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

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

Case Nos. 25035, 25037, 25038,
25193, 25220, 25221, 25228,
25241, 25242, 25243, 25244,
25245, 25246, 25272, 25273,
25283, 25284, 25288.

HEARING

DATE: Thursday, April 24, 2025
TIME: 9:03 a.m.
BEFORE: Hearing Examiner Gregory A. Chakalian
LOCATION: Remote Proceeding
Santa Fe, NM 87505
REPORTED BY: James Cogswell
JOB NO.: 6973062

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A P P E A R A N C E S

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

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

ALSO PRESENT:

Freya Tschantz, Law Clerk (by videoconference)
Kristine Pilgrim, Landman, Burnett Oil Company
(by videoconference)

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DESCRIPTION

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(None marked.)

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P R O C E E D I N G S

THE HEARING EXAMINER: Good morning. This is the second regular docket of the Oil Conservation Division's cases. These are restricted to status conferences. We are here today on the 24th of April, 2025. It is 9:03 a.m., and I'm going to begin the docket with Case number 25035, which is joined with 25037 and 25038. Entries of appearance, please.

MS. BROGGI: Julia Broggi with Holland & Hart, on behalf of the applicant MRC Permian Company.

THE HEARING EXAMINER: Thank you.

MR. SAVAGE: Good morning, Mr. Hearing Examiner. Darin Savage with Abadie & Schill on behalf of Coterra Energy.

THE HEARING EXAMINER: Coterra? Okay. Thank you.

MR. SUAZO: Good morning, Mr. Examiner. Miguel Suazo with Beatty & Wozniak appearing on behalf of XTO Energy, for monitoring purposes only.

THE HEARING EXAMINER: Good morning. I think those are all the parties we have.

And, Mr. Suazo, let's start with you.

1 Did you object and withdraw your objection?

2 MR. SUAZO: Correct.

3 THE HEARING EXAMINER: Okay. All
4 right. So we have a withdrawal of objection.

5 Mr. Savage?

6 MR. SAVAGE: So we objected; and this
7 is the second status conference from last time, where
8 we discussed the right of Coterra to develop the
9 one-mile unit under voluntary agreement.

10 THE HEARING EXAMINER: Under voluntary
11 agreement. Could you explain that a little bit more?

12 MR. SAVAGE: So this is a situation
13 where Matador has proposed to pool the east half of
14 Section 3 and the east half of Section 10. That's a
15 stand-up unit.

16 So Coterra owns 100 percent under
17 JOA -- controls 100 percent -- owns 97 percent,
18 controls 100 percent under JOA and the east half of
19 Section 10. So instead of -- so there really is no
20 need for a contested hearing if Coterra were to
21 develop, that unit, that one-mile unit. So I guess
22 the status conference today is to discuss that matter.

23 THE HEARING EXAMINER: Ms. Broggi?

24 MS. BROGGI: Yeah. I agree with
25 Mr. Savage. I think I can shed some light here. I --

1 it does sound like as long as Mr. Savage can confirm
2 on the record that they're not planning to develop the
3 east half of Section 3, then MRC will dismiss its
4 applications in all these cases. But we just want
5 confirmation on the record --

6 MR. SAVAGE: Yeah.

7 MS. BROGGI: -- so that we don't have
8 to -- because I think there was some confusion about
9 whether it was one mile or two mile. Is that right,
10 Mr. Savage?

11 MR. SAVAGE: Yeah, Mr. Examiner, I
12 would like to comment on this. I think the -- it
13 would be important for the -- to have this on the
14 record.

15 THE HEARING EXAMINER: Before you do,
16 let me look at the application that MRC Permian filed.

17 They wanted an order approving a
18 standard 800-acre, more or less, overlapping
19 horizontal well spacing unit in the Bone Spring
20 underlying the east half of Sections 3 and 10
21 township, so and so and pooling uncommitted interest
22 owners. Okay. So we have that area there.

23 Now, before you say anything,
24 Mr. Savage --

25 Ms. Broggi, why are there three cases?

1 MS. BROGGI: Mr. Hearing Examiner, I'm
2 not entirely sure; but I will say that one of the
3 three applications is for the Bone Spring Formation.

4 THE HEARING EXAMINER: Okay.

5 MS. BROGGI: And then the other two
6 applications are for the Wolfcamp. And Case 25037 is
7 for the west half of the east half of those two
8 sections. And then that final case, 25038, is for the
9 east half of the east half and again for the Wolfcamp.
10 So I think that they're targeting slightly different
11 areas.

12 THE HEARING EXAMINER: Okay. I
13 understand. And so explain to me why, if Coterra
14 says -- explain to me why you're going to dismiss your
15 cases.

16 MS. BROGGI: Is that directed to MRC?

17 THE HEARING EXAMINER: It is. It is.

18 MS. BROGGI: So I will concede -- and I
19 am covering this because the other attorneys are out
20 or --

21 THE HEARING EXAMINER: Right.

22 MS. BROGGI: But my understanding here
23 is that initially we had understood that -- I don't
24 know if Mr. Savage's client is Cimarex or Coterra; but
25 that party had proposed two-mile wells, and we thought

1 that it was going to develop into the east half of
2 Section 3. But since then it is -- I think Cimarex or
3 Coterra have clarified that they're only seeking to
4 develop Section 10 with one-mile wells. And as a
5 result of that, it sounds like then we can both
6 proceed accordingly, and therefore we can dismiss our
7 applications.

8 THE HEARING EXAMINER: So how does --
9 so I think what you're saying is as long as they can
10 confine their development to a certain area, we don't
11 have to force pool anyone else? So there's no other
12 interest owners?

13 MS. BROGGI: I'm not sure if there's no
14 other interest owners or if we have commitment, but
15 I'm going to defer a little bit to Mr. Savage here.
16 But I think that that is correct. There was just some
17 confusion about different proposals or development
18 proposals; and as long as they're only proceeding with
19 one-mile wells, then there's no issue, and we can
20 dismiss these applications.

21 THE HEARING EXAMINER: All right. I
22 understood that. I'm looking at your exhibits that
23 were filed in this case. I'm looking for the one with
24 the ownership interest. I think it's A4.

25 Hold on, Mr. Savage. I just want to

1 look at this before I ask you some questions.

2 So -- okay. But, see, I'm looking at
3 page 36 of 75.

4 These are your exhibits, Ms. Broggi.

5 MS. BROGGI: Yes.

6 THE HEARING EXAMINER: And I'm seeing
7 other people on here. So anyway -- okay.

8 So now that I -- so, Mr. Savage, go
9 ahead, please.

10 MR. SAVAGE: So if I'm understanding
11 MRC correctly, it sounds like they'll dismiss these
12 applications for the two-and-a-half mile and it sounds
13 like they would do new applications for the one-mile
14 and the --

15 THE HEARING EXAMINER: I didn't
16 understand that.

17 MR. SAVAGE: Yes. That's -- I think
18 that's --

19 THE HEARING EXAMINER: -- that was left
20 out.

21 MR. SAVAGE: That would be, I think,
22 the overall plan on that. But -- so just to clarify,
23 Mr. Hearing Examiner, so Coterra had to protect its
24 right to develop the east half of Section 10 under the
25 voluntary agreement and not risk losing that

1 opportunity under a contested hearing. And there's no
2 reason to pool -- for Coterra to pool the east half.
3 But this is very valuable property, and it needs to be
4 protected.

5 But this does not mean that Coterra is
6 unwilling to continue good faith negotiations with
7 Matador. Coterra has been in the process of
8 negotiating some very important agreements involving
9 these lands. And as I understand, the negotiations
10 between the parties could result in significant mutual
11 benefit for both Matador and Coterra. And Coterra had
12 informed Matador from the outset of the negotiations
13 that if they could not reach an agreement -- that
14 Coterra would develop the east half of Section 10 as a
15 one-mile unit. Therefore, there was no reason to
16 burden the Division with a contested hearing over this
17 matter at all.

