

**BEFORE THE OIL CONSERVATION DIVISION
OF THE STATE OF NEW MEXICO**

ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

IN THE MATTER OF THE APPLICATION OF DJR
OPERATING, LLC FOR APPROVAL OF SURFACE
COMMINGLING, SAN JUAN COUNTY, NEW
MEXICO.

CASE NO. 26145
(APP No. pDM2611435539)

**RETHA MURDOCK'S MOTION FOR NINETY (90) DAY CONTINUANCE OF
JUNE 4, 2026 HEARING, AND STATEMENT OF CONTINUING OBJECTION
TO APPROVAL OF THE SURFACE COMMINGLING APPLICATION**

Retha Murdock, an objecting interest owner and Navajo Indian mineral allottee appearing pro se, respectfully submits this Motion for a ninety (90) day continuance of the hearing scheduled for June 4, 2026, and, in connection with this Motion, enters her appearance and restates and preserves her continuing objection to approval of the Surface Commingling Application. In support, Ms. Murdock states:

I. INTRODUCTION

1. Ms. Murdock filed a timely written objection to DJR Operating, LLC's Application for Approval of Surface Commingling on April 20, 2026. Her objection is attached as Exhibit C to the Applicant's Application for Hearing. Because she objected, the Division set this matter for hearing on June 4, 2026, pursuant to 19.15.12.10(C)(4)(d) NMAC.
2. Ms. Murdock now respectfully requests a ninety (90) day continuance pursuant to 19.15.4.13(C) NMAC, for the reasons set forth in Section IV below.

3. Ms. Murdock files this Motion in good faith. She does not seek delay for its own sake. She seeks adequate time to recover from a serious medical condition sufficient to participate meaningfully in this proceeding, to obtain legal representation through legal aid services available to Navajo allottees, and to prepare a substantive response to a regulatory filing raising complex questions of allottee notice, federal trust duty, and production allocation across multiple pending and approved communitization agreements.

II. ENTRY OF APPEARANCE AND STATEMENT OF CONTINUING OBJECTION TO APPROVAL OF THE SURFACE COMMINGLING APPLICATION

4. **Entry of appearance.** To the extent any question exists regarding Ms. Murdock's status as a party of record in Case No. 26145, Ms. Murdock hereby enters her appearance in this case pursuant to 19.15.4.10(B) and 19.15.4.13(A) NMAC. By doing so, Ms. Murdock does not concede that her April 20, 2026 written objection — filed timely with the Division and acknowledged by the Hearing Bureau in its May 5, 2026 correspondence — was insufficient to establish her party status. Ms. Murdock's position is that her April 20, 2026 objection already constituted her entry of appearance under 19.15.4.13(A) NMAC. This Motion is filed in part to ensure that her party status is unambiguous regardless of the procedural posture by which the Surface Commingling Application is presented to the Division.
5. **Continuing objection to approval.** Ms. Murdock objects to the approval of the Surface Commingling Application — that is, to any order of the Division approving the surface commingling of oil and gas production from the Ponderosa F31 2409 Federal Com #124H, Ponderosa Unit #129H, Ponderosa F31 2409 Federal Com #130H, and Ponderosa F31 2409 Federal Com #144H wells at the Ponderosa F31-2409 Pad. This objection is directed to the substantive relief sought by the Applicant and applies to that relief regardless of the procedural vehicle through which it is sought, including without limitation:

