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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:

CASE NOS: 22953, 22954

APPLICATIONS OF MEWBOURNE OIL COMPANY  
FOR COMPULSORY POOLING,  
LEA COUNTY, NEW MEXICO.

REPORTER'S TRANSCRIPT OF VIRTUAL PROCEEDINGS  
EXAMINER HEARING  
AUGUST 4, 2022  
SANTA FE, NEW MEXICO

This matter came on for virtual hearing before  
the New Mexico Oil Conservation Division, HEARING OFFICER  
WILLIAM BRANCARD and TECHNICAL EXAMINER JOHN GARCIA on  
Thursday, August 4, 2022, through the Webex Platform.

Reported by: PAUL BACA PROFESSIONAL COURT REPORTERS  
500 Fourth Street, NW, Suite 105  
Albuquerque, NM 87102  
505-843-9241

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A P P E A R A N C E S

For the Applicant:

ADAM RANKIN

HOLLAND & HART

110 North Guadalupe, Suite 1

Santa Fe, NM 87501

505-954-7286

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1 HEARING EXAMINER BRANCARD: I believe we are on  
2 Items 44 and 45, cases 22953, 22954, Mewbourne Oil Company.

3 MR. RANKIN: Good morning, Mr. Examiner. Adam  
4 Rankin appearing on behalf the applicant in these cases,  
5 Mewbourne Oil Company, from the Santa Fe office of Holland &  
6 Hart.

7 HEARING EXAMINER BRANCARD: Are there any, do I  
8 have an entry of appearance from MRC Permian?

9 (No audible response.)

10 MR. RANKIN: Mr. Examiner, Mr. Bruce entered an  
11 appearance on behalf of MRC Permian. I can confirm that.

12 MR. BRUCE: Can you hear me?

13 HEARING EXAMINER BRANCARD: We can now.

14 MR. BRUCE: Yes, Jim Bruce on behalf of MRC  
15 Permian Company and MRC does not object to the cases  
16 proceeding by affidavit.

17 HEARING EXAMINER BRANCARD: Thank you. Any other  
18 interested parties entering an appearance in 22953 and  
19 22954?

20 (No audible response.)

21 HEARING EXAMINER BRANCARD: Hearing none, Mr.  
22 Rankin?

23 MR. RANKIN: Thank you, Mr. Examiner. In these  
24 two cases Mewbourne is seeking to pool all uncommitted  
25 interest owners in the Bone Spring formation underlying a

1 standard 320 acre horizontal spacing unit.

2 In case 22953, the spacing unit is proposed to be  
3 comprised of the W/2 E/2 of Sections 15 and 19, Township 18  
4 South, Range 33 East in Lea County. That spacing unit will  
5 be dedicated to Bravos 15-10 B2OB Fed Com 1H well.

6 In case 22954, Mewbourne is seeking to pool all  
7 uncommitted interest owners in the Bone Spring underlying  
8 the 320 acre spacing unit in E/2 E/2 of Sections 15 and 10  
9 in the same township and range in Lea County. That spacing  
10 unit will be dedicated to Bravos 15-10 B2PA 1H Well.

11 We filed on Tuesday an exhibit packet comprised  
12 of Exhibits A through E.

13 Exhibit A is a copy of the compulsory pooling  
14 checklists for each of the two cases identifying spacing  
15 units, the pool, pool code formation, and so forth that's  
16 required as part of the compulsory pooling.

17 Exhibit B are the applications that were filed in  
18 each of the cases.

19 Exhibit C is a copy of the self-affirmed  
20 statement of Tyler Jolly, the landman for Mewbourne, and in  
21 this case he's previously testified before the Division and  
22 had his credentials accepted. He identifies the spacing  
23 unit and the pool that Mewbourne is seeking to pool for each  
24 case. In this case it's the Mescalero Escarpe A Bone Spring  
25 pool, code number 45792 in both cases.

1           His Exhibit C-1 is the C-102s that were drafted  
2 for each of the two wells identifying the spacing units,  
3 first and last take points and so forth that comply with  
4 statewide rules for setbacks.

5           C-2 is the tracts of land identifying -- the  
6 tracts of land that will comprise the spacing units in each  
7 case, and that the spacing units will be comprised of state  
8 and federal land.

9           C-3 is the working interest owner in each tract  
10 and on a spacing unit basis as well. And the parties  
11 Mewbourne is seeking to pool are reflected in red in the  
12 exhibit.

13           Exhibit C-4 is a sample of the well proposal  
14 letter and AFEs sent to each of the working interest owners.  
15 The costs reflected are consistent with what Mewbourne has  
16 incurred for drilling similar wells in the acreage.

17           C-5 is a chronology of the contacts for each of  
18 the parties that Mewbourne is seeking to pool. And  
19 Mewbourne seeks overhead rates of 8,000 per month for  
20 drilling and 800 for producing.

21           Exhibit D is a copy of the self-affirmed  
22 statement of Jordan Carrell, the geologist in the case. He  
23 has previously testified before the Division and has  
24 conducted a study of the geology in the area.

25           His Exhibit D-1 is copy of the regional map of

1 the area showing the location of the proposed spacing and  
2 wells.

3 D-2 is a copy of the structure map identifying  
4 the Second Bone Spring Sand, which is the target interval.  
5 It also depicts the line of cross section for the wells  
6 (unclear audio).

