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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 NO: 22986

CHUZA OIL

REPORTER'S TRANSCRIPT OF VIRTUAL PROCEEDING  
EXAMINER HEARING  
AUGUST 31, 2022  
SANTA FE, NEW MEXICO

This matter came on for virtual hearing  
before the New Mexico Oil Conservation Division,  
HEARING OFFICER WILLIAM BRANCARD on Thursday, August  
31, 2022, through the Webex Platform.

Reported by: Sherry A. Marshall

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A P P E A R A N C E S

For New Mexico Oil  
Conservation Division  
  
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1 HEARING EXAMINER BRANCARD: Good morning,  
2 everyone. It is August 31, 2022. This is the  
3 hearing of the New Mexico Oil Conservation Division.  
4 My name is Bill Brancard. I am the hearing examiner  
5 today. We have a docket listed on our website. It  
6 lists three cases today, and, Ms. Salvidrez, you can  
7 help me with the cases.

8 So 21481, was that case continued?

9 MS. SALVIDREZ: Yes. It was continued to  
10 November 9th.

11 HEARING EXAMINER BRANCARD: Thank you.  
12 Case 22817.

13 MS. SALVIDREZ: So it hasn't officially  
14 been continued, but Jesse was thinking to  
15 September 15th, but I don't have that confirmed yet.

16 HEARING EXAMINER BRANCARD: All right.  
17 Well, we will continue Case 22817 tentatively to  
18 September 15th.

19 Which leaves us with Case 22986 Chuza Oil.  
20 Let me ask first for entries of appearance.

21 New Mexico Oil Conservation Division.

22 MS. LUCK: Good morning, Mr. Hearing  
23 Examiner. Kaitlyn Luck with the Oil Conservation  
24 Division.

25 HEARING EXAMINER BRANCARD: Thank you.

1 Is there anyone here on behalf of Chuza?

2 MR. GRAMER: Good morning. My name is  
3 Clifford Gramer. I am an observer. I do not  
4 represent Chuza. I represent a gentleman named  
5 Bobby Goldstein, who is a creditor of Chuza Oil  
6 Company. So I am on the line just to observe.  
7 Thank you.

8 HEARING EXAMINER BRANCARD: Thank you.  
9 You will not be participating today, Mr. Gramer?

10 MR. GRAMER: No, sir.

11 HEARING EXAMINER BRANCARD: Thank you.

12 Is there anyone else here on behalf of  
13 Chuza?

14 HEARING EXAMINER BRANCARD: Hearing none,  
15 Ms. Luck, how would you like to proceed today?

16 MS. LUCK: Thank you. At this time the  
17 OCD would like to call its first witness and proceed  
18 with the testimony of Mr. Rob Jackson, as well as  
19 the admission of the exhibits that were filed prior  
20 to the hearing.

21 HEARING EXAMINER BRANCARD: Thank you.

22 Mr. Jackson, are you present?

23 MR. JACKSON: Yes, I am.

24 HEARING EXAMINER BRANCARD: Would you  
25 raise your right hand?

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ROB JACKSON,

Having been duly sworn by the Hearing Examiner,  
testified as follows:

DIRECT EXAMINATION

BY MS. LUCK:

Q. Thank you, and good morning, Mr. Jackson.  
Can you state and spell your name for the record.

A. Rob Jackson, R-o-b J-a-c-k-s-o-n.

Q. And where do you work?

A. Energy Minerals and Natural Resources  
Department Oil Conservation Division Administrative  
Compliance Office.

Q. And how long have you worked there?

A. About a year and three months.

Q. And describe your position for the OCD.

A. I am the Administrative Compliance  
Supervisor. I supervise the Administrative  
Compliance Team and Operations.

Q. Describe for the Hearing Examiner the  
structure of the Administrative Compliance Bureau  
and its staff.

A. It is an office of a supervisor, myself,  
and three compliance officer positions of which two  
are filled and one is currently vacant.

Q. And I just want to confirm who on your

1 staff, can you describe what each of their roles  
2 are?

