

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

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

APPLICATION OF ENERGEN RESOURCES	CASE NOS. 16383,
CORPORATION FOR COMPULSORY POOLING,	16384,
LEA COUNTY, NEW MEXICO.	16385

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

October 4, 2018

Santa Fe, New Mexico

BEFORE: MICHAEL McMILLAN, CHIEF EXAMINER
DAVID K. BROOKS, LEGAL EXAMINER

This matter came on for hearing before the New Mexico Oil Conservation Division, Michael McMillan, Chief Examiner, and David K. Brooks, Legal Examiner, on Thursday, October 4, 2018, at the New Mexico Energy, Minerals and Natural Resources Department, Wendell Chino Building, 1220 South St. Francis Drive, Porter Hall, Room 102, Santa Fe, New Mexico.

REPORTED BY: Mary C. Hankins, CCR, RPR
New Mexico CCR #20
Paul Baca Professional Court Reporters
500 4th Street, Northwest, Suite 105
Albuquerque, New Mexico 87102
(505) 843-9241

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APPEARANCES

FOR APPLICANT ENERGEN RESOURCES CORPORATION:

JAMES G. BRUCE, ESQ.
Post Office Box 1056
Santa Fe, New Mexico 87504
(505) 982-2043
jamesbruc@aol.com

FOR INTERESTED PARTY DEVON ENERGY PRODUCTION COMPANY,
LP:

SETH C. McMILLAN, ESQ.
MONTGOMERY & ANDREWS LAW FIRM
325 Paseo de Peralta
Santa Fe, New Mexico 87501
(505) 982-3873
smcmillan@montand.com

FOR INTERESTED PARTY COG OPERATING, LLC:

WILLIAM F. CARR, ESQ.
HOLLAND & HART, LLP
110 North Guadalupe, Suite 1
Santa Fe, New Mexico 87501
(505) 988-4421
wfcarr@hollandhart.com

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21	REPORTER'S NOTE: Exhibit 6 was not provided to the court reporter and is not attached to this record.	
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1 (3:16 p.m.)

2 EXAMINER McMILLAN: Let's call Case Number
3 16383, application of Energen Resources Corporation for
4 compulsory pooling, Lea County, New Mexico.

5 Call for appearances.

6 MR. BRUCE: Mr. Examiner, Jim Bruce of
7 Santa Fe representing the Applicant. I have two
8 witnesses. And I'd ask that this case be consolidated
9 with the next two cases.

10 EXAMINER McMILLAN: Okay. This case will
11 be consolidated with Cases 16384 and 16385.

12 At this time, if the witnesses would please
13 be sworn in.

14 Other appearances?

15 MR. CARR: William F. Carr for COG.

16 MR. McMILLAN: Seth McMillan, Montgomery &
17 Andrews, on behalf of Devon.

18 (Mr. Stewart and Mr. Maxey sworn.)

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

22 DIRECT EXAMINATION

23 BY MR. BRUCE:

24 Q. Would you please state your name and city of
25 residence for the record?

1 A. My name is Connor Stewart, and I currently live
2 in Birmingham, Alabama.

3 **Q. Who do you work for and in what capacity?**

4 A. Energen Resources, and I've been employed as a
5 landman going on three years now.

6 **Q. Have you previously testified before the**
7 **Division?**

8 A. I have not.

9 **Q. Would you summarize your educational and**
10 **employment background for the examiner?**

11 A. I graduated from Texas Tech University in 2015
12 with an energy commerce degree. I moved down to
13 Birmingham to work for Energen Resources shortly
14 thereafter, and I've been employed there ever since.

