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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. 25222, 25225, 25375,
25352, 25338, 25349, 25350,
25351, 25313, 25333, 25334,
25388, 25390, 25391, 25393,
25409, 25365, 25383, 25384,
25385, 25386, 25387, 25394,
25325, 25372, 25373, 25374,
25395, 25396, 25397, 25398,
25315, 25406, 25377

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HEARING

DATE: Thursday, June 5, 2025

TIME: 9:00 a.m.

BEFORE: Hearing Examiner Gregory Chakalian
Technical Examiner Dean McClure
Technical Examiner Andrew Fordyce

LOCATION: EMNRD - Oil Conservation Division
1220 South Saint Francis Drive,
Pecos Hall, 1st Floor
Santa Fe, New Mexico 87505

In-Person hearing with Hybrid Capabilites
via MS Teams

REPORTED BY: PAUL BACA, CCR #112
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APPEARANCES

FOR OXY USA, CHASE OIL COMPANY, CHEVRON USA, MRC HAT
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PRODUCTION, MEWBOURNE OIL COMPANY, MRC PERMIAN
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1 HEARING EXAMINER CHAKALIAN: Good morning.
2 It is approximately 9:00 a.m. on June 5. This is
3 the first docket of the month. It is the hearing by
4 affidavit docket, however some of the cases have
5 been objected to at the last minute and we will deal
6 with those first as status conferences.

7 So the first two cases I am going call are
8 the Oxy USA cases. That is 25222 and 25225.

9 Entries of appearance, please.

10 MS. VANCE: Good morning, Mr. Hearing
11 Examiner, Paula Vance with the Santa Fe offices of
12 Holland & Hart on behalf of the applicant, Oxy.

13 HEARING EXAMINER CHAKALIAN: Thank you.

14 MS. HARDY: Good morning, Mr. Examiner,
15 Dana Hardy with Hardy McLane on behalf of Burlington
16 Resources Oil & Gas, LP, COG Production, LLC and COG
17 Operating, LLC.

18 MS. BRADFUTE: Good morning, Mr. Examiner,
19 Jennifer Bradfute with Bradfute Sayer on behalf of
20 EOG Resources.

21 HEARING EXAMINER CHAKALIAN: You said EOG?

22 MS. BRADFUTE: Yes.

23 HEARING EXAMINER CHAKALIAN: Thank you.

24 And are those all the parties, Ms. Vance,
25 that you know of?

1 MS. VANCE: That's correct.

2 HEARING EXAMINER CHAKALIAN: All right.

3 Thank you.

4 Let me go with you, Ms. Hardy, first and
5 then I will come back to you, Ms. Vance.

6 Ms. Hardy, did you object?

7 MS. HARDY: Yes, I believe that we did. I
8 think we worked out an agreement with Oxy. So it is
9 my understanding that Oxy is agreeing to amend its
10 application and --

11 HEARING EXAMINER CHAKALIAN: We will get
12 to you in a minute, Ms. Vance. Let me just finish
13 with Ms. Hardy.

14 Ms. Hardy did you enter an objection in
15 writing in this case?

16 MS. HARDY: I don't know that we
17 actually --

18 HEARING EXAMINER CHAKALIAN: Because I
19 wasn't aware that you did.

20 MS. HARDY: Maybe we didn't actually
21 object.

22 I don't believe we objected.

23 HEARING EXAMINER CHAKALIAN: I didn't
24 think you did. But you entered an appearance in the
25 case.

1 MS. HARDY: Yes.

2 HEARING EXAMINER CHAKALIAN: Okay. You
3 are saying now that if you were going to object that
4 reason is no longer there.

5 MS. HARDY: Well, I think that Oxy has
6 agreed to certain conditions in its order. So if
7 they had not entered into that agreement, then we
8 would object.

9 HEARING EXAMINER CHAKALIAN: Okay. I see.
10 I understand.

11 Okay, very good. Ms. Bradfute.

12 MS. BRADFUTE: EOG also agreed to the
13 conditions. So Oxy is going to put in those
14 conditions into its exhibits, which I believe it has
15 already done and then we want the order to reflect
16 the conditions.

17 HEARING EXAMINER CHAKALIAN: You want the
18 order to reflect the conditions. I am not sure that
19 the Division works that way.

20 MS. BRADFUTE: There are certain items
21 that are different from the application. So items
22 that were stated in the application are going to be
23 changed in the exhibits and all the parties have
24 stipulated to it.

25 HEARING EXAMINER CHAKALIAN: Okay. That

1 makes more sense, then.

2 Ms. Vance.

3 MS. VANCE: That is all correct. We have
4 agreement on certain conditions and plan to go to
5 hearing and provide testimony that reflects that and
6 request that those conditions appear in the order.

7 HEARING EXAMINER CHAKALIAN: That makes
8 sense, okay. So when are we going to receive --
9 well, so you said -- it is my understanding from
10 Ms. Hardy and Ms. Bradfute that you are going to
11 amend your application.

12 MS. VANCE: We do not plan to amend our
13 application. We would like to move forward as-is,
14 but we will request that the conditions are included
15 in the order.

16 HEARING EXAMINER CHAKALIAN: Okay.
17 Ms. Hardy.

18 MS. HARDY: That's correct. I believe
19 that they are basically amending what they have
20 asked for in the application through their hearing.
21 I believe that is the plan.

22 HEARING EXAMINER CHAKALIAN: Are you going
23 to participate at the hearing, Ms. Hardy?

24 MS. HARDY: We would enter an appearance.
25 We would maintain our appearance and monitor the

1 case, but we would not plan to present evidence.

2 HEARING EXAMINER CHAKALIAN: Okay. But
3 you will be there for cross-examination if
4 necessary?

5 MS. HARDY: If necessary, yes. I won't
6 expect we will have cross-examination as long as the
7 conditions that we have agreed to are included in
8 their proposal.

9 HEARING EXAMINER CHAKALIAN: Ms. Bradfute.

10 MS. BRADFUTE: The same.

11 HEARING EXAMINER CHAKALIAN: Okay.
12 Ms. Vance, when do you want this case to be heard?

13 MS. VANCE: We would like to request
14 either July 24th or August 7th.

15 HEARING EXAMINER CHAKALIAN: I didn't know
16 about those dates. Have those been offered already?

17 MS. VANCE: No. But that is when I have
18 witness availability. I came prepared.

19 HEARING EXAMINER CHAKALIAN: Ms. Tschantz.

20 MS. BRADFUTE: Ms. Bradfute.

21 HEARING EXAMINER CHAKALIAN: I am not
22 asking you, Ms. Bradfute, I am asking --

23 MS. CHANCE: We can do July 10 or
24 August 7.

25 HEARING EXAMINER CHAKALIAN: That's what I

1 thought. We don't have July 24 as a possible date.

2 MS. VANCE: Okay. Can we do the August 7,
3 then.

4 HEARING EXAMINER CHAKALIAN: I don't see
5 why not. Ms. Tschantz, is that open?

6 MS. CHANCE: Yes. That is our hearing by
7 affidavit docket.

8 HEARING EXAMINER CHAKALIAN: I don't want
9 to have this on a hearing by affidavit docket. I
10 want to have this separately either as a special --
11 we have a -- if everyone would turn off their
12 microphones on their laptops, it will be helpful.

13 Ms. Vance, I don't want to hear this on a
14 day where we have regular docket. I want to hear
15 this on a trailing docket or on its own.

16 So, Ms. Tschantz, what dockets do we
17 have -- you asked for what dates, Ms. Vance?

18 MS. VANCE: The other date was July 24.

19 HEARING EXAMINER CHAKALIAN: What was the
20 first date?

21 MS. VANCE: Well, it was July 24 and
22 August 7. But if it is not August 7, if you could
23 provide some dates I can confer with my client and
24 confer when we would have witness availability.

25 HEARING EXAMINER CHAKALIAN: Okay. Are

1 you looking for end of July beginning of August, is
2 that what you are looking for?

3 MS. VANCE: Yes.

4 HEARING EXAMINER CHAKALIAN: Ms. Tschantz.

5 MS. CHANCE: We can do it July 15. I
6 don't know if that is too early. That would be a
7 trailing docket or Tuesday, August 12.

8 HEARING EXAMINER CHAKALIAN: How are those
9 two days?

10 MS. VANCE: I will e-mail my client right
11 now and see if I can get an answer by the end of the
12 hearing.

13 HEARING EXAMINER CHAKALIAN: Then we will
14 issue a prehearing order to get that taken care of.

15 Anything further, Ms. Vance?

16 MS. VANCE: No.

17 HEARING EXAMINER CHAKALIAN: Any other
18 party?

19 MS. HARDY: No, thank you.

20 HEARING EXAMINER CHAKALIAN: All right.
21 We are off the record in these two cases.

22 Moving on to Mack Energy. This is case
23 25375.

24 Entry of appearance, please.

25 MS. VANCE: Good morning, Mr. Hearing

1 Examiner, Paula Vance with the Santa Fe office of
2 Holland & Hart on behalf of the applicant, Mack Oil
3 and Chase Oil Corporation. They are sister
4 entities.

5 HEARING EXAMINER CHAKALIAN: Are there any
6 other parties?

7 MS. VANCE: No.

8 HEARING EXAMINER CHAKALIAN: Please
9 proceed.

10 MS. VANCE: This is just a request for
11 extension. In the hearing packet we included a copy
12 of the application, the original order. We also
13 included a self-affirmed statement from landman
14 Derrick Smith. He has previously testified before
15 the Division. His credentials have been accepted as
16 a matter of record.

17 We did provide an updated pooling exhibit
18 because they reached -- Mack reached voluntary
19 agreement, I believe, with one of the parties. And
20 then I have also included a self-affirmed statement
21 of notice with a sample letter that was timely
22 mailed out on May 16, 2025.

23 And then the affidavit of notice of
24 publication which was published timely May 22, 2025.

25 Unless there are any questions, I would --

1 well, I guess I will point to the good cause, real
2 quick, sorry about that.

3 So, Mack is working with the State Land
4 Office on an approval related to, I believe
5 saltwater injection. So it is just working on some
6 infrastructure related to the development.

7 Again, unless there are any questions, I
8 would ask that the exhibits and sub-exhibits be
9 admitted into the record and the case be taken under
10 advisement.

11 HEARING EXAMINER CHAKALIAN: Without
12 objection.

13 (Exhibit admitted into evidence.)

14 HEARING EXAMINER CHAKALIAN: Mr. McClure,
15 any questions?

16 MR. McCLURE: Yes, I do, Mr. Examiner, for
17 Ms. Vance in regards to notice.

18 HEARING EXAMINER CHAKALIAN: Okay.

19 MR. McCLURE: Ms. Vance, does it appear
20 that public notice was required in this case?

21 MS. VANCE: No, it does not because all of
22 the notice was delivered. But we did include it,
23 again, it is just sort of a standard practice that I
24 put it in there, but I have been busy. I have a
25 colleague that is out on a very well deserved

1 sabbatical, and so had I looked at this a little bit
2 closer I probably would have dropped that notice of
3 publication.

4 MR. McCLURE: Ms. Vance, it is not
5 necessary to drop the notice of publication, I just
6 need you to verbally confirm for me that you do
7 believe that is not required.

8 In this particular instance, the Division
9 is in agreement with you that it wasn't required.
10 In this case, the public notice, the reason I ask is
11 it was not sufficient because of the date.

12 MS. VANCE: Oh, yes, I believe it may have
13 been one day late.

14 MR. McCLURE: That's correct. Thank you,
15 Ms. Vance.

16 Mr. Hearing Examiner, I have no further
17 questions and we should take the case under
18 advisement.

19 HEARING EXAMINER CHAKALIAN: We will take
20 the case under advisement. We are off the record.

21 We are moving on now to Number 12 Chevron
22 USA 25355.

23 Entry of appearances, please.

24 MS. VANCE: I have one question.

25 Which hearing date am I continuing to

1 for --

2 HEARING EXAMINER CHAKALIAN: So the
3 August 7, I believe.

4 MS. CHANCE: To the July 10.

5 HEARING EXAMINER CHAKALIAN: I'm sorry.
6 Thank you. You said July 10?

7 MS. CHANCE: Correct.

8 HEARING EXAMINER CHAKALIAN: Thank you.
9 July 10.

10 MS. VANCE: Thank you.

11 HEARING EXAMINER CHAKALIAN: Entry of
12 appearances.

13 MS. VANCE: Good morning, Mr. Hearing
14 Examiner, Paula Vance with the Santa Fe office of
15 Holland & Hart on behalf of the applicant, Chevron
16 USA.

17 HEARING EXAMINER CHAKALIAN: Thank you.
18 Are there any other parties that you know
19 of?

20 MS. VANCE: No.

21 HEARING EXAMINER CHAKALIAN: Okay. Please
22 proceed.

23 MS. VANCE: This is pretty straight
24 forward. I am glad to see Mr. McClure. He is
25 familiar with this application and I believe is

1 familiar with Chevron's separate administrative
2 application for commingling.

3 We are simply here today to request an
4 amendment to an existing order. That order is
5 R-20250. Under that order the Javelina unit is
6 approved but it also approved surface commingling
7 for oil and gas production for both the Bone Spring
8 and the Wolfcamp.

9 What we are simply asking here today is to
10 dismiss the commingling authority under that order
11 and that it will simultaneously, once it is reviewed
12 administratively, will get approval for that and so
13 there is a twofold action here and I believe
14 Mr. McClure is familiar with it.

15 Anyway, we have provided a self-affirmed
16 statement of notice which was timely in a sample
17 letter that went out of the notice which was timely
18 mailed on April 18, 2025. And then a notice of
19 publication that was timely published on April 22,
20 2025.

21 I did not include any statement, but we do
22 have our landman available should the Technical
23 Examiner or the Hearing Examiner have any questions.

24 Unless there are any questions, I would
25 ask that you take the exhibits under advisement at

1 this time.

2 HEARING EXAMINER CHAKALIAN: Thank you.
3 Without objection.

4 (Exhibits admitted into evidence.)

5 HEARING EXAMINER CHAKALIAN: Mr. McClure.

6 MR. McCURE: No questions for this case,
7 Mr. Hearing Examiner.

8 HEARING EXAMINER CHAKALIAN: This case
9 will be taken under advisement. Thank you.

10 Let's move on to 25338, Civitas Permian.
11 Entry of appearance, please.

12 MS. VANCE: Good morning.

13 MR. RODRIGUEZ: Good morning. Michael
14 Rodriguez on behalf of the applicant, Civitas
15 Permian Operating, LLC.

16 HEARING EXAMINER CHAKALIAN: Mr. Rodriguez
17 before I hear from any other parties, this case
18 relates to other cases, but it is not joined.

19 Do you want me to call those cases at this
20 time?

21 MR. RODRIGUEZ: No. I think they should
22 be heard separately.

23 HEARING EXAMINER CHAKALIAN: We will keep
24 it just as one case.

25 Are there any other entries of appearance

1 in this case?

2 MS. VANCE: Yes. Good morning,
3 Mr. Hearing Examiner, Paula Vance of the Santa Fe
4 office of Holland & Hart on behalf of MRC Hat and
5 Mesa, and I am representing COG, but in separate
6 applications. I don't believe we actually filed an
7 entry of appearance. Oh, we did, I'm sorry. My
8 colleague might have done, Mr. Rankin might have
9 done that while I was out. So, yes, on behalf of
10 MRC and COG.

11 Thank you.

12 MR. RODRIGUEZ: I do not believe that you
13 did for COG.

14 MS. VANCE: That is what I am saying. Did
15 we --

16 HEARING EXAMINER CHAKALIAN:
17 Mr. Rodriguez.

18 MR. RODRIGUEZ: I don't see it in the case
19 record.

20 HEARING EXAMINER CHAKALIAN: You don't see
21 what?

22 MR. RODRIGUEZ: I'm sorry, an entry of
23 appearance for COG. I see that there is a file on
24 behalf of the parties but COG but there was no
25 notice of entry of appearance.

1 HEARING EXAMINER CHAKALIAN: So then
2 Ms. Vance is representing MRC; is that correct?

3 MS. VANCE: MRC, yes, but we are
4 representing COG, I can file an entry of appearance
5 so it is on the record.

6 HEARING EXAMINER CHAKALIAN: But verbally
7 today you are entering for both?

8 MS. VANCE: Correct.

9 HEARING EXAMINER CHAKALIAN: Okay.
10 Mr. Rodriguez.

11 MR. RODRIGUEZ: For what it is worth, in
12 both of these sets of cases, neither party is being
13 pooled and there has already been a voluntary
14 agreement executed for both of those parties.

15 HEARING EXAMINER CHAKALIAN: Okay. Are
16 you presenting the case today, Mr. Rodriguez?

17 MR. RODRIGUEZ: I will be.

18 HEARING EXAMINER CHAKALIAN: Please
19 proceed.

20 MR. RODRIGUEZ: Thank you.

21 So in this case Civitas seeks an order
22 pooling all community interests in a portion of the
23 Bone Spring, which I will elaborate on shortly.

24 The request in spacing unit is 480 acres
25 from the southeast quarter of Section 3 in the east

1 half of Section 10, Township 25 South, Range 35
2 East, and seeks to dedicate this unit to its first
3 two wells.

4 There is not an ownership depth severance
5 in the Bone Spring but rather, like I alluded to
6 earlier, COG entered into an agreement where Civitas
7 will develop the top of the Bone Spring formation to
8 the base of the Second Bone Spring interval and COG
9 will hold the lower Bone Spring in the Wolf Camp.

