

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

IN THE MATTER OF THE HEARING	Docket No.
CALLLED BY THE OIL CONSERVATION	22-22 OCD
DIVISION FOR THE PURPOSE OF	
CONSIDERING:	

APPLICATION OF CHEVRON PRODUCTION	Case No.
COMPANY FOR COMPULSORY POOLING,	22871
EDDY COUNTY, NEW MEXICO.	

APPLICATION OF CHEVRON PRODUCTION	Case No.
COMPANY FOR COMPULSORY POOLING,	22872
EDDY COUNTY, NEW MEXICO	

APPLICATION OF CIMAREX ENERGY CO.	Case No.
TO ALLOW TWO OPERATORS IN THE BONE	22897
SPRING FORMATION IN CERTAIN WELL	
UNITS, EDDY COUNTY, NEW MEXICO	

1	APPLICATION OF CIMAREX ENERGY CO.	Case No.
2	TO ALLOW TWO OPERATORS IN THE BONE	22898
3	SPRING FORMATION IN CERTAIN WELL	
4	UNITS, EDDY COUNTY, NEW MEXICO	
5		
6	APPLICATION OF COLGATE OPERATING,	Case No.
7	LLC FOR COMPULSORY POOLING, EDDY	22943
8	COUNTY, NEW MEXICO	
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10	APPLICATION OF COLGATE OPERATING,	Case No.
11	LLC FOR COMPULSORY POOLING, EDDY	22944
12	COUNTY, NEW MEXICO	
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14	APPLICATION OF COLGATE OPERATING,	Case No.
15	LLC FOR COMPULSORY POOLING, EDDY	22945
16	COUNTY, NEW MEXICO	
17		
18	APPLICATION OF COLGATE OPERATING,	Case No.
19	LLC FOR COMPULSORY POOLING, EDDY	22946
20	COUNTY, NEW MEXICO	
21		
22	APPLICATION FOR EARTHSTONE OPERATING,	Case No.
23	LLC FOR COMPULSORY POOLING, LEA	22813
24	COUNTY, NEW MEXICO	[Status
25		Conference]

1	APPLICATION OF EARTHSTONE OPERATING,	Case No.
2	LLC FOR COMPULSORY POOLING, LEA	22814
3	COUNTY, NEW MEXICO	
4		
5	APPLICATION OF ENDURING RESOURCES,	Case No.
6	LLC TO AMEND ORDER NO. R-14347 TO	22952
7	EXPAND THE SOUTH ESCAVADA UNIT	
8	AREA, SANDOVAL COUNTY, NEW MEXICO	
9		
10	APPLICATION OF E.G.L. RESOURCES,	Case No.
11	INC. FOR COMPULSORY POOLING IN LEA	22083
12	COUNTY, NEW MEXICO	[STATUS
13		CONFERENCE]
14		
15	APPLICATION OF E.G.L. RESOURCES,	Case No.
16	INC. FOR COMPULSORY POOLING IN LEA	22084
17	COUNTY, NEW MEXICO	[STATUS
18		CONFERENCE]
19		
20	APPLICATION OF E.G.L RESOURCES, INC.,	Case No.
21	FOR COMPULSORY POOLING IN LEA COUNTY,	22114
22	NEW MEXICO	[STATUS
23		CONFERENCE]
24		
25		

