

1 STATE OF NEW MEXICO  
2 OIL CONSERVATION COMMISSION  
3 -----

4 IN THE MATTER OF THE HEARING  
5 CALLED BY THE OIL CONSERVATION  
6 COMMISSION FOR THE PURPOSE OF  
7 CONSIDERING:

8 Case Nos. 25603, 25694, 25695,  
9 25696, 25700, 24123, 23614-17,  
10 23775, 24018-24020, 24025.

11 -----  
12 HEARING  
13 DATE: Wednesday, December 17, 2025  
14 TIME: 9:01 a.m.  
15 BEFORE: Hearing Examiner Albert Chang  
16 LOCATION: Wendell Chino Building  
17 1220 South Saint Francis Drive  
18 Santa Fe, NM 87505  
19 REPORTED BY: Gerald Aragon  
20 JOB NO.: 7767238  
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## A P P E A R A N C E S

ON BEHALF OF MATADOR RESOURCES COMPANY, PERMIAN  
RESOURCES OPERATING LLC, SARVIS PERMIAN LAND FUND I  
LLC, US ENERGY AND DEVELOPMENT CORPORATION, AND SARVIS  
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8 (970) 385-4401

9  
10 ALSO PRESENT:

11 Albert Chang, Director, New Mexico Oil

12 Conservation Division; Chair, New Mexico Oil

13 Conservation Commission

14 Sheila Apodaca, Commission Clerk, New Mexico Oil  
15 Conservation Commission

16 William Ampomah, Designee, Energy, Minerals, and  
17 Natural Resources Department

18 Greg Bloom, Designee, New Mexico State Land  
19 Office

20 Baylen Lamkin, Designee, New Mexico State Land  
21 Office (by videoconference)

22 Zachary Shandler, Commission Counsel, New Mexico  
23 Oil Conservation Commission

24 Warren Anderson, Landowner, Relevant Plot of Land  
25 (by videoconference)

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

Jonathan Samaniego, Representative, American Energy Resources, LLC (by videoconference)

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E X H I B I T S

NO.

DESCRIPTION

ID / EVD

(None marked.)

## PROCEDINGS

THE HEARING EXAMINER: Good morning.

Thank you for joining us. This is a meeting of the State of New Mexico Oil Conservation Commission. Noting the time, I'd like to call the meeting to order.

Sheila, would you mind calling the roll, please?

MS. APODACA: Yes. Good morning.

Commissioner Ampomah?

DR. AMPOMAH: Present.

MS. APODACA: Commissioner Chang?

THE HEARING EXAMINER: Present.

MS. APODACA: Commissioner Bloom?

MR. BLOOM: Present.

MS. APODACA: And for our first item on the agenda, Commissioner Baylen Lamkin is on the platform, I believe.

MR. LAMKIN: Correct. I'm here.

THE HEARING EXAMINER: Great. Thank you very much. We'll proceed with Commissioner Bloom until we hit the agenda item for Empire and Goodnight consolidated cases.

If I could have a motion to -- if everybody has had a chance to review the agenda, if

1 there's any debate or otherwise a motion to approve  
2 the agenda, please?

3 MR. BLOOM: I so move.

4 DR. AMPOMAH: I second.

5 THE HEARING EXAMINER: Any objection?  
6 Without objection, so adopted.

7 Have commissioners had a chance to  
8 review the meeting minutes of the meeting from  
9 October 16th, 17th, and October 20th through  
10 November 6th, and the meeting minutes from  
11 November 13th?

12 MR. BLOOM: Mr. Chair, I was able to  
13 review the meeting minutes from the financial  
14 assurances deliberation and just had a couple edits  
15 there.

16 THE HEARING EXAMINER: Okay.

17 MR. BLOOM: All right. Looking at the  
18 minutes for October 22nd, the second line from the  
19 bottom that day, it says "Witness Morgan continued to  
20 testify." I believe that's Witness Peltz because we  
21 had transitioned to the Peltz testimony and the next  
22 morning, we took up with Adam Peltz again.

23 THE HEARING EXAMINER: That  
24 appears -- I think I concur with that. Would you mind  
25 noting the page number just so that our commission

1 clerk can make the corrections?

2 MR. BLOOM: Yes. I did send these  
3 Ms. Apodaca last night.

4 THE HEARING EXAMINER: Oh, perfect.  
5 Okay.

6 MR. BLOOM: That is on page 3.

7 THE HEARING EXAMINER: Okay.

8 MR. BLOOM: And then on page 4, fourth  
9 paragraph down, a period after my last name, Bloom.  
10 And then the final correction suggestion, page 11,  
11 last paragraph. It says "After discussion by the  
12 commission, Commissioner Bloom moved to deny the  
13 motion to dismiss. Roll call was taken." I believe  
14 there would've been a "second" in there.

15 THE HEARING EXAMINER: There was.  
16 Yeah.

17 MR. BLOOM: Yeah. We just need to  
18 determine who that was. I'm thinking it's  
19 Dr. Ampomah. So we can just check and add that in.  
20 That's what we have.

21 THE HEARING EXAMINER: Any opposition  
22 or concerns about those edits?

23 DR. AMPOMAH: No, sir.

24 THE HEARING EXAMINER: Well, as an in  
25 that case, I will take a motion to approve as amended.

1 MR. BLOOM: I so move.

2 DR. AMPOMAH: I second.

3 THE HEARING EXAMINER: Without  
4 objection, so adopted. Thank you very much.

5 With that, we can proceed to the  
6 approval of final order on the consolidated cases for  
7 Goodnight Midstream vs. Empire New Mexico.

8 Commission Counsel?

9 MR. SHANDLER: Just for the record,  
10 since you were last in closed session, can you attest  
11 that only the matters discussed in closed session were  
12 those ones in the original motion in the last meeting?

13 THE HEARING EXAMINER: I can so attest.

14 MR. SHANDLER: Thank you.

15 MR. BLOOM: Mr. Chair, I don't know if  
16 we need to separately approve the meeting minutes from  
17 October 16th and 17th.

18 THE HEARING EXAMINER: Oh, I had -- so  
19 let me go back to that. I had taken your motion to  
20 mean we were adopting them all, but I guess you were  
21 specific to adopting the meeting minutes for just the  
22 rulemaking hearings; right?

23 MR. BLOOM: That's what I was thinking.

24 THE HEARING EXAMINER: Okay. In that  
25 case, I apologize. Let me go back to agenda item

1       number 3. Is there any edits to the October 16th and  
2       17th meeting minutes?

3                    MR. BLOOM: I do not have any,  
4       Mr. Chair.

5                    DR. AMPOMAH: I do not.

6                    THE HEARING EXAMINER: Would you  
7       like --

8                    MR. LAMKIN: I do not have any --

9                    DR. AMPOMAH: So that one was a little  
10       complex. We had -- the morning session was the case  
11       that Commissioner Thompson was present, and then in  
12       the afternoon, then that was when me and  
13       Commissioner Lamkin came participated.

14                  THE HEARING EXAMINER: That's correct.

15                  DR. AMPOMAH: But I do not have any  
16       edits to this.

17                  THE HEARING EXAMINER: Okay. I don't  
18       have any edits either. I didn't notice anything  
19       inaccurate in those meeting minutes. So is there any  
20       objection to adopting the October 16, 17 minutes?