10 And those cases pertaining to the COG
11 cases pertaining to Items 9 through 11 on today's
12 docket.

13 And the exhibits included are Exhibit A
14 testimony of the manager, Sean Johnson and related
15 Exhibits.

16 Exhibit B is the testimony of geologist
17 Shane Finnegan and related exhibits.

18 Both witnesses have testified before the
19 Division as experts in their respective disciplines.

20 And Exhibit C contains my self-affirmed
21 statement of notice containing those were sent by
22 certified mail on April 17, 2025, and published on
23 April 18, 2025.

24 And with that, I request all exhibits be
25 admitted into the record and this case be taken

1 under advisement.

2 HEARING EXAMINER CHAKALIAN: Without
3 objection.

4 Mr. Fordyce, you are the technical
5 examiner for this case.

6 MR. FORDYCE: Yes.

7 HEARING EXAMINER CHAKALIAN: Are you also
8 the technical examiner for the next three cases as
9 well?

10 MR. FORDYCE: Yes, Mr. Hearing Examiner.

11 HEARING EXAMINER CHAKALIAN: Do you have
12 any questions for the witnesses in this case?

13 MR. FORDYCE: Yes. I have questions for
14 the landman.

15 HEARING EXAMINER CHAKALIAN: Perfect.
16 Let's get the landman on the camera and sworn in.

17 MR. RODRIGUEZ: I apologize. Mr. Johnson
18 is the witness in this case, however, he has a
19 personal matter and he is unavailable today.
20 However, I do have Chad Matney standing in. He is
21 familiar with these matters.

22 HEARING EXAMINER CHAKALIAN: Okay. Let's
23 get Mr. Matney.

24 Mr. Matney, would you raise your right
25 hand, please.

1 (Whereupon the witness was sworn.)

2 HEARING EXAMINER CHAKALIAN: State and
3 spell your name for the record.

4 THE WITNESS: Chad, C-H-A-D, last name
5 Matney, M-A-T-N-E-Y.

6 HEARING EXAMINER CHAKALIAN: You have been
7 accepted by this Division as an expert in what
8 field?

9 THE WITNESS: In land.

10 HEARING EXAMINER CHAKALIAN: Thank you.
11 Please proceed, Mr. Fordyce.

12 MR. FORDYCE: Yes.

13 CHAD MATNEY,
14 after having been first duly sworn under oath,
15 was questioned and testified as follows:

16 EXAMINATION

17 BY MR. FORDYCE:

18 Q. Mr. Matney if I could direct your
19 attention to Page 6 of the exhibit packet and to
20 Paragraph Number 10. And just wanted to reiterate,
21 your testimony there is that ownership is uniform
22 within the Bone Spring formation and there is no
23 depth severance, correct?

24 A. That's correct, yes.

25 Q. If we could now go to Page 23 of the

Page 23

1 exhibit packet and just, again, for clarification,
2 this is showing that in Tract 1, which is a federal
3 tract, Civitas has 77 percent of the interest there
4 and COG Operating has 23 percent, correct?

5 A. Correct.

6 Q. And in Tract 2 the fee tract, there was
7 numerous parties that were identified and some of
8 those that are being pooled, correct?

9 A. Correct.

10 Q. Okay.

11 MR. FORDYCE: Thank you. Maybe that was
12 more for clarification than a direct question I
13 appreciate it. Thank you.

14 No further questions.

15 HEARING EXAMINER CHAKALIAN: Mr. Fordyce,
16 do you have any questions for any other witnesses?

17 MR. FORDYCE: No, I do not.

18 HEARING EXAMINER CHAKALIAN: Can we take
19 this case under advisement?

20 MR. FORDYCE: Yes, we can.

21 HEARING EXAMINER CHAKALIAN: We are off
22 the record in Case Number 8.

23 Now I am calling Case Numbers 25349, 50
24 and 51.

25 Entry of appearance, please.

1 MS. VANCE: Good morning, Mr. Hearing
2 Examiner, Paula Vance with the Santa Fe office of
3 Holland & Hart on behalf of the applicant, COG
4 Operating.

5 HEARING EXAMINER CHAKALIAN: Thank you.

6 MR. BRUCE: Mr. Examiner, Jim Bruce on
7 behalf of MRC Hat Mesa, LLC, and MRC Royal V, LLC.
8 They have no objection to the matters proceeding by
9 affidavit, and I will not be asking any questions.

10 HEARING EXAMINER CHAKALIAN: Thank you.

11 Ms. Vance.

12 MS. VANCE: Thank you, Mr. Hearing
13 Examiner.

14 So in all three of these cases, the
15 acreage is in Township 25 South, Range 35 East, and
16 that is Lea County.

17 In case, Case Number 25349, COG is seeking
18 to pool all the uncommitted interests in a portion
19 of the Bone Spring, from the top of the Third Bone
20 Spring to the base, and that would be in a Wildcat
21 Pool. It is a Lower Bone Spring. The pool code is
22 98185. And that is underlying a standard 480-acre,
23 more or less, horizontal well spacing unit comprised
24 of the southeast quarter of Section 3 and the east
25 half of Section 10. And dedicating that unit to the

1 Montera Federal Com 673H.

2 Then in Case Number 25350 COG is seeking
3 to pool the uncommitted interest in the Wolf Camp
4 formation. And that pool is the Dogie Draw Wolf
5 Camp and the pole code is 17980 and that is
6 underlying a standard 240-acre, more or less,
7 horizontal well spacing unit comprised of the west
8 half of the southeast quarter of Section 3 and the
9 west half of the east half of Section 10. And
10 dedicating that to the Montera Federal Com 701H.

11 And then lastly is Case Number 25351, and
12 COG seeks to pool all of the uncommitted interests
13 in the Wolf Camp formation. Again, the same pool,
14 the Dogie Draw Wolf Camp, pool code 17980. And that
15 is underlying a standard 240-acre, more or less,
16 horizontal well spacing unit comprised of the west
17 half of the southeast quarter -- I'm sorry, I
18 believe I am repeating myself on that one. Give me
19 one moment.

20 It is the east half of the southeast
21 quarter of Section 3, and the east half of the east
22 half of Section 10, my apologies. And dedicating
23 that unit to the Montera Federal Com 702H.

24 In each of the hearing packets we have
25 included a copy of the application, the CPAC, and

1 the test statement from landman Caroline Frederick
2 and geologists Tyler Patrick along with the
3 sub-exhibits.

4 Both -- both of our experts have
5 previously testified before the Division and their
6 credentials have been accepted as a matter of
7 record.

8 And then we have my self-affirmed
9 statement of notice where we do have -- it is either
10 myself or my colleague Mr. Rankin. And those
11 letters are dated April 18 and May 7, 2025.

12 And then an affidavit of notice of
13 publication. There is one for April 24 and May 9,
14 2025.

15 Unless there are any questions, I would
16 ask that the exhibits and sub-exhibits be admitted
17 into the record and these cases be taken under
18 advisement.

19 HEARING EXAMINER CHAKALIAN: Without
20 exception.

21 (Exhibits admitted into evidence.)

22 HEARING EXAMINER CHAKALIAN: Mr. Fordyce.

23 MR. FORDYCE: I have questions for the
24 landman, Mr. Examiner.

25 HEARING EXAMINER CHAKALIAN: Is that the

1 person's whose screen is on here?

2 THE WITNESS: Yes, I'm here.

3 HEARING EXAMINER CHAKALIAN: Thank for
4 anticipating.

5 Would you raise your right hand, please.

6 (Whereupon the witness is sworn.)

7 THE WITNESS: Yes. Caroline,
8 C-A-R-O-L-I-N-E. Frederick, F-R-E-D-E-R-I-C-K.

9 HEARING EXAMINER CHAKALIAN: Have you been
10 accepted as an expert before this Division?

11 THE WITNESS: Yes, sir.

12 HEARING EXAMINER CHAKALIAN: In what
13 field?

14 THE WITNESS: Petroleum land.

15 HEARING EXAMINER CHAKALIAN: Thank you.

16 Mr. Fordyce.

17 MR. FORDYCE: Yes.

18

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1 CAROLINE FREDERICK,
2 after having been first duly sworn under oath,
3 was questioned and testified as follows:

4 EXAMINATION

5 BY MR. FORDYCE:

6 Q. I would like to direct your attention to
7 Page 19 of the revised exhibit packet.

8 A. Yes, sir. I am following you.

9 Q. It says here in Tract 1 the federal
10 lease --

11 A. Yes, sir.

12 Q. -- that COG Operating has 100 percent of
13 interest?

14 A. Yes. So the difference between the First
15 and the Second Bone Spring, so Civitas and COG
16 reached a co-development agreement, the term
17 assignment. So in the First and the Second Bone
18 Spring, the ownership for Civitas would be shown
19 differently than is per the Third Bone Spring Wolf
20 Camp A because we get a term assignment of COG's
21 interest in the First and the Second Bone Spring.

22 Q. So for this case, the Bone Spring case, it
23 will then be identical to what is being shown for
24 the Wolf Camp cases?

25 A. Yes, sir.

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1 MR. FORDYCE: Okay. That makes sense. No
2 further questions for this witness.

3 HEARING EXAMINER CHAKALIAN: Okay. Can we
4 take these -- do you have questions for any other
5 witness?

6 MR. FORDYCE: I do have some other
7 corrections to point out for Ms. Vance.

8 HEARING EXAMINER CHAKALIAN: Go ahead.

9 MR. FORDYCE: In Case 25349. On Page 5,
10 which is the application checklist, for pool name
11 and pool code, the pole name is listed, but it is
12 missing the pole code.

13 And also in this revised exhibit packet,
14 the revision was to correct Exhibits D1 through D3,
15 and they still have errors and they are the same
16 exhibits. Those are on Pages 32 to 34. They are
17 still showing that the spacing unit goes too far
18 north actually up into the northeast corner of
19 Section 3.

20 Also in Case 25350 a revised packet was
21 submitted to correct an issue with the C-102, and
22 the same Exhibits D1 through D3. And D1 through D3
23 did get correct but the C-102 did not. And in that
24 case if you would want to look, the C-102 is on
25 Page 15 for Case 25350.

1 MS. VANCE: What did not get corrected? I
2 just want to make sure that I understand for the
3 C-102.

4 MR. FORDYCE: The spacing unit is depicted
5 incorrectly and that was supposed to be corrected
6 with the revised exhibits, and it is still the same.

7 MS. VANCE: I will do a review with our
8 experts and make sure that we get a corrected C-102
9 and geology exhibits and refile revised exhibits
10 accordingly.

11 HEARING EXAMINER CHAKALIAN: This goes
12 beyond the simple typo, so we are going to continue
13 these cases for the next hearing by affidavit docket
14 so you have some time to do this.

15 Anything further?

16 MS. VANCE: No.

17 HEARING EXAMINER CHAKALIAN: Thank you.

18 All right. We are off the record in these
19 cases.

20 Going back to our regular docket. We are
21 calling Number 3 on the regular docket. This is
22 ConocoPhillips, 25313.

23 Entries of appearance, please.

24 MS. HARDY: Good morning, Mr. Examiner,
25 Dana Hardy with Hardy McLean, on behalf of

1 ConocoPhillips, and there are no other parties.

2 HEARING EXAMINER CHAKALIAN: Perfect.

3 Please proceed.

4 MS. HARDY: Thank you. In this case
5 ConocoPhillips seeks an order pooling uncommitted
6 interest in the Bone Spring formation underlying a
7 1,900-vapor, more or less nonstandard horizontal
8 spacing unit, comprised of all the Sections 27, 28,
9 and 29, Township 23 South, Range 30 East of Eddy
10 County.

11 The unit will be dedicated to the Iron
12 Thrown Federal Com 501H through 505H wells.

13 We have provided our exhibits, a
14 self-affirmed statement of land professional Macie
15 Valles and geologist Shariva Darmaoen, both of whom
16 have previously testified before the Division and
17 been recognized as experts in their respective
18 fields.

19 Ms. Valles provides the standard land
20 exhibits, the track ownership, and pooled parties
21 are identified in Exhibit A3, Exhibit A4 is the
22 nonstandard spacing unit map that shows the interest
23 on the surrounding tracts who also received notice
24 of this application.

25 Ms. Darmaoen provides the standard geology

1 exhibits. Exhibit C is our notice information.
2 Notice is timely set by Certified Mail on April 17,
3 2025 and was timely published on April 22, 2025.

4 So with that, unless there are questions,
5 I request that our exhibits be admitted into the
6 record and that the case be taken under advisement.

7 HEARING EXAMINER CHAKALIAN: Okay. So
8 there is no objections to the exhibits, they are
9 admitted without objection.

10 (Exhibits admitted into evidence.)

11 HEARING EXAMINER CHAKALIAN: Are there any
12 questions? Mr. Fordyce or Mr. McClure? I am not
13 sure who is the examiner on this case.

14 MR. McCLURE: I will be, Mr. Hearing
15 Examiner, and I do have questions for the geologist.

16 HEARING EXAMINER CHAKALIAN: All right,
17 perfect.

18 Let's get the geologist sworn in and while
19 we are doing that, I am a little confused. I need
20 to go back to 25409.

21 Ms. Vance, I am looking in that imaging
22 system, and I see an entry of appearance and notice
23 of objection to proceeding by affidavit filed by
24 Mr. Morgan.

25 Now Mr. Morgan just said he is not

1 objecting to that case, but yet he filed his
2 objection in this case.

3 So, Ms. Tschantz, can you communicate with
4 Mr. Morgan to get a written withdrawal of objection
5 filed in this case in the next, I don't know, 30
6 minutes or so, so we can proceed? I know we have
7 his oral statement saying no objection, but here it
8 is, I am looking at it.

9 MS. VANCE: I think and that relates to
10 the fact that I filed a prehearing statement with
11 all of the applications consolidated. So, just
12 based on what he was saying, it sounded like he put
13 them all together because I was requesting to
14 consolidate the cases.

15 HEARING EXAMINER CHAKALIAN: I understand
16 perfectly. I do want to a withdrawal of objection,
17 Ms. Tschantz.

18 Thank you.

19 Do we have the -- it looks like we do.
20 Can we -- thank you.

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

23 MS. DARMAOEN: Good morning. I am the
24 geologist from ConocoPhillips. My name is Shariva
25 Darmaoen.

1 HEARING EXAMINER CHAKALIAN: And you're
2 going spell your name.

3 MS. DARMAOEN: First name, S-H-A-R-I-V-A.
4 Last name, D-A-R-M-A-O-E-N.

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

7 (Whereupon the witness was sworn.)

8 HEARING EXAMINER CHAKALIAN: Okay. You
9 said that you are an expert in the field of
10 petroleum geology.

11 MS. DARMAOEN: That's correct.

12 HEARING EXAMINER CHAKALIAN: Okay. Have
13 you been accepted as such by this Division?

14 MS. DARMAOEN: Yes, I was last year.

15 HEARING EXAMINER CHAKALIAN: Perfect.
16 Mr. McClure.

17 MR. MCCLURE: Thank you, Mr. Hearing
18 Examiner.

19 SHARIVA DARMAEON,
20 after having been first duly sworn under oath,
21 was questioned and testified as follows:

22 EXAMINATION

23 BY MR. MCCLURE:

24 Q. Ms. Darmaeon, can I just draw your
25 attention to Exhibit B4. That is on Page 46 of 115

1 in the exhibit packet.

2 A. Yes, I have it in front of me.

3 HEARING EXAMINER CHAKALIAN: Ms. Vance, no
4 Ms. Hardy, would you share your screen.

5 MS. HARDY: Yes, let me pull that up.

6 HEARING EXAMINER CHAKALIAN: Thank you.

7 Q. (By Mr. McClure) Do we have the API
8 numbers for these three wells included anywhere in
9 the exhibit packet?

10 A. They are not. How would you like me to
11 provide them?

12 Q. Typically we just include them on this
13 cross section itself, like right below the well name
14 or right above it or at the bottom of the log,
15 something like that. So some sort of identification
16 beyond merely the well name.

17 A. Okay. I can look those up. Would you
18 like me to -- how would you like me to submit those,
19 in the chat or just verbally state those? I would
20 have to look them up.

21 Q. We will want an amended exhibit packet,
22 but let me just give you a purview of what I am
23 asking for here, I guess.

24 A. Yes.

25 Q. Ms. Hardy will deal with the actual

1 filing. She will work with you on that.

2 A. Okay.

3 MR. McCLURE: Mr. Hearing Examiner, I did
4 have some additional guidance for Ms. Hardy on this
5 case with regards to pools.

6 HEARING EXAMINER CHAKALIAN: Perfect, go
7 right ahead.

8 MR. McCLURE: Ms. Hardy, you have the
9 correct pool for most of it, but the southwest
10 quarter of Section 29 is a different pool.

11 Are you prepared to take a pool name and
12 pool code, Ms. Hardy?

13 MS. HARDY: Yes. Thank you.

14 MR. McCLURE: Okay. Wildcat making some
15 numbers below the Bone Spring. The pool code is
16 97753.

17 MS. HARDY: Thank you, Mr. McClure.

18 So would you like us to include C-102s
19 that include that pool name and code along with the
20 current C-102s?

21 MR. McCLURE: Yes, ma'am. We will need to
22 correct our CPAC to include both pools and then the
23 appropriate C-102s, you know, new C-102s for the
24 existing pool that excludes that southwest corner
25 and then another C-102 for the new pool.

1 MS. HARDY: Understood. We will get that
2 submitted.

3 MR. McCLURE: In addition to that, of
4 course, the discussion I just had with regards to
5 the geologist's exhibit.

6 MS. HARDY: Understood.

7 HEARING EXAMINER CHAKALIAN: Ms. Hardy,
8 how long will it take for you to submit them?

9 MS. HARDY: I would need to check with my
10 client about obtaining the C-102s, I think probably
11 next Thursday.

12 HEARING EXAMINER CHAKALIAN: I don't want
13 to leave the record open that long. If it is
14 something you can correct by tomorrow close of
15 business, we will leave the record open, otherwise
16 we will continue the case to the next hearing. So
17 it is up to you. How long will it take?

