

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

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

CASE NOS: 21008 - 21019  
21029, 21084, 21085

APPLICATION OF VISTA DISPOSAL SOLUTIONS LLC  
FOR APPROVAL OF A SALT WATER DISPOSAL WELL,  
EDDY COUNTY, NEW MEXICO.

REPORTER'S TRANSCRIPT OF VIRTUAL PROCEEDINGS  
EXAMINER HEARING  
JULY 15, 2021  
SANTA FE, NEW MEXICO

This matter came on for virtual hearing before  
the New Mexico Oil Conservation Division, HEARING OFFICER  
WILLIAM BRANCARD and TECHNICAL EXAMINER DEAN McCLURE on  
Thursday, July 15, 2021, through the Webex Platform.

Reported by: Irene Delgado, NMCCR 253  
PAUL BACA PROFESSIONAL COURT REPORTERS  
500 Fourth Street, NW, Suite 105  
Albuquerque, NM 87102  
505-843-9241

1 A P P E A R A N C E S

2 For the Applicant:

3 PADILLA LAW FIRM  
4 ERNEST PADILLA  
5 1512 S. St. Francis Drive  
6 Santa Fe, NM 87505

7 For the Division:

8 ERIC AMES  
9 1220 South St. Francis Drive  
10 Santa Fe, NM 87501

11 For NGL Water Solutions and Marathon Permian:

12 DEANA BENNETT  
13 MODRALL SPERLING ROEHL HARRIS & SISK PA  
14 500 4th Street, NW, Suite 1000  
15 Albuquerque, NM 87102  
16 505-848-9710

17 For Mewbourne, EOG, Devon, XTO, COG:

18 ADAM RANKIN  
19 HOLLAND & HART  
20 110 North Guadalupe, Suite 1  
21 Santa Fe, NM 87501  
22 505-954-7286

23 For Chevron USA:

24 EARL DEBRINE  
25 MODRALL SPERLING ROEHL HARRIS & SISK PA  
500 4th Street, NW, Suite 1000  
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20 I N D E X

21	CASES CALLED	
22	STATUS CONFERENCE	03
23	REPORTER CERTIFICATE	12
24		
25		

1 HEARING EXAMINER BRANCARD: I'm going to call a  
2 whole series of cases at the same time. Although there are  
3 lots of different parties in each of these cases, the  
4 applicant is the same for each of these cases.

5 These would be cases -- these would be Numbers 23  
6 through 37 on our list today, and it would be cases 21008,  
7 21009, 21010, 21011, 21012, 21013, 21014, 21015, 21016,  
8 21017, 21018, 21019, 21029, 21084 and 21085, Vista Disposal.

9 Is there anyone here on behalf of Vista Disposal?

10 MR. PADILLA: Mr. Examiner, I'm Ernest L. Padilla  
11 for -- I have filed a motion to withdraw from further  
12 representation of Vista Disposal simply because I haven't  
13 heard from them. They disconnected their telephone numbers,  
14 they have disconnected their e-mail address, and some of our  
15 invoices have not been paid. So that's reason that I filed  
16 a motion to withdrew from these cases.

17 And Mr. Ames is also a bit helpful in trying to  
18 help me where some of the individual persons connected to  
19 Vista Disposal may be located. But, frankly, I'm not going  
20 to go chase them now, and I think there is some duty for  
21 clients to respond to requests as to how to proceed, and so  
22 that's where we are.

23 These cases were set for hearing today, and they  
24 had been continued from, I believe, January. But when we  
25 tried to find out what we were going to do on July 15,

1 today, nothing -- I couldn't get ahold of anyone.

2 So I certainly don't want to continue  
3 representation -- representing Vista Disposal, neither do I  
4 have any direction from the client as to where to go. I  
5 have carried a lot of clients over the years, but this is  
6 totally weird in terms of no communication with the client  
7 in any way.

8 So I'm certainly not ready to proceed today, and  
9 today is the last date to do anything. I'm not going to  
10 move for dismissal or anything because my motion, I think,  
11 should be granted under the circumstances.

12 Now, whether I pursue anything else in terms of  
13 our personal connection with the client would be outside of  
14 the realm of the Division, so that's where we are.

15 HEARING EXAMINER BRANCARD: Thank you. I will  
16 note that on this matter Mr. Baylen Lamkin will be the  
17 hearing examiner, also, in this case. So once again, are  
18 there any other persons here on behalf of Vista Disposal?

19 (No response.)

20 HEARING EXAMINER BRANCARD: Hearing none, I will  
21 go through a list of parties that I have as having filed  
22 entries of appearances in some of these cases. And when you  
23 announce yourself, please indicate for the record which case  
24 numbers your client is part of.

25 We'll start out with the Commissioner of Public

1 Lands? Is there an appearance today on behalf of the  
2 Commissioner?

3 (No response.)