21                  DR. AMPOMAH: No objections.

22                  MR. SHANDLER: Can you just have  
23       Commissioner Ampomah make the motion?

24                  DR. AMPOMAH: I so move.

25                  THE HEARING EXAMINER: I can second.

1 And without objection, October 16th and 17th adopted.  
2 I don't know if we've had a chance to look at the  
3 November 13th meeting minutes.

4 MR. BLOOM: Mr. Chair, I believe  
5 Ms. Apodaca was not able to get those finished up. So  
6 we will maybe approve those at our next meeting.

7 THE HEARING EXAMINER: Okay. So we're  
8 going to, I guess, table or hold in abeyance the  
9 approval of the November 13, 2025, meeting until the  
10 next commission meeting.

11 Okay. I think we're ready to proceed  
12 to the consolidated cases for Goodnight and Empire  
13 now. No objections? Great. In that case, we'll do a  
14 quick switcheroo of commissioners, and it looks like  
15 Commissioner Lamkin is online with us.

16 Commissioners, as I just attested  
17 earlier, we had a closed session discussion to  
18 deliberate on the Goodnight Midstream and Empire  
19 cases, consolidated cases. There was a draft order  
20 circulated.

21 The final draft order, is there any  
22 further debate or amendments that need to be made  
23 through the order that was circulated from Commission  
24 Clerk?

25 DR. AMPOMAH: Mr. Chair, I had a chance

1 to review the final order, and I do not have any edits  
2 or any concerns with it. Thank you.

3 THE HEARING EXAMINER: Okay.

4 Commissioner Lamkin, any further edits  
5 or concerns?

6 MR. LAMKIN: I do not have any further  
7 edits or concerns either.

8 THE HEARING EXAMINER: Okay. Sounds  
9 good.

10 In that case, I think we should -- I'm  
11 debating whether to summarize this for parties, but I  
12 think we've got copies here to just hand out, and you  
13 guys can read that in full for yourselves.

14 So in that case, I will entertain a  
15 motion to adopt the order on the rehearing of the  
16 Goodnight Midstream and Empire cases.

17 DR. AMPOMAH: Mr. Chair, I move to  
18 adopt the order that we put together denying  
19 Goodnight's applications and partially granting and  
20 partially denying applications.

21 THE HEARING EXAMINER: Thank you very  
22 much.

23 May I have a second?

24 MR. LAMKIN: I second.

25 THE HEARING EXAMINER: Thank you very

1 much.

2 Why don't we -- for formality's sake,  
3 if the commission clerk would call the roll?

4 MS. APODACA: Commissioner Ampomah?

5 DR. AMPOMAH: Approved.

6 MS. APODACA: Commissioner Lamkin?

7 MR. LAMKIN: Approved

8 MS. APODACA: And Commissioner Chang?

9 THE HEARING EXAMINER: Approved.

10 MS. APODACA: Okay.

11 THE HEARING EXAMINER: Thank you very  
12 much. I will sign copies and distribute them in  
13 10 seconds.

14 It's the 17th, right?

15 MULTIPLE SPEAKERS: Yes.

16 THE HEARING EXAMINER: Sheila, would  
17 you mind just helping them pass them around or whoever  
18 can reach?

19 Okay. Has everybody who needs a copy  
20 got one? Anybody else? Okay.

21 Thank you very much for joining us,  
22 Commissioner Lamkin.

23 I think the rest of these cases, I'll  
24 turn it over to Commissioner Bloom for the SLO  
25 Commissioner slot, and I will now move onto case

number 25603, application by Matador Production Company for de novo hearing on division orders R23869 and division case number 25283-84.

Are the parties with us for this case?

MS. VANCE: Good morning,

Mr. Commissioner, commissioners. Paula Vance with the  
Santa Fe office of Holland & Hart and also my  
colleague, Adam Rankin, on behalf of Matador.

THE HEARING EXAMINER: Okay.

MS. HARDY: Good morning, Mr. Chair and commissioners. Dana Hardy with Hardy McLean on behalf of Permian Resources Operating and also with me appearing is Ms. Jaclyn McLean.

THE HEARING EXAMINER: Thank you all very much.

I believe the last I saw there probably, like, a two-sentence filing telling me that there was a wish to be a de novo hearing, but I don't know that we were -- I don't think we actually explored what the issues were, what you might need.

It sounded like from the last status conference that the parties were meeting to confer and were exploring a possible settlement. So, I guess, I don't know if I can open the floor to whoever wants to help me understand what the status of this case might

1 be.

2 MS. VANCE: Yeah. I think at this  
3 point right now, we're prepared to move forward with a  
4 hearing. That being said, the parties still are in  
5 negotiations, and we did confer with opposing counsel  
6 yesterday about procedurally how to move forward.

7 And I think that we both agreed on  
8 filing testimony prior to any kind of hearing that we  
9 might have before the commission, and you know, I  
10 think that that was pretty much it.

11 I'll hand it over to Ms. Hardy.

12 MS. HARDY: Yes. I think that's  
13 correct. We do have a contested hearing in this case  
14 set on February 12th as a de novo hearing requested by  
15 Matador. And so we did confer.

16 And I think the issues in the case  
17 really are whether the compulsory pooling applications  
18 of Permian Resources should be granted based on the  
19 evaluation of the seven factors, and then Matador has  
20 a competing development plan.

21 So I think those are the issues. And  
22 we spoke about whether we could agree on certain  
23 factors, and I think at this point, I don't think that  
24 we can. I would say the primary factor involves the  
25 working interest percentage and control and the

1 overlapping acreage that's an issue between the two  
2 development plans.

3 I think that's the primary issue. But  
4 I think that the parties would want to raise,  
5 potentially, any of the seven factors that the  
6 commission should consider in compulsory ruling cases.

7 And I think that we have agreed, if it  
8 would be helpful to the commission, to submit  
9 pre-filed written testimony with our exhibits a week  
10 before the hearing date, since that would likely -- or  
11 we expect it would facilitate and expedite the hearing  
12 process.

13 MS. VANCE: And we agree with that.  
14 That's good.

15 THE HEARING EXAMINER: Okay. This is  
16 competing operatorship for the same pool; is that a  
17 fair characterization?

18 MS. VANCE: Yes. Yes. And it's  
19 limited to just one-quarter section of overlapping  
20 contested acreage.

21 THE HEARING EXAMINER: Okay.

22 MS. HARDY: Yes. There are  
23 two -- they're competing development plans, and they  
24 overlap, not in their entirety, but partially.

25 THE HEARING EXAMINER: Oh, I see.

1 Okay.

2 MS. VANCE: And it, and it involves a  
3 pooling application filed by Permian, and then Matador  
4 has a existing JOA covering the same acreage.

5 MS. HARDY: For its development.

6 MS. VANCE: Yes.

7 THE HEARING EXAMINER: Okay. I don't  
8 know if the February 12th date will work if we can't  
9 hold this to a reasonable one-day hearing. So just  
10 let me know whether the parties are able to narrow the  
11 issues so that -- and narrow the list of witnesses to  
12 a point where this might be realistic to hold into a  
13 single day.

