

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

IN THE MATTTTER OF THE HEARING CALLED
BY THE OIL CONSERVATION DIVISION FOR
THE PURPOSE OF CONSIDERING:

APPLICATION OF MEWBOURNE OIL COMPANY
FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO

CASE NO. 20248

APPLICATION OF PERCUSSION PETROLEUM
OPERATING, LLC FOR COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO

CASE NO. 20190

REPORTER'S TRANSCRIPT OF VIRTUAL PROCEEDINGS

THURSDAY, SEPTEMBER 24, 2020

This matter came on for hearing before the
New Mexico Oil Conservation Division, Felicia Orth,
Hearing Examiner, Kathleen Murphy and Scott Cox,
Technical Examiners, via the Cisco Webex Video
Conferencing Platform

Reported by: Mary T. Macfarlane, CCR
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A P P E A R A N C E S

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C O N T E N T S

	PAGE
CASE NO. 20248	
CASE CALLED:	4
STATEMENT BY Mr. PADILLA:	4
STATEMENT BY MR. BRUCE RE DISMISSAL OF CASE 22048	5

1	CASE NO. 20190	PAGE
2	CASE CALLED:	5
3	APPLICANT WITNESSES BY AFFIDAVIT:	
4	STATEMENT BY MR. PADILLA:	6
5	NASH BELL (Landman)	7
6	C.J.LIPINSKI (Geologist)	7
7	INQUIRY BY TECHNICAL ADVISOR MURPHY:	10
8	TAKEN UNDER ADVISEMENT:	11
9	E X H I B I T I N D E X	
10	SPUR ENERGY EXHIBITS:	PAGE
11	A Affidavit of Nash Bell plus attachments	11
12	B Affidavit of C.J. Lipinski plus attachments	11
13	C Notice documentation	11
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 (Time noted 8:20 a.m.)

2 HEARING EXAMINER ORTH: Let's move then to
3 matters 20248 and 20190.

4 20248 the Applicant is Mewbourne Oil, it's
5 a Compulsory Pooling Application. The well name is
6 Lakewood, the Applicant's counsel is James Bruce.

7 Mr. Bruce, are you on the line?

8 Uh, Mr. Bruce? Let me see. I'm going to
9 unmute all the callers.

10 Mr. Bruce? Oh. Thank you. So you're
11 Call-in User No. 3.

12 Okay. And let's see. The other party
13 entering an appearance here is Spur Energy Partners
14 represented by Mr. Padilla.

15 Mr. Padilla, I saw you earlier. Let me
16 unmute you.

17 MR. PADILLA: Can you hear me?

18 HEARING EXAMINER ORTH: I'm sorry. Yes, now I
19 can.

20 MR. PADILLA: I am still here for Spur Energy in
21 Case 20190.

22 It's my understanding that Mewbourne and
23 Spur energy have settled and that the Mewbourne case is
24 going to be dismissed.

25 Mr. Bruce requested that Mewbourne be

1 dismissed from the compulsory pooling case of Spur Energy.
2 My clients haven't done that yet; they are going to as
3 soon as the closing of the transaction. And I can't speak
4 to the transaction itself. I understand it's some kind of
5 a trade, but as soon as that happens Mewbourne will be
6 dismissed from Spur Energy's case.

7 MR. BRUCE: Madam Chair, I agree with what
8 Mr. Padilla said, and you can dismiss Case 20248.

9 HEARING EXAMINER ORTH: All right. Thank you
10 for that. That is what I saw on the documents.

11 So then 20190, the Applicant is Spur Energy
12 formerly Percussion Petroleum, Compulsory Pooling
13 Application. The well is still Lakewood. Mr. Padilla
14 represents the applicant, Mr. Bruce represents Mewbourne.

15 Let me pause for a moment to see if there
16 are any other appearances.

17 No? All right.

18 Will you be presenting the matter by
19 affidavit this morning, Mr. Padilla?

20 MR. PADILLA: Yes.

21 HEARING EXAMINER ORTH: If you would, please.

22 MR. PADILLA: This case 20190 was originally
23 started a long time ago with Percussion Energy. At some
24 point Spur Energy purchased the interests of Percussion.

25 The compulsory pooling case was originally

1 filed by Holland & Hart. They did a very good job of
2 notifying parties both horizontally and vertically,
3 because there is a depth severance in this case. Then it
4 went to Ms. Shaheen, and to me.

5 But, nonetheless, the Application seeks to
6 pool interests from a depth of 2803 to 3700, which is the
7 Yeso Formation and its underlying east half/east half of
8 Section 34, Township 19 South, Range 25 East in Eddy
9 County, New Mexico.

10 As I explained earlier on Exhibit C, the
11 Notice requirements, Holland & Hart notified all the
12 parties, both vertically and horizontally, in terms of
13 offsets and interest owners who did not comply or did not
14 respond.

15 Now, in terms of trying to find what the
16 unlocatable interest owners were, Spur Energy was sort of
17 at a loss, and we finally determined that the first four
18 interest owners notified in the Notice of Public -- or
19 identified in the Notice of Publication are the four that
20 were not locatable and could not be reached through Notice
21 Letters or otherwise. The matter was published and named
22 all parties who are subject to the compulsory pooling
23 interest.

24 We did not do a recapitulation, as we
25 should have, but in the Compulsory Pooling Checklist we

1 did identify sort of a last-minute kind of thing.

2 There are three tracts in this spacing unit
3 and it lists interests of Spur Energy totaling, I think,
4 close to 90 percent on tract 2. Tract 3 is 100 percent
5 Spur Energy.