4 HEARING EXAMINER BRANCARD: Okay. We'll follow  
5 with NGL Water Solutions.

6 MS. BENNETT: Good morning. Deana Bennett on  
7 behalf of NGL Water Solutions Permian LLC. I will go  
8 through all the case numbers, but I'm actually in all of the  
9 cases for NGL Water Solutions Permian LLC, so I will quickly  
10 run through those for the record.

11 HEARING EXAMINER BRANCARD: Okay, thank you. I  
12 think that's correct, you are on all the cases that I  
13 listed.

14 MS. BENNETT: Do you still want me to run through  
15 the numbers?

16 HEARING EXAMINER BRANCARD: That's fine.

17 MS. BENNETT: Okay, thank you.

18 HEARING EXAMINER BRANCARD: I have Devon Energy.

19 MR. RANKIN: Good morning, Mr. Hearing Examiner.  
20 Adam Rankin from the law firm of Holland & Hart Santa Fe  
21 office appearing on behalf of Devon Energy in Case Numbers  
22 21012, 21014, 21029, 21085, 21009, 21010, 21013, 21015 and  
23 21019.

24 HEARING EXAMINER BRANCARD: Thank you. I have  
25 Devon Energy -- I already got Devon. XTO?

1 MR. RANKIN: Mr. Examiner, Adam Rankin with the  
2 Santa Fe office of Holland & Hart appearing on behalf of XTO  
3 in Case Numbers 21008, 21009.

4 HEARING EXAMINER BRANCARD: Okay. Oil  
5 Conservation Division?

6 MR. AMES: Good morning, Mr. Brancard. Eric Ames  
7 for OCD. I believe that we have entered an appearance in  
8 all of the cases, although the docket sheet does not appear  
9 to indicate that. I do not have a -- my entry of  
10 appearance up in order to read the caption off at the  
11 moment.

12 HEARING EXAMINER BRANCARD: My crude  
13 understanding of the record is that you -- OCD may have  
14 entered appearances in the cases that were disposing into  
15 the Delaware Mountain Group, but not cases where the  
16 disposal is the Devonian, so --

17 MR. AMES: Then maybe I can look at my caption of  
18 the entry of appearance, but we have entered, it appears at  
19 least from the docket sheet, for most of the cases.

20 HEARING EXAMINER BRANCARD: Okay.

21 MR. AMES: I apologize for not being prepared  
22 with the specific cases.

23 HEARING EXAMINER BRANCARD: Let's try Marathon  
24 Oil.

25 MS. BENNETT: Good morning. Deana Bennett from

1 Modrall Sperling on behalf of Marathon Oil Permian LLC, and  
2 I'm in Case Number 21011 and 21029 on behalf of Marathon Oil  
3 Permian LLC. Thank you.

4 HEARING EXAMINER BRANCARD: Thank you. COG  
5 Operating?

6 MR. RANKIN: Mr. Hearing Examiner, Adam Rankin  
7 appearing on behalf of COG with the Santa Fe office of  
8 Holland & Hart in Case Numbers 21085, 21084, 21012, 21029,  
9 21014, 21011 and 21017.

10 HEARING EXAMINER BRANCARD: Thank you, and I have  
11 Mewbourne Oil?

12 MR. RANKIN: Mr. Hearing Examiner, Adam Rankin of  
13 Holland & Hart appearing on behalf of Mewbourne in Case  
14 Numbers 21011, 21012, 21014, 21017, 21029, 21084 and 21085.

15 HEARING EXAMINER BRANCARD: Did I get EOG?

16 MR. RANKIN: You haven't yet, but I'll enter an  
17 appearance on behalf of EOG as well. Adam Rankin with  
18 Holland & Hart on behalf of EOG entering appearances in  
19 Cases 21029, 21085, 21016, 21018.

20 HEARING EXAMINER BRANCARD: Okay. And I think,  
21 finally, Chevron USA.

22 MR. DEBRINE: Good morning, Mr. Examiner. Earl  
23 Debrine with Modrall Sperling on behalf of Chevron USA Inc.,  
24 in Case Numbers 21012, 21014 and 21017. And I would note  
25 that we filed a response to Mr. Padilla's motion indicating

1 that we did not oppose the Division granting the motion, but  
2 we also ask that the cases be dismissed given the lack of  
3 communication and lack of prosecution of the cases by Vista  
4 Disposal. And since they have not appeared today before the  
5 Division, the precedent is the cases should be dismissed.

6 HEARING EXAMINER BRANCARD: Thank you,  
7 Mr. Debrine. Are there any other entries of appearances in  
8 these cases? And I will not give the numbers again.