7 Exhibit D-3 shows the target interval for the  
8 wells. In this case it reflects there are no impediments in  
9 drilling horizontal wells to the acreage.

10 Exhibit E is the affidavit prepared by me in this  
11 case reflecting that we provided notice to each of the  
12 parties identified by Mewbourne, along with the letter that  
13 was sent out on July 17, status of the certified mail  
14 letters that were sent for each of the cases.

15 Mr. Examiner, in this case we had the same issue  
16 as we had for other cases in Lea County where the affidavit  
17 of publication was not returned to us until late last night.  
18 However, in the intervening time since we last discussed  
19 this, I confirmed with -- and I will confirm that each of  
20 the notices was published timely on July 19, so we will be  
21 submitting a supplemental exhibit reflecting the affidavit  
22 of publication was submitted timely.

23 As far as the parties, Mewbourne has identified  
24 all parties and the addresses, but did not hear back from  
25 all the parties, so as a result we have provided an

1 affidavit of publication and all parties have received  
2 constructive notice.

3 Mr. Jolly reviews in his testimony that they have  
4 undertaken diligent efforts to locate all parties, computer  
5 databases, online searches and so forth.

6 So with that, Mr. Examiner, I move the admission  
7 of Exhibits A through E into the record and ask this case be  
8 taken under advisement (unclear audio) the affidavits of  
9 publication for each of the cases.

10 HEARING EXAMINER BRANCARD: I think we lost your  
11 last sentence, Mr. Rankin.

12 MR. RANKIN: I just said that we ask, that with  
13 the proviso we will be submitting a supplemental exhibit  
14 reflecting that notice was provided in the newspaper in the  
15 county.

16 HEARING EXAMINER BRANCARD: Thank you. Mr.  
17 Bruce, any questions or comments?

18 MR. BRUCE: No, sir.

19 HEARING EXAMINER BRANCARD: Mr. Garcia?

20 TECHNICAL EXAMINER GARCIA: No questions.

21 HEARING EXAMINER BRANCARD: All right. Thank  
22 you. So you're, you're sure these were published on July  
23 19?

24 MR. RANKIN: Yeah. I haven't put my eyes on them  
25 yet, but I mean, I just got that from our assistant. I

1 don't see them yet, so I will have to confirm. She's  
2 telling me they were published on July 19, so I take her  
3 word for it.

4 HEARING EXAMINER BRANCARD: Okay. So maybe you  
5 can just educate me here for a second, Mr. Rankin. If you  
6 go to the latter part of your exhibits where you have these  
7 postal service reports.

8 MR. RANKIN: Uh-huh.

9 HEARING EXAMINER BRANCARD: A number of these  
10 items say -- this is true of all of these reports you get --  
11 it says, "Your item has arrived at the Santa Fe post office  
12 and is ready for pick up." What does that mean?

13 MR. RANKIN: I think they haven't updated the  
14 status of delivery, and I don't know why, but we run these  
15 reports as late as possible so that we can capture the most  
16 updated information from the postal service.

17 And I don't know, beyond that I can't account  
18 for -- I'm just saying, Mr. Examiner, you may be aware we  
19 have had a challenge with the postal service and certified  
20 mail, so we are appreciative of the Division's proposal to  
21 allow for further options for delivering and confirming  
22 notification of the parties. It has become more difficult  
23 to rely on certified mailing.

24 HEARING EXAMINER BRANCARD: I just don't  
25 understand what, what that particular thing means. What is

1 ready to pick up?

2 MR. BRUCE: Mr. Examiner?

3 HEARING EXAMINER BRANCARD: Yes, Mr. Bruce.

4 MR. BRUCE: Every time I get one, print one of  
5 those out, it means that the letter, the certified letter  
6 was either not accepted or was returned and the letter has  
7 been returned to Santa Fe showing it was undelivered.

8 HEARING EXAMINER BRANCARD: Okay. Why doesn't it  
9 specifically say that it was rejected? I get confused by  
10 these various notifications from the post office.

11 MR. BRUCE: You are not the only one.

12 HEARING EXAMINER BRANCARD: Okay. Thank you.  
13 Anything else, Mr. Rankin?

14 MR. RANKIN: No, Mr. Examiner, that is it. We  
15 will file a supplemental exhibit for each case reflecting  
16 the affidavit of publication was timely published and  
17 parties received constructive notice by publication.

18 HEARING EXAMINER BRANCARD: Thank you. Are there  
19 any other persons here for cases 22953 and 22954?

20 (No audible response.)

21 HEARING EXAMINER BRANCARD: Hearing none, the  
22 exhibits will be admitted into the record, the cases will be  
23 taken under advisement, the record will be left open for the  
24 submission of affidavits of publication. Thank you.

25 (Exhibits admitted. Taken under advisement.)

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STATE OF NEW MEXICO  
COUNTY OF BERNALILLO

REPORTER'S CERTIFICATE

I do hereby certify that I reported the foregoing virtual proceedings in stenographic shorthand and that the foregoing pages are a true and correct transcript of those proceedings to the best of my ability.

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

I FURTHER CERTIFY that the Virtual Proceeding was of poor to good quality.

Dated this 4th day of August 2022.

Irene Delgado  
Court Reporter  
License Expires: 12-31-22

[& - comments]

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