Krakouskas who has provided the affidavit is on-line for further questions if you have any, Mr. Hearing Examiner.

HEARING EXAMINER CHAKALIAN: Was there any notice sent out in

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these cases?

MS. DALRYMPLE: Yes, thank you, sir, we did timely provide notice and that is in an affidavit in the packet. We inadvertently submitted the exhibit packet without the notice exhibit, but we corrected that yesterday.

Notice was sent by certified mail on February 20, 2025 to the two interested parties, WBC and BLM. It was received by both and then also we did do publication on February 22nd.

HEARING EXAMINER CHAKALIAN:
And the affidavit is in the packet?

MS. DALRYMPLE: Yes, that is by Sharon Shaheen.

HEARING EXAMINER CHAKALIAN:
Are there any objections to the exhibits in these two cases?

Not hearing any your exhibits in both cases are admitted into evidence.

Mr. McClure, are there any

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questions in these cases?

TECHNICAL EXAMINER McCLURE: To confirm, Mr. Hearing Examiner, because we got out of order, is this 25226 and 25227?

HEARING EXAMINER: Yes.

TECHNICAL EXAMINER McCLURE: Mr. Hearing Examiner, I have no questions for either of these cases.

HEARING EXAMINER CHAKALIAN: Fantastic.

Thank you, Miss Dalrymple.

These cases will be taken under advisement.

MS. DALRYMPLE: Thank you, Mr. Hearing Examiner.

HEARING EXAMINER CHAKALIAN: Moving onto Permian Resources in cases 25229, 25232 enter your appearance please.

MS. VANCE: Paula Vance with the Santa Fe offices of Holland & Hart on behalf of Permian Resources Operating, LLC.

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HEARING EXAMINER CHAKALIAN:
Are you also representing Matador?

MS. VANCE: That's correct.

HEARING EXAMINER CHAKALIAN:
Are there any other parties that you know of, Miss Vance?

MS. VANCE: Yes, I believe Miss Bennett turned on her camera and she is going to speak.

MS. BENNETT: Good morning.

HEARING EXAMINER CHAKALIAN:
There you are, Miss Bennett.

MS. BENNETT: Deana Bennett on behalf of Avant Operating 2 LLC, and I entered an appearance in these cases late yesterday evening.

HEARING EXAMINER CHAKALIAN:
Thank you. Are you monitoring?

MS. BENNETT: We are monitoring.

I did have discussions with Miss Vance about the exhibits in these cases and it's my understanding that Permian has determined to not

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pool Avant in these cases, but rather to work towards a voluntary agreement with Avant.

HEARING EXAMINER CHAKALIAN:

Okay.

Miss Vance.

MS. VANCE: That's correct, that is my understanding.

HEARING EXAMINER CHAKALIAN: Do you want to present your cases?

MS. VANCE: I am happy to do it. I will present these as consolidated cases.

This involves acreage of 24 South, Range 29 East and that is Lea County, so in case number 25229 Permian is seeking to pool a 320-acre, more or less, horizontal well spacing unit and that is comprised of the west half of Section 10 and then dedicating that spacing unit to the Riddler 10 Fed Com 131H and this is a U-turn well.

And then in case -- that will

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be in the equal ridge Bone Spring south and the pool code is 54061.

And then in case number 25232 it is the same dedicated acreage, so that is Permian is pooling 320-acre, more or less, horizontal well spacing unit, and that is comprised of the west half of Section 10 and then dedicating that to the Riddler 10 Fed Com 201H, but this is in the -- in a Wildcat Wolfcamp pool, and that pool code is 98276.

In these cases we have included a copy of the applications, the checklist, and the self-affirmed statements of Mark Hajdik, the geologist is Cole Hendrickson, both of whom have previously testified before the division and their credentials have been accepted as a matter of record.

Mr. Hajdik's statement is Exhibit C and includes all the required sub exhibits.

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Mr. Hendrickson's statement is Exhibit D and includes the required geologist exhibits.

Then, lastly, is Exhibit E, which is my self-affirmed statement of Notice, I believe it is mine, it might be my colleagues, Mr. Rakens, but there is a self-affirmed statement there with a sample copy of the Notice that went out, which was timely mailed on February 21, 2025.

And then Exhibit F is the Affidavit of Notice of Publication, which was timely published on February 23, 2025.

And unless there are any questions, I would ask all the exhibits and sub exhibits be admitted into the record and these cases be taken under advisement at this time.

HEARING EXAMINER CHAKALIAN:
Miss Bennett.

MS. BENNETT: No objections.

HEARING EXAMINER CHAKALIAN:

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Your exhibits are admitted.

Mr. McClure.

TECHNICAL EXAMINER McCLURE:

Mr. Hearing Examiner, I will have questions for the landman and a quick clarifying question with the geologist.

HEARING EXAMINER CHAKALIAN:

Let's get them both on the screen and I will swear them both in.

I can see you, Mr. Hendrickson. Now I see Mr. Mark Hajdik.

Okay, Mr. Hendrickson, we don't have the spelling of your name, would you state and spell your name for the record.

MR. HENDRICKSON: My name is Cole Hendrickson, C-O-L-E H-E-N-D-R-I-C-K-S-O-N.

HEARING EXAMINER CHAKALIAN:

Mr. Hajdik, we already have your spiel from earlier. Mr. Hajdik, you are still under oath so I don't have to swear you in.

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Mr. Hendrickson, please raise
your right hand.

Do you swear or affirm under
penalty of perjury that the testimony
you are about to give is the truth,
the whole truth, and nothing but the
truth?

MR. HENDRICKSON: I do.

HEARING EXAMINER CHAKALIAN:
Now what field of expertise have you
been previously qualified by this
division?

MR. HENDRICKSON: Geology, sir.

HEARING EXAMINER CHAKALIAN:
Mr. McClure, since we have
Mr. Hendrickson would you ask the
questions to him first.

TECHNICAL EXAMINER McCLURE:
Mr. Hendrickson, can I draw your
attention to your Exhibit D-4, this
is the cross section for this unit,
page 42 of 51.

MR. HENDRICKSON: Sorry, I am
looking at the exhibit on PowerPoint,

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I could pull up the exhibit that you need, though. Is that the Wolfcamp one or the Bone Spring?

TECHNICAL EXAMINER McCLURE: I am looking at the one at the top it says third Bone Spring.

MR. HENDRICKSON: Okay, fantastic, sorry about that.

TECHNICAL EXAMINER McCLURE: I believe there is a similar for the Wolfcamp as well, so hopefully my question can address both at the same time, I guess.

MR. HENDRICKSON: Sure.

TECHNICAL EXAMINER McCLURE: Do you see on this cross section, I guess whichever cross section you are looking at, do you see where you have an interval labeled "pooled interval" off on the right?

MR. HENDRICKSON: Yes.

TECHNICAL EXAMINER McCLURE: Is it more accurate to say that this is

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the target formation for the wells rather than pooled interval?

MR. HENDRICKSON: Sorry, it could be those.

TECHNICAL EXAMINER McCLURE: So to confirm, you are not representing here that Permian is only interested the third Bone Spring in one of the cases or the upper Wolfcamp in the other case?

MR. HENDRICKSON: Well, I think, you know, the separate exhibits are just meant to represent the difference between the Wolfcamp and third Bone; does that answer your question?

TECHNICAL EXAMINER McCLURE: No, it does not, Mr. Hendrickson. Let me ask it again.

Looking at the Bone Spring exhibit you say that the pooled interval is from the top of the third Bone Spring to the top of the Wolfcamp; do you see what I am

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referring to?

MR. HENDRICKSON: Yes, sir.

TECHNICAL EXAMINER McCLURE:

Are you stating here that Permian
only wishes to pool that interval?

MR. HENDRICKSON: Yes, sir.

MS. VANCE: Can I jump in here?

HEARING EXAMINER CHAKALIAN:

No, Miss Vance, no, we are doing --
no, not right now, thank you.

TECHNICAL EXAMINER McCLURE:

Mr. Hendrickson, we may have to come
back to you.

I will move on to the landman,
if I may, Mr. Hearing Examiner.

HEARING EXAMINER CHAKALIAN:

Mr. Hajdik? Mr. Hajdik, I apologize,
I heard something, but it was very
muffled. Are you with us,
Mr. Hajdik?

MR. HAJDIK: Yes, I am right
here.

TECHNICAL EXAMINER McCLURE:

Mr. Hajdik, did you hear the

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testimony from Mr. Hendrickson just now?

MR. HAJDIK: Yes, I did. As to the third Bone Spring case we have -- it is going to be a depth limited case. The extension cases we heard earlier, um, those are covering the balance of the Bone Spring Formation. There is an existing third bone wells and portions of this acreage and hence the necessity to do the U-turn because there is only one half section that doesn't have third bone development in it existing already.

TECHNICAL EXAMINER McCLURE:
Mr. Hajdik, can I draw your attention to your fifth paragraph in your affirmed statement that being found on page 10 of 51 for case 25229.

MR. HENDRICKSON: Okay, I got to pull it up, unless you have a direct question about it.

TECHNICAL EXAMINER McCLURE:
Well, I wanted to draw your attention

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to the first sentence where you reference that Permian seeks to pool the uncommitted interest in the Bone Spring Formation and I do not see where it is limited anywhere here.

MR. HAJDIK: I would have to check. I thought these were filed as depth limited cases. That would have been a typo, it should say uncommitted parties in the third Bone Spring interval.

TECHNICAL EXAMINER McCLURE: So are you testifying that there is a depth severance in these units or in this unit, excuse me?

MR. HAJDIK: Correct, because we are going to drill two miles lateral in the shallower portion of the Bone Spring Formation and then in the undeveloped third portion we will do these U-turning wells that are currently before the commission.

TECHNICAL EXAMINER McCLURE: So you are testifying that what is

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currently in the exhibit packet, including the checklist and your affirmed statement, is incorrect for the Bone Spring case; is that correct?

MR. HAJDIK: It says all of the Bone Spring, that needs to be revised and limited to the third bone, as to the third bone.

TECHNICAL EXAMINER McCLURE: And is it also accurate that depth severance is not referenced within that statement?

MR. HAJDIK: Um, I was under the impression these were filed separate cases, but they are incorrect there.

TECHNICAL EXAMINER McCLURE: Mr. Hajdik, are you sure we are talking about the same case? The case we are talking about is 25229, so that is the case that you're testifying about; is that correct?

MR. HAJDIK: Correct, Riddler U

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tech case.

TECHNICAL EXAMINER McCLURE: If I were to tell you that we are going to need these exhibits amended to reference that including information about the depth severance do you understand what I am asking you for?

MR. HAJDIK: Yes, I do.

TECHNICAL EXAMINER McCLURE: In regards to the depth severance is it correct that you have some sort of title description or some sort of title deed that shows that depth severance and where it is located and what it is in reference to?

MR. HAJDIK: The ownership is not in the Bone Spring, is not bifurcated, so it's a geologic question of where that marker is.

TECHNICAL EXAMINER McCLURE: Let me ask a clarifying question there, you say the depth severance is not within the Bone Spring; is that correct?

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MR. HAJDIK: The depth severance is not land driven. You referenced a deed or you were asking about a deed that notates the depth severance.

TECHNICAL EXAMINER McCLURE:
Yes, I was asking about the deed, but let me back up a second so I understand where this depth severance is.

In geological terms where is the depth severance located?

MR. HAJDIK: It would be, I mean, I am not a geologist, but it would be at the top of the third bones at the base of the Bone Spring. Go ahead.

TECHNICAL EXAMINER McCLURE:
And where is that coming from? I am assuming there is some sort of title document that says that?

MR. HAJDIK: It is not title driven, it is geologically driven. The ownership is contiguous

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throughout the Bone Spring Formation. As I referenced earlier in the broader expanse there are existing third Bone Spring horizontal wells except for this one spacing unit that we have here, so as I mentioned earlier in two-mile trade in the shallower portion of the Bone Spring and U-turns in the third Bone Spring that is currently undeveloped.

TECHNICAL EXAMINER McCLURE:

Mr. Hearing Examiner, I am wondering if there might be some definition questions here, I wonder if we may turn to Miss Vance if she could maybe clear up the air some?

HEARING EXAMINER CHAKALIAN:

Sounds good.

TECHNICAL EXAMINER McCLURE:

Miss Vance, can you provide a very brief description of where, if there is a miscommunication happening here?

MS. VANCE: Yes. So I just want to back up and give a little bit

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of history on this. So there were existing pooling orders for this acreage for these Riddler -- this Section 10 and the development changed from a straight horizontal development to these U-turn wells and so we did re-file these and that is maybe just a little bit of a miscommunication there, but I filed them similarly to how we did the initial pooling for these, pooling the entirety of the Bone Spring, but it sounds like, one, there is no depth severance, it is uniform ownership in the Bone Spring, but similar to the Oxy case that I previously presented it is just pooling a target. So these -- it sounds like all that Permian is doing is limiting this to pooling the third Bone Spring in this particular case, which is 25229, so no depth severance, just pooling the third Bone Spring, which is indicated in

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Mr. Hendrickson's Exhibit D-4, but that would need to be modified in the CP checklist as well as Mr. Hajdik's statement, so rather than pooling the entirety of the Bone Spring this is limited to the third Bone Spring.

TECHNICAL EXAMINER McCLURE:

Mr. Hearing Examiner, do you think it would be most appropriate to allow Miss Vance to cross her witnesses in order to clarify the responses they have given me to my questions?

HEARING EXAMINER CHAKALIAN: It

is her prerogative to do so. Why don't we take a five-minute break so everyone can kind of think about what is going on here and I will come back on the record in five minutes, thank you.

(Short break taken.)

HEARING EXAMINER CHAKALIAN: It

is 11:05 a.m., we are back on the record.

Miss Vance.

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TECHNICAL EXAMINER McCLURE:
She may still be on the phone with
Mr. Hajdik.

HEARING EXAMINER CHAKALIAN:
Mr. McClure, were you waiting for
Miss Vance to answer a question or
just to work out with the witnesses
and you are going to continue with
them?

TECHNICAL EXAMINER McCLURE:
Mr. Hearing Examiner, originally I
was thinking it may be easier for her
to clarify the situation by her
questioning her witnesses, but now I
am thinking about it more I do have
further questions for them about
different topics.

Do you want us to take care of
this depth severance topic first with
Miss Vance or do you want me to
continue my questioning?

HEARING EXAMINER CHAKALIAN:
Miss Vance isn't available, so why
don't you go on with your own

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questioning, although maybe she is back.

MS. VANCE: I am here.

HEARING EXAMINER CHAKALIAN: Do you want to, I mean, the questions that Mr. McClure is asking I don't know that you can -- let's not call it re-direct or let's not call it cross-examination. Why don't you ask your witness some questions to help clarify the problems we are having.

MS. VANCE: Sure, I will ask Mr. Hajdik a couple of questions that I think will help.

Mr. Hajdik, is there a depth severance in the Bone Spring in this development?

MR. HAJDIK: There is not a depth severance in this development.

MS. VANCE: Please go ahead.

MR. HAJDIK: For this case we are just pooling the vertical extent of the third Bone Spring and the balance of our development is the

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Riddler extension cases that were heard earlier today.

MS. VANCE: And so those cases that were presented earlier today, what is the target for those and the Bone Spring?

MR. HAJDIK: The vertical extent of the first and second Bone Spring.

MS. VANCE: Okay, so those cases that were presented earlier are developing the upper Bone Spring and these cases are developing the third Bone Spring; correct?

MR. HAJDIK: Correct.

MS. VANCE: And was there any particular reason why these cases were re-filed, in other words, did you have some changes to your plans?

MR. HAJDIK: The ones we are talking about currently were re-filed in light of the available U-turn technology which can lower costs and increase productivity of the wells.

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MS. VANCE: I believe that answers those questions. I will just follow-up with Mr. Hendrickson.

Mr. Hendrickson, your Exhibit D, so in reference to what your colleague just explained, does that match, does your Exhibit D-4 match the development described by Mr. Hajdik?

MR. HENDRICKSON: Yes, that we are seeking a pool of the third Bone Spring specifically.

MS. VANCE: And is it your understanding that there is no depth severance, that these just involve limiting the pool to vertical extent?

MR. HENDRICKSON: That's my understanding, yes.

MS. VANCE: Thank you.

I think that's it.

HEARING EXAMINER CHAKALIAN:
Mr. McClure.

TECHNICAL EXAMINER McCLURE:
Thank you, Miss Vance. Thank you,

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Mr. Hearing Examiner.

Mr. Hendrickson, now
referencing the Wolfcamp case I am
looking at your cross section in
Exhibit D-4 for that case, are you
with me?

MR. HENDRICKSON: Yes, sir, I
am.

TECHNICAL EXAMINER McCLURE: On
this cross section as well you
reference an interval as to being the
pooled interval, do you see what I am
referring to?

MR. HENDRICKSON: Yes, sir.

TECHNICAL EXAMINER McCLURE: In
this cross section are you depicting
the entire tier of the Wolfcamp or
only the upper Wolfcamp?

MR. HENDRICKSON: That is only
depicted the upper Wolfcamp, it goes
for a good amount deeper than that so
that is cut off there.

TECHNICAL EXAMINER McCLURE: So
then is it accurate to say that that

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is not an accurate representation of the vertical extent that Permian is asking to force pool?

MR. HENDRICKSON: That would be correct, it would extend past what is physically here.

TECHNICAL EXAMINER McCLURE: Would it be more accurate to say this is the target interval for these particular wells?

MR. HENDRICKSON: Yes, sir.

TECHNICAL EXAMINER McCLURE: Okay, so if I were to ask you to amend this exhibit to change it to something that represents that that is the target interval rather than a pooled interval do you understand what I am asking?

MR. HENDRICKSON: Yes, sir.

TECHNICAL EXAMINER McCLURE: Okay, thank you, Mr. Hendrickson. I believe I am done with my questioning of Mr. Hendrickson now, but I do have additional questioning for

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Mr. Hajdik.

HEARING EXAMINER CHAKALIAN:

Go right ahead.

TECHNICAL EXAMINER McCLURE:

Mr. Hajdik, if I could get my page, I believe of the Bone Spring case, it is found on page 18 of 51, and this is a table representing the breakdown of ownership; are you with me, sir.

MR. HAJDIK: Yes, I am here.

TECHNICAL EXAMINER McCLURE:

The bottom three persons on there there is reference with -- I am assuming it is to be determined - title; do you see what I am referring to?

MR. HAJDIK: Yes.

TECHNICAL EXAMINER McCLURE:

Can you provide me a very brief explanation of what you meant by that?

MR. HAJDIK: So those parties entered into a fairly complex deal where they retained leaseholds with

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interest, those parties are going to end up executing a JOA and due to the complexity of the deal we did not have a breakdown of their specific ownership with their buyer at the time. Their buyer is BTA, who we had marked as signed the JOA, so that's the explanation.

TECHNICAL EXAMINER McCLURE:
Mr. Hajdik, do you have a total percentage or total acreage between all three of those?

