

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

IN THE MATTER OF

**Amended Application of Alpha Energy
Partners, LLC, for Compulsory
Pooling, Eddy County, New Mexico**

**OCD Case No. 25166
OCC Case No. 25694
Order No. 23961**

**Amended Application of Alpha Energy
Partners, LLC, for Compulsory
Pooling, Eddy County, New Mexico**

**OCD Case No. 25495
OCC Case No. 25696
Order No. 23977**

**Amended Application of Alpha Energy
Partners, LLC, for Compulsory
Pooling, Eddy County, New Mexico**

**OCD Case No. 25496
OCC Case No. 25695
Order No. 23989**

**ORDER DISMISSING AMERICAN ENERGY RESOURCES'
APPLICATIONS FOR DE NOVO HEARING WITHOUT PREJUDICE**

This matter came before the New Mexico Oil Conservation Commission ("Commission") concerning American Energy Resources' ("American") three Applications for De Novo Hearing. Having considered the request, and being fully appraised in the matter;

IT IS HEREBY ORDERED as follows:

1. On October 2, 2025, American filed three Applications for De Novo Hearing to the Commission to review Division Orders Nos. R-23961, 23977, 23989. These Division Orders granted Alpha Energy Partners ("Alpha")'s request to pool uncommitted mineral interests in the subject matter area.
2. The Applications claimed that Alpha had failed to provide notice of Alpha's compulsory pooling requests to American.
3. American asserted the Division's three orders granting Alpha's compulsory pooling requests were flawed because American should have been entitled to notice. "The [Division] hearing

examiner did not comply with the state statutes regulating the applicant Alpha required obligatory duty to send notice via certified mail to the operator of each existing well....”

Applications, p. 1.

4. The Applications included exhibits regarding American’s purported property rights that were approximately 270 pages long.
5. On October 9, 2025, Sarvis Permian Land Fund, I, LLC, U.S. Energy Development Corporation and Sarvis Rockmont Permian Land Fund, LLC (collectively, “Sarvis”) filed an “Entry of Appearance” but filed no further pleadings.
6. On October 21, 2025, Alpha filed a consolidated “Response to American Energy Resources LLC’s Application for De Novo Hearing and to the Emergency Stay.” The pleading purported that American was not entitled to notice because American did not hold valid property rights within the area of the pooling orders. The Response included exhibits regarding property rights that were 151 pages long.
7. Throughout October-December 2025, the parties filed numerous pleadings and some of them included additional exhibits that ran hundreds of pages long regarding the disputed property right issues.
8. On December 17, 2025, the Commission held a hearing on these cases and heard oral argument from the parties.
9. During oral arguments, all parties acknowledged that these cases involve a title dispute. *See* Hearing Tr. 36:6 (American acknowledged that this case involves a “title dispute”); Hearing Tr. 48:19 (Sarvis notes that the “nature of the dispute [is] based in title”); Hearing Tr. 40:13 (Alpha agrees that the issues “include the title dispute”).
10. Alpha requested the Commission resolve the property rights dispute.

11. American, however, admitted that: “the Commission or Division does not have jurisdiction to examine a title instrument to determine the validity of title itself is correct....” Amended and Combined American Motion to Strike, Dismiss as Moot, and Response to Alpha Response to American Application for De Novo Hearing and Emergency Motion to Stay Division Orders Nos. R-23961, R-23989, R-23977, p. 7, para. 9 (Nov. 4, 2025).
12. During oral arguments, Alpha also stated that “American Energy Resources, is not being pooled. They are not being pooled. They were not listed as a party to be pooled because Alpha considers that ... they don't have any interest.” Hearing Tr. 42:14-18.
13. Alpha further asserted that “American Energy Resources does not have standing to appeal the pooling order” because “they're not subject to this pooling order.” Hearing Tr. 42:23-24 and 42:19 respectively.
14. This Commission does not adjudicate property rights. *See* Order No. R-11855-B. “[The Commission] does not determine whether an applicant can validly claim real property interest in the property subject to the application, and therefore whether the applicant is ‘duly authorized’ to [manage] the . . . operation of a producing property.” *Id.* (quoting Order No. R-11700-B, at ¶ 27).
15. Instead, “exclusive jurisdiction of such matters resides in the courts.” Order No. R-11855-B.
16. The New Mexico State Supreme Court has provided that the Commission’s jurisdiction does not supersede the District Court’s authority over seeking redress over property rights. *See Snyder Ranches v. Oil Conservation Comm’n*, 110 NM 637, 640 (1990) (a private party can still go to court regarding a trespass over property rights even if the government has issued an oil and gas permit).

17. Because American was not pooled by Division Orders Nos. R-23961, 23977, 23989, and because there is a material dispute regarding American's alleged property rights in this case that are beyond the Commission's jurisdiction to resolve, American has not established that it has standing to file an Application for De Novo Review at this time.

THEREFORE, American's applications are DISMISSED WITHOUT PREJUDICE. All other motions filed by the parties are also DENIED as moot.

DATED: 1/15/2026



Albert Chang, Chairman
New Mexico Oil Conservation Commission