- a. the administrative application designated APP No. pDM2611435539, filed with the Division on April 14, 2026;
 - b. DJR Operating, LLC's Application for Hearing filed in this case and now docketed as Case No. 26145; and
 - c. any subsequent application, amendment, supplement, or pleading by which the Applicant seeks Division approval of the same or substantially similar surface commingling.
6. **Objection of April 20, 2026 stands in full force.** Ms. Murdock's written objection of April 20, 2026, attached as Exhibit C to the Applicant's Application for Hearing, stands in full force and effect. By submitting this Motion for Continuance, Ms. Murdock does not, and shall not be deemed to, withdraw, narrow, qualify, or modify that objection in any respect.
7. **Preservation of all grounds.** Ms. Murdock preserves all grounds for objection to approval of the Surface Commingling Application, including without limitation:
- a. the adequacy and lawfulness of notice to interest owners under 19.15.12.10(C)(4)(c) NMAC and 19.15.4.12 NMAC;
 - b. the truthfulness and completeness of the Applicant's certification on Form C-107-B, Section B(3), signed January 8, 2026, that "all interest owners have been notified by certified mail of the proposed commingling";
 - c. the protection of correlative rights of allottee mineral owners under the Ponderosa Unit Agreement and Division Order No. R-14194 (July 28, 2016);
 - d. the propriety of commingling production from Ponderosa Unit wells with production from non-Unit straddle wells subject to pending non-standard spacing and communitization agreements at a single tank battery;
 - e. the accuracy and reliability of the proposed metering and allocation methodology as applied to allotted Indian mineral interests, including the use of non-BLM-approved allocation meters;
 - f. the discharge of federal trust duties owed to Ms. Murdock and similarly situated allottees in connection with the proposed surface commingling;

- g. the scope of any prospective approval the Applicant may seek for future additions of pools, leases, or leases and pools to the Ponderosa F31-2409 Pad pursuant to 19.15.12.10(C)(4)(g) NMAC; and
 - h. such further grounds as discovery, expert review, and counsel may identify.
8. **No consent.** Nothing in this Motion shall be construed as Ms. Murdock's consent to, acceptance of, or acquiescence in the proposed surface commingling or any aspect of it. Ms. Murdock's participation in any procedural step in this case, including this Motion, is for the protection and preservation of her rights as an Indian mineral allottee and the rights of the trust corpus in which she holds an undivided interest.

III. FACTUAL BACKGROUND

9. **Ms. Murdock's status.** Ms. Murdock is an enrolled member of the Navajo Nation. She holds an undivided fractional interest in allotted Indian land that is held in trust by the United States and committed to the Ponderosa Unit established by Division Order No. R-14194 (July 28, 2016). She currently resides at P.O. Box 44, Shawnee, Oklahoma 74802. She has received royalty payments from Enduring Resources San Juan, LLC since prior to the filing of the present Application. Ms. Murdock's lessee Enduring Resources San Juan, LLC and the Applicant DJR Operating, LLC are both wholly-owned subsidiaries of the same parent corporation, Enduring Resources, LLC.
10. **The Application affecting her interest.** On April 14, 2026, DJR Operating, LLC filed the Application with the Division for administrative approval of surface commingling of production from four wells — Ponderosa F31 2409 Federal Com #124H, Ponderosa Unit #129H, Ponderosa F31 2409 Federal Com #130H, and Ponderosa F31 2409 Federal Com #144H — into a single central tank battery at the Ponderosa F31-2409 Pad.
11. **Ms. Murdock's notice timeline.** Ms. Murdock first received written notice of the Application by certified mail postmarked April 3, 2026, but not delivered to her in Shawnee, Oklahoma

until **April 13, 2026** — ten days after the postmark date, leaving Ms. Murdock seven business days to respond within the stated twenty-day objection period.

12. Ms. Murdock's timely objection. Ms. Murdock prepared and mailed her handwritten objection on April 20, 2026, by certified mail to the Division and to Enduring Resources San Juan, LLC. Both mailings were receipted on April 23, 2026.

13. Limited contact from the Applicant since the objection. After Ms. Murdock filed her objection, she received one telephone call from Ms. Anita Ashland of Enduring on April 27, 2026. During that call, Ms. Ashland requested that Ms. Murdock withdraw her objection. When Ms. Murdock declined to do so without first consulting with Division staff, Ms. Ashland stated, in substance, "Then we are going to a hearing." No further communication from DJR, Enduring, or counsel has occurred since.

14. Hearing notice received May 18, 2026. Ms. Murdock received the Division's Hearing Notice dated May 5, 2026, by regular first-class mail on May 18, 2026 — seventeen (17) calendar days before the scheduled June 4, 2026 hearing date.