14 MS. VANCE: I think that we discussed,  
15 and we believe that we would be able to have a one  
16 day -- limit it to a one-day hearing, especially if  
17 we're able to do pre-filed testimony and statements  
18 from our witnesses.

19 But possibly, it could bleed over into  
20 maybe a little bit of a second day. But I think that  
21 we both agreed that we could limit it to one day.

22 THE HEARING EXAMINER: Okay.

23 MS. HARDY: Yes.

24 THE HEARING EXAMINER: Sounds good.  
25 Why don't we still set this just for a -- I think

1       we've set it for February 12th at the moment; is that  
2 correct? Okay.

3                   We have a January -- I might just set  
4 this on a status conference just to check in on status  
5 of where parties are at and whether the issues have  
6 gotten any narrower or hopefully not any broader. But  
7 we'll just do a check-in with you guys at the January  
8 commission meetings just to see where everybody's at.

9                   MS. HARDY: Sounds great.

10                  MS. VANCE: That sounds perfect.

11                  THE HEARING EXAMINER: All right.

12                  Thank you.

13                  MS. VANCE: Thank you.

14                  MS. HARDY: Thank you.

15                  THE HEARING EXAMINER: In that case, I  
16 will go on to our next case, which is case  
17 number 25700, application of Lillie and Warren  
18 Anderson for de novo hearing on division order  
19 number 23989.

20                  Are Mr. and Ms. Lillie and Warren  
21 Anderson with us on the platform?

22                  In the meantime, Mr. Savage, would you  
23 like to enter your appearance?

24                  MR. SAVAGE: Yes. Thank you.

25                  Good morning, Mr. Chair and

1 commissioners, counsel parties. Darin Savage with  
2 Abadie & Schill appearing on behalf of Alpha Energy  
3 Partners II and affiliates.

4 THE HEARING EXAMINER: Mr. and  
5 Ms. Anderson, are you ready? Are you with us?

6 MR. ANDERSON: Yeah.

7 THE HEARING EXAMINER: Okay. Good.

8 MR. ANDERSON: Yeah. I've been here  
9 ten minutes before the meeting started, sir.

10 THE HEARING EXAMINER: Oh, good. Well,  
11 we can hear you now. So thank you. I appreciate it.  
12 We couldn't hear you before. So I'm glad you're glad  
13 you're on the platform. And you can hear us all  
14 right?

15 MR. ANDERSON: Yes, sir.

16 THE HEARING EXAMINER: Great.

17 Okay. So there are motions for summary  
18 judgment here.

19 MR. BLOOM: Mr. Chair?

20 Mr. Rankin, are you representing --

21 MS. VANCE: Yeah.

22 MR. BLOOM: -- someone here?

23 MR. RANKIN: Yes.

24 THE HEARING EXAMINER: No.

25 You -- yeah?

1 MS. VANCE: Good morning. Oh, I think  
2 it's because Darin, you got your microphone on.  
3 Sorry.

4 Good morning, again. Paula Vance with  
5 the Santa Fe office of Holland & Hart on behalf of  
6 Sarvis and Permian. And we just entered an  
7 appearance. So we're just observing. Thank you.

8 THE HEARING EXAMINER: Okay. We have a  
9 pending motion from Mr. Savage for summary judgment.  
10 We don't have to do oral arguments. We can certainly  
11 proceed on the filings.

12 But given that there is a pro se party  
13 here, I wanted to offer the courtesy for all parties,  
14 even the observing ones, to see if they would like to  
15 make any oral arguments here at this hearing for or  
16 against the pending summary judgment motion.

17 MR. ANDERSON: I would like to make an  
18 oral argument.

19 THE HEARING EXAMINER: Okay.

20 MR. ANDERSON: And an opening  
21 statement.

22 THE HEARING EXAMINER: Fair enough.  
23 Typically, the movement would go first.

24 Mr. Savage, would you mind yielding or  
25 would you prefer to go first?

MR. SAVAGE: I can yield if I can have opportunity to respond.

THE HEARING EXAMINER: Say that again?

MR. SAVAGE: I said I don't mind yielding if he wants to make a statement, and then I can respond.

THE HEARING EXAMINER: That's just fine. All right.

In that case, Mr. Anderson, I will ask you to keep it somewhat brief. Would 10 minutes, 15 minutes be sufficient? How much time do you think you might need?

MR. ANDERSON: I'll be finished. I'll be brief. I don't need that much time.

THE HEARING EXAMINER: Great. Okay.

MR. ANDERSON: Okay.

My opening statement is that this is a -- the no appeal, this issue before the division is not whether Alpha Energy Partners or Permian Asset Company want to develop minerals.

This issue is whether the New Mexico Oil Conservation Division may approve a pooling order that results in what I think is trespass unfair burden and the second loss of residential use of private

1 property.

2                   Alpha and Permian do not have a  
3 voluntary agreement, an easement, or lawful authority  
4 to burden or access the property. Their proposal  
5 assumes operational rights that do not exist.

6                   Pooling authority under NMSA 70-2-17 is  
7 conditional. When burdens imposed outweigh  
8 protections offered, the statute does not authorize  
9 for compulsory pooling.

10                  Finally, the proposed operation would  
11 block ability to place home on the property. This is  
12 a loss of a core property right.

13                  So my argument is under NMSA 70-2-25,  
14 the division must ensure that all orders are issued  
15 after notice and hearing. In a matter that protects  
16 correlative rights under 70-2-29, any agreed party has  
17 the right to seek review and file a de novo appeal,  
18 allowing the matter to be heard on merit.

19                  Landowners invoke that statutory right  
20 here on grounds that the process of outcomes in the  
21 prior proceedings were unfair in their right and  
22 interest. The division's own precedent favors  
23 equitable balancing among parties.

24                  However, in this case, the weight of  
25 advantage, I believe, was towards corporate operators.

1 Landowners, therefore, respectfully request that this  
2 matter be reopened and reexamined under the principles  
3 of shared process, transparency, and equal treatment  
4 under the Oil and Gas Act.

5                   Wherefor premises considered, Warren  
6 and Lillie Anderson respectfully request that the  
7 division grant plea in support of an appeal de novo  
8 filing set aside or states the prior order pending new  
9 review, schedule de novo hearing before a neutral  
10 examiner, requires Alpha Energy Partners and Paloma  
11 Permian Asset Company to demonstrate compliance with  
12 fair and equitable standards and grants such further  
13 release as justice and fairness may require.

14                   So what I'm saying is that we don't  
15 mind Alpha coming onto the property, but we do mind  
16 them doing it without us being in agreement with what  
17 their trying to do.

18                   We have no -- we want to make a deal.  
19 And for the last, I believe, year and a half, we've  
20 been trying to make a deal. And I believe this is  
21 blatant thuggery, bullying, and bull-hearted what  
22 Alpha is doing to us, and we really don't understand.

23                   THE HEARING EXAMINER: Okay. Thank  
24 you.

25                   Commissioners, would you like to ask

1 any questions now, or would you like to have the  
2 response from Mr. Savage before we start asking  
3 questions?