3 A. We all take part in the registration of  
4 new operators, well transfer approvals, approvals of  
5 monthly production reports, general operator  
6 compliance regulation, and we give administrative  
7 compliance support to operators with regards to  
8 these tasks, well bombing and financial assurance  
9 however is only handled by Santa Fe County staff.

10 Q. Okay. And are you aware that the OCD  
11 filed a prehearing statement and exhibits in this  
12 case?

13 A. Yes.

14 Q. And have you reviewed those exhibits as  
15 well as the prehearing statement?

16 A. Yes.

17 Q. And in terms of the procedure for  
18 preparing for this hearing, did you provide the  
19 initial information and the numbers that were laid  
20 out in the notice of violation?

21 A. Yes, I did.

22 Q. And are you aware in the prehearing  
23 statement the section labeled direct testimony?

24 A. Yes.

25 Q. And do you affirm and adopt the direct

1 testimony section of the prehearing statement as the  
2 testimony that you intend to provide today?

3 A. I do.

4 Q. I have a couple of questions for you about  
5 how you reviewed the information for the notice of  
6 violation. Did you double check the number and  
7 status of wells prior to this hearing that Chuza has  
8 registered with the OCD?

9 A. I have.

10 COURT REPORTER: I'm sorry. Could you  
11 repeat the question? I didn't understand a few  
12 names you used.

13 Q. (By Ms. Luck) Okay. No problem. And so  
14 the acronym that I'm using for the Oil Conservation  
15 Division is the OCD, and so, to repeat my question,  
16 I asked: Did you double check the number and status  
17 of the wells prior to the hearing that Chuza has  
18 registered with the OCD?

19 A. I have.

20 Q. Okay. And I'm sorry, when I'm referring  
21 to Chuza, I want to clarify that I am discussing  
22 Chuza Oil Company and their Ogrid is 279508; is that  
23 correct?

24 A. Correct.

25 Q. Okay. Thank you. And just turning to the

1 exhibits that were filed with the Division, did you  
2 prepare Exhibit Number 1, your resume in this case?

3 A. Yes.

4 Q. And did you also help prepare and compile  
5 the Exhibit No. 2, notice of violation and Exhibit  
6 No. 5, civil penalty violation?

7 A. I helped prepared Exhibit No. 2 with the  
8 inactive well count, and Exhibit No. 5, I assisted  
9 by providing the numbers to which those penalties  
10 could be assessed, yes.

11 Q. And so are these exhibits true and  
12 accurate to the best of your knowledge?

13 A. Yes.

14 MS. LUCK: And so with that, I would move  
15 the admission of Mr. Jackson as the expert for the  
16 OCD and the admission of Exhibits 1 through 5.

17 HEARING EXAMINER BRANCARD: Thank you.

18 Any objections to the exhibits?

19 Hearing none they are so admitted.

20 MS. LUCK: Thank you. And we will just  
21 briefly review the notice of violation.

22 Q. (By Ms. Luck) Mr. Jackson, turning to  
23 Exhibit No. 2, what is the violation alleged in the  
24 notice of violation?

25 A. Too many inactive wells.

1 Q. And what is the rule that is violated by  
2 Chuza?

3 A. That would be Rule 19155.9.

4 Q. And is that violation ongoing at this  
5 point?

6 A. It is.

7 Q. Can you explain the details of the  
8 violation for us?

9 A. Well, the wells they have -- they have 30  
10 total wells, and all 30 are currently inactive.

11 Q. And under the rules, how many wells can be  
12 inactive for more than 15 months?

13 A. For an operator with a total well count of  
14 30 they are allowed to have two inactive wells at  
15 any given time.

16 Q. And so they are in violation because all  
17 of their wells are inactive at this point; is that  
18 correct?

19 A. All 30, yes, ma'am.

20 Q. However, because one of the wells is a  
21 Navajo well, the division is seeking to only plug 29  
22 of these wells; is that correct?

23 A. Correct. The one well is Navajo. The  
24 other are federal and those are the ones we are  
25 seeking to plug.

1 Q. Okay. And so the one well that the  
2 Division is not seeking to include in the order is  
3 the API No. 30-045-3475473 well; is that correct?