15. Subsequent letter from the Applicant's counsel. On May 19, 2026, Ms. Murdock received an additional certified-mail letter from Paula M. Vance of Holland & Hart LLP, counsel for the Applicant, dated May 15, 2026 — twenty calendar days before the scheduled June 4, 2026 hearing — bearing the subject line "Application of DJR Operating, LLC for Approval of Surface Commingling, San Juan County, New Mexico: Ponderosa Unit F31-2409 Pad." The letter advises Ms. Murdock of the hearing date and location but does not acknowledge Ms. Murdock's April 20, 2026 written objection. The letter states: "Failure to appear at that time and become a party of record will preclude you from challenging the matter at a later date" and "Parties appearing in cases are required to file a Pre-hearing Statement four business days in advance of a scheduled hearing that complies with the provisions of NMAC 19.15.4.13.B." This Motion is filed, in part, to address any ambiguity created by the May 15, 2026 letter

regarding Ms. Murdock's party status, without conceding the validity of the position that letter appears to take.

IV. GROUNDS FOR CONTINUANCE

A. Ms. Murdock is recovering from serious medical conditions, including a chronic post-surgical complication, that materially impair her ability to prepare for and participate in a hearing on June 4, 2026.

16. Ms. Murdock has undergone **three (3) spinal surgeries within the past three (3) years**. Each procedure has required extended post-operative recovery.

17. One of those spinal surgeries resulted in a **spinal fluid leak**, a serious surgical complication. The spinal fluid leak has caused, and continues to cause, on an ongoing and chronic basis:

- a. **persistent headaches;**
- b. **difficulty with concentration and focus**, particularly when reviewing detailed written material; and
- c. **nerve problems affecting her extremities**, limiting her physical endurance and her ability to read, write, and otherwise process documents for sustained periods.

18. Ms. Murdock is also in **active recovery from a recent shoulder surgery**. Her recovery from this procedure is ongoing as of the date of this Motion and further limits her physical capacity to handle, sort, and review documents.

19. **Ms. Murdock's husband passed away in December 2022**. The grief associated with the loss of her husband has been prolonged and aggravated by the cumulative effect of her multiple surgeries and the ongoing symptoms of her spinal fluid leak. The combination of bereavement, surgical recovery, chronic post-surgical complications, and the cognitive symptoms described in paragraph 17 above continue to materially affect her mental acuity and her capacity to respond to a complex regulatory proceeding within a seventeen-day window.

20. Ms. Murdock is **unable to travel to Santa Fe, New Mexico** for the June 4 hearing. Although the Division has offered telephonic participation, telephonic participation in a contested hearing against represented counsel, while Ms. Murdock remains in post-operative recovery, while she contends with the chronic symptoms of her spinal fluid leak, and while she continues to manage prolonged grief, will not constitute a meaningful opportunity to be heard within the meaning of due process.

B. Ms. Murdock has actively sought legal counsel and needs reasonable time for counsel to be engaged before the hearing.

21. Holland & Hart LLP, counsel for the Applicant, is a multistate law firm with substantial New Mexico oil and gas regulatory practice. It has at least three attorneys of record on this matter — Adam G. Rankin, Paula M. Vance, and A. Raylee Starnes. The Application for Hearing reflects substantial professional resources directed at this proceeding.

22. Ms. Murdock is appearing pro se. She has no internet access at her residence. She has no formal legal training. The Applicant filed its administrative application electronically and served notice by certified mail to her last known address. Physical certified mail delivery from Santa Fe to Shawnee, Oklahoma took ten days in this case, which compressed what 19.15.12.10(C) (4)(c) NMAC contemplates as a twenty-day objection period into an effective seven-business-day window for Ms. Murdock to respond.

23. Ms. Murdock has affirmatively sought legal representation. She has **left messages requesting intake assistance with both DNA-People's Legal Services** (a legal aid program serving Navajo allottees throughout the checkerboard area of northwestern New Mexico, with a branch office in Farmington, New Mexico) **and the Native American Rights Fund**. She is awaiting response from both organizations. The intake processes at public-interest legal organizations of this kind — particularly those serving the Navajo Nation, which operate with limited staff and high demand — do not allow for engagement, conflict check, file review, and substantive

preparation in less than two weeks. A ninety-day continuance affords Ms. Murdock realistic opportunity to obtain representation before responding to a hearing with potentially permanent consequences for her allotted-land royalty interest.

