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

IN THE MATTER OF PROPOSED AMENDMENTS TO 19.15.2, 19.15.5, 19.15.8, 19.15.9, AND 19.15.25 NMAC

CASE NO. 24683

NEW MEXICO OIL AND GAS ASSOCIATION AND INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO JOINT REPLY TO APPLICANTS' RESPONSE TO JOINT MOTION TO STRIKE

Preliminary Statement

Applicants initially filed an application for rulemaking on June 25, 2024. On April 25, 2025, Applicants filed a Revised Application for rulemaking with further substantive modifications to its initial application. Six (6) weeks after the filing of its Revised Application, Applicants attempted to unilaterally and without leave introduce additional, substantive changes under a filing captioned "Notice of Errata," which New Mexico Oil and Gas Association ("NMOGA") and Independent Petroleum Association of New Mexico ("IPANM") jointly moved to strike.

Applicants filed their *Response* in opposition to the Joint Motion to Strike on June 23, 2025. In its *Response*, Applicants seek to both: (1) substantively amend their proposed changes to the New Mexico Administrative Code ("NMAC") beyond mere typographical corrections, and (2) to expand the scope of the notice of the rulemaking. *Response*, 1 & 2. Should the Commission permit Applicants' proposed revision to be accepted as "Errata" at this advanced stage of the proceeding, it would introduce procedural uncertainty, thereby prejudicing and materially impairing the ability of industry organizations such as NMOGA and IPANM—representing a combined membership of over 480 corporate and individual stakeholders—to fully assess and respond to the complex and potentially far-reaching impacts, both expressed and intended, of

Applicants' substantive modifications. This prejudice extends beyond the named parties in the matter by more broadly depriving New Mexico citizens of the opportunity to fully participate in the rulemaking, where members of the public would not otherwise know to look for proposed changes to operator registration requirements. The Commission should grant the Joint Motion to Strike of NMOGA and IPANM and reject the Applicants' proposed revisions as untimely and procedurally improper.

I. REPLY ARGUMENT TO APPLICANTS' RESPONSE

A. The Errata Effects Substantive Changes and is Not a Mere Clerical Correction

The New Mexico Oil and Gas Act (the "Act") governs the proposed amendments at issue. Under Article 2 of the Act, suitably titled "Article 2 Oil Conservation Commission; Division; *Regulation of Wells*" (emphasis added), the Oil Conservation Division (the "Division") and the Oil Conservation Commission (the "Commission") are granted concurrent jurisdiction and authority over all matters relating to the conservation of oil and gas. NMSA 1978, §§ 70-2-6 (A) & (B) (1999). Here, the proposed rulemaking by the Applicants' affects oil and gas *wells* directly by seeking to prevent their transfer. *Response*, 2. Applicant's proposal squarely falls within the scope of Article 2 of the Act. The Notice to the public regarding the rulemaking explicitly states, under the "legal authority" section, the proposed rule is authorized under Sections § 70-2-1 *through* 70-2-38 of the Act. *App's Ex. 2*, 1. Yet, the Applicants' question whether Section 70-2-39(B) of the Act applies. *Response,* 5.

Conveniently, the Applicants' would prefer Section 70-2-39(B) not apply to avoid procedural requirements, such as Errata corrections and their limited use, to continually amend in the manner of *l'esprit de l'escalier*.[1] However, a simple reading of the legislative history of SB-

[1] Merriam-Webster defines "l'esprit de l'escalier" as wit of the staircase; repartee thought of only too late, on the

553, the bill enacting § 70-2-39(B), reveals that the intent of the statute and associated fees is to "supplement the Oil and Gas Act, and not to replace."[2] Additionally, SB 553 intended to develop and modernize the Division's application processing system and online case management system, among other things. *Id.* at 3. Applicants' proposal is titled "Application…" and was filed online via the Division's case management system. Thus, Applicants cannot parse § 70-2-39(B) from the remainder of the Act so as not to apply to this case. Therefore, the Commission should not allow the kind of exploitation of procedural safeguards attempted presently by the Applicants' submission of "Errata." Consequently, amendments to its Revised Application by the Applicants must adhere to requirements of the complete Act, not merely the sections that are convenient.