MR. HAJDIK: They would be derived from BTA, which I believe is further up in the table, it is a relatively small interest.

TECHNICAL EXAMINER McCLURE:
Did you just say BTA's interest is labeled somewhere else within this table?

MR. HAJDIK: I believe so.

TECHNICAL EXAMINER McCLURE:
Can you please confirm that for me and direct my attention to it.

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MR. HAJDIK: Give me just a second.

HEARING EXAMINER CHAKALIAN:
Miss Vance, let's go in recess on this case, it sounds like your witnesses are having difficulty, we will come back to them later in the day; okay?

MS. VANCE: Thank you.

HEARING EXAMINER CHAKALIAN:
Let's go on to XTO Energy, this is number 24 on our docket, this is 25230. Let me see if it is joined with any other case. Another XTO Energy right after it, 25231.

Appearances, please.

MR. SUAZO: This is Miguel Suazo representing Permian Operating in 25230 and 25231.

HEARING EXAMINER CHAKALIAN:
Other parties that have entered.

MR. SUAZO: Only in 25231 I believe Miss Kessler entered an appearance but did not object in

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that.

HEARING EXAMINER CHAKALIAN:

Why don't you proceed.

MR. SUAZO: So just as a bit of background, these applications were part of a prior application that was dismissed due to an issue with the legal description that was back on February 13th of this year and you requested that we file a Notice of Dismissal in that case, which was case 24991 and re-file the application as corrected in separate applications for each formation. So the defects I believe have been cured, and I am about to present them both as consolidated cases since the differences just related to the formation.

Before I do that we do have a witness that has never been recognized as an expert before the commission, so I defer to you as to when you would like to examine the

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proposed witness.

HEARING EXAMINER CHAKALIAN: Is your witness a landman or geologist guy?

MR. SUAZO: A geologist.

HEARING EXAMINER CHAKALIAN: Can we get the person on the screen.

MS. MCHARGE: I am Jennifer McHarge, senior geologist gift. M-C-H-A-R-G-E.

HEARING EXAMINER CHAKALIAN: Would you raise your right hand, please.

Do you swear or affirm under penalty of perjury that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

MS. MCHARGE: I do.

HEARING EXAMINER CHAKALIAN: You seek to be an expert in the field of geology before this division?

MS. MCHARGE: Correct.

HEARING EXAMINER CHAKALIAN:

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Would that be petroleum geology or some other subspecialty?

MS. McHARGE: Just general geology. I did my Master's degree in soft rock sedimentology.

HEARING EXAMINER CHAKALIAN: Would you outline your education that goes to this expertise?

MS. McHARGE: I got a Bachelor's degree at Western State in geology. Then I went on to get a Master's at University of Wyoming in geology, and I have work-related experience at several small companies as well as the Colorado Geological Survey and I worked with Exxon and XTO for about 17 years now.

HEARING EXAMINER CHAKALIAN: So when was your Master's achieved?

MS. McHARGE: In 2008.

HEARING EXAMINER CHAKALIAN: And you're currently with which company?

MS. McHARGE: I am working with

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XTO.

HEARING EXAMINER CHAKALIAN:

How long have you been there?

MS. MCHARGE: I have been working at Exxon Mobile since 2008, but I recently joined this team working for XTO about six months ago.

HEARING EXAMINER CHAKALIAN: Is XTO an Exxon-related --

MS. MCHARGE: It's a subsidiary.

HEARING EXAMINER CHAKALIAN:

Oh, it's a subsidiary, okay, I understand now.

And so since you have been with Exxon you -- give me some of your responsibilities or duties when it comes to geology.

MS. MCHARGE: Yes, I input seismic data, I do opportunity generation, prospect maturation, assessment, I do well planning.

HEARING EXAMINER CHAKALIAN:

Okay, that is great, thank you. You

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are hereby recognized as a geologist before this division.

Mr. Suazo.

MR. SUAZO: Thank you, Mr. Examiner.

XTO is requesting two applications to approve a non-standard horizontal unit. They are seeking to approve 2,080.66-acre, more or less, non-standard unit comprised of all of Sections 2, 11, 14, and the north half of the north half of Section 23, Township 24 South, Range 30 East, and the proposed non-standard horizontal unit will be comprised of the following wells, the Poker Lake Unit 23 DTD Fed State Com #171H and the Poker Lake Unit 23 DTD Fed State Com #157H, and the subject wells will produce in the Bone Spring Formation.

Moving on to case number 25231, XTO is seeking approval of a 2,088.66-acre non-standard horizontal

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spacing unit comprised of all of Sections 2, 11, 14, and the north half of the north half of Section 23, Township 24 South, Range 30 East, and the proposed non-standard horizontal spacing unit will be comprising of the following wells, Poker Lake Unit 23 DTD Fed State Com #151H, Poker Lake Unit 23 DTD Fed State Com #152H, Poker Lane Unit 23 DTD, and so on with the wells only changing a number to the 177H, 178H and 179H, and these wells will produce in the Purple Sage Wolfcamp Formation.

For 25230 the exhibit packet that was filed on Thursday, March 6, 2025 contains the application, affidavits and exhibits, and for case number 25231 the exhibit packet was filed on April 3, 2025, and contains the application, affidavits and exhibits.

Exhibit A of each application is the proposed Notice of Hearing for

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25230 that was filed on April 2nd and for 25231 that was filed on March 17th, and, again, on April 2nd for 25231.

Exhibit B is the affidavit of XTO senior commercial land advisor Mr. Greg Davis, he has previously testified before the division and his qualifications have been accepted and made a matter of record.

Exhibit B-1 contains the C-102s reflecting the well locations. B-3 is a map depicting the non-standard horizontal spacing unit in relation to the outline of a standard spacing unit and B-3 also identifies the interest owners and the traps surrounding the proposed unit.

Exhibit C is the affidavit of geology witness Jennifer McHarge. C-1 is her resume and credentials, C-2 is the base and structure maps showing the proposed Bone Spring Formation, or in the case of 25231

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the Wolfcamp Formation. C-2 also depicts a sub C structure map prepared on the top of the Bone Spring over the subject area. C-3 is a cross section prepared for the Bone Spring in 25230 and for the Wolfcamp in 25231. C-4 shows the diagram within the Bone Spring and Wolfcamp respectfully for each application. Exhibit D is the Notice Affidavit showing the Notice letters were mailed on February 18th and March 19, 2025 respectively to the interested parties. And Exhibit E is the Affidavit of Publication in the Carlsbad Current-Argus, and unless Mr. McClure or you have any questions for the witnesses I would like to tender these exhibits for the record in evidence and for these matters to be taken under advisement.

HEARING EXAMINER CHAKALIAN:

Are there any objections?

Not hearing any the exhibits

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are so admitted.

Mr. McClure.

TECHNICAL EXAMINER McCLURE:

Mr. Examiner, I do have questions for the landman.

HEARING EXAMINER CHAKALIAN: Do we have the landman, Mr. Suazo?

MR. SUAZO: We do.

HEARING EXAMINER CHAKALIAN:

Would you state and spell your name, please.

MR. DAVIS: It is Greg Davis, G-R-E-G D-A-V-I-S.

HEARING EXAMINER CHAKALIAN:

Have you been qualified as an expert before this division?

MR. DAVIS: Yes, sir.

HEARING EXAMINER CHAKALIAN:

Very good. I see your right hand is raised so let me get you sworn in. We might as well keep it up.

Do you swear of affirm under penalty of perjury that the testimony you are about to give is the truth,

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the whole truth, and nothing but the truth?

MR. DAVIS: I do.

HEARING EXAMINER CHAKALIAN:
You can put your hand down.

Mr. McClure.

TECHNICAL EXAMINER McCLURE:
Mr. Davis, if I just draw your attention to one of the maps, the one I have in front of me is on page 18 of 43 of the Bone Spring case, I believe. Or, excuse me, this is actually the Wolfcamp case, but I think it is probably similarly located and a similar reference point for you to look at.

MR. DAVIS: Is it 2531 or 2530? The one I have in front of me is 25231.

MR. SUAZO: So that is the Wolfcamp.

TECHNICAL EXAMINER McCLURE:
Any of these maps would work, but I am looking specifically at page 18 of

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43 right now.

MR. DAVIS: Yeah, I have got it.

TECHNICAL EXAMINER McCLURE:
Very good. The question for you, looking at the sections directly to the west of this highlighted unit, that being 3, 10, 15, 22, do you see where I am looking at?

MR. DAVIS: Yes, sir.

TECHNICAL EXAMINER McCLURE: Is it accurate to say that XTO is the operator of record for those sections?

MR. DAVIS: Yes, sir, that is within the Poker Lake unit intersection. It is outlined in blue. The unit outline is in blue.

TECHNICAL EXAMINER McCLURE:
Very good, that was my understanding, but I just needed to confirm with you on the record for each of these sections there.

In addition to that the

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sections that is to the south, I already asked about 22, but I will say 22, 23, and section 24, is it also accurate XTO is the author of record for those sections?

MR. DAVIS: Yes, sir.

TECHNICAL EXAMINER McCLURE: So for all of these sections that we were just talking about when you reference XTO was the operator of record does that include both the Wolfcamp and Bone Spring Formations?

MR. DAVIS: Yes, sir.

TECHNICAL EXAMINER McCLURE: Thank you, Mr. Davis.

For the Wolfcamp case we are going to need the C-102s to be amended to include the entirety of the proposed HSU, do you understand what I am asking for here?

MR. DAVIS: Yes, sir. Those wells, again, when they were originally permitted they did not include the acreage in Section 23.

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TECHNICAL EXAMINER McCLURE:
And it looks like the C-102s you have
in the record or in the application
is likely the existing C-102s rather
than the proposed; is that accurate?

MR. DAVIS: Yes, yes.

TECHNICAL EXAMINER McCLURE: So
if I tell you that we need to submit
what you're proposing the spacing to
be do you understand what I am asking
for?

MR. DAVIS: Yes, sir; yes, sir.

TECHNICAL EXAMINER McCLURE:
Thank you, Mr. Davis.

Moving to the Bone Spring
application --

MR. DAVIS: Yes, sir.

TECHNICAL EXAMINER McCLURE:
-- in preparing the amended
C-102s for the proposed spacing do
you understand that you need to have
one C-102 for each of the pools and
what I am asking for there?

MR. DAVIS: Yes, sir.

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TECHNICAL EXAMINER McCLURE:
Okay, thank you, Mr. Davis.

I have no further questions,
Mr. Hearing Examiner, although I
would --

HEARING EXAMINER CHAKALIAN:
Mr. Suazo, how long will it take for
you to provide this information?

MR. SUAZO: It shouldn't take
long, I will get some feedback from
the client, but I think if we kept
the record open till Wednesday of
next week we could submit those and
it could be closed at that time.

HEARING EXAMINER CHAKALIAN:
Sounds good, April 16th close of
business.

Is there anything further on
these cases?

MR. SUAZO: No, Mr. Examiner.

HEARING EXAMINER CHAKALIAN:
Let's move onto Mewbourne --

MR. DAVIS: One question really
quick, does that need to be provided

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to you and filed with the BLM and
OCD?

HEARING EXAMINER CHAKALIAN:

Mr. Davis, you are going to provide
whatever Mr. McClure asks for
directly to Mr. Suazo and he will
deal with the division.

MR. DAVIS: Alright, thank you.

HEARING EXAMINER CHAKALIAN:

Thank you, Mr. Davis. We are off the
record in those cases.

Let's go onto Mewbourne Oil,
this is 25236.

MR. BRUCE: Jim Bruce
representing Mewbourne.

HEARING EXAMINER CHAKALIAN:

Good morning, Mr. Bruce. Any other
parties that you know of?

MR. BRUCE: Not that I know of.

HEARING EXAMINER CHAKALIAN:

Please proceed.

MR. BRUCE: Mr. Examiner, in
this case Mewbourne Oil Company seeks
to extend the drilling operations

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deadline under order number R23233. Exhibit 1 is the statement of the landman Hudson Brunson who has previously testified. Attached is an exhibit is the original order, that order expires on May 30th of this year, so we need an extension. That order pooled the entire Bone Spring Formation underlying a non-standard well unit comprised of the west half of Section 24 and the west half of Section 25, 18 South, 32 East for the purpose of drilling two wells.

The reason for the request is that Mewbourne filed applications for permit to drill with the Bureau of Land Management in 2024, those applications have not yet been approved and so we do not want the order to expire in the interim.

Exhibit 2 is my affidavit of mailing. The only two parties who were notified are Burlington Resources Oil & Gas Company and

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Skeeco, S-K-E-E-C-O, Inc. The landman informed me those are the only two parties who have not voluntarily joined in the well. The letter was mailed on March 19th, which is timely. And then Exhibit 3 is the Affidavit of Publication which was published as against those two parties on March 27th, which is, again, timely. And then Exhibit 4 is the application in this case itself, I believe it contains everything the division needs, and I move the admission of Exhibits 1 through 4.

HEARING EXAMINER CHAKALIAN:

Thank you, Mr. Bruce.

Would you state and spell your name for the record.

MR. BRUCE: Yes, excuse me, Jim or James Bruce, Bruce is B-R-U-C-E.

HEARING EXAMINER CHAKALIAN:

Thank you very much.

Are there any objections to the exhibits?

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Not hearing any the exhibits
are so admitted.

Mr. McClure.

TECHNICAL EXAMINER McCLURE:
Mr. Hearing Examiner, I have no
questions for this case.

HEARING EXAMINER CHAKALIAN:
Thank you.

Mr. Bruce, the case is taken
under advisement, thank you.

MR. BRUCE: Thank you.

HEARING EXAMINER CHAKALIAN: I
am now calling three oil cases number
27, 28 and 29 on our docket, 25260,
25261, 25262. Enter appearances,
please.

MS. McLEAN: Jackie McLean on
behalf of Mewbourne.

HEARING EXAMINER CHAKALIAN:
Any other parties, Ms. McLean?

MS. McLEAN: No, there are not.

HEARING EXAMINER CHAKALIAN:
Please proceed.

MS. McLEAN: In these cases

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Mewbourne seeks to reopen orders R22195A, R2818 and R2819 to pull additional interest owners into the Beefalo well spacing units. The exhibits that were submitted in these cases contain the self-affirmed statement of landman Brad Dunn who has previously been admitted to testify as an expert in petroleum land matters, as well as the notice item which attaches the notice letter which was sent out on March 19th and the publication notice for March 23rd.

Unless there are any questions I would like to ask that these exhibits be admitted into the record in case numbers 25260, 25261, and 25262, and that the cases be taken under advisement.

HEARING EXAMINER CHAKALIAN:
Thank you, Ms. McLean.

Any objections?
Not hearing any the exhibits

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are so admitted.

Mr. McClure.

TECHNICAL EXAMINER McCLURE:

Mr. Examiner, I will have questions for the landman.

HEARING EXAMINER CHAKALIAN:

And the name of the witness is what, Miss McLean?

MS. McLEAN: Brad Dunn.

HEARING EXAMINER CHAKALIAN:

Brad Dunn. Mr. Dunn.

MR. DUNN: Yes.

HEARING EXAMINER CHAKALIAN:

Mr. Dunn, you have been qualified as an expert before this division before?

MR. DUNN: I have, yes.

HEARING EXAMINER CHAKALIAN: In what field?

MR. DUNN: In land.

HEARING EXAMINER CHAKALIAN:

Would you state and spell your name for the record, please.

MR. DUNN: It is Brad Dunn,

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B-R-A-D, last name D-U-N-N.

HEARING EXAMINER CHAKALIAN:

Please raise your right hand.

Do you swear or affirm under penalty of perjury that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

MR. DUNN: I do.

HEARING EXAMINER CHAKALIAN:

Very good.

Mr. McClure.

TECHNICAL EXAMINER McCLURE:

Mr. Dunn, specifically in case 25262 I am looking at your tract ownership exhibit, page 19 of 31 in that case.

MR. DUNN: Okay.

TECHNICAL EXAMINER McCLURE: It

looks like the newly added person is going to be Chevron USA Incorporated; is that correct?

MR. DUNN: Yes, sir.

TECHNICAL EXAMINER McCLURE:

And it also appears that the change

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in or the additional percentage that is being added there is exceeding one percent; is that correct?

MR. DUNN: Yes.

TECHNICAL EXAMINER McCLURE: If I were to ask you to provide me with an amended breakdown that includes all the interest owners do you understand what I am asking for?

MR. DUNN: Outside of the parties that I am pooling you want a breakdown all of the interest owners?

TECHNICAL EXAMINER McCLURE: Yes, that's correct.

MR. DUNN: Okay.

TECHNICAL EXAMINER McCLURE: Do you understand what I am asking for in regards to that?

MR. DUNN: Yes, I do.

TECHNICAL EXAMINER McCLURE: No further questions, Mr. Hearing Examiner, though I will want that.

HEARING EXAMINER CHAKALIAN: Thank you.

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Ms. McLean, how long would you like to keep the record open?

MS. McLEAN: It depends on how long that will take Mr. Dunn to assemble.

HEARING EXAMINER CHAKALIAN:
Mr. Dunn.

MR. DUNN: Um, I have title on this, I mean, is mid next week reasonable?

HEARING EXAMINER CHAKALIAN:
Yes, yes.

Ms. McLean, Wednesday, April 16th seems to be the magic day, does that work for you?

MS. McLEAN: That works for me, thank you.

HEARING EXAMINER CHAKALIAN:
Very good. Then we will keep --

MS. McLEAN: As amended, just clarifying for the record, we will be submitting an amended Exhibit A-4 specifically on the tract ownership percentages, which is currently page

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19 of 31 of that exhibit packet in case number 25262 only.

HEARING EXAMINER CHAKALIAN: So then, Mr. McClure, can we take the other cases under advisement?

TECHNICAL EXAMINER McCLURE: Yes, we can, Mr. Hearing Examiner.

HEARING EXAMINER CHAKALIAN: The only case we are keeping the record open is 25262. Perfect, thank you Ms. McLean.

We are going to recall case 25151, Mr. Savage.

MR. SAVAGE: Yes. Darin Savage appearing for V-F Petroleum, Incorporated.

HEARING EXAMINER CHAKALIAN: Have you your witness now available?

MR. SAVAGE: He should be available, that is correct, Mike Burke.

HEARING EXAMINER CHAKALIAN: Let's get you on the screen, Mr. Burke.

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MR. SAVAGE: He is available only by telephone, unfortunately. His location wouldn't allow -- support internet connection for the Teams interaction.

HEARING EXAMINER CHAKALIAN: Okay. Mr. Burke, why is it you are not able to turn on your camera?

MR. BURKE: Well, I am in a rural part of east Texas and sometimes I have not adequate connection. The phone is just fine, but sometimes the internet doesn't do everything it is supposed to do, so I am not exactly sure what the problem is that I can't get into the Team meeting that you all have going on.

HEARING EXAMINER CHAKALIAN: So Mr. Burke, it is hard to hear you, first of all, so you are going to need to speak louder and I am going to make an exception and swear you in even though I can't see you, but if I can't hear you we are going to have

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to continue this case.