18 MS. HARDY: Well, I think we can plan to
19 get them submitted tomorrow by the end of the day.
20 If that is a problem, then I will advise the
21 Division.

22 HEARING EXAMINER CHAKALIAN: I am willing
23 to leave the record open until the close of business
24 on the 6th of June for these minor corrections. But
25 if they can't be complied with by then, then the

1 case will be continued by yourself to the next
2 docket, to the next hearing by affidavit docket,
3 which will be in July.

4 Is there anything further on this case?

5 MS. HARDY: No, thank you.

6 HEARING EXAMINER CHAKALIAN: Mr. McClure,
7 are we done with the questions?

8 MR. McCLURE: Yes, Mr. Hearing Examiner.

9 HEARING EXAMINER CHAKALIAN: All right.
10 Thank you.

11 Let's take a five-minute break and we will
12 come back on the record. Thank you.

13 (A recess was taken.)

14 HEARING EXAMINER CHAKALIAN: All right.
15 Let's move on to Cases 6 and 7 on your docket.
16 These are Marathon Oil Permian. Case Numbers 25333,
17 25334.

18 Entrance of appearance, please.

19 MS. VANCE: Good morning, Mr. Hearing
20 Examiner, Paula Vance with the Santa Fe office of
21 Holland & Hart on behalf of the applicant, Marathon
22 Oil, which was acquired by ConocoPhillips.

23 HEARING EXAMINER CHAKALIAN: I don't see
24 any other parties entered in this case.

25 MS. VANCE: That's correct.

1 HEARING EXAMINER CHAKALIAN: Please
2 proceed.

3 MS. VANCE: Thank you, Mr. Hearing
4 Examiner.

5 Before I go through the exhibits, our
6 landman Vince Stecker, he has not previously
7 appeared, so we have included his resume and he is
8 available for questioning.

9 So I would offer his resume for review and
10 for him to answer any questions you have with his
11 background.

12 HEARING EXAMINER CHAKALIAN: Do we have
13 him here now?

14 MS. VANCE: He is on. I saw him just a
15 moment ago. I told him he will need to -- there he
16 is.

17 HEARING EXAMINER CHAKALIAN: Mr. Stecker,
18 would you -- there we go.

19 (Whereupon the witness was sworn.)

20 HEARING EXAMINER CHAKALIAN: Would you
21 state and spell your name for the record.

22 MR. STECKER: My name is Benjamin Stecker,
23 B-E-N-J-A-M-I-N, Stecker, S-T-E-C-K-E-R.

24

25

1 BENJAMIN STECKER,
2 after having been first duly sworn under oath,
3 was questioned and testified as follows:

4 EXAMINATION

5 BY HEARING EXAMINER CHAKALIAN:

6 Q. Okay. Let's go through your
7 qualifications.

8 What field of expertise are you seeking to
9 be admitted as an expert before this Division?

10 A. Petroleum land.

11 Q. Petroleum land. Okay.

12 Tell me about your education that goes
13 towards that expertise.

14 A. So I would have a four-year degree in
15 energy commerce from Texas Tech University. And
16 then after graduating I began working for
17 ConocoPhillips in both Texas and New Mexico.

18 In New Mexico typically I had the
19 opportunity to research ownership for Conoco, to
20 interpret agreements and leases, manage allegations.
21 And then in February of 2025 I obtained my
22 registered professional land management certificate
23 from the APL.

24 Q. Okay. So when did you graduate with your
25 four-year degree.

1 A. In 2022.

2 Q. '22. Okay. And if I understand you
3 correctly, directly after graduation you started
4 working for the company you are working for now?

5 A. Yes, sir. I started at Conoco in June of
6 2022.

7 Q. What is your title with Conoco?

8 A. My title is land negotiator.

9 Q. Okay.

10 HEARING EXAMINER CHAKALIAN: From here on
11 in you are recognized as an expert in petroleum
12 land.

13 Ms. Vance.

14 MS. VANCE: Thank you. So I have
15 requested to consolidate these cases.

16 HEARING EXAMINER CHAKALIAN: Yes.

17 MS. VANCE: In both of these cases we are
18 requesting an extension on the order as well as
19 pooling a couple of additional parties. The reason
20 we are requesting the extension is because of that
21 acquisition there was a pause in drilling schedule,
22 and so therefore I am appearing today to request
23 that extension.

24 HEARING EXAMINER CHAKALIAN: So the good
25 cause is?

1 MS. VANCE: The good cause is the
2 acquisition and the pause in the drilling schedules.

3 HEARING EXAMINER CHAKALIAN: Since we are
4 talking about good cause, is the landman familiar
5 with the good cause?

6 MS. VANCE: Yes. And there is a
7 paragraph, I think it is Paragraph 6 in his
8 testimony that goes to good cause.

9 HEARING EXAMINER CHAKALIAN: Mr. Stecker,
10 why don't you state on the record what is the good
11 cause for granting these extensions.

12 THE WITNESS: Yes, sir.

13 After of the acquisition of Marathon,
14 their schedule was put on hold because we have our
15 own Conoco drill schedule that we have to maintain
16 so we took their projects that were preparing to go
17 on their schedule and our own schedule, so they can
18 get to work on that.

19 HEARING EXAMINER CHAKALIAN: Okay. Thank
20 you.

21 MS. VANCE: Thank you.

22 So we have included in our hearing packet
23 a copy of the application, the original order.
24 Again, Mr. Stecker's statements along with his
25 resume. We did include an updated pooling exhibit

1 because we did have a couple of additional parties
2 to pool, because a transfer of interests.

3 We have included a same of the well
4 proposal letter in the chronology of contacts. I do
5 plan to file an updated chronology of contacts,
6 because I believe it was yesterday Mr. Stecker
7 provided a -- provided an updated chronology of
8 contacts because they reached -- one of the parties
9 wishes to participate in signing the JOA, so we just
10 want to make sure that is a part of the record.

11 Then we have included my self-affirmed
12 statement of notice. I believe it is mine, it might
13 be Mr. Rankin's, but the notice went out on April 18
14 and the 25th, 2025, and then we have got the notice
15 of publication which was timely published on ate
16 April 22 and May 1, 2025.

17 Unless there is any questions, I would ask
18 that the exhibits and sub-exhibits be admitted into
19 the record and that these cases be taken under
20 advisement.

21 HEARING EXAMINER CHAKALIAN: Okay, without
22 objection.

23 (Exhibits admitted into evidence.)

24 HEARING EXAMINER CHAKALIAN: Mr. McClure,
25 any questions?

1 MR. McCCLURE: I have no questions from
2 either of these cases, Mr. Hearing Examiner.

3 HEARING EXAMINER CHAKALIAN: All right.

4 Ms. Vance, if you can meet the deadline by
5 tomorrow to file that amended exhibit packet, we
6 will leave the record open until then.

7 MS. VANCE: It will be done today.

8 HEARING EXAMINER CHAKALIAN: Even better.
9 All right. So I am going to put down 6-6, 5:00 p.m.
10 as your deadline.

11 Thank you, Mr. Stecker.

12 THE WITNESS: Yes, sir.

13 HEARING EXAMINER CHAKALIAN: Okay. We are
14 off the record in these cases.

15 We are going to hear some cases that were
16 objected to last minute. These are cases that were
17 Numbers 24 through 28 on our docket. They are
18 Matador Production Company's 25388, 90, 91, 93 and
19 25409.

20 Entries of appearance, please.

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

24 HEARING EXAMINER CHAKALIAN: Thank you.

25 MR. MORGAN: Good morning, Mr. Examiner,

1 Scott Morgan with Cavin & Morgan on behalf of Wyotex
2 Drilling Ventures, LLC, Yeager Resources Limited,
3 Patsy Hinchey Family Limited, Sevenways Minerals,
4 The Carol Ann Sandquist 1995 Management Trust,
5 Blessed Income, LLC, Mary Helen Energy, LLC, Pops
6 Minerals, LLC, and McRae Management Trust.

7 HEARING EXAMINER CHAKALIAN: Perfect.

8 Mr. Morgan, I have your document that you
9 filed. It is not dated stamped, but I suspect you
10 filed it yesterday Respondent's Motion for
11 Continuance. I don't believe that you are
12 respondent, so in the future don't use the
13 respondent because that doesn't quite suit in this
14 case.

15 But I have had a chance to review it.
16 What I understand from your motion is the following:
17 That you or Wyotex acquired leases from Thomas
18 Alexander on April 30, 2025 but that were recorded
19 on May 12 of 2025. That you notified MRC Permian of
20 the new address and interest via phone and e-mail on
21 May 12, and again on May 15. Despite this MRC
22 served notice at an outdated address. So you're
23 saying Wyotex was not properly served.

24 Do I have that correct so far?

25 MR. MORGAN: Yes, correct so far. That is

1 just in two of the cases and a separate and I am
2 sure you're going to get to it. The separate motion
3 on the other two cases on behalf of the other
4 parties, yes.

5 HEARING EXAMINER CHAKALIAN: I see. Okay,
6 very good. So let me continue, then.

7 So then you say one of the rules that a
8 party is entitled to a continuance if it did not
9 receive timely notice, at least three business days
10 before appearance deadline.

11 You cite another rule saying that the
12 motion was timely filed because Wyotex only became
13 aware of the proceedings on June 2.

14 How did you become aware of the
15 proceedings on June 2?

16 MR. MORGAN: So I became aware, so Wyotex
17 was -- separate them from the other parties for just
18 a minute. Wyotex called me -- I don't know exactly
19 what the discussions have been between Wyotex and
20 these other parties. I honestly I don't have that
21 in front of me, but I believe what happens is some
22 of these smaller parties in some of these cases that
23 are being heard today, somebody heard something. I
24 honestly don't know if somebody got called or
25 someone said we thought maybe something was going

1 on. But then they started having there round robin
2 telephone calls and that is when I started receiving
3 calls Monday afternoon and Tuesday morning from most
4 of my clients at that point.

5 HEARING EXAMINER CHAKALIAN: Then you also
6 say that -- well, that you assert that publication
7 is insufficient where direct notice is possible.

8 MRC allegedly failed to make good faith
9 effort to negotiate voluntarily, voluntary pooling
10 and communicate meaningfully with Wyotex and you
11 argue that you have been prejudiced and granting
12 continuance would not prejudice MRC, et cetera,
13 et cetera, okay.

14 So do I have the basis for the objection
15 and you're saying that is -- because your motion is
16 captioned in all five cases, but you are saying this
17 motion doesn't really -- is not directed at all five
18 cases?

19 MR. MORGAN: It is not. Because the cases
20 were consolidated with the other pleadings that were
21 filed by Matador, we wanted to use that same caption
22 so as not to confuse anybody and make sure they
23 appear properly.

24 HEARING EXAMINER CHAKALIAN: So then this
25 is just for 25388 and 25390; is that right?

1 MR. MORGAN: Correct, correct.

2 HEARING EXAMINER CHAKALIAN: All right.

3 So in these two cases, then, let me turn to
4 Ms. Vance.

5 Ms. Vance.

6 MS. VANCE: Yes.

7 HEARING EXAMINER CHAKALIAN: Your
8 response.

9 MS. VANCE: I mean, one, we provide notice
10 based on what was last noted in the County records.
11 So as far as I understand that is where the notice
12 went, however, you know, if there is an objection,
13 we would like to just go ahead and set a contested
14 hearing date.

15 We don't want to delay these, and don't
16 really feel like we need to have -- I mean,
17 obviously we will have a status conference per the
18 prehearing order if we need to, but we would like to
19 just go ahead and set a contested hearing.

20 HEARING EXAMINER CHAKALIAN: All right.

21 So, Mr. Morgan, I am looking at the rule
22 here, and the rule that I am looking at right now
23 19.15.4.12A(1).

24 Are you familiar with that rule?

25 MR. MORGAN: I believe that I am. And I

1 apologize, I was -- I had travel scheduled for
2 today. I am actually in the midsts of traveling, so
3 I don't have my laptop in front of me so I can't
4 pull it up.

5 HEARING EXAMINER CHAKALIAN: No worries.
6 We'll accommodate you. I do understand. You do
7 cite to the rule in your motion. You cited to part
8 of the rule in your motion, so I am assuming you
9 must be familiar with the rule because you cited to
10 Part 10, Subsection D.

11 I am now reading from 12A. And it says
12 12A(1), The applicant shall give notice to each
13 owner of an interest in the mineral estate of any
14 portion of the lands the applicant proposes to be
15 pooled or unified whose interested is evidenced by a
16 written conveyance document, either of record or
17 known to the applicant at the time the applicant
18 filed the application.

19 And then it goes on, but that is the
20 critical phrases is, At the time the applicant filed
21 the application.

22 So that being said, I understand that you
23 have acquired interest. Are you arguing here that
24 notice is -- so are you just asking for a
25 continuance or are you arguing here that this

1 application needs to be dismissed and refiled to
2 give proper notice?

3 MR. MORGAN: Primarily we are asking for a
4 continuance so we have some time to really look at
5 this.

6 HEARING EXAMINER CHAKALIAN: Okay.
7 Ms. Vance is asking for a contested hearing to be
8 set. So let's talk about that for a moment.

9 What do you anticipated your participation
10 in a contested hearing to be? Do you anticipate
11 that you are going to want to bring evidence of your
12 own or is this just a continuance for you to
13 negotiate with the applicant.

14 MR. MORGAN: So my client in these
15 particular cases have been attempting to get some
16 additional information on the drilling of these
17 wells. I anticipate that my client, my clients plan
18 to participate but they need additional information
19 to be able to evaluate that participation.

20 My hope is that they will be able to agree
21 and then participate, they just need that additional
22 information so they can evaluate.

23 HEARING EXAMINER CHAKALIAN: Okay. So you
24 filed a motion for continuance. I know you filed an
25 entry of appearance as well. I am limited to what I

1 can see, I only have two screens here. Was your
2 entry of appearance, was it also an objection?

3 MR. MORGAN: It was. It was. And that
4 comes primarily from there being no meaningful
5 discussions to -- yeah.

6 HEARING EXAMINER CHAKALIAN: I understand.
7 So then are you anticipating maintaining that
8 objection so that you force this to a contested
9 hearing, or are you anticipating that once your
10 clients get additional information from the
11 applicant that you withdraw your objection?

12 MR. MORGAN: I anticipate that that
13 information will be forthcoming, and that at that
14 time we will probably withdraw, yes.

15 HEARING EXAMINER CHAKALIAN: Okay. All
16 right. So Ms. Vance, first of all, I am not sure
17 why these cases were joined the way they were,
18 anyway, I am not sure you asked for them to be
19 joined, did you?

20 MS. VANCE: Yes.

21 HEARING EXAMINER CHAKALIAN: You did.

22 MS. VANCE: Yes.

23 HEARING EXAMINER CHAKALIAN: When did you
24 do that?

25 MS. VANCE: Because these are all of the

1 same development. So off the top of my head, the Ed
2 Drake, I believe, are the Bone Spring and then the
3 Steve Rachel is the Wolf Camp application.

4 HEARING EXAMINER CHAKALIAN: So you then
5 requested these to be joined. When did you request
6 them to be joined?

7 MS. VANCE: Well, I filed a consolidated
8 prehearing order or a consolidated prehearing
9 statement rather, sorry.

10 HEARING EXAMINER CHAKALIAN: I understand.
11 I didn't understand that. Thank you very much.
12 Okay.

13 So, Ms. Vance, you said you would like to
14 set these for a contested hearing knowing that the
15 objection may go away, may go away, we can issue a
16 prehearing order that says these are set for a
17 contested hearing and if the objection is withdrawn
18 we will hear them at the next hearing by affidavit
19 docket.

20 MS. VANCE: That works for us.

21 HEARING EXAMINER CHAKALIAN: Okay. What
22 time frame are you looking at?

23 MS. VANCE: I mean, we would like to be on
24 the first available contested hearing date, but I
25 understand that probably Mr. Morgan would like that

1 at least a month out. So if we have something next
2 month, that would be fine.

3 HEARING EXAMINER CHAKALIAN: In July?

4 MS. VANCE: In July, if possible.

5 HEARING EXAMINER CHAKALIAN: Mr. Morgan.

6 MR. MORGAN: I think that would be -- I
7 think that would be perfect. I appreciate
8 Ms. Vance's consideration.

9 HEARING EXAMINER CHAKALIAN: That sounds
10 good.

11 Ms. Tschantz, what do we have in July.

12 MS. CHANCE: July 15.

13 HEARING EXAMINER CHAKALIAN: July 15. We
14 will check with your witnesses.

15 MS. VANCE: Yes. Let me just check with
16 them and I will respond by the end of the hearing.

17 HEARING EXAMINER CHAKALIAN: I am going
18 put down here that we have offered you July 15. And
19 unless we here differently, we will set a prehearing
20 order for July 15, which will then also mention the
21 first August date for hearing by affidavit if, in
22 fact, the objections are withdrawn, okay.

23 So, Mr. Morgan, you said you filed a
24 similar motion in three other cases. I did not look
25 at those yet, there wasn't time this morning to look

1 at those. So let me -- can you tell me one of the
2 case numbers that you filed that other document in?

3 MR. MORGAN: Absolutely. It would be
4 25391.

5 HEARING EXAMINER CHAKALIAN: Let me get
6 there. Okay, got it.

7 Respondent's Motion for a Continuance.
8 These are for Yager and the other parties that you
9 are representing.

10 MR. MORGAN: Exactly, Mr. Examiner.

11 HEARING EXAMINER CHAKALIAN: All right.
12 Since I don't have time, I don't want to waste time
13 reading this whole thing here. First of all, what
14 are you asking for and what is the basis of your
15 request?