4 A. Correct.

5 Q. Thank you. And so what sanction is the  
6 Division proposing for this violation?

7 A. Eleven thousand six hundred dollars.

8 Q. And is the Division also seeking a  
9 plugging order for all 29 of the wells that were  
10 just discussed?

11 A. Yes. Yes, they. Yes, we are.

12 Q. And these 29 wells are attached to Exhibit  
13 2 with the notice of violation?

14 A. Yes, it is.

15 Q. And so to your knowledge has the operator  
16 taken any compliance actions as requested by the  
17 notice of violation?

18 A. The last attempt by Chuza at reporting  
19 their production to OCD was April of 2018.

20 Q. And so since then there has been no  
21 contact from Chuza to the Division to your  
22 knowledge?

23 A. Not that I know of.

24 Q. Thank you. One final point that wasn't  
25 mentioned in the direct testimony -- excuse me -- is

1 that the operator in this case is still involved in  
2 a bankruptcy case, and so I just want to provide a  
3 supplemental exhibit if I may to the Division, which  
4 is the order of the bankruptcy court, and that's  
5 order -- is approving the trustees' motion to  
6 discharge any interest in these wells. And so the  
7 trustee has removed these wells from the pending  
8 bankruptcy at this point.

9 And so I'd like to just provide a copy of  
10 that order to the Division if you like. I can show  
11 my screen if you want me to, but you will see in the  
12 order it says that the trustee has deemed to abandon  
13 the estate's interest in the assets which include  
14 these wells, and so at this point the Division is  
15 seeking a plugging order so that when an agreement  
16 is reached with the BLM then the wells can be  
17 plugged accordingly.

18 HEARING EXAMINER BRANCARD: Okay. And  
19 what would be the number of that exhibit?

20 MS. LUCK: It would be Exhibit 6.

21 HEARING EXAMINER BRANCARD: So your  
22 statement then is that Chuza Oil is still in the  
23 bankruptcy proceeding?

24 MS. LUCK: Correct. However, these assets  
25 are exempt from a typical stay, which is imposed in

1 a bankruptcy case such as this one, because the  
2 trustee has abandoned the estate's interest in these  
3 assets pursuant to this order. And so we want to be  
4 sure that the Division has a copy of the bankruptcy  
5 case order that shows that we're proceeding to the  
6 extent allowed by law in the bankruptcy case.

7 HEARING EXAMINER BRANCARD: Could you post  
8 that exhibit please?

9 You're muted, Ms. Luck.

10 MS. LUCK: Sorry about that. Okay. You  
11 should be able to see the order now. I'll see if I  
12 can zoom in a little bit. Okay. So this is the  
13 order granting the trustees' motion to abandon the  
14 estate's interest in the wells on the motion, and  
15 I've got right here I can pull that up in a moment,  
16 but you'll see essentially the court -- the  
17 trustees' proposed order that was submitted is what  
18 it looks like. It says the estate did hold an  
19 interest in these oil and gas assets consisting of  
20 the wells listed on Exhibit A, and the court -- if I  
21 can get to the right spot, I will highlight it.  
22 Okay. There is a proposed settlement agreement that  
23 the trustee and the Department came to, and the  
24 trustee will have been deemed to abandon the  
25 estate's interest and the assets.

1           And so if we go over here to -- and I can  
2 file both of these as Exhibit 6, but these are the  
3 wells listed on Exhibit A, which are the same wells  
4 that are attached to our notice of violation, and by  
5 our I mean the OCD.

6           HEARING EXAMINER BRANCARD: Thank you.

7           Are there any objections to admitting  
8 Exhibit 6?

9           Hearing none the exhibit will be admitted  
10 into the record.

11           MS. LUCK: I will submit by e-mail to  
12 Ms. Salvidrez as soon as the hearing is completed.

13           And with that, that concludes the  
14 Division's presentation of evidence in this case,  
15 and I would ask for the entry of a plugging order as  
16 to the 29 wells as proposed by the Division, but if  
17 there's any other questions, please let me know.