4 MR. BLOOM: Mr. Chair, I would wait.  
5 Thank you.

6 DR. AMPOMAH: Mr. Chair, I'll wait too.

7 THE HEARING EXAMINER: Okay.

8 In that case, I'll turn to Mr. Savage.

9 MR. SAVAGE: Thank you, Mr. Chair.

10 As I stated in my reply to  
11 Mr. Anderson's response, the laws governing pooling,  
12 forced pooling have been long-settled, and states have  
13 a right to force pool.

14 The division did pool the interest,  
15 including Mr. Anderson's, and Mr. Anderson provides no  
16 evidence to show that there was any bias or prejudice  
17 in those matters.

18 So the issue boils down -- and as  
19 Mr. Anderson states, that Alpha and Anderson have not  
20 been able to reach a voluntary agreement. That is the  
21 issue. There's a requirement in the rules and the  
22 statutes that the parties have to attempt to reach a  
23 voluntary agreement prior to filing a pooling  
24 application.

25 As Mr. Anderson points out, the parties

1 have been negotiating over the past year. So there's  
2 the evidence, and plus the evidence that we provided,  
3 more than 23 email exchanges showing the efforts to  
4 reach an agreement.

5                   In our motion, we point out the OCD,  
6 OCC policy, what the minimal requirements are for good  
7 faith negotiations, and we point out the rules  
8 involved.

9                   And we show the evidence that all the  
10 requirements have been met, not only the email  
11 exchanges, the well proposal provided, and offers that  
12 well exceed fair market value and certainly well  
13 exceed the default statutory royalty amount for  
14 unleased apart interest.

15                   Mr. Anderson cites 70-2-25. This is  
16 not applicable to the assertion that he makes. That  
17 is a statute that deals with appeals to district court  
18 of a commission decision.

19                   He also cites 70-2-29 for his position.  
20 And that also is a misapplication of the statute.  
21 That deals with the jurisdictional limitations of the  
22 Oil and Gas Act.

23                   So it looks to me that Anderson's  
24 provided no evidence whatsoever to make his case.  
25 There's been no argument over the facts. In fact,

1       Mr. Anderson admits to the facts that they have been  
2       negotiating. So there exists no genuine issue of  
3       material facts in this matter.

4               All facts taken in light most favorable  
5       to Anderson shows that Alpha has satisfied all  
6       requirements for good faith negotiations under the  
7       commission policy and division rules.

8               All evidence clearly shows that Alpha  
9       attempted in good faith to reach a voluntary agreement  
10      prior to pooling Anderson's interest and made  
11      excellent offers to lease Anderson that exceeded fair  
12      market value.

13               Mr. Chair, we believe that Alpha's  
14      summary should be granted. Thank you.

15               THE HEARING EXAMINER: Thank you. I'll  
16      open the floor to any questions from commissioners.

17               MR. BLOOM: Mr. Chair, I did not have  
18      any questions.

19               DR. AMPOMAH: Mr. Chair, I do not have  
20      any questions.

21               MR. SHANDLER: I have a question.

22               THE HEARING EXAMINER: Okay.

23               MR. SHANDLER: I admit that I'm from  
24      Santa Fe. I shop at Whole Foods. I live in an urban  
25      area. I do not understand the allegation that someone

1       wants to build a house in the middle of an oil well.  
2       Can either party explain that to me?

3                    MR. ANDERSON: I don't -- this is  
4       Mr. Anderson. What I'm saying is why is pooling  
5       appropriate in the first thing, and I don't want -- I  
6       don't want an oil well there so I can put up my  
7       residence.

8                    I don't want -- and that's why we  
9       refuse to have something like that go on there on the  
10      property. It's not that I want to build a house in  
11      the middle of an oil well. I don't want to do that.  
12      And if the pooling is legal, then, I mean, you know,  
13      we just want things to be fair. Period.

14                  MR. SAVAGE: I'll respond since that  
15      question was directed to all parties.

16                  Mr. Anderson owns mineral interest,  
17      0.274582 net acres. The well location is not near in  
18      the residential area. It's not in any place where one  
19      would build a house, as I understand it.

20                  The well bore -- the well is drilled  
21      away from -- at an appropriate site, permitted site,  
22      and the well bore extends under the land, under the  
23      lot which Anderson happens to own.

24                  So there's no interference with this  
25      house, and then there's no interference with the

1 construction of a residential house.

2 THE HEARING EXAMINER: Any further  
3 questions? I have a couple questions for Mr. Anderson  
4 here.

5 I understand that you used the word  
6 "bullying," and I understand that you feel that the  
7 proceedings have not been fair to you. Can you help  
8 me better understand what led you to that conclusion,  
9 sir?

10 MR. ANDERSON: What leads me to that  
11 conclusion is that we -- I don't necessarily  
12 understand all the laws that are going on here, but I  
13 do understand someone trying to give you a contract  
14 and saying, "Hey, we want to do this on your  
15 property," and then us saying, "Hey, no. We don't  
16 want you to do that on our property."

17 THE HEARING EXAMINER: I apologize,  
18 Mr. Anderson. I got distracted because we had a  
19 coffee incident here. Could you start from the  
20 beginning? I apologize. I got distracted.

21 MR. ANDERSON: Oh, okay. So what I  
22 what I'm saying is I just believe it's unfair,  
23 improper, the pooling terms. The pooling proposal  
24 cannot be approved because it imposes unreasonable and  
25 excessive burden on us, including overhead, expanded

operator's authority, restricted audit rights, weakened insurance protections.

The operator's controlled marketing pooling must be fair, equitable, and protected towards the homes. And in this pooling application, they're asking us to pay penalties 100 percent, 300 percent.

The operator has not shown that its proposal is equitable, protective, or correlative rights or free of undue burden. No pooling order may be granted where the burden outweighs protections, or private property would be subjected to intrusive obligations without law justification.

So, I mean, we're just saying we respectfully request the denial of the pooling application and the way it is set up. It just -- the proposed operation would result, I believe, in trespass, absent lawfully of acquired rights.

THE HEARING EXAMINER: Okay. Mr. Anderson, I understand that compulsory pooling, sort of the default rules in the -- well, so let me back up.

If parties cannot come to an agreement, then you end up in a compulsory pooling situation. You wouldn't be in a compulsory pooling proceeding if there was a voluntary pooling agreement; right?

1 MR. ANDERSON: Right.

2 THE HEARING EXAMINER: So in this case,  
3 you were not able to come to an agreement, and one of  
4 the -- I think I heard you say that you felt bullied.  
5 Can you help me give me some specific instances of,  
6 you know, some evidence I can point to as to what made  
7 you feel like you felt bullied in the process?

8 MR. ANDERSON: The thing is I  
9 felt -- we felt bullied because we were saying that  
10 basically, we don't understand how Alpha and Permian  
11 can just come onto the property and take our mineral  
12 rights and our surface rights.

13 We don't necessarily understand that,  
14 and we feel bullied because if someone's coming onto  
15 your property, and you say, "No, stop," but they still  
16 continue to come onto your property and do what they  
17 want and impose, you know, stuff.

18 And I mean, it's just -- we feel it's  
19 unfair, the financial risk that they're asking us to  
20 take on. We don't have proportional protection, and  
21 it just feels like a loss of control over property  
22 interest and unequal treatment favoring the operator.

