

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

**APPLICATION OF ALPHA ENERGY  
PARTNERS, LLC FOR COMPULSORY  
POOLING, EDDY COUNTY, NEW MEXICO**

**Case No. 22171**

**AMENDED NOTICE OF INTERVENTION**

COMES NOW, Abadie & Schill, PC, (Darin C. Savage, William E. Zimsky, Andrew D. Shill, and Paula M. Vance), and hereby files with the New Mexico Oil Conservation Division (“Division”) this Amended Notice of Intervention on behalf of Ascent Energy, LLC, (“Ascent”) in the above-referenced case, to include the term “opposing,” pursuant to NMAC 19.15.4.11A(4), which Ascent has specified in Paragraph 2 below.

In support of Ascent’s intervention, Ascent states the following:

1. Ascent had filed an application in Case No. 22112, on August 2, 2021, for the compulsory pooling and development of the N/2 of Sections 20 and 21, Township 22 South, Range 27 East, NMPM, Eddy County, New Mexico. Alpha Energy Partners, LLC, (“Alpha”) filed an application in Case No. 22171, on August 31, 2021, for the compulsory pooling of the N/2 of Sections 19 and 20, Township 22 South, Range 27 East, Eddy County, New Mexico.
2. These two applications are competing in nature, as they overlap for the N/2 of Section 20. See Exhibit 1, attached hereto. Ascent did not receive notice of Alpha’s competing application as it owns interest in Section 21, outside the overlapping area. Consequently, Ascent is submitting this Notice of Intervention, opposing Alpha’s application, to the extent that the Division has the opportunity to review and determine which competing

application provides the better development plan. Protection of correlative rights, of the interest owners, including Ascent, and the prevention of waste are directly impacted by these two development plans.

3. The Division on October 7, 2021, considered Alpha's application in Case No. 22171, for a new hearing date and pre-hearing order to be issued. Pursuant to NMAC 19.15.4.11A, a party may intervene by filing a notice of intervention at least one business day before the date for filing a pre-hearing statement, which in this case, would be due, under NMAC 19.15.4.13B, at least four business days in advance of a scheduled hearing. With the scheduling of the new hearing date, Ascent respectfully submits that it satisfies these criteria.

4. In the alternative, under NMAC 19.15.4.11B, the Division examiner may, at its discretion, allow late intervenors pursuant to written notice, especially if the intervenor's participation will contribute substantially to the prevention of waste, protection of correlative rights or protection of public health or the environment. Ascent submits that waste and correlative rights are directly at issue, and the fact that Alpha's proposal encroaches an additional mile toward a habitable area of Carlsbad may impact the remaining considerations.

5. For the foregoing reasons, Ascent respectfully requests that the Division accept Ascent's Notice of Intervention.

Respectfully Submitted,

ABADIE & SCHILL, PC

/s/ Darin C. Savage

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**Attorneys for Ascent Energy, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was filed with the New Mexico Oil Conservation Division and was served on counsel of record via electronic mail on October 8, 2021:

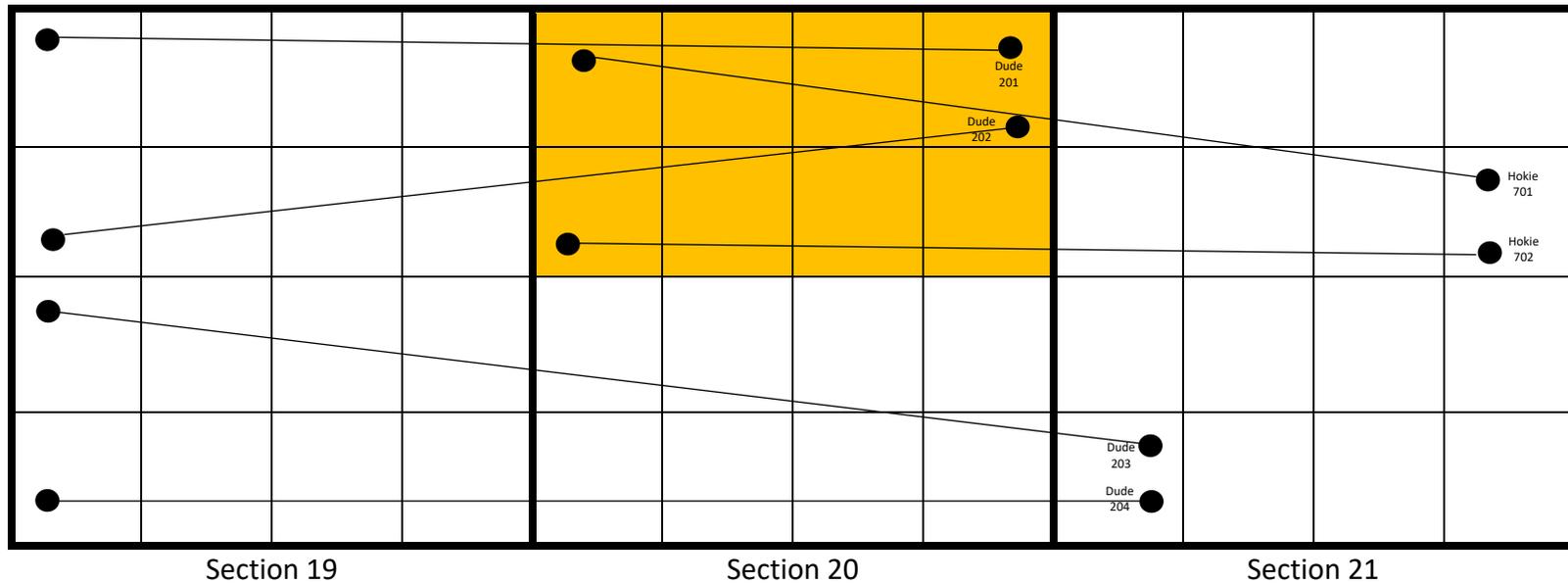
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/s/ Paula M. Vance

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Ascent Energy, LLC: Case No. 22112 = N/2 of Sections 20 and 21, Township 22 South, Range 27 East, Eddy County / 640 acres

Alpha Energy Partners, LLC:

- Case No. 22171 = N/2 of Sections 19 and 20, Township 22 South, Range 27 East, Eddy County / 640 acres