18           HEARING EXAMINER BRANCARD: Thank you.

19           Once again, are there any other interested  
20 persons for Case 22986 Chuza Oil?

21           Let me just ask a question or two of  
22 Mr. Jackson.

23 EXAMINATION BY HEARING EXAMINER:

24           Q. Mr. Jackson, just to confirm, I believe  
25 what you said was that you have recently checked the

1 status of these 29 wells?

2 A. Yes, sir.

3 Q. And is it correct that none of them have  
4 been currently plugged?

5 A. Correct. Plugged, no. They're not  
6 plugged for site released. They're all considered  
7 inactive in our data.

8 Q. Okay. Which means they haven't been  
9 plugged. They haven't been put back into  
10 production?

11 A. Yes, sir.

12 Q. And they have not received temporary  
13 abandonment status?

14 A. Yes, sir.

15 Q. Okay.

16 HEARING EXAMINER BRANCARD: Thank you.

17 That's my questions for Mr. Jackson.

18 I guess, Ms. Luck, I just want to go  
19 through the sanctions and give me your sense of how  
20 that relates to the bankruptcy, and how we're not  
21 violating a stay here. So there are the three  
22 proposed sanctions. One is for the Division to be  
23 able to plug and abandon these wells.

24 The second is the authority to transport,  
25 and the third is penalties; is that correct?

1 MS. LUCK: That is correct. Those were  
2 the original requests that were included and I  
3 actually forgot to clear this up during the hearing.

4 Mr. Jackson confirmed prior to the hearing  
5 that Chuza actually doesn't have authority to  
6 transport at this point because of the way they're  
7 registered in our system. So if I could just ask  
8 him a question to confirm that?

9 HEARING EXAMINER BRANCARD: Yes, please  
10 do. Please clarify.

11 DIRECT EXAMINATION CONTINUED

12 BY MS. LUCK:

13 Q. Okay. So, Mr. Jackson, turning back to  
14 Chuza, do they have any authority to transport at  
15 this point?

16 A. In our data they are not authorized to  
17 transport. They are authorized only as a well  
18 operator.

19 MS. LUCK: Okay.

20 And so the OCD would amend its request in  
21 this case to not have any request for revocation of  
22 transportation.

23 And then in terms of the civil penalty  
24 that has been requested, I think that the Division  
25 would only seek a civil penalty to the extent that

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1 it is permitted by law and not in violation of the  
2 stay in the bankruptcy court because there was not a  
3 timely filed claim in the bankruptcy case in terms  
4 of the civil penalty specifically, and so the  
5 Division isn't seeking to do anything that would be  
6 in violation of the stay in the bankruptcy court.

7 HEARING EXAMINER BRANCARD: Okay. And I  
8 believe your position on the wells, plugging the  
9 wells, is those wells have been abandoned by the  
10 bankruptcy trustee, so, therefore, they are no  
11 longer subject to the bankruptcy court; is that  
12 correct?

13 MS. LUCK: Yeah, that's right, and that is  
14 subject to -- and I'm pulling back up a section of  
15 the bankruptcy code. It's the automatic stay  
16 Provision 362 and I think it's D. That then the  
17 trustee had abandoned those assets, and so it's not  
18 covered by the stay anymore.

19 HEARING EXAMINER BRANCARD: Okay. Thank  
20 you.

21 Do you have anything further today on this  
22 case?

23 MS. LUCK: I don't have anything further.  
24 Thank you.

25 HEARING EXAMINER BRANCARD: Thank you.

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Is there anyone else here speaking on behalf of Case 22986 Chuza Oil?

HEARING EXAMINER BRANCARD: Hearing none, as indicated the exhibits that have been offered today have been admitted into the record, and Case 22986 will be taken under advisement.

MS. LUCK: Thank you.

HEARING EXAMINER BRANCARD: Thank you.

(End of record.)

Proceeding concluded at 10:24 a.m.

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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 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 8th 

Sherry Marshall  
Court Reporter  
License Expires: 12-31-2022

[1 - case]

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[case - forgot]

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