9 MR. AMES: Mr. Brancard, Eric Ames for OCD again.  
10 I have now found my two entries of appearance in the Vista  
11 cases, so I can now give you the numbers accurately. OCD  
12 has entered an appearance in Case 21011, 21012, 21014,  
13 21017, 21029, 21084 and 21085.

14 HEARING EXAMINER BRANCARD: Thank you. All  
15 right. So at this point we have two items on the agenda.  
16 Number one is the Padilla Law Firm's motion to withdraw as  
17 counsel. Do any of the interested parties have an objection  
18 to that motion?

19 (No response.)

20 HEARING EXAMINER BRANCARD: Hearing none, the  
21 motion will be granted. We also have a request -- we'll  
22 call it a motion just for the sake of moving forward -- to  
23 have these cases be dismissed. Are there any other comments  
24 or considerations on this motion? And I will just start  
25 with Mr. Ames.

1           MR. AMES: Thank you, Mr. Brancard. OCD joins  
2 with Mr. Debrine's motion to dismiss the applications.  
3 Since these applications were filed, they have been  
4 continued multiple times. Now Vista's attorney has  
5 withdrawn from the case because they are nonresponsive to  
6 his request for information and response. Vista has not  
7 shown up for these hearings and is not prepared to go  
8 forward.

9           Additionally, after looking more closely at  
10 Vista, we are also concerned about the validity of these  
11 applications. If I might provide a few additional facts.

12           HEARING EXAMINER BRANCARD: I think we are  
13 working just on the procedural aspect of it at this point,  
14 so I think that's enough to move forward with. So I will  
15 just go through the counsel here to see whether we have any  
16 other responses to the request to dismiss this case.  
17 Mr. Rankin?

18           MR. RANKIN: Thank you, Mr. Hearing Examiner.  
19 First, no objection to the motion to withdraw filed by Mr.  
20 Padilla. And second, we would also join in the motion to  
21 dismiss not just the cases in which Chevron has appeared,  
22 but in all the cases in which Mr. Padilla is withdrawing for  
23 the reasons that Mr. Ames has stated.

24           HEARING EXAMINER BRANCARD: Thank you. And I  
25 assume that's on behalf of all the clients you have entered

1 an appearance for?

2 MR. RANKIN: Thank you, Mr. Examiner. That is on  
3 behalf of all the clients that we have entered an appearance  
4 for. Thank you.

5 HEARING EXAMINER BRANCARD: Thank you. Ms.  
6 Bennett?

7 MS. BENNETT: Thank you very much. I haven't had  
8 a chance to consult with NGL Permian on these, but my  
9 understanding and my discussions with them to this point  
10 were that they -- the cases would likely be dismissed  
11 because of the lack of prosecution and because of the lack  
12 of any communications with their counsel.

13 And assuming that they didn't appear today, which  
14 they did not, it was my working understanding that those  
15 cases would likely be dismissed. And Marathon is agreeable  
16 to the cases being dismissed.

17 And so I would just join Mr. Rankin's comments  
18 and ask that the cases, all of the cases for which Mr.  
19 Padilla has been -- has withdrawn from be dismissed for lack  
20 of prosecution. Thank you.

21 HEARING EXAMINER BRANCARD: Thank you. Do we  
22 have any other comments on the proposal to dismiss at this  
23 point all the cases that I have listed today filed by Vista  
24 Disposal?

25 (No response.)

1                   HEARING EXAMINER BRANCARD: Hearing none, these  
2 cases will be dismissed for lack of prosecution. We had a  
3 scheduled hearing today. There is a lack of participation  
4 by Vista, a lack of prehearing statements, so on that basis  
5 these cases will be dismissed.

6                   As always, they are dismissed without prejudice,  
7 so if Vista wants to come back with more well proposals,  
8 they can do that.

9                   So at this point that is the action in this case,  
10 to dismiss cases 21008, 009, 010, 011, 012, 013, 014, 015,  
11 016, 017, 018, 019, 029, 084 and 085.

12                   Are there any further comments or issues to be  
13 discussed on these matters today?

14                   (No response.)

15                   HEARING EXAMINER BRANCARD: Hearing none, we will  
16 move on. Thank you, everyone.

17                   MR. PADILLA: Thank you, Mr. Examiner.

18                   (Concluded.)

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1 STATE OF NEW MEXICO  
2 COUNTY OF BERNALILLO

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REPORTER'S CERTIFICATE

I, IRENE DELGADO, New Mexico Certified Court Reporter, CCR 253, do hereby certify that I reported the foregoing virtual proceedings in stenographic shorthand and that the foregoing pages are a true and correct transcript of those proceedings to the best of my ability.

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

I FURTHER CERTIFY that the Virtual Proceeding was of poor to good quality.

Dated this 15th day of July 2021.

/s/ Irene Delgado  
\_\_\_\_\_  
Irene Delgado, NMCCR 253  
License Expires: 12-31-21