18 And I just -- we just want to let
19 Matador know that Coterra remains ready, willing, and
20 able to work towards an agreement that it believes
21 would significantly benefit both parties.

22 THE HEARING EXAMINER: So, Ms. Broggi,
23 this application I'm looking at in Case number 35
24 seeks to pool the east half of 3 and 10. So I'm
25 assuming 3 is north and 10 is south?

1 MS. BROGGI: Yes. Yes, Mr. Hearing
2 Examiner.

3 THE HEARING EXAMINER: Yes. Okay.
4 That is how it fits?

5 MS. BROGGI: Yeah.

6 THE HEARING EXAMINER: Okay. So
7 Mr. Savage, your client seeks to develop -- what? --
8 the west half of 3 and 10?

9 MR. SAVAGE: No. Well, first of all,
10 you know, the development would be contingent upon
11 negotiations with Matador falling through on this
12 agreement, just --

13 THE HEARING EXAMINER: All right.

14 MR. SAVAGE: -- just to make that
15 clear. Okay. So we would -- if the negotiations fell
16 through, we would pursue the development of the east
17 half of Section 10, east half.

18 THE HEARING EXAMINER: Oh, the east
19 half of 10?

20 MR. SAVAGE: Yes.

21 THE HEARING EXAMINER: So, Ms. Broggi,
22 I didn't understand the idea of the one miles and how
23 that -- I'm obviously missing information. The
24 parties need to fill me in here. So, Ms. Broggi,
25 explain why, if Coterra just uses one-mile laterals,

1 you would dismiss and refile.

2 MS. BROGGI: So my understanding is
3 that we will just be developing then the east half of
4 Section 3. And --

5 THE HEARING EXAMINER: Okay.

6 MS. BROGGI: -- initially at some
7 point -- and I apologize. I don't know at what point
8 in the negotiations or the proposals, but we had
9 understood that what Mr. Savage's client was proposing
10 would actually go into the east half of Section 3.

11 THE HEARING EXAMINER: Oh, I see.

12 MS. BROGGI: But now we understand that
13 it will not be -- and as long as they can confirm
14 that, that they will not be going into Section 3, then
15 there's no reason for any sort of contested hearing;
16 and we will dismiss and refile accordingly.

17 THE HEARING EXAMINER: So are you
18 saying that you would dismiss all three applications,
19 even in the Wolfcamp as well?

20 MS. BROGGI: Yes, Mr. Hearing Examiner.
21 Yes.

22 THE HEARING EXAMINER: As long as their
23 development from Section 10 doesn't encroach on
24 Section 3?

25 MS. BROGGI: Yes.

1 THE HEARING EXAMINER: So then why did
2 you file -- why were applications filed to pool the
3 east half of Section 10?

4 MS. BROGGI: I mean, I have to confess,
5 I don't know if they have revised their plans. I just
6 know that at some point it looked like there was a
7 conflict here. And then through discussions with the
8 party, it sounds like there really isn't. And so as
9 long as Mr. Savage can confirm that, then we don't
10 need to have a contested hearing on this.

11 THE HEARING EXAMINER: Okay.

12 So Mr. Savage, do you know why MRC --
13 sorry. Not MRC -- Matador tried -- is trying to pool
14 the east half of Section 10?

15 MR. SAVAGE: Well, so, you know, these
16 two parties have been involved in some very productive
17 negotiations. And it had looked like -- and for as
18 far as I can, you know, understand, it's looking like
19 there might be a really mutually beneficial agreement
20 to be reached here. So it looks like MRC, as -- I
21 don't know -- to, you know -- and as part of pursuing
22 the negotiations decided that they wanted to pull the
23 east half of Section 3 and 10 to bring -- I don't
24 know -- perhaps Coterra to -- you know, to -- I guess,
25 to motivate.

1 Because, I mean, often -- a lot of
2 times, parties will pool -- do a pooling hearing. I
3 mean, they'll do a pooling application to try to
4 motivate, you know, certain forms of negotiations. I
5 mean, that could be a possibility. Certainly, a
6 two-and-a-half mile unit would be more economical than
7 the one-and-a-half mile unit.

8 THE HEARING EXAMINER: I --

9 MR. SAVAGE: So -- but -- you know, but
10 there really was no need. You know, the negotiations
11 could have been pursued -- you know, could be pursued
12 independently of any, you know, application to the OCD
13 because --

14 THE HEARING EXAMINER: Right.

15 MR. SAVAGE: Yeah. Because there's
16 really no contested hearing here because --

17 THE HEARING EXAMINER: But you say --
18 Mr. Savage, excuse me. Didn't you say that you have a
19 JOA to develop Section 10?

20 MR. SAVAGE: There is a JOA in place,
21 and it only covers the east half of Section 10

22 THE HEARING EXAMINER: East half.
23 Okay.

24 MR. SAVAGE: Yes.

25 THE HEARING EXAMINER: And so since you

1 have a JOA in place, are there other mineral interest
2 owners in the east half of 10?

3 MR. SAVAGE: Under the JOA there are.

4 THE HEARING EXAMINER: There are?

5 Okay. All right.

6 You know, Ms. Broggi, it seems that
7 these applications are not ripe to do anything with at
8 this point. I don't understand why they haven't been
9 dismissed already, but I'd like you to file a motion
10 to dismiss these three applications. And you can
11 refile them without prejudice, obviously. But it
12 sounds like the parties are continuing to negotiate.

13 These have been sitting here on our
14 docket since the early part of December. It's too
15 long at this point. I mean, either you're ready to
16 move forward by affidavit, which you're not because
17 you have an objection, or you are ready for a
18 contested hearing in the near future -- and you're
19 not, not from what I've heard. Do you have anything
20 to say about that?

21 MS. BROGGI: No, Mr. Hearing Examiner.
22 I mean, I think that is accurate that, you know, we do
23 not intend to proceed on these because I think that
24 they have reached an agreement between these two
25 parties.

1 THE HEARING EXAMINER: Okay.

2 MS. BROGGI: I guess, I just -- I do
3 just want to -- because I'm not sure if I missed it
4 or -- but did -- was there confirmation that there
5 won't be development of --

6 THE HEARING EXAMINER: No.

7 MS. BROGGI: Okay. No.

8 THE HEARING EXAMINER: There wasn't,
9 no. There was not, no.

10 MS. BROGGI: I mean, may we get that?
11 Or is that --

12 Mr. Savage, are you prepared to state
13 that or no?

14 MR. SAVAGE: Well, I don't
15 understand -- Mr. Hearing Examiner, I don't understand
16 why she insists on this. I don't because it seems
17 irrelevant and immaterial.

18 I will say that Coterra has a JOA in
19 place that's ripe for development at some point. And,
20 you know, they are preserving their right to develop
21 that.

22 So they're open to negotiations with
23 Matador. They believe that there could be a very
24 mutually beneficial agreement to be reached. The
25 opportunity is there. And if negotiations fall

1 through, then they'll look at developing that east
2 half of Section 10.

3 MS. BROGGI: The east half of Section
4 10? Not the east half of Section 3?

5 MR. SAVAGE: East half of Section 10 is
6 what the JOA covers.

7 MS. BROGGI: Okay. I think that we
8 have agreement here. Okay. Yeah, I think we have
9 agreement here, in which case we will be dismissing
10 the case.

11 MR. SAVAGE: So --

12 MS. BROGGI: Maybe we need to talk
13 offline, Mr. Savage and I; but I think that we will be
14 dismissing the case.

15 THE HEARING EXAMINER: So, Ms. Broggi,
16 I know these are not your cases necessarily; but I'm
17 ordering Matador to file a notice of dismissal --

18 MS. BROGGI: Okay.

19 THE HEARING EXAMINER: -- for these
20 three cases. I will follow that up with an order.
21 And you're welcome to refile once you have everything
22 straightened out with Coterra.