16 MR. MORGAN: Very similar, Mr. Examiner.
17 In this particular case, with respect for these
18 parties specifically, the correct addresses were
19 actually of record more than six months ago. There
20 had been assignments that were made in December and
21 the Hearing Exhibits that were filed reflected the
22 parties still owning it, so notice was given to the
23 prior owners prior to six months ago. And, again,
24 Bone, three people started calling each other
25 saying, Hey, have you heard something is going on,

1 et cetera, so these particular individuals called me
2 yesterday, asked me to take a look at this, look
3 this up.

4 So it looks like a number of these
5 parties, their correct addresses should have been on
6 record from two years ago, up to six months ago, and
7 the prior owners were given notice. So it is the
8 same. I anticipate that given some time to review
9 the application, the information regarding the
10 operations, that we will more likely than not
11 withdraw the objections probably before by affidavit
12 in August as well, giving me the opportunity to
13 review.

14 HEARING EXAMINER CHAKALIAN: What I am
15 hearing from you it is very similar. Your clients
16 did not receive notice as you would have hoped and
17 they want a little time to look at this. You
18 maintain your objection. You did file an objection
19 in this case, these cases, as well.

20 MR. RODRIGUEZ: We did, Mr. Examiner, yes.

21 HEARING EXAMINER CHAKALIAN: All right.
22 So sounds like if we include these cases in the same
23 prehearing order setting it for July 15, that gives
24 you enough time to either withdraw your objection or
25 proceed to hearing?

1 MR. RODRIGUEZ: 100 percent, Mr. Hearing
2 Examiner.

3 HEARING EXAMINER CHAKALIAN: Excellent.
4 Ms. Vance.

5 MS. VANCE: That works for us. I do want
6 to ask one question, so it sounds like Mr. Morgan's
7 clients aren't objecting to 25409. I was a little
8 confused because I did see the entry of appearance
9 and objection, and that was also in the caption
10 there.

11 And if possible, if they are not
12 objecting, we would like to move forward with that
13 case today and am happy to get my experts on the
14 phone if the Hearing Examiner wouldn't mind moving
15 that to the bottom.

16 HEARING EXAMINER CHAKALIAN: I don't mind.
17 Mr. Morgan, you're not objecting to 09?

18 MR. MORGAN: We are not okaying to 09.

19 HEARING EXAMINER CHAKALIAN: Perfect. We
20 will hear that by affidavit at the end of our
21 docket.

22 MS. VANCE: Thank you.

23 HEARING EXAMINER CHAKALIAN: Okay. So
24 unless I hear differently, we are going to issue a
25 prehearing order setting these four cases 88, 90, 91

1 and 93 for a contested hearing on a trailing docket
2 July 15.

3 If the objections are withdrawn from your
4 clients, Mr. Morgan, then we will hear this by
5 affidavit in early August.

6 Is there anything further on these cases?

7 MS. VANCE: No.

8 MR. MORGAN: Nothing from me, Mr. Hearing
9 Examiner. I appreciate your consideration.

10 HEARING EXAMINER CHAKALIAN: Perfect.

11 MR. MORGAN: Ms. Vance, thank you so much.

12 HEARING EXAMINER CHAKALIAN: Thank you
13 Mr. Morgan.

14 Okay. We are now moving on to Number 13
15 on the docket. This is 25365 Mewbourne Oil.

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

20 HEARING EXAMINER CHAKALIAN: Are there any
21 other parties?

22 MS. VANCE: Not that I am aware of, no.

23 HEARING EXAMINER CHAKALIAN: Thank you.
24 Please proceed.

25 MS. VANCE: So in Case Number 25365

1 Mewbourne seeks to pool all the uncommitted
2 interests in a 640-acre, more or less, well spacing
3 unit in the Bone Spring formation. And the pool
4 that Mewbourne was provided is the Bone Spring
5 South, Pool Code 61900. And that is underlying the
6 east half of Sections 15 and 22, Township 18 South,
7 Range 35 East, and that is in Lea County,
8 New Mexico.

9 And Mewbourne seeks to initially dedicate
10 that spacing unit to the Seafood Tower 22/15 State
11 Com 527H.

12 In our hearing packet we have included a
13 copy of the application, the CPAC, a statement from
14 landman Peyton Warren and statement from geologist
15 Charles Crosby, both of whom have previously
16 testified before the Division and their credentials
17 have been accepted as a matter of record.

18 We have included all the standard
19 sub-exhibits for land and geology, and then
20 following that is a self-affirmed statement of
21 notice with a sample letter that went out and was
22 timely marked April 18 of 2015.

23 And then an affidavit of notice of
24 publication which was timely published on April 24,
25 2025.

1 Unless there are any questions, I would
2 ask that the exhibits and sub-exhibits be admitted
3 into the record and the case be taken under
4 advisement.

5 HEARING EXAMINER CHAKALIAN: Without
6 objection.

7 (Exhibits admitted into evidence.)

8 HEARING EXAMINER CHAKALIAN: Mr. McClure.

9 MR. McCLURE: Thank you, Mr. Hearing
10 Examiner. I have a few questions for Ms. Vance in
11 regards to notice.

12 HEARING EXAMINER CHAKALIAN: Please
13 proceed.

14 MR. McCLURE: Ms. Vance, is it your
15 understanding that there was some written notice
16 that was returned to sender for this application?

17 MS. VANCE: If the tracking report states
18 that, then that is what we received back from our
19 vendor.

20 MR. McCLURE: I know there is at least one
21 that it appears that it was returned to sender. As
22 such, are you in agreement that the public notice is
23 what is being used to hear that?

24 MS. VANCE: Correct.

25 MR. McCLURE: Okay. On your last page of

1 the application, you have the newspaper clipping
2 there. It appears that the case number that is
3 listed there is incorrect.

4 Am I missing anything or is there any
5 other clipping for us to look at here?

6 MS. VANCE: No, that was a scrivener
7 error, but if you notice, there is information
8 regarding the actual substantive nature of this
9 application, including the land description and then
10 contact information for the Division, how to make an
11 appearance at the hearing, et cetera.

12 MR. McCLURE: If the applicant was to want
13 to review the case file online, as would be the
14 normal way to do so, would they be directed to the
15 correct case using this case number on this
16 newspaper clipping?

17 MS. VANCE: No. But there is contact
18 information for the Division if that was incorrect,
19 and so there is an avenue for clarification.

20 MR. McCLURE: Mr. Hearing Examiner, I
21 don't have any more questions for Ms. Vance, but I
22 do think this may justify a dismissal and
23 resubmission.

24 HEARING EXAMINER CHAKALIAN: Okay.

25 Ms. Vance.

1 MS. VANCE: I don't -- I disagree with
2 Mr. McClure. Scrivener errors happen.
3 Ms. Tschantz's contact information with the Division
4 is there, and I don't believe that it actually would
5 warrant a dismissing of the case. If anything, we
6 could rerun the notice, if that were to be required.
7 However, that being said, I do believe that these
8 have a time sensitivity to them. So, again, we
9 would definitely not want to dismiss this. That
10 seems --

11 HEARING EXAMINER CHAKALIAN: So your
12 proposed cure is what?

13 MS. VANCE: Well, one, I don't think that
14 there is anything to cure here. I think it is cured
15 by the fact that if there is a scrivener error,
16 there are avenues to be able to contact the Division
17 and get clarification.

18 But second, if we do need to do anything,
19 then we could do a -- run a second notice of
20 publication with a corrected case number.

21 HEARING EXAMINER CHAKALIAN: And the
22 notice of publication was to satisfy the rule and it
23 is necessary in this case because you are unable to
24 contact some interest owner; is that right?

25 MS. VANCE: Based on what Mr. McClure has

1 pointed out, it looks like maybe one of the notices
2 was returned. On that note, I would want to check
3 with our landman to see -- well, first of all which
4 party, you know, I don't want to ask Mr. McClure
5 directly unless I can, but which party that was,
6 because it is possible that we can get notice to
7 that party another way very quickly.

8 HEARING EXAMINER CHAKALIAN: Do you have
9 your landman on here?

10 MS. VANCE: Yes. Ms. Warren is available.

11 HEARING EXAMINER CHAKALIAN: Okay. Do we
12 have Ms. Warren?

13 THE WITNESS: Yes.

14 HEARING EXAMINER CHAKALIAN: When I see
15 your picture, we will get you sworn in.

16 There you are.

17 (Whereupon, the witness was sworn.)

18 HEARING EXAMINER CHAKALIAN: Would you
19 state and spell your name, please.

20 THE WITNESS: Peyton Warren, P-E-Y-T-O-N,
21 Warren, W-A-R-R-E-N.

22 HEARING EXAMINER CHAKALIAN: Thank you.

23 And have been excepted as an expert before
24 this Division?

25 THE WITNESS: Yes, sir.

1 HEARING EXAMINER CHAKALIAN: In what
2 field?

3 THE WITNESS: Petroleum land.

4 HEARING EXAMINER CHAKALIAN: Okay.

5 Now, Ms. Vance, go ahead.

6 MS. VANCE: Well, first of all, I would
7 just ask can we get clarification on which
8 particular party Mr. McClure was concerned about.

9 HEARING EXAMINER CHAKALIAN: Mr. McClure,
10 are you comfortable giving clarification?

11 MR. MCCLURE: Yeah, I have no problem,
12 Mr. Hearing Examiner. I am looking at your notice
13 spreadsheet, and I noticed that I believe this
14 settlement does not have reference to it actually
15 being delivered, so there might be a few additional
16 questions about that, that may need to trigger the
17 need for public notice.

18 But at the very least a Glenwood Resources
19 Incorporated. You have the current status listed as
20 your items has been delivered to the original sender
21 at 11:18 a.m. on May 5.

22 HEARING EXAMINER CHAKALIAN: Does that
23 help you, Ms. Vance?

24 MS. VANCE: Yes. I would want to go up to
25 Ms. Warren's --

1 HEARING EXAMINER CHAKALIAN: Why don't we
2 do this so that you ask all the questions you need
3 to, let's take a five-minute break so you can gather
4 yourself and Ms. Warren can look at this information
5 as well and we will get some real answers.

6 MS. VANCE: Can I just state one thing on
7 the record real quick? I am looking at the actual
8 parties we are pooling and it looks like there are
9 only three parties. So I think if we can just
10 confirm. We might have provided more notice than we
11 needed to. I just will confirm that the three
12 parties that we are actually pooling received notice
13 and that may cure everything.

14 HEARING EXAMINER CHAKALIAN: I am not sure
15 that the rule says that you only need to give notice
16 to parties that you intend to pool, though. That is
17 where we might differ?

18 MS. VANCE: I believe that that is the
19 requirement. And I would have to look into the
20 rules but that has been my understanding is that we
21 only need to provide notice to the parties to be
22 pooled.

23 HEARING EXAMINER CHAKALIAN: I am reading
24 from the rule and you have time. I will give you
25 five minutes to look at this if you would like as

1 well.

2 My understanding of the rule and I am
3 reading from the same rule I read early today
4 19.15.4.12A(1)(a), and this is a compulsory pooling
5 case, is it not?

6 MS. VANCE: Yes.

7 HEARING EXAMINER CHAKALIAN: Okay. Very
8 good.

9 It says here, "The applicant shall give
10 notice to each owner of an interest in the mineral
11 estate of any portion of the lands the applicant
12 proposes to be pooled or unitized whose interest is
13 evidenced by a written conveyance document either of
14 record or known to the applicant at the time the
15 applicant filed the application."

16 Now, that doesn't -- that doesn't seem to
17 fit with what you are saying.

18 MS. VANCE: I may differ in my opinion of
19 that interpretation. But, again, I would want to
20 dive in a little bit deeper. But, again, you know,
21 it has always been -- and I think that there has
22 been a conversation about this with some of the
23 other counsel -- that notice is just to the parties
24 to be pooled and that is what the -- what it has
25 always been.

1 HEARING EXAMINER CHAKALIAN: Do you want a
2 ten-minute break so you can both --

3 MS. VANCE: Yes. That sounds great.

4 HEARING EXAMINER CHAKALIAN: Let's do a
5 10-minute break. Thank you. We are off the record.

6 (A recess was taken.)

7 HEARING EXAMINER CHAKALIAN: It is
8 10:39 a.m. We are back on the record.

9 Ms. Vance.

10 MS. VANCE: Yes, thank you. I want to
11 make a couple of points walking through the rules.

12 One, I know the Hearing Examiner pointed
13 to the rule of 19.15.4.12 regarding notice. And
14 just reading through that, I think -- so, "The
15 applicant shall give notice to each owner of an
16 interest in the mineral of estate of any portion of
17 the lands the applicant proposes to be pooled or
18 unitized whose interest is evidenced by a written
19 conveyance document either of record or known to the
20 applicant at the time the applicant filed the
21 application and whose interest has not been
22 voluntarily committed to the area proposed to be
23 pooled."

24 So there is two pieces there. It is that
25 they have a written conveyance and they have not

1 volunteered their interest. So, it is just pooled
2 parties.

3 Second, if you go down to B of the same
4 rule and you look at the requirements for a notice
5 of publication, that is you rely on the notice of
6 publication when you do not have a locatable
7 address.

8 For the parties that Mr. McClure was
9 pointing to, there was an address. It is the last
10 known address in the public record.

11 Yes, we use it to try to cover where we
12 don't have a working address and perhaps if
13 something is not delivered, but the intent for the
14 notice of publication is when you don't actually
15 have an address.

16 That being said, the three parties that
17 Mewbourne is seeking to pool, which if we go to
18 the -- I am going to share my screen. So if we go
19 to Mewbourne Pooling Exhibit, Page 16, which shows
20 the three parties that Mewbourne is seeking to pool
21 Contango, Rich Sharpenter, and Drusilla. They are
22 highlighted there.

23 And then we go to the mailing report. You
24 can see that for each of these parties they were
25 delivered or picked up successfully.

1 So I believe for the three parties that we
2 were required to provide notice to that are being
3 pooled we have satisfied the notice. And we can --
4 I would ask that the Division take this case under
5 advisement.

6 HEARING EXAMINER CHAKALIAN: Okay. So
7 let's go back to your argument about A(1)(a) and
8 where it says, "and whose interest has not been
9 voluntarily committed to the area proposed to be
10 pooled or unitized."

11 I can see your argument there. But it
12 seems as though it is a different argument to say,
13 We are only pooling certain people, so those people
14 we need to provide notice to versus, "whose interest
15 has not been voluntarily committed," because I could
16 see that the two -- the two groups of people could
17 diverge. Could diverge, possibly, in certain
18 circumstances. I think what you are saying here is
19 in this case that they are not.

20 MS. VANCE: Correct. I agree with the
21 Examiner and there are definitely instances where
22 that may happen, but that is a risk that an
23 applicant would be taking on if they did not provide
24 notice.

25 HEARING EXAMINER CHAKALIAN: Okay. So I

1 can understand your argument here in this case,
2 especially given that the clause following "and."
3 So that satisfies me to than extent.

4 Now, you say, in B, you were saying that
5 in B as long as you have an address you don't need
6 to -- and you send it to that address, you don't
7 need to publish notice.

8 MS. VANCE: I am just reading what it says
9 here, "When an applicant has been unable to locate
10 persons entitled to notice after exercising
11 reasonable diligence."

12 HEARING EXAMINER CHAKALIAN: Where are
13 you? I am not in the same B that you are. Where
14 are you?

15 MS. VANCE: I am -- if you are --

16 HEARING EXAMINER CHAKALIAN: Are you
17 A(1)(b).

18 MS. VANCE: No. I am 19.15.4.12B. So you
19 will need to --

20 HEARING EXAMINER CHAKALIAN: Big B?

21 MS. VANCE: Big B.

22 HEARING EXAMINER CHAKALIAN: No wonder.
23 Hold on. Type and Content of Notice?

24 MS. VANCE: Yes.

25 HEARING EXAMINER CHAKALIAN: Okay. Go

1 ahead.

2 MS. VANCE: "When an applicant has been
3 unable to locate persons entitled to notice after
4 exercising reasonable diligence" -- which typically
5 in the land statement you will see that there is
6 always a statement related to due diligence to
7 search for parties -- "the applicant shall provide
8 notice by publication, and submit proof of
9 publication at the hearing."

10 HEARING EXAMINER CHAKALIAN: So what was
11 your argument regarding addresses that you made
12 earlier?

13 MS. VANCE: So to -- again, your landman
14 will do a diligent search of the public record. If
15 there is an address or potentially they come up with
16 multiple addresses, they will try those, but that
17 would be considered a locateable party, even if it
18 gets returned. You have located an address for that
19 party because it is the last known address in the
20 public record.

21 But there are plenty of instances where
22 perhaps you have a party where there is no address
23 and that is where you are really relying on your
24 notice of publication.

25 HEARING EXAMINER CHAKALIAN: Let me go

1 back for a moment. I am glad we are having this
2 discussion.

3 Because in the small (b) under A,
4 Compulsory pooling, this -- in the section that
5 deals with compulsory pooling and statutory
6 unitization, we have talked about (a), so far. But
7 be there is B. There is small (b) there, and small
8 (b) says, "When the applicant has given notice as
9 required by (a) of a compulsory pooling application,
10 and those owners the applicant has located do not
11 oppose the application, the applicant may file under
12 the following alternative procedure."

13 I mean, if I go by your interpretation,
14 Ms. Vance, then as long as you have an address for
15 someone and send out a certified, et cetera, if you
16 follow this here, you don't actually have to make
17 contact with that person.

18 MS. VANCE: That is correct because it is
19 based on a good faith effort and a reasonably
20 diligent search to find the party.