1	APPLICATION OF E.G.L. RESOURCES,	Case No.
2	INC., FOR COMPULSORY POOLING IN LEA	22115
3	COUNTY, NEW MEXICO	[STATUS
4		CONFERENCE]
5		
6	APPLICATION OF LEGACY RESERVES	Case No.
7	OPERATING LP FOR A HORIZONTAL	22701
8	SPACING UNIT AND COMPULSORY POOLING,	
9	EDDY COUNTY, NEW MEXICO	
10		
11	APPLICATION OF MATADOR PRODUCTION	Case No.
12	COMPANY FOR COMPULSORY POOLING, LEA	21683
13	COUNTY, NEW MEXICO	[STATUS
14		CONFERENCE]
15		
16	APPLICATION OF MATADOR PRODUCTION	Case No.
17	COMPANY FOR COMPULSORY POOLING, LEA	21685
18	COUNTY, NEW MEXICO	[STATUS
19		CONFERENCE]
20		
21	(FORMERLY CASE 21684) AMENDED	Case No.
22	APPLICATION OF MATADOR PRODUCTION	22103
23	COMPANY FOR COMPULSORY POOLING,	[STATUS
24	LEA COUNTY, NEW MEXICO	CONFERENCE]
25		

1	(FORMERLY CASE 21686) AMENDED	Case No.
2	APPLICATION OF MATADOR PRODUCTION	22104
3	COMPANY FOR COMPULSORY POOLING, LEA	[STATUS
4	COUNTY, NEW MEXICO	CONFERENCE]
5		
6	APPLICATION OF MATADOR PRODUCTION	Case No.
7	COMPANY FOR COMPULSORY POOLING,	22584
8	LEA COUNTY, NEW MEXICO	[STATUS
9		CONFERENCE]
10		
11	APPLICATION OF MATADOR PRODUCTION	Case No.
12	COMPANY FOR COMPULSORY POOLING,	22987
13	EDDY COUNTY, NEW MEXICO	
14		
15	APPLICATION OF STRATA PRODUCTION CO.	Case No.
16	FOR COMPULSORY POOLING, EDDY COUNTY,	23006
17	NEW MEXICO	
18		
19	APPLICATION OF WHIPTAIL MIDSTREAM,	Case No.
20	LLC, ("MIDSTREAM") FOR A HEARING	22782
21	ON MIDSTREAM'S REMEDIATION AND	[STATUS
22	CLOSURE PLANS AND STAY OF	CONFERENCE]
23	HEARING DATE, APPLICATION ID	
24	NO 61609, INCIDENT ID NO	
25	nAPP2125652492	

1	APPLICATION OF XTO ENERGY, INC.	Case No.
2	FOR APPROVAL OF A RELEASE	22700
3	NOTIFICATION AND CORRECTIVE ACTION,	
4	EDDY COUNTY, NEW MEXICO	
5		
6	APPLICATION OF AMEREDEV OPERATING,	Case No.
7	LLC, FOR COMPULSORY POOLING, LEA	22985
8	COUNTY, NEW MEXICO	
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10	APPLICATION OF COG OPERATING LLC	Case No.
11	FOR COMPULSORY POOLING, LEA COUNTY,	23029
12	NEW MEXICO	
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14	APPLICATION OF COG OPERATING LLC	Case No.
15	FOR COMPULSORY POOLING, LEA COUNTY,	23030
16	NEW MEXICO	
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18	APPLICATION OF EOG RESOURCES, INC.	Case No.
19	FOR COMPULSORY POOLING, LEA COUNTY,	23031
20	NEW MEXICO	
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22	APPLICATION OF EOG RESOURCES, INC.	Case No.
23	FOR COMPULSORY POOLING, LEA COUNTY,	23032
24	NEW MEXICO	
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1 (AMEND) APPLICATION OF APACHE Case No.
2 CORPORATION TO AMEND ORDER NO. 23037
3 R-21906, EDDY COUNTY, NEW MEXICO
4

