

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:

Application for an Accounting from Case No. 22378
Mewbourne Oil Company under Order
Nos. 21292 and R-21293 and to
declare certain accounting practices
improper

Application to Amend Order Case No. 22439
Nos. R-21804 and R-21805 to
Extend Time for Paying Costs

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, JANUARY 6, 2022

STATUS CONFERENCE

This matter came on for hearing before the New Mexico Oil Conservation Division, William Brancard, Esq. Hearing Examiner, John Garcia Technical Examiner, on Thursday, January 6, 2022, via Webex Virtual Conferencing Platform hosted by the New Mexico Energy, Minerals and Natural Resources Department

Reported by: Mary Therese Macfarlane
 New Mexico CCR #122
 PAUL BACA COURT REPORTERS
 500 Fourth Street NW, Suite 105
 Albuquerque, New Mexico 87102
 (505) 843-9241

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

A P P E A R A N C E S

FOR SIANA OIL & GAS:

Sharon T. Shaheen, Esq.
Montgomery & Andrews
325 Paseo de Peralta
Santa Fe NM 87501
(505) 986-2678
sshahen@montand.com

FOR MEWBOURNE OIL AND CASE IN CASE 22378:

Dana S. Hardy, Esq.
Hinkle Shanor, LLP
P.O. Box 2068
Santa Fe, NM 87504-2068
(505) 982-4544
dhardy@hinklelawfirm.com

FOR MEWBOURNE OIL AND CASE IN CASE 22439:

James Bruce, Esq.
Post Office Box 1056
Santa Fe, NM 87504
(505) 982-2043
jamesbruc@aol.com

C O N T E N T S

CASE NOS. 22378, 22439	PAGE
CASE CALLED:	3
CONTINUED TO APRIL 21, 2022:	6

1 (Time noted 8:27 a.m.)

2 All right. Cases 22378, 22439, Siana Oil and
3 Gas.

4 MS. SHAHEEN: Good morning, Mr. Examiner.
5 Sharon Shaheen, Montgomery & Andrews on behalf of Siana
6 Oil & Gas.

7 MS. HARDY: Good morning, Mr. Examiner. Dana
8 Hardy with the Santa Fe office of Hinkle Shanor on behalf
9 of Mewbourne on Case No. 22378.

10 EXAMINER BRANCARD: Mr. Bruce, are you
11 representing Mewbourne in the other case?

12 MR. BRUCE: Yes, I am, sir.

13 EXAMINER BRANCARD: Okay.

14 We have an accounting issue here, it
15 appears. Mr. Bruce, you indicated you might be filing a
16 Motion to Dismiss.

17 MR. BRUCE: Mr. Examiner, in my case I will be
18 filing a Motion to Dismiss. There's no accounting issue
19 in my case. The facts of my case are simple, and I will
20 be filing a Motion to Dismiss, and even if it goes to
21 hearing I want it heard separately from the other case
22 because, I think Ms. Hardy can concur, the facts are
23 completely different, and therefore I would request a
24 separate hearing ** whenever. But at this point I will be
25 filing, hopefully next week, a Motion to Dismiss.

1 MS. HARDY: I agree, Mr. Examiner, that the
2 cases should be heard separately. The case I'm handling
3 involves specific accounting issues under the specific
4 Orders on different requests for relief and different
5 facts, so I think it would really only confuse matters to
6 hear the cases together.

7 EXAMINER BRANCARD: So, Ms. Hardy, you were
8 thinking that your Case 378 will go forward as an
9 evidentiary hearing?

10 MS. HARDY: I believe yes, that's correct.

11 EXAMINER BRANCARD: Ms. Shaheen. We were all
12 here at the Division surprised to see Siana re-emerging,
13 so what is the position of your client?

14 MS. SHAHEEN: Well, I think it would be more
15 expedient for the cases to be heard together. If not, I
16 believe that 22378 should be heard first, because I
17 believe that the evidence that will be submitted in that
18 case will also relate to 22439. If there's some way we
19 could incorporate part of the record in the first case in
20 the second case I would like to make that request, rather
21 than repeating the same testimony in both cases.

22 It might be a solution to set them both for
23 contested hearings on the same day, if you think that
24 would be expedient for the Division.

25 EXAMINER BRANCARD: All right.

1 I would propose that we set these cases
2 also for April 21st. We will set them as contested
3 hearings, but obviously if there's a Motion to Dismiss in
4 -439, that would then obviate the need to have an
5 evidentiary hearing.

6 MR. BRUCE: I --

7 EXAMINER BRANCARD: So -- Mr. Bruce, sorry.

8 MR. BRUCE: I was just going to say one reason I
9 don't want to sit through both cases together is my
10 presentation would be very brief, and I don't want to sit
11 through what could be hours of testimony in the other
12 case.

13 EXAMINER BRANCARD: You've got other things to
14 do?

15 MR. BRUCE: I have no life other than this, Mr.
16 Examiner.

17 EXAMINER BRANCARD: Well, we'll try to figure
18 out a way to expedite this. And I think it partly will
19 depend on what's in your motion and the response to the
20 motion.

21 MR. BRUCE: Thank you.

22 EXAMINER BRANCARD: So let's schedule these for
23 April 21st.

24 MR. BRUCE: Okay by me.

25 EXAMINER BRANCARD: They are potentially

1 separate cases, they would be separate hearings, but it
2 might be useful to have them one after the other.

3 MS. SHAHEEN: Thank you, Mr. Examiner.

4 MS. HARDY: Thank you.

5 (Time noted 8:31 a.m.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

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,

8

January 6, 2022, 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

/s/ Mary MacFarlane

19

20

MARY THERESE MACFARLANE, CCR

21

NM Certified Court Reporter No. 122

License Expires: 12/31/2022

22

23

24

25