23 MS. BROGGI: Okay. Thank you.

24 THE HEARING EXAMINER: And if you don't
25 have everything straightened out with Coterra, then

1 you're welcome to refile. And we'll have a contested
2 hearing over -- who knows? -- possibly competing
3 applications or not. I don't know. But it just seems
4 that at this point you're not ready to move forward
5 with these cases.

6 Anything further?

7 MS. BROGGI: Nothing further from MRC.

8 THE HEARING EXAMINER: Thank you.

9 Mr. Suazo?

10 MR. SUAZO: No, Mr. Examiner.

11 THE HEARING EXAMINER: Mr. Suazo, I
12 have a question for you. You originally objected.
13 You withdrew your objection. Why did you withdraw
14 your objection?

15 MR. SUAZO: Because at the time that
16 these applications were filed, we believed that we
17 were trying to be pooled. And once we received a
18 confirmation that we were not trying to be pooled or
19 else the applications had been modified -- I forget
20 which one -- we withdrew our objection once it was
21 confirmed that we're no longer being pooled.

22 THE HEARING EXAMINER: I think the
23 original exhibits filed in January had you as a pooled
24 party.

25 MR. SUAZO: That's right.

1 THE HEARING EXAMINER: Okay. All
2 right. Because I saw that on the list of -- okay.
3 Very good.

4 Mr. Savage, anything further?

5 MR. SAVAGE: None. Thank you.

6 THE HEARING EXAMINER: All right.
7 Thank you.

8 All right. So we're off the record in
9 these three cases.

10 Let's move on to V-F Petroleum, 25193.
11 Entries of appearance, please.

12 MR. SAVAGE: Good morning. Darin
13 Savage with Abadie & Schill, on behalf of V-F
14 Petroleum Incorporated.

15 MS. BROGGI: Julia Broggi with Holland
16 & Hart, on behalf of Apache.

17 THE HEARING EXAMINER: Okay.

18 MS. MCLEAN: Good morning. Jackie
19 McLean, representing Permian Resources.

20 THE HEARING EXAMINER: Thank you.

21 MS. HATLEY: Good morning, Mr.
22 Examiner. Keri Hatley, entering an appearance on
23 behalf of Marathon Oil Permian, Concho Oil & Gas, and
24 COG Operating.

25 THE HEARING EXAMINER: Thank you.

1 MS. KESSLER: Good morning. Jordan
2 Kessler on behalf of EOG Resources, monitoring this
3 case.

4 THE HEARING EXAMINER: Okay. Thank
5 you, Ms. Kessler.

6 Ms. Hatley, did you enter an objection,
7 or are you just entering an appearance now?

8 MS. HATLEY: No objection. Just
9 monitoring. Thank you.

10 THE HEARING EXAMINER: Okay. Thank
11 you.

12 Ms. McLean, your status?

13 MS. MCLEAN: We have objected.

14 THE HEARING EXAMINER: You have. Okay.
15 On what basis?

16 MS. MCLEAN: They just don't like the
17 proposed development plan.

18 THE HEARING EXAMINER: Well, are you
19 going to -- is your client Permian, are they going to
20 file competing application?

21 MS. MCLEAN: No. It's my
22 understanding --

23 THE HEARING EXAMINER: Okay.

24 MS. MCLEAN: -- that they're working on
25 a deal right now, and they have drafts circulated.

1 But Permian Resources would like to keep the May 13th
2 contested hearing date. And --

3 THE HEARING EXAMINER: Okay.

4 MS. HATLEY: -- we will present
5 witnesses in the case a deal is not reached by that
6 day.

7 THE HEARING EXAMINER: Thank you.

8 And, Ms. Broggi, what's your status?

9 MS. BROGGI: Mr. Hearing Examiner,
10 we've reached an agreement with the applicant and so
11 we are withdrawing our objections.

12 THE HEARING EXAMINER: Great.

13 Okay. So we just have Permian
14 objecting to you, Mr. Savage; and we have a May 13
15 contested hearing set?

16 MR. SAVAGE: That's correct.

17 THE HEARING EXAMINER: Is there
18 anything you want to discuss?

19 MR. SAVAGE: No. We -- they want to go
20 forward with the contested hearing.

21 THE HEARING EXAMINER: Ms. McLean, I'd
22 like to avoid a last-minute withdrawal of objection
23 because we have to pay a court reporter to come up to
24 Santa Fe. And when would be a reasonable time to
25 notify us if you do reach an agreement?

1 MS. MCLEAN: I guess, when do you have
2 to pay the court reporter by?

3 THE HEARING EXAMINER: Yeah. Okay.
4 Let's see. Why don't we say -- let's see, May 13.
5 Let me see what day of the week -- looks like the 13th
6 is on a Tuesday. We would need to know by that Friday
7 the 9th if you reach a deal.

8 MS. MCLEAN: Okay.

9 THE HEARING EXAMINER: May 9th, deal
10 deadline. Because Mr. Savage will have to file his
11 prehearing statement and his exhibits by the -- let's
12 see, four days before the 13th, whatever day that will
13 be. I'm assuming that's at least by Wednesday --

14 MS. MCLEAN: Right.

15 THE HEARING EXAMINER: -- of that week.
16 And do you anticipate -- you said you would have
17 witnesses, but would you be filing exhibits as well?

18 MS. MCLEAN: Correct. Yes.

19 THE HEARING EXAMINER: Oh, you would?

20 MS. MCLEAN: Yes.

21 THE HEARING EXAMINER: Okay. So you
22 should know even before that Friday. But I'll give
23 you -- you never know, with negotiations --

24 MS. MCLEAN: You never know.

25 THE HEARING EXAMINER: -- being what

1 they are.

2 MS. MCLEAN: Yeah.

3 THE HEARING EXAMINER: Okay.

4 MS. MCLEAN: I'll let the client know
5 that that, you know, is the deadline. And hopefully,
6 they can work things out.

7 THE HEARING EXAMINER: Mr. Savage,
8 anything further on this case?

9 MR. SAVAGE: I don't think so.

10 THE HEARING EXAMINER: Okay.

11 MR. SAVAGE: No need for that.

12 THE HEARING EXAMINER: Okay.

13 Ms. McLean?

14 MS. MCLEAN: Nothing from Permian
15 Resources.

16 THE HEARING EXAMINER: All right.
17 We're off the record on 25193.

18 Let's move on to 25220, 25221. These
19 are FAE II operating cases. Entries of appearance,
20 please.

21 MS. MCLEAN: Yes. Jackie McLean on
22 behalf of FAE II Operating.

23 MS. BROGGI: And Julia Broggi with
24 Holland & Hart, on behalf of OXY USA and Occidental
25 Permian LP.

1 THE HEARING EXAMINER: Okay. Thank
2 you.

3 Are there any other parties that you
4 know of, Ms. McLean?

5 MS. MCLEAN: I believe ConocoPhillips
6 has entered but not objected.

7 THE HEARING EXAMINER: You don't know
8 who's representing Conoco Phillips. Do you?

9 MS. MCLEAN: I'm sure, Ms. Hatley.

10 THE HEARING EXAMINER: Oh.

11 MS. MCLEAN: Oh, there she is. She
12 just popped on.

13 MS. HATLEY: Yes. Keri Hatley,
14 entering an appearance on behalf of ConocoPhillips.
15 Thank you.

16 THE HEARING EXAMINER: And monitoring?

17 MS. HATLEY: Yes, please.

18 THE HEARING EXAMINER: All right. Very
19 good.

20 So, Ms. Broggi, OXY objected?

21 MS. BROGGI: Yes. My understanding is
22 that the parties are very, very close to reaching an
23 agreement. And so we would just request an additional
24 status conference.

25 THE HEARING EXAMINER: Okay. All

1 right.

2 And Ms. McLean?

3 MS. MCLEAN: That's my understanding as
4 well. But FAE would like to set a contested hearing
5 date at the end of July or early August so that, you
6 know, we do have that out there and things can go
7 forward.