Amendments of the type submitted by the Applicants in its *Errata* are not permissible under the Act. Section 70-2-39(B) allows changes under the narrow circumstances to cure "typographical" or "clerical errors" that do not materially modify the application. NMSA § 70-2-39(B) (1999). "Typographical errors" are those such as a misspelling, incorrect time periods or date stamps, or wrong document titles included within a filing. *Wagner v. Ansari (In re Vaughan Co.)*, 2014 U.S. Dist. LEXIS 199496, n.4.[3] A "clerical" error on the other hand, "[e]xists when without evident intention one word is written for another, when the statement of some detail is omitted the lack of which is not a cause of nullity, or when there are mistakes in proper names or amounts made in copying but which do not change the general sense of a record…." *Points v. Wills*, 44 N.M. 31, 38-39 (1939). Neither the Applicants' Initial Application nor the Revised Application included the language under 19.15.9.8.C(2) or 19.15.9.9.C.2 NMAC that allowed the

way home.

[2] S.B. 553, 2019 Gen. Assemb., Reg. Sess. (NM. 2019)(enacted).

[3] *Id.* (appropriately accepting a date change as errata); *see also Vilar v. Equifax Info. Servs., LLC,* 2014 U.S. Dist. LEXIS 179297 at n. 13 (describing how JPMorgan Chase Bank filed an Errata to change the title of a document in a proceeding).

Division to deny an operator registration application or well transfer if the applicant or new operator "is out of compliance with federal and state oil and gas laws and regulations in each state in which the applicant does business." *Initial Application* at Apps' Ex. 1-D; *see also Revised Application* at Apps' Ex. 1-D. As the added Errata language is neither a misspelling nor a low-level mistake or misfiling, the additional grounds to deny registration or well transfer amounts to a material modification and is therefore prevented from inclusion under the Act.

The Errata amendments drastically enlarge the scope of the Applicants' proposals, which they have had over a year to amend, resulting in a material shift from the Initial and Revised Applications. The Applicants propose to stifle inter- and intra-state commerce, and oil and gas transactions on two fronts, by denying well transfers from one operator to another and by preventing new operators from obtaining registration approval. *Response*, 3. Applicants argue that "[e]xpressly including compliance with federal and state oil and gas laws and regulations clarifies OCD's authority…but does not change that authority." *Id.* NMOGA and IPANM disagree. Section 70-2-6(A) of the Act provides:

> "The division shall have, and is hereby given, jurisdiction and authority over all matters relating to the conservation of oil and gas and the prevention of waste of potash as a result of **oil or gas operations in this state**. It shall have jurisdiction, authority and control of and over all persons, matters or things necessary or proper **to enforce effectively the provisions of this act or any other law of this state** relating to the conservation of oil or gas and the prevention of waste of potash as a result of oil or gas operations."

(emphasis added.) NMSA 70-2-6(A). The explicit addition of this vague Errata language would transform the authority of the *New Mexico* Oil Conservation Division to serve as the "National" Oil Conservation Division insofar as its ability to interpret and enforce the laws and regulations of other states for conduct of operations in those other states. After all, the Applicants' clearly stated purpose of the proposal is to "provide the Oil Conservation Division a regulatory means to…deny high risk registrations and transfers." *Response,* 2. While the Applicants' Initial and Amended

Application is already an egregious attempt to unlawfully expand the Division's authority, and the Errata unfairly truncates the rulemaking process and disadvantages NMOGA's and IPANM's ability to consult and prepare accordingly.

B. The Commission Must Require That Material Changes be Made by Motion, Not by Errata

The proposed rulemaking initiated by the Applicants' must follow the procedural requirements set forth in the State Rules Act ("SRA") and corresponding administrative regulations applicable to the Division. "The Division shall prescribe by rule its rules of order or procedure in hearings or other proceedings before under the Oil and Gas Act." NMSA 1978, § 70-2-7 (1999). When adopting rules pursuant to the Act, any rule shall be filed and published in accordance with the SRA. NMSA §§ 14-4-1-11 (2015). Any rule adopted by the Division or Commission under 19.15.3 NMAC (Oil and Gas—Rulemaking), along with the Commission order, shall be filed in accordance with the SRA, which are the default procedural rules. 19.15.3.15 NMAC. Accordingly, any rule proposed or adopted under the Act is procedurally valid only if promulgated in compliance with the SRA.