23 It just, you know -- I mean, that's why  
24 we don't consent, and we just feel like the owners  
25 have invalidated the protective purposes of compulsory

1 pooling statutes.

2 THE HEARING EXAMINER: Okay.

3 MR. ANDERSON: I mean --

4 THE HEARING EXAMINER: Okay. I hear  
5 you. And so let me ask another question. In  
6 Mr. Savage's filings, he attached a series of emails  
7 between you and the company's landman. Are those  
8 emails an accurate representation? They haven't  
9 been -- or is it --

10 MR. ANDERSON: No. These -- we've been  
11 going on a year and a half, and I've never -- I don't  
12 ever remember sending that many emails. I talked to  
13 Mr. Coffman, and I called him on some concerns. And  
14 in the latter part of 2025, they called me.

15 But in a year and a half, I don't  
16 remember ever having no -- that many back and forth.  
17 What I remember is we were trying to ask them  
18 questions and negotiate with them, and everything that  
19 they sent was in the wrong name.

20 And I think that they sent it in the  
21 hope that we wouldn't get it. But when we did get it,  
22 we did contact them. And yes, we tried to make  
23 negotiations, but they didn't try to make negotiations  
24 with us.

25 And they're using -- we feel that

1 they're using the OCD and the OCC as, like, really,  
2 like, "Well, if you don't agree with us, this is  
3 what's going to happen to you, and we're going to  
4 impose these penalties and other injustices on that."  
5 That's what we see.

6 THE HEARING EXAMINER: Okay. I think  
7 that's all the questions that I have.

8 Any further questions from either  
9 commission council commissioners? Okay. In that  
10 case -- go ahead.

11 MR. BLOOM: At this point, are we ready  
12 to deliberate on this? Or where are we at, Mr. Chair?

13 THE HEARING EXAMINER: I think  
14 we're -- well, I think we are probably ready to  
15 deliberate based on all of the filings and the  
16 discussions that we just had today.

24 Or, I mean, if the commission wishes to  
25 go into closed session to deliberate on this case and

1 then come back and hear the rest, that's well within  
2 its powers as well.

3 MR. BLOOM: Mr. Chair, I might like to  
4 deliberate in closed session on this case and the  
5 other, I guess, three now, one conjoined case that we  
6 have in front of us with Alpha and AER.

7 THE HEARING EXAMINER: Together?

8 MR. BLOOM: Yes.

9 THE HEARING EXAMINER: Okay. In that  
10 case, thank you all very much on the Anderson case.  
11 We are going to deliberate on that later today.

12 And for now, for the purposes of the  
13 hearing, we will move on to the next consolidated  
14 cases. Well, I don't know if they're actually  
15 consolidated, but we're going to hear them as if  
16 they're consolidated anyway, I think. That's going to  
17 be case --

18 So thank you, Mr. Anderson. And we'll  
19 go through all of the filings and deliberate, and  
20 we'll get a decision out. It might not be until the  
21 next commission meeting that we're able to hold a  
22 formal vote and issue an actual written decision. But  
23 thank you very much for participating.

24 MR. ANDERSON: Yep. Thank you, sir. I  
25 thank you for the avenue.

1 THE HEARING EXAMINER: Thank you.  
2 All right. So moving on to case  
3 number 25694, 25695, and 25696. Are all the parties  
4 with us and if so, could I get your entries of  
5 appearances?

6 MR. SAVAGE: Good morning, Mr. Chair,  
7 commissioner's counsel, parties. Darin Savage with  
8 Abadie & Schill appearing on behalf of Alpha Energy  
9 Partners II and affiliates.

10 MS. VANCE: Good morning,  
11 Mr. Commissioner, and panel. Paula Vance with the  
12 Santa Fe office of Holland & Hart on behalf of Permian  
13 Resources Operating LLC, Sarvis Permian Land Fund I  
14 LLC, US Energy Development Corporation, and Sarvis  
15 Rockmont Permian Land Fund LLC.

19 THE HEARING EXAMINER: Okay.

20 MR. SAMANIEGO: Jonathan Samaniego,  
21 American Energy Resources.

22 THE HEARING EXAMINER: Great. Thank  
23 you very much. I'm glad -- and you can hear us all  
24 right on the platform? Mr. Samaniego, can you hear us  
25 all right?

1 MR. SAMANIEGO: Yes, sir.

2 THE HEARING EXAMINER: Great.

3 Okay. All right. We've got a whole  
4 flurry of motions, including stuff that we received  
5 only last night.

6 So again, I think we are -- the  
7 commission is, again, at a bit of a disadvantage in  
8 terms of just having enough time to have reviewed all  
9 of the materials. So I'm not sure how best to proceed  
10 at this point.

11 But Mr. Samaniego, since it's your  
12 application, could you give the commission an update  
13 on where we're at and how the commission can best move  
14 forward on -- or how you would like the commission to  
15 move forward with the flurry of -- well, with the  
16 underlying case as well as the various pending  
17 motions?

18 MR. SAMANIEGO: Well, the appropriate  
19 way for the commission to move forward on the orders  
20 that Alpha was given -- let me pull those up.

21 Orders 23961, 23977, 23989, under the  
22 terms of the order, the order shall automatically  
23 terminate. Automatically -- it's very specific in the  
24 orders -- automatically terminate upon failure of the  
25 applicant to give notice.

And it is clear and also evident that the applicant failed at his obligated duties as an operator. And under the terms, it would be appropriate for all three orders to be automatically terminated under the terms of the orders.

Next is the overlapping title dispute, okay, that is clear the applicant cannot prevail. And also, the infringement and trespass of an existing unit without approval and notice.

And under 19.15.16 NMAC, it is proper to get the approval of the operator of an existing unit. And because of these reasons -- and I'm not even going to get into the malice, twisting of law, but it is clear a lot was done, a lot of deception by the applicant, where there they can't prevail.

And also, the applicant does not have adequate financial assurances to operate. So I don't believe that they even have a right to speak on their behalf today, because they are not -- they are an imprudent operator. They do not have adequate financial assurances.

They've been very -- they've intentionally deceived the commission and the division through their erroneous applicants and trespass and infringe on correlative rights. I mean, every step of

1 the way has been continually, continually fraudulent.

2 THE HEARING EXAMINER: Okay. I --

3 MR. SAMANIEGO: And for the commission  
4 to allow them to move forward in any matter would be  
5 so appropriate and a violation of your obligated  
6 duties to protect correlative rights and prevent  
7 waste. So it contradicts what your duties are by  
8 allowing them to proceed.

9 THE HEARING EXAMINER: We hear you,  
10 Mr. Samaniego. Thank you. Before I give -- let me  
11 ask a question because I think this might help a  
12 little bit.

13 First, I'm trying to figure out the  
14 basis of standing and jurisdiction to begin with, the  
15 threshold issue here. There was a dispute as to  
16 title. So what is the claim here, Mr. Samaniego?

17 I understand that there is a well in  
18 question; right? The -- I'm not sure how this  
19 pronounced, Saik Well or Saik Well, that particular  
20 well, that you have at least made the claim that you  
21 operate; right?

22 Now, do you also have title to minerals  
23 in the area being pooled?

24 MR. SAMANIEGO: And I find that  
25 troubling because all of this should have been

1 reviewed by the commission members prior to this  
2 hearing. And you haven't even seen my title that I  
3 submitted with my evidence.