6 The affidavits of -- Exhibits A and B are
7 first the affidavit of the land is Exhibit A. It was
8 signed by a Nash Bell, who has been a petroleum engineer
9 and qualified before the Oil Conservation Division in
10 other matters before today's hearing.

11 The geologist is C.J. Lipinski, and he,
12 too, has been qualified as an expert geologist before the
13 Division.

14 Mr. Lipinski's affidavit states that all
15 four 40-acre tracts will contribute to the well more or
16 less equally.

17 The interval -- going back to land, the
18 interval that is -- well, I've already testified as to the
19 2800 to 3700 and that's the Yeso Formation, but the pool
20 limits or the vertical limits extend beyond that
21 limitation.

22 So there are -- not trying to pool anything
23 other than that depth location.

24 And it's identified -- there's -- in
25 Exhibit A there's a JOA, and at page 51 we have the

1 interest that's being force pooled. It complies with the
2 Application. Otherwise the Application is pretty
3 straightforward, and there's -- in terms of both geology
4 and land.

5 The interests that are being force pooled
6 here are very small, and they are identified in the Land
7 Affidavit at, I believe, page 4 and 5. And also the
8 overriding royalty interests have been identified and
9 notified in this case.

10 Other than that, we ask that Exhibits A, B
11 and C be admitted into evidence and the matter be taken
12 under advisement.

13 HEARING EXAMINER ORTH: Thank you, Mr. Padilla.

14 Mr. Bruce, do you have any questions of
15 Mr. Padilla?

16 MR. BRUCE: No, I do not. Thank you.

17 HEARING EXAMINER ORTH: Thank you.

18 Ms. Murphy, do you have any questions?

19 Ms. Murphy?

20 TECHNICAL EXAMINER MURPHY: I do have a
21 question.

22 Mr. Padilla, I think you pointed this out
23 to me. Exhibit A, which is 53 for me, I believe, the
24 working interests of the party.

25 MR. PADILLA: Yes. Let me make sure I gave you

1 the right page.

2 Yes. It's page 51 of the JOA. That's
3 Exhibit A. There is an item Roman Numeral II labeled
4 Restrictions as to Depth, and it identifies the log
5 showing the interval being developed.

6 HEARING EXAMINER MURPHY: So that would be the
7 depth severance?

8 MR. PADILLA: Yes. The depth severance is the
9 shallow portion of the -- of the, uh, North Seven Rivers
10 -- let me give you the right...

11 The North Seven Rivers, Glorieta, I guess,
12 Pool, and the Pool Code is 97565.

13 HEARING EXAMINER MURPHY: And then one page
14 down, the next page, it's the working interest of the
15 party from the top of the Yeso Formation to 3700 feet?

16 MR. PADILLA: Yes.

17 HEARING EXAMINER MURPHY: So who is St. Devote?
18 I'm sure I said that wrong. They own 43 percent.

19 MR. PADILLA: At that time -- at that time -- I
20 think that interest has been purchased since or somehow
21 include "Now owned by Spur Energy."

22 HEARING EXAMINER MURPHY: Okay.

23 MR. PADILLA: Because they go from -- the
24 numbers on the Compulsory Pooling Checklist as to the
25 interests on each tract, the tract is shown on page 4 of

1 Exhibit A. And I rounded off to two decimal places, but
2 the interests are longer than the round-off.

3 HEARING EXAMINER MURPHY: Okay. I see. And
4 there weren't any unknowns.

5 MR. PADILLA: Well, there were -- as far as I
6 could determine and as far as Spur Energy was trying to
7 decipher their records as to the unknowns, we finally
8 determined that the first four interests identified in the
9 Notice of Publication, which is I believe the last two
10 pages of Exhibit C, are the people who did not respond and
11 could not be identified otherwise.

12 And let me point to that.

13 HEARING EXAMINER MURPHY: Very small amounts,
14 right?

15 MR. PADILLA: Right, they are very small
16 amounts.

17 HEARING EXAMINER MURPHY: .05 or --

18 MR. PADILLA: And I'll show you. On Exhibit C.,
19 page 33 and -- yeah, 33, there's TM 83B Oil & Gas, LTD,
20 Partners; Sullivan Oil & Gas, LLC; Malland Oil & Gas
21 Investments, LLC, and willischild Oil & Gas Corporation.

22 And those are the four that were not
23 locatable. But their interest are very small.

24 HEARING EXAMINER MURPHY: Very small.

25 Okay. Thank you. I have no more

1 questions.

2 HEARING EXAMINER ORTH: All right. Thank you
3 Ms. Murphy and Mr. Padilla.

4 Mr. Padilla, Exhibits A through C are
5 admitted and the matters will be taken under advisement.

6 MR. PADILLA: Thank you.

7 (Time noted 8:27 a.m.)

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1 STATE OF NEW MEXICO)
2 : SS
3 COUNTY OF TAOS)

4
5 REPORTER'S CERTIFICATE

6 I, MARY THERESE MACFARLANE, New Mexico Reporter
7 CCR No. 122, DO HEREBY CERTIFY that on Thursday,
8 September 24, 2020, the proceedings in the above-captioned
9 matter were taken before me; that I did report in
10 stenographic shorthand the proceedings set forth herein,
11 and the foregoing pages are a true and correct
12 transcription to the best of my ability and control.

13 I FURTHER CERTIFY that I am neither employed by
14 nor related to nor contracted with (unless excepted by the
15 rules) any of the parties or attorneys in this case, and
16 that I have no interest whatsoever in the final
17 disposition of this case in any court.

18 /s/ Mary Macfarlane
19 _____

20 MARY THERESE MACFARLANE, CCR
21 NM Certified Court Reporter No. 122
License Expires: 12/31/2020

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