24. Although Division staff advised Ms. Murdock during a telephone call on April 28, 2026 that legal counsel is not strictly required to participate in a Division hearing, the specific posture of this case warrants representation: a contested commingling matter in which an elder Indian allottee, with documented medical limitations, no internet access, and prolonged grief, faces a multistate law firm appearing for the Applicant on a seventeen-day notice window.

C. The factual and regulatory complexity of the matter — including pending communitization agreements and non-BLM-approved allocation metering — cannot be fairly addressed by an unrepresented elder allottee in the time remaining before June 4, 2026.

25. **The materials Ms. Murdock has received in this matter.** Ms. Murdock has received documents related to the Surface Commingling Application in three separate certified mailings:

- a. On April 13, 2026, Ms. Murdock received the original administrative application packet from the Applicant's counsel, dated April 3, 2026, consisting of the administrative application (APP No. pDM2611435539) and supporting exhibits;
- b. On May 18, 2026, Ms. Murdock received the Division's Hearing Notice dated May 5, 2026, which enclosed the Applicant's Application for Hearing and incorporated the administrative application as Exhibit A;
- c. On May 19, 2026, Ms. Murdock received an additional certified-mail packet from the Applicant's counsel dated May 15, 2026, consisting of the May 15 cover letter and the Applicant's Application for Hearing materials. Across these three mailings, Ms. Murdock has received substantial regulatory, geological, surveying, and corporate documentation related to this matter.

26. The Application materials raise multiple complex regulatory and technical issues, including:

- a. The Applicant's Application for Hearing, citing multiple subsections of 19.15.12 NMAC;
- b. A completed Form C-107-B Application for Surface Commingling (Diverse Ownership);
- c. Four separate Form C-102 well location forms with as-drilled plats and survey-point geocoordinates;
- d. An Application for Surface Pool/Lease Commingling with allocation parameters listed as "TBD";
- e. A Process and Flow Description, a Sundry Notice of Intent, and a Simplified Process Flow Diagram referencing orifice gas meters, Coriolis or turbine oil meters, vapor-recovery units, LACT units, and heater treaters;
- f. References to Exhibit 4 (communitization agreements, including draft, not-yet-approved communitization agreements) and Exhibit 5 (notice list), both filed confidentially with the Division and not visible to Ms. Murdock for review; and
- g. References to existing Division Orders **R-14194**, **R-14094**, and **R-13856A** governing the underlying pooling and communitization framework — none of which were included in the package sent to Ms. Murdock.

27. **Three of the four wells covered by this Application are subject to *pending, not yet finalized, non-standard spacing and communitization applications.*** The Form C-102 forms for the Ponderosa F31 2409 Federal Com #124H, #130H, and #144H wells each bear the notation "**NSP & COM Pending.**" Only the Ponderosa Unit #129H is fully within an approved unitization framework. The Application asks the Division to approve a surface commingling order that allocates production between wells whose underlying communitization framework is still being negotiated. Until those communitization agreements are finalized, the allocation framework on which surface commingling depends is not yet fixed.

28. **The Application includes a request for prospective approval of future commingling additions with notice only to newly-affected parties.** Page 2 of the Applicant's April 10, 2026

transmittal letter to the Division Director (subparagraph (e)) requests authority "from all future additions of pools, leases or leases and pools to the PU F31 Pad with notice provided only to the interest owners whose interest in the production is to be added." This provision, if approved, would allow future modifications to the commingling allocation framework without notice to existing interest owners, including Ms. Murdock.

29. The Applicant's own Simplified Process Flow Diagram identifies the allocation meters at the Ponderosa F31-2409 Pad as "Non BLM Approved." Attachment A to the Application (page 1, dated November 26, 2025) labels every per-well allocation meter — the equipment that determines which barrels are attributed to which well for royalty calculation purposes — as "Non BLM Approved." Only the sales meter at the gas pipeline exit and the LACT unit at the oil pipeline exit are identified as BLM-approved. The accuracy of the per-well allocation meters directly affects Ms. Murdock's allottee royalty share. Evaluating whether non-BLM-approved allocation metering protects her correlative rights requires expert review.

