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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: 22969

APPLICATION OF CIMAREX ENERGY CO.  
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:  
DARIN SAVAGE  
ABADIE & SCHILL  
214 McKenzie Street  
Santa Fe, New Mexico 87501

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1 HEARING EXAMINER BRANCARD: All right. We are on  
2 Item Number 49, this will be case 22969.

3 MR. SAVAGE: Mr. Hearing Examiner, Mr. Technical  
4 Examiner, good morning, Darin Savage with the Santa Fe  
5 office of Abadie & Schill appearing on behalf of Cimarex  
6 Company.

7 HEARING EXAMINER BRANCARD: Thank you. Are there  
8 any other entries of appearance for case 22969?

9 (No audible response.)

10 HEARING EXAMINER BRANCARD: Hearing none, Mr.  
11 Savage, you may proceed.

12 MR. SAVAGE: Thank you This case, case number  
13 22969, covers land in the W/2 W/2 of Sections 11 and 14,  
14 Township 24 South, Range 32 East in Lea County, New Mexico.  
15 The landman, Kelsi Henriquez, has testified before the  
16 Division as an expert and her credentials have been accepted  
17 as a matter of record.

18 In this case Cimarex is seeking an order pooling  
19 all uncommitted record title owner in the Wolfcamp  
20 formation, pool code 98309, underlying a standard 320 acre  
21 spacing unit comprised of the W/2 W/2 of Sections 11 and 14.

22 All the working interest owners of the unit  
23 representing 100 percent of the working interests have  
24 developed the unit with Cimarex as the operator under a  
25 voluntary agreement. However, Cimarex is seeking to pool a

1 remaining record title owner who has no working interest in  
2 order to account for and secure (unclear audio) of record  
3 title ownership to the extent it can be secured under a  
4 pooling. The record title owner has been non-responsive and  
5 Cimarex is pursuing this in order to facilitate (unclear  
6 audio).

7 The unit is dedicated to the Dos Equis 11-14  
8 Federal Com 4H Well. Orientation of the unit is stand up  
9 north to south and setback requirements of the statewide  
10 rules are met.

11 Exhibit A includes her landman affidavit, the  
12 C-102, ownership breakdown, sectional map and chronology of  
13 contacts. Since the record title owner has no right to  
14 participation or revenue, there should be no need for a well  
15 proposal or AFE since the unit has been developed and  
16 drilled -- and drilled and producing. Cimarex respectfully  
17 submits that geology exhibits to show the product of this  
18 production should not be necessary. (unclear audio) and  
19 penalties do not apply.

20 Cimarex asks the Division to acknowledge and  
21 approve the overlapping unit in the W/2 W/2 of Sections 11  
22 and 14 containing the Dos Equis 11-14 Federal Com 25H well.

23 Exhibit B provides the affidavit of notice for  
24 mailing publication notice. Notice was timely sent and  
25 published. Cimarex received the green card back from the

1 record title owner. Otherwise, the items (unclear audio)  
2 otherwise the record title owner has been not responsive.

3 Ms. Henriquez affirms the approval of this  
4 application is in the best interest of conservation,  
5 protection of correlative, prevention of waste and will  
6 prevent drilling of unnecessary wells.

7 At this time I would like to move that Exhibits A  
8 and B and all sub exhibits be accepted into the record for  
9 case 22969 and the case be taken under advisement. I stand  
10 and am available for any questions. Thank you.

11 HEARING EXAMINER BRANCARD: Thank you.

12 Mr. Garcia, any questions?

13 TECHNICAL EXAMINER GARCIA: I do not have any  
14 questions.

15 HEARING EXAMINER BRANCARD: Mr. Savage, where is  
16 the overlapping spacing unit?

17 MR. SAVAGE: It's in the -- there is -- there is  
18 a -- in 2018 there was a drill (unclear audio) the W/2 W/2,  
19 and that well we are currently addressing. And then it  
20 looks like in 2020 there was approval of an APD for the W/2  
21 W/2 of 11 and 14, and that contained the Dos Equis 11-14  
22 Federal Com 25H well.

23 So that looks to me like they are overlapping as  
24 a result and therefore we included those in there for you --  
25 for the notice to the Division.

1 HEARING EXAMINER BRANCARD: Was the 25H well  
2 drilled.

3 MR. SAVAGE: You know, the APD was approved.  
4 I -- that was 2020, so I assume that it was, but I would  
5 need to confirm that.