4 THE HEARING EXAMINER: So you  
5 claim -- well, I'm asking the questions, because I  
6 can't testify on your behalf; right? So I'm trying to  
7 give you the opportunity to put on the record for our  
8 transcriber here the facts that you believe favor you;  
9 right?

10 So work with me. So if you can help me  
11 here, you believe you have title to -- you believe  
12 that you not only have an operatorship, but you  
13 believe you have minerals; is that accurate?

14 MR. SAMANIEGO: I own both in the area.  
15 I'm a lease owner and a mineral owner.

16 THE HEARING EXAMINER: Right. Okay.  
17 All right. Fair.

18 So then let me turn to Mr. Savage here,  
19 because it seems to me like we've got a legitimate  
20 title dispute that is going to be a gateway issue for  
21 whether or not Mr. Samaniego has standing to bring the  
22 suit.

23 Because if he does have title, then he  
24 was entitled to notice, which I believe -- and correct  
25 me if I'm wrong -- but I don't believe he was actually

1 noticed. But if he doesn't have mineral title, then  
2 he wouldn't -- then there wouldn't be standing --

3 MR. SAMANIEGO: No. I didn't --

4 THE HEARING EXAMINER: -- to bring the  
5 suit at all; right?

6 MR. SAMANIEGO: If there was mineral  
7 title, I'd be in the position, like --

8 THE HEARING EXAMINER: Hang on,  
9 Mr. Samaniego, I'll let you respond, but I addressed  
10 that question to Mr. Savage first. So I'll ask Mr.  
11 Savage and I'll let you respond. Okay?

12 MR. SAVAGE: So American Energy  
13 Resources, for some reason, had been granted approval  
14 of operatorship of the Saik Well in January 2025.

15 He had received an assignment of what  
16 we view as expired leases, because those lessors have  
17 now executed new leases. Those were leases from the  
18 1960s. And, you know, that that was -- he received  
19 those leases about eight years ago -- or seven years  
20 ago in 2018.

21 And then he appeared, made an entry of  
22 appearance into the underlying OCD hearing and  
23 participated in the hearing. And all his objections  
24 were heard and due process was served.

25 The question is -- I mean, our concern

1 or our main concern in this is the request for a  
2 motion to stay that he has filed. That would be very  
3 disruptive. And we do not believe there is -- that he  
4 has shown argumentation to prevail on the stay.

5 The title issue, the OCD -- you know,  
6 the OCC does not have jurisdiction to adjudicate  
7 title, but there's a number of other issues, as you  
8 know, OCC counsel has brought up, such as the status  
9 of the Saik Well. The Saik Well is in the subject  
10 lands. It's in with -- that Alpha wants to develop.

11 So, I guess, the question is does the  
12 OCC want to bundle up all those issues and defer to  
13 district court because they include the title dispute,  
14 or does the OCC want to segregate the title dispute  
15 from the other remaining issues that very well would  
16 resolve this controversy?

17 And one of the motions that we provided  
18 was a request for an evidentiary hearing to determine  
19 whether the Saik Well should be plugged. And there's  
20 plenty of evidence to show that this is a  
21 non-producing orphaned well.

22 So, you know, I don't --

23 MR. SAMANIEGO: Object.

24 MR. SAVAGE: -- know how the OCC wants  
25 to proceed on these matters.

THE HEARING EXAMINER: I will let you respond now, Mr. Samaniego, but just keep it brief because I do have further follow-up questions that I think I would like both of you to answer.

MR. SAMANIEGO: American Energy to date has not received an NOV letter from regulatory at the division. The fact that Alpha's counsel continues to repeat this false representation is arbitrary and erroneous.

To date, there have been no violations sent to American by the division. American has adequate financial assurances, is operating within the laws of New Mexico, and is a prudent operator.

Alpha, on the other hand, has violated correlative rights, has deceived the compulsory pooling process, does not have adequate financial assurances, and has four abandoned wells, one which sits right next to Walmart. The other three are throughout the town within the public and an effect on public health and the environment within city limits.

And the division continues to -- it goes through one ear and out the other onto why hasn't regulatory handled Alpha's violations? And for an imprudent operator such as Alpha to continually repeating this phrase, as some tired out parent, is

1                   false representation. It is deception at its best.

2                   THE HEARING EXAMINER: Okay. So --

3                   MR. SAMANIEGO: And it has no point of  
4                   standing as an operator who's supposed to be operating  
5                   on an honor system and is here to give deception to  
6                   the division and commission for ill intention and  
7                   financial gains.

8                   THE HEARING EXAMINER: Mr. Savage and  
9                   Mr. Samaniego, let me help try to steer the  
10                  conversation to where --

11                  MR. SAVAGE: Mr. Chair, may I just add  
12                  one more point regarding the jurisdictional matter?

13                  The commission may want to consider  
14                  that AER, American Energy Resources, is not being  
15                  pooled. They are not being pooled. They were not  
16                  listed as a party to be pooled because Alpha considers  
17                  that they don't have any -- sees that as confirmed  
18                  they don't have any interest. So they're not  
19                  really -- they're not subject to this pooling order,  
20                  and that --

21                  MR. SAMANIEGO: Objection.

22                  MR. SAVAGE: That is, really, an  
23                  excellent basis for that American Energy Resources  
24                  does not have standing to appeal the pooling order.  
25                  If --

1 MR. SAMANIEGO: Objection.

2 MR. SAVAGE: If they have -- if they're  
3 not subject to the pooling order then and then they  
4 feel like their property rights are being violated,  
5 that truly is a matter for district court.

6 So on that basis, yes, you could say he  
7 does not have standing at this point, because he's not  
8 subject to the pooling order. And you can proceed  
9 under that premise.

10 THE HEARING EXAMINER: So I want to  
11 give Mr. Samaniego a chance respond here, because I  
12 think that's where you guys are starting to understand  
13 my question here, which is a gateway issue.

14 The gateway issue of -- I don't want to  
15 argue about whether or not you guys think each other  
16 are wonderful or terrible operators. I'm sure you  
17 both have a strong -- well, I already know that you  
18 both have strong opinions on that, and we don't need  
19 to repeat that.

20 But I don't think we can even get there  
21 because -- we can't get there yet until I can  
22 establish whether or not, Mr. Samaniego, you've got  
23 some sort of sufficient interest that gives you a  
24 standing for us to even hear this case.

25 Because if this is a purely title

1 issue, like we've -- and Mr. Samaniego, we've had this  
2 conversation about other cases, where the proper  
3 venue -- not that I -- again, I'm not weighing into  
4 whether or not any of your substantive concerns are  
5 valid or invalid.

6 At this point, I just want to make sure  
7 that you are in the right forum for the right dispute.  
8 So the question is --

9 MR. SAMANIEGO: I'm trying to explain.

10 THE HEARING EXAMINER: Yeah. So go  
11 ahead, and if you want to respond to what Mr. Savage  
12 just said.

13 MR. SAMANIEGO: Okay. Yes. Because  
14 he's been antagonizing me with arguments that leads me  
15 astray from my defense.