15 **Q. Does your area of responsibility at Energen**
16 **include this part of southeast New Mexico?**

17 A. It does.

18 **Q. And at this point, all of your work is in**
19 **Permian Basin in Texas and New Mexico?**

20 A. That's correct.

21 **Q. Are you familiar with the land matters involved**
22 **in this application?**

23 A. I am.

24 MR. BRUCE: Mr. Examiner, I tender
25 Mr. Stewart as an expert petroleum landman.

1 MR. McMILLAN: No objection.

2 MR. CARR: No objection.

3 EXAMINER McMILLAN: So qualified.

4 Q. (BY MR. BRUCE) Mr. Stewart, can you identify
5 Exhibit 1 and describe briefly what Energen seeks in
6 these three --

7 A. Exhibit 1 is going to contain the C-102s
8 showing Energen's plan to drill three two-mile wells in
9 Sections 15 and 10, being the west half of both of those
10 sections, in Township 24 South, Range 35 East. Energen
11 is planning to drill two Bone Spring wells, being the
12 452 and the 453H, and one Wolfcamp A well, being the
13 602. Energen seeks to pool all uncommitted working
14 interests in each of those two units.

15 Q. And you also seek the 602 well, which is a
16 Wolfcamp test officially?

17 A. Correct.

18 MR. BRUCE: Mr. Examiner, if you would
19 note, Exhibit 1, they do have API numbers and they give
20 a pool code. Mr. Kautz has designated all of these
21 being a Wolfbone Pool.

22 EXAMINER McMILLAN: Yeah.

23 Q. (BY MR. BRUCE) Are there any depth severances
24 in the Bone Spring and Wolfcamp Formations?

25 A. There are not.

1 **Q. Who do you seek to pool, and what is their**
2 **working interest ownership in the well unit?**

3 A. We are still trying to work through some title,
4 but we can pretty confidently say that we do need to
5 force pool COG, XTO, Devon and a gentleman named James
6 R. Jackson. COG looks to own roughly 45 percent. XTO
7 looks to own going on two-tenths of a percent. James R.
8 Jackson looks to own approximately 5 percent, and Devon
9 looks to own approximately two-tenths of a percent.

10 **Q. Before we get into the proposal letters, are**
11 **you currently working out an acreage trade with COG?**

12 A. We are.

13 **Q. And that looks like it's moving forward pretty**
14 **quickly.**

15 A. It was just approved last week, and I'm going
16 to be in contact with Mike Wallace, who I was put in
17 contact with earlier this week.

18 **Q. And if any of these parties reach agreement**
19 **with you on the drilling of the well, will you contact**
20 **the OCD?**

21 A. That's correct.

22 **Q. What are Exhibits 2, 3 and 4?**

23 A. These exhibits are the standard form and
24 proposals that we send to all parties involved. It's
25 going to be a summary of the operation showing cost,

1 footages and the basic form of the JOA that we intend to
2 use on each specific well.

3 **Q. And besides these letters, what contacts have**
4 **you had with the various parties?**

5 A. So beginning at the middle part of this year,
6 we've had numerous phone calls and follow-up emails. I
7 even met up with the Devon landman in person a few weeks
8 ago at an event in Midland, so they are very aware of
9 the operation. The only guy that hasn't necessarily
10 received much information yet is James R. Jackson. We
11 are having trouble finding some contact information, but
12 we found that this morning, so we will get him involved.

13 **Q. In your opinion, has Energen made a good-faith**
14 **effort to obtain the voluntary joinder of the interest**
15 **owners in this well?**

16 A. Yes.

17 **Q. And at the end of this hearing, we will have to**
18 **continue it for four weeks just for notice purpose; is**
19 **that correct?**

20 A. Correct.

21 **Q. Are there any override owners?**

22 A. So, again, we are still trying to work through
23 title, but it looks like COG will own a small override
24 in these wells.

25 **Q. But they have received actual notice?**

1 A. Correct.

2 **Q. As part of your proposal letters, did you**
3 **include AFEs with each of the letters?**

4 A. We did.

5 **Q. Could you go through Exhibits 2, 3 and 4 and**
6 **just set forth the completed well costs for the three**
7 **specific wells?**

8 A. So for each of the two Bone Spring wells, being
9 the 452 and 453, our approximate cost is going to be a
10 little over 11.6 million. And for the Bone Spring well,
11 we're looking at a little over 11.7 million.