Under the SRA and default rulemaking procedures, amendments to proposed rules must fall within the scope of the noticed proceeding and cannot materially alter the substance or reach of the proposal. For state agencies that have not adopted their own procedural rules consistent with the SRA, default procedural rules for rulemaking apply. 1.24.25. NMAC (2018). An "amendment" means a change or modification to the existing text of a (proposed) rule. 1.24.1.7.A.(2). Any amendment within the proposed rulemaking must fall within the scope of the current rulemaking proceeding and any amendments that exceed the scope of the noticed rulemaking may require a new rulemaking proceeding. Here, neither the Initial Notice nor Revised Notice of Public Hearing or their supporting documents included the language provided in the Errata that included

19.15.9.8.C.(3) NMAC, as proposed by the Applicants, which provided the Division may deny registration as an operator if…(2) the applicant is out of compliance with federal and state oil and gas laws and regulations in each state in which the applicant does business. *Errata* at 1.

With the filing of the untimely Errata, the Applicants amended the scope of its proposals to expand to applicants, operators, businesses, and governments outside of New Mexico's boundaries. Accordingly, NMOGA and IPANM could not have reasonably expected that the change from the proposed rules due to the subject matter of the Errata being different from those previously published and the effect of the published rules differs from that of the Errata. Under 1.24.25.14.C.(1-3) NMAC, the Division may reject the proposed Errata. Because the Applicants' Errata introduced new regulatory consequences beyond the original scope and notice—impacting out-of-state actors and obligations—the Division has clear authority to reject the proposed Errata as procedurally improper.

The Applicants argue that, under *Independent Petroleum Ass'n of N.M. v. N.M. Environmental Improvement Bd.,* A-1-CA-40546, its amendments fall squarely within the scope of the proposed rulemaking. *Response*, 6. In *IPANM,* the Court determined that amendments by the Board were within the scope of the proposed rulemaking since proximity monitoring requirements for greenhouse gas ("GHGs") emissions were to be reduced…from sources in the oil and gas sector *located in areas of the State within the Board's jurisdiction*." (emphasis added.) *IPANM v. NM Env. Imp. Bd.,* ¶29-32. The notice in *IPANM* included an attachment with additional quarterly monitoring requirements than those discussed in the notice. *Id.*

The situation at hand is not analogous to that in *IPANM.* First, the scope of the amendments proposed by the Applicants expand their effect from within New Mexico to jurisdictions nationwide, whereas the agency in *IPANM* remained focused only on sectors "within the State."

Second, affected parties in *IPANM* could foresee additional monitoring requirements being included in more detail in appended documents related to GHGs as part of the rulemaking. Unlike *IPANM,* an applicant or operator in New Mexico could not foresee the Division having authority to interpret federal or sister state as part of the proposed Application. To be registered with the Division in New Mexico, must an applicant be in full compliance with Colorado standards? California standards? Alaska? As interpreted by the Division? The Applicants' claim its goal is not to "create a mere paperwork exercise by requiring oil and gas operators to simply certify their compliance with federal and state oil and gas laws in other states…" *Response,* 4.

Yet, that is exactly what Applicants seek to create, an exercise not only burdening the Division, with already strapped resources, with probing inquiries into the business affairs of private parties, but also for neighboring States and agencies who may or may not choose to adhere to a regulation that impacts their activities but is not grounded in any valid legal means. Conversely, if another state requires less stringent regulations on an applicant's registration or regarding a potential transfer, may the Division permit such actions without running afoul of the proposals set forth by the Applicants? The obstructionist nature of the Errata is boundless and will only serve to hinder oil and gas at every juncture and its effects far exceed the original and amended proposals as noticed.

The Applicants' use of Errata to amend the scope of the Revised Application is improper and the Division should require a motion to be filed by the Applicants for the proposed amendments or, alternatively, reject the impacted Errata in part or in whole, or require a new notice and hearing.

C. Applicants' Misplace its Reliance on the Iterative Nature of Rulemaking

The Act requires the Division to create rules governing the procedure to be followed in hearings and other proceedings before it. NMSA 1978 § 70-2-7. The Commission promulgated separate procedural rules for rulemaking hearings and adjudicatory hearings. *Compare* 19.15.3.9 NMAC with 19.15.4.9 NMAC. Before any rule, regulation, or order is adopted, the Commission must first hold a hearing on the matter. NMSA 1978 § 70-2-23. The Commission must give "reasonable notice" that a hearing is taking place. *Id*. The right to receive notice and a hearing before the adoption of a rule is a statutory right. *Livingston v. Ewing*, 1982-NMSC-110, ¶ 14, 652 P.2d 235. "The 'reasonable notice' mandate should circumscribe whatever . . . rules are promulgated for the purpose of notifying interested persons." *Johnson v. N.M. Oil Conservation Comm'n*, 1999-NMSC-021, ¶ 23, 978 P.2d 327.