16 THE HEARING EXAMINER: Well, I'm -- let  
17 me help you come back, then.

18 MR. SAMANIEGO: That's a good  
19 Camilla Harris trick, but he's not Camilla Harris.  
20 Okay? To get somebody rambled on in a different  
21 direction is so Camilla Harris.

22 So as I like to present is that under  
23 the leases that he presented, bellwether leases,  
24 there's a clause in there that any default by one  
25 shall not affect the rights of another, meaning

1       whatever default or violation Wildcat had, that's on  
2 Wildcat.

3                   When American obtained the leases, it  
4 fell within the 90 days that it sent out checks, that  
5 it put out a publication, and it corrected the  
6 violations from continuing. Within the 90 days  
7 clause, American did that.

8                   Laches comes into play because a  
9 previous operator defaults do not have no effect on  
10 the new operator. It's like it restarts again. So  
11 American is protected through laches. The fact that  
12 Mr. Savage continues to try to move this forward  
13 erroneously, when in fact, under the causes of the  
14 leases, American is protected.

15                   On a second note is that Enterprise,  
16 the gas purchaser out there in the area, they failed  
17 to fix those gas lines. I have emails with Enterprise  
18 of them stating there's leaks in those lines. I was  
19 not going to send gas down those lines with it  
20 leaking.

21                   THE HEARING EXAMINER: Okay.

22                   MR. SAMANIEGO: Okay? And hold on.  
23 And under the terms of the leases, American is  
24 protected because it is of no fault of its own. I had  
25 no effect in holes getting in an impudent gas

1 purchaser sales lines.

2 THE HEARING EXAMINER: So let me bring  
3 you back -- again --

4 MR. SAMANIEGO: And coincidentally,  
5 they cap it right during my hearings. And take note,  
6 Enterprise is flipping the bill of that compressor  
7 station that's being built for Alpha. They got  
8 financial gains in the matter.

9 So if we go on, it becomes under  
10 discrimination of -- price discrimination because  
11 they're choosing one operator over another.

12 THE HEARING EXAMINER: I understand  
13 that there are many upsetting issues that I --

14 MR. SAMANIEGO: American leases are not  
15 terminated under the terms of the leases. The fact  
16 that Savage continues to ramble a false representation  
17 of terminated leases and not pooling American's  
18 interest and American's not being told is deception at  
19 its grossest.

20 THE HEARING EXAMINER: Okay. So  
21 that -- again, you're getting ahead of me here. I'm  
22 just trying to figure out what -- because if I  
23 understand correctly, you were not part of the  
24 interest being pooled in the underlying order.

25 So I want to figure out how -- well, I

1 think I've said enough, but I'm going to invite  
2 Ms. Vance or and Mr. Rankin to, perhaps, weigh in here  
3 as a third party.

4 MR. RANKIN: Thank you, Chair Chang,  
5 commissioners. I appreciate the dialogue and  
6 discourse on this.

7 We represent interests in this case.  
8 These cases that are high mineral interest and  
9 leasehold interest, and they're primary interest is  
10 seeing the property developed and their economic  
11 investments realized.

12 Under the compulsory pooling statutes  
13 and the regulations that promulgate those statutes, as  
14 Mr. Savage alluded to under the regulations,  
15 applicants for compulsory pooling are required to give  
16 notice to each owner of an interest in the mineral  
17 state of the lands that the applicant proposes to be  
18 pooled.

19 So if, as is the case here, that  
20 Alpha's not seeking to pool the interest because it  
21 does not believe it has a title or any interest to be  
22 pooled, they're not subject to the pooling, nor will  
23 they be disadvantaged by the pooling.

24 If Alpha -- rather, if American  
25 Enterprise -- American Energy? American -- believes

1 that they, nevertheless, are being -- do have title  
2 and a leasehold interest and mineral interest, the  
3 statute protects them. The Oil and Gas Act does  
4 protect them.

5                   Because if they are able to prove  
6 through title action that they do have an interest,  
7 then they have the ability to pursue those rights  
8 through to the courts. And Alpha, by not pooling or  
9 recognizing the title, does so at their own risk.

10                  So if there's an opportunity or proof  
11 that American actually does own an interest, under the  
12 New Mexico Proceeds Payment Act, it's possible that  
13 Alpha -- American Energy could go after Alpha and  
14 claim, you know, back attorney's fees, interests,  
15 other aspects that they're not being paid  
16 appropriately.

17                  So there's avenues for American to  
18 pursue that probably are more appropriate given the  
19 nature of the dispute being based in title.

20                  I have not read this briefing. So I'm  
21 not -- I don't have the benefit of understanding all  
22 the arguments, but just listening to the discussion  
23 today, I thought this might be helpful to give some  
24 context.

25                  I'm sure Mr. Savage and Mr. Samaniego

1 may want to respond to better articulate how what I  
2 have to say --

3 MR. SAMANIEGO: Object.

4 MR. RANKIN: -- fits into each party's  
5 arguments. But just on a base level, hearing Chair  
6 Chang raise the issue about the threshold gate issue,  
7 I believe that having not established title or if  
8 there's a title question deed, then I think probably  
9 the venue is not appropriate.

10 But I'll let Mr. Savage respond.

11 THE HEARING EXAMINER: Let me just give  
12 Mr. Samaniego his turn, and then we'll turn to you,  
13 Mr. Savage.

14 Mr. Samaniego?

15 MR. SAMANIEGO: Yes.

16 Mr. Rankin, his claim is a personal  
17 opinion, and he said it was his own basis. He even  
18 admitted that he did not review. So the fact that  
19 he's offering a quiet title to resolve American's  
20 claims is premature and irrelevant.

21 Because in the exhibit, American  
22 presented his title, American presented his claim, and  
23 American has standing from infringement and trespass.

24 THE HEARING EXAMINER: Mr. Savage?

25 MR. SAVAGE: So as I mentioned,

1 Alpha's, you know, main concern is this claim to an  
2 emergency stay. So since American Energy Resources is  
3 not being pooled and the commission can --

4 MR. SAMANIEGO: Objection.

5 MR. SAVAGE: The commission can address  
6 the standing issue on that basis and determine that he  
7 does not have standing and that the matter should go  
8 to district court, then, as I understand that, there  
9 would be no basis on which to request a stay, and the  
10 commission can rule on that.

11 MR. SAMANIEGO: Objection.

12 THE HEARING EXAMINER: Go ahead,  
13 Mr. Samaniego.

14 MR. SAMANIEGO: Yes. I find it very  
15 proper that Savage keeps on like a broken record. He  
16 just keeps on repeating, repeating, and the fact that  
17 he continues that they're not pooling American  
18 interest is far from the truth.

19 And for the commission to go say,  
20 "Okay, it could be wrong. Go ahead and do it," is  
21 going to cause more severe harm on American to have to  
22 fight those claims.

23 So I think that it would be appropriate  
24 and responsible for the commission to proceed with  
25 caution and to see that allowing anybody to proceed in

1       this manner of infringement and trespass is not the  
2       protection of correlative rights. It's sweeping it  
3       under the rug.

4                   And that's not appropriate. It's a  
5       violation of the obligated duties.

6                   THE HEARING EXAMINER: Okay. I hear  
7       you.

8                   Let me turn now to commission and  
9       commission counsel and see if there are any additional  
10       questions that commissioners or commission counsel  
11       wish to explore.