12 **Q. And are these costs reasonable and in line with**
13 **the costs of other wells drilled to this depth and of**
14 **this length in this portion of New Mexico?**

15 A. They are.

16 **Q. And do you request that Energen be appointed**
17 **operator of the wells?**

18 A. We do.

19 **Q. And do you have a recommendation for the**
20 **amounts which Energen should be paid for overhead and**
21 **administrative charges?**

22 A. We do. We currently are seeking \$7,500 a month
23 for drilling and \$750 a month for producing. This does
24 defer from the proposals we originally sent the parties.
25 With operating costs going up, we have adjusted those

1 costs.

2 Q. Okay. You originally proposed to them 7,000
3 and 700?

4 A. Correct.

5 Q. Costs have gone up.

6 And are these amounts common to other
7 amounts charged by Energen and other operators in this
8 area for wells of this --

9 A. We believe they are.

10 Q. Do you request that these rates be adjusted
11 periodically as provided by the COPAS accounting
12 procedure?

13 A. We do.

14 Q. Does Energen request the cost, plus 200 percent
15 risk charge if an interest owner goes nonconsent?

16 A. Yes.

17 MR. BRUCE: Mr. Examiner, Exhibit 5 is my
18 Affidavit of Notice. Devon, represented by
19 Mr. McMillan, and ExxonMobil, care of XTO Energy,
20 received actual notice. I never received a green card
21 back, but since Mr. Carr is here, I think he'll waive
22 notice.

23 But Mr. Jackson, the other interest owner,
24 through my oversight, I forgot to -- his address came in
25 later, and I neglected to notify him. So I will have to

1 request a four-week continuance so I can properly notify
2 Mr. Jackson of the hearing.

3 Q. (BY MR. BRUCE) Mr. Stewart, were Exhibits 1
4 through 4 prepared by you or under your supervision or
5 compiled from company business records?

6 A. They were.

7 Q. And Exhibit 5 is simply my Affidavit of Notice
8 which I prepared at your request; is that correct?

9 A. That's correct.

10 Q. In your opinion, is the granting of this
11 application in the interest of conservation and the
12 prevention of waste?

13 A. Yes.

14 MR. BRUCE: Mr. Examiner, I move the
15 admission of Exhibits 1 through 5.

16 MR. McMILLAN: No objection.

17 MR. CARR: No objection.

18 EXAMINER McMILLAN: Exhibits 1 through 5
19 may now be accepted as part of the record.

20 (Energen Resources Corporation Exhibit
21 Numbers 1 through 5 are offered and
22 admitted into evidence.)

23 MR. BRUCE: I have no further questions of
24 the witness.

25 EXAMINER McMILLAN: Cross?

1 MR. McMILLAN: No questions.

2 MR. CARR: No questions.

3 EXAMINER BROOKS: No questions.

4 CROSS-EXAMINATION

5 BY EXAMINER McMILLAN:

6 Q. Okay. Here's the question I've got. Okay.
7 When I pull out, as an example, Exhibit 2, you sent all
8 the affected parties 7,000 drilling, 700 producing. Now
9 you're coming to hearing and you're wanting more. Why
10 should we grant that to you?

11 MR. BRUCE: Well, I mean, you know, it's
12 just like an AFE. AFE costs are variable, and operators
13 aren't fixed to those AFE costs. It's just as Mr.
14 Stewart testified. Lately costs have gone up, and he's
15 requesting those rates. If the Division decides
16 otherwise, we'll live with it.

17 EXAMINER McMILLAN: Okay.

18 EXAMINER BROOKS: You know, there's a lot
19 of problem about what if the jury comes in with a
20 verdict larger than the addendum clause, so I guess we
21 can refer to that for guidance if necessary (laughter).
22 So I still think -- I think Mr. McMillan's question is a
23 good one. This Mr. McMillan (indicating), not that
24 McMillan (indicating). But I'll let him propose an
25 answer to it.

