

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

Applications of Colgate Operating, LLC for compulsory pooling, Eddy County, New Mexico	Case Nos. 21647, 21648 21649, 2150
--	--

and

Applications of Apache Operating LLC for compulsory pooling, Eddy County, New Mexico	Case Nos. 21693, 21694, 21695, 21696
--	--

REPORTER'S TRANSCRIPT OF PROCEEDINGS

STATUS CONFERENCE

THURSDAY, MARCH 18, 2021

This matter came on for hearing before the
New Mexico Oil Conservation Division, WILLIAM
BRANCARD, Hearing Examiner, JOHN GARCIA, Technical
Examiner, via Cisco Webex Virtual Meeting Platform

Reported by: Mary Therese Macfarlane
New Mexico CCR No. 122
PAUL BACA PROFESSIONAL COURT REPORTERS
500 Fourth Street NW, Suite 105
Albuquerque, New Mexico 87102

A P P E A R A N C E S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

For Colgate Operating, LLC:

Ernest L. Padilla, Esq.
P.O. Box 2523
Santa Fe, NM 87104
(505) 988-7577
padillalaw@questoffice.net

For Apache Corporation:

Michael Feldewert, Esq.
Holland & Hart
P.O. Box 2208
Santa Fe, New Mexico 87504
(505) 988-4421
Mfeldewert@hollandandhart.Com.

For EOG Resources, Inc.:

Jobediah Rittenhouse, Esq.
Beatty & Wozniak, PC
216 16th Street, Suite 1100
Denver, CO 80202
(303) 407-4499
jrittenhouse@bwenerylaw.com

For COG Operating, LLC:

Elizabeth A. Ryan, Esq.
1048 Paseo de Peralta.
Santa Fe, NM 87501
(505) 780-8000
Beth.Ryan@conocophillips.com

I N D E X

CASES CALLED	PAGE
Appearances:	3
Case reset for status conference 4/22/21	7

1 (Time noted 8:26 a.m.)

2 HEARING EXAMINER BRANCARD: With that we will
3 will move on down to No. 6 on the agenda, which is case
4 21647. According to my records it's combined with I
5 believe seven other cases, 21648, 21649, 21650, 21693,
6 21694, 21695 and 21696, and the two applicants are Colgate
7 Operating and Apache Corporation.

8 For Colgate operating, appearances.

9 MR. PADILLA: My name is Ernest Padilla, for
10 Colgate Operating.

11 HEARING EXAMINER BRANCARD: Thank you.

12 Apache Corporation, Holland & Hart.

13 MR. FELDEWERT: Michael Feldewert with the Santa
14 Fe office of Holland and Hart on behalf of Apache
15 Corporation.

16 HEARING EXAMINER BRANCARD: Okay. And I also
17 see entries from EOG.

18 MR. RITTEHNOUSE: Yes, sir. This is Joby
19 Rittenhouse from Beatty & Wozniak on behalf of EOG.

20 HEARING EXAMINER BRANCARD: And COG.

21 MS. RYAN: Yes. Good morning, Mr. Examiner.
22 This is Beth Ryan entering an appearance on behalf of COG
23 Operating.

24 HEARING EXAMINER BRANCARD: Excellent. Thank
25 you. Good to see you survived, Beth.

1 MS. RYAN: Thank you. I'm glad to be here. It
2 has been quite a while since I actually entered an
3 appearance in person here.

4 HEARING EXAMINER BRANCARD: Great. And so with
5 these eight cases are there any other parties wishing to
6 make an appearance today? (Note: No response.)

7 Hearing none, I guess I'll start off with
8 Mr. Padilla.

9 Do the parties have a plan? Would like to
10 move forward on these cases?

11 MR. PADILLA: I think we need a status
12 Prehearing Order on this case. June or July would be fine
13 for Colgate.

14 HEARING EXAMINER BRANCARD: Mr. Feldewert?

15 MR. FELDEWERT: Mr. Hearing Examiner, I know
16 there's parties who have recently entered an appearance in
17 some of these cases. Personally, I need to sort out what
18 everybody's position is on these cases, but at this point
19 either if Mr. Padilla wants to go forward with setting a
20 hearing, I don't object to that. I mean, the other thing
21 we could do is, I know Mr. Padilla just became involved in
22 this case, we could set it for another status conference
23 in a month. But if he feels like he wants to set it for a
24 hearing while everybody's trying to sort out their
25 positions, that's fine. June or July would work.