30. Evaluating these issues — pending communitization agreements, prospective future-additions authority, non-BLM-approved allocation metering, and the relationships among at least three existing Division orders — requires expert review of regulatory filings, BLM measurement standards, allottee notice requirements under 25 C.F.R. Part 212, and the operational history of comparable installations. This evaluation cannot be accomplished by an unrepresented elder, in active medical recovery, in seven business days.

D. The Applicant will not be materially prejudiced by a ninety-day continuance.

31. The four wells covered by this Application have been drilled, with as-drilled C-102 forms reflecting survey dates between October 14, 2025 and December 3, 2025. The Applicant has been advancing this project for an extended period. The Ponderosa Unit was approved by Order R-14194 in 2016 and amended by Order in Case 23283 in 2023.

32. The Applicant elected to file its administrative application with the Division on April 14, 2026 — months after the well surveys were complete — and the Applicant alone selected the June 4, 2026 hearing date. A ninety-day continuance, moving the hearing to on or after **September 2, 2026**, will permit the Applicant to commence commingling no later than the fall of 2026, which is consistent with normal San Juan Basin development timelines. The Applicant will suffer no operational prejudice cognizable as a basis to deny meaningful opportunity to be heard to the objecting allottee in the Unit.
33. By contrast, denial of this Motion would compress preparation for a contested hearing into a seven-business-day window in which an elderly, post-operative, grieving allottee, with no internet access and ongoing cognitive symptoms from a surgical complication, must respond pro se to a substantial regulatory filing prepared by three attorneys at a multistate law firm. The asymmetry is incompatible with the meaningful opportunity to be heard that 19.15.4 NMAC contemplates and that due process requires.

V. RELIEF REQUESTED

34. Ms. Murdock respectfully requests that the Division:
- a. **Continue** the June 4, 2026 hearing for ninety (90) days, to a date on or after September 2, 2026, to be set at the Division's convenience and communicated to Ms. Murdock by ordinary first-class mail at the address below;
 - b. **Preserve** Ms. Murdock's status as a party of record and an objector throughout the continuance period;
 - c. **Extend** the deadline for filing a pre-hearing statement, and any other deadline tied to the original June 4 hearing date, to dates measured against the rescheduled hearing date; and
 - d. **Acknowledge** on the docket Ms. Murdock's continuing objection to approval of the Surface Commingling Application as set forth in Section II above.

Respectfully submitted this 26th day of May, 2026.

Retha Murdock

Retha Murdock, pro se

P.O. Box 44

Shawnee, OK 74802

Telephone: (405) 255-1874

CERTIFICATE OF SERVICE

I, Retha Murdock, certify that on the 26th day of May, 2026, I served the foregoing Motion for Ninety (90) Day Continuance of June 4, 2026 Hearing and Statement of Continuing Objection to Approval of the Surface Commingling Application by United States certified mail, return receipt requested, on the following:

✓ Freya Tschantz, Law Clerk
Hearing Bureau
New Mexico Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

Paula M. Vance, Esq.
Adam G. Rankin, Esq.
A. Raylee Starnes, Esq.
Holland & Hart LLP
Post Office Box 2208
Santa Fe, NM 87504

Retha Murdock 5-26-28

Retha Murdock

EXHIBIT C

New Mexico Conservation Division

4-20-26

1220 South St. Francis Drive

Santa Fe, New Mexico 87505

To Whom It Concerns:

I am a mineral owner in the property proposed Commingling Application submitted by DJR Operating, LLC (DJR) a subsidiary of Enduring Resources San Juan, LLC and their plans to drill new wells and to tie these wells to a central tank battery when and if oil and gas production occurs. This application seems premature even for administrative approval by NMCCD. It was submitted on-line April 3, 2026 and received on April 13, 2026 which did not give me time to reply by April 20, 2026. A hearing needs to be set and specifics of the process should be explained.

I have been involved in my career in working with the federal agency that oversees leasing of Indian allotted lands and have some experience with regard to commingling and co-mingling of assets on Indian allotted lands. Who is to benefit by this request to drill new wells and will they be located in prior approved commingled property or outside of those properties. If not, is there a geological survey available that will show these new wells and owners are entitled to share in gas and oil production?