MR. BURKE: Okay. I can put you on my speaker phone; is that any better?

HEARING EXAMINER CHAKALIAN: I don't know, sir, we will find out.

Would you state and spell your name for the record.

MR. BURKE: Yes, sir, my name is Stephen Burke, S-T-E-P-H-E-N, B-U-R-K-E is the last name.

HEARING EXAMINER CHAKALIAN: Mr. Burke, would you please raise your right hand.

Do you swear or affirm under penalty of perjury that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

A. Yes, sir, I do.

HEARING EXAMINER CHAKALIAN: You have been previously qualified as an expert before this commission?

MR. BURKE: Yes, sir, I have.

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HEARING EXAMINER CHAKALIAN: In what field?

MR. BURKE: As a petroleum geologist, so I have testified as to qualifications as a geologist.

TECHNICAL EXAMINER McCLURE: Thank you, Mr. Hearing Examiner. Just to get back to my notes, which case number was this that we just re-called, I apologize?

HEARING EXAMINER CHAKALIAN: This is case 13 on or docket, 25151. I am back at my notes.

TECHNICAL EXAMINER McCLURE: Mr. Burke was it; is that correct?

MR. BURKE: Yes, sir.

TECHNICAL EXAMINER McCLURE: Mr. Burke, in this unit does the Avalon occur?

MR. BURKE: Yes, sir, it does.

TECHNICAL EXAMINER McCLURE: Okay, is it your understanding that V-F is not asking to force pool the Avalon?

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MR. BURKE: I do not see that included anywhere, any depths that would cover the Avalon. If they are asking for the entire Bone Springs be pooled, then yes, that would include the Avalon, but I don't see any depth put onto this, so I am going to assume that we are wanting to pool the entire Bone Springs and, yes, that would include the Avalon.

TECHNICAL EXAMINER McCLURE:
There is some vertical depth that is -- actually, excuse me, I think there is measured depth in the specific well that are included in the exhibit packet, do you think those depths include the Avalon?

MR. BURKE: Do you have those depths, I don't have those in front of me. I can look at the cross section that I presented in my exhibits and tell you that everything on that cross section which, let's see here, begins at a depth of

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7,000 feet. Everything below
7,000 feet that was included on my
exhibit is not in the Avalon, the
Avalon is, approximately, 1,000 to
1,500 foot above that.

TECHNICAL EXAMINER McCLURE: To
confirm, sir, are you looking at your
Exhibits B-2 and B-5, the cross
sections in the exhibit?

MR. BURKE: Yes, sir.

TECHNICAL EXAMINER McCLURE: Is
it accurate to say that that line
where it looks like the datum was
drawn on, I guess it is just the one
on B-2 there is a datum drawn at the
top of the second Bone Spring, do you
see where I am referencing?

MR. BURKE: Right.

TECHNICAL EXAMINER McCLURE: So
then regardless of whether V-F is
asking to include the Avalon, the
pooled interval extends above the top
of this cross section; is that
correct?

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MR. BURKE: The Avalon is above the top of -- some 1,000 to 1,500 feet above that, that stratigraphic datum line, if that is what you are asking.

TECHNICAL EXAMINER McCLURE: Let me get to the landman's statement. It appears that actually the depth in the landman's statement doesn't make a whole lot of sense to me.

MR. BURKE: I don't have that log in front of me. I could tell you it is probably way too high for the top of the Bone Spring, probably 2 to 3,000 feet too high for the top of the Bone Spring, so I don't know where that depth came from.

TECHNICAL EXAMINER McCLURE: I thank you, Mr. Burke.

If I could question the landman, Mr. Shaw again.

HEARING EXAMINER CHAKALIAN: Mr. Savage.

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MR. SAVAGE: I am texting Mr. Shaw right now to make sure he is on.

HEARING EXAMINER CHAKALIAN: He is on.

Okay, Mr. Shaw, I remind you you are still under oath.

MR. SHAW: Yes, sir.

TECHNICAL EXAMINER McCLURE: Mr. Shaw, did you hear the testimony just now from Mr. Burke?

MR. SHAW: I sure did, yes, sir.

TECHNICAL EXAMINER McCLURE: Do you, hearing that he stated that he believes the Avalon sand, or, excuse me, the Avalon does occur in this unit, did you hear the same thing I did?

MR. SHAW: I sure did.

TECHNICAL EXAMINER McCLURE: With that understanding do you believe V-F is asking to pool the entirety of the Bone Spring which

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includes the Avalon?

MR. SHAW: No. V-F is only wanting to pool the Bone Spring Formation only from the top of the first bone down to the base of the third bone.

TECHNICAL EXAMINER McCLURE:
Okay, thank you, Mr. Shaw. I have no further questions, but I do need to talk, Mr. Savage, about updating the CPAC.

Mr. Examiner.

HEARING EXAMINER CHAKALIAN:
Please go ahead.

TECHNICAL EXAMINER McCLURE:
Mr. Savage, with that in mind under that formation pool area Bone Spring Formation is fine for the formation name, but we are going to want that vertical extent corrected to be from the top of the first Bone Spring to either the base of the Bone Spring or the base of the third Bone Spring.

MR. SAVAGE: Yes, sir, and to

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clarify that, we don't need any of the specifications, the depth numerical specific cases on this, we are good with stating the Bone Spring and the way it was described from the top to the base; is that correct?

TECHNICAL EXAMINER McCLURE:

Considering the typo that is in the landman's statement, I mean, ideally we will include some sort of depth in there anyway, but especially considering that typo that is in there, yes, please amend it to include the appropriate depth.

MR. SAVAGE: Okay, yes, sir.

TECHNICAL EXAMINER McCLURE:

Let me look back at my notes.

One other thing I want to request from you, Mr. Savage, on the cross sections that is included in Exhibit B-2 and B-5, if we can either provide higher resolution copies of those or at the very least like depicted above it what the API

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numbers are or such because I can't read the API numbers even.

MR. SAVAGE: Yes, understood.

TECHNICAL EXAMINER McCLURE:

That is everything I have for this case.

HEARING EXAMINER CHAKALIAN:

Mr. Savage, how long did you want to leave the record open for this?

MR. SAVAGE: I think we can do it in a week.

HEARING EXAMINER CHAKALIAN:

You tell me.

MR. SAVAGE: What was the hearing --

HEARING EXAMINER CHAKALIAN:

The magic day is April 16th so far, but that is Wednesday, though, it is not a full week.

MR. SAVAGE: That should be fine.

HEARING EXAMINER CHAKALIAN:

April 16th, okay, April 16th close of business for an amended hearing

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packet with a cover letter,
Mr. Savage.

MR. SAVAGE: Yes, sir.

HEARING EXAMINER CHAKALIAN: We
are off the record in this case.

Going back to our other cases I
realize that there is, if I am not
mistaken, there is another case in
which we are in recess on because of
witness availability. Let's go to
Permian Resources, it is number 30 I
think on our docket, 25275.

MS. McLEAN: Yes, that is
correct.

Jackie McLean on behalf of
Earthstone Permian LLC is the
applicant and requesting that Permian
Resources be designated operator.

HEARING EXAMINER CHAKALIAN:
Thank you, please proceed,
Ms. McLean.

MS. McLEAN: In case 25275
Earthstone seeks to pool all
uncommitted interest in the Bone

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Spring Formation underlying a 468.11-acre, more or less, standard horizontal spacing unit comprised of, Township 26 South, Range 35 East, in Lea County, and this spacing unit crosses the state line and extends into Texas, but applicant is seeking to pool only the portion located in New Mexico and the unit will be dedicated to the Los Vaqueros wells.

Exhibit packet contains a checklist, Exhibit A, Travis Macha, who has been previously admitted to testify as an expert in petroleum matters. Exhibit B, the statement of Chris Reudelhuber, who has also previously been admitted to testify as an expert in petroleum geology, and, finally, the Notice item which attaches a sample notice letter sent to the interested parties on March 20, 2025, and an Affidavit of Publication for March 23rd.

And with that I ask that the

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exhibits be admitted into the record
in case 25275 and that the case be
taken under advisement.

HEARING EXAMINER CHAKALIAN:

Thank you, Ms. McLean.

Any objections?

Not hearing any the exhibits
are so admitted.

Mr. McClure.

TECHNICAL EXAMINER McCLURE:

Mr. Hearing Examiner, I will have a
question for the landman and the
geologist.

HEARING EXAMINER CHAKALIAN:

Ms. McLean, who are they?

MS. McLEAN: Travis Macha and
Chris Reudelhuber.

HEARING EXAMINER CHAKALIAN:

Perfect. Let's start -- let's get
you both sworn in at the same time.

Mr. Macha, please state and
spell your name for the record,
please. You are muted, sir.

MS. MACHA: Travis Macha,

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T-R-A-V-I-S M-A-C-H-A.

HEARING EXAMINER CHAKALIAN:

And Mr. Reudelhuber.

MR. REUDELHUBER: Chris

Reudelhuber, R-E-U-D-E-L-H-U-B-E-R.

HEARING EXAMINER CHAKALIAN:

Would you please both raise your
right hand.

Do you swear or affirm under
penalty of perjury that the testimony
you are going to give is the truth,
the whole truth, and nothing but the
truth?

MR. MACHA: I do.

MR. REUDELHUBER: I do.

TECHNICAL EXAMINER McCLURE:

Mr. Reudelhuber, can I draw your
attention to your affirmed statement
found on page 52 of 86 specifically,
paragraph nine.

MR. REUDELHUBER: Yes, sir.

TECHNICAL EXAMINER McCLURE: In
this statement you reference that you
believe the tracts comprising the

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unit will be more or less actually to the production of the wells; do you see the statement I am referring to?

MR. REUDELHUBER: Yes, sir.

TECHNICAL EXAMINER McCLURE:

Does this also apply to the tract located in Texas?

MR. REUDELHUBER: I believe it does, yes, sir.

TECHNICAL EXAMINER McCLURE: So then the tracts located in Texas and the tracts located in New Mexico should all contribute relatively equally to the production of the well; is that correct?

MR. REUDELHUBER: Yes, sir.

TECHNICAL HEARING EXAMINER:
Thank you, sir.

Mr. Macha, are you familiar with the memorandum of understanding that was signed between New Mexico and the state of Texas dated September of 2022?

MR. MACHA: Yes, sir.

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TECHNICAL EXAMINER McCLURE:
How is Permian planning on allocating
between the two states for these
wells?

MR. MACHA: So what we are
doing is obviously pooling a unit in
the state of New Mexico and the state
of Texas another pooled unit
designating spacing unit with Oxy, it
is just us and Oxy on the Texas side
of things so we are doing everything
on a basis as we would normally do in
New Mexico, but just applying that to
Texas as well, which we have signed
off on authority for in Texas.

TECHNICAL EXAMINER McCLURE:
Okay, so if you could confirm my
understanding, essentially, the
allocation between New Mexico and
Texas is going to be based solely
upon the entirety of the acreage in
New Mexico versus the tract, the
units in Texas?

MR. MACHA: That is correct,

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it's a surface acreage basis just like we do in New Mexico.

TECHNICAL EXAMINER McCLURE: So there is no reference to the length or completed intervals or anything like that?

MR. MACHA: That's correct.

TECHNICAL EXAMINER McCLURE: Thank you, Mr. Macha.

If I can direct your attention to the pool person list in Exhibit C-3, I believe it is page 24 of 86; are you with me, Mr. Macha?

MR. MACHA: Yes, sir.

TECHNICAL EXAMINER McCLURE: There are certainly persons that are included on this list that you believe is going to be a JOA, but you are still including them as approved person here; is that correct?

MR. MACHA: Yes, that is correct. We are currently in negotiations, but those have not been fully signed yet, so, yes, that is

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correct.

TECHNICAL EXAMINER McCLURE:

Okay, so Permian is asking the division to force pool them in the event that they don't sign the JOA; would that be accurate to say?

MR. MACHA: That is correct, and we are leaving all opportunities to sign the JOA open.

TECHNICAL EXAMINER McCLURE: On the same slide the exhibit that is in our record has like a watermark that is put on the bottom left page with the release imaging date.

MR. MACHA: Yep.

TECHNICAL EXAMINER McCLURE:

But there is some footnote that is there, can you describe for me what those footnotes say and what the intent is there?

MR. MACHA: Yeah, let me pull up my PowerPoint version real quick. But, basically, all that is is so Great Western back in around December

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for these applications, right around when these applications were filed they sold, or at least they were in the process of selling their interest to BEXP and we have been in contact with them as well and they are abundantly aware of this hearing, but they are the ones we are currently talking to JOA about. And the second party is -- they just bought out, let me pull up my PowerPoint version so I can give you an exact verbiage.

TECHNICAL EXAMINER McCLURE:

Please describe it very clearly so it is on the transcript because what we have in the imaging doesn't have that very good.

MR. MACHA: Certainly.

MS. McLEAN: Mr. Macha, I could send it to you or, Dean, is it okay if I read it out loud?

TECHNICAL EXAMINER McCLURE: I have it pulled up, I am going to read the statement. Second statement,

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interest of Great Western sold to BEXP to Great Western Alpha LC -- LLC, BEXP to Great Western, Omega LLC, they are subject to this pooling. And the last bullet, interest of Bellamy sold to REG XI Assets LLC, they are subject to this pooling. There are dates of those assignments that we could provide.

Mr. Macha, are the BEXP and REG XI entities being requested to be force pooled by Permian?

MR. MACHA: Yes, sir.

TECHNICAL EXAMINER McCLURE:
And they are included in this table here of pooled parties?

MR. MACHA: Their predecessor Great Western is and then Bellamy is and then I am just making that reference and highlighting them at the bottom and making that inclusive, if that makes sense.

TECHNICAL EXAMINER McCLURE:
Would it be Permian's intent to amend

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an order that is issued based off
this pool party list to then include
the new owners?

MR. MACHA: So these
assignments were effectuated after we
filed the applications, so we are
hoping that this order would
encompass these parties. BEXP I
think regardless will get a JOA in
place. REG, they have not yet
reached out to us, so we need to
clarify if they want a JOA or be
subject to pooling, but they received
notice of this hearing.

TECHNICAL EXAMINER McCLURE:
Now earlier you mentioned that BEXP
is well aware of this case.

MR. MACHA: Yep.

TECHNICAL EXAMINER McCLURE:
Were they actually provided written
notice directly of this case?

MR. MACHA: Um, I am sure -- so
I am sure Great Western was, but I
have been in contact so the Brigham

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guys we were pretty close with, we do a lot of deals with them and we have been actively discussing the Los Cataros and El Cantio units which is directly adjacent to the east, so we have been talking about all of this pretty actively the past couple months.

TECHNICAL EXAMINER McCLURE:

But is it your belief that you did not provide them with actual written notice of this application?

MR. MACHA: I am not sure, I am going to have to defer to Jackie if we provided them.

MS. McLEAN: We did not because they did not own an interest in this spacing unit at the time of pooling. After acquired interest are subject to the pooling order and so we wouldn't have to, um, have to notice them, just whoever actually owns the interests in the spacing unit at the time, and we are seeking to pool

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everyone highlighted in yellow on page 24 and any successor's interest owner would be subject to this order just like that original party to the pooling would be.

TECHNICAL EXAMINER McCLURE: Do you believe that to be the case, Ms. McLean, if the order is in place after the interest has already been sold and transferred?

MS. McLEAN: Yes, I believe it's on the date that the pooling is filed that the application is filed. These interests are sold so often and to so many people we would be constantly having to send out notice and it would never be done if we had to keep waiting to see who else might have bought something, so it is my understanding that the notice that is required under the rule is on the day, you know, as of the date the application to pool is filed.

TECHNICAL EXAMINER McCLURE:

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And you believe that if the interest changed between that date and the date of the hearing that no new notice would have to be provided?

MS. McLEAN: Correct. But the new interest owner would be subject to the pooling order just as the person who was the original pool party.

TECHNICAL EXAMINER McCLURE: Mr. Macha, does your list of pooled parties include the new interest owners?

MR. MACHA: Yes, as the footnotes are highlighted on the bottom so we are pooling everyone that is highlighted.

MS. McLEAN: I think that is on the pooled parties list, it is Great Western Drilling, right, their interest, you know, has recently been sold to BEXP, right, but BEXP is not actually in the chart, I think that that was just put in there to provide

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more information to the division and also saying they are subject to this pooling because they are the successor in interest to the Great Western Drilling interest in this spacing unit, but they are not, you know, on the pooled parties list that is the chart, it is just a reference underneath about what's actually going on.

TECHNICAL EXAMINER McCLURE:

Miss McLean, was REGI provided notice of this application?

MS. McLEAN: REGI, let me go to my -- I don't even see them on the pooled parties list. Let me see.

TECHNICAL EXAMINER McCLURE:

They are the entity that Mr. Macha was referring to that had bought out a different entity that is in the transcript, but I don't recall now.

MS. McLEAN: Oh, that was for the -- sorry, I am just going through my -- for the Bellamy. So Bellamy

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was provided notice just as Great Western as we have discussed was provided notice, but since notice was provided, you know, which is required by the rule at least 20 days before the hearing, within that time period I guess this new entity has acquired the Bellamy exploration interest, so notice was only provided to Bellamy as required by the rule and not to the successor interest owner.

TECHNICAL EXAMINER McCLURE:

Mr. Macha, moving to the next page down that has the breakdown, the summary of interest owners, do you see the table I am referring to?

MR. MACHA: Yes, I do.

TECHNICAL EXAMINER McCLURE:

Does this include the new interest owners in that breakdown?

MR. MACHA: So the new interest owners are not listed here. So the purpose of me listing -- to Jackie's point -- the purpose of me listing

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all of the -- so the notice parties on here is so you all are able to see who we noticed versus who is now the owner and just so you all have all the information in one place. So we still have Great Western and Bellamy on the unit capitulation because that is what was the ownership at the time of the application. Obviously there are new successors here with REG and BXP.

TECHNICAL EXAMINER McCLURE: So at the date of hearing, that being today, and further at the date that this exhibit packet was put together is this unit capitulation table correct?

MR. MACHA: No, you would have to replace Great Western with their successors, and the same with Bellamy.

TECHNICAL EXAMINER McCLURE: Is the percentage for those new interest owners identical to what we are

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seeing here, in as you could quite literally replace Great Western with BEXP and the other one with its new owner?

MR. MACHA: That is correct.

TECHNICAL EXAMINER McCLURE:
Let me ask one additional question that I have for the geologist here.

Mr. Reudelhuber, could I direct your attention to page 57 of 86, this should be a cross section in Exhibit B-4.

MR. REUDELHUBER: Yes, sir.

TECHNICAL EXAMINER McCLURE:
Here you have a grade highlight off to the right that says "powered interval;" do you see what I am referencing?

MR. REUDELHUBER: Yes, sir.

TECHNICAL EXAMINER McCLURE: Is it accurate to say that this is the interval that the applicant is requesting to be force pooled?

MR. REUDELHUBER: That is

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correct, top of the Bone Spring to the base of the Bone Spring or top Wolfcamp.

