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STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

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

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

HEARING

DATE: Wednesday, December 17, 2025
TIME: 9:01 a.m.
BEFORE: Hearing Examiner Albert Chang
LOCATION: Wendell Chino Building
1220 South Saint Francis Drive
Santa Fe, NM 87505
REPORTED BY: Gerald Aragon
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
ROCKMONT PERMIAN LAND FUND LLC:

PAULA VANCE, ESQUIRE
ADAM RANKIN, ESQUIRE
Holland & Hart LLP
P.O. Box 2208
Santa Fe, NM 87504
pmvance@hollandhart.com
agrarkin@hollandhart.com
(505) 954-7286
(505) 954-7294

ON BEHALF OF PERMIAN RESOURCES OPERATING:

DANA HARDY, ESQUIRE
JACLYN MCLEAN, ESQUIRE
Hardy McLean LLC
125 Lincoln Avenue, Suite 223
Santa Fe, NM 87501
info@hardymclean.com
(505) 230-4410

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

2 ON BEHALF OF ALPHA ENERGY PARTNERS II LLC:

3 DARIN SAVAGE, ESQUIRE
4 Abadie & Schill, PC
5 214 McKenzie Street
6 Santa Fe, NM 87501
7 darin@abadieschill.com
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)

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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
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P R O C E E D I N G S

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

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

4 Are the parties with us for this case?

5 MS. VANCE: Good morning,
6 Mr. Commissioner, commissioners. Paula Vance with the
7 Santa Fe office of Holland & Hart and also my
8 colleague, Adam Rankin, on behalf of Matador.

9 THE HEARING EXAMINER: Okay.

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

14 THE HEARING EXAMINER: Thank you all
15 very much.

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

21 It sounded like from the last status
22 conference that the parties were meeting to confer and
23 were exploring a possible settlement. So, I guess, I
24 don't know if I can open the floor to whoever wants to
25 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?

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

3 THE HEARING EXAMINER: Say that again?

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

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

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

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

15 THE HEARING EXAMINER: Great. Okay.
16 In that case, please go ahead. We're all ears.

17 MR. ANDERSON: Okay.

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

22 This issue is whether the New Mexico
23 Oil Conservation Division may approve a pooling order
24 that results in what I think is trespass unfair burden
25 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

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

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

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

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

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

22 If parties cannot come to an agreement,
23 then you end up in a compulsory pooling situation.
24 You wouldn't be in a compulsory pooling proceeding if
25 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.

17 In the interest of not keeping
18 Mr. Savage waiting while we go into the closed
19 session, I would ask the commission whether we would
20 like to proceed to also just the rest of the cases so
21 that we can let all the counsels go home as we can
22 deliberate on all the pending cases in front of us
23 today all at once.

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.

16 Sorry. And that was the same for the
17 last case as well. Thank you. And we are just
18 observing.

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.

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

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

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

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

22 They've been very -- they've
23 intentionally deceived the commission and the division
24 through their erroneous applicants and trespass and
25 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.

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

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

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

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

21 And the division continues to -- it
22 goes through one ear and out the other onto why hasn't
23 regulatory handled Alpha's violations? And for an
24 imprudent operator such as Alpha to continually
25 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.

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

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

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

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

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

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

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

24 MR. SAMANIEGO: Can you repeat?

25 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.

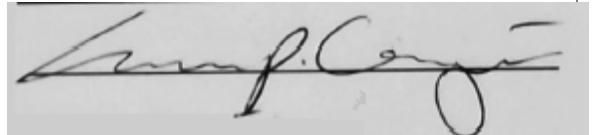
18 THE HEARING EXAMINER: Thank you.

19 MR. SAMANIEGO: Thank you.

20 (Whereupon, at 10:13 a.m., the
21 proceeding was concluded.)
22
23
24
25

CERTIFICATE

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



GERALD ARAGON

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CASSANDRA HARRIS

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