21 HEARING EXAMINER CHAKALIAN: "When an
22 applicant has been unable to locate persons entitled
23 to notice after exercising reasonable diligence, the
24 applicant shall provide notice by publication."

25 So then in your -- in your scenario or

1 you're asserting that -- let's say you have three
2 people that you have been able to locate by last
3 known address and you send them Certified Mail, you
4 don't need to provide notice by publication if you
5 have done that is what you are saying.

6 MS. VANCE: Correct. There are plenty of
7 instances where I have not included a notice of
8 publication because you can see from the tracking
9 reports that we completed the notice and in this
10 case if I wasn't so busy, I may have done that.

11 HEARING EXAMINER CHAKALIAN: Well, I will
12 think about that, but I don't think that deals -- I
13 don't think that is dispositive of today's because
14 you did publish notice. It is the wrong case number
15 in your notice, but you're saying -- okay. So let's
16 talk about -- so do you have questions now for your
17 landman?

18 MS. VANCE: I do not but again I just want
19 to be clear, I would be happy to provide a revised
20 hearing packet that drops the notice of publication
21 because we don't need to rely on it. I think that
22 may get rid of some of the confusion since there was
23 a scrivener error on the notice of publication.

24 We have three parties we are pooling, the
25 notice got to those parties according to our

1 tracking report. We have met the intent the rule.

2 HEARING EXAMINER CHAKALIAN: Okay. Let's
3 not use that phrase. I thought we just agreed that
4 there are times when there is a mineral interest
5 owner who is not a -- who has not been voluntarily
6 committed to the area, that may not be on your list
7 of pooled parties.

8 MS. VANCE: Correct.

9 HEARING EXAMINER CHAKALIAN: Okay. So
10 let's not use that term, just because you're not
11 pooling them they don't deserve notice.

12 MS. VANCE: Can you explain that?

13 HEARING EXAMINER CHAKALIAN: I thought we
14 already agreed earlier that there are times when
15 just because you are not pooling someone it doesn't
16 necessarily mean that they have a voluntary
17 agreement.

18 MS. VANCE: Correct.

19 HEARING EXAMINER CHAKALIAN: So then let's
20 not say it that way anymore because it looks like
21 automatically if you are not pooling them they don't
22 deserve notice and that is not what the rule says is
23 all I am saying.

24 MS. VANCE: Fair.

25 HEARING EXAMINER CHAKALIAN: Okay. All

1 right. So can we go to your -- can we go to your
2 list of parties or whatever exhibit that is.

3 MS. VANCE: Sure.

4 HEARING EXAMINER CHAKALIAN: We have your
5 witness still available, don't we?

6 MS. VANCE: Yes. I believe Ms. Warren is
7 still available.

8 HEARING EXAMINER CHAKALIAN: Okay.
9 Mr. McClure, do you have any questions based on the
10 notice on this exhibit.

11 MR. McCLURE: I mean, I do have some
12 questions as to why -- what was the reason the
13 different people were noticed, I guess.

14 Would you like me to address that with the
15 landman, Mr. Hearing Examiner?

16 HEARING EXAMINER CHAKALIAN: I think that
17 is the appropriate witness.

18 MR. McCLURE: Okay.

19 HEARING EXAMINER CHAKALIAN: I remind you,
20 you are under oath.

21 THE WITNESS: Yes, sir.

22

23

24

25

1 PEYTON WARREN,
2 after having been first duly sworn under oath,
3 was questioned and testified as follows:

4 EXAMINATION

5 BY MR. McCLURE:

6 Q. Ms. Warren, can I draw your attention to
7 the list of persons in the notice spreadsheet that
8 is on Page 29 of 33 is where it starts on the
9 exhibit packet.

10 A. Yes, sir.

11 Q. Ms. Warren, I did count these, but just
12 throwing a number out there may be like 30 persons
13 is included in this table.

14 Does that seem about right to you?

15 A. Yes, sir.

16 Q. Do you know the reason that all of these
17 people were provided notice?

18 A. Yes. Around the time that we provided
19 notice to the parties there was an assignment and
20 bill of sale filed in the Lea County, New Mexico,
21 records. And those assignments included the
22 majority of those parties and they assigned their
23 interest to Three Forks Resources, LLC, who then
24 immediately turned around another assignment and
25 bill of sale to Lario Permian II, LLC, who then

1 voluntarily signed our joint operating agreement.

2 Q. So then the majority of these persons,
3 their interest is now owned by Lario Permian II,
4 LLC; is that correct?

5 A. Yes, sir.

6 Q. Does that include the interest of Glenwood
7 Resources, Incorporated?

8 A. Yes, sir.

9 Q. As far as the returning green card, is
10 that something that Mewbourne gets or is that
11 something that Holland & Hart would have?

12 A. I believe that is Holland & Hart.

13 MR. McCLURE: Okay. I don't have any more
14 questions for this witness, Mr. Hearing Examiner,
15 but I would ask Ms. Vance if she happens to have the
16 green cards for the return for the --

17 MS. VANCE: I can pull from the tracking
18 information, the tracking numbers that are included
19 there, and just file the full -- you know, the full
20 transit of the mailing that went out if the Hearing
21 Examiner or the Technical Examiner would like that.

22 MR. McCLURE: Ms. Vance, I have access to
23 that myself. And I am looking at it and I am not
24 sure if it is an error in the Postal Service or
25 if -- or if it was to an incorrect address or not.

1 Was how these sent, were they sent with
2 green cards getting sent back or is that not the
3 case?

4 MS. VANCE: I am not sure I understand
5 your question. Is it related to the parties that
6 are being pooled?

7 MR. McCLURE: I am asking about Lario
8 Permian II, LLC is the one I am curious if they
9 received notice.

10 MS. VANCE: I have to do pull the tracking
11 report for that. But what is summarized there in
12 that far right corner is the most up-to-date
13 information regarding the mailing, as of the date
14 stated in my statement.

15 MR. McCLURE: I guess to reask my
16 question, do you -- how you sent these letters, this
17 notice, do you receive the green cards once it's
18 been signed or is it only tracked online?

19 MS. VANCE: As far as I understand, it is
20 only tracked online. We work with a vendor and my
21 legal assistant manages our notice that goes out.
22 So I oversee it, but I would have to ask her. As
23 far as I understand we just track it online.

24 MR. McCLURE: Okay. That answers my
25 question, Ms. Vance.

1 HEARING EXAMINER CHAKALIAN: Mr. McClure,
2 how do you want to proceed?

3 MR. McCLURE: I would like them to
4 re-conduct notice is how I would like to proceed,
5 re-conduct the public notice.

6 HEARING EXAMINER CHAKALIAN: Okay. Do you
7 mean the publication or do you mean the direct, the
8 direct mailings or both?

9 MR. McCLURE: I mean, I guess at their
10 discretion. They could try to do the direct mailing
11 again. But I think if they re-noticed it publicly,
12 I think that should be sufficient.

13 HEARING EXAMINER CHAKALIAN: Ms. Vance.

14 MS. VANCE: I don't believe we need to.
15 We have provided notice. It is in the tracking
16 report to the parties that Mewbourne is seeking that
17 have not volunteered that are in the pooling
18 exhibit. Those parties have received notice. There
19 is no reason for us to do a notice of publication.

20 HEARING EXAMINER CHAKALIAN: Why did you
21 publish notice?

22 MS. VANCE: We always do that as a
23 catchall but we don't need to necessarily rely on
24 it. Obviously, we included it in our hearing
25 packet. But, again, I am happy to drop that and

1 just show in our -- the mailing report just for the
2 three parties that we are pooling, that way there is
3 no confusion. We provided that notice. It is clear
4 from the tracking report that it was delivered and
5 received by those parties, and there is no reason
6 for us to rely on the notice of publication.

7 HEARING EXAMINER CHAKALIAN: Well, if the
8 Technical Examiner wants published notice, I am not
9 going to go against that.

10 MS. VANCE: There is -- I just need to
11 understand the basis. If the rule requires that we
12 provide notice and we are showing with our evidence
13 that notice was provided, those parties received it,
14 then there is no basis for us to do a notice of
15 publication.

16 HEARING EXAMINER CHAKALIAN: So, is there
17 a list of parties in your spreadsheet here of all
18 the people you sent notice to?

19 MS. VANCE: The tracking report, correct.

20 HEARING EXAMINER CHAKALIAN: Can you pull
21 that up?

22 MS. VANCE: (Complies.)

23 HEARING EXAMINER CHAKALIAN: How many
24 pages is this?

25 MS. VANCE: Four. Again, you can see the

1 parties that are highlighted to be pooled, Contango,
2 this was delivered. For Drusilla, was picked up,
3 and for Rich Sharpenter Living Trust, it was
4 delivered.

5 HEARING EXAMINER CHAKALIAN: So based on
6 the way the rule is written, first of all, where
7 does this -- and I need you to educate me on this.
8 I don't know where this list comes from.

9 How do you obtain this list here?

10 MS. VANCE: This was provided by our
11 landman. So when we are preparing, we get a notice
12 list from our landman. Ms. Warren provided this to
13 me, and it is not statistic. So Ms. Warren is --
14 from the time she is sending this notice list to us
15 she is continuing those negotiations with the
16 parties and in trying to get that voluntary
17 agreement.

18 And then by the time we get to hearing and
19 getting ready to file a hearing packet, we may have
20 noticed parties that we now have agreement with.

21 HEARING EXAMINER CHAKALIAN: I see.

22 EXAMINATION

23 BY HEARING EXAMINER CHAKALIAN:

24 Q. So, Ms. Warren, you heard that, right?

25 A. Yes, sir.

1 Q. So you provided -- and I can't see this
2 entire list.

3 HEARING EXAMINER CHAKALIAN: Can you go up
4 for the top?

5 MS. VANCE: Sure.

6 Q. (By Hearing Examiner Chakalian) Okay. So,
7 Ms. Warren, this is the top of the list. When did
8 you provide this list to Ms. Vance?

9 A. It was been several months ago and this
10 was the initial list we gave her, and so that is who
11 we asked her to notice while we continued
12 negotiations.

13 Q. Okay. So there is no date on this
14 exhibit; is that right?

15 MS. VANCE: Yes. I would say -- I also
16 would add that there has been additional time
17 because this was originally filed April 14. So
18 there has been additional time, you know, rather
19 than, you know, just a month. There has been a
20 couple of months we continued this case or, rather,
21 I think it was continued by the Division because the
22 docket was full. So there has been additional time
23 that Ms. Warren has had to get those voluntary
24 agreements with parties.

25 HEARING EXAMINER CHAKALIAN: Okay. Thank

1 you. I'm not sure -- okay. Thank you. I
2 appreciate that.

3 Q. (By Hearing Examiner Chakalian) So,
4 Ms. Warren, how do you compile this four-page
5 document?

6 A. Yes. These are the list of mineral
7 interest and leasehold interest owners that we
8 compiled when we were preparing to propose the well
9 to the parties in the unit. And that was our
10 initial list who we proposed to. Afterwards, the
11 majority of which has assigned their interest to
12 Three Forks who assigned their interest to Lario.

13 Q. Okay. So you are saying that all the
14 people on this list are mineral interest owners or
15 leasehold owners in this tract of land?

16 A. Yes, sir.

17 Q. Okay. Some of them have voluntarily
18 committed their interest and some of them have not?

19 A. Correct.

20 Q. Okay. Very good. Does it show on here
21 who has voluntarily committed their interest and who
22 has not?

23 A. In the table if you scroll up on the
24 exhibit packet, it shows two parties who are
25 committed and who have voluntarily signed our joint

1 operating agreement.

2 Q. Ms. Warren, excuse me for interpreting
3 you. Please use exhibit numbers when we talk for
4 the record because otherwise a court reporter is not
5 going to know what we are talking about.

6 MS. VANCE: I believe that Ms. Warren was
7 referring to Exhibit C-2, which is the pooling
8 exhibit; is that correct?

9 THE WITNESS: Yes.

10 MS. VANCE: Okay. I am there, I believe
11 this is what Ms. Warren was referring to.

12 Q. (By Hearing Examiner Chakalian) Can you
13 see this exhibit, Ms. Warren?

14 A. Yes, sir.

15 Q. Is this the whole exhibit? Are we missing
16 part of it?

17 MS. VANCE: It is a couple of pages here,
18 so whichever she would like me to go to I am happy
19 to scroll.

20 Q. (By Hearing Examiner Chakalian) Okay.
21 Ms. Warren, where are you talking about here.

22 A. This page works. Under Tract Ownership we
23 have Mewbourne, Marshall & Winston and Lario II who
24 have voluntarily signed our joint operating
25 agreement and they're named three parties who we

1 intend to pool.

2 Q. Okay. I understand. So that is why in
3 that other spreadsheet that we looked at, what was
4 that exhibit number with the spreadsheet?

5 MS. VANCE: That would be Exhibit E. The
6 one with the mailing report?

7 HEARING EXAMINER CHAKALIAN: Yes. E like
8 echo.

9 MS. VANCE: Yes.

10 HEARING EXAMINER CHAKALIAN: Is that the
11 four-page exhibit that you received that from
12 Ms. Warren?

13 MS. VANCE: Yes. Well, that is the
14 mailing report based on the notice list she provided
15 me, yes.

16 HEARING EXAMINER CHAKALIAN: Okay.

17 Q. (By Hearing Examiner Chakalian) So,
18 Ms. Warren, then what you are saying is that long
19 four-page list, that spreadsheet of all of those
20 interest owners, you are saying the great majority
21 of them, the very great majority of those people
22 assigned their interest to these three individuals
23 Mewbourne, Marshall and Lario. Is that what you
24 were saying?

25 A. Yes, sir. Actually most of which went to

1 Lario.

2 Q. Right. That is what you said before.

3 A. Yes, sir.

4 Q. Okay. And Lario has a JOA with you?

5 A. Yes, sir. They have signed our joint
6 plating agreement.

7 Q. So out of all the people on that long
8 four-page Exhibit E as in echo --

9 A. Correct.

10 Q. -- of all of those people, there are only
11 three people or three entities that have not
12 voluntarily joined in this endeavor; is that
13 correct?

14 A. Correct.

15 Q. Okay. And those are the three people
16 highlighted here on this Exhibit C-2?

17 A. Yes, sir.

18 Q. All right.

19 HEARING EXAMINER CHAKALIAN: Now,
20 Ms. Vance, your testimony as to these three
21 individuals or entities, you have mailed notice to
22 all three of these people?

23 MS. VANCE: Correct.

24 HEARING EXAMINER CHAKALIAN: Okay. And
25 you succeeded in having your mailing received?

1 MS. VANCE: That is what the mailing
2 report reflects, correct.

3 HEARING EXAMINER CHAKALIAN: Okay.

4 Q. (By Hearing Examiner Chakalian) And,
5 Ms. Warren, do you say the same thing?

6 A. Yes, sir.

7 HEARING EXAMINER CHAKALIAN: Okay.

8 Mr. McClure, have I missed something here that the
9 three people who have not voluntarily joined their
10 mineral interest ownership in this area, the subject
11 lands, we will call it, am I missing something here
12 that they did not receive -- that they did actually
13 receive actual notice?

14 MR. McCLURE: Based upon the verbal
15 testimony here, it seems that what they are verbally
16 testifying to is that Lario Permian II, LLC,
17 assigned a JOA. Looking at the most expedient path
18 in getting it oral, though, we still need to have
19 further discussion beyond the scope of this hearing
20 as to the interpretation of that rule, though.

21 So we may be looking at a longer period if
22 we don't go down the route of just taking care of
23 the notice.

24 HEARING EXAMINER CHAKALIAN: I think the
25 best thing to do at this point is take another

1 five-minute break. We are going to be off the
2 record for five minutes.

3 Thank you.

4 (A recess was taken.)

5 HEARING EXAMINER CHAKALIAN: All right.
6 It is 11:18 a.m. We are back on the record.

7 After a lengthy discussion, we will take
8 this case under advisement.

9 Thank you.

10 MS. VANCE: Thank you.

11 HEARING EXAMINER CHAKALIAN: Moving on to
12 Number 19 on the docket. It looks like it is not
13 joined with the other Mewbourne Oil case. We will
14 just call it by itself. 25383.

15 MS. HARDY: Mr. Examiner, Dana Hardy with
16 Hardy & McLean on behalf of Mewbourne Oil Company.
17 There are no other parties.

18 HEARING EXAMINER CHAKALIAN: Please.

19 MS. HARDY: Thank you. Mewbourne seeks an
20 order pooling all uncommitted interests in the Bone
21 Spring formation underlying 160-acre standard
22 horizontal spacing until comprised of the east half
23 of the east half of Section 27, Township 23 South,
24 Range 28 East in Eddy County and will dedicate the
25 unit to the Speedwagon 27 Fee 528 well.

1 Our exhibit packet includes the
2 self-affirmed statement of landman Mitch Robb and
3 geologist Tyler Hill, both of whom have previously
4 testified and been recognized as experts by the
5 Division.

6 Mr. Robb provides the standard land
7 exhibits. The plotted tracts, ownership interest
8 and pooled parties information is provided in
9 Exhibit A3 and Mewbourne does own over 98 percent of
10 the interest in this unit, so they are only pooling
11 a couple of very small interests.

12 Mr. Hill provides the standard geology
13 exhibits, a location map, structure map and cross
14 section.

15 Exhibit C is our notice information and
16 shows that notice was timely sent by Certified Mail
17 on May 7, 2025, was timely published on May 15,
18 2025.

19 With that I request that the exhibits be
20 accepted into the record and that the case be taken
21 under advisement.

22 HEARING EXAMINER CHAKALIAN: Thank you,
23 Ms. Hardy. Without exception.

24 (Exhibits admitted into evidence.)