Also, are the use of using an established Central

tank battery and separation of oil and gases for payment of any royalties as depositing of those substances a proven process? If so how accurate is it and where are some places that it is being used?

The DPA Agency and Regional Office of Washed is manually had qualified and experienced staff, who worked to make sure, Indian land owners (including surface and minerals owners) were receiving quality and quantity oversight of their allotted lands and the leasing of those properties.

The BIA, BLM, FIMC in this region ^(San Juan, NM) not always provide Indian land and mineral owners adequate guidance in the area of rental and leasing of their properties. This was evident by the Cobble decision made 2009-2010. There were considerable issues regarding the collections and payments made in behalf Indian land owners on such leasing. This continues to be a problem especially in areas where there are large reserves of natural resources on Indian properties that are shared with Federal, State and privately held properties. Leasing of any contractual agreements also cause problems if not closely monitored. Enduring Resources reasoning for the request to more frequently use of their equipment and ^{to} produce the amount of surface disturbances does not arise to adequate justification.

for this request.

I hope you take this correspondence into consideration as I do not have adequate resources and am not in good health to travel to any hearings as I currently reside in Oklahoma.

Sincerely,
Betta Musdock
P.O. Box 411
Shawnee, OK 74802
(ph. no. (405) 255-1874)

Cl: Enduring Resources San Juan, LLC
6300 South Syracuse Way, Suite 525
Centennial, CO 80111

TRANSCRIPTION OF HANDWRITTEN OBJECTION OF RETHA MURDOCK

DATED APRIL 20, 2026

(EXHIBIT C TO APPLICANT'S APPLICATION FOR HEARING)

The following is a typed transcription of Ms. Murdock's handwritten objection letter, prepared for ease of reading. The handwritten original is in the record of Case No. 26145 and is also provided as a separate attachment.

New Mexico Conservation Division

1220 South St. Francis Drive

Santa Fe, New Mexico 87505

April 20, 2026

To Whom It Concerns:

I am a mineral owner in the property proposed Comingling Application submitted by DJR Operating, LLC (DJR) a subsidiary of Enduring Resources San Juan, LLC and their plans to drill new wells and to tie these wells to a central tank battery when and if oil and gas production occurs. This application seems premature even for administrative approval by NMOCD. It was submitted on-line April 3, 2026 and received on April 13, 2026 which did not give me time to reply by April 20, 2026. A hearing needs to be set and specifics of the process should be explained.

I have been involved in my career in working with the federal agency that oversees leasing of Indian allotted lands and have some experience with regard to communization and co mingling of assets on Indian Allotted lands. Who is to benefit by this request to drill new wells and will they be located in prior approved communitized property or outside of those properties? If not, is there a geological survey available that will show these new wells and owners are entitled to share in gas and oil productions?

Also, are the use of using an established Central tank battery and separation of oil and gases for payment of any royalties or depositing of those substances a proven process? If so how accurate is it and where are some places that it is being used?

The BIA agency and Regional office I worked in usually had qualified and experienced staff who worked to make sure Indian land owners (including surface and minerals owners) were receiving quality and quantity oversight of their allotted lands and the leasing of those properties. (San Juan, NM)

The BIA, BLM, FIMO in this Region did not always provide Indian land and mineral owners adequate guidance in the area of rental and leasing of their properties. This was evident by the Cobell decision made 2009-2010. There were considerable issues regarding the collections and payments made in behalf of Indian land owners on such leasing. This continues to be a problem especially in areas where there are large reserves of natural resources on Indian properties that are shared with Federal, State and privately held properties. Co-mingling of any contractual agreements also causes problems if not closely monitored. Enduring Resources' reasoning for this request to more efficiently use of their equipment and to reduce the amount of surface disturbance does not arise to adequate justification for this request.

I hope you take this correspondence into consideration as I do not have adequate resources and am not in good health to travel to any hearings as I currently reside in Oklahoma.

Sincerely,

Retha Murdock
P.O. Box 44
Shawnee, OK 74802
(ph. no. (405) 255-1874)

Cc: Enduring Resources San Juan, LLC

6300 South Syracuse Way, Suite 525

Centennial, CO 80111