1 EXAMINER McMILLAN: Well --

2 EXAMINER BROOKS: You can write the order,
3 and you can put in whatever you want to put in.

4 EXAMINER McMILLAN: I will put in what I
5 think.

6 EXAMINER BROOKS: We will review the order.

7 MR. BRUCE: I would simply comment that the
8 parties who are here haven't objected to the higher
9 rates.

10 EXAMINER McMILLAN: But we don't know about
11 the status of the other party, correct?

12 MR. BRUCE: We will notify them of the new
13 rates. Yes.

14 EXAMINER McMILLAN: Okay.

15 MR. BRUCE: That's all I have for this
16 witness, Mr. Examiner.

17 JOHN MAXEY,

18 after having been previously sworn under oath, was
19 questioned and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. BRUCE:

22 **Q. Will you please state your name for the record?**

23 A. John Maxey.

24 **Q. Where do you reside?**

25 A. Roswell, New Mexico.

1 Q. What is your profession?

2 A. I'm a consulting petroleum engineer.

3 Q. And you previously worked for other companies
4 as a consultant and also, I believe, as president of
5 Read & Stevens for a while?

6 A. That's correct.

7 Q. Have you previously testified before the
8 Division as an engineer?

9 A. Yes.

10 Q. And were your credentials as an expert
11 petroleum engineer accepted as a matter of record?

12 A. Yes.

13 Q. What is your relationship to Energen in this
14 case?

15 A. They have engaged me to evaluate this area and
16 this particular application.

17 Q. And as part of that, have you worked in concert
18 with Mr. Greg Jennings, a senior geologist at Energen?

19 A. Yes, I have.

20 Q. And in your career as an engineer, have you
21 constantly been in contact with geologists when you are
22 working up prospects?

23 A. Yes, very close.

24 Q. And certainly as president of Read & Stevens,
25 that was one of your overall obligations, is to review

1 **prospect geology?**

2 A. That's correct. It was under my supervision.

3 MR. BRUCE: Mr. Examiner, I would tender
4 Mr. Maxey as an expert petroleum engineer.

5 MR. CARR: No objection.

6 MR. McMILLAN: No objection.

7 EXAMINER McMILLAN: So qualified.

8 Q. (BY MR. BRUCE) Now, I've handed you, Mr. Maxey,
9 a set of -- four exhibits. They're all marked as
10 Exhibit 6. Have you reviewed all the data in this with
11 Mr. Jennings, Energen's geologist?

12 A. Yes, I have.

13 Q. And do you agree with the exhibits that he
14 prepared?

15 A. Yes, I do.

16 Q. Could you run through the exhibits and discuss
17 the Bone Spring and Wolfcamp zones in this area?

18 A. Okay. Exhibit 6A -- Exhibit 6 -- I have it
19 labeled as A. The first one in Exhibit 6 is the top of
20 the Wolfcamp structure on 50-foot contours, and it
21 depicts the three two-mile laterals that Energen will be
22 drilling. The middle well is the 602, is the actual
23 Wolfcamp. The two wing wells are the 452 and 453.
24 Those are 3rd Bone Spring.

25 Q. And this structure map, the top of the Wolfcamp

1 **is, of course, the base of the 3rd Bone Spring, so the**
2 **structure should be pretty identical?**

3 A. That's correct.

4 **Q. Go ahead.**

5 A. Okay. The second exhibit is a gross thickness
6 on the 3rd Bone Spring Sand, again the depiction of the
7 three wells. I might add that the four laterals you
8 see, three in the east half of 16, one in the west half
9 of 15, those are actual and proposed wells by Energen.

10 This is the Bone Spring Sand thickness map,
11 so I'll point to the 454, the westernmost of those
12 one-mile laterals. That is an existing Bone Spring well
13 that they completed in November of '17. That well has
14 produced 185,000 barrels of oil, and it currently
15 produces 370 barrels of oil per day from a one-mile
16 lateral.

17 **Q. And the Bone Spring has a fairly consistent --**
18 **the 3rd Bone Spring has a fairly consistent thickness**
19 **across the two proposed Bone Spring wells?**

20 A. Yes. There is a variance. It thins slightly
21 going north. This is a gross thickness map. This is
22 not a net sand map.

23 **Q. Okay. And then the next picture?**

24 A. The next exhibit is a similar exhibit, but it
25 is the Wolfcamp A. Again, there is some -- a little bit

1 of thinning as you move to the east and northeast. As
2 far as the -- and it's a gross interval -- it's not
3 net -- with porosity cutoff. And if you'll notice,
4 while 601, which is the easternmost of those four
5 one-mile laterals, that was a Wolfcamp well, a
6 Wolfcamp A that they drilled. Again, that was completed
7 in November of '17. And that particular well has cumed
8 134,000 barrels of oil and currently produces 355,000 --
9 excuse me -- 355 barrels of oil per day.