1 HEARING EXAMINER BRANCARD: Okay.

2 Mr. Rittenhouse.

3 MR. RITTENHOUSE: Well, I've entered an
4 appearance on behalf of EOG, again merely to preserve
5 their rights. I think we'll defer to the other parties
6 who filed the applications at this point.

7 HEARING EXAMINER BRANCARD: That's fine.

8 Ms. Ryan.

9 MS. RYAN: COG is a bit like EOG on this. We
10 are not going to take a position and will defer to Colgate
11 and Apache on what they want to do.

12 HEARING EXAMINER BRANCARD: All right.

13 So, Mr. Padilla, are we better off setting
14 a date for a hearing on this or setting a date for another
15 status conference?

16 MR. PADILLA: I can go either way. Another
17 status conference. Like Mr. Feldewert, I need to figure
18 out where everyone is on this case. I took these Colgate
19 cases from the Modrall firm, they got conflicted out, and
20 I'm not sure exactly what the issues are. But I certainly
21 need more time to figure out where the parties are, and
22 what they're -- I know they're contested. This will
23 probably go to hearing ultimately on something.

24 So another status conference a month out,
25 or setting a hearing today I just think we are going to be

1 down the road.

2 The only problem that I see is that if we
3 set it down for another status conference in a month, we
4 probably won't be hearing this case until sometime in
5 August, the way things go.

6 So probably if we could set it for June,
7 but in the meantime have another status conference with a
8 setting in June or July, uh, it would not delay the speed,
9 but it may be settled in the meantime.

10 MR. FELDEWERT: I think the parties, as I
11 understand it, Examiner Brancard, I think there's also
12 some title work is being done; I think the title out here
13 is complicated. So I know that at least my client,
14 Apache, is still through title, which would then impact,
15 you know, Notice.

16 So, you know, I don't know -- I guess from
17 my position I hate the to see the Division set the matter
18 for a hearing in June or July if there's a decent
19 possibility that we may not be ready to proceed by then.
20 So that would be my concern.

21 But, you know, I'll defer to Mr. Padilla as
22 to whether he wants to set it for a hearing or not at this
23 point.

24 MR. PADILLA: Mr. Examiner, let's do a status
25 conference in a month, and then that will at least give me

1 time to figure out where everyone is and what the
2 positions are.

3 HEARING EXAMINER BRANCARD: Okay. Well, why
4 don't we set a status conference then for April 22nd.

5 MR. PADILLA: Okay.

6 HEARING EXAMINER BRANCARD: Mr. Feldewert's
7 point that there's some title issues is of course
8 concerning, because we want to make sure everybody has
9 Notice we are going to have a hearing. So hopefully that
10 can be worked out in the next month as to who really has
11 an interest in these properties. Okay.

12 Mr. Rittenhouse, Ms. Ryan, any concerns or
13 comments?

14 MR. RITTENHOUSE: No objection from EOG.

15 MS. RYAN: No objection from COG.

16 HEARING EXAMINER BRANCARD: Excellent. Thank
17 you. Then we are going to set this for a status
18 conference on April 22nd, and hopefully things will be a
19 little clearer by then.

20 Thank you.

21 MR. FELDEWERT: Thank you, Mr. Examiner.

22 MR. PADILLA: Thank you.

23 (Time noted: 8:33 a.m.)

24

25

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, March 18,

8

2021, the proceedings in the above-captioned matter were

9

taken before me; that I did report in stenographic

10

shorthand the proceedings set forth herein, and the

11

foregoing pages are a true and correct transcription to

12

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: 12/31/2021

22

23

24

25