In *Johnson*, a mineral interest owner was denied reasonable notice of a force pooling order by the Division and had their rights limited in the participation and drilling of wells when it was deprived of actual notice of the substance and timing of the proceedings that were to dispose of the interests amongst another party. The Court held that reasonable notice was denied. Here, the Applicants withheld the provisions contained in the Errata twice, once in the Initial Application and again in the Revised Application. Only after two public notices were issued covering the substance of the rules did the Applicants' finally provide the Errata provisions that, while relying on the same regulatory framework as previous rule proposals, added an entirely new element to the rule change not previously noticed or communicated to NMOGA, IPANM or the public. As such, reasonable notice requirements under the APA are violated.

Agency rulemakings create generally applied standards to which an agency and individuals are held. *Uhden v. N.M. Oil Conservation Comm'n*, 1991-NMSC-089, ¶ 7, 817 P.2d 721. Save for "interpretive rules"—a means of communicating to an agency's staff and affected members of the

public the agency's current views with respect to the proper interpretation of its statutes and legislative rules—all other rules and rulemakings require notice-and-comment. *Princeton Place v. N.M. Human Servs. Dep't*, 503 P.3d 319, 328-329 (2021). Agencies are required to give notice of proposed action regarding the adoption, amendment or repeal of any rule. *Rivas v. Bd. of Cosmetologists,* 101 N.M. 592, 593 (1984). All interested parties must be given the opportunity to present data, views, arguments and witnesses. NMSA 1978, § 12-8-4(A).

The Applicants attempt to replace the normal notice and comment processes with its own perpetually changing "iterative" process for the proposed rulemaking that curtails NMOGA's and IPANM's ability to participate fully in the process. The late filed Errata prejudices the members of NMOGA and IPANM by truncating the amount of time available for preparation, data analysis, argument evaluation, and witness outreach. NMOGA and IPANM must respond to each revision with fact-based, technical witness testimony which require significant time and resources as a party bearing the burden of now evaluating information, regulations, and experts who have nationwide expertise as a result of the broadened scope.

The Applicants would rather keep the potential to add increased proposals open, so as to undermine notice and fairness. *Response*, 6. In claiming the Division's prehearing order allows such open-ended amendments, the Applicants misstate the order's directives, which states "Any person intending to propose a modification to the *proposed* amendments…shall file a Pre-hearing Statement." *Prehearing Order No. R-23861,* ¶ 2 (June 12, 2025) (emphasis added). Here, the shoehorned amendments provided in the Errata by the Applicants were never legitimately proposed under the notice and comment procedures under the APA or other applicable Acts or regulations. Such lack of circumscription, material changes, and reasonable notice to NMOGA and IPANM render the national certification amendments in the Errata procedurally defective, as

neither NMOGA nor IPANM had or could have had notice of the substantial changes planned by the Applicants.

D. Applicants' Proposed Amendments Exceed the Scope of the Noticed Rulemaking

1.24.25.14(C) NMAC explains that an "agency may adopt, amend or reject [a] proposed rule" and clarifies that "[a]ny amendments to the proposed rule must fall within the scope of the current rulemaking proceeding [and that a]mendments that exceed the scope of the noticed rulemaking may require a new rulemaking proceeding." Also, it clarifies that a final rule may fall outside the scope of the noticed rulemaking if:

> (1) any person affected by the adoption of the rule, if amended, could not have reasonably expected that the change from the published proposed rule would affect the person's interest;
>
> (2) subject matter of the amended rule or the issues determined by that rule are different from those in the published proposed rule; or
>
> (3) effect of the adopted rule differs from the effect of the published proposed rule.