10 **Q. And then let's look at the cross-section page**
11 **of your exhibit.**

12 A. Okay. This is a cross section. If you look at
13 any of the previous maps, you can see that the Aztec
14 State #1 is the southernmost, and the cross section is
15 depicted by a red line on the -- on the structure map.
16 I think it's on all the maps. Yeah. It's a red line on
17 all the maps. And it's a -- it tapers off to the
18 north-northeast to the Sento [sic; phonetic] Rojo 10 #1.
19 It's a two-well cross section.

20 And this is stratigraphic. It's hung on
21 the top of the 3rd Bone Spring, which is labeled. You
22 have the top of the Wolfcamp, which in this case is the
23 Wolfcamp A. You have the Wolfcamp B, C and the Strawn.
24 There are two dashed lines. Those are intended to
25 depict the target in the 3rd Bone Spring Sand and the

1 target in the Wolfcamp A.

2 If you notice on the structure map, it does
3 move updip as you go to the north. They are drilling to
4 the north. They will not be drilling -- they'll be
5 drilling flat to structure, so they're going to drill at
6 an inclination of about 91.5 degrees. So they're going
7 to follow structure on both these wells.

8 **Q. And looking at the isopachs and the cross**
9 **section, are both the 3rd Bone Spring and the Wolfcamp**
10 **continuous across each well unit?**

11 A. Yes, they are.

12 **Q. And in your opinion, will each quarter-quarter**
13 **section in the well unit contribute more or less equally**
14 **to production from these zones?**

15 A. Yes, it will.

16 **Q. Do you notice any faults or any features that**
17 **would prevent Energen from successfully drilling these**
18 **wells?**

19 A. No.

20 **Q. From an engineering standpoint, is horizontal**
21 **drilling the best way to access the reserve -- the Bone**
22 **Spring and Wolfcamp reserves?**

23 A. Yes, it is, horizontal drilling stage fracture.

24 **Q. And when you look at the wells the way they're**
25 **going to be drilled with two of the 3rd Bone Spring and**

1 then Upper Wolfcamp A, is that a reasonable spacing for
2 an optimum development pattern in this half section of
3 lands?

4 A. Yes, it is.

5 Q. And in your opinion, is the granting of these
6 applications in the interest of conservation and the
7 prevention of waste?

8 A. Yes, it is.

9 MR. BRUCE: Mr. Examiner, I'd move the
10 admission of Exhibit 6.

11 MR. McMILLAN: No objection.

12 MR. CARR: No objection.

13 MR. BRUCE: And I would pass the witness.

14 MR. McMILLAN: No questions. Thanks.

15 MR. CARR: No questions.

16 EXAMINER McMILLAN: No problem, COG, with
17 the exhibits?

18 MR. CARR: No.

19 EXAMINER McMILLAN: Exhibit 6 may now be
20 accepted as part of the record.

21 (Energen Resources Corporation Exhibit
22 Number 6 is offered and admitted into
23 evidence.)

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CROSS-EXAMINATION

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BY EXAMINER McMILLAN:

Q. My question is -- I'm looking at Wolfcamp A thickness. What I want to know is -- what I want to know -- based on your testimony, you said 601 is a Wolfcamp well, right?

A. The producing well, 601, yes.

Q. 601H?

A. Yes. 601 is the producing well.

Q. It's a Wolfcamp?

A. Yes.

Q. And is that -- is the target interval going to be the same as the 602?

A. I'm sorry. Is the what?

Q. Is the target interval going to be the same?

A. Yes.

Q. Why don't you get a geologist to send in -- to supply an affidavit for that?

A. Okay.

MR. BRUCE: We will.

EXAMINER McMILLAN: And then I'll tell you -- so -- and then also send in -- let's also have -- just send in the 601 C-102 that shows the designated pool of both of them. That way there is justification for placing it in the same pool as the others. Based on

1 your map, it didn't kind of show that.