8 THE HEARING EXAMINER: Okay. Let me
9 take a look at the case file here. The application
10 was filed -- oh -- in February. Okay. So it needs to
11 move along, then.

12 What was this that was filed on the 8th
13 of April? It looks -- we don't have titles in our
14 imaging system. Oh, exhibits. It looks like you
15 filed exhibits.

16 MS. MCLEAN: Yes. Because we were
17 planning on going to hearing on this. We were going
18 to have a special hearing on April 14th just for this
19 matter. And then that Friday -- like, Thursday or
20 Friday before, OXY entered an appearance and objected
21 to us proceeding by affidavit.

22 THE HEARING EXAMINER: And we were
23 going to have -- what? -- a hearing by affidavit on
24 the 14th of April?

25 MS. MCLEAN: Correct.

1 THE HEARING EXAMINER: Okay. All
2 right.

3 Okay. Let's see.

4 Ms. Tschantz, did you send me a -- you
5 probably did. So let me just look in my --

6 THE CLERK: It's in the chat.

7 THE HEARING EXAMINER: Yeah, I thought
8 it would be. Yes. There it is.

9 Ah, you said there were going to be no
10 May dates; but there are two of them in there.

11 MS. MCLEAN: No June dates.

12 THE HEARING EXAMINER: What you said.
13 Thank you. Okay. July 1st, Ms. McLean?

14 MS. MCLEAN: No.

15 THE HEARING EXAMINER: Okay. If not
16 the 1st, how about the 15th?

17 MS. MCLEAN: No. We need -- so for
18 client availability, we're looking at the end of July
19 or beginning of August.

20 THE HEARING EXAMINER: Then we can do
21 the 29th, then?

22 MS. MCLEAN: Of July? Okay. That
23 works.

24 THE HEARING EXAMINER: That works for
25 you?

1 MS. MCLEAN: Yes.

2 And Ms. Broggi?

3 MS. BROGGI: Yes, Mr. Hearing Examiner.
4 That works.

5 THE HEARING EXAMINER: All right. And
6 that gives the parties plenty of time to finish up
7 these or paper up this agreement. I think we should
8 have another status conference before the pre-
9 hearing -- sorry -- before the contested hearing.

10 What do you think, Ms. McLean?

11 MS. MCLEAN: Yes. I think perhaps a
12 status conference at the end of June.

13 THE HEARING EXAMINER: Okay.
14 Ms. Tschantz, what's the date in June that we have our
15 status conferences?

16 THE CLERK: It's June 26th.

17 THE HEARING EXAMINER: June 26th. So,
18 Ms. McLean, it's up to you to move these cases to June
19 26th.

20 MS. MCLEAN: Okay.

21 THE HEARING EXAMINER: All right.
22 Anything else, Ms. Broggi?

23 MS. BROGGI: No. Nothing on behalf of
24 OXY.

25 THE HEARING EXAMINER: Ms. Hatley?

1 MS. HATLEY: No. Thank you.

2 THE HEARING EXAMINER: Ms. McLean?

3 MS. MCLEAN: That's it from us too.

4 THE HEARING EXAMINER: Wonderful.

5 All right. We're off the record in
6 those two cases.

7 MS. MCLEAN: Thank you.

8 THE HEARING EXAMINER: Let's move on
9 to --

10 Thank you.

11 Let's move on to a Mewbourne Oil case,
12 25228. Entries of appearance, please.

13 MS. BROGGI: Julia Broggi with Holland
14 & Hart, on behalf of the applicant Mewbourne Oil
15 Company and also on behalf of MRC Permian Company.

16 THE HEARING EXAMINER: Okay. Thank
17 you.

18 MS. BRADFUTE: Jennifer Bradfute with
19 Bradfute Sayer, on behalf of PBEX Operations LLC.

20 THE HEARING EXAMINER: Thank you.

21 MS. HATLEY: And Keri Hatley, entering
22 an appearance on behalf of COG Operating and
23 ConocoPhillips Company.

24 THE HEARING EXAMINER: Are you
25 monitoring?

1 MS. HATLEY: Monitoring only.

2 THE HEARING EXAMINER: You are.

3 Ms. Bradfute, you must have objected.

4 MS. BRADFUTE: Yes, that's correct.

5 THE HEARING EXAMINER: All right. And
6 what's the status of your objection now?

7 MS. BRADFUTE: The objection remains.
8 The parties have entered into negotiations, and they
9 have been productive negotiations. So I believe this
10 case could reach resolution within a couple of weeks.

11 THE HEARING EXAMINER: Okay. 25228.

12 Ms. Broggi, do you know when you filed
13 25228?

14 MS. BROGGI: Let's see. It doesn't
15 have a date on here.

16 THE HEARING EXAMINER: I got it. It's
17 February --

18 MS. BROGGI: Yeah.

19 THE HEARING EXAMINER: -- it's February
20 12th.

21 MS. BROGGI: Okay. I apologize.

22 THE HEARING EXAMINER: So February 12th
23 means it's starting to get a little stale. It looks
24 like you filed exhibits in this case. You had
25 intended to proceed, I think, by --

1 MS. BROGGI: By affidavit.

2 THE HEARING EXAMINER: Affidavit, which
3 was jettisoned based on the objection. It looks like
4 the objection -- no. Let me see.

5 Ms. Bradfute, when did you object? Do
6 you remember?

7 MS. BRADFUTE: Let me pull it up. It
8 was definitely before the hearing was set, after they
9 filed their exhibits. I had it pulled up. We filed
10 our objection on March 7th.

11 THE HEARING EXAMINER: Okay. March
12 7th.

13 Now I have a question. I see a motion
14 for consolidation which I've never seen before. It
15 was filed -- oh, yesterday. No wonder I haven't seen
16 it yet.

17 MS. BRADFUTE: Yes. Yeah.

18 THE HEARING EXAMINER: All right. So
19 you would like to combine 25228, which is the case I
20 called, with 25301 and 25303, which I have not called.
21 I don't know if they're on -- no, I don't see them on
22 today's docket. What is the reason for wanting to
23 consolidate these three cases?

24 MS. BRADFUTE: These are competing
25 applications. So with the combination of 25301 and

1 25303, the acreage actually overlaps with the acreage
2 in Mewbourne's case. We had proposal letters that
3 were out at the time when Mewbourne's case would've
4 originally gone to hearing. We have since filed our
5 applications and provided notice. The applications
6 are currently set for the May 8th docket.

7 THE HEARING EXAMINER: Okay. I
8 understand. Thank you. May 8th for a -- well, they
9 would be set for the May 8th for a hearing by
10 affidavit; but since they're competing, I guess they
11 won't be set for the May 8th.

12 So, Ms. Tschantz, would you just
13 administratively continue the May 8th here, 25308
14 and -- sorry -- 25301 and 303 to the May -- what? --
15 22nd docket, maybe?

16 THE CLERK: Yes. That's right.

17 THE HEARING EXAMINER: So will you do
18 that?

19 THE CLERK: Yes, I will.

20 THE HEARING EXAMINER: And since it's
21 competing, I'm going to grant the motion for
22 consolidation unless, Ms. Broggi, you're going to make
23 an argument against that.

24 MS. BROGGI: No, Mr. Hearing Examiner.

25 THE HEARING EXAMINER: All right. So,

1 Freya, will you also join the three cases together for
2 the purposes of a hearing?

3 THE CLERK: Yes.

4 THE HEARING EXAMINER: All right. I'd
5 like to get these cases set for a contested hearing.
6 May would be too soon for you guys because I -- at
7 least I think it would be too soon. Right,
8 Ms. Bradfute?