TECHNICAL EXAMINER McCLURE: So the BSGL, is that the base of -- what is that the base of?

MR. REUDELHUBER: That is referring to the top of the Bone Spring to the Bone Spring line, that is just kind of our annotation.

TECHNICAL EXAMINER McCLURE: Does that occur above the Avalon or did the Avalon occur in this region?

MR. REUDELHUBER: This includes some section of Avalons, that's correct.

TECHNICAL EXAMINER McCLURE: You reference some section of Avalon, but do you mean the entirety of the Avalon or just some of it?

MR. REUDELHUBER: Yes, sir, it does.

TECHNICAL EXAMINER McCLURE: Mr. Hearing Examiner, I think that

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resolves my questions, although I am not sure how to proceed in this case based off the fact that we --

MS. McLEAN: I have an idea.

HEARING EXAMINER CHAKALIAN:

What is the -- when you are saying you are not sure how to proceed is it about the notice issue?

TECHNICAL EXAMINER McCLURE: It is about the notice issue and the incorrect summary of interest that we have submitted to us currently.

HEARING EXAMINER CHAKALIAN:

How do you want to proceed?

TECHNICAL EXAMINER McCLURE:

Well, I think the most ideal and most conservative, which I am not sure if Ms. McLean is going to want to go this route, is provide notice of this application to the new interest owners and continue the case until after that notice has been given.

HEARING EXAMINER CHAKALIAN:

Ms. McLean.

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MS. McLEAN: I have a different idea.

HEARING EXAMINER CHAKALIAN:
Obviously.

MS. McLEAN: My proposition is resubmitting the exhibit packet, particularly Exhibit A-3, and removing the highlighting on those asterisk footnotes and then just moving forward with pooling Great Western and Bellamy because they were the interest owners at the time of the pooling, and then in the future if we need to we could reopen to pool those additional -- the successor interest owners, but I think this would keep it, like very clean and, um, just pool who we originally sought out to pool.

HEARING EXAMINER CHAKALIAN:
Got it.

Mr. McClure.

TECHNICAL EXAMINER McCLURE:
Well, if there is an understanding

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that Permian planned on going forth and amending the case then I think the division could conceivably approve those force pooled persons, my only concern there is we have knowledge as of this hearing date that they are no longer interest owners in the unit, but maybe if there is an understanding that there is going to be an amendment made to correct that then I could conceivably see the division proceeding.

MS. McLEAN: Well, I mean, so the reason why I would like to do it the way I suggested is because we don't even know if we are going to need to pool the successors because it sounds like BXP is going to sign the JOA anyways, so if that is the case then they would not be a pooled party and we wouldn't have to reopen. Because we have to repropose these anyways after the issuance of the order so anyone could sign a JOA, all

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of these additional successor interest owners, so there might not even be a need to reopen if we do get this JOA signed, which is why I think it is best to just move forward with the pooling as originally filed and as originally noticed and I could just unhighlight those asterisked people on page 24.

TECHNICAL EXAMINER McCLURE:

Okay, so Permian would no longer be requesting to force pool the Great Western interest and the Bellamy I think you said; is that correct, Ms. McLean?

MS. McLEAN: Bellamy

Exploration or BXP, there is BXP and I can't read it on this thing, but whoever is in those asterisked footnotes, they might not actually need to be force pooled going forward, which would mean we don't need to reopen the case and so that is why I think moving forward in this

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way just revising the exhibit packet is the easiest and the least burden on the division.

TECHNICAL EXAMINER McCLURE:

Those asterisked persons as the new interest owners, I don't believe they are included in that table currently.

MS. McLEAN: They are not.

TECHNICAL EXAMINER McCLURE:

What do you mean by not highlighting them?

MS. McLEAN: They are only in the footnote, they are highlighted in the footnote, but I would, just to make it clear, unhighlight them because the affidavit says that the parties to be pooled are highlighted in yellow on Exhibit A-3, so that there is no confusion I would just unhighlight the successor interest owners that are currently highlighted in the footnote and just resubmit it with only the people highlighted in the table on page 24.

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TECHNICAL EXAMINER McCLURE: So then Permian would still be doing the force pool, the previous owners even though they don't no longer own an interest?

MS. McLEAN: That is correct, because we would be seeking to force pool them as of the date we filed this back in March.

TECHNICAL EXAMINER McCLURE: And if upon further discussion internally at the division the director decides to not force pool those entities in the actual order here do you understand that you should be looking for that and understand that those owners and any new owners would not be force pooled by the division under the order; does that make sense to you?

MS. McLEAN: Yes, I could also unhighlight Great Western and Bellamy in that table so there is no confusion and then we only pool the

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parties that are highlighted in yellow like the affidavit says and then going forward if we need to we can reopen to include additional parties, but it sounds like there is going to be a JOA.

TECHNICAL EXAMINER McCLURE:

Miss McLean, that sounds like that might be the cleaner approach here.

MS. McLEAN: Yeah. So I will just redo it, it is page 24 of 86, I will remove highlighting on Great Western Drilling, remove highlighting on Bellamy and remove all the highlighting in the footnotes and then resubmit that exhibit packet.

TECHNICAL EXAMINER McCLURE:

Again, that sounds very good, Ms. McLean.

In addition to that if I were to ask for the working interest summary, that table to be corrected to your current understanding, do you

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understand what I am asking for there?

MS. McLEAN: Yes, I am sure that we can get that done as well.

TECHNICAL EXAMINER McCLURE: Okay, and I believe with that we should be good to take it under advisement with the record left open, Mr. Hearing Examiner.

HEARING EXAMINER CHAKALIAN: Until when, Ms. McLean?

MS. McLEAN: Mr. Macha, do you think you could do that by Wednesday the 16th is the day?

MR. MACHA: Yeah, for sure.

MS. McLEAN: Okay.

HEARING EXAMINER CHAKALIAN: We will keep the record open to April 16th close of business and we will take it under advisement.

Would you please provide a cover letter with that, Ms. McLean?

MS. McLEAN: Of course.

HEARING EXAMINER CHAKALIAN: We

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are going to move on. This docket is going very slowly today, I don't know why, and we have a motion hearing after it, so I guess we are just going to keep plowing through this.

We are now on numbers 31 and 32, this is 25276, 25277.

MS. VANCE: Good afternoon, Mr. Hearing Examiner. Paula Vance with the Santa Fe office on Holland & Hart on behalf of the applicant Mewbourne Oil Company.

HEARING EXAMINER CHAKALIAN: We are going to join this with 2579 and 2580 and maybe even 25281?

MS. VANCE: So 25276 and 25277 are the same group of development, but then the other three are separate.

HEARING EXAMINER CHAKALIAN: We just have these two in front of us now. Why don't you present them in a consolidated abbreviated fashion, Miss Vance.

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MS. VANCE: Absolutely.

So both of these cases, in case 25276 Mewbourne is seeking to pool the interests in a 1,909.6-acre spacing unit, and that is in the Bone Spring Formation. That is underlying all of Sections 25 and 26 in Township 22 South, Range 26 East, and then lots 1 through 4, the east half of the west half and all the east half of Section 30 in Township 22 South, Range 27 East. This is a non-standard spacing unit, but Mewbourne already has an approved order and that order number is NSP 2251 and Mewbourne seeks to dedicate this unit to the runway 26/30 fed com 521H, 523H, 525H and 527H.

And then in case number 25232 Mewbourne seeks to pool the interests in a 1,909.6-acre, more or less, horizontal wells spacing unit and that is going to be in the Wolfcamp and that is the Purple Sage Wolfcamp,

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pool code 98220, and that should be the same dedicated acreage, so these are overlapping spacing units.

I won't go through the full land description, to abbreviate and dedicate that spacing unit to the runway 26/30 fed come 711H, 713H, 715H and 717H. Again, there is an approved NSP and that is NSP 2252 for that one.

And, I apologize, but one of our experts has not previously testified before the division and that is the geologist, Mr. Dillon Bagnall, and I may be mispronouncing that, but he is available, I saw him on here earlier and we did include a copy of his resume, which is Sub Exhibit D-1.

It looks like he is coming on-line there.

HEARING EXAMINER CHAKALIAN: To help abbreviate this, will you have questions for this person?

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TECHNICAL EXAMINER McCLURE: I
will have questions for both the
landman and geologist, so, yeah.

HEARING EXAMINER CHAKALIAN:
Let's get them both on the screen.

I see you, Mr. Bruson. I
don't see you, Mr. Bagnall.

I see you now.

Now, Miss Vance, we will just
do it this way, would you, Mr.
Bagnall, start with stating and
spelling your name for the record,
please.

MR. BAGNALL: Yes, Dillon
Bagnall, D-I-L-L-O-N, last name
B-A-G-N-A-L-L.

HEARING EXAMINER CHAKALIAN:
And Mr. Bruson the same.

MR. BRUNSON: Hudson Brunson,
H-U-D-S-O-N, last name B-R-U-N-S-O-N.

HEARING EXAMINER CHAKALIAN:
Mr. Brunson, you have been previously
qualified as an expert?

MR. BRUNSON: Yes, sir.

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HEARING EXAMINER CHAKALIAN:
You have. So it is Mr. Bagnall that
has not been previously qualified.

Would both of you please raise
your right hands.

Do you swear or affirm under
penalty of perjury that the testimony
you are about to give is the truth,
the whole truth, and nothing but the
truth?

MR. BAGNALL: I do.

MR. BRUNSON: I do.

HEARING EXAMINER CHAKALIAN:
Mr. Brunson, what field have you been
accepted by this division?

MR. BRUNSON: Land.

HEARING EXAMINER CHAKALIAN:
Are you trying to become an expert in
geology before this division?

MR. BAGNALL: Yes, that's
correct.

HEARING EXAMINER CHAKALIAN:
Tell me about your education that
goes to geology.

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MR. BAGNALL: I received my undergraduate in geosciences at Angelo State University from 2013 to 2016. After which I got my Master's in geology at Texas Tech University from 2017 to 2019. During in the middle of that I interned at Mewbourne Oil Company.

Following graduation in 2019 I started full-time at Mewbourne and I have worked here since then.

HEARING EXAMINER CHAKALIAN:
Perfect. You are hereby qualified before this division as an expert in the field of geology.

Please proceed, Miss Vance.

MS. VANCE: So in both of the hearing packets we have included a copy of the applications, the compulsory pooling checklist, as well as the self-affirmed statements of both of our experts.

Mr. Bruson's statement is Exhibit C. We have included a copy

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of the NSP order, along with all of the standard land exhibits, and then we have Mr. Bagnall's statement, which is Exhibit D, along with all of the required geology exhibits. And then, lastly, we have Exhibit E, which is the self-affirmed statement of notice with a sample copy of the notice that went out, which was timely mailed on March 21, 2025, and then Exhibit F, which is the Affidavit of Notice of Publication, which was timely published on March 27, 2025.

And unless there are any questions, and it sounds like there are, I would ask that the exhibits and sub exhibits be admitted into the record and we are ready for questions.

HEARING EXAMINER CHAKALIAN:
Sounds good.

Any objections?

Not hearing any the exhibits

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are so admitted.

Mr. McClure.

TECHNICAL EXAMINER McCLURE:

Thank you, Mr. Examiner.

Mr. Bagnall, can I direct your attention to the cross section in Exhibit B-4, I believe. In both of these cases potentially, it looks like there are three different cross sections between the cases; do you see what I am referencing?

MR. BAGNALL: Yes, sir, I do.

TECHNICAL EXAMINER McCLURE: Do you see that little overlaid map that is over the top of the cross sections?

MR. BAGNALL: I do.

TECHNICAL EXAMINER McCLURE: Are you familiar with everybody at Mewbourne that is putting together these exhibits?

MR. BAGNALL: I am.

TECHNICAL EXAMINER McCLURE: If I were to ask you to talk to

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everybody in Mewbourne that puts together these exhibits and ask them to not include that so I can quit asking for it to be removed; do you understand what I am asking for?

MR. BAGNALL: I do.

TECHNICAL EXAMINER McCLURE: Okay, thank you, sir. That was the only question I had for you, Mr. Bagnall.

MR. BAGNALL: Okay.

TECHNICAL EXAMINER McCLURE: Mr. Brunson, if I could draw your attention, and I am looking at case 25276 specifically right now, page 27, I believe, this would be your summary of working interests; do you see what I am referring to or where I am looking at?

MR. BRUNSON: Yes, sir.

TECHNICAL EXAMINER McCLURE: At the very top of that list it says Mewbourne Oil Company et. al.; do you see what I am referring to?

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MR. BRUNSON: Yes, sir.

TECHNICAL EXAMINER McCLURE:

What is Mewbourne referencing when it says "Mewbourne Oil Company et. al.?"

MR. BRUNSON: I am referencing Mewbourne and all of the other parties that have signed the JOA to participate in these wells.

TECHNICAL EXAMINER McCLURE: If I were to ask for an interest breakdown including all the companies do you understand what I am asking for?

MR. BRUNSON: Yes, sir.

TECHNICAL EXAMINER McCLURE:

Okay, so rather than having "et. al." have the actual breakdown of each company.

MR. BRUNSON: Yes, sir, the committed parties.

TECHNICAL EXAMINER McCLURE:

Yes, sir, that is correct, Mr. Brunson.

That is all the questions I

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have for the witnesses, Mr. Hearing Examiner, but I would like to speak to Miss Vance regarding not only what we just discussed here and the CPAC as well.

HEARING EXAMINER CHAKALIAN:
Ms. Vance.

MS. VANCE: Yes.

TECHNICAL EXAMINER McCLURE:
Miss Vance, did you catch when I referenced the cross section so you know what I am looking for there?

MS. VANCE: I do.

TECHNICAL EXAMINER McCLURE:
Ms. Vance, in regards to the interest breakdown do you see what I was asking for there and did you have any input on my request?

MS. VANCE: No, I understand what you were asking for. I was double checking the other case and whether or not the same thing showed up there with the Mewbourne et. al. and if we needed to break that out,

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but --

TECHNICAL EXAMINER McCLURE: I believe it does, but I will let you check.

MS. VANCE: Yeah, okay, so Hudson is nodding his head so he is familiar, so I think it sounds like we need to do the same thing for both cases.

TECHNICAL EXAMINER McCLURE: Okay. In addition to that, Miss Vance, in the CPAC for the operating cost the Exhibit C-4, instead of including the \$12,000 and 1,200 I think is what the cost was, if I ask you to correct that to include the actual cost considering they are very small items rather than citing the exhibit do you see what I am asking for?

MS. VANCE: Yes, that is no problem.

TECHNICAL EXAMINER McCLURE: Thank you, Miss Vance.

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Mr. Hearing Examiner, I have nothing further on these cases.

HEARING EXAMINER CHAKALIAN:
Ms. Vance, on these two cases how long do you want to leave the record open?

MS. VANCE: Um, Hudson, how long do you think it will take you to update those exhibits?

MR. BRUNSON: Um, I could have them done by Monday, if that works.

MS. VANCE: I think we will go with that magic Wednesday date.

HEARING EXAMINER CHAKALIAN:
April 16th close of business.
Alright, we are in recess on these two cases. We will take them under advisement once we get your amended hearing pack.

Let's move onto cases 33 to 35 on our docket, 25279, 25280 and 25281.

MS. VANCE: Good afternoon, Mr. Hearing Examiner. Paula Vance

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with the Santa Fe office of Holland and Hart on behalf of the applicant Mewbourne Oil Company.

HEARING EXAMINER CHAKALIAN:

What is the good cause here?

MS. VANCE: I am going to defer to my client who is on the line, let me see, I believe he -- this one, I apologize, I do know, so on these Mewbourne conducted additional title and so we are open to pool those additional parties so we have included a statement and then updated pooling exhibit along with an offer letter and chronology of contacts.

HEARING EXAMINER CHAKALIAN:

Did you have your notice?

MS. VANCE: Yes, I did, and that was timely. The letter went out March 21, 2025, notice of publication was March 27, 2025.

HEARING EXAMINER CHAKALIAN:

Very good.

Are you trying to admit your

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exhibits into evidence now?

MS. VANCE: Yes.

HEARING EXAMINER CHAKALIAN:

Very good.

Are there any objections?

Not hearing any objections the exhibits in all three cases are admitted.

Mr. McClure, any questions?

TECHNICAL EXAMINER McCLURE: If we are fine with telling Miss Vance what we want I have no questions.

HEARING EXAMINER CHAKALIAN:

Please go ahead, what do you want?

TECHNICAL EXAMINER McCLURE: In all three of these cases the newly found interest found exceeds one percent and I would like to see an amended breakdown of the interest owners with that new interest taken into account; do you understand what I am asking for?

MS. VANCE: I understand, and I just want to make sure that Hudson

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who is on the line understands
because he would be updating that,
so.

MR. BRUNSON: Can you restate
what you are asking for?

TECHNICAL EXAMINER McCLURE:
Yes, I can. Mr. Brunson, in each of
these cases the newly found interest
exceeds one percent and as such your
overall interest is going to be
changing relatively significantly
depending what you are going to make
that determination at and because of
that change I want to see the updated
working interest breakout.

MR. BRUNSON: Okay, yes, sir.

TECHNICAL EXAMINER McCLURE:
That is everything.

HEARING EXAMINER CHAKALIAN:
April 16th, Miss Vance?

MS. VANCE: Hudson, could you
get that done by Monday?

MR. BRUNSON: Yes, ma'am.

MS. VANCE: Okay, the 16th.

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HEARING EXAMINER CHAKALIAN: We are off the record in those three cases.

We are moving onto 36, 25282, Enduring Resources.

MS. VANCE: Good afternoon, Mr. Hearing Examiner. Paula Vance with the Santa Fe office of Holland & Hart on behalf of the applicant Enduring Resources, LLC.

HEARING EXAMINER CHAKALIAN: Excellent. Any other parties that you know of, Miss Vance?

MS. VANCE: Not that I am aware of, no.

HEARING EXAMINER CHAKALIAN: Go ahead and present your case.

MS. VANCE: So in this case we are just here to get -- submit the approvals for the unit agreement on behalf of Enduring and the unit that is being formed consists of, approximately, 5,927.62 acres, and that includes both federal and Indian

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allotted lands and that is situated in Sandoval County. I am not going to go through the full land description, it is in the application.

We have included a copy of the application, the self-affirmed statement of Mr. Travis Whitham, who has his camera on, he has not previously testified, he has his resume available so I will turn it over to you, Mr. Hearing Examiner.

HEARING EXAMINER CHAKALIAN:

Are you going to have questions for this witness?

TECHNICAL EXAMINER McCLURE: I think I may, Mr. Hearing Examiner.

HEARING EXAMINER CHAKALIAN:

Mr. Whitham, would you please state and spell your name for the record.

MR. WHITHAM: Yes, it is Travis, T-R-A-V-I-S, last name W-H-I-T-H-A-M.

HEARING EXAMINER CHAKALIAN:

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What field of expertise do you want to be qualified before this division?