5 (AMEND) APPLICATION OF APACHE Case No.
6 CORPORATION TO AMEND ORDER NO. 23038
7 R-21907, EDDY COUNTY, NEW MEXICO
8

9 (AMEND) APPLICATION OF APACHE Case No.
10 CORPORATION TO AMEND ORDER NO. 23039
11 R-23039, EDDY COUNTY, NEW MEXICO
12

13 (AMEND) APPLICATION OF APACHE Case No.
14 CORPORATION TO AMEND ORDER NO. 23040
15 R-21909, EDDY COUNTY, NEW MEXICO
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17 APPLICATION OF V-F PETROLEUM, INC. Case No.
18 FOR COMPULSORY POOLING, EDDY COUNTY, 23041
19 NEW MEXICO
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1	APPLICATION OF MEWBOURNE OIL COMPANY	Case No.
2	TO REVOKE OR MODIFY THE INJECTION	23042
3	AUTHORITY GRANTED UNDER ORDER NO.	
4	R-10139 FOR THE STATE MA COM NO. 1	
5	OPERATED BY ENDEAVOR ENERGY RESOURCES,	
6	LP, EDDY COUNTY, NEW MEXICO	
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8	APPLICATION OF TAP ROCK OPERATING,	Case No.
9	LLC FOR COMPULSORY POOLING, EDDY	23043
10	COUNTY, NEW MEXICO	
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12	APPLICATION OF TAP ROCK OPERATING,	Case No.
13	LLC, FOR COMPULSORY POOLING, EDDY	23044
14	COUNTY, NEW MEXICO	
15		
16	APPLICATION OF MEWBOURNE OIL COMPANY	Case No.
17	FOR APPROVAL OF A SALTWATER DISPOSAL	23045
18	WELL, EDDY COUNTY, NEW MEXICO	[STATUS
19		CONFERENCE]
20		
21	APPLICATION OF SPUR ENERGY PARTNERS	Case No.
22	LLC, FOR COMPULSORY POOLING, EDDY	23046
23	COUNTY, NEW MEXICO	
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1	APPLICATION OF TASCOSA ENERGY	Case No.
2	PARTNERS, LLC FOR COMPULSORY POOLING	23047
3	EDDY COUNTY, NEW MEXICO	
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5	APPLICATION OF TASCOSA ENERGY	Case No.
6	PARTNERS, LLC FOR COMPULSORY POOLING,	23048
7	EDDY COUNTY, NEW MEXICO	
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9	APPLICATION OF COG OPERATING, LLC	Case No.
10	FOR COMPULSORY POOLING, EDDY COUNTY,	23050
11	NEW MEXICO	
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13	APPLICATION OF COG OPERATING, LLC	Case No.
14	FOR COMPULSORY POOLING, EDDY COUNTY,	23051
15	NEW MEXICO	
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17	APPLICATION OF COG OPERATING, LLC	Case No.
18	FOR COMPULSORY POOLING, EDDY COUNTY,	23052
19	NEW MEXICO	
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21	APPLICATION OF COG OPERATING, LLC	Case No.
22	FOR COMPULSORY POOLING, EDDY COUNTY,	23053
23	NEW MEXICO	
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1	APPLICATION OF DEVON ENERGY CO. FOR	Case No.
2	A NONSTANDARD HORIZONTAL SPACING AND	23054
3	PRORATION UNIT AND COMPULSORY POOLING,	
4	LEA COUNTY, NEW MEXICO	
5		
6	APPLICATION OF DEVON ENERGY CO FOR A	Case No.
7	NONSTANDARD HORIZONTAL SPACING AND	23055
8	PRORATION UNIT AND COMPULSORY POOLING,	
9	LEAN COUNTY, NEW MEXICO	
10		
11	APPLICATION OF ADVANCE ENERGY	Case No.
12	PARTNERS HAT MESA, LLC FOR	23056
13	COMPULSORY POOLING, LEA COUNTY,	
14	NEW MEXICO	
15		
16	APPLICATION OF ADVANCE ENERGY	Case No.
17	PARTNERS HAT MESA, LLC FOR	23057
18	COMPULSORY POOLING, LEA COUNTY,	
19	NEW MEXICO	
20		
21	APPLICATION OF ADVANCE ENERGY	Case No.
22	PARTNERS HAT MESA, LLC FOR	23058
23	COMPULSORY POOLING, LEA COUNTY,	
24	NEW MEXICO	
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1	APPLICATION OF ADVANCE ENERGY	Case No.
2	PARTNERS HAT MESA, LLC FOR	23059
3	COMPULSORY POOLING, LEA COUNTY,	
4	NEW MEXICO	
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6	APPLICATION OF ADVANCE ENERGY	Case No.
7	PARTNERS HAT MESA, LLC, FOR	23060
8	COMPULSORY POOLING, LEA COUNTY,	
9	NEW MEXICO	
10		
11	APPLICATION OF MATADOR PRODUCTION	Case No.
12	COMPANY FOR COMPULSORY POOLING,	23063
13	EDDY COUNTY, NEW MEXICO	
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15	APPLICATION OF MATADOR PRODUCTION	Case No.
16	COMPANY FOR COMPULSORY POOLING, EDDY	23064
17	COUNTY, NEW MEXICO	
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19	APPLICATION OF MATADOR PRODUCTION	Case No.
20	COMPANY FOR COMPULSORY POOLING, EDDY	23065
21	COUNTY, NEW MEXICO	
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23	APPLICATION OF MATADOR PRODUCTION	Case No.
24	COMPANY FOR COMPULSORY POOLING, EDDY	23066
25	COUNTY, NEW MEXICO	