25 HEARING EXAMINER CHAKALIAN: Mr. McClure.

1 MR. McCCLURE: I have a question for the
2 landman in these cases.

3 HEARING EXAMINER CHAKALIAN: Who is that?

4 MS. HARDY: That is Mr. Mitch Robb.

5 (Whereupon the witness was sworn.)

6 HEARING EXAMINER CHAKALIAN: Would you
7 state and spell your name for the record.

8 THE WITNESS: Mitch Robb, M-I-T-C-H,
9 R-O-B-B.

10 HEARING EXAMINER CHAKALIAN: And this
11 Division has recognized you as an expert in what
12 field?

13 THE WITNESS: Petroleum land.

14 HEARING EXAMINER CHAKALIAN: Okay.

15 Mr. McClure.

16 MR. McCCLURE: Thank you, Mr. Hearing
17 examiner.

18 MITCH ROBB,
19 after having been first duly sworn under oath,
20 was questioned and testified as follows:

21 EXAMINATION

22 BY MR. McCCLURE:

23 Q. Mr. Robb, I am looking at your Exhibit A3,
24 found on Page 13 of 29.

25 A. Okay.

1 Q. Listed here there is a row, I guess the
2 second table, the table is in the middle of the
3 screen that says Mewbourne Oil Company, et al., is
4 what you are referring to?

5 A. Yes, I do.

6 Q. Which person is that role with
7 referencing.

8 A. That is Mewbourne combined with all
9 parties that have signed our JOA. There is a lot.

10 Q. Is that list he of et al. included in this
11 application packet anywhere?

12 A. No, it is not.

13 Q. And if I were to ask you to provide that
14 you understand what I am asking for?

15 A. Yes.

16 MR. McCLURE: Okay. No more questions,
17 Mr. Hearing Examiner. But I would like to see a
18 full breakdown of the ownership in this proposed
19 spacing.

20 HEARING EXAMINER CHAKALIAN: Okay.

21 MR. McCLURE: Or proposed unit interest,
22 excuse me.

23 HEARING EXAMINER CHAKALIAN: Okay.

24 Mr. Robb, can you provide that?

25 THE WITNESS: I can barely hear you but I

1 think you said can you provide it.

2 HEARING EXAMINER CHAKALIAN: Mr. Robb, you
3 heard what Mr. McClure is asking for. Can you
4 provide that?

5 THE WITNESS: Yes, I can.

6 HEARING EXAMINER CHAKALIAN: How long will
7 it take for you to provide it?

8 THE WITNESS: I can put it together pretty
9 quickly. I have it all done on an Excel sheet.

10 HEARING EXAMINER CHAKALIAN: Okay. Can
11 you give me a time when you could have it ready.

12 THE WITNESS: I can have it by the end of
13 the week, like tomorrow.

14 HEARING EXAMINER CHAKALIAN: That would be
15 the filing deadline for Ms. Hardy. So, Ms. Hardy,
16 are you able to file that supplemental exhibit by
17 Friday close of business?

18 MS. HARDY: Yes, that is fine.

19 HEARING EXAMINER CHAKALIAN: Okay. We
20 will leave the record open in this case for that
21 information and then we will take it under
22 advisement once we receive it as long as it is by
23 tomorrow at 5:00 p.m.

24 MS. HARDY: Understood.

25 HEARING EXAMINER CHAKALIAN: Very good.

1 Thank you, Mr. Robb.

2 THE WITNESS: Yes, sir.

3 HEARING EXAMINER CHAKALIAN: Okay. Moving
4 on. Now it looks like we have four cases that are
5 joined. These are 20 through 23 on our docket.
6 25384, 85, 86 and 87, all Mewbourne Oil.

7 MS. HARDY: Again, Mr. Examiner, Dana
8 Hardy with Hardy McLean for Mewbourne Oil Company.
9 There are no other parties.

10 HEARING EXAMINER CHAKALIAN: Perfect. Go
11 right ahead.

12 MS. HARDY: Actually I wanted to point out
13 the spreadsheet does list Hardy McLean representing
14 Permian Resources but that is an error.

15 HEARING EXAMINER CHAKALIAN: Okay.

16 MS. HARDY: Yes, sorry.

17 HEARING EXAMINER CHAKALIAN: So you are
18 not representing them?

19 MS. HARDY: No.

20 HEARING EXAMINER CHAKALIAN: Thank you.

21 MS. HARDY: In these cases Mewbourne sees
22 to pool the Bone Spring formation underlying
23 Sections 27 and 34, Township 23- South, Range 28
24 East and will dedicate the units to the Yardbirds
25 27/34 Fee wells.

1 Our exhibit packets include the
2 self-affirming statements of landman Mitch Robb and
3 geologist Tyler Hill. Again, both of whom have
4 previously testified and been recognized as experts.

5 Mr. Robb's land exhibits include the pilot
6 tracts ownership interest and pooled parties in
7 Exhibit A3. And, again, in these cases Mewbourne
8 owns between 94 to 98 percent of the interest. So
9 it is pooling a minimal number of parties.

10 Mr. Hill provides standard geology
11 exhibits including the location map, structure map
12 and cross section.

13 Exhibit C is our notice information and
14 shows that notice was timely sent by Certified Mail
15 on May 7 and 8th of 2025 and was timely published on
16 May 15 of 2025.

17 With that, I request the exhibits be
18 admitted and that the case be taken under
19 advisement.

20 HEARING EXAMINER CHAKALIAN: Without
21 objection.

22 (Exhibits admitted into evidence.)

23 HEARING EXAMINER CHAKALIAN: Mr. McClure.

24 MR. MCCLURE: Mr. Hearing Examiner, I have
25 a question for Mr. Robb, as well for these cases.

1 HEARING EXAMINER CHAKALIAN: Perfect. Go
2 right ahead.

3 MITCH ROBB,
4 after having been previously duly sworn under oath,
5 was questioned and testified as follows:

6 EXAMINATION

7 BY MR. McCLURE:

8 Q. Mr. Robb, on your breakdown of interest
9 does the -- do these exhibit packet also include a
10 role that says Mewbourne, et al.?

11 A. Yes, they do.

12 Q. And does that include more persons than
13 just Mewbourne?

14 A. Yes, it does.

15 Q. Again, if I were to ask you if you
16 understand what I am asking for, if I want to see an
17 entire breakdown of the ownership in this proposed
18 unit do you understand what I am asking for?

19 A. Yes. I can have that provided by
20 tomorrow.

21 Q. Thank you, Mr. Robb.

22 MR. McCLURE: Thank you, Mr. Hearing
23 Examiner. No further questions.

24 HEARING EXAMINER CHAKALIAN: Okay. So,
25 Ms. Hardy, same for these cases as well deadline?

1 MS. HARDY: Yes.

2 HEARING EXAMINER CHAKALIAN: The record
3 will stay open until tomorrow at 5:00 p.m. and then
4 we will take the cases under advisement.

5 Thank you for your presentation. Okay.
6 Go, please proceed.

7 MS. VANCE: Well, I also wanted to address
8 the four cases. Case Numbers 25388, 25390, 25391,
9 and 25393. We are good for July 15.

10 HEARING EXAMINER CHAKALIAN: Perfect. We
11 will issue a prehearing order for July 15 in those
12 cases.

13 MS. VANCE: All right. I will go ahead
14 with our last case here.

15 So Case Number 25409. Matador seeks an
16 order to approve a nonstandard spacing unit. It is
17 a 983.65-acre, more or less, nonstandard horizontal
18 well spacing unit. And this is in the Pennsylvania
19 formation and that is underlying the west half of
20 Sections 26 and 35, Township 15 South, Range 36
21 East, and then Lots 3 through 6, and Lots 11 through
22 14, which would be the northwest quarter equivalent
23 of Section 5, Township 16 South, Range 37 East.
24 That is Lea County in pooling the interests, in that
25 subject acreage.

1 And then dedicating that to the Steve
2 Ruschell State Com initial wells, the 241H and the
3 252H.

4 And we have included in our hearing packet
5 the copy of the application and the CPAC as well as
6 the statements of landman Addison Costley, and
7 geologist Joshua Burrus; both of whom have
8 previously testified before the Division, and their
9 credentials have been accepted as a matter of
10 record.

11 In Mr. Costley's statement we did provide
12 a paragraph of explaining why we are requesting the
13 nonstandard spacing unit. I would note in
14 Mr. Burrus' statement, I think it is duplicated in
15 the hearing packet. They are both the same, it just
16 happened to get in there twice.

17 We have included all of the other standard
18 sub-exhibits for both of our experts. We included a
19 self-affirmed statement of notice for the sample
20 letter that was timely mailed on May 16, 2025 and
21 then an affidavit of notice of publication which was
22 timely on May 21, 2025.

23 I do have -- I should have both of our
24 experts available for any questions, but I would ask
25 that the exhibits and sub-exhibits be admitted into

1 the record at this time.

2 HEARING EXAMINER CHAKALIAN: Without
3 exception.

4 (Exhibits admitted into evidence.)

5 MS. VANCE: Mr. McClure.

6 MR. McCURE: Mr. Examiner, I will have
7 questions for both the landman and the geologist.

8 HEARING EXAMINER CHAKALIAN: Okay. Let's
9 get them sworn in.

10 Would you state and spell your names one
11 at a time for the record.

12 THE WITNESS: Addison Costley,
13 A-D-D-I-S-O-N, C-O-S-T-L-E-Y.

14 HEARING EXAMINER CHAKALIAN: Okay.

15 THE WITNESS: Joshua Burrus, J-O-S-H-U-A,
16 B-U-R-R-U-S.

17 HEARING EXAMINER CHAKALIAN: Okay. Would
18 you both raise your right hands, please.

19 (Whereupon the witnesses were sworn.)

20 HEARING EXAMINER CHAKALIAN: Now, let's
21 start with you, Mr. Burrus.

22 Ms. Vance stated that you had previously
23 been qualified as an expert before this Division.
24 In what field was that?

25 THE WITNESS: Petroleum geology.

1 HEARING EXAMINER CHAKALIAN: Okay.
2 Mr. McClure, would you start with petroleum geology
3 questions.

4 MR. McCLURE: Yeah, I certainly can.

5 JOSHUA BURRUS,
6 after having been first duly sworn under oath,
7 was questioned and testified as follows:

8 EXAMINATION

9 BY MR. McCLURE:

10 Q. Mr. Burrus, if I can direct your attention
11 to your cross section in Exhibit D3, Page 53 of 74.

12 Are you with me, Mr. Burrus?

13 A. Yes, sir.

14 Q. On this cross section it appears that you
15 have the Pennsylvanian top and the Pennsylvanian
16 base identified but none of the formations within
17 the Pennsylvanian; is that correct?

18 A. That's correct.

19 Q. Okay. Where -- on this cross section
20 where would the base of the Cisco be located?

21 A. The base of the Cisco would approximately
22 be 11,000 feet across a majority of these wells.
23 Where we go from generally the cleaner gamma ray
24 signature being in the white on the far left track
25 into what would be a higher gamma ray darker colors

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1 below approximately 11,000 feet in the majority of
2 the wells shown in the cross section.

3 Q. That is about at the top of your high
4 targeted interval.

5 Would that be about correct then?

6 A. Yes.

7 Q. Okay. On this cross section about where
8 would be the base of the canyon at?

9 A. The base of the canyon would approximately
10 be at 11,500 feet. I am referencing in particular
11 that the second well in the cross section, we did
12 say one kind of, again, going from cleaner carbonate
13 generally gamma ray response being in the more
14 light response below that and then above, going into
15 the core of the black and darker gray, typically
16 shell response of our target. That would be the
17 base of that canyon or the top, as we interpret it.

18 Q. That essentially, then, would be the base
19 of your highlighted target interval is about where
20 it is at, then; is that correct?

21 A. Yes.

22 Q. I guess let me rephrase that. I said
23 about. Is it accurate to say that your target
24 interval is above the base of the canyon across this
25 entire cross section?

1 A. The target interval is above the base of
2 the canyon in this cross section.

3 Q. Okay.

4 A. It would, it does include the canyon as we
5 interpret it.

6 Q. Okay. So just to confirm what I think you
7 just said in your answer to a previous response is
8 that -- would it be accurate to say that the target
9 interval here essentially is the canyon formation,
10 then?

11 A. The canyon formation is a portion, yes, of
12 our target.

13 Q. So what is highlighted here in yellow, is
14 that the canyon formation?

15 A. Yes, sir.

16 MR. McCLURE: Okay. I have no further
17 questions for Mr. Burrus.

18 HEARING EXAMINER CHAKALIAN: Okay. Can we
19 have the other witness on the camera now.

20 Okay. So, Ms. Vance said that you had
21 already been qualified as an expert before this
22 Division, and I ask you in what field that is.

23 THE WITNESS: Petroleum land management.

24 HEARING EXAMINER CHAKALIAN: Okay.

25 Perfect.

1 Mr. McClure.

2 MR. McCCLURE: Thank you, Mr. Hearing
3 Examiner.

4 ADDISON COSTLEY,
5 after having been first duly sworn under oath,
6 was questioned and testified as follows:

7 EXAMINATION

8 BY MR. McCCLURE:

9 Q. Mr. Costley, I am not asking about the
10 target interval of where the wells are going to be
11 drilled, I am asking specifically with what interval
12 Matador is asking to force pool.

13 A. The Ben Shale formation.

14 Q. Okay. In terms of Cisco Canyon, Strawn
15 and Pogat, Marrow, which of those formations --
16 those would be the entire of the Pennsylvanian,
17 which of those formations -- what part of the
18 Pennsylvanian or is it all of Pennsylvanian that
19 Matador is asking to force pool?

20 A. I would say a portion of the canyon, and
21 north of the Strawn formation toward the Marrow
22 formation but south of the Wolfcamp.

23 Q. By north and south you are referring to
24 above and below?

25 A. Correct. Above the Strawn, the Marrow,

1 including parts of the canyon and south or below the
2 Wolf Canyon.

3 Q. Okay. Very good, very good.

4 Can I draw your attention to your summary
5 of contact. I think it might be Exhibit C6 but I
6 think it is labeled A6. Regardless, it is on
7 Page 42 of 74.

8 A. Yes, sir.

9 Q. On this summary of contacts is there any
10 indication as to, like, when these events occurred?

11 A. Correct. So when we initially sent out
12 the initial well proposals on March 6, you know,
13 through the mail, USPS and so certain packages were
14 delivered at different times and so we received
15 confirmation of delivery at different times between
16 the initial sending and today.

17 When those packages were or through our
18 online service, whether they were categorized as
19 delivered or returned. From that point we, you
20 know, participated in a due diligence effort to find
21 a secondary address through various sources online
22 or other sources in the courthouse.

23 From those sources we attempted to send a
24 copy to a different address of those owners. So
25 that is what the thirds column on the right

1 represents, a second attempt through the mail. If
2 there is a check there then we attempted to deliver.

3 And then the column, the last column on
4 the right shows that we have had additional
5 conversations, either through e-mail or by phone,
6 regardless of whether the package was delivered or
7 if it was. On some of the parties, they did not
8 receive a physical package through the mail on the
9 first attempt, but I was able to reach them via
10 phone or e-mail and had conversations and submitted
11 those materials to them through those measures.

12 Q. Okay. I guess the first three columns, is
13 there a reference to that in your statement? I am
14 looking through it now. For some reason I thought I
15 had seen it somewhere and now I am not seeing it
16 again.

17 MS. VANCE: Paragraph 13.

18 MR. McCLURE: There we go. Yeah, thank
19 you, Ms. Vance.

20 Q. (By Mr. McClure) Does it talk about
21 anywhere at all in regards to a breakdown of that
22 fourth column? Is that included anywhere in your
23 exhibit packet?

24 A. No, sir. Just the sheer volume of parties
25 we did not include that breakdown of conversations

1 with those parties.

2 Q. I guess regardless of the volume, if I
3 were to request a summary of the assorted
4 communications, would you understand what I am
5 asking for?

6 A. Yes, sir. I can provide that information
7 to you if you request it.

8 MR. McCLURE: Mr. Hearing Examiner, I
9 don't have any more questions but I do have some
10 requests for Ms. Vance.

11 HEARING EXAMINER CHAKALIAN: Go right
12 ahead.

13 MR. McCLURE: Okay. Ms. Vance, on the
14 Compulsory Pooling Application Checklist there is
15 the Pennsylvanian formations listed, but it does not
16 have a pooling of this vertical extent listed in
17 there.

18 Based upon the landman's description in
19 addition to the bounds of this pool that you have
20 listed here, this would actually be restricted to
21 the -- well, essentially the Cisco and the Canyon.

22 Are you with me, Ms. Vance?

23 MS. VANCE: Yes, I am just taking notes.

24 MR. McCLURE: Okay. Yeah, we want to go
25 beyond that discussion of what we need to do as far

1 as the pools because that pool does not include
2 anything Strawn or below. But based upon your
3 witnesses, it sounds like Matador is not interested
4 in that anyway. So if we could correct that
5 vertical limit to just include those two formations.

6 MS. VANCE: So it should read the
7 Pennsylvania formation pooling the Cisco and Canyon
8 vertical extent?

9 MR. McCLURE: Yeah, you could do it that
10 way or you can say from the top of the Cisco to the
11 base of the Canyon. I don't know if it needs to be
12 too nitty-gritty as long as it is understood and
13 relatively picky as to what is being pulled here.

14 MS. VANCE: That works for me.

15 MR. McCLURE: Okay. What I would also
16 like to see, if we could actually identify the top
17 of the Canyon and the top of the Strawn in the
18 geology cross section exhibit in Exhibit D3.

19 MS. VANCE: I just want to make sure that
20 our geologist is still online because he would be
21 the one who would be preparing that. So I just want
22 to check -- there he is. And just make sure he
23 understands because, again, he would be preparing
24 that revised exhibit.