MR. WHITHAM: Petroleum landman.

HEARING EXAMINER CHAKALIAN: Very good.

Would you tell me your experience, starting with your education, when did you achieve your degrees.

MR. WHITHAM: Yeah, I graduated from Kansas State University in 2010 with a Bachelor of science in geography and I have been employed with Enduring Resources since December of 2012. I started out as a landtech and now I am a senior landman with the company.

HEARING EXAMINER CHAKALIAN: What do your duties include?

MR. WHITHAM: It kind of varies, but for the most part coordinating with our operations teams, all of our non-op partners.

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Now we have over 1,500 operated wells and we have had one drilling rig running for the past year and a half, so keeping up with the drilling schedule.

HEARING EXAMINER CHAKALIAN:

Okay. How long have you been doing that with this company?

MR. WHITHAM: Really since, you know, I would say 2014 is where I really started taking on more responsibilities, so, and just to note we have got over 20 units in New Mexico now, so I am very familiar with the New Mexico units.

HEARING EXAMINER CHAKALIAN:

Alright, so, again, you are seeking to be recognized as an expert in petroleum land matters; is that right?

MR. WHITHAM: Yes, that is correct.

HEARING EXAMINER CHAKALIAN:

Okay.

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MR. SACERDOTI: My name is
Raffaello Sacerdoti, I am just
joining, sorry I am a few moments
late. I am a geologist with Enduring
Resources.

HEARING EXAMINER CHAKALIAN:
You are hereby qualified before this
division as an expert in petroleum
land matters.

Miss Vance, were you done or
were you still presenting?

MS. VANCE: I mean, there is
not that many exhibits so I will just
run through them very quickly.

We included a statement from
Mr. Whitham, like I said his resume,
as well as the deal and designation
letter and on the geology we have the
geology statement along with the
structural map and cross section. We
also have the notice that went out
which was timely, the letter, the
sample letter included was marked and
sent March 21, 2025, and then the

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Affidavit of Notice of Publication
was timely, which was March 27, 2025.
That being said, I do think
Mr. Whitham has one item to correct
regarding the designation letter and
he can provide an update to the
technical examiner regarding that.

HEARING EXAMINER CHAKALIAN: So
let's get your exhibits admitted into
evidence.

Are there any objections?

Not hearing any your exhibits
are admitted into evidence.

Mr. McClure, questions for
Mr. Whitham?

TECHNICAL EXAMINER McCLURE:
Mr. Whitham, could you very briefly
describe the change to the
designation letter that Ms. Vance was
just referencing.

MR. WHITHAM: Yeah, I can. If
you note Exhibit A and go to page 4,
originally this unit was set up --

TECHNICAL EXAMINER McCLURE:

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Hold on, Mr. Whitham, do you know what page of the exhibit packet that is in?

MS. VANCE: Page seven.

Actually, I am sorry, page seven is the first page. It would be page 10 of 79.

TECHNICAL EXAMINER McCLURE: I am seeing part of the unit agreement, is that what the amendment was made to or was it the designation letter from the BLM?

MR. WHITHAM: It was the unit agreement.

TECHNICAL EXAMINER McCLURE: So the unit agreement got updated. Please, Mr. Whitham, please finish with your brief description of the change here.

MR. WHITHAM: So if you will see at the top of that page where it has the Section 16, Township 2020 North, Range 6 West and it lists those two wells; do you see that?

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TECHNICAL EXAMINER McCLURE:

Yes, I do see that, sir.

MR. WHITHAM: Those should have been removed because initially we were going to include that state land section and the state land office did not want to include it so we removed it from the unit Exhibit A and B, but it didn't get caught in the actual body of the unit agreement, so that is the one change that we wanted to point out to you that doesn't need to be there.

TECHNICAL EXAMINER McCLURE:

Okay, and these wells, they describe the Los Alamos Canyon area applies the new horizontal and multiunit lateral wells only and all existing wells within the unit area producing from the formation shall be excluded from the terms of this agreement specifically included the following wells, so are you saying that those top two wells 16A and 16I, those are

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going to be included in the unit?

MR. WHITHAM: No, they are definitely not because that Section 16 is no longer included in the unit. It initially -- we were going to put Section 16 in there, the state land office didn't want to do it, we just didn't get this portion removed.

TECHNICAL EXAMINER McCLURE: The way I am reading this unit agreement it is saying that they accepted all existing wells and specifically including these following three wells.

MR. WHITHAM: Well, I guess to clarify, if we would have had Section 16 in the unit these two existing wells would have been excluded, but then we ended up removing Section 16, we just forgot to remove this portion.

TECHNICAL EXAMINER McCLURE: Okay, I understand. So these two wells are no longer within the unit

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bounds, the proposed unit boundaries?

MR. WHITHAM: Yeah, so they don't need to be there, we just made an error in not removing them.

TECHNICAL EXAMINER McCLURE:
And the exclusion of Section 16, is that included in the legal description in this accident or in this exhibit packet, excuse me?

MR. WHITHAM: Yep, you won't notice it anymore because we removed it everywhere else.

TECHNICAL EXAMINER McCLURE:
And then the rest of the unit agreement here, it is also removed it sounds like; is that correct?

MR. WHITHAM: That is correct.

TECHNICAL EXAMINER McCLURE:
Okay, thank you, Mr. Whitham.

Let me ask if I can pull your attention to --

HEARING EXAMINER CHAKALIAN:
Who are you asking?

TECHNICAL EXAMINER McCLURE:

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Mr. Whitham.

HEARING EXAMINER CHAKALIAN: I thought you were finished with him.

TECHNICAL EXAMINER McCLURE:
No.

If I could pull your attention to page 25 of 79, this is like the second half of the list of tracts associated with the proposed unit.

MR. WHITHAM: Okay, go ahead.

TECHNICAL EXAMINER McCLURE:
That tract 11, it looks like it is identified under allotted lands, do you see where I am referring to, it looks like it is in the southwest quarter of Section 12 in Township 2020 North.

MR. WHITHAM: Yes, I am familiar with that tract.

TECHNICAL EXAMINER McCLURE: Is that tribal interest?

MR. WHITHAM: Yes, it is, Navajo allotted tract.

TECHNICAL EXAMINER McCLURE: I

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am with you. Is this the only tract that is tribal and the rest is federal; is that correct?

MR. WHITHAM: That is correct.

TECHNICAL EXAMINER McCLURE:
Thank you, sir.

Mr. Hearing Examiner, I believe that is all my questions -- oh, excuse me, let me back up, that is my only question for the witness, but I do have a question for Miss Vance real fast.

Miss Vance, it looks like Mr. Rankin (phonetic) might have been the one that did the original notice letter and such, but are you familiar with the notice that was provided in this case?

MS. VANCE: Yes.

TECHNICAL EXAMINER McCLURE: It looks like a number of people were noticed, but could you give me a brief description of all working interest owners, all mineral interest

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owners, whatever that list comprises of.

MS. VANCE: I think Mr. Whitham could probably answer that as well, but it is my understanding it is a pretty large list and we provided notice to the working interest as well as FEMO, DLM, and then the overrides, but Mr. Whitham can correct me if I am wrong.

TECHNICAL EXAMINER McCLURE: Mr. Whitham, did you hear Miss Vance's response?

MR. WHITHAM: Yes, I did, and the only correction we would make we didn't send it out to all the override owners, but everyone else we did.

TECHNICAL EXAMINER McCLURE: So that list would include all the working interest owners; is that correct?

MR. WHITHAM: That is correct.

TECHNICAL EXAMINER McCLURE:

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Thank you, sir. Thank you, Miss Vance. Thank you, Mr. Hearing Examiner, I have no further questions on this case.

HEARING EXAMINER CHAKALIAN:
Very good.

Miss Vance, is there anything that you need to supply the division or Mr. McClure or are we able to take this under advisement.

TECHNICAL EXAMINER McCLURE:
Mr. Hearing Examiner, there was a change to the unit agreement, but the applicant is required to provide us with the actual executed and approved one anyway, so I think we can just take it under advisement.

HEARING EXAMINER CHAKALIAN:
Okay.

So back to you, Miss Vance, is there anything else that you are providing the division or are you complete at this point?

MS. VANCE: I believe I am

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complete.

HEARING EXAMINER CHAKALIAN:

Okay, excellent. Then we are off the record in this case and we will take it under advisement. That is a nice refreshing change.

Going back there are two cases in which witnesses weren't available, Miss Vance, I think they are your cases 23 and 22 on our docket.

MS. VANCE: I am double checking.

HEARING EXAMINER CHAKALIAN:

The Riddler cases.

TECHNICAL EXAMINER McCLURE: I think we were looking for the landman in these cases.

HEARING EXAMINER CHAKALIAN: I

think we were.

MS. VANCE: Yes, let me see if he is -- I do not see him on here. Do you mind pausing just for one second, my AirPods are about to die, I don't want to lose audio.

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HEARING EXAMINER CHAKALIAN:

Okay.

Mr. McClure, you had questions for the landman; is that right?

TECHNICAL EXAMINER McCLURE:

Yes, in this case I do, Mr. Hearing Examiner. I don't recall what the -- was this Mr. Hajdik was our landman in this case?

MR. HAJDIK: Yes, sir.

TECHNICAL EXAMINER McCLURE:

Mr. Hajdik, where I think we left questioning off is off of the breakdown of working interest owners. Do you recall that exhibit, it should be on page 18 of 51 for case 25229.

MR. HAJDIK: Correct. Um, so we are going to -- we are not going to pool any of those parties, they represent about four percent total, so we could submit -- they sign the JOA or were going to sign the JOA and so we can update it to show kind of a line item that shows the total

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percentage and then a drop down of the remaining parties and we will mark them all as not pooled and we can submit that.

TECHNICAL EXAMINER McCLURE:

So, Mr. Hajdik, essentially what you just referenced to me is you have the person of interest that is entirely associated with BTA and potentially these other two persons; is that correct?

MR. HAJDIK: Correct.

TECHNICAL EXAMINER McCLURE: On this table on page 18 of 51 that has the breakdown of working interest owners, do all those current percentages that are shown, do those add up to 100 percent?

MR. HAJDIK: They would be -- I would have to look back at the source data.

TECHNICAL EXAMINER McCLURE:

Let me ask you a different question.

Are you presenting to me that

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once you include the percentage that is associated with these three entities, at that point is the sum of this table going to equal 100 percent?

MR. HAJDIK: Yes, it will.

TECHNICAL EXAMINER McCLURE:
And if I were to ask you to include an additional statement in your affirmation statement giving a very brief description of what is going on here do you understand what I would be asking for?

MR. HAJDIK: Just a quick explanation of why certain parties don't have a --

TECHNICAL EXAMINER McCLURE:
Not to tell you what to affirm to or to certify, but just a written statement in regards to our conversation today. My current understanding is you do not know for sure what percentage may or may not be associated with Richardson and

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Davis versus BTA, but you know the overall percentage; is that correct?

MR. HAJDIK: Correct.

TECHNICAL EXAMINER McCLURE:

And, essentially, what I would be looking for is some sort of statement just saying, essentially that, that you know the overall interest and currently you are just not sure which of those two parties, however you want to go about it is up to you.

MR. HAJDIK: Okay, we can do that.

TECHNICAL EXAMINER McCLURE: I don't recall if I questioned the geologist or not in this case, but I do have a question for him or her, I don't remember who it was now.

MS. VANCE: You did, and I believe he is still on the line. That is Hendrickson.

TECHNICAL EXAMINER McCLURE: Mr. Hendrickson, is that correct, did I question you in regards to -- let

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me just ask the questions again in case it didn't come through. This is the disadvantage of jumping around in these cases, let me see if I could find the page.

On this case, that being 25229, Mr. Hendrickson, I am looking at your cross section in Exhibit D-4, page 42 of 51.

MR. HENDRICKSON: Yes, sir, you will have to forgive me, I am looking at the PowerPoint version, but it is the same as what you should be seeing.

TECHNICAL EXAMINER McCLURE: I think there was another case that we talked about with this exact same scenario, I don't think it was this case, but I could be wrong, where you reference on the right-hand side you say this is the pooled interval, is that representative of what the applicants are requesting the force pool in this case?

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MR. HENDRICKSON: Yes, we are seeking the pool interval in this case.

TECHNICAL EXAMINER McCLURE:
Thank you, Mr. Hendrickson.

Miss Vance, on the CPAC it represents that, and in the landman's statement it represents that Permian's requesting to force pool the entirety of the Bone Spring Formation, we are going to need to correct that if that is no longer the case.

MS. VANCE: That is correct, I can get those updated.

TECHNICAL EXAMINER McCLURE:
And you understand everything I am asking for there?

MS. VANCE: Yes, similar to what we discussed with the Oxy SORO.

TECHNICAL EXAMINER McCLURE:
Yes, sounds exactly so.

In addition to that, the only other thing I am looking for is in

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regards to my discussion with
Mr. Hajdik in regard to those three
parties that have to be titled and an
updated breakdown of the interests.

MS. VANCE: Okay, and that is
for both of the cases, correct,
because both of them had that TBD.

TECHNICAL EXAMINER McCLURE:
That is correct.

For the other case in regards
to the -- I apologize, let me confirm
with Mr. Hendrickson, on your cross
section it looks like you reference
the upper Wolfcamp as being your
pooled interval, is it your
understanding that is what Permian is
requesting to force pool in case
25232?

MR. HENDRICKSON: Yeah, you
alluded to this earlier, but what we
discussed previously was the more
appropriate way to refer to this as
the target interval rather than the
pool. We are seeking to pool the

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entire Wolfcamp Formation, what are shown here is what we are targeting for this project.

TECHNICAL EXAMINER McCLURE: I will need an amended cross section in case 25232 with that pooled interval correctly identified as targeted interval, Ms. Vance.

MS. VANCE: Okay.

TECHNICAL EXAMINER McCLURE: And I believe that is everything I have for these two cases.

HEARING EXAMINER CHAKALIAN: Thank you, Mr. McClure.

Miss Vance, how long do you want the record to stay open?

MS. VANCE: 4/16 sounds good.

HEARING EXAMINER CHAKALIAN: 4/16 close of business.

And, Mr. McClure, those exhibits were for one case or both cases?

TECHNICAL EXAMINER McCLURE: The working interest is for both

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cases. The cross section is for case -- the Wolfcamp case, 25232.

HEARING EXAMINER CHAKALIAN:

Very good.

Miss Bennett, did you have something to say?

MS. BENNETT: No, I just appeared in these cases so I was just paying attention.

HEARING EXAMINER CHAKALIAN:

Well, that was nice of you. Alright, it looks like we are done with our regular docket so far and at 1:00 we are going to begin a motion hearing so we all have a four-minute break.

TECHNICAL EXAMINER McCLURE:

Mr. Hearing Examiner, could I ask Miss Vance a quick question, I do not know for sure which case this applies to, I am not sure if she knew.

Ms. Vance, I do not know which of the U-turn wells it applies to, but in one of the cases you made

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reference verbally that there may be existing hearing orders that is now being changed, I believe it is the first step that we talked about.

MS. VANCE: Yes, so you mean the extension cases or are you --

TECHNICAL EXAMINER McCLURE: No, it was one of these U-turn wells we were talking about like the Bone Spring three versus the entire Bone Spring.

MS. VANCE: That there were existing orders, yes, we actually dismissed those cases, yeah.

TECHNICAL EXAMINER McCLURE: So then there are no actual hearing orders that need to be terminated or dealt with in some manner, then, to your understanding?

MS. VANCE: No.

TECHNICAL EXAMINER McCLURE: Okay. I thank you, Miss Vance.

I am sorry, Mr. Hearing Examiner, that was all I had.

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HEARING EXAMINER CHAKALIAN: We are going to take a three-minute break and come back at 1:00, thank you.

(Short break taken.)

HEARING EXAMINER CHAKALIAN: It is 1:03 in the afternoon, we are now calling 11 cases for a motion hearing. Those cases are 2494142, 2499495, 25115, 16, 17, 25145, 46, 47, 48. Entrance of appearance, please.

MR. SAVAGE: Darin Savage, good afternoon, with Abadie & Schill appearing on behalf of V-F Petroleum Incorporated.

HEARING EXAMINER CHAKALIAN: Thank you, sir.

MS. VANCE: Good afternoon, Mr. Hearing Examiner. Paula Vance with the Santa Fe office of Holland & Hart on behalf of Permian.

MS. LUCK: I am Kaitlyn Luck here on behalf of Carolyn Beall.

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HEARING EXAMINER CHAKALIAN:

Let's review what we are doing today. We have conducted two full days of hearings in these cases -- in these consolidated cases, first on January the 28th, then on February 27th.

After the hearing on February 27th Mr. McClure, our technical examiner, had a list of supplemental exhibits from two of the three parties. From Miss Vance he asked for an amended CPAC pooling administrative checklist to include all depth severances, if space is limited list the depth separately, and site landman's statement for reference, make sure the Bone Spring for each is listed in each case. Exhibit C-3, summary of interest, I am not going to go over all the details there. Then a landman's statement corrections remove typo or duplicate reference regarding vertical limit, ensure accurate

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reference to Bone Spring three vertical limit, correct bullet point lists of vertical limit to case specific, add paragraph description all depth severances.

Number four, supplement exhibit on depth severance at 9,397 feet. Provide a document, if available, for depth severance in the southeast quarter of the southwest quarter, if no documents exist provide a detailed description. If title documentation is available submit a limited version to clarify ownership severance.

Exhibit C-9, summary of committed interests. I won't go through all of those, and then Exhibit D-7, a geologist's cross section, again, focusing on vertical limits, et cetera.

So as you can see, Mr. McClure is quite concerned about vertical limits, depth severance.

Resubmission of book 143 page 191

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submit as an exhibit packet not just as part of a Notice of Ownership.

Two, proposed allocation method, and, three, table identifying Miss Beall's interest providing a table or document shows Ms. Beall's percentage interests for the north half of the north half of Sections 14 and 15 and the south half of north half in Sections 14 and 15.

Miss Luck, you submitted an exhibit, a supplemental exhibit packet, your exhibits, I think you listed them as 2 and 3, they don't say who they are from.

MS. LUCK: I apologize, when I turn on my camera I have connectivity issues.

So the exhibits I submitted were from Jordan Shaw, our landman, who testified at the February 27th hearing.

HEARING EXAMINER CHAKALIAN: So you are saying that Mr. Shaw prepared

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both Exhibits 2 and 3?

MS. LUCK: That's correct.

HEARING EXAMINER CHAKALIAN:

There is nothing in the exhibits to say that. You can call him today and lay a foundation for your Exhibits 2 and 3 and we will decide what weight to give them after we hear from him and then see about the cross, if there is any cross-examination, but as it is now they have no evidentiary weight whatsoever.