Id. Again, the Applicants' Errata fails multiple parts of amendments test under 1.24.25.14.(C)(1-3). For example, in the Errata, the Applicants amend their Revised Application only so far as it relates to the operator registration proposals, adding the nationwide certification requirements under 19.15.9.8.C.(2) NMAC, whereas the Notice of Hearing provides that the proposed rules "set forth requirements for *transfer* of wells to better protect the state against the transfer of wells that could become orphaned" and "modify well transfer requirements at 19.15.9 NMAC to better protect against risks to the state against wells becoming orphaned…." *Response*, 7. Nowhere does the notice include language regarding operator registrations. *Notice of Public Hearing for*

Proposed Rulemaking (May 19, 2025). The Errata specifically covers additional and new operator registration requirements. Thus, potential new operators and entrants into the New Mexico oil and gas industry (in addition to existing operators) previously unaffected by the proposed rules, are now impacted by the Applicants' Errata. That alone establishes that the Applicants exceeded the scope of the rulemaking under 1.24.25.14(C)(1) NMAC.

As previously discussed, the addition of the nationwide certification language impacts the public at large. Such deviation from the Notice offers no indication to the general public regarding the sudden change in operator registration requirements. Where the Initial and Revised Application remained focused on the impacts within the State of New Mexico, the Errata now has the practical and legal effect of making the adopted rule differ significantly from the effect of the published proposed rule. Resultingly, 1.24.25.14(C)(2) NMAC functions to prevent the proposals contained in the Errata from being included in the Revised Application proposals.

E. Applicants' Errata Prejudices Both NMOGA and IPANM, and Bypass Procedural Fairness

Due process requires that notice in administrative rulemakings and proceedings be reasonably calculated, under all the circumstances to inform the parties of the action and afford them an opportunity to be heard, and based on fairness and regularity. In *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 70 S.Ct. 652, 94 L.Ed. 865 (1950), the United States Supreme Court stated that "[a]n elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." 339 U.S. at 314, 70 S.Ct. at 657. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it." *Id.* at 315, 70 S.Ct.

at 657; *see also Uhden v. N.M. Oil Conservation Comm'n*, 112 N.M. 528, 530 (Sept. 24, 1991). The due process requirements of fairness and reasonableness as stated in *Mullane* are echoed in the case law of this state. *Id.* Administrative proceedings must conform to fundamental principles of justice and the requirements of due process of law. *Id.* The essence of justice is largely procedural. *Id* at 531. Procedural fairness and regularity are the indispensable essence of liberty. *In re Miller*, 88 N.M. 492, 496, 542 P.2d 1182, 1188 (Ct.App.1975).

Here, the time afforded to NMOGA and IPANM to prepare for and present their cases in response to the Applicants' Revised Application has effectively been cut in half by the late filed Errata, from 3 months to 6 weeks. By unlawfully excluding majorly impactful rule changes from normal and fair procedures resulting in the denial of the right to discovery, inquiry, and preparation, the Applicants' Errata curtailed NMOGA's and IPANM's right to be heard and to present any defense. In so doing, Applicants deprived NMOGA and IPANM of their constitutionally guaranteed right to procedural due process.

II. CONCLUSION

Applicants' use of an "Errata" to introduce sweeping, out-of-scope regulatory changes violates the procedural safeguards mandated by the Oil and Gas Act, the State Rules Act, and fundamental due process. These late-filed amendments materially alter the substance, scope, and effect of the proposed rulemaking without providing fair notice or opportunity for meaningful participation by NMOGA, IPANM, or the regulated community.

NMOGA and IPANM request that the Commission strike the Applicants' Errata from the record, and order that the Parties move forward with rulemaking as proposed by the Revised Application filed April 25, 2025.

In the alternative, if the Commission is inclined to adopt and incorporate the Applicants'

Errata as a Second Revised Application, NMOGA and IPANM respectfully request the Commission either (1) reschedule the Rulemaking Hearing to allow the initial response time between Application Filing and Direct Testimony Deadlines, or (2) Amend the Notice of Hearing and pre-hearing Order to afford the same, making Direct Testimony due September 2, 2025, and Rebuttal Testimony due October 14, 2025.