25 MR. BURRUS: Yes, I understand that

1 request. The top of the Strawn is less interpretive
2 than the top of the Canyon and the contact between
3 the Canyon and the Cisco, that does become more
4 interpretive.

5 So I have referred in terms of an
6 operational top or formation target per the canyon
7 shale referred to before. And I think generally
8 more of the Cisco is considered the carbonate
9 overlying that in terms of differentiating between
10 the Virgilian and serilian respectively, but you
11 know, taking that out reliably as a more
12 biostratigraphic becomes more difficult.

13 So in response to that I do feel
14 comfortable putting, certainly a top Strawn on that.
15 In terms of differentiating between the Canyon and
16 Cisco, I would prefer to use more of a
17 lithostratigraphic, top which would differentiate
18 our primary shale target from the overlying
19 predominantly Cisco card. Just trying to kind of
20 work between the biostrat, sequence strat or
21 stratigraphic and the operational description world.
22 And as long as you're comfortable with that
23 differentiation, that is with those stratigraphic
24 differentiation between the Canyon and the Cisco, I
25 feel comfortable.

1 MR. McCLURE: Ms. Vance, let me amend my
2 request. In this particular instance it really is
3 the top of the Strawn that is of more interest. So
4 rather than worrying about the top of the Canyon, if
5 we could just put in the top of the Strawn, though.

6 MS. VANCE: Okay. You are talking about
7 as it relates to the CPAC.

8 MR. McCLURE: No, I am talking about that
9 cross section.

10 MS. VANCE: Okay. All right. So I just
11 want to make sure that Mr. Burrus understands that.
12 And I saw him nod his head, so I believe we are form
13 in agreement that we will go ahead and revise that
14 exhibit.

15 MR. McCLURE: Ms. Vance, you still
16 understand what we are looking for, for the CPAC,
17 right? That stays the same as our earlier
18 discussion.

19 MS. VANCE: Yes. So it is the vertical
20 assent, the top of the Cisco and the base of the
21 Canyon, correct?

22 MR. McCLURE: Yes, ma'am, that's correct.

23 The last thing is that summary of contact.
24 If we get more details there, I mean, if we are able
25 to get it into a table format, that is fine. But it

1 is pretty broad as to -- especially with that fourth
2 column is actually referring to.

3 MS. VANCE: Again, I would ask, I believe
4 Mr. Costley is probably still in the room. I am
5 assuming so, but he would be the one that updates
6 that exhibit. So as long as he understands, I think
7 we can easily do that.

8 MR. COSTLEY: Yes, I can provide a more
9 detailed list of digital communications either
10 through e-mail or by phone, if that is what you are
11 asking for.

12 MR. McCLURE: That is, Mr. Costley.

13 MR. COSTLEY: Okay.

14 MR. McCLURE: Ms. Vance, I guess the only
15 other question on that exhibit is what is that
16 exhibit? Is that A6 or C6?

17 MS. VANCE: It should be C6. It looks
18 like something happened here with the numbering and
19 since we are going to final revise hearing packet, I
20 will make sure that that's corrected.

21 MR. McCLURE: Okay. Very good. Thank
22 you, Ms. Vance.

23 Thank you, Mr. Hearing Examiner.

24 I don't have anything else.

25 HEARING EXAMINER CHAKALIAN: Mr. McClure,

1 would you like to review the revised exhibit packet
2 before we take this case under advisement?

3 MR. McCCLURE: There are a substantial
4 number of changes being made, so that may be for the
5 best.

6 HEARING EXAMINER CHAKALIAN: Okay. All
7 right. Thank you, Mr. McClure.

8 So, Ms. Vance, once you file your revised
9 exhibit packet, please move this case to the next
10 hearing by affidavit docket so it gives time for
11 Mr. McClure to review these exhibits and ask any
12 questions he might have of your witnesses.

13 MS. VANCE: Okay.

14 HEARING EXAMINER CHAKALIAN: I believe
15 that concludes our business today.

16 We are off the record. Thank you.

17 Ms. Vance, we are coming back --

18 MS. VANCE: We are coming back.

19 HEARING EXAMINER CHAKALIAN: -- to that
20 one case earlier.

21 MS. VANCE: Actually three matters. I got
22 confirmation on availability for dates and then I
23 would like to present the last case.

24 HEARING EXAMINER CHAKALIAN: The case, was
25 it 25409?

1 Let's first deal with your witness
2 availability.

3 MS. VANCE: So it would be for the two OXY
4 cases, which are Case 25222 and 25225. And we are
5 available August 13. I have follow-up from
6 Ms. Tschantz that it was not August 12 but
7 August 13, but just want to confirm, we are
8 available for that hearing date.

9 HEARING EXAMINER CHAKALIAN: Ms. Tschantz.

10 MS. CHANCE: Yes, that is right.

11 HEARING EXAMINER CHAKALIAN: Okay. We
12 will issue a prehearing order for August 13. Is
13 August 13 a trailing docket?

14 MS. CHANCE: We have one other contested
15 hearing that is for August 12. I realized that
16 someone else had set up a pooling hearing in this
17 room. So we may have to move everything to the
18 13th.

19 HEARING EXAMINER CHAKALIAN: Okay. We
20 have time to do that it sounds like.

21 MS. CHANCE: Yes.

22 HEARING EXAMINER CHAKALIAN: Do you know
23 what party is on the 12th that will have to move to
24 the 13th? They may be in the room.

25 MS. CHANCE: I don't have counsel listed

1 Pride Energy and Rockwood Energy. I don't know if
2 that rings a bell.

3 MS. HARDY: We are a party in that case
4 but I think the applicant is represented by
5 Ms. Shaheen.

6 HEARING EXAMINER CHAKALIAN: Okay. Are
7 you an objecting party?

8 MS. HARDY: We are not an objecting party
9 but there is an objecting party I just can't
10 remember who it is. We are monitoring.

11 HEARING EXAMINER CHAKALIAN: Okay.

12 MS. VANCE: It might be me. I am
13 doublechecking my intake sheet.

14 HEARING EXAMINER CHAKALIAN: Okay. So
15 Ms. Tschantz, you will notify Ms. Shaheen that we
16 are moving the case to the 13th?

17 MS. CHANCE: Yes.

18 HEARING EXAMINER CHAKALIAN: Okay. Sounds
19 good. Okay. Excellent. So we know that your first
20 two cases will be heard on a trailing docket on
21 August 13.

22 MS. VANCE: Correct.

23 HEARING EXAMINER CHAKALIAN: Okay. What
24 else did you want to tell us?

25 MS. VANCE: Yes. Just to confirm that is

1 I am filing on behalf of EOG applications that are
2 competing with applied Pride Energy's cases on
3 August 12. So noted on my part, we will need to
4 file on August 13 for this.

5 HEARING EXAMINER CHAKALIAN: I thought you
6 just said you will be filing competing applications?

7 MS. VANCE: We are, yes. We stated that
8 at the last status conference.

9 HEARING EXAMINER CHAKALIAN: They will be
10 filed in time to deal with notice?

11 We are skipping over the cases we called
12 earlier.

13 We are going on to Number 29 on the
14 docket, PBEX Operations, 25394.

15 Entry of appearance, please.

16 MS. BRADFUTE: Mr. Examiner, Jennifer
17 Bradfute with Bradfute Sayer, on behalf of the
18 applicant.

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

21 MS. HATLEY: Yes, Mr. Examiner. Keri
22 Hatley entering an appearance on behalf of COG
23 Operating, Concho Oil and Gas and Mongoose.

24 HEARING EXAMINER CHAKALIAN: Mongoose.

25 MS. HATLEY: Thank you, sir.

1 HEARING EXAMINER CHAKALIAN: Ms. Bradfute.

2 MS. BRADFUTE: Mr. Hearing Examiner, in
3 this case, PBEX Operations, LLC, is seeking approval
4 of an overlapping spacing unit and it is seeking to
5 pool a standard 480-acre, more or less, spacing unit
6 covering the Bone Spring formation involving a Lusk
7 Bone Spring north pool, Pool Code 41450.

8 This unit is going to be located in the
9 southeast of Section 31 and the south half of
10 Section 32 in Township 18 South, Range 32 East in
11 Lea County, New Mexico. And it is going to be
12 dedicated to PBEX's Dr. Vogel Southeast 32-31 Wells.

13 Attached in the exhibit packet are the
14 typical exhibits, Exhibits A through C. Exhibit A
15 is the affidavit by PBEX's landman Ruth Pelzel, and
16 the attached land exhibits that typically come in
17 your uncontested application packet.

18 HEARING EXAMINER CHAKALIAN: Ms. Bradfute,
19 has your landman been accepted as an expert in that
20 field?

21 MS. BRADFUTE: Yes. I was going to say
22 that at the end about both witnesses.

23 Exhibit B is the standard packet from the
24 geologist, Matt Pardee, and Matt has previously
25 testified.

1 And Exhibit B is notice exhibit. Notice
2 was mailed May 15 which is timely and published
3 May 21st, which is timely.

4 HEARING EXAMINER CHAKALIAN: Thank you,
5 Ms. Bradfute.

6 Are there any objections to the exhibits?
7 Without objection.

8 (Exhibit admitted into evidence.)

9 HEARING EXAMINER CHAKALIAN: Mr. McClure.

10 MR. MCCLURE: Mr. Hearing Examiner, I
11 don't think I will need any questions. I think I
12 can just provide guidance to Ms. Bradfute.

13 HEARING EXAMINER CHAKALIAN: Go right
14 ahead.

15 MR. MCCLURE: Thank you, Mr. Hearing
16 Examiner.

17 Ms. Bradfute, it appears based off of the
18 written testimony that PBEX is requesting
19 supervision rates during the drilling and operations
20 of these wells; is that correct?

21 MS. BRADFUTE: That's correct.

22 MR. MCCLURE: Okay. On the CPAC, however,
23 you don't have it directly listed. Do you know
24 where I am referencing on that?

25 MS. BRADFUTE: Yes. Are you looking at

1 the pooling checklist where it is not listed? It is
2 listed from one of the exhibits.

3 MR. McCLURE: That's correct. And in the
4 compulsory pooling administrative checklist or
5 application checklist, I guess, there is an area
6 where it says AFE, Capex and operating Costs.

7 Do you see where I am referring to?

8 MS. BRADFUTE: Yes, I do.

9 MR. McCLURE: Here you are referencing
10 Exhibit A.

11 Do you also see where I am referring to
12 there?

13 MS. BRADFUTE: Yes.

14 MR. McCLURE: Please amend that to include
15 the rates themselves there rather than a link or
16 reference to an exhibit.

17 MS. BRADFUTE: Absolutely. We can have
18 that filed later today.

19 HEARING EXAMINER CHAKALIAN: Good.
20 Perfect. We will leave the record open until close
21 of business tomorrow and then we will take this case
22 under advisement as long as you provide that
23 tomorrow by 5:00 p.m.

24 MS. BRADFUTE: Thank you.

25 HEARING EXAMINER CHAKALIAN: Moving on to

1 Number 5 on the docket, 25325. This is Permian
2 Resources.

3 MS. McLEAN: Good morning, Jackie McLean
4 with Hardy McLean on behalf of Permian Resources.

5 HEARING EXAMINER CHAKALIAN: Good morning.
6 Are there any other?

7 MS. HATLEY: Yes, Mr. Hearing Examiner.
8 Keri Hatley entering an appearance on behalf of COG
9 Operating. Monitoring only.

10 HEARING EXAMINER CHAKALIAN: Thank you.

11 Ms. McLean, go ahead.

12 MS. McLEAN: In Case Number 25325 Permian
13 Resources seeks an order pooling all uncommitted
14 interests in the Third Bone Spring interval of the
15 Bone Spring formation underlying a 480-acre, more or
16 less, standard horizontal spacing unit comprised of
17 the south half/north half of Section 15 and the
18 north half of Section 16, Township 20 Zone, Range 28
19 east in Eddy County. The unit will be dedicated to
20 the Foster 1615 Fed Com 132H J-Turn well.

21 Permian Resources submitted a timely
22 exhibit packet for this case, which includes land
23 testimony and corresponding exhibits from Ryan Curry
24 and geology testimony and exhibits from Christopher
25 Canton, both of whom have previously testified

1 before the Division as experts in their respective
2 fields.

3 Permian Resources also submitted notice
4 exhibits which include a copy of the notice letter
5 that was sent out on April 17 and an affidavit of
6 publication which shows notice of published on
7 April 22, 2025.

8 With that, unless there are questions, I
9 ask that the exhibits submitted for case
10 Number 25325 be admitted into the record and that
11 the case be taken under advisement.

12 HEARING EXAMINER CHAKALIAN: Thank you,
13 Ms. McLean. Without objections your exhibits are
14 admitted into evidence.

15 (Exhibits admitted into evidence.)

16 HEARING EXAMINER CHAKALIAN: I am just
17 going to mention that in the past I have asked if
18 there is objections and not hearing any then I admit
19 the exhibits. But depending on parties to be prompt
20 and to pay attention, so if I don't hear an
21 objection when the exhibits are offered into
22 evidence, I will just say without objection from
23 here on in.

24 Mr. McClure, are there any questions for
25 Ms. McLean's witnesses in this case?

1 MR. McCURE: Yes, I do, Mr. Hearing
2 Examiner, for the landman.

3 HEARING EXAMINER CHAKALIAN: Ms. McLean.

4 MS. McLEAN: Okay. So, Mr. Curry should
5 be on.

6 MR. CURRY: I'm on a telephone. I don't
7 have video.

8 HEARING EXAMINER CHAKALIAN: Can you get
9 to a computer to turn on your video.

10 MR. CURRY: Give me 30 seconds.

11 HEARING EXAMINER CHAKALIAN: By all means.

12 MS. McLEAN: Mr. McClure, are you going to
13 need to pull up any exhibits.

14 MR. McCURE: I am going to be referencing
15 parts, so I guess, I could.

16 HEARING EXAMINER CHAKALIAN: Mr. Curry.

17 THE WITNESS: Yes.

18 HEARING EXAMINER CHAKALIAN: We don't see
19 you so maybe you have something -- maybe the slider
20 on your laptop needs to be moved to one side or the
21 other.

22 MS. McLEAN: I can see him.

23 HEARING EXAMINER CHAKALIAN: Okay.

24 Mr. Curry, please raise your right hand.

25 (Whereupon the witness was sworn.)

1 HEARING EXAMINER CHAKALIAN: State and
2 spell your name for the record.

3 THE WITNESS: Ryan Curry, R-Y-A-N,
4 C-U-R-R-Y.

5 HEARING EXAMINER CHAKALIAN: You're an
6 expert in what field?

7 THE WITNESS: Petroleum land.

8 HEARING EXAMINER CHAKALIAN: Petroleum
9 land. Okay. And you have been accepted as an
10 expert by this Division in the past?

11 THE WITNESS: I have.

12 HEARING EXAMINER CHAKALIAN: Okay.
13 Mr. McClure.

14 MR. McCLURE: Thank you, Mr. Hearing
15 Examiner.

16 RYAN CURRY,
17 after having been first duly sworn under oath,
18 was questioned and testified as follows:

19 EXAMINATION

20 BY MR. McCLURE:

21 Q. Mr. Curry, if I can direct your attention
22 to Paragraph 7 of your statement, your affidavit on
23 Page 5 of 45.

24 Are you with me, sir?

25 A. Yes, I am.

1 I am looking at this Paragraph 7.

2 Q. Okay. And this Paragraph 7 references the
3 State DV Number 1; is that correct?

4 A. Yes, sir.

5 Q. Okay. The depth severance that is also
6 referenced in this paragraph, is that in relation to
7 that well?

8 A. Yes, it is.

9 Q. Okay. Can you please describe that depth
10 severance for me?

11 A. The depth severance is from the base of
12 the Second Bone Spring to the base of the Third Bone
13 Spring interval. So it encompasses the Third Bone
14 Spring interval of the Bone Spring formation.

15 Q. And was this due to something to do with
16 this well causes the depth severance to occur right
17 here?

18 A. No, sir. So there is a subsequent
19 development plan that will not involve entry of
20 appearance, so we are pulling a subset of the Bone
21 Spring formation so that we do not have overlapping
22 orders whenever we go back and develop the Second
23 Bone Spring interval, which should be less than a
24 year. So we are trying to keep these orders sole
25 and separate for subsequent development.

1 Q. Okay. But there is a difference in
2 ownership above and below the base of the Second
3 Bone Spring; is that correct?

4 A. There is in a portion of this unit, so
5 there is an existing Second Bone Spring well in
6 Section 15 that does cause an ownership difference
7 in the Second Bone Spring versus the Third Bone
8 Spring.

9 Q. And is that the State DV Number one or are
10 you just using the State DV Number 1 as your type
11 log, I guess?

12 A. That is just a type log. That is not the
13 well that has -- that is just a reference to this
14 paragraph as a type log. That is not the well
15 causing the depth severance.

16 Q. Okay. What is the well causing the depth
17 severance?

18 A. Given me one minute, please.

19 Q. Yes, sir.

20 A. I believe that to be the Government T Com
21 Number 2, but I am somewhat uncertain as the -- the
22 ownership difference is a portion of the well. The
23 reason we drove the Jay Kern well was to not get
24 into the north and that depth severance is created
25 under a JOA that covers the development of a

1 currently producing Third Bone Spring well.

2 And, I believe the north half/north half
3 of Section 15, but it will be the Government T Com.

4 Q. Is the north half/north half 15, is that
5 the track that is not in this proposed unit?

6 A. Correct. That is the reason for the J
7 Kern is that it is not in the proposed unit. But
8 the JOA for that well, and the depth severance as it
9 is larger than just the base unit for that well
10 which encompasses some of the lines that we are
11 drilling.

