

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:

Applications of APACHE CORPORATION	Case No. 21727
for Compulsory Pooling,	Case No. 21728
Eddy County, New Mexico	Case No. 21729
	Case No. 21730

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, JANUARY 6, 2022

EXAMINER HEARING

This matter came on for hearing before the New Mexico Oil Conservation Division, William Brancard, Esq. Hearing Examiner, John Garcia Technical Examiner, on Thursday, January 6, 2022, via Webex Virtual Conferencing Platform hosted by the New Mexico Energy, Minerals and Natural Resources Department

Reported by: Mary Therese Macfarlane
New Mexico CCR #122
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A P P E A R A N C E S

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C O N T E N T S

CASE NOS.	21727, 21728, 21729, 21730	PAGE
CASES CALLED:		3
TAKEN UNDER ADVISEMENT:		6

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2 (Time noted 9:04 a.m.)

3 EXAMINER BRANCARD: So it's 9:00 a.m. and we've
4 hit hearing time. Actually, we have a bunch of continued
5 cases that maybe we can resolve quickly, let's dive into
6 them.

7 We are on Item 26 on the worksheet. These
8 are now, it appears, Cases 21727, 21728, 21729 and 21730,
9 Apache Corporation.

10 MR. FELDEWERT: May it please the examiner,
11 Michael Feldewert with the Santa Fe office of Holland &
12 Hart.

13 EXAMINER BRANCARD: All right. This was a
14 continued hearing that we had, that we actually had a live
15 hearing, witnesses and all that, but it appears that
16 Colgate has dismissed its competing cases. So I'll ask
17 for an entry from Colgate at this point.

18 MS. HARDY Good morning, Mr. Examiner. Dana
19 Hardy of the Santa Fe office of Hinkle Shanor for Colgate
20 Operating, LLC.

21 EXAMINER BRANCARD: Has Colgate dismissed its
22 competing cases?

23 MS. HARDY: We did, Mr. Hearing Examiner, and we
24 no longer object to Apache's applications.

25 EXAMINER BRANCARD: Thank you. All right.

1 So let me go through the other parties we
2 have on the list here. Cimarex Energy.

3 MS. VANCE: Good morning, Mr. Hearing Examiner.
4 Paula Vance on behalf of Cimarex Energy Company. Cimarex
5 is appearing in order to monitor the proceedings and
6 preserve any of their rights. I'm not sure if this is
7 relevant at this point since Colgate is dismissing their
8 cases, but I wanted to add from the last hearing that
9 counsel for Apache presented some slides in their exhibits
10 that outlined an agreement with Apache that Apache has
11 with other interest owners that included Cimarex, and
12 Cimarex wanted to acknowledge that agreement and its terms
13 and that it supports Apache's Development Plan.

14 EXAMINER BRANCARD: Thank you. EOG Resources.

15 MR. RITTENHOUSE: Yes, sir. This is Joby
16 Rittenhouse of Beatty & Wozniak appearing on behalf of
17 EOG. We are merely involved to monitor the proceedings
18 and protect EOG's interests, although I will add that EOG
19 does support Apache in these applications.

20 EXAMINER BRANCARD: Thank you.

21 I have XTO Holdings.

22 MR. FELDEWERT: Mr. Examiner, I believe --
23 Michael Feldewert with Holland and Hart. We appear for
24 XTO Holdings in that case, as well.

25 EXAMINER BRANCARD: Are there any other

1 interested persons for Cases 21727, -728, -729, -730?
2 Hearing none, Mr. Feldewert, would you like us to simply
3 take these cases under advisement or is there anything
4 more you would like to present or state at this point?

5 MR. FELDEWERT: Mr. Examiner, my understanding
6 at the end of the contested hearing back in, I guess it
7 was back in the first of November with you and Mr. Garcia,
8 there's some additional information you had requested
9 from -- primarily from Colgate, but some additional
10 information from Apache that really related to the issues
11 that were being contested at the time. Those are no
12 longer being contested so we would ask that you take the
13 record from the November hearing where we presented our
14 case, and that the case be taken under advisement.

15 EXAMINER BRANCARD: Thank you. I assume, Ms.
16 Hardy, Colgate is all fine with this.

17 MS. HARDY: That's correct, Mr. Examiner.

18 EXAMINER BRANCARD: Mr. Garcia, is there
19 anything else we need for the record in these cases?

20 EXAMINER GARCIA: I'm trying to remember, but I
21 think they were just cleanup slides from Apache. I think
22 we're okay on our side.

23 EXAMINER BRANCARD: All right. Yes.

24 Okay. So I would suggest that the Division
25 take Cases 21727, 21728, 21729 and 21730, take these cases

1 under advisement. If we haven't admitted the exhibits
2 already, we will do so.

3 If there's any glitches that appear in the
4 record, Mr. Feldewert we will contact you if we need
5 things to be clarified as we move on.

6 MR. FELDEWERT: Thank you, Mr. Examiner. I
7 think we are in pretty good shape, everything was
8 admitted. Mr. Garcia did have some clarifications, but I
9 don't think they are important any longer given the
10 withdrawal of Colgate.

11 EXAMINER BRANCARD: Thank you. All right.
12 Those cases will be taken under the advisement.

13 (Time noted 9:05 a.m.)

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1 STATE OF NEW MEXICO)

2 : ss

3 COUNTY OF TAOS)

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REPORTER'S CERTIFICATE

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I, MARY THERESE MACFARLANE, New Mexico Reporter

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CCR No. 122, DO HEREBY CERTIFY that on Thursday,

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January 6, 2022, the proceedings in the above-captioned

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matter were taken; that I did report in stenographic

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shorthand the proceedings set forth herein, and the

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foregoing pages are a true and correct transcription to

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the best of my ability and control.

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I FURTHER CERTIFY that I am neither employed by

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nor related to nor contracted with (unless excepted by the

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rules) any of the parties or attorneys in this case, and

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that I have no interest whatsoever in the final

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disposition of this case in any court.

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/s/ Mary MacFarlane

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MARY THERESE MACFARLANE, CCR

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