MS. LUCK: Okay, Mr. Shaw testified to that information at the February 27th hearing, he went through his determination as to his review of the title to confirm that Miss Beall owned an interest, he described the before payout and after payout explanation. He also explained the reason for the allocation formula and the table that we put together to propose allocation in this unit for Miss Beall and so I

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2 do believe that a proper foundation
3 was laid at the February 27th hearing
4 for both of those exhibits and they
5 were simply submitted after the
6 hearing because we discussed those at
7 the hearing and they weren't
8 submitted with an affidavit or
9 anything to that extent because,
10 again, Mr. Shaw testified on the
11 February 27th hearing about both
12 those exhibits in pretty great detail
13 about Ms. Beall's interest in those
14 two units, as well as the proposed
15 allocation formula.

16 HEARING EXAMINER CHAKALIAN:

17 Miss Luck, I am not saying his
18 testimony is not evidence, it is.
19 What I am saying is your Exhibit 2
20 and 3 are not going to be given any
21 weight unless he adopts them under
22 oath today.

23 MS. LUCK: Okay, I understand,
24 I just want to be sure we did discuss
25 those at the February 27th hearing,

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but he is here and available to
testify.

HEARING EXAMINER CHAKALIAN:

Right, exactly. I am just letting
you know what you need to do today to
get those exhibits admitted as
evidence and not just as sort of a
demonstrative document, okay.

MS. LUCK: Thank you.

HEARING EXAMINER CHAKALIAN:

You're welcome.

So, Miss Vance, the list I read
earlier, did that comport with your
understanding of what Mr. McClure
wanted?

MS. VANCE: Correct, yes.

HEARING EXAMINER CHAKALIAN:

Very good.

So now that we have talked
about that I would like to go into
the motions that bring us here today.
So let's review.

On March 21st we have a motion
submitted by Carolyn Beall to strike

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your Exhibit C-12 and there was a request for a hearing. Also on March 21st we had a motion by Permian to strike the intervention of Carolyn Beall in case 25146, which deals with the south half of the north half of Section 14. Three days later V-F filed a concurring motion to strike Exhibit C-12. Then on March 26th we have your response, Miss Vance, to both V-F and Carolyn Beall regarding your Exhibit C-12. Then on March 26th we have Carolyn Beall's response to your motion, to Permian's motion to strike the intervention. Then on April 4th we have both V-F and Carolyn Beall filed a motion to limit the hearing today and then on April 9th we have your response, Miss Vance, to the motions to limit the hearing.

So those are the motions that are before us here, and the way I propose to deal with those motions is

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to first take evidence on Exhibit C-12 allowing the parties to cross examine the witness supporting Exhibit C-12, and we will go from there.

So, Miss Vance, are you preparing --

MS. VANCE: I have Mr. Macha available to discuss the Exhibit C-12.

HEARING EXAMINER CHAKALIAN: Okay, so then we don't have the author who drafted the opinion letter as a witness today?

MS. VANCE: That's correct, no.

HEARING EXAMINER CHAKALIAN: Okay. It is your case so you are going to present it in whatever way you want to. Do you want to make an opening statement about Exhibit C-12 before we begin?

MS. VANCE: I will make it very short.

HEARING EXAMINER CHAKALIAN:

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Whatever you want, Miss Vance, it is whatever you want.

MS. LUCK: Mr. Examiner, if I may, I think it is improper for Mr. Macha to testify to the title opinion, it was drafted by someone else, it looks like Jeffrey Hubbell and Mr. Lear, and I don't think Mr. Macha is qualified to testify on behalf of those folks. Unless he is an attorney who can testify for Lear & Lear, I don't believe Mr. Macha can testify about this title opinion, I would object to that proceeding at this hearing today.

HEARING EXAMINER CHAKALIAN:
What I will allow you to do, Miss Luck, is to voir dire the witness after we get him sworn in, but at this point we are just having an opening statement from Miss Vance and we will move into Mr. Macha and you can make your objection by voir diring the witness; okay?

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MS. LUCK: Okay.

HEARING EXAMINER CHAKALIAN:
Miss Vance.

MS. VANCE: Yes. So, one, I just want to be clear that this particular deed of distribution was admitted in the middle of the hearing that we held last month and it was the first time that Permian had been -- had taken a look at this document, and so immediately Permian took that document and did an analysis of it to understand it because it was being used as a basis for Miss Beall to substantiate her interest that she has claimed, specifically in the south half of the north half. And so we looked at that and responded or came to a conclusion based on the analysis that was provided and concurrent with that the technical examiner asked for information to clarify the depth severances and so that information

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was provided, which there was only two depth severances that exist in this case, there is one in the north half of the north half case and there is a depth severance in the south half of the south half, and those are listed in these supplemental Exhibit C-12 that was provided. The reason why the opinion letter was included was to show that there was no depth severance as originally was claimed by Miss Beall, that was the basis of her intervening in the case which she was granted the ability to intervene and it is completely circular, there is no depth severance and she does not have an interest there, that was also discussed by her own witness who repeatedly stated during the last hearing that there were gaps, clouds, there was no way to confirm that that interest vested, so, you know, we were asked by the technical examiner to provide clarification on what

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Ms. Beall's interests were and where the depth severances were and that's what we did.

Now I do want to put a point on, and I stated this in my response, is that Ms. Beall is asking -- was allowed to intervene based on an understanding that she had a vertical offset, she was an affected party as a vertical offset in the south half of the north half. Again, her witness repeatedly stated there is cloud on title, there is a gap that cannot be confirmed, she does not have an interest in the south half of the north half. Again, she was allowed to intervene based on a depth severance as an offsetting party; however, when we got to the hearing last month that changed, she went -- she is now stating she has an interest in the entirety of that third Bone Spring in all depths, so, you know, I put it to the examiner

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that now that she is claiming something different than what she was allowed to intervene on, that sort of changes the circumstances, and it has caused some confusion here, but that being said we are not -- Permian is not seeking to pool Miss Beall because, as her witness confirmed, she doesn't have an interest and even if she wants to clear that up this is not the venue to do that. We are simply just to put a point on it provided the document, the opinion letter, to be honest, I don't think we anticipated it would turn into this big back and forth of motions and, but I leave it to it is simply to have confirmed actually what their own witness stated on the record, we concur there is no interest in the south half of the north half because it has not vested, there is a cloud, there is a gap in title and so in terms of the opinion letter itself I

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leave it to the discretion of the hearing examiner, the hearing examiner has the discretion to allow certain documents into cases and hearings and the division may place whatever weight it wishes to on the document. That's all I have.

HEARING EXAMINER CHAKALIAN:

Thank you, Miss Vance.

Now the witness that you have to this document is Mr. Macha; is that correct?

MS. VANCE: That's correct.

HEARING EXAMINER CHAKALIAN:

Mr. Macha, could you unmute yourself, please.

MR. MACHA: Yes, sir.

HEARING EXAMINER CHAKALIAN:

Mr. Macha, I swore you earlier today so I remind you you are still under oath.

MR. MACHA: Okay.

HEARING EXAMINER CHAKALIAN:

Now, Miss Vance, the reason that we

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are here today is because there was an objection to your document. If it hadn't been objected to I would consider it a rebuttal exhibit. I know Miss Luck presented you with a document during the hearing on February 27th, and in all fairness I do understand that this is a rebuttal exhibit. It does speak to both ownership interest, which we don't deal with here, and it does speak to depth severances, and that sort of thing, which we do deal with here.

Before Mr. Macha testifies I want to review one thing with the parties. I did some research into the Oil Conservation Division's powers and duties under the Oil and Gas Act and when it comes to pooling orders I want to review this and I know Mr. Savage must know this by heart, but for me I learned, and I am sure Mr. McClure knows this as well, but for me I learned that pooling

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orders generally identify all known working interest owners and mineral interest owners, therefore, it is important for us to know as a division who we are compulsory pooling and who we are not compulsory pooling, so right off the bat that sends to me that identifying interest owners whether it has been adjudicated or not or whether there is a dispute about ownership it has to at least be mentioned in the order, recognized in some way. Typically we use exhibits, we use exhibits from the applicant to show ownership breakdown by tract, who was offered participation, who accepted, who declined, and those people that are being force pooled and the corresponding risk penalty applied. Typically, legal sufficiency requires that proper notice was given to all parties with a known interest that the record supports the need for

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force pooling and that the order provides for sufficient detail to support enforceability and protect rights. Also, force pooled interests define participating owners and non-consenting owners.

So, ultimately, this information is relevant and that is important because as a hearing examiner I am not permitted to accept irrelevant evidence and parties who make objections based on relevancy, you know, will carry the day, so with that said I can see the relevance of C-12 and if the only objection was to relevance then I would overrule that and tell the parties that we are going to accept Exhibit C-12 and give it the weight that we deem sufficient; however, there are objections and the parties have, V-F and Carolyn Beall have requested the ability to cross-examine the witness and so we have Mr. Macha here.

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Now we have an objection to Mr. Macha, so, Miss Luck, you already stated your objection earlier and I said that you could voir dire this witness as to this exhibit, so please go ahead.

MS. LUCK: I would also like to respond to a few of the comments that Miss Vance made. So Miss Beall was provided late notice of this hearing by Permian's own words as a vertical offset and this is not a proper determination for whether or not there is gaps in title or whether or not she has a perfected interest in this unit. It is our understanding that this exhibit is only being submitted for purposes of disputing Miss Beall's title insurance, it doesn't talk about the depth severances at all, so just looking at Mr. Macha's affidavit that was submitted with the March 10th exhibit packet it doesn't even reference C-12

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at all, so I am not really sure how Mr. Macha could testify to anything in C-12 because it is not included in his affidavits, he didn't sign the document, and it is my understanding he is not associated with the Lear & Lear law firm and so --

HEARING EXAMINER CHAKALIAN:

Miss Luck, I ask -- you are repeating yourself at this point. I already have given you the opportunity to voir dire Mr. Macha, you are not doing that, so, again, you have an opportunity to voir dire this witness and ask him questions about Exhibit C-12 and I will make a decision based on your voir dire, so go ahead.

MR. SAVAGE: Mr. Hearing

Examiner, respectfully, I would also object to Mr. Macha. I would object to the opinion letter being addressed here, and if I may explain based on some of the comments that you had made about the rules and law

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regarding pooling, if I could address, have an opportunity to address some of that.

HEARING EXAMINER CHAKALIAN: We will get to you after Miss Luck either takes her opportunity to voir dire this witness or not.

MR. SAVAGE: Yes, sir, thank you.

MS. LUCK: Sir, I mean, turning to Exhibit C-12, Mr. Macha, did you draft this letter that is included titled opinion letter regarding the operation rights of Carolyn Beall?

MR. MACHA: No, I did not.

MS. LUCK: It looks like this letter is addressed to you; is that correct?

MR. MACHA: That is correct.

MS. LUCK: And do you know the folks who wrote the letter to you?

MR. MACHA: They work with us as our attorneys, but that is my extent of the relationship.

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MS. LUCK: And does your affidavit that was submitted, it looks like it was signed on March 10th, does it include Exhibit C-12?

MR. MACHA: No, I don't believe so.

MS. LUCK: So there was no one in Permian's office that was affiliated or associated with drafting this title opinion letter that is included as Exhibit C-12?

MR. MACHA: That is correct. We contract out our title opinions.

MS. LUCK: So why did Permian request this title opinion?

MS. MACHA: So at the last hearing when the additional exhibit was presented and accepted in the middle of the hearing that we had not seen before we obviously wanted to kind of get eyes on that, me, myself personally, I don't review the thousands of documents that go into a

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title opinion, we have to kind of let our title attorneys review those as such and we wanted to substantiate any claims like we understand if someone owns an interest and we are not attributing that we want to make sure that is accounted for, so we sent those documents that were submitted to our title attorneys and asked them for a brief synopsis of what they thought and this letter was provided to us, and to Paula's point earlier, we did not realize this was going to turn into a kind of back and forth of motions. This letter was purely meant to be additional information for the division to facilitate any sort of decision here.

MS. LUCK: So this opinion letter doesn't describe or have anything to do with depth severances?

MR. MACHA: I believe it does talk about some depth severances, but I think the depth severance on the

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north half north half is not in dispute. I think we acknowledge that Miss Beall owns in the shallower depths and that interest is not disputed so we did not address that specifically or request to address that specifically in this letter.

MS. LUCK: Okay, thank you.

So, Mr. Hearing Examiner, I would continue to object about this only for the purpose of excluding Miss Beall's interest in this unit. I think Miss Beall has now submitted supporting documentation she actually owns an interest in this unit, there are correlative rights issues and this witness cannot proceed to testify about a letter that was, according to him, it is not included, it is not included in his affidavit, no one in Permian, and the reference doesn't relate to any type of depth severances, it is undisputed that there is not a depth severance in the

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south half north half, so if that is undisputed then there is no further need for any further testimony regarding this title opinion letter, it is completely improper for the division to make any kind of decision in Miss Beall's interest, that is for the district courts.

HEARING EXAMINER CHAKALIAN:

Did you say there is no depth severances in the south half of the north half?

MS. LUCK: Right, I believe that is completely undisputed at this point in time. The first page of Exhibit C-12 shows that.

HEARING EXAMINER CHAKALIAN: So

I am looking at your closing statement that you submitted just -- well, you know when you submitted it, and on page two of your closing statement, and this was submitted sometime in mid-March at the conclusion of both hearings, you say,

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Miss Beall owns, approximately, one percent in the spacing units proposed in the subject cases with the working interest in the northeast quarter of the northwest quarter and the south half of the northeast quarter, the northeast quarter of the northeast quarter and the northwest quarter of the northeast quarter, the southeast quarter of the northwest quarter of Section 14, Township 18, Range 31 EMPM, in the upper third of the third Bone Spring to depths 9,290 in some portions and 9,293 in other portions underlying the subject lands, and then you go on to say, and was provided notice in cases, blah, blah, blah, as vertical offset.

So in this document, this closing argument that you submitted you refer to a depth severance.

MS. LUCK: Right, and now it is my understanding after having reviewed this further that

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Miss Beall's interest in the depth severance is only in the north half north half unit, and I believe that is what Miss Vance's statements were too, there is not a depth severance in the south half north half, there is only depth severance in the north half north half unit.

HEARING EXAMINER CHAKALIAN: I am reading your words in your closing argument.

MS. LUCK: No, I understand that, and I believe that that is an error that Miss Beall actually owns a non-depth severed interest in the south half north half unit.

HEARING EXAMINER CHAKALIAN: What are you relying on to change your position from your closing argument submitted weeks after the hearing in which your witnesses testified, you introduced the document that you are now saying changes your position, so what are

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you relying on at this point?

MS. LUCK: I am sorry, I believe it is undisputed at this point in time there is not a depth severance in the south half north half units, and my representation in that motion, I mean, I am sorry, in the closing statement appears to be incorrect and needs to be amended to clearly state that Miss Beall observes an interest in 25146 in the third Bone Spring Formation.

HEARING EXAMINER CHAKALIAN:

And I am asking you again, what are you relying on?

MS. LUCK: I am sorry, the interest ownership documents that we submitted with her notice of ownership interest support that. I made a misstatement about what those statements state because I misunderstood what those title documents reflected. That was a misstatement by counsel in the

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pleading that needs to be amended to reflect that Miss Beall owns a nine depth severance interest in the south half north half unit. And the document is page 225980.

HEARING EXAMINER CHAKALIAN: I don't know what you are talking about right now.

MS. LUCK: I filed a document with Miss Beall's ownership interest that is 225, page 980.

HEARING EXAMINER CHAKALIAN: I have all your documents here, so that doesn't answer my question, but I do understand that you made a mistake, that is a pretty serious mistake to continue to assert that there is a depth severance when now you are saying there is no depth severance, but the letter, the opinion letter from Lear & Lear does specifically go into important things that the division needs to know, for example, that the chain of title -- this is

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from the opinion letter, it talks about the lack of recorded title evidence. Now Permian can only provide notice to those that provide recorded title evidence to the public, and, in fact, this chain of title to Jean or Charles Reed for those interests is not supported by constructive notice in the public record, so the fact that Permian didn't see this potential ownership is explained by this letter, number one.

Number two, this letter identifies specific shallow or depth conveyances from Read & Stevens, for example, the southwest quarter of the northwest of 112 page 1035 the depths are from 3,900 to 4,611 feet. In the northwest northwest page 196 the depths from 3,900 to 4,552 feet. These fall short of the target third Bone Spring interval which starts at the 9397. This is relevant evidence

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for the division to consider.

Now your voir dire of Mr. Macha basically has -- supports your objection that he didn't produce this document; however, Mr. Macha -- so before I even go on, Mr. Savage, would you like an opportunity to voir dire this witness?

MR. SAVAGE: Yes, sir, please.

HEARING EXAMINER CHAKALIAN:
Please go ahead.

MR. SAVAGE: I would like to make a few comments, if I could.

HEARING EXAMINER CHAKALIAN:
No, it is not time for comments, it is time for you to voir dire this witness.

MR. SAVAGE: Okay.

Mr. Macha, as was stated, as you stated previously it is correct that you did not draft this opinion letter?

MR. MACHA: That is correct.

MR. SAVAGE: And do you

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consider this opinion letter as being written testimony to the division?

MR. MACHA: I don't -- I would not consider it to be testimony since our attorneys are not available, I think that is a little bit of a legal question.

MR. SAVAGE: If I remember correctly you did not make it to the January 28th hearing; is that correct?

MR. MACHA: That is correct, yes.

MR. SAVAGE: Isn't it true that you submitted a written statement for that?

MR. MACHA: Yes, that's correct.

MR. SAVAGE: And you identified it and defined it as written testimony; is that correct?

MR. MACHA: That is correct.

MR. SAVAGE: So why is this opinion letter not written testimony?

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MR. MACHA: I think -- I am not sure, I am sorry, I don't know how to answer that.

MR. SAVAGE: So the drafters, they wrote this statement, they make these written assertions and statements to the division like you did in yours, but they had not shown up like you did not and Permian is submitting this as a written statement; is that correct?

MR. MACHA: That is correct.

MR. SAVAGE: Mr. Macha, how long have you been a landman?

MR. MACHA: About nine years.

MR. SAVAGE: Nine years, and your educational background is specifically in land management, I assume?

MR. MACHA: That is correct.

MR. SAVAGE: Have you worked as a field landman or have you always been in-house?

MR. MACHA: I have been a field

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landman, yes.

MR. SAVAGE: Could you describe does a field landman, are they often asked to draft ownership reports?

MR. MACHA: Yes, sir.

MR. SAVAGE: Could you describe the process if I asked you to do an ownership report on the south half north half of Section 14, can you discuss the process?

MR. MACHA: Yeah. So with these being federal leases, um, we would run from the inception of that lease forward since upon termination of the federal lease it kind of wipes the record clean. So I would start from the inception of a federal lease. First I would cross everything through the county abstract per legal description, then I would cross everything through the grantor and grantee index for every party that was in that chain of title. I would also order federal

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and state abstracts for any chain of title that has been filed with the BOM and then I would compile that information for detailed review and put that chain of title together to make my opinion.

MR. SAVAGE: And in this process you would read and review the lease, the base lease?

MR. MACHA: That is correct.

MR. SAVAGE: And you would read and review every assignment in the chain of title; is that correct?

