

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. 22273

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, NOVEMBER 4, 2021

EXAMINER HEARING

This matter came on for hearing before the
New Mexico Oil Conservation Division, William
Brancard, Esq. Hearing Examiner, Dean McClure
Technical Examiner, on Thursday, November 4, 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 PROFESSIONAL COURT REPORTERS
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A P P E A R A N C E S

FOR MEWBOURNE OIL COMPANY:

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C O N T E N T S

CASE NO.	22273	PAGE
CASE CALLED:		3
TAKEN UNDER ADVISEMENT:		7, 10

I N D E X O F E X H I B I T S .

MEWBOURNE OIL COMPANY EXHIBITS	ADMITTED
1 Application and Proposed Notice	10
2 Landman's Affidavit	10
3 Geologist's Affidavit	10
4 Notice affidavit	10
5 Affidavit of Publication	10
6 Pooling Checklist	10

1 (Time noted 10:10 a.m.)

2 EXAMINER BRANCARD: With that I call Case 22273,
3 Mewbourne Oil Company.

4 MR. BRUCE: Mr. Examiner, Jim Bruce one more
5 time.

6 EXAMINER BRANCARD: All right.

7 And then MRC Permian.

8 MR. FELDEWERT: May it please the Examiner,
9 Michael Feldewert with the Santa Fe office of Holland &
10 Hart appearing on behalf of MRC. We do not object to the
11 matter proceeding by affidavit.

12 EXAMINER BRANCARD: Thank you.

13 Are there any other persons interested in
14 Case 22273? (Note: Pause.) Hearing none, Mr. Bruce you
15 may proceed.

16 MR. BRUCE: Yes, Mr. Examiner. In this case
17 Mewbourne seeks to force pool the Wolfcamp Formation
18 underlying the south half of Section 24 and the south half
19 of Section 23, 20 South, 28 East.

20 The Application and Proposed Ad are
21 included. There's a Verified Statement of the landman
22 setting forth interest ownership, and C-102s.

23 This is not -- it's a 320-acre spacing in
24 this pool but it's not the Purple Sage, it's the Burton
25 Flat North Wolfcamp Gas, which is based on 320 under the

1 old pool rules, or the old OCD rules.

2 There is a Statement of Interest; the
3 parties being pooled; the summary of communications with
4 all the parties. Everybody has pretty much been
5 contacted, although when it came to Notice on that, the...

6 And the AFEs for the wells are also
7 attached.

8 The landman's affidavit, by Charlie Crosby
9 again, contains the Structure Map, Isopach, Cross Section
10 showing the continuity of the reservoir across the well
11 unit and across the area developed. The reservoir is
12 horizontal drilling.

13 I sent out Certified Mail, and although I
14 do have an Affidavit of Publication, all the parties did
15 receive actual Notice via Certified Mail, so all parties
16 were properly notified.

17 Exhibit 6 is the Pooling Checklist, which I
18 think is in order.

19 And I would move the admission of Exhibits
20 1 through 6 and ask that the matter be taken under
21 advisement.

22 EXAMINER BRANCARD: Thank you.

23 Mr. Bruce, I'm looking at our case file and
24 I don't see your exhibits.

25 MR. BRUCE: I did send them in. I guess

1 that's -- (Note: Pause.) I believe I sent these in on
2 Tuesday, so I don't know what happened, unless I hit the
3 wrong button somewhere along the line.

4 EXAMINER BRANCARD: May be sitting in some other
5 case file.

6 MR. BRUCE: Well, I can certainly resubmit them.

7 This was one where I had mistakes in some
8 of the Notice materials, so this was originally filed
9 under Case 22159, and I dismissed that Application and
10 refiled. You can see the same basic exhibits except for
11 the Notice ones in Case 22159.

12 But I did submit these. I just don't know
13 what happened. I'll check that out and, if necessary,
14 I'll resubmit. And if the case has to be continued, so be
15 it, but at least my Notice was complete.

16 EXAMINER BRANCARD: Mr. McClure, do you have any
17 questions?

18 MR. BRUCE: I'll go ahead and refile them right
19 now, but if it needs to be continued, so be it.

20 EXAMINER McCLURE: I don't have any questions.
21 Thank you.

22 EXAMINER BRANCARD: Mr. McClure, I assume you
23 haven't seen the exhibits either. Is that correct?

24 EXAMINER McCLURE: Yes, that's also correct. I
25 was trying to do a quick search, but I didn't get a chance

1 to yet.

2 But, regardless, the fact I have no
3 questions is based purely on testimony. I have not seen
4 the exhibits.

5 EXAMINER BRANCARD: Would you like some time to
6 look at the exhibits?

7 MR. BRUCE: Let me send them right now.

8 EXAMINER McCLURE: I was going to say, I mean
9 obviously before we were to issue an Order on it, we will
10 obviously have to see it. As to whether we need to come
11 back to hearing, maybe we could just -- I don't know what
12 your thought process is there.