1	APPLICATION OF MATADOR PRODUCTION	Case No.
2	COMPANY FOR COMPULSORY POOLING, EDDY	23067
3	COUNTY, NEW MEXICO	
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5	APPLICATION OF MATADOR PRODUCTION	Case No.
6	COMPANY FOR COMPULSORY POOLING, EDDY	23068
7	COUNTY, NEW MEXICO	
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9	APPLICATION OF MATADOR PRODUCTION	Case No.
10	COMPANY FOR COMPULSORY POOLING, EDDY	23069
11	COUNTY NEW MEXICO	
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13	APPLICATION OF MATADOR PRODUCTION	Case No.
14	COMPANY FOR COMPULSORY POOLING, EDDY	23070
15	COUNTY, NEW MEXICO	
16		
17	APPLICATION OF OXY USA INC. FOR	Case No.
18	COMPULSORY POOLING, EDDY COUNTY,	23071
19	NEW MEXICO	
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21	APPLICATION OF OXY USA INC. FOR	Case No.
22	COMPULSORY POOLING, EDDY COUNTY,	23072
23	NEW MEXICO	
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1 APPLICATION OF OXY USA INC. FOR Case No.
2 COMPULSORY POOLING, EDDY COUNTY, 23073
3 NEW MEXICO
4

5 APPLICATION OF CENTENNIAL RECOURSE Case No.
6 PRODUCTION, LLC FOR COMPULSORY 23074
7 POOLING, LEA COUNTY, NEW MEXICO
8

9 APPLICATION OF MEWBOURNE OIL Case No.
10 COMPANY TO AMEND ORDER NO. 23075
11 R-21973, EDDY COUNTY, NEW
12 MEXICO
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14 APPLICATION OF MEWBOURNE OIL Case No.
15 COMPANY TO AMEND ORDER NO. 23076
16 R-21962, EDDY COUNTY, NEW
17 MEXICO
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19 APPLICATION OF MEWBOURNE OIL Case No.
20 COMPANY FOR COMPULSORY POOLING 23077
21 AND APPROVAL OF OVERLAPPING
22 WELL UNITS, EDDY COUNTY, NEW
23 MEXICO
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1	APPLICATION OF MEWBOURNE OIL	Case No.
2	COMPANY FOR COMPULSORY POOLING,	23078
3	EDDY COUNTY, NEW MEXICO	
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5	APPLICATION OF MEWBOURNE OIL	Case No.
6	COMPANY FOR COMPULSORY POOLING,	23079
7	EDDY COUNTY, NEW MEXICO	
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9	APPLICATION OF MEWBOURNE OIL	Case No.
10	COMPANY FOR COMPULSORY POOLING,	23080
11	EDDY COUNTY, NEW MEXICO	
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13	APPLICATION OF LONGFELLOW ENERGY,	Case No.
14	LP, FOR COMPULSORY POOLING, EDDY	23081
15	COUNTY, NEW MEXICO	
16		
17	APPLICATION OF MEWBOURNE OIL	Case No.
18	COMPANY TO RE-OPEN CASE NO. 22646	23082
19	FOR COMPULSORY POOLING, EDDY	
20	COUNTY, NEW MEXICO	
21		
22	APPLICATION OF MEWBOURNE OIL	Case No.
23	COMPANY TO RE-OPEN CASE NO. 22647	23083
24	FOR COMPULSORY POOLING, EDDY	
25	COUNTY, NEW MEXICO	