MR. MACHA: That is correct.

MR. SAVAGE: And you would analyze and interpret the language such as the language of conveyance in those assignments?

MR. MACHA: That is correct.

MR. SAVAGE: So as a landman nine years you have quite a bit of experience with reading, reviewing, and interpreting such as language of conveyance?

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MR. MACHA: Relatively, yes.

MR. SAVAGE: And you understand language that conveys working interest?

MR. MACHA: Yes, sir.

MR. SAVAGE: And as a landman you would review title documents, title documents to arrive at, basically the same conclusion of ownership that the opinion letter has provided, but without, say, a legal requirement; would you agree with that?

MR. MACHA: Sorry, can you repeat the question?

MR. SAVAGE: Okay, so let's say that you were in the field and you were trying to determine the property rights of Miss Beall, for example, okay, so you would look at the base leases, you would look at subsequent assignments, you would look at the language and then you would draft an ownership report and in this

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ownership report you would reach a conclusion that Beall does not own interest, for example, or you could reach the conclusion she does own interest; is that correct?

MR. MACHA: Yes.

MR. SAVAGE: I am going to shift gears just a little bit, but I want to go back to the foundation that was laid that you are experienced at reading assignments and drafting ownership reports, but you were present at the February 27, 2025, at that hearing at the conclusion of the hearing of the subject cases; correct?

MR. MACHA: Yes, I was.

MR. SAVAGE: And I believe you understood, you heard what Mr. McClure asked and you understood what he was requesting?

MR. MACHA: Yes, for the most part. I don't remember exactly what he said, but yeah.

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MR. SAVAGE: I am going to ask this, do you recall that Mr. McClure wanted a title document that described the depth severance, if it were available, that described the depth severance at 9,397 feet so the division could better understand the depth severance in reference to the vertical extent to the Permian space units that the division was being asked to pool, does that sound like a fair statement of Mr. McClure's request?

MR. MACHA: Yes. Um, our understanding was that V-F provided those documents, the opinion letter provides the chain of title leading into those documents was not perfected.

MR. SAVAGE: And let me ask this specific question, so the opinion letter, does it describe in any way a depth severance around 9,400 feet?

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MR. MACHA: No, it does not.

MR. SAVAGE: It does not, okay.

So on February 27th you testified in your written statement that ownership depth severance exists in the Bone Spring Formation with the proposed well spacing and, therefore, Permian seeks to pool only a portion of the Bone Spring Formation for each of its cases; is that correct?

MR. MACHA: I believe so.

MS. VANCE: Mr. Hearing Examiner, I am going to object to this line of questioning. The voir dire should be substantiating whether or not this witness is credible to talk about the document and we are getting into an entire new contested hearing, so the relevance of this -- I am objecting on a basis of relevance.

HEARING EXAMINER CHAKALIAN:

Mr. Savage, I asked you to voir dire this witness about this exhibit. Do

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you have any other questions about this exhibit before I make a judgment on whether or not I am going to let this exhibit in?

MR. SAVAGE: So what we established is that it goes directly to his ability to address the ownership issues in that exhibit, it goes to -- so there is a number of issues that are integral to this inquiry, so one is that Miss Beall submitted title documents not just to show that she was a party to be pooled, but to show that she had standing, and that was what the intervention was ruled on, that she met the threshold ownership for standing. Now --

HEARING EXAMINER CHAKALIAN:
That is not correct, Mr. Savage. I never adjudicated her ownership interest. I allowed her to intervene because the rule allows me to give discretion for someone to protect

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their rights even if there is a slight possibility that her correlative rights may be at issue here and that is why I allowed her, it had nothing to do with her specific ownership interests.

MR. SAVAGE: She didn't have ownership rights, she didn't have correlative rights. If she has correlative rights it is based on ownership rights, Mr. Hearing Examiner.

HEARING EXAMINER CHAKALIAN: My understanding of the testimony on the first day of the hearing, January 28th, was that producing from one part of the Bone Spring may, may drain her ownership interests in another part of the Bone Spring and she had been verified to have ownership in the southeast of the northwest, if, I don't know if I am saying this correctly, but I am doing it from memory, so there was no

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question she had an ownership interest of a vertical -- off of a vertical well that she had an interest in. On that basis alone I allowed her to intervene.

I also denied, I also denied the motion to not allow her to intervene, okay. It was only until the second day of the hearing in February when her interest somehow expanded into the south half of the north half, okay.

MS. LUCK: And, Mr. Examiner, sorry, I would like to clarify we did submit those supporting documentations, the 225 page 980, that supports her interest in the south half, north half unit and that was provided in advance of the hearing.

There was further questions about whether or not a gap in title exists and that is why the additional documentation came up at the hearing.

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I want to clarify this is relevant testimony that Mr. Savage was trying to get from Mr. Macha because the issues about the depth severance started with Mr. Macha's affidavit that was filed before the January 28th hearing. If you pull up his affidavit that was filed on January 27th it materially changes to the affidavit that was filed on March 10th with respect to the depth severance.

MR. SAVAGE: Actually, that is what I have been trying to get at, that your closing statements rely on Mr. Macha's testimony that there is a depth severance in the south half of the north half of Section 14, that testimony is clear, it is unambiguous and it is also unambiguous and clear that he changed that testimony when he submitted a new affidavit with revised testimony, new testimony on March 10th.

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HEARING EXAMINER CHAKALIAN:
Mr. Savage, who are you talking
about, Mr. Macha?

MR. SAVAGE: Mr. Macha.

HEARING EXAMINER CHAKALIAN: So
that is a different issue. Right now
we have to deal with one issue at a
time because we are lawyers, we have
to deal with one issue at a time.

I also take exception to
Ms. Luck and Mr. Savage both sort of
going back and forth taking turns,
you know, you're just here to voir
dire.

Okay, the voir dire period is
over, now I am going to make a
decision.

Mr. Macha --

MR. SAVAGE: Let me comment.
We are responding because you have
conflated depth severance with
ownership in that opinion letter so
in order to address these issues we
have to address them in this

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manner --

HEARING EXAMINER CHAKALIAN:

Mr. Savage, that exhibit -- we are here right now to decide whether to strike the exhibit or not, that is all we are here for at the moment, okay, and we don't have Mr. Hubbell who drafted this letter in front of us.

MR. SAVAGE: That's correct, and it should be struck on that basis alone it should you struck.

HEARING EXAMINER CHAKALIAN:

Well, no, actually, there is no rule of evidence that says I need to strike that letter. If it is relevant and reliable I can let it in. Now you are trying to determine the reliability of this evidence so that I can either make a ruling, that is why you're questioning Mr. Macha. I know that you and Miss Luck have many other things on the list of things that you want to do, but right

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now I am dealing with this Exhibit
C-12, okay. Now both you and
Miss Luck have had plenty of
opportunity to voir dire this witness
and I am going to make a
determination --

MR. SAVAGE: Mr. Hearing
Examiner --

HEARING EXAMINER CHAKALIAN:
Enough.

MR. SAVAGE: -- for your
benefit --

HEARING EXAMINER CHAKALIAN: I
don't need anymore benefit, I don't
need your benefit, thank you. I have
given you an opportunity to voir dire
this witness, as I did Miss Luck.

MR. SAVAGE: I don't feel I had
a fair opportunity to conclude my
examination.

HEARING EXAMINER CHAKALIAN:
Maybe we need to actually mute you
because this is being unprofessional
at this point, sir.

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MR. SAVAGE: Yes, sir.

HEARING EXAMINER CHAKALIAN:

Thanks for agreeing.

Mr. Macha, I have some questions for you. How long have you been working with Mr. Hubbell at Lear & Lear?

MR. MACHA: Um, David has been working on our opinions for probably about, I would say 18 months, roughly, but I am not sure exactly the date.

HEARING EXAMINER CHAKALIAN:

Did Mr. Hubbell produce this letter based on your request?

MR. MACHA: That is correct.

HEARING EXAMINER CHAKALIAN:

And has he produced other opinion letters for you in other cases?

MR. MACHA: No. We have never had to do a letter opinion for a case like this before.

HEARING EXAMINER CHAKALIAN:

When you got this letter how do you

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use this letter?

MR. MACHA: So we viewed this letter as taking the additional exhibits supply from the last hearing and just giving it unbiased first part give me your opinion and synopsis of the Carolyn Beall interest in Section 34 that is disputed in the northwest and north severance was not as disputed part and maybe that was a communication error on my behalf to our attorneys, it should have discussed that a little bit more in depth in this letter, but we were just trying to confirm any discrepancies or disagreements between the parties as to the interest to clarify for the OCD.

HEARING EXAMINER CHAKALIAN: So here is what I am going to do, Miss Vance, the troubling part for me is that on March 27th at the status conference when Mr. Hubbell wasn't

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available I said to you that these parties, Mr. Savage and Miss Luck, are going to want to cross-examine Mr. Hubbell, they made it abundantly clear that they wanted to cross-examine Mr. Hubbell. In fairness, I scheduled another hearing for today, but I also left it open to you to pick another day if Mr. Hubbell wasn't available. Do you know why Mr. Hubbell is not available today?

MS. VANCE: Yes, and Mr. Macha might be able to backfill on this, but it is my understanding to Mr. Macha's point that the authors, they are a third-party, they prepared this just as an unbiased analysis of the document that was entered during the hearing and so their position is they are not trying to argue for a particular side and so take a neutral position, so it is simply just to provide an analysis of what was

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entered.

I would like to provide just a touch more color or if I do have an opportunity to ask Mr. Macha some questions regarding his oversight of this document.

HEARING EXAMINER CHAKALIAN: Go ahead.

MS. VANCE: Mr. Macha, actually the hearing examiner asked a couple of the questions that I was going to ask you, did you provide the documents to the authors, Mr. Hubbell and Mr. Taylor, that are discussed in the opinion letter?

MR. MACHA: That is correct.

MS. VANCE: And where did you get those documents from?

MR. MACHA: They were supplied by Mr. Savage or Miss Luck.

MS. VANCE: And is it a common practice for you to oversee the documents that you provide to your title attorneys --

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MR. MACHA: Yes, ma'am.

MS. VANCE: -- when you submit them?

MR. MACHA: Yes, ma'am.

MS. VANCE: That is all I have, that is enough.

HEARING EXAMINER CHAKALIAN:

Miss Vance, you know, the way I look at this is we have Mr. Macha here and he can testify to the information that he received from Mr. Hubbell and he is available for cross-examination and if he can supply some sort of reliability to the information that's one thing. The problem I am having with this opinion letter is it is an opinion from someone who is not available for cross-examination, I don't know what his expertise is, I don't know how he derived this information. Some of the information is irrelevant, some of it is relevant, but at this point the biggest problem I am having is that I

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made it clear to you that if you wanted this exhibit to survive this Motion that he better be available for cross-examination. He decided not to be, that is fine, but for that reason alone I am going to strike this exhibit from the packet and Mr. McClure won't give it any consideration in his order; however, if Mr. Macha wants to testify to any of that information, because hearsay is admissible in an administrative hearing, and we will give it the weight that we deem it that it deserves then I will give you an opportunity to have Mr. Macha testify.

Miss Luck, is Mr. Shaw available?

MS. LUCK: Yes, he.

HEARING EXAMINER CHAKALIAN:
Good. Could you get him on the screen, please.

Mr. Shaw, I think I swore you

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in earlier; did I not?

MR. SHAW: Yes, sir.

HEARING EXAMINER CHAKALIAN: I remind you you are under oath as well.

I want to deal with these two exhibits before we go back to Mr. Macha because they are in Miss Luck's exhibit packet.

Did you prepare Exhibits 2 and 3?

MR. SHAW: It is Exhibit B and C.

HEARING EXAMINER CHAKALIAN: That is what I was going to change, they are B and C; yes?

MR. SHAW: Yes, sir.

HEARING EXAMINER CHAKALIAN: You prepared them yourself?

MR. SHAW: Yes, sir.

HEARING EXAMINER CHAKALIAN: Miss Luck, do you want to ask any other questions to lay a foundation for these two exhibits before I see

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if there is an objection to them?

MS. LUCK: Mr. Shaw, you have been qualified as an expert landman before the OCD before; is that correct?

MR. SHAW: Yes, ma'am.

MS. LUCK: And you have extensive experience in reviewing title and making title determinations in the Permian; is that correct?

MR. SHAW: Yes, ma'am.

MS. LUCK: And did you prepare these two exhibits for purposes of these hearings?

MR. SHAW: Yes, ma'am.

MS. LUCK: Are you familiar with Miss Beall and her title interest in these two cases?

MR. SHAW: Yes, ma'am.

MS. LUCK: And I think that is all the questions that I have for this witness and I would move the admission of Exhibits B and C as prepared for purposes of this hearing

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of establishing both Miss Beall's ownership interest in case 25415 and 6 and the proposed allocation.

HEARING EXAMINER CHAKALIAN:

Miss Vance.

MS. VANCE: Again, I just want to confirm, because we were saying Exhibit 2 and 3, that we are talking about Exhibit B, which is page 60 of 61 and Exhibit C, page 61.

HEARING EXAMINER CHAKALIAN:

Yes.

MS. VANCE: I just want it to be clear.

I mean, I am going to object. One, the division does not, I mean the division does not approve allocation formulas, that is typically done between parties. Pooling is done on a surface acreage basis and so I don't believe it is appropriate to have the allocation formula included, even if it is what I would say is based on the testimony

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of their own witness, Mr. Shaw.

MR. SAVAGE: I am going to object to this line of questioning and the reason is because it is outside the scope of the purpose of this evidentiary hearing is talking about the allocation formulas and that was not the subject matter of this hearing.

HEARING EXAMINER CHAKALIAN:

Mr. Savage, I am giving Miss Luck an opportunity to lay a foundation to bring in her Exhibit B and C which were basically unauthored in her exhibit packet and one of them is the allocation formula. I asked Miss Vance if there was an objection to B or C and so this is not outside the scope of this hearing.

MS. LUCK: Again, Mr. Hearing Examiner, we reviewed these exhibits at the hearing in February. The foundation was laid back then. Miss Vance was given the opportunity

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to object back then. Mr. Shaw went through each of these and all of this information at the February hearing in this matter and so, again, I agree with Mr. Savage.

MS. VANCE: These documents were not available for review, they were filed after the fact, and to point out this is being a little hypocritical that the parties are upset about there not being a self-affirmed statement from Mr. Hubbell or Mr. Taylor and these two documents have just been provided without having a statement attached to them attesting to who created them, how they were created, et cetera, so that was going to be my last point in terms of discussing an objection, but I will go ahead and state that now. The last thing I would say is in regards to even if the division allows these to come in at this point it is clear in case

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number 25146 Miss Beall does not have a vested interest, those are the words of her own witness, Mr. Shaw, who repeatedly said on the record that the interest -- that there was a cloud, there was a gap, it is not vested, and until they can show that, which does not happen at the administrative level here at the OCD, then there is no reason to include that information.

Now if they can substantiate that by going to a district court and clearing up title, fine, we can come back, we can pool Miss Beall or we can pool Miss Beall right now out of an abundance of caution, but at this point it is their own witness' testimony, she does not have an interest there.

HEARING EXAMINER CHAKALIAN:
Thank you, we got it. We don't need to go on about this forever.

Let me ask you a question,

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Mr. Shaw, before I forget, Exhibit B, proposed allocation formula, is this document true and correct; to the best of your knowledge?

MR. SHAW: Yes, sir.

HEARING EXAMINER CHAKALIAN: Do you have any changes you want to make to it at this point?

MR. SHAW: No, sir.

HEARING EXAMINER CHAKALIAN: Okay, Exhibit C, same questions, is it true and accurate; to the best of your ability?

MR. SHAW: Yes, sir.

HEARING EXAMINER CHAKALIAN: Are there any changes you want to make to it?

MR. SHAW: No, sir.

HEARING EXAMINER CHAKALIAN: I am admitting Exhibits B and C, there is enough foundation to let them in at this point. I understand your objections, Miss Vance, but I am overruling them for now. Those

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documents are coming in.

I have excluded C-12,
Mr. McClure understands that,
although I am not including the part
of C-12 that has the map on it, so
that first page is admissible, it is
the opinion letter that is excluded.

Now we have Mr. Macha here,
okay, so, Miss Vance, do you want to
ask Mr. Macha any questions because I
am going to turn this over to
Mr. McClure because he has a list of
questions for all the parties that he
needs to clear up at this point so do
you want to just wait and let him do
that first?

MS. VANCE: Yes, I think that
is fine, because if there is anything
I need to clean up on the back end I
will do that.

HEARING EXAMINER CHAKALIAN:
Mr. McClure, you have Mr. Shaw.

Mr. Shaw, turn on your camera.
You have Mr. Shaw and you have

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Mr. Macha, who do you want to ask questions?

TECHNICAL EXAMINER McCLURE:
You are asking about Mr. Macha or Mr. Shaw?

HEARING EXAMINER CHAKALIAN:
That is what I mean.

TECHNICAL EXAMINER McCLURE: I apologize. Most of my questions in regard to Miss Beall's exhibits is cleared up now that we discussed Miss Luck's closing arguments.

Just for clarity I could ask him a couple of questions about Exhibit C.

Mr. Shaw, I am looking at Exhibit C found on page 61 of 61 of Miss Beall's exhibits.

MR. SHAW: Yes, sir.

TECHNICAL EXAMINER McCLURE: To confirm I have an accurate understanding here, your top table only references depth severance of the northeast quarter of the

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northwest quarter?

MR. SHAW: Yes, sir.

TECHNICAL EXAMINER McCLURE:

And is it correct that you're stating that between the depth of 9,290 and 9,293 there is a different percentage of ownership than above 9,290?

MR. SHAW: Yes, sir, it looks like a Scrivener's error, potentially, but as per record as to title that would be correct, yes.

TECHNICAL EXAMINER McCLURE:

Now your second table here, is it correct that this has no depth severances and this is referring to ownership from the surface to the center of the earth?

MR. SHAW: Yes, sir. Well, from, I believe it is from a shallower depth, I believe it is from like 3,500 feet down to the center of the earth, approximately, outside of the subject Bone Spring depths, yes.

TECHNICAL EXAMINER McCLURE:

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So, technically, where you say all depths is not actually correct, it is actually from 3,500 feet down then; is that correct?

MR. SHAW: I believe so, that's correct.

TECHNICAL EXAMINER McCLURE:
That is all the questions I have for Mr. Shaw.

Mr. Macha.

MR. MACHA: Yes, sir.

TECHNICAL EXAMINER McCLURE:
Permian is asserting Miss Beall does not own an interest in the south half of the north half and additionally in the north half of the northeast quarter; is that correct?

MR. MACHA: Yes, that is correct. We are just showing the northeast to the northwest quarter.

TECHNICAL EXAMINER McCLURE:
And in those tracts who does Permian believe owns the working interest?

MR. MACHA: So that would be

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represented on our exhibit -- let me scroll up.

TECHNICAL EXAMINER McCLURE: If you could please guide me, I guess, to where it is provided.