2 MR. BRUCE: We'll do that.

3 EXAMINER McMILLAN: Any objections to that?

4 MR. McMILLAN: No objection.

5 MR. CARR: (Indicating.)

6 EXAMINER McMILLAN: Okay. And the

7 completed interval will be orthodox, right?

8 MR. BRUCE: There is one thing on here,
9 Mr. Examiner, and it may require an administrative
10 approval. I think if you look at the 452 well -- look
11 at Exhibit 1, first page -- you know, orthodox would be
12 990 from the west line. I think Mr. Maxey could agree
13 with that. But just for the spacing between the
14 Wolfcamp and the Bone Spring, they've moved it a little
15 bit to the east because there may well be additional
16 wells in this half section -- or in these half sections.

17 REDIRECT EXAMINATION

18 BY MR. BRUCE:

19 Q. Is that correct, Mr. Maxey?

20 A. There are no wells in the half section?

21 Q. No. There may be additional wells placed in
22 this half section?

23 A. Yes. That's a possibility. Yes.

24 EXAMINER McMILLAN: Are you going to do
25 that administratively?

1 MR. BRUCE: We'll do that administratively.

2 EXAMINER McMILLAN: Okay.

3 EXAMINER BROOKS: You're talking about the
4 452H, right?

5 MR. BRUCE: Yes.

6 EXAMINER BROOKS: And it's 1,150 from the
7 west line?

8 MR. BRUCE: Correct.

9 EXAMINER BROOKS: And that's a good deal
10 more than --

11 EXAMINER McMILLAN: Okay. Just so you'll
12 know, the hearing order is going to say if it's not --
13 if it's not -- if the administrative application is not
14 submitted within 30 days' approval of this order, the
15 order will be canceled.

16 MR. BRUCE: Okay. I'll have Mr. Carr
17 prepare it this weekend.

18 (Laughter.)

19 MR. CARR: Don't waste any time working on
20 an order.

21 (Laughter.)

22 EXAMINER BROOKS: It is a three-day
23 weekend.

24 (Laughter.)

25 MR. BRUCE: That's right, it is.

1 EXAMINER McMILLAN: And the other two are
2 orthodox?

3 MR. BRUCE: Yes. If you look at Exhibit 1,
4 the next two pages, second and third pages, you'll see
5 that they are orthodox.

6 EXAMINER McMILLAN: Okay. Do you have any
7 questions?

8 EXAMINER BROOKS: No questions.

9 MR. BRUCE: Thank you. I'd ask that it be
10 taken under advisement.

11 EXAMINER McMILLAN: So Cases 16383, 384 and
12 385 shall be continued until November 1st, correct?

13 MR. BRUCE: That's correct. That's
14 correct. Sorry.

15 Examiner McMILLAN: Let's take a
16 five-minute break.

17 (Case Numbers 16383, 16384 and 16385
18 conclude, 3:39 p.m.)

19 (Recess, 3:30 p.m. to 3:46 p.m.)

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1 STATE OF NEW MEXICO
2 COUNTY OF BERNALILLO

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4 CERTIFICATE OF COURT REPORTER

5 I, MARY C. HANKINS, Certified Court
6 Reporter, New Mexico Certified Court Reporter No. 20,
7 and Registered Professional Reporter, do hereby certify
8 that I reported the foregoing proceedings in
9 stenographic shorthand and that the foregoing pages are
10 a true and correct transcript of those proceedings that
11 were reduced to printed form by me to the best of my
12 ability.

13 I FURTHER CERTIFY that the Reporter's
14 Record of the proceedings truly and accurately reflects
15 the exhibits, if any, offered by the respective parties.

16 I FURTHER CERTIFY that I am neither
17 employed by nor related to any of the parties or
18 attorneys in this case and that I have no interest in
19 the final disposition of this case.

20 DATED THIS 25th day of October 2018.

21

22

23 MARY C. HANKINS, CCR, RPR
24 Certified Court Reporter
New Mexico CCR No. 20
Date of CCR Expiration: 12/31/2018
Paul Baca Professional Court Reporters

25