

1 STATE OF NEW MEXICO  
2 ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT  
3 OIL CONSERVATION DIVISION  
4

5 REPORTER'S TRANSCRIPT OF PROCEEDINGS

6 EXAMINER HEARING

7 PRE-HEARING TRANSCRIPT

8 August 23, 2018

9 Santa Fe, New Mexico  
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11

12 BEFORE: WILLIAM V. JONES, CHIEF EXAMINER  
13 DAVID K. BROOKS, LEGAL EXAMINER  
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17 This matter came on for hearing before the  
18 New Mexico Oil Conservation Division, William V. Jones,  
19 Chief Examiner, and David K. Brooks, Legal Examiner, on  
20 Thursday, August 23, 2018, at the New Mexico Energy,  
21 Minerals and Natural Resources Department, Wendell Chino  
22 Building, 1220 South St. Francis Drive, Porter Hall,  
23 Room 102, Santa Fe, New Mexico.

24 REPORTED BY: Mary C. Hankins, CCR, RPR  
25 New Mexico CCR #20  
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1 (8:28 a.m.)

2 EXAMINER JONES: Okay. Let's go on the  
3 record this morning. This is the docket for the  
4 examiner hearing, Thursday, August 23rd, 2018. I'm  
5 William V. Jones. This is David K. Brooks next to me,  
6 attorney and examiner -- examiner-attorney. And let's  
7 go through the docket. This is Docket Number 35-18. My  
8 reported continuances might not be correct.

9 So on page 2, Case Numbers 16142, 16143 and  
10 16360 are continued to September the 6th.

11 On page 3, Case 16361 is dismissed. Cases  
12 16342, 16362, Case 16363 are continued to September the  
13 6th.

14 On page 4, Cases 16367, 16368 are continued  
15 to September 6th.

16 Page 5, Case 16369, Case 16370 is continued  
17 to September 6th. Case 16371 is dismissed.

18 Page 6, 16374 is dismissed. Case 16375 is  
19 continued to the 9/11 docket. That one is going to be  
20 combined with a bunch of other saltwater disposal cases  
21 on that day, and I think they'll start at 9:00 a.m. I  
22 forgot -- I think that's a Tuesday also.

23 So Cases 16050, 16117, 16188 are continued  
24 to October the 4th.

25 Page 7, Cases 16189, 16190, 16191 and 16192

1 are continued to October the 4th.

2 Page 8, Cases 16051, 16213, 16166, 16167,  
3 16168 are all continued October 4. Case 16287 is  
4 dismissed.

5 On page 9, Case 16288 is dismissed. Case  
6 16244 is continued to September 20th, and Case 16245 is  
7 continued to September 20th.

8 On page 10, Cases 16246, 16211, 16212,  
9 16247 and 16248 are continued to September 20th.

10 Page 11, Cases 16249, 16061, 16062, 16063,  
11 all continued to September 20th.

12 Page 12, Cases 16064, 16065, 16066 and  
13 16067 are all continued to September 20th.

14 Page 13, Cases 16068, 16301, 16302, 16303  
15 are all continued to September 20th.

16 Page 14, near the bottom, Cases 16354 and  
17 16355 are continued to September 6th.

18 Page 15, Case 16313 is continued to  
19 September 20th. Cases 16316, 16317 and 16318 are  
20 continued to a special docket on August 30th, and  
21 hopefully we'll start at 9:00 a.m. that day.

22 EXAMINER BROOKS: Okay. I had said 8:30  
23 a.m., and you know I don't like early. But the reason I  
24 said that was because the proponents of that docket had  
25 said that it might run to a day and a half, and I was

1 hoping to get it condensed into one day, so that's why I  
2 stipulated to 8:30.

3 MS. RYAN: 8:30 is good with us.

4 MR. BRADFUTE: That's fine.

5 EXAMINER BROOKS: I will promise to be here  
6 at 8:30, not 8:45.

7 EXAMINER JONES: And on page 16, Cases  
8 16319 and 16320 are also both continued to 8:30 a.m. on  
9 August 30th. And Case 16234 is continued to September  
10 20th.

11 Page 17, Case 16235 is continued to  
12 September 20th. Case 16144, Cases 16145, 16146 and  
13 16150 are continued to 8:30 a.m. on August 30th.