MR. MACHA: Yeah, it would be just the tract master tract capitulation tab of our exhibits, so that would mostly be we own most of that stuff 50/50 together.

TECHNICAL EXAMINER McCLURE: Now, Mr. Macha, if I can interrupt you, I guess, Mr. Macha, what you just referenced was for the entirety of the unit; is that correct?

MR. MACHA: Um, so I am referencing for the individual 40-acre tracts being in the south half of the north half of Section 14.

TECHNICAL EXAMINER McCLURE: So I am on the same page with you can you please guide me to where you are referencing that in your exhibit packet if you believe it is included

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in there.

MR. MACHA: Yeah, I am looking at the revised exhibit packet from March 10th, it is page 93 of 227. It is just our master tract capitulation.

TECHNICAL EXAMINER McCLURE: Mr. Macha, I am on that same page, if you could give me a few seconds to take a look at it.

Actually, Mr. Macha, can you guide me to specifically I am interested in I guess the northeast quarter of Section 14 and the southeast quarter of the northwest quarter of Section 14, is that provided anywhere here?

MR. MACHA: Yes, sir. So in that very first column where you see Section 14 east half and the south half of the northwest and the north half of the southwest, those legal descriptions would encompass the tracts you are referencing and it is

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50 percent each.

TECHNICAL EXAMINER McCLURE:

Mr. Macha, I guess I understand that, but where is the actual northeast quarter and the southeast quarter of the northwest broke out? I guess let me pause that question for a bit.

Are you in agreement that the northeast quarter and the southeast quarter of the northwest quarter is a tract that is independent from your legal description here that includes the entirety of the east half of Section 14?

MR. MACHA: Um, I don't believe so. So the way that we describe these tracts on a capitulation is every tract that has analogous ownership for the most part and or is part of the same oil and gas lease, if that makes any sense.

TECHNICAL EXAMINER McCLURE: It does, Mr. Macha, but to confirm as to which one of those we are talking

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about, are you in agreement that the south half of the southeast quarter is not a part of the lease that is at hand in this Lear & Lear statement?

MR. MACHA: Yes, that's correct.

TECHNICAL EXAMINER McCLURE: So then are you asserting that what you have listed here for the first column, to be clear what we are talking about, are you asserting that or is it your understanding that Read & Stevens/Permian and Occidental each have 50 percent of the working interest specifically in the northeast quarter and the southeast quarter of the northwest quarter?

MR. MACHA: Yes, yes, sir.

TECHNICAL EXAMINER McCLURE: Mr. Hearing Examiner, in regards to this current topic, and I think everything from my understanding of the motion so far at least, I think that concludes my questions.

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HEARING EXAMINER CHAKALIAN:
Okay. Does that mean that you have other questions outside of the motion hearing for these witnesses?

TECHNICAL EXAMINER McCLURE: I don't think they are necessary, unless the current hearing expands, I think we are fine as is, the division is, I believe.

HEARING EXAMINER CHAKALIAN: Is there any cross-examination based on the questions that were asked?

MS. VANCE: No.

MR. SAVAGE: I do have one question.

HEARING EXAMINER CHAKALIAN:
Based on the questions that Mr. McClure asked?

MR. SAVAGE: That is correct.

HEARING EXAMINER CHAKALIAN:
For which witness?

MR. SAVAGE: Mr. Macha.

HEARING EXAMINER CHAKALIAN: Go ahead.

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MR. SAVAGE: Mr. Macha, as Mr. McClure stated you are claiming interest, Read & Stevens are claiming interest in the southeast northwest to be pooled, do you agree that if you are mistaken in that and Miss Beall does own working interest in that tract that you will, Permian is the party, the operator that runs the risk of Miss Beall coming back in as a working interest owner?

MR. MACHA: Yes, sir, if that has been proven we would either seek a JOA or compulsory.

MR. SAVAGE: Thank you. That is all the questions I have.

HEARING EXAMINER CHAKALIAN: Miss Vance, you had said earlier that since there is some evidence that Miss Beall may own the entire third bone in the south half of the north half that you would add her to your list of compulsory pooling.

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MS. VANCE: Yes, I believe that just as Mr. Macha answered if Miss Beall showed that she had a vested interest Permian would either offer her a JOA and try to work with her to get voluntary agreement or we would need to -- we would come back and we would pool her interest.

HEARING EXAMINER CHAKALIAN: Now you had also said, as I remember, or we could just add her to the pool interest list.

MS. VANCE: As a precaution if that's where we are I think that that's the route we would want to take because we did not want to delay these proceedings any longer than necessary.

HEARING EXAMINER CHAKALIAN: So Mr. Shaw, I have a question for you, will you turn on your camera.

MR. SHAW: Yes, sir.

HEARING EXAMINER CHAKALIAN: On February 27th during your testimony,

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and I am looking at verbatim transcript page 215, Mr. McClure was trying to flesh out this very issue and he said to you the following, now was my understanding correct that earlier -- or let me rephrase my question. Does Miss Beall own an interest outside of the depth severance, that being above 9,290 or 9,293 and you said, possibly, but her title is vested when we can say 100 percent from depths 3,900 to 9,290 there is a cloud as it pertains to the other tracts and the other depths. Then Mr. McClure said, okay, now you said it's possible, but do you have any reason to believe that she does, and you said, yes, the existence of this document assigning an interest to her.

Okay, do you remember that testimony?

MR. SHAW: Yes, sir.

HEARING EXAMINER CHAKALIAN: I

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don't know if you have done any further research or if you thought about it any further or if you looked at the instrument at all since then, but do you have any reason to change your testimony now?

MR. SHAW: No, sir.

HEARING EXAMINER CHAKALIAN:

Mr. McClure, do you see any drawback to Miss Vance or to Permian adding Miss Beall to the pooled parties in case she does have an interest and letting them work that out in the future after the order is issued?

TECHNICAL EXAMINER McCLURE:

The only topic that I would raise to your consideration, and it may be a moot point because she is already aware of this application and has taken part is potentially she was provided notice as an offset protocol owner rather than as --

HEARING EXAMINER CHAKALIAN: In what area are you talking about?

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TECHNICAL EXAMINER McCLURE: I believe it was in the case with the north half of the north half was where she was provided notice for as being a vertical offset owner rather than notice as a potential working interest owner. Having said that she is clearly aware of all these applications, she clearly got her attorney present, so does that notice -- is that a concern, obviously that is at your --

HEARING EXAMINER CHAKALIAN: I don't know.

Miss Luck, I think you are with us; aren't you?

MS. LUCK: Yes, Mr. Hearing Examiner, I am right here.

HEARING EXAMINER CHAKALIAN: I don't know that Mr. McClure's concern is valid or not; however, if Permian adds Miss Beall, your client, to the list of pooled persons in the south half of the north half do you have an

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issue with that?

MS. LUCK: No, that would be preferable here.

HEARING EXAMINER CHAKALIAN: I know it would be, I am asking you on the record if you have an issue.

MS. LUCK: No, I don't have an issue with that, I would request that on behalf of my client, Miss Beall, that her interest be pooled appropriately in that case, in 25146, yes.

HEARING EXAMINER CHAKALIAN: It is not up to us, as you know, if she has interest or not. I am trying to work out some sort of compromise allowing Permian's applications to be considered as well as V-F without going into your clients correlative rights.

MS. LUCK: The issue where my confusion came in, where Miss Beall's confusion came in, some applications she was provided notices as a

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vertical offset, the original one with the third Bone Spring they were pulling a portion of the Bone Spring to Miss Beall's ownership in 25146 I think is established in this case, but we don't want to waive any issues with respect to notice that may be pending before the commission, if that makes sense. I mean, I am not exactly sure where the division is going to come down on this pooling application, but Miss Beall still filed her de novo application with the permission relating to not getting notice in this case, and so I do want to continue to preserve her rights to appeal to the commission related to notice and whether or not notice was proffered in that case.

HEARING EXAMINER CHAKALIAN:

That is your prerogative.

Miss Vance, how do you want to proceed with the application? Do you want to include Miss Beall in the

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south half of the north half or do
you not want to?

MS. VANCE: Two things. One, I
want to confer with my client to make
sure that is the route we want to
take, so even if we take a very brief
recess I just want to have that quick
conversation.

Two, I just want to -- in
reference to the pending or what were
the pending commission cases those
were denied?

HEARING EXAMINER CHAKALIAN:
They were, they were.

MS. VANCE: Thank you.

HEARING EXAMINER CHAKALIAN: Do
you want to take five minutes to
confer with your client?

MS. VANCE: Yes, please.

HEARING EXAMINER CHAKALIAN:
Thank you. We are off the record.

(Short break taken.)

HEARING EXAMINER CHAKALIAN: It
is 2:22 p.m., we are back on the

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record.

Miss Vance.

MS. VANCE: Yes, we are fine with pooling Miss Beall with the caveat, our understanding, and we would just like it confirmed on the record she is not going to later object to being pooled in this case, that we can go ahead and move forward with her as a pooled party.

HEARING EXAMINER CHAKALIAN:

Miss Luck.

MS. LUCK: Oh, yes, I agree to that proposal, thank you.

HEARING EXAMINER CHAKALIAN: So no objection, Miss Luck?

MS. LUCK: No objection, thank you.

HEARING EXAMINER CHAKALIAN:

Alright.

Mr. McClure, is there anything else that we need to do today before we rule on these motions?

TECHNICAL EXAMINER McCLURE:

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Yes, I just want confirmation for Miss Vance we are referring to both the north half, north half Bone Spring and the south half, north half, those being 25145 and 25146.

MS. VANCE: Mr. McClure, Miss Beall's interest was previously pooled in the one mile north half, north half case and as she already understands she has an interest that is above the depth severance so we would not be pooling her in that case, we would only be pooling her in case 25146.

Before I stop I did want to just get clarification, maybe I misunderstood because I thought I was going to be able to ask direct questions to Mr. Macha about the opinion letter, but it sounds like I was, you know, Mr. McClure asked him questions, I don't want to revisit it, but I just -- maybe I got confused, I thought I was going to be

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able to ask some direct questions to Mr. Macha about that, if not --

HEARING EXAMINER CHAKALIAN:

Miss Vance, what subject matter did you want to ask Mr. Macha questions about?

MS. VANCE: He has familiarity with the letter and I just wanted -- there were a couple of key things based on his familiarity and understanding of the letter that I wanted to get on the record, if possible.

MS. LUCK: Again, we would object to that because I thought it was already excluded at this point in time.

HEARING EXAMINER CHAKALIAN:

Miss Luck, I didn't ask for your opinion for the moment, hold on.

Miss Vance, if it has to do with depth severance then I will allow the questions. If it has to do with ownership interests we are not

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adjudicating ownership interest here.

MS. VANCE: Understood, that is fine then, we will leave it as is. I think everything is fine.

HEARING EXAMINER CHAKALIAN:
Okay.

So Mr. McClure, I asked you a question and I am not sure where we went with that.

TECHNICAL EXAMINER McCLURE: I never actually finished.

HEARING EXAMINER CHAKALIAN:
Right, go ahead.

TECHNICAL EXAMINER McCLURE:
Miss Vance stated Permian does not wish to also pool Miss Beall in case 25145. I am wondering if there was a miscommunication with her client or misunderstanding somewhere because currently my understanding is that Mr. Shaw's testimony is that Miss Beall asserts she has ownership in the north half of the northeast quarter within the unit itself, are

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you aware of that, Miss Vance?

MS. VANCE: No, the positions have changed so much it is hard to keep up, but my understanding, again, is her interest is above the depth severance and where we would be pooling her is just in case 21546, that is what I discussed with my client and that is where I understand Miss Luck, she agreed to that.

HEARING EXAMINER CHAKALIAN:
Let's bring Mr. Shaw back for a moment, Mr. Shaw.

MR. SHAW: Yes, sir.

HEARING EXAMINER CHAKALIAN:
Mr. Shaw, when you testified earlier to Miss Beall's possible holdings below the depth severance everyone knows here there is a depth severance in the northeast quarter of the northwest section; is that correct?

MR. SHAW: Northeast quarter of the northwest quarter, yes, 9,290, yeah.

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HEARING EXAMINER CHAKALIAN:

Are you saying outside that 140-acre piece in the north half of the north half of Section 14 that Miss Beall has interests that go below 9,293, let's say?

MR. SHAW: Are you talking about in the northeast quarter of the northwest quarter?

HEARING EXAMINER CHAKALIAN:

No, I am not, I am not talking about that. I am talking outside. Miss Vance is saying she was under the impression that the only place that you testified that Miss Beall potentially has an interest below 9,290 is in the south half of the north half, are you saying she also has that in the north half of the north half?

MR. SHAW: Yes, sir, in the northeast quarter of the northeast quarter, south half of the northeast quarter, northwest quarter of the

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northwest quarter, so including Miss Beall in both of the north half cases for the third bone pooling her interest would be sufficient.

HEARING EXAMINER CHAKALIAN:

So, Miss Vance, do you need to ask Mr. Shaw any clarifying questions before you discuss this with your client?

MS. VANCE: No, I am prepared to just state on the record we will propose the same exact pooling her as long as she is not going to object.

HEARING EXAMINER CHAKALIAN:

Okay, Miss Luck.

MS. LUCK: No objection to that.

HEARING EXAMINER CHAKALIAN: So can I get an affirmative statement on whether you want to be included in that north half of the north half in case 45.

MS. LUCK: Yes, Mr. Hearing Examiner, Miss Beall would agree to

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be being pooled in 24514 if that is what Permian is pursuing in this case pursuant to Mr. Shaw's testimony.

HEARING EXAMINER CHAKALIAN:

You are proposing to include Miss Beall has a pooled interest in both case 45 and 46?

MS. VANCE: Miss Luck, you are on mute.

HEARING EXAMINER CHAKALIAN:

Miss Vance, I was asking you.

MS. VANCE: I apologize.

Can you restate the question?

HEARING EXAMINER CHAKALIAN:

Sure. So as it stands now a little while ago you came on the camera and you offered Miss Beall's counsel the opportunity to pool her client's interests in case number 46, that is the south half of the north half. Then Mr. McClure correctly brought out to your attention that, in fact, Mr. Shaw's testimony goes toward a possible ownership interest below the

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depth severance in the north half of
the north half, which is your case
45. So I then asked Miss Luck if she
prefers that for her client, she says
yes, there is no objection and that
she affirmatively wants to be pooled
in case 45 as an interest owner, if,
in fact, she is an interest owner.
So are you prepared to add her to
that list as well?

MS. VANCE: Yes.

HEARING EXAMINER CHAKALIAN:

Okay.

Mr. McClure, where are we now?

TECHNICAL EXAMINER McCLURE:

Just about over the hump, Hearing
Examiner.

Miss Vance, to confirm, your
intent is to, essentially, submit
another amended exhibit packet which
now has an amended four pool person
list that includes Miss Beall; is
that correct?

MS. VANCE: That is correct,

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and I held off on doing additional revised hearing packets until we came to the motions hearing today in case there were other things. I will go ahead and we will clean up Mr. Macha's statement to address all of the exhibits that he oversaw the completion of, and if there is anything else that the division requests we will go ahead and take care of it.

HEARING EXAMINER CHAKALIAN: Of course, Miss Vance, I have granted the motion to exclude the opinion letter from Lear & Lear, so please remove that from your exhibits.

MS. VANCE: Not a problem.

TECHNICAL EXAMINER McCLURE: Miss Vance, the only other thing I would request is that we have a very brief statement that is describing the reason we are adding Miss Beall in at this point, and I am assuming the best place would be in the

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landman's statement.

MS. VANCE: I will do that, we will make a statement to clarify that we are pooling Miss Beall out of an abundance of caution.

TECHNICAL EXAMINER McCLURE: Rather than abundance -- well, you can include that language if you want, but please state something that describes that there is some sort of title dispute, however you want to go about doing it, and as Miss Beall asserts she has this interest, Permian doesn't think so; is that agreeable with your thoughts or do you have feedback on that?

MS. VANCE: No, that is fine. Um, and I also understand based off of what you were saying that we would need to update the pooling exhibit as well.

TECHNICAL EXAMINER McCLURE: Yes. Well, the list of pool persons. I believe that was your intent, but

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the division would like to see that if you now wish to add Miss Beall to it.

MS. VANCE: Yes, we can do that.

HEARING EXAMINER CHAKALIAN:
When would you like to submit that?

MS. VANCE: Let's go with the magic date of next Wednesday.

HEARING EXAMINER CHAKALIAN:
Okay, alright, April 16th.

Miss Vance, would you please forward that revised, please call it like the second or third, I don't know what number it is, but please title it something to make it distinguishable from the others and please pass it to Mr. Savage and Miss Luck so they can make objections if they see something they didn't count on that that can make an objection before we receive it.

MS. VANCE: Yes. So circulate before I file?

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HEARING EXAMINER CHAKALIAN:

Yes, please, that way by the time you file it we will know that there is no problem and we can close the case and then we can work on evaluating Mr. Savage's case and your case and work on an order.

MS. VANCE: Okay, thank you.

HEARING EXAMINER CHAKALIAN:

Mr. Savage, anything further?

MR. SAVAGE: I would just say all this talk of pooling, Permian pooling Miss Beall, I would just like to point out and remind the division that V-F has competing applications and our competing applications completely avoid all the depth severance mess and protect correlative rights without dealing with depth severance, and I appreciate your time and attention to all these matters.

HEARING EXAMINER CHAKALIAN: I am sorry it got heated, Mr. Savage,

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but things happen.

MR. SAVAGE: This is a very frustrating situation and in our view we saw this, that Permian was attempting to adjudicate title and we felt strongly that was not appropriate, so I appreciate your diligence and attention to detail.

HEARING EXAMINER CHAKALIAN: Of course.

MS. VANCE: On that note I do want to be clear that Permian has not been trying to adjudicate title.

HEARING EXAMINER CHAKALIAN: Thank you.

MS. VANCE: That is a misunderstanding from the other parties.

HEARING EXAMINER CHAKALIAN: Miss Luck, anything further?

MS. LUCK: Nothing further, thank you, Mr. Examiner.

HEARING EXAMINER CHAKALIAN: Okay, so for the Carolyn Beall motion

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to strike Exhibit C-12 and V-F's concurring motion to strike C-12, those are granted; I have already stated that.

Permian's motion to strike 25146 is denied for obvious reasons, and then we had the motions to limit the title dispute as irrelevant, etc., for today's hearing, those are denied as well. The way I looked at those is that the hearing examiner has the power to admit relevant and reliable evidence that is not redundant. If the parties ever think that something is unreliable or irrelevant they can make an objection at the time that the evidence is offered and we will have a little ruling about that.

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Anyway, I don't need to pre-determine these things in advance of the hearing, so thank you for everyones' attention. It is now 2:35, we are off the record. Thank you.

(Proceedings adjourned.)

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I, TIFFANY BANDO, a Notary
Public for and within the State of
New York, do hereby certify that the
above is a correct transcription of
my stenographic notes.



TIFFANY BANDO

Dated: April 24, 2025

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