12                  MR. BLOOM: Mr. Chair, I had a couple  
13       questions.

14                  THE HEARING EXAMINER: Please?

15                  MR. BLOOM: Mr. Samaniego, good  
16       morning.

17                  MR. SAMANIEGO: Good morning.

18                  MR. BLOOM: I'd like to ask you a  
19       couple questions about the Saik Well or the Saik Well.  
20       How did you measure production out there?

21                  MR. SAMANIEGO: That is not -- that's  
22       not the topic of this hearing. The hearing is to see  
23       if the emergency stay is going to proceed and to see  
24       if American interests were valid or not valid.

25                  Under the presented evidence, American

1 has fulfilled its duties by presenting its exhibits as  
2 evidence, its title, its claims with emails, and  
3 American has fulfilled its duties to present to this  
4 hearing on why the emergency stay should be granted.

5 Anything outside that realm is  
6 inappropriate and it is irrelevant here.

7 MR. BLOOM: Mr. Samaniego, you  
8 mentioned it in your writings and you've claimed that  
9 it's a producing well. So we need to explore that.

10 So again, I'm going to ask you how is  
11 production measured?

12 MR. SAMANIEGO: You're twisting words.  
13 You're twisting words. I filed it as producing  
14 testing. So you're playing with words, and that's why  
15 I'm not going to get into that. I'm not going to fall  
16 into that because it's irrelevant here of what this  
17 hearing was for.

18 American presented its title. American  
19 does not have to go through quiet title like Rankin  
20 prematurely -- his personal opinion. American  
21 presented title.

22 It's an overlapping title dispute, and  
23 the applicant cannot prevail under the terms of the  
24 lease. It's clear. It's in black and white. It's  
25 clear evidence.

MR. BLOOM: Some of the ways we look at this case could, Mr. Samaniego, be based on the status of this well.

MR. SAMANIEGO: Well, a jury will look at it differently.

MR. BLOOM: You're in front of the Oil Conservation Commission, sir. You're not in front of a jury here.

MR. SAMANIEGO: Right. That's why I'm saying it's appropriate to go ahead and allow the emergency stay to protect all correlative rights and allow them to proceed through district court, because it's out of your jurisdiction.

And any attempt from the commission to tailor make an evaluation of an overlapping dispute and title is a violation of your obligated duty to protect correlative rights and to prevent waste.

Because you're unsure and you can't guarantee that your actions will protect. You can't guarantee it.

MR. BLOOM: Mr. Samaniego, you mentioned that enterprise has a system near the Saik Well?

MR. SAMANIEGO: Can you repeat?

MR. BLOOM: You mentioned, sir, that

1 enterprise has a pipeline to the Saik Well; is that  
2 correct?

3 MR. SAMANIEGO: That's not what we're  
4 here for.

5 MR. BLOOM: Well, you mentioned -- you  
6 brought it up within the last 20 minutes.

7 MR. SAMANIEGO: Yes. That's the  
8 gas -- that Enterprise is an imprudent gas purchaser  
9 with personal agendas with other operators in the  
10 area.

11 MR. BLOOM: Does Enterprise have to fix  
12 a line? Do they have to service you?

13 MR. SAMANIEGO: It's their obligated  
14 duty, and because they have that easement, they have  
15 bonds put up for those lines with the division. And  
16 the fact that the division is not regulating those  
17 pipelines with those bonds, that's erroneous.

18 These pipeline companies out there need  
19 to clean up all those lines. There's 75 percent of  
20 those lines that are all dead with holes out there.

21 Holes everywhere. That's why DCP is  
22 dumping them. And those guys like Enterprise are  
23 picking them up, and then they're not even fixing  
24 them. Imprudent operator of a gas purchaser.

25 MR. BLOOM: Mr. Samaniego, you also

1 mentioned that there was -- you're reporting 1 MCF of  
2 production out there. What happened to that gas?

3 MR. SAMANIEGO: We're not going to get  
4 into that, because that's not part of what the hearing  
5 is for.

6 MR. BLOOM: Was it flared? Was it  
7 vented?

8 MR. SAMANIEGO: We're not going to get  
9 into that, because that's not what the hearing is for.

10 MR. BLOOM: Okay.

11 Mr. Chair, I have no further questions.

12 THE HEARING EXAMINER: Okay.

13 Any further questions from any other  
14 commissioners or commission counsel?

15 DR. AMPOMAH: I do have only one.

16 THE HEARING EXAMINER: Please?

17 DR. AMPOMAH: So Mr. Samaniego, I do  
18 have a quick question for you. So I just want to know  
19 on the basis that you would like the commission to  
20 grant the stay, if, let's say, we've not -- you know,  
21 as I sit here, I'm not sure if you've established that  
22 you do have standing.

23 MR. SAMANIEGO: You didn't establish  
24 that I had standing in the prior hearing when you  
25 prematurely offered to rip off the band-aid or rip off

1 the scab. I don't know how you referenced it. But at  
2 that time, you were premature.

3 So given that you've already been  
4 prematurely giving options makes your statement  
5 compromised to date.

6 THE HEARING EXAMINER: Okay.

7 Ms. Vance or Mr. Rankin, anything? Any  
8 last words?

9 MS. VANCE: Nothing further.

10 THE HEARING EXAMINER: Okay.

11 Well, in that case, unless there's  
12 anything further from anybody, I think we'll take the  
13 matter, and we'll head into deliberations into closed  
14 sessions to deliberate on -- let me just get the cases  
15 correct here -- on case number 25700, 25694, 25695,  
16 and 25696.

17 May I get a motion to go into closed  
18 session for deliberations on these four cases?

19 MR. BLOOM: Chair, one moment. Yes.  
20 So move.

21 DR. AMPOMAH: Second.

22 THE HEARING EXAMINER: I believe we  
23 need a roll call.

24 Ms. Apodaca, may we have a roll call?

25 MS. APODACA: Okay. Commissioner

1 Bloom?

2 MR. BLOOM: Yes.

3 MS. APODACA: Okay. Commissioner  
4 Ampomah, do you approve?

5 DR. AMPOMAH: Approved. Yes.

6 MS. APODACA: And Commissioner Chang?

7 THE HEARING EXAMINER: Yes.

8 Without objection, we're going to head  
9 into executive session. Thank you all very much for  
10 your time and attention today. We appreciate it,  
11 everybody.

12 Thank you, Mr. Samaniego. We'll get  
13 back to you with a decision. It may not be until the  
14 next commission meeting that we're able to come out  
15 and vote something, just so you know. But we'll do  
16 our best to get everybody a timely decision.

17 MR. SAVAGE: Thank you.

18 THE HEARING EXAMINER: Thank you.

19 MR. SAMANIEGO: Thank you.

20 (Whereupon, at 10:13 a.m., the  
21 proceeding was concluded.)

22

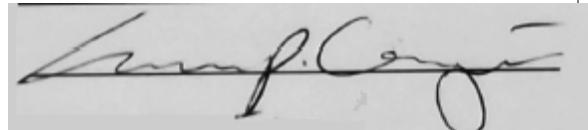
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17 GERALD ARAGON

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[commission - counsel]

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