13 MR. BRUCE: How quickly do they get into the
14 file once I send them through the portal?

15 EXAMINER BRANCARD: Pretty quickly. Marlene has
16 to --

17 MS. SALVIDREZ: This is Marlene. And I do
18 approve them right away. So as soon as you hit "Submit" I
19 should see it on my side.

20 MR. BRUCE: Okay.

21 MS. SALVIDREZ: So I'm here right now, so if you
22 could do it right away, it would be great.

23 MR. BRUCE: Why don't we move on to the next
24 case, and then we can come back to mine a little down the
25 road.

1 EXAMINER BRANCARD: Okay.

2 So are there any other interested persons,
3 then, in -- and I forgot to ask Mr. Feldewert if he had
4 any questions.

5 MR. FELDEWERT: I do not. Thank you, Mr.
6 Examiner.

7 EXAMINER BRANCARD: Any other interested persons
8 in Case 22273? (Note: Pause.)

9 Hearing none, we will admit the exhibits
10 when we get them, and I think if we have any issues we
11 will let you know, Mr. Bruce. Otherwise, the case is
12 taken under advisement.

13 MR. BRUCE: Thank you.

14 EXAMINER McCLURE: Mr. Brancard, it does look
15 like there is a draft on file, but it hasn't been
16 officially submitted to us, so I don't know that we could
17 actually accept it or not. But it does look like there
18 was a draft made on 11-2.

19 EXAMINER BRANCARD: I have no idea what you're
20 looking at, Mr. McClure.

21 EXAMINER McCLURE: Essentially it's on their
22 side, what they make, and then once they hit "Submit" then
23 we see it on our side. But we can't accept it into the
24 record even if we wanted to.

25 It's like when they start something it's in

1 draft status.

2 EXAMINER BRANCARD: I see.

3 EXAMINER McCLURE: If they don't actually hit
4 the Submit button that's where it's at.

5 EXAMINER BRANCARD: Sounds like Mr. Bruce needs
6 to hit a button.

7 EXAMINER McCLURE: Yes, that's what it seems.

8 EXAMINER BRANCARD: Thank you.

9 (Time noted 10:17 a.m.)

10 (Note: Other cases heard.)

11 (Time noted 11:19 a.m.)

12 MR. BRUCE: Mr. Examiner, about an hour ago I
13 did refile -- or file, I suppose -- the exhibits in Case
14 22273, so they are available to you folks.

15 EXAMINER BRANCARD: All right. Mr. McClure, you
16 can look at those exhibits while we are dealing with the
17 next case.

18 EXAMINER McCLURE: While the lawyers talk.

19 (Note: Other cases were heard.)

20 (Time noted 11:58 a.m.)

21 EXAMINER BRANCARD: Thank you.

22 And finally, Mr. McClure, have you had a
23 chance to look at the exhibits?

24 EXAMINER McCLURE: Yes, sir, I did. I skimmed
25 through them.

1 I guess I just had a quick follow-up
2 question if Mr. Bruce is still on.

3 EXAMINER BRANCARD: Mr. Bruce, I think we are
4 back on 22273, if you're there.

5 Mr. Bruce, are you there?

6 EXAMINER McCLURE: Actually, I don't see him
7 there.

8 EXAMINER BRANCARD: Do we have any more Call-In
9 Users, Ms. Salvidrez?

10 MS. SALVIDREZ: There is a Call-In User 3, but I
11 think he came in as another caller, so I don't think he's
12 on.

13 EXAMINER BRANCARD: All right. Well, it is
14 noon.

15 EXAMINER McCLURE: I was going to say
16 essentially what my question was, was in regards to
17 Notice. I didn't recall whether he stated all Notice
18 looked good. It looks like they have signatures on all
19 their green cards other than one, but USPS looks like it
20 was delivered. I just wanted to confirm that, because it
21 looks like Public Notice was made on the 23rd.

22 EXAMINER BRANCARD: I think he confirmed that
23 all Notice was provided directly to the parties. That was
24 his argument in that case. If that's not true then we
25 have a problem.

1 EXAMINER McCLURE: It looks like it. I was just
2 going to confirm that.

3 EXAMINER BRANCARD: Let's indicate that he
4 stated that there was actual Notice of the interested
5 parties in this case so therefore the publication was just
6 icing.

7 EXAMINER McCLURE: Okay. Okay. That was my
8 main question, because it looked like the Public Notice
9 was further than the 10 business days was all. But, yeah,
10 okay, sounds good.

11 I have no other questions, or no questions
12 at all at this juncture, then.

13 EXAMINER BRANCARD: All right. With that, Case
14 22273 will be taken under advisement and the exhibits that
15 we finally have will be admitted into the record.

16 (Time noted: 12:01 p.m.)

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1 STATE OF NEW MEXICO)
2 : ss
3 COUNTY OF TAOS)
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5 REPORTER'S CERTIFICATE

6 I, MARY THERESE MACFARLANE, New Mexico Reporter
7 CCR No. 122, DO HEREBY CERTIFY that on Thursday,
8 November 4, 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
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
19 /s/Mary Macfarlane_____

20 MARY THERESE MACFARLANE, CCR
21 NM Certified Court Reporter No. 122
License Expires: 12/31/2021

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