14 Page 18, Case 16151 is continued to that  
15 special docket on August 30th. Case 16237 is dismissed.

16 On page 19, I have both those cases as  
17 being dismissed, Cases 16238 and 16324.

18 Any corrections?

19 MS. CALLAHAN: Yes. Would you please  
20 continue Case 16284 to September 6th? It's the first  
21 one on the docket.

22 EXAMINER JONES: Case 16284, number one on  
23 the docket, to September 6th?

24 MS. CALLAHAN: Please.

25 EXAMINER JONES: So Case 16284 is continued

1 to September 6th. I was wondering about that one.

2 Any other changes?

3 MR. SETH McMILLAN: Just a comment more  
4 than a question. I'm feeling like a bit of a fool for  
5 having strapped on this tie this morning. I've got a  
6 bunch of cases here that I've entered an appearance on  
7 that I'm just finding out now they continued. And I'm  
8 wondering what process we're supposed to be using for  
9 communicating continuances or requests for continuance  
10 where parties just aren't in the loop. I'm speaking  
11 specifically of Cases 16061 to 16068 and 16144 through  
12 16146 where -- I guess I just want to make a comment for  
13 the record that counsel who enter appearances have to be  
14 notified by someone.

15 EXAMINER BROOKS: That is required in  
16 filing any kind of pleading, but, of course, I don't  
17 know when you entered your appearance.

18 MR. SETH McMILLAN: A while back. A while  
19 back, yeah.

20 EXAMINER BROOKS: Okay. It's the  
21 responsibility of counsel on the case to -- if they're  
22 filing a motion for continuance or if they're making an  
23 informal request -- we don't have any form for motions,  
24 so a lot of people make informal requests by email, but  
25 they should copy all counsel appearing in the case.

1                   MR. SETH McMILLAN: Sure. Sure. I guess  
2 that's --

3                   EXAMINER BROOKS: And since we don't keep  
4 docket sheets in our files, it's kind of on them to  
5 figure out. There is no easy way to come up here and  
6 figure out --

7                   MR. SETH McMILLAN: Right. Right, of  
8 course. Well, I guess, for the record, I would ask that  
9 we try to do a little bit better in this regard as  
10 counsel.

11                  EXAMINER JONES: So you're not Scott Hall,  
12 I take it?

13                  MR. SETH McMILLAN: I'm not Scott Hall,  
14 although I'm pretending to be.

15                                 (Laughter.)

16                  MR. SETH McMILLAN: With that, I'll take my  
17 leave, since I don't have any reason to be here.  
18 Thanks.

19                  EXAMINER JONES: Well, I know that Jim  
20 Bruce asked several cases to be read into the record  
21 that he entered an appearance in those cases. And I  
22 think most of those -- or on behalf of Tap Rock. I'm  
23 pretty sure that was the case, but I'll try to address  
24 them as the case comes up.

25                                 On the new system that we hopefully will

1 have out in a month or so, we will be able to record all  
2 the attorneys and the parties that are -- have made  
3 appearances in cases, and hopefully that'll be  
4 transparent to the other attorneys.

5 MR. SETH McMILLAN: Great.

6 EXAMINER JONES: Right now we don't have a  
7 way to do that.

8 MR. SETH McMILLAN: It's incumbent on the  
9 attorneys. I recognize that. I'm suggesting that we  
10 try to do better. Thanks.

11 EXAMINER JONES: Thanks.

12 Any other changes to the docket or  
13 comments?

14 It looks like we have a short docket today,  
15 but if there are no other agreements [sic] with anybody,  
16 I'll just start right down the list.

17 (The pre-hearing proceedings conclude, 8:37  
18 a.m.)

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1 STATE OF NEW MEXICO  
2 COUNTY OF BERNALILLO

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4 CERTIFICATE OF COURT REPORTER

5 I, MARY C. HANKINS, Certified Court  
6 Reporter, New Mexico Certified Court Reporter No. 20,  
7 and Registered Professional Reporter, do hereby certify  
8 that I reported the foregoing proceedings in  
9 stenographic shorthand and that the foregoing pages are  
10 a true and correct transcript of those proceedings that  
11 were reduced to printed form by me to the best of my  
12 ability.

13 I FURTHER CERTIFY that the Reporter's  
14 Record of the proceedings truly and accurately reflects  
15 the exhibits, if any, offered by the respective parties.

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

20 DATED THIS 23rd day of September 2018.

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23 MARY C. HANKINS, CCR, RPR  
24 Certified Court Reporter  
25 New Mexico CCR No. 20  
Date of CCR Expiration: 12/31/2018  
Paul Baca Professional Court Reporters