

**FSTATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION COMMISSION**

**IN THE MATTER OF PROPOSED
AMENDMENTS TO 19.15.2, 19.15.5,
19.15.8, 19.15.9, AND 19.15.25 NMAC**

CASE NO. 24683

**APPLICANTS' MOTION TO EXCLUDE NMOGA'S CLOSING EXHIBIT 7 AND
RELATED FINDINGS OF FACT**

Applicants move to exclude a late-filed exhibit attached to the New Mexico Oil and Gas Association's ("NMOGA") Closing Package of exhibits, Closing Exhibit 7, and two related findings of fact, one in NMOGA's Closing Brief with Proposed Findings of Fact and Conclusions of Law and one in Independent Petroleum Association of New Mexico's ("IPANM") Closing Argument and Proposed Findings and Conclusions. Closing Exhibit 7 is a November 7, 2025 letter from The Surety and Fidelity Association of America, and the related finding of fact in NMOGA's brief is #88 and in IPANM's brief is #191. As grounds for this motion, Applicants state:

1. The evidentiary record closed at the conclusion of the hearing on November 6, 2025. 11/6/25 Tr. 121:9-10 ("We'll close the evidentiary record at this point then.").
2. NMOGA attaches to its Closing Package a November 7, 2025 letter from The Surety and Fidelity Association of America addressed to the Oil Conservation Commission Clerk. The letter was filed with the Clerk after close of the evidentiary record.
3. NMOGA relies on the letter to support finding of fact #88 in its Closing Brief, as does IPANM in finding of fact #191 in its Closing Argument.
4. The letter was submitted after close of the evidentiary record and, therefore, must be excluded from the record, as must the related findings of fact.

5. Allowing admission of new evidence after close of the evidentiary record is not allowed, is unfair, and prejudices Applicants because there is no opportunity to respond to the late-filed new evidence.

For the foregoing reasons, Applicants respectfully request exclusion of NMOGA's Closing Exhibit 7 and the two related findings of fact.

Respectfully submitted,

/s/ Morgan O'Grady

Morgan O'Grady, Staff Attorney
Tannis Fox, Senior Attorney
Western Environmental Law Center
409 East Palace Avenue, #2
Santa Fe, New Mexico 87501
505.629.0732
ogrady@westernlaw.org
fox@westernlaw.org

Kyle Tisdel, Managing Attorney
Western Environmental Law Center
208 Paseo del Pueblo Sur, #602
Taos, New Mexico 87571
575.613.8050
tisdel@westernlaw.org

Matt Nykiel, Staff Attorney
Western Environmental Law Center
224 West Rainbow Boulevard, #247
Salida, Colorado 81201
720.778.1902
nykiel@westernlaw.org

*Attorneys for Applicants Western
Environmental Law Center, Citizens Caring
for the Future, Conservation Voters New
Mexico Education Fund, Diné C.A.R.E.,
Earthworks, Naeva, New Mexico Interfaith
Power and Light, Sierra Club, and
WildEarth Guardians*

Certificate of Service

I certify that on May 6, 2026, I served by a copy of this pleading to the following via email:

Jesse Tremaine
Chris Moander
Michael Hall
Assistant General Counsels
New Mexico Energy, Minerals, and
Natural Resources Department
1220 South St. Francis Drive
Santa Fe, New Mexico 87505
jessek.tremaine@emnrd.nm.gov
chris.moander@emnrd.nm.gov
michael.hall@emnrd.nm.gov

Attorneys for Oil Conservation Division

Michael H. Feldewert
Adam G. Rankin
Paula M. Vance
Holland & Hart, LLP
P.O. Box 2208
Santa Fe, New Mexico 87504
mfeldewert@hollandhart.com
agrankin@hollandhart.com
pmvance@hollandhart.com

Aaron B. Tucker
Holland & Hart, LLP
555 17th Street, Suite 3200,
Denver, Colorado 80202
abtucker@hollandhart.com

Attorneys for OXY USA Inc.

Andrew J. Cloutier
Ann Cox Tripp
Hinkle Shanor LLP
P.O. Box 10
Roswell, New Mexico 88202-0010
acloutier@hinklelawfirm.com
atripp@hinklelawfirm.com

Attorneys for Independent Petroleum

Association of New Mexico

Miguel A. Suazo
James Martin
James Parrot
Jacob L. Everhart
Valkyrie E. Buffa
Beatty and Wozniak, P.C.
500 Don Gaspar Avenue
Santa Fe, New Mexico 87505
msuazo@bwenergylaw.com
jmartin@bwenergylaw.com
jparrot@bwenergylaw.com
jeverhart@bwenergylaw.com
kbuffa@bwenergylaw.com

Attorneys for New Mexico Oil and
Gas Association

Jennifer L. Bradfute
Matthias Sayer
Bradfute Sayer P.C.
P.O. Box 90233
Albuquerque, New Mexico 87199
jennifer@bradfutelaw.com
matthias@bradfutelaw.com

Jordan L. Kessler
EOG Resources, Inc.
125 Lincoln Avenue, Suite 213
Santa Fe, New Mexico 87501
Jordan_kessler@eogresources.com

Attorneys for EOG Resources, Inc.

Mariel Nanasi
422 Old Santa Fe Trail
Santa Fe, New Mexico 87501
mnanasi@newenergyeconomy.org

Attorney for New Energy Economy

Nicholas R. Maxwell
P.O. Box 1064
Hobbs, New Mexico 88241
inspector@sunshineaudit.com

Ari Biernoff
General Counsel
Christopher Graeser
Richard H. Moore
Associate Counsel
New Mexico State Land Office
P.O. Box 1148
Santa Fe, New Mexico 87504-1148
abiernoff@nmslo.gov
cgraeser@nmslo.gov
rmoore@nmslo.gov

Attorneys for Commissioner of Public
Lands and New Mexico State Land Office

Felicia Orth
Hearing Officer
New Mexico Energy, Minerals, and
Natural Resources Department
Wendell Chino Building

1220 South St. Francis Drive
Santa Fe, New Mexico 87505
Felicia.l.orth@gmail.com

Oil Conservation Commission Hearing
Officer

Zachary A. Shandler
Assistant Attorney General
New Mexico Department of Justice
P.O. Box 1508
Santa Fe, New Mexico 87504
zshandler@nmdoj.gov

Oil Conservation Commission Counsel

Sheila Apodaca
New Mexico Energy, Minerals, and
Natural Resources Department
Wendell Chino Building
1220 South St. Francis Drive
Santa Fe, New Mexico 87505
occ.hearings@emnrd.nm.gov

Oil Conservation Commission Clerk

/s/ Morgan O'Grady
Morgan O'Grady