6 HEARING EXAMINER BRANCARD: And who was that?  
7 Which operator?

8 MR. SAVAGE: That would be Cimarex. Cimarex was  
9 the operator.

10 HEARING EXAMINER BRANCARD: So it's also Cimarex.

11 MR. SAVAGE: It's also Cimarex, yes.

12 HEARING EXAMINER BRANCARD: Okay. All right.

13 Thank you. Mr. Garcia, are you okay with no geologic  
14 exhibits?

15 TECHNICAL EXAMINER GARCIA: That would probably  
16 be helpful for me.

17 HEARING EXAMINER BRANCARD: So you would like  
18 geologic exhibits?

19 TECHNICAL EXAMINER GARCIA: Yeah, pretty much for  
20 every forced pooling order. (Unclear audio.)

21 MR. SAVAGE: Mr. Garcia, it is our understanding  
22 that the geology exhibits are designed to allow the Division  
23 to (unclear audio) potential production for the unit, and it  
24 looks like the unit has been developed and it looks like  
25 it's producing in sufficient quantities. So is there a

1 requirement -- if I can ask -- is there a requirement beyond  
2 that assessment?

3 TECHNICAL EXAMINER GARCIA: Yes. It's useful to  
4 have it for those reasons, but I believe it's also very  
5 useful to have geology exhibits for public record as these  
6 cases are public record and there are questions on them  
7 daily. But to (inaudible) to show that it is producing in  
8 sufficient quality, there is nothing indicating that in the  
9 packet now.

10 MR. SAVAGE: In the landman's testimony I believe  
11 she references -- consideration that I think that it plays  
12 a role in this, and I don't mean to be contrary, just  
13 pointing out the consideration is that the (unclear audio)  
14 no working interest, therefore there is no allocation of  
15 revenues or, or any kind of obligation on the party  
16 regarding liability, but to the extent of publication of  
17 record title ownership in terms of financial responsibility,  
18 working interest responsibility, but there is, there is no  
19 participation in the well.

20 TECHNICAL EXAMINER GARCIA: Yeah, I understand  
21 that, I mean, but for the (unclear audio) geology exhibits  
22 really don't discuss interests (unclear audio) depth  
23 severance which this case is not one, but I still think they  
24 are a useful part of the record. (Unclear audio) get  
25 geology exhibits unless it's for an extension of time or

1 something like that. I mean, we can pull additional  
2 (unclear audio) unless we already have them. Are there  
3 geology record exhibits on record for this case?

4 MR. SAVAGE: They are under the JOA, so obviously  
5 it's been evaluated in some capacity for the, for the  
6 substantial investment and drilling. So I will, you know, I  
7 understand your position, and I will ask Cimarex to provide  
8 to you the geology exhibits.

9 TECHNICAL EXAMINER GARCIA: (Unclear audio) I see  
10 it as all cases get them because we don't need them for  
11 extensions of time or for parties changing wells that are  
12 already part of the record in another case.

13 MR. SAVAGE: Understood.

14 HEARING EXAMINER BRANCARD: Mr. Garcia, we have  
15 that in our policy about compulsory pooling submittals, and  
16 if it's a new compulsory pooling case, even though it's an  
17 old well, it has a compulsory pooling form. So if you could  
18 provide the geologic exhibits that would be great.

19 MR. SAVAGE: I will certainly do that.

20 HEARING EXAMINER BRANCARD: Mr. Garcia, do you  
21 want to continue the case or do you want to take these as  
22 supplemental exhibits.

23 TECHNICAL EXAMINER GARCIA: I understand. If you  
24 can submit it in a reasonable time, I think we should take  
25 it under advisement. Also, I'm a month behind on cases. If

1 we can get them in quickly (unclear audio) when I'm caught  
2 up on cases -- my turnaround time, so I'm okay taking it  
3 under advisement as long as they come in in an adequate  
4 time, a reasonable time.

5 MR. SAVAGE: We will get them to you as soon as  
6 possible. Thank you, Mr. Garcia, Mr. Hearing Examiner, we  
7 will get on that as soon as possible.

8 HEARING EXAMINER BRANCARD: Thank you. Once  
9 again, any other persons for case 22969?

10 (No audible response.)

11 HEARING EXAMINER BRANCARD: Hearing none, the  
12 exhibits will be admitted into the record the cases will be  
13 taken under advisement. The record will be left open for  
14 geologic exhibits which will be in the next week or two, Mr.  
15 Savage?

16 MR. SAVAGE: Yes, sir.

17 HEARING EXAMINER BRANCARD: Excellent, thank you.

18 (Exhibits admitted.)

19 (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 reasonable quality.

Dated this 4th day of August 2022.

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

[& - compulsory]

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[confirm - mckenzie]

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