9 MS. BRADFUTE: Yes, that's correct.

10 THE HEARING EXAMINER: Okay. All
11 right. So how about July 1st?

12 MS. BRADFUTE: That would be fine,
13 Mr. Examiner.

14 MS. BROGGI: Yes.

15 THE HEARING EXAMINER: Ms. Broggi?

16 MS. BROGGI: I believe so. July 1st.

17 THE HEARING EXAMINER: All right.
18 We'll issue a pre-hearing order for July 1st for a
19 contested hearing on these three cases. And as you
20 say, the negotiations look good; and most likely,
21 they'll all go away. If the negotiations are
22 successful, would these cases be unopposed and proceed
23 to a hearing by affidavit or would they literally be
24 dismissed?

25 MS. BRADFUTE: Mr. Examiner, I -- you

1 know, what the parties are currently negotiating is
2 potentially dividing the acreage. So right now it
3 essentially -- yeah. So each would have a section, so
4 there may be some amendments that need to be made to
5 the applications depending on what is finally agreed
6 to.

7 THE HEARING EXAMINER: Which would
8 require re-noticing?

9 MS. BRADFUTE: Yes.

10 THE HEARING EXAMINER: So then we're
11 looking at dismissal. At least for your cases, they'd
12 be dismissed and refiled under an amended application?

13 MS. BRADFUTE: That I'm not sure about
14 because we don't know the final findings. My party
15 actually split them by east and west --

16 THE HEARING EXAMINER: Understood.

17 MS. BRADFUTE: -- so -- yeah.

18 THE HEARING EXAMINER: Okay.

19 Ms. Broggi, what would happen to your case if you
20 reach an agreement?

21 MS. BROGGI: I have to confess, I'm not
22 certain because --

23 THE HEARING EXAMINER: Okay.

24 MS. BROGGI: -- I don't actually know
25 what's being discussed. I just know that there have

1 been discussions; and I think there is optimism on my
2 client's side as well, my client being Mewbourne.
3 Matador is just monitoring it. But -- yep.

4 THE HEARING EXAMINER: I mean, for
5 someone who doesn't know what's really going on
6 between the parties, like, when you file a compulsory
7 pooling application, I'm assuming that there's more
8 than just one other ownership interest.

9 Ms. Bradfute, since you know your cases
10 better, are you saying that Mewbourne is the only
11 other interest you would have sought to force pool?

12 MS. BRADFUTE: No. We would still need
13 to pursue pooling --

14 THE HEARING EXAMINER: Okay.

15 MS. BRADFUTE: -- to my knowledge.
16 Yes.

17 THE HEARING EXAMINER: I thought so.
18 All right.

19 And, Ms. Broggi, I won't ask you the
20 same questions. I know it's not your case.

21 Okay. Is there anything further from
22 the parties on these -- well, I've only called one
23 case -- on this case.

24 MS. BROGGI: No, Mr. Hearing Examiner.

25 THE HEARING EXAMINER: Okay.

1 MS. BRADFUTE: No, Mr. Hearing
2 Examiner. Thank you.

3 THE HEARING EXAMINER: Thank you very
4 much, and thanks for bringing those new applications
5 to my attention.

6 Okay. Let's go to Rockwood Energy. We
7 have several cases on the docket; 25241, 42, 43, 44,
8 45, and 46. Entries of appearance, please.

9 MS. LUCK: Kaitlyn Luck, appearing for
10 Rockwood Energy, LP.

11 MS. BENNETT: And good morning, Mr.
12 Examiner. Deana Bennett from Modrall Sperling, on
13 behalf of Coterra Energy Operating.

14 THE HEARING EXAMINER: Okay. All
15 right. Thank you.

16 Ms. Luck, I know you entered an
17 appearance recently. I know Mr. Savage originally
18 filed these cases. Where did he get the OGRID number
19 to file these cases?

20 MS. LUCK: That is a registered OGRID
21 with the state land office. And it looks like there
22 might have been some issues with the registration of
23 the OCD, but now we have rectified that.

24 THE HEARING EXAMINER: Oh, is that?

25 MS. LUCK: But it was at all times a

1 registered OGRID with the state -- yes. Yes, sir.
2 And at all times it was a registered OGRID number with
3 the state land office. But it's my understanding
4 there might've just been a glitch in the system, and
5 we worked with Rob Jackson yesterday morning to be
6 sure that all of that is clarified in the OCD system.

7 THE HEARING EXAMINER: So Rob Jackson
8 made sure that that OGRID number is valid now?

9 MS. LUCK: Yes. And we can send email
10 verification that we're registered in the system.

11 THE HEARING EXAMINER: Okay.
12 Excellent. All right. So Rockford -- what is the
13 full name of Rockford?

14 MS. LUCK: It's --

15 THE HEARING EXAMINER: Rockwood?

16 MS. LUCK: Excuse me. It's Rockwood
17 Energy --

18 THE HEARING EXAMINER: Yeah.

19 MS. LUCK: -- LP.

20 THE HEARING EXAMINER: Okay. Is that
21 an investment company?

22 MS. LUCK: I'm not sure exactly how to
23 describe them. They are an oil and gas company. They
24 do have both non-operated assets, and now they're
25 seeking to be a full-time operator by these pooling

1 applications here in New Mexico.

2 THE HEARING EXAMINER: I see.

3 MS. LUCK: I can provide further color
4 on that at the actual hearing on this matter. But at
5 this point in time, what we're here for before the
6 division is a status conference. And I think the
7 parties are in agreement to push this to a status
8 conference later in May to give Coterra, as the other
9 working interest in the unit, time to determine
10 whether or not competing polling applications would be
11 filed.

12 THE HEARING EXAMINER: Okay.

13 Ms. Bennett?

14 MS. BENNETT: Yes. Thank you. As
15 Ms. Luck mentioned, Coterra -- I and Ms. Luck had a
16 conversation yesterday, and Coterra does think that a
17 May 22nd status conference is the best approach here
18 because it's premature to set a contested hearing for
19 these cases at this time. These cases were just filed
20 on, I believe, back in February; but the April 10th
21 was the first hearing date that was requested. So
22 this is the first status conference in these cases.

23 And Ms. Luck was -- entered her
24 appearance a couple of days ago in these matters. So
25 we just haven't had time to really work through

1 anything on these cases. And it's -- Coterra's hope
2 is that Rockwood cases will be dismissed.

3 THE HEARING EXAMINER: Okay.

4 MS. BENNETT: And so we would ask for a
5 May 22nd status conference to allow the parties time
6 to negotiate.

7 THE HEARING EXAMINER: Ms. Luck,
8 they're your cases. How do you want to proceed?

9 MS. LUCK: I'm in agreement with
10 Ms. Bennett. We spoke yesterday, and that's how we
11 would request to proceed with these cases at this
12 time.

13 THE HEARING EXAMINER: All right.
14 These applications were filed February 28th. There
15 was an objection entered by Ms. Bennett on April 2nd.

16 I'm happy to move -- I'm happy to hold
17 another status conference on May 22nd; but it will be
18 the final status conference, Ms. Luck. So if
19 negotiations are not productive, be ready to agree on
20 a contested hearing date. And let me give you the
21 ones that I would've offered you today had you asked
22 for one. I would have --

23 MS. LUCK: Okay. Thank you.

24 THE HEARING EXAMINER: Of course. I
25 would've offered you either the July 1st or July 15th.

1 So you can check with your client and see which of
2 those dates works for your client and Ms. Bennett's
3 clients, of course, too.

4 MS. LUCK: Yes. And we'll be ready to
5 proceed on either one of those dates, depending on
6 which works for the parties.

7 THE HEARING EXAMINER: Okay. And
8 Ms. Bennett, would you be -- do you anticipate -- if
9 negotiations don't proceed as you hope, do you -- are
10 you going to file competing applications?

11 MS. BENNETT: Yes. We would need to
12 file competing applications. So --

13 THE HEARING EXAMINER: Okay.

14 MS. BENNETT: I mean, I'm happy to
15 think about July 1st and July 15th, but we would need
16 to prepare. I'm not sure that Coterra has even
17 prepared competing proposals yet --

18 THE HEARING EXAMINER: Okay.

19 MS. BENNETT: -- given just -- you
20 know, in full transparency, there's been two things
21 that have kept them from doing proposals. One is that
22 they are under the impression that Rockwood is selling
23 its interest to another party --

24 THE HEARING EXAMINER: Okay.

25 MS. BENNETT: -- and therefore these

1 cases would be dismissed. So that has, you know, kind
2 of slowed down the need to prepare competing
3 proposals, is this understanding that Rockwood is
4 selling its interest.