1	APPLICATION OF CIMAREX ENERGY	Case No.
2	CO., FOR COMPULSORY POOLING AND	23084
3	OVERLAPPING WELL UNITS, EDDY	
4	COUNTY, NEW MEXICO	
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6	APPLICATION OF CIMAREX ENERGY CO	Case No.
7	FOR COMPULSORY POOLING AND	23085
8	APPROVAL OF OVERLAPPING WELL	
9	UNITS, EDDY COUNTY, NEW	
10	MEXICO	
11		
12	NOTICE OF VIOLATION TO PETRO MEX,	Case No.
13	LLC	22817
14		
15	APPLICATION OF INVITO OPERATING, LLC	Case No.
16	FOR COMPULSORY POOLING, LEA COUNTY,	22925
17	NEW MEXICO	
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19	APPLICATION OF PRIDE ENERGY COMPANY	Case No.
20	FOR COMPULSORY POOLING, LEA COUNTY,	22935
21	NEW MEXICO	
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23	APPLICATION OF PRIDE ENERGY COMPANY	Case No.
24	FOR COMPULSORY POOLING, LEA COUNTY,	22935
25	NEW MEXICO	

1 APPLICATION OF PRIDE ENERGY COMPANY Case No.
2 FOR COMPULSORY POOLING, LEA COUNTY, 22936
3 NEW MEXICO

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5 VIDEOCONFERENCE HEARING

6 DATE: Thursday, October 6, 2022

7 TIME: 9:17 a.m.

8 BEFORE: Hearing Examiner Bill Brancard

9 Technical Examiner John Garcia

10 LOCATION: Remote Proceeding

11 Santa Fe, NM 87501

12 REPORTED BY: Dana Fulton, Notary Public

13 JOB NO.: 5430217

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A P P E A R A N C E S (Cont'd)
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BTA OIL PRODUCERS, LLC:
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1 A P P E A R A N C E S (Cont'd)

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9 ON BEHALF OF ADVANCE ENERGY PARTNERS, HAT MESA, LLC,
10 OXY USA, and ENDURING RESOURCES, LLC.:

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1 ALSO PRESENT:

2 Vivian Mitchell, Allottee (by videoconference)

3 Mr. Mitch Krakauska, Landman for Strata

4 Production (by videoconference)

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I N D E X

WITNESS(ES) :	DX	CX	RDX	RCX
RILEY MORRIS	64			
HOLDEN ALLEN	69			
ANITA ASHLAND	208			

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E X H I B I T S

NO.	DESCRIPTION	ID/EVD
	(None marked.)	

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P R O C E E D I N G S

THE HEARING EXAMINER BRANCARD: These are the hearings of the New Mexico Oil Conservation Division. My name is Bill Brancard. I am the hearing examiner today. With me is technical examiner, is Mr. John Garcia. We may have other technical examiners for specific hearings. We will let you know.

I don't think I have any other announcements today. I think hopefully all of you are getting used to our new e-mail addresses. Pretty exciting.

John, do you have any announcements?

THE TECHNICAL EXAMINER: I do not.