12 Q. Okay. Do you know what all lands are
13 covered in that depth severance?

14 A. It should be all of Section 15.

15 Q. It should be or it is all of Section 15, I
16 guess, for clarification?

17 A. I am fairly certain it is the JOA covering
18 all of Section 15, but I would have to review the
19 language in that JOA.

20 Q. Well, is the -- the JOA itself would be
21 what causes the depth severance, correct? Isn't it
22 some sort of selling of interest, something like
23 that, could cause the difference in interest?

24 A. So this is JOA attached to a format
25 agreement where parties have their rights in, I

1 believe, it is the Second Bone Spring interval and
2 parties have their right on the well-by-well basis
3 to elect to have diversionary rights.

4 So when they elected that, their
5 diversionary rights in the first well was still in
6 the Second Bone Spring. The interest in the Second
7 Bone Spring has changed, but also will subsequently
8 change under the JOA in the Third Bone Spring. So
9 it is -- it is not -- the mechanism is captured from
10 the JOA format agreement, but it is not the
11 direct -- it is not all the JOA coverage, it is just
12 a mechanism for this diversionary right to
13 participate is captured in subsequent articles of
14 the JOA.

15 Q. Okay. I understand. Basically it is the
16 original lease agreement and the JOA is a mechanism
17 that is triggering.

18 Would that be accurate to say?

19 A. Yes.

20 Q. Okay. Thank you. And -- okay, very good.

21 And how that is situated is kind of on a
22 formation basis is how you described to me rather
23 than like a direct TBD of any particular area; is
24 that correct?

25 A. Yes. That is correct.

1 Q. Okay. Thank you, sir.

2 Moving on Page 15 of 45, your Exhibit A3.
3 I think this is your summary of interest, I believe
4 spreadsheet, here, yeah, it looks like Ms. McLean
5 clean has it.

6 Are you with me, Mr. Curry?

7 A. Yes.

8 Q. On this table Dugan Production Corporation
9 is listed as a unmarketable title.

10 Can you provide me a little bit more
11 details about what the nature is of their interest?

12 A. Yes. So they are the ones with the
13 diversionary rights that we just discussed. So
14 Diamondhead properties has the present interest in
15 the Dugan Production Company has the right to back
16 end into Diamondhead's interest but they don't have
17 a present interest, so we drill the well and their
18 location is made as well. So they have a present
19 interest in the fact that they do participate in the
20 well that they have not been provided that
21 opportunity yet and this goes back to the Second
22 Bone Spring versus the Third Bone Spring difference
23 in ownership.

24 Q. Okay. So the potential interest that they
25 would get, is it included in this total breakdown

1 here, just under a different name; is that correct?

2 A. Yes. The unmarketable represents that
3 they have the ability to participate at their option
4 but Dog Head and Dugan have not been licensed to
5 each other so they had the ability to have a present
6 working interest but the election has not been made
7 yet.

8 Q. Okay. So if they were to have an interest
9 it would fall out of this 5.849 that you have
10 attributed to Diamondhead properties; is that
11 correct?

12 A. That's correct, yes.

13 Q. Okay. Thank you.

14 If I could direct your attention to your
15 summary of contacts page, Exhibit A5, Page 23 of 45.

16 Are you there with me, Mr. Curry?

17 A. Yes.

18 Q. On your top items there, on that table
19 where you referenced all parties. Who are you
20 referencing there?

21 A. So, that would be all parties that are
22 contained in my Exhibit A3 as coming in as ownership
23 in this project.

24 So the parties that we are pooling and the
25 parties that we are not pooling because we have

1 reached a voluntary agreement.

2 Q. Okay. Thank you, Mr. Curry.

3 MR. McCCLURE: Mr. Hearing Examiner, I have
4 no more questions for the witness, but I do have
5 guidance for Ms. McLean in regards to pools.

6 HEARING EXAMINER CHAKALIAN: Okay.

7 MR. McCCLURE: Ms. McLean, if you happen to
8 have a pen and paper handy.

9 MS. McLEAN: I do.

10 MR. McCCLURE: Okay. Actual correct pools
11 should be Old Millman Ranch; BS and the pool code on
12 that is 48035.

13 MS. McLEAN: That Old Millman Ranch; BS
14 and then the pool code is 48035.

15 MR. McCCLURE: That is correct. So if we
16 could just submit an amended exhibit packet with the
17 E-pap and the Form C-102s corrected.

18 MS. McLEAN: We can get that done
19 definitely by the end of the day tomorrow, no
20 problem.

21 HEARING EXAMINER CHAKALIAN: Okay. Thank
22 you. We will keep the record open on this case
23 until 5:00 p.m. on the 6th of June for these
24 corrections.

25 MS. McLEAN: Okay. Thank you.

1 HEARING EXAMINER CHAKALIAN: Thank you.

2 Moving on to Permian Resource cases.

3 These are three cases joined together 25372, 73 and
4 74.

5 Entry of appearance, please.

6 MS. HARDY: Mr. Examiner, Dana Hardy with
7 Hardy McLean on behalf of Permian Resources. There
8 are no other parties.

9 HEARING EXAMINER CHAKALIAN: Perfect.
10 Please proceed.

11 MS. HARDY: Thank you.

12 In these cases Colgate is the applicant,
13 Permian Resources is the operator. Colgate seeks to
14 extend the drilling deadline in Order
15 Number R-23218, 19 and 20. This is the first
16 extension for these wells.

17 We have provided with our exhibits the
18 statement of landman Ryan Curry. Mr. Curry explains
19 that Colgate requested extension so it can codevelop
20 the Alpine wells with the offset Terlingua wells,
21 which are located in an adjacent section in
22 Section 6. And those have been previously pooled
23 and recognized by the Division.

24 Codeveloping the wells are a parent/child
25 affects and reduce costs. I forgot to state that

1 Mr. Curry has previously been recognized as an
2 expert. He testified earlier this morning.

3 Exhibit B is our notice information.
4 Notice was timely sent by Certified Mail on May 6,
5 2025 and notice was timely published on May 15,
6 2025.

7 So with that, I request that the Exhibits
8 be admitted and the case be taken under advisement.

9 HEARING EXAMINER CHAKALIAN: Without
10 objection.

11 (Exhibits admitted into evidence.)

12 HEARING EXAMINER CHAKALIAN: Mr. McClure.

13 MR. McCLURE: Yes, Mr. Hearing Examiner.
14 I have a question for Ms. Hardy with regard to the
15 notice.

16 HEARING EXAMINER CHAKALIAN: Thank you.
17 Go ahead.

18 MR. McCLURE: Ms. Hardy, when was written
19 notice provided?

20 MS. HARDY: On a couple of the cases,
21 actually I think on all of these it was on May 6.

22 MR. McCLURE: Okay. I don't have it right
23 in front of me, but I believe it is Page 16 of 35,
24 your Exhibit B1, the notice letter. It has a date
25 at the top of the page.

1 Is that date a typo?

2 MS. HARDY: You know, yes, it is. I
3 believe that likely what happened is that when we
4 printed the exhibit Microsoft Word automatically
5 updated the date. Because if you look at our
6 certified mailing report, which starts on -- it is
7 Exhibit B2, it starts on Page 18 it shows that the
8 mailing date was May 6.

9 MR. McCLURE: Okay. Thank you. So May 6
10 is the correct date?

11 MS. HARDY: It is, yes. Thank you.

12 MR. McCLURE: Thank you, Ms. Hardy. Thank
13 you, Mr. Hearing Examiner. I have no further
14 questions for any of these three cases.

15 HEARING EXAMINER CHAKALIAN: Okay. Can we
16 take them under advisement?

17 MR. McCLURE: Yes, sir, we can.

18 HEARING EXAMINER CHAKALIAN: Perfect.
19 Thank you.

20 MS. HARDY: Thank you.

21 HEARING EXAMINER CHAKALIAN: Let's move on
22 to Permian Resources. These are four cases that are
23 joined together. They are 25395, 96, 97 and 98.

24 Entry of appearance, please.

25 MS. McLEAN: Yes. Jackie McLean with

1 Hardy McLean on behalf of Permian Resources, and
2 there are no other entries of appearance in this
3 case.

4 HEARING EXAMINER CHAKALIAN: Thank you.

5 MS. McLEAN: In Case numbers 25395 to
6 25398, Permian Resources seeks to pool all
7 uncommitted interests in the Bone Spring formation
8 within Sections 4, 9 and 16, Township 22 South,
9 Range 35 East in Lea County. And these units will
10 be dedicated to the Hagberry 4 State Com wells.

11 Permian Resources submitted timely exhibit
12 packets for these cases which this include the land
13 testimony and corresponding exhibits from Travis
14 Macha and geology testimony and exhibits from Chris
15 Reudelhuber. Both Mr. Macha and Mr. Reudelhuber
16 have previously testified before the Division.

17 Permian Resources also submitted exhibits
18 which include caveat, the notice letter that was
19 sent off on May 8, 2025 and the affidavit of
20 publication which shows that notice was published on
21 May 13, 2025.

22 I am happy to answer any questions and ask
23 that the exhibits submitted for Case Numbers 25395,
24 through 25398 be admitted into the record and that
25 the cases be taken under advisement.

1 HEARING EXAMINER CHAKALIAN: Without
2 exception.

3 (Exhibits admitted into evidence.)

4 HEARING EXAMINER CHAKALIAN: Mr. McClure?

5 MR. MCCLURE: No questions, Mr. Examiner.

6 HEARING EXAMINER CHAKALIAN: All taken
7 under advisement.

8 Thank you.

9 (A recess was taken.)

10 HEARING EXAMINER CHAKALIAN: It is
11 9:32 a.m. We are back on the record. We are going
12 to hear Case Number 4. This is Tap Rock Operating,
13 25315.

14 Entry of appearance, please.

15 MR. SUAZO: Good morning, Mr. Examiner,
16 Miguel Suazo with Beatty Wozniak appearing today on
17 behalf of the applicant, Tap Rock Operating.

18 HEARING EXAMINER CHAKALIAN: Thank you.

19 MS. VANCE: Good morning, Mr. Hearing
20 Examiner, Paula Vance with the Santa Fe office of
21 Holland & Hart on behalf of COG and Concho.

22 HEARING EXAMINER CHAKALIAN: Thank you.

23 Mr. Holiday.

24 Mr. Suazo, do you know if Mr. Holiday
25 withdrew his entry of appearance?

1 MR. SUAZO: Not to my knowledge, but if it
2 helps, it is really not material, I don't think,
3 just because, unfortunately, I heard late last night
4 from the client that they would like to request a
5 continuance. They learned about some contractual
6 matters that could impact one of the sections in the
7 application, so out of an abundance of caution, they
8 would like to respectfully request that they
9 continue this case to August 7, if it is still
10 available.

11 HEARING EXAMINER CHAKALIAN: It is. We
12 are happy to do that for you. So you will move this
13 case, you will continue this case to August 7.

14 MR. SUAZO: Yes. We will file a formal
15 motion by the end of the day.

16 HEARING EXAMINER CHAKALIAN: Okay. Thank
17 you.

18 So, we are off the record in this case.

19 MR. SUAZO: Thank you.

20 HEARING EXAMINER CHAKALIAN: Our final
21 case of the day, Number 34 is Case Number 24 --
22 25406, WPX Energy.

23 Entry of appearance, please.

24 MR. SAVAGE: Good afternoon. Darin Savage
25 of Abadie & Schill appearing on behalf of the

1 applicant, WPX Energy Permian, LLC and we have no
2 other entries.

3 HEARING EXAMINER CHAKALIAN: Please.

4 MR. SAVAGE: So in this case, this case
5 covers land in the east half Section 33 and 28 and
6 the southeast quarter of Section 21, all in
7 Township 26 south, Range 30 East, Eddy County
8 New Mexico.

9 The landman, Tim Prout, has testified
10 previously before the Division and his credentials
11 have been accepted as an expert witness as well as
12 has the geologist, Russell Goodin, who has also
13 previously testified and has been admitted as an
14 expert witness.

15 In this case WPX seeks an order pooling
16 all uncommitted interests in the Bone Spring
17 formation designated as an oil pool, underlying a
18 standard 609.58-acre spacing unit, more or less,
19 comprised of the east half of Sections 33 and 28 and
20 the southeast quarter of Section 21.

21 The unit will be dedicated to the
22 Clawhammer Fed Com wells, which include four
23 additional wells.

24 Orientation of the wells will stand up and
25 the wells have standard locations.

1 Mr. Prout's Exhibit A includes all the
2 usual landman exhibits. Statement, C-102, ownership
3 breakdown, fees, chronology of contacts.

4 And Mr. Goodin's Exhibit B for this case
5 includes the standard suite of five geology
6 exhibits.

7 Exhibit C provides the self-affirmed
8 statement of notice for mailings and publication.

9 Notice was timely mailed on May 15, 2025
10 and timely published on May 28, 2025.

11 Mr. Hearing Examiner, at this time I move
12 that Exhibits A, B and C be admitted into the record
13 for this case and the case be taken under
14 advisement.

15 Witnesses and counsel are available for
16 questions.

17 HEARING EXAMINER CHAKALIAN: Thank you.
18 Without objection.

19 (Exhibits admitted into evidence.)

20 HEARING EXAMINER CHAKALIAN: Mr. McClure,
21 any questions for this case?

22 MR. McCLURE: Mr. Examiner, I do not have
23 any questions for this case.

24 HEARING EXAMINER CHAKALIAN: This case is
25 taken under advisement.

1 That concludes our business today.

2 Let's go on to Number 18 on our docket.

3 This is XTO Permian Operating, Case 25377.

4 Entry of appearance, please.

5 MR. SUAZO: Good morning, Mr. Examiner,
6 Miguel Suazo with Beatty & Wozniak appearing today
7 on behalf of Permian Operating, LLC, sorry, XTO
8 Permian Operating.

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

11 MR. SUAZO: No, Mr. Examiner.

12 HEARING EXAMINER CHAKALIAN: Please
13 proceed.

14 MR. SUAZO: Sure. In this case XTO
15 Permian Operating is requesting an application to
16 approve a nonstandard horizontal spacing unit
17 approving a 799.77 acres, more or less, comprised of
18 the east half of the northeast quarter and southeast
19 quarter of Section 1, the east half of Section 12
20 and the northeast quarter of Section 3, Township 24
21 South, Range 29 East, Eddy County.

22 This would be comprised of the following
23 wells. Poker Lake Unit 13-24 PC 108H, 118H, 127H,
24 127H and 168H. And these will be producing from the
25 Purple Sage, Wolfcamp formation.

1 The exhibit packet was filed on May 5 of
2 this year. Exhibit A is the application and
3 proposed notice of hearing.

4 Exhibit B is the affidavit of commercial
5 land manager Corie Mathews. Ms. Mathews has
6 previously testified before the Division and her
7 qualifications have been accepted and made a matter
8 of record.

9 Exhibits B1 through 3 are the standard
10 mapping exhibits, including C-102s, maps of the
11 standard spacing unit and map of the nonstandard
12 spacing unit.

13 Exhibit C is the affidavit of Senior
14 Geoscientist Jennifer McCarthy. Ms. McCarthy has
15 also testified before the Division and her
16 qualifications have been accepted and made a matter
17 of record.

18 Exhibit C1 through C5 are the standard
19 geology exhibits, including the location map, base
20 map, structure map, cross section of the formation,
21 Gun Barrel Land Grant and isopach map.

22 Exhibit D is the notice affidavit showing
23 the notices were mailed on May 14, and the addresses
24 of record to the interested parties and mailing
25 receipts.

1 Exhibit E is the publication in the
2 Carlsbad Current-Argus which ran on May 17, 2025.

3 With that, unless there is any questions,
4 I would like to ask that these exhibits be admitted
5 into the record and these matters be taken under
6 advisement.

7 HEARING EXAMINER CHAKALIAN: Without
8 objection.

9 (Exhibits admitted into evidence.)

10 HEARING EXAMINER CHAKALIAN: Mr. McClure.

11 MR. MCCLURE: I have a question for the
12 landman.

13 HEARING EXAMINER CHAKALIAN: Okay.
14 Mr. Suazo.

15 MR. SUAZO: It is Corie Mathews. I
16 believe she is available online.

17 HEARING EXAMINER CHAKALIAN: Good morning
18 Ms. Mathews. Would you raise your right hand.

19 (Whereupon, the witness was sworn.)

20 HEARING EXAMINER CHAKALIAN: Would you
21 state and spell your name.

22 THE WITNESS: Corie Mathews, C-O-R-I-E,
23 Mathews, M-A-T-H-E-W-S.

24 HEARING EXAMINER CHAKALIAN: And you have
25 been admitted as an expert or recognized as an

1 expert in what field before this Division.

2 THE WITNESS: Petroleum land.

3 HEARING EXAMINER CHAKALIAN: Mr. McClure.

4 CORIE MATHEWS,

5 after having been first duly sworn under oath,

6 was questioned and testified as follows:

7 EXAMINATION

8 BY MR. McCLURE:

9 Q. Ms. Mathews, did XTO contact Devon in
10 regards to this application?

11 A. Yes, we did.

12 Q. Do you know what the result was of that
13 conversation?

14 A. I do.

15 We were able to work out an agreement in
16 which both parties were happy, and that is the
17 reason why they did not protest today.

18 MR. McCLURE: Okay. Thank you,
19 Ms. Mathews.

20 Thank you, Mr. Hearing Examiner. No
21 further questions.

22 HEARING EXAMINER CHAKALIAN: All right.
23 We will take this case under advisement.

24 Thank you, Mr. Suazo.

25 (Proceedings concluded at 11:43 a.m.)

REPORTER'S CERTIFICATE

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

Date: June 5, 2025

PAUL BACA, RPR, CCR
Certified Court Reporter #112
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