5 And then secondly, when Mr. Savage
6 withdrew their -- I wasn't even sure what was going to
7 be happening today at the status conference. And so,
8 you know, I just put these kind of on the back burner
9 until Ms. Luck entered her appearance.

10 So I don't have any information to give
11 the division today about the status of proposal
12 letters. So while July 1st and July 15th are
13 available, that might not work, given timing for
14 proposal letters and competing applications.

15 THE HEARING EXAMINER: Okay. Well, I'm
16 going to throw those dates out there. I'll also
17 propose a date in August so that the parties have that
18 as well on the burner here. I'll also propose August
19 12th --

20 MS. BENNETT: Thank you.

21 THE HEARING EXAMINER: -- as a possible
22 date, giving Coterra plenty of time to circulate
23 proposals and file their applications with the proper
24 notice.

25 And I understand the position you're

1 in, Ms. Bennett, so --

2 MS. BENNETT: Thank you.

3 THE HEARING EXAMINER: -- thank you for
4 being transparent. And is it -- correct me if I'm
5 wrong, but Coterra purchased the assets of Cimarex.
6 Is that right?

7 MS. BENNETT: Well, Coterra was formed
8 by a merger several years ago. So Coterra purchased
9 the assets of Avant and Franklin Mountain Energy most
10 recently. That's what we've most recently been
11 discussing. But Coterra was formed several years ago
12 by a merger of a couple of companies, and I can't
13 recall exactly which companies there were that merged
14 and formed Coterra.

15 THE HEARING EXAMINER: So Cimarex is a
16 separate entity from Coterra?

17 MS. BENNETT: It's a subsidiary of
18 Coterra.

19 THE HEARING EXAMINER: Subsidiary.
20 Okay. Perfect. Thank you.

21 All right. Anything further on these
22 cases?

23 MS. BENNETT: No. Thank you. None --
24 nothing from me.

25 THE HEARING EXAMINER: Perfect.

1 MS. LUCK: Nothing further from me.
2 Thank you, Mr. Examiner.

3 THE HEARING EXAMINER: All right.
4 Perfect. Thank you. We're off the record in those
5 cases.

6 I'm moving on now to Tap Rock
7 Operating, 25272.

8 MR. SUAZO: Good morning, Mr. Examiner.
9 Miguel Suazo with Beatty & Wozniak, appearing today on
10 behalf of Tap Rock Operating Company.

11 THE HEARING EXAMINER: Okay. Thank
12 you.

13 MS. BENNETT: Good morning,
14 Mr. Examiner. Deana Bennett, on behalf of Coterra
15 Energy Operating.

16 THE HEARING EXAMINER: Thank you.

17 MS. HATLEY: Good morning,
18 Mr. Examiner. Keri Hatley, entering an appearance on
19 behalf of COG Operating.

20 THE HEARING EXAMINER: Thank you.

21 I feel like there's -- I guess that's
22 all the parties that there are. Okay.

23 Ms. Bennett, did you object?

24 MS. BENNETT: Yes, I did. So it looks
25 like Tap Rock filed these applications on March 10th,

1 requested an April 10th hearing. And I filed an
2 objection on March 27th. So today is the first status
3 conference for these cases -- for this case.

4 And Coterra is considering -- is
5 preparing competing proposals that it hopes to send
6 out next week or the week after next. And after the
7 competing proposals are sent out, we would need to
8 wait the 30 days to submit an application for hearing.
9 So there will be contested -- competing applications
10 that I will be filing.

11 THE HEARING EXAMINER: Okay.

12 Mr. Suazo?

13 MR. SUAZO: Yeah. Mr. Examiner, I
14 think there's some concern here. You know, I think
15 primarily it's the lack of communication from Coterra.

16 And Tap Rock has a drilling schedule.
17 They're scheduled to spud in September. And so we'd
18 like to set a hearing date as soon as possible.

19 You know, this is the first I hear that
20 they intend to submit competing proposals; and they've
21 had ample opportunity, you know, to communicate with
22 us. In fact, you know, over the last year, you know,
23 they really haven't engaged with Tap Rock and
24 initiated conflict. And in fact, the first that Tap
25 Rock hears from them is typically in the form of an

1 objection.

2 So Tap Rock's ready to -- you know, to
3 move forward. We don't want to take up any more time
4 on your docket and for these things to go stale,
5 especially because of the schedule. So I think that,
6 you know, the soonest we can set a contested hearing
7 after they, apparently, are going to submit their
8 applications, that'd be preferable for my client.

9 THE HEARING EXAMINER: Ms. Bennett,
10 based on the March 19 filing date, I'm presuming that
11 your client received the proposals sometime in
12 mid-February. Would that be accurate?

13 MS. BENNETT: I don't have any
14 information about when they received the proposals.
15 I'm sorry. I mean, it would've had to have been,
16 based on the timing of the filing of the application;
17 but I can't say for sure.

18 MR. SUAZO: They actually should've
19 received the proposals on February 1st, Mr. Examiner.

20 THE HEARING EXAMINER: Okay. February
21 1st, proposals. Okay.

22 So, Ms. Bennett, I understand that your
23 client is, you know, preparing competing proposals and
24 next week or so, they're going to send them out; and
25 that would mean about May 1st. So that would mean

1 June 1st is when you'd file your application, and it
2 couldn't be noticed for 20 days after that. Is that
3 timeline accurate?

4 MS. BENNETT: That's right. Yep.

5 THE HEARING EXAMINER: So, Mr. Suazo,
6 it sounds like the earliest I could set this for a
7 contested hearing would be in June. Do you disagree
8 with that?

9 MR. SUAZO: No. I think that's right,
10 and I think --

11 THE HEARING EXAMINER: Okay.

12 MR. SUAZO: -- if that's the earliest
13 we can get it, we would love to be put on the docket
14 for a contested hearing at the earliest available
15 date.

16 THE HEARING EXAMINER: The -- we don't
17 have any dates in June, according to the division
18 hearing clerk. The first one after that would be July
19 1st, which would give the proper 30 days and 20 days,
20 et cetera, from about a week from today. So does July
21 1st work with your client?

22 MR. SUAZO: Unless there's not a
23 special hearing date in June. You know, we'll take
24 July 1st if that's earliest available.

25 THE HEARING EXAMINER: Ms. Tschantz,

1 is -- do I have that right?

2 THE CLERK: That's correct.

3 THE HEARING EXAMINER: Mr. Suazo, I
4 would look at late June, but the room downstairs is
5 being used for rule-makings and other things that are
6 going on that are outside of our control. So I think
7 that July 1st is the earliest we could get this heard.

8 Ms. Bennett, does that work for you?

9 MS. BENNETT: That works for me, but
10 I'll need to confirm with Coterra.

11 THE HEARING EXAMINER: Sounds good.

12 And, Ms. Hatley, are you going to
13 participate?

14 MS. HATLEY: We are not. We're just
15 monitoring this case.

16 THE HEARING EXAMINER: All right.
17 Okay.

18 Is there anything further, Mr. Suazo?

19 MR. SUAZO: No, Mr. Examiner.

20 THE HEARING EXAMINER: Ms. Bennett?

21 MS. BENNETT: No. I keep muting
22 myself, so there's -- I have to unmute myself. But
23 no, nothing else.

24 THE HEARING EXAMINER: All right.

25 Thank you.

1 We'll issue a pre-hearing order --

2 MS. BENNETT: Thank you.

3 THE HEARING EXAMINER: -- for July 1st
4 contested hearing, in person, in Pecos Hall.

5 All right. We're off the record in
6 this case.

7 Let's move on to a Mewbourne Oil case,
8 25273.

9 MR. BRUCE: Mr. Examiner, Jim Bruce
10 representing the applicant. The applicant is actually
11 Burnett Oil Company.

12 THE HEARING EXAMINER: Burnett. Thank
13 you.

14 MR. SUAZO: Good morning, Mr. Examiner.
15 Miguel Suazo with Beatty & Wozniak, representing Riley
16 Permian Operating.