Respectfully submitted,

By: */s/ - Miguel A. Suazo*
Miguel A. Suazo
James P. Parrot
James Martin
Jacob L. Everhart
500 Don Gaspar Ave.,
Santa Fe, NM 87505
(505) 946-2090
msuazo@bwenergylaw.com
jparrot@bwenergylaw.com
jmartin@bwenergylaw.com
jeverhart@bwenergylaw.com

Attorneys for New Mexico Oil and Gas Association

By: */s/ - Andrew J. Cloutier*
Andrew J. Cloutier
Ann Cox Tripp
Hinkle Shanor LLP
P.O. Box 10
Roswell, NM 88202-0010
acloutier@hinklelawfirm.com
atripp@hinklelawfirm.com

Attorneys for Independent Petroleum Association of New Mexico

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served to counsel of record by electronic mail this 3rd day of July 2025, as follows:

Tannis Fox
Senior Attorney
Morgan O'Grady
Staff Attorney
Western Environmental Law Center
409 East Palace Avenue, #2
Santa Fe, New Mexico 87501
505.629.0732
fox@westernlaw.org
ogrady@westernlaw.org

Kyle Tisdel
Managing Attorney
Western Environmental Law Center
208 Paseo del Pueblo Sur, #602
Taos, New Mexico 87571
575.613.8050
tisdel@westernlaw.org

Matt Nykiel
Staff Attorney
Western Environmental Law Center
224 West Rainbow Boulevard, #247
Salida, Colorado 81201
720.778.1902
nykiel@westenlaw.org
Attorneys for Applicants Western Environmental Law Center, Citizens Caring for the Future, Conservation Voters New Mexico Education Fund, Diné C.A.R.E., Earthworks, Naeva, New Mexico Interfaith Power and Light, San Juan Citizens Alliance, and Sierra Club.

Jesse Tremaine
Chris Moander
Assistant General Counsels
New Mexico Energy, Minerals, and Natural Resources Department
1220 South St. Francis Drive
Santa Fe, New Mexico 87505
jessek.tremaine@emnrd.nm.gov
chris.moander@emnrd.nm.gov
Attorneys for Oil Conservation Division

Michael H. Feldewert
Adam G. Rankin
Paula M. Vance
P.O. Box 2208
Santa Fe, New Mexico 87504
mfeldewert@hollandhart.com
agrankin@hollandhart.com
pmvance@hollandhart.com
Attorneys for OXY USA Inc.

Andrew J. Cloutier
Ann Cox Tripp
Hinkle Shanor LLP
P.O. Box 10
Roswell, New Mexico 88202-0010
acloutier@hinklelawfirm.com
atripp@hinklelawfirm.com
Attorneys for Independent Petroleum Association of New Mexico

Jennifer L. Bradfute
Matthias Sayer
Bradfute Sayer P.C.
P.O. Box 90233
Albuquerque, New Mexico 87199
jennifer@bradfutelaw.com
matthias@bradfutelaw.com

Felicia Orth
Hearing Officer
New Mexico Energy, Minerals, and Natural Resources Department
Wendell Chino Building
1220 South St. Francis Drive
Santa Fe, New Mexico 87505
Felicia.l.orth@gmail.com
Oil Conservation Commission Hearing Officer

Zachary A. Shandler
Assistant Attorney General
New Mexico Department of Justice
P.O. Box 1508
Santa Fe, New Mexico 87504
zshandler@nmdoj.gov
Oil Conservation Commission Counsel

Mariel Nanasi
Lead Attorney and Executive Director
New Energy Economy
422 Old Santa Fe Trail, Santa Fe, NM 87501
505-469-4060 (cell)
MNanasi@NewEnergyEconomy.org
Attorney for New Energy Economy

Nicholas R. Maxwell
P.O. Box 1064
Hobbs, New Mexico 88241
inspector@sunshineaudit.com

Pro Se Interested Party

Jordan L. Kessler
EOG Resources, Inc.
125 Lincoln Avenue, Suite 213
Santa Fe, New Mexico 87501
Jordan_kessler@eogresources.com
Attorneys for EOG Resources, Inc.

Sheila Apodaca
New Mexico Energy, Minerals, and Natural Resources Department
Wendell Chino Building
1220 South St. Francis Drive
Santa Fe, New Mexico 87505
occ.hearings@emnrd.nm.gov
Oil Conservation Commission Clerk

Miguel A. Suazo
James P. Parrot
James Martin
Jacob L. Everhart
500 Don Gaspar Ave.,
Santa Fe, NM 87505
(505) 946-2090
msuazo@bwenergylaw.com
jparrot@bwenergylaw.com
jmartin@bwenergylaw.com
jeverhart@bwenergylaw.com
Attorneys for New Mexico Oil and Gas Association

/s/ - Andrew J. Cloutier
Andrew J. Cloutier
Ann Cox Tripp