

From: [Hearings, OCD, EMNRD](#)
To: [Salvidrez, Marlene, EMNRD](#)
Subject: Fw: Case No. 21670 on March 18 docket
Date: Wednesday, March 17, 2021 4:23:34 PM
Attachments: [image002.png](#)

From: Sharon T. Shaheen <sshahen@montand.com>
Sent: Wednesday, March 17, 2021 4:15 PM
To: Hearings, OCD, EMNRD; 'Kaitlyn A. Luck'
Cc: Michael Feldewert; Adam Rankin; Julia Broggi; Lorraine Talley; Brancard, Bill, EMNRD; Garcia, John A, EMNRD
Subject: [EXT] RE: Case No. 21670 on March 18 docket

Respectfully, the Division rules do not allow this case to go forward by affidavit under the circumstances. I will be briefing this issue in the motion for status conference or continuance to be filed shortly. In short, 19.15.4.12(A)(1)(b) NMAC expressly provides that a party may go forward by affidavit only when "those owners the applicant has located do not oppose the application." As stated, Cimarex entered an appearance, objecting to the application, and EOG agreed to set this case for a status conference.

EOG should not be allowed to railroad this case to hearing simply because I did not submit an email earlier this week to request that it be put on the docket as a status conference. There is no requirement that such an email be sent. The rule simply states that an applicant can go forward by affidavit only when the application is not opposed. The application is opposed, and the case therefore cannot go forward by affidavit.

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From: Hearings, OCD, EMNRD [mailto:OCD.Hearings@state.nm.us]
Sent: Wednesday, March 17, 2021 4:07 PM
To: Sharon T. Shaheen <sshahen@montand.com>; 'Kaitlyn A. Luck' <KALuck@hollandhart.com>

Cc: Michael Feldewert <MFeldewert@hollandhart.com>; Adam Rankin <AGRankin@hollandhart.com>; Julia Broggi <JBroggi@hollandhart.com>; Lorraine Talley <ltalley@montand.com>; Brancard, Bill, EMNRD <bill.brancard@state.nm.us>; Garcia, John A, EMNRD <JohnA.Garcia@state.nm.us>

Subject: Re: Case No. 21670 on March 18 docket

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All - this case is on the docket to be heard tomorrow (docket has already been finalized and posted). I am going to Cc Bill and John this email string.

Thank you,

Marlene

From: Sharon T. Shaheen <sshaheen@montand.com>

Sent: Wednesday, March 17, 2021 3:59 PM

To: 'Kaitlyn A. Luck'; Hearings, OCD, EMNRD

Cc: Michael Feldewert; Adam Rankin; Julia Broggi; Lorraine Talley

Subject: [EXT] RE: Case No. 21670 on March 18 docket

Cimarex timely entered an appearance, objecting to EOG's application in this matter. EOG previously agreed to hold a status conference on March 18. To ensure that the record is clear in this matter, Cimarex will be filing a motion for status conference or, in the alternative, motion to continue this matter, for EOG's failure to confer a good faith to reach a voluntary agreement prior to filing its application in this matter. Attached thereto will be emails from EOG and from EOG counsel, in which they expressly acknowledge that the hearing on March 18 would be a status conference to set a date for a contested hearing. I will provide a courtesy copy for everyone later today.

Thank you for your attention to this matter.

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From: Kaitlyn A. Luck [<mailto:KALuck@hollandhart.com>]

Sent: Wednesday, March 17, 2021 3:52 PM

To: Sharon T. Shaheen <sshaheen@montand.com>; 'Hearings, OCD, EMNRD' <OCD.Hearings@state.nm.us>

Cc: Michael Feldewert <MFeldewert@hollandhart.com>; Adam Rankin <AGRankin@hollandhart.com>; Julia Broggi <JBroggi@hollandhart.com>

Subject: RE: Case No. 21670 on March 18 docket

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Good afternoon, EOG objects to the following request for a status conference as untimely. EOG filed its exhibits for this hearing on Tuesday, without a timely objection from Cimarex (Magnum Hunter). Additionally, EOG has these wells on its drilling schedule for April 20 and requests that the Division proceed with the affidavit hearing tomorrow.

Please let us know if you have any questions.

Best,

Kaitlyn

Kaitlyn A. Luck – Associate | Holland & Hart LLP | (o) 505.954.7286 (m) 361.648.1973

From: Sharon T. Shaheen <sshaheen@montand.com>

Sent: Wednesday, March 17, 2021 3:42 PM

To: 'Hearings, OCD, EMNRD' <OCD.Hearings@state.nm.us>

Cc: Michael Feldewert <MFeldewert@hollandhart.com>; Adam Rankin <AGRankin@hollandhart.com>; Kaitlyn A. Luck <KALuck@hollandhart.com>; Julia Broggi <JBroggi@hollandhart.com>

Subject: Case No. 21670 on March 18 docket

External Email

All,

Cimarex has entered an appearance in the above case and requests that a status conference be held tomorrow to set a date for a contested hearing. Also, if at all possible, I ask that this matter be heard earlier on the docket, because I have a mediation scheduled for 9 am. I have spoken with counsel for EOG, Kaitlyn, who does not object to having a status conference earlier on the docket tomorrow.

Many thanks for your help. Please let me know if you have any questions or concerns.

Sharon

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