17 THE HEARING EXAMINER: Riley. Thank
18 you. Did you object --

19 MS. MCLEAN: And --

20 THE HEARING EXAMINER: Oh, I'm sorry,
21 Ms. McLean.

22 MS. MCLEAN: Yeah.

23 THE HEARING EXAMINER: Hold on one
24 second.

25 Mr. Suazo, did you object?

1 MR. SUAZO: Yes, we did object. And my
2 understanding is that there's an issue concerning the
3 size of the spacing. Once we get that resolved, we're
4 hopeful that we'll be able to withdraw our objection;
5 but that has not yet happened. So I think that's the
6 extent of my knowledge on the communications between
7 the parties as of today.

8 THE HEARING EXAMINER: So when you say
9 that there's a -- can you explain what you mean by the
10 size of the spacing?

11 MR. SUAZO: Sure. So I think that my
12 client prefers there to be 320-acre sized units. And
13 I'm not sure what the other side is proposing, but
14 that's the latest detail I have in my notes. They
15 told me that they thought they were going to work
16 something out, but I have not received confirmation of
17 that as of this morning.

18 THE HEARING EXAMINER: Okay. All
19 right.

20 Ms. McLean?

21 MS. MCLEAN: Yes. Sorry. I don't know
22 what happened to my camera, but now it is no longer.
23 Jackie McClean, representing Spur Energy Partners; and
24 we are just monitoring this case.

25 THE HEARING EXAMINER: Okay. Perfect.

1 Thank you, Ms. McClean.

2 All right. Mr. Bruce, do you know
3 anything about this 320-acre spacing issue?

4 MR. BRUCE: Well, that's the first I
5 heard of it. Mr. Examiner, this case seeks to create
6 a 640-acre, one-section non-standard spacing unit and
7 force pool the interest in that unit. And I was told
8 by my client that Riley Permian signed a JOA for that.
9 And then they -- after signing the JOA, they
10 subsequently filed the objection. I guess they want a
11 320-acre unit rather than a 640-acre unit.

12 But -- and the parties are in
13 discussions and my client would like to work things
14 out with Riley Permian. But I'm inclined that if
15 they're not moving forward quickly, I would file a
16 motion to dismiss Riley Permian's objection because
17 they have no standing to object, because they've
18 already joined in the wells.

19 THE HEARING EXAMINER: Okay. Thank
20 you.

21 Mr. Suazo?

22 MR. SUAZO: I have not received a copy
23 of the JOA, so that's news to me. I would need to
24 confirm with my client. I'm not saying that that's
25 inaccurate. I just have not received those details.

1 THE HEARING EXAMINER: Okay.

2 Mr. Suazo, when was this case filed?

3 MR. SUAZO: It was filed on March 19th.

4 THE HEARING EXAMINER: March 19th.

5 Okay. Mr. Bruce, how do you want to proceed?

6 MR. BRUCE: I would like to set it
7 for -- well, my client would like to -- you know, this
8 case has already been delayed a little bit. My client
9 would like to move forward. I understand the
10 division's hearing schedule issues, but get this put
11 away as soon as possible.

12 THE HEARING EXAMINER: Mr. Bruce, we
13 don't have any hearing schedule issues. We have
14 hearings available in May. It's just that we don't
15 have a docket for June for special hearings.

16 MR. BRUCE: Ah, okay.

17 THE HEARING EXAMINER: So do you want
18 me to set it for a May date?

19 MR. BRUCE: Oh, I would like that, yes.

20 THE HEARING EXAMINER: We have May 13
21 or May 27. Mr. Bruce, which do you prefer?

22 MR. BRUCE: Could I ask -- I believe my
23 landman is on -- is listening in and if she could just
24 simply tell me because I don't know. I did not know
25 the dates that were available.

1 THE HEARING EXAMINER: Okay. And who
2 is your landman?

3 MS. PILGRIM: Hi. Yes.

4 MR. BRUCE: Kristine Pilgrim.

5 MS. PILGRIM: Yes. This is Kristine
6 Pilgrim from Burnett Oil Company.

7 THE HEARING EXAMINER: Yes.

8 MS. PILGRIM: I think that we'd
9 probably be okay with -- we are -- we are in
10 negotiations with -- with Riley right now, and we hope
11 to get it all straightened out here very shortly. So
12 hopefully, we can move on non-con contested in the
13 future. But I guess we could -- could we do a -- a
14 status conference first and then plan a day -- we're
15 hoping to get this taken care of.

16 THE HEARING EXAMINER: Why don't we do
17 this? Why don't we set it for May 27? And --

18 MS. PILGRIM: Okay.

19 THE HEARING EXAMINER: -- Mr. Bruce,
20 you could just file a motion if the parties agree --
21 make an agreement that, you know, obviates the need
22 for a contested hearing on May 27. And that's --
23 Ms. Pilgrim, we were asking if you were available on
24 either of those May dates. So is May 27 an
25 availability for you?

1 MS. HATLEY: Yes, sir. That's great.

2 THE HEARING EXAMINER: All right. So,
3 Mr. Bruce, what we'll do is we'll issue a pre-hearing
4 order for May 27. And if you settle your dispute with
5 Riley, just file a motion to dissolve the pre-hearing
6 order. And then what we'll do is you'll have to move
7 your case to the next hearing by affidavit docket.

8 MR. BRUCE: Okay. Okay. Thank you.

9 THE HEARING EXAMINER: Which would be
10 June --

11 MR. BRUCE: 5.

12 THE HEARING EXAMINER: -- which would
13 be June the 5th.

14 MR. BRUCE: Thank you.

15 THE HEARING EXAMINER: All right.
16 Anything further, Mr. Suazo?

17 MR. SUAZO: No, Mr. Examiner.

18 THE HEARING EXAMINER: Mr. Bruce?

19 MR. BRUCE: No, sir.

20 THE HEARING EXAMINER: All right.

21 Thank you.

22 MR. SUAZO: Thank you.

23 THE HEARING EXAMINER: You're welcome.

24 All right. Moving on to Permian

25 Resource. This is 25283 and 84. Entries of

1 appearance, please.

2 MS. MCLEAN: Yes. Jackie McClean on
3 behalf of Permian Resources.

4 THE HEARING EXAMINER: Thank you.

5 MS. BROGGI: Julia Broggi on behalf of
6 MRC Permian Company.

7 THE HEARING EXAMINER: Thank you.

8 MS. HATLEY: Keri Hatley, entering an
9 appearance on behalf of COG Operating and Concho Oil &
10 Gas.

11 THE HEARING EXAMINER: Thank you.

12 MS. KESSLER: Jordan Kessler on behalf
13 of EOG Resources.

14 THE HEARING EXAMINER: Okay. Thank
15 you.

16 And I'm assuming, Ms. Hatley and
17 Ms. Kessler, that you're monitoring?

18 MS. KESSLER: Correct.

19 THE HEARING EXAMINER: Okay.

20 MS. HATLEY: That's a great assumption.
21 You're correct.

22 THE HEARING EXAMINER: I'm getting used
23 to this now.

24 Ms. Broggi, did you file an objection
25 on behalf of your client?

1 MR. HOLLIDAY: Mr. Hearing Examiner,
2 real quick, one more. Ben Holliday, appearing on
3 behalf of Powderhorn EP.

4 THE HEARING EXAMINER: Powderhorn?

5 MR. HOLLIDAY: Yes, sir.

6 THE HEARING EXAMINER: Did you object,
7 sir?

8 MR. HOLLIDAY: No, sir. We're just
9 monitoring this case.

10 THE HEARING EXAMINER: Monitoring it.
11 Okay. Very good.

12 Ms. Broggi, back to you. Did you
13 object?

14 MS. BROGGI: Yes, we've objected.

15 THE HEARING EXAMINER: Okay. On what
16 basis?

17 MS. BROGGI: So I knew you were going
18 to ask me that; and I have to tell you, am not certain
19 of the substance of the objection. But what I do know
20 is that MRC has proposed different things to Permian,
21 and I think it's maybe too soon to really evaluate
22 whether they're going to reach an agreement on this.
23 But they would like more time and opportunity to be
24 able to reach some sort of resolution. So to the
25 extent a hearing is going to be set today, they have

1 asked to try to push it out as far as possible to
2 allow time to do that.