THE HEARING EXAMINER BRANCARD: And I hope you all have recovered from your NMOGA meetings and are ready to go here.

So let's start out. We have a worksheet posted on our website. There are 64 cases listed. A whole bunch of status conferences to start out, a few motions, and then we have about 40 or so hearings. So we'll probably be here all morning at least.

Anyway, let me start with Items 1 through 8. These are cases 21683, 21685, 22103, 22104, 22083, 22084, 22114, 22115, and -- no, that's

1 it. Let's stop there and start with Matador
2 Production Company.

3 MR. FELDEWERT: May it please the
4 Examiner, Michael Feldewert with the Santa Fe office
5 of Holland Hart appearing on behalf of Matador
6 Production Company. I'm also separately appearing on
7 behalf of XTO Energy, Inc.

8 And I want to say good morning to our
9 court reporter who hails from Saint Louis so I'm sure
10 she's a Cardinal fan.

11 THE REPORTER: Yes. Yes.

12 THE HEARING EXAMINER BRANCARD: You
13 don't have a choice there.

14 And then we have what started out as
15 EGO Resources, but I now believe is Earthstone
16 Operating?

17 MR. PADILLA: Yes, Mr. Examiner.
18 Ernest L. Padilla for Earthstone. And Earthstone has
19 taken over from EGO from all his cases.

20 THE HEARING EXAMINER BRANCARD: All
21 right. A few other entries of appearance.

22 EOG Resources. Mr. Parrot, you are
23 muted.

24 MR. PARROT: Of course I was. This is
25 James Parrot with Beatty and Wozniak representing EOG

1 Resources.

2 THE HEARING EXAMINER BRANCARD: Thank
3 you.

4 I think I also have an entry here from
5 Matador Production Company on -- oh, yeah, okay.
6 You're already in this case.

7 MR. FELDEWERT: Yes, sir.

8 THE HEARING EXAMINER BRANCARD: And you
9 have XTO.

10 Are there any other entries and
11 appearances then for cases 21683, 685, 22103, 104,
12 083, 084, 114, 115?

13 MR. SAVAGE: Good morning, Mr. Hearing
14 Examiner. Darin Savage with the Santa Fe Office of
15 Abadie and Schill on behalf of Cimarex Energy Company.
16 And we made appearances in Cases 22083 and 22084.

17 THE HEARING EXAMINER BRANCARD: All
18 right. Are there any other interested persons for
19 these cases? Hearing none.

20 Mr. Feldewert, we've been here a few
21 times before on these cases. Where are we at?

22 MR. FELDEWERT: Well, Mr. Examiner,
23 these cases are a part of an ongoing and what I
24 understand to be a productive discussion about an
25 acreage trade involving various acreage in 19 South 34

1 East.

2 Like I said, those -- I checked with
3 the clients, and those discussions are productive and
4 ongoing. And so we would ask for an additional status
5 conference either in November or December, whatever
6 you think is best.

7 THE HEARING EXAMINER BRANCARD: I would
8 suggest December.

9 Mr. Padilla?

10 MR. PADILLA: I concur with
11 Mr. Feldewert. My clients tell me that they're making
12 progress on the trade-out. That they need more time.

13 THE HEARING EXAMINER BRANCARD: All
14 right.

15 Mr. Parrot, any comments?

16 MR. PARROT: No objection. Thank you.

17 THE HEARING EXAMINER BRANCARD: Thank
18 you.

19 Mr. Savage?

20 MR. SAVAGE: No objection. Thank you.

21 THE HEARING EXAMINER BRANCARD: All
22 right. With that, we will set the status conference
23 for these cases on December 1, and I will issue an
24 order.

25 MR. FELDEWERT: Thank you, sir.

1 MR. PADILLA: Thank you.

2 MR. PARROT: Thank you.

3 THE HEARING EXAMINER BRANCARD:

4 Marlene, I forgot to ask you, we have the schedule for
5 2023 hearings up on the website yet?

6 MS. SALVIDREZ: Yes, sir.

7 THE HEARING EXAMINER BRANCARD: All
8 right. Just so everyone's aware, the dates for 2023
9 hearings are now on the website.

