

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 OXY USA INC. FOR  
APPROVAL OF THE JUNO BONE SPRING  
UPPER WOLFCAMP CC 23-24 UNIT, TO  
MODIFY THE INJECTION AUTHORITY  
APPROVED UNDER ORDER R-21356 AND  
EXPAND THAT AUTHORITY TO INCLUDE  
ELEVEN ADDITIONAL WELLS IN THE UNITIZED  
AREA, AND TO CONTRACT EXISTING BONE  
SPRING AND WOLFCAMP POOLS IN FAVOR OR  
A NEW OIL POOL COMPRISED OF THE BONE  
SPRING FORMATION AND THE UPPER WORLFCAMP  
"XY" AND "A" INTERVALS OF THE WOLFCAMP  
FORMATION, EDDY COUNTY, NEW MEXICO

CASE NO. 22183

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, OCTOBER 7, 2021

STATUS CONFERENCE

This matter came on for hearing before the  
New Mexico Oil Conservation Division, William  
Brancard, Esq. Hearing Examiner, Dylan Rose-Coss,  
Technical Examiner, on Thursday, October 7, 2021,  
via Webex Virtual Conferencing Platform hosted  
by the New Mexico Department of Energy, Minerals and  
Natural Resources

Reported by: Mary Therese Macfarlane  
New Mexico CCR #122  
PAUL BACA COURT REPORTERS  
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(505) 843-9241

A P P E A R A N C E S

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C O N T E N T S

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1 (Time noted 8:30 a.m.)

2 EXAMINER BRANCARD: All right. Case 22183, OXY  
3 USA.

4 Mr. Feldewert, is that you again?

5 MR. FELDEWERT: Yes, Mr. Examiner. Michael  
6 Feldewert with the Santa Fe office of Holland & Hart  
7 appearing on behalf applicant, OXY USA, Inc.

8 EXAMINER BRANCARD: All right. XTO Energy.

9 MR. CLOUTIER: Mr. Brancard, Andrew Cloutier,  
10 Hinkle Shanor, on behalf of XTO Energy.

11 EXAMINER BRANCARD: Any other parties? I may be  
12 missing something here. 22183. Is there another party?

13 (Note: Pause.)

14 Thank you. Hearing none, Mr. Feldewert you  
15 have communicated and wish to have this simply moved to  
16 the next docket -- well, October 22nd, create a special  
17 docket October 22nd. And I just want to have this  
18 discussion out in the open here so we can make it clear  
19 and everybody is okay with that.

20 Mr. Cloutier, are you aware of this?

21 MR. CLOUTIER: Yes, Mr. Brancard. Mr. Feldewert  
22 and Mr. Rankin have both discussed this with me, and  
23 that's fine with XTO.

24 EXAMINER BRANCARD: We have a bunch of contested  
25 cases on the 21st so far -- although I think some are

1 dropping out -- so they may easily run over into the 22nd,  
2 and you-all would be at the end of that docket, just so  
3 you're aware. All right?

4 MR. CLOUTIER: We are in discussions about ways  
5 to potentially resolve this, as well, Mr. Brancard, but I  
6 think it's best we get it on the docket and get going.

7 EXAMINER BRANCARD: All right.

8 MR. FELDEWERT: Mr. Brancard, I have apprised  
9 OXY -- first off is, for the record, the reason we are  
10 continuing, we HAD to continue this, we had uncovered a  
11 Notice issue. So we did provide Notice to this other  
12 party the -- it was not XTO, a different affected party --  
13 of the October 22nd date, No. 1.

14 No. 2, I did tell OXY that in light of this  
15 and given the nature of the docket, that we would  
16 essentially be a trailing docket, that we would go  
17 whenever the Division can accommodate our case. So they  
18 are fully prepared and will be available to present the  
19 case whenever the Division can accommodate, you know, this  
20 matter.

21 EXAMINER BRANCARD: And so just to clarify our  
22 recollections, this is not a contested case but this is a  
23 case where you have to have witnesses. Is that correct?

24 MR. FELDEWERT: Correct. There is a number of  
25 moving parties to this case. It's got some unique

1 features. OXY is in discussion with XTO about one of the  
2 unique features of this matter, so that's why XTO has  
3 appeared in this case, and the parties are discussing the  
4 concerns.

5 EXAMINER BRANCARD: All right. I see  
6 Mr. Cloutier nodding his head, and so...

7 All right. Are there any other interested  
8 persons in 22183? If not, this will be scheduled, as Mr.  
9 Feldewert notes, on a trailing docket for October 22nd. I  
10 don't need to issue a Prehearing Order, so I will just  
11 issue a Scheduling Order on that.

12 And I think you may have already filed a  
13 continuance, Mr. Feldewert.

14 MR. FELDEWERT: Yes.

15 EXAMINER BRANCARD: Great. Thank you.

16 (Time noted 8:37 a.m.)

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1 STATE OF NEW MEXICO )

2 : ss

3 COUNTY OF TAOS )

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REPORTER'S CERTIFICATE

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I, MARY THERESE MACFARLANE, New Mexico Reporter

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CCR No. 122, DO HEREBY CERTIFY that on Thursday,

8

October 7, 2021, 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

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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

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disposition of this case in any court.

18

/s/ Mary Macfarlane

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MARY THERESE MACFARLANE, CCR

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NM Certified Court Reporter No. 122

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