3 THE HEARING EXAMINER: All right. And,
4 Ms. Broggi, since you are not someone who participates
5 regularly with this docket, it's my practice to leave
6 it up to the applicant on how we want to proceed up to
7 a --

8 MS. BROGGI: Okay.

9 THE HEARING EXAMINER: -- up to a
10 point.

11 So, Ms. McLean, how do you want to
12 proceed?

13 MS. MCLEAN: Yes. We have a different
14 stance and would like to proceed to a hearing at the
15 first available hearing date because Permian Resources
16 does have a lease expiration that they're coming up
17 against in their spacing unit. And it's my
18 understanding that MRC hasn't actually sent out any
19 well proposals or anything. And we do have an actual
20 development plan in place, so we would like to proceed
21 as quickly as possible to hearing on this matter.

22 THE HEARING EXAMINER: Okay. Well, as
23 you may have caught on, we have some dates in May, and
24 we have some dates in July. Which month do you want
25 me to go over with?

1 MS. MCLEAN: What's the date -- what
2 are the dates in May?

3 THE HEARING EXAMINER: The dates in May
4 are the 13th and the 27th.

5 MS. MCLEAN: I just don't think we
6 would be able to get stuff together in time for the
7 13th because exhibits would be due.

8 THE HEARING EXAMINER: Sure.

9 MS. MCLEAN: You know, what -- could we
10 do the 27th? It would be a great birthday celebration
11 for us.

12 THE HEARING EXAMINER: Well, and for me
13 too. It'll be two days before mine, and I know yours
14 is close to mine.

15 Ms. Broggi, is it "Roggi" or "Berggi"?
16 I've been saying "Berggi" all this time.

17 MS. BROGGI: I pronounce it "Broggi."

18 THE HEARING EXAMINER: Well, I -- by
19 looking at the -- by looking at what you've put on the
20 screen, it should be pronounced "Broggi." I don't
21 know where I got "Berggi" from. I think I just heard
22 "Berggi," so I apologize -- all this time.

23 All right. Ms. Broggi, does May 27
24 work for you?

25 MS. BROGGI: I don't -- I mean, I don't

1 have information on whether that -- but, I mean, if
2 you're inclined to set it, I will bring it back to
3 the -- to our client. My only concern that is in my
4 head is I know that Adam Rankin is in that commission
5 hearing and I am pretty sure that it resumes that
6 week. Oh, no, maybe it's the week before.

7 THE HEARING EXAMINER: No. It'll be
8 over by then.

9 MS. MCLEAN: I think it's before.

10 MS. BROGGI: Maybe it's the week
11 before. Okay. That was the only reservation I had in
12 my head. So if May 27th is the date, I will relay
13 that information.

14 THE HEARING EXAMINER: I'm sure
15 Mr. Rankin will be thrilled to go from the last week
16 of that other hearing into another hearing, but --

17 MS. MCLEAN: Maybe we'll get a deal
18 going, you know.

19 THE HEARING EXAMINER: Exactly.
20 Exactly. Okay. All right.

21 So anything from any other party?
22 Okay. Got it.

23 MS. BRADFUTE: Not from Permian
24 Resources.

25 THE HEARING EXAMINER: Got it. All

1 right. Thank you.

2 So we'll issue a pre-hearing order, May
3 27th, contested hearing. Thank you very much. We're
4 off the record in that case.

5 Let's -- oh, and, actually, those were
6 two cases. That was 25283 and 84.

7 So we have one last case on today's
8 docket. It is 25288, and it looks like it's joined
9 with 89, but I don't know what happened. 89 doesn't
10 seem to be on our docket. I'm sure we'll figure out
11 why. Entries of appearance, please.

12 MS. BROGGI: Julia Broggi with Holland
13 & Hart on behalf of Mewbourne Oil Company.

14 THE HEARING EXAMINER: Thank you.

15 MS. BRADFUTE: Jennifer Bradfute with
16 Bradfute Sayer, on behalf of Coterra Energy.

17 THE HEARING EXAMINER: Thank you.

18 Ms. Bradfute, did you object?

19 MS. BRADFUTE: Yes, we did.

20 THE HEARING EXAMINER: Okay. Okay. On
21 what basis?

22 MS. BRADFUTE: On the basis of we did
23 not agree with Mewbourne's development plans and we
24 plan to submit competing proposals.

25 THE HEARING EXAMINER: And I now see

1 the note that Ms. Tschantz put in here, that Coterra
2 withdrew its objection for hearing by affidavit for
3 25289, which is on the May 8 docket, Ms. Broggi, in
4 case you didn't know that. Now I know it too.

5 Okay. So we're only dealing with one
6 contested case. Ms. Broggi, how do you want to
7 proceed?

8 MS. BROGGI: My directions are to
9 request a hearing as soon as possible on this one.

10 THE HEARING EXAMINER: Okay. All
11 right. So, now, I understand that Ms. Bradfute said
12 that they're sending out competing proposals.

13 Ms. Bradfute, any idea when they're
14 sending those out?

15 MS. BRADFUTE: I believe that they have
16 been sent out. I definitely need to circle back.
17 We're not ripe to file the applications quite yet, but
18 I believe the notice letters are pending.

19 The parties have been in negotiations,
20 and Mewbourne did send Coterra a counter proposal last
21 night. It was unfortunately after business hours, so
22 it's being evaluated this morning during the hearing.

23 THE HEARING EXAMINER: Sounds good.
24 Sounds good.

25 Well, let's see. If the -- let's say

1 that the 30 days from now would be the end of May. 20
2 days --

3 It looks like the earliest, Ms. Broggi,
4 that we could get this on our calendar would be the
5 July 1st special hearing docket. It would be trailing
6 at that point, but cases go away frequently. Does
7 July 1 work for you and your client?

8 MS. BROGGI: Yes, Mr. Hearing Examiner.

9 THE HEARING EXAMINER: Okay.

10 And Ms. Bradfute?

11 MS. BRADFUTE: I believe that should
12 work, but I'd like to be able to confer with Coterra,
13 if that's okay.

14 THE HEARING EXAMINER: Yeah. It's
15 always -- it's -- for those, the way I work it is if I
16 set a date and it doesn't work for the parties,
17 they'll submit a motion, explain -- with maybe an
18 affidavit to back it up, with some evidence to explain
19 why that date doesn't work, and propose another day.

20 MS. BRADFUTE: That sounds good. Yes.
21 Thank you, Mr. Hearing Examiner.

22 THE HEARING EXAMINER: All right.
23 We'll issue a pre-hearing order on -- for July 1st
24 contested hearing.

25 Ms. Broggi, anything further?

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MS. BROGGI: No. Thank you.

THE HEARING EXAMINER: All right.

Ms. Bradfute?

MS. BRADFUTE: No. Thank you.

THE HEARING EXAMINER: All right. And
that concludes our docket for today, and thank you
very much.

MS. BROGGI: Thank you.

THE HEARING EXAMINER: Bye-bye.

(Whereupon, at 10:01 a.m., the
proceeding was concluded.)

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CERTIFICATE

I, JAMES COGSWELL, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



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

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[broggi - communication]

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[thanks - valuable]

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