10 With that, I'll call Items 9 and 10.
11 These are Cases 22584, 22813 Matador Production
12 Company.

13 MS. VANCE: Good morning, Mr. Hearing
14 Examiner. Paula Vance with the Santa Fe office of
15 Holland and Hart on behalf of MRC.

16 THE HEARING EXAMINER BRANCARD: Thank
17 you.

18 Earthstone Operating.

19 MS. HARDY: Good morning, Mr. Examiner.
20 Dana Hardy with the Santa Fe office of Hinkle Shanor,
21 on behalf of Earthstone Operating.

22 THE HEARING EXAMINER BRANCARD: Thank
23 you.

24 Okay. So I have an entry for Chisholm
25 but is that Earthstone, Ms. Hardy?

1 MS. HARDY: It is, Mr. Examiner.

2 THE HEARING EXAMINER BRANCARD: Okay.

3 ConocoPhillips. Anybody here from --

4 yep.

5 MS. RYAN: I'm here. Good morning, Mr.

6 Examiner. Beth Ryan on behalf of ConocoPhillips.

7 THE HEARING EXAMINER BRANCARD: Thank

8 you.

9 I think we got a notice that Avant
10 Operating is out.

11 MS. BENNETT: Good morning,
12 Mr. Examiner. This is Deanna Bennett on behalf of
13 Avant Operating and that is correct.

14 THE HEARING EXAMINER BRANCARD: Okay.
15 And then I have Fasken Oil and Ranch.

16 MS. SHAHEEN: Good Morning. Sharon
17 Shaheen, Montgomery and Andrews on behalf of Fasken
18 Oil and Ranch. And I would note that we entered an
19 appearance in 22813 late yesterday as well as in
20 22584.

21 THE HEARING EXAMINER BRANCARD: Oh,
22 good. Thank you.

23 Where are we with these cases?

24 I'll start with -- I'll start with Ms.
25 Hardy.

1 MS. HARDY: Sure, Mr. Examiner. The
2 parties are still negotiating, and I believe would
3 like more time to reach an agreement. So I would
4 propose that the cases be set for another status
5 conference on November 17th, if that's possible.

6 THE HEARING EXAMINER BRANCARD: It's
7 possible.

8 Ms. Vance?

9 MS. VANCE: I have the same
10 understanding from Matador, but I think that we were
11 looking for December 1st to set another status
12 conference if that would be agreeable to Earthstone or
13 to the Division.

14 THE HEARING EXAMINER BRANCARD: Let me
15 go around, check with other folks here.

16 Any comments from ConocoPhillips?

17 MS. RYAN: We have no objection to
18 either the November date or the December date.

19 THE HEARING EXAMINER BRANCARD: Thank
20 you.

21 Fasken Oil and Ranch?

22 MS. SHAHEEN: No objection to either
23 date. The only thing that Fasken wanted me to mention
24 today is that they are still waiting to receive an
25 Operating Agreement from Earthstone. I believe they

1 asked for that and are looking forward to receiving
2 it.

3 THE HEARING EXAMINER BRANCARD: Thank
4 you.

5 All right. Ms. Hardy, any objections
6 to December 1st?

7 MS. HARDY: No, I think that's fine,
8 Mr. Examiner. And it was my understanding that JOA
9 had been provided to Fasken, but I will double-check
10 on that.

11 THE HEARING EXAMINER BRANCARD: All
12 right. So this is a status conference; correct?

13 MS. HARDY: Correct.

14 MS. SHAHEEN: Correct.

15 THE HEARING EXAMINER BRANCARD: Okay.
16 So we will set a status conference for Cases 22584,
17 22813 on December 1st.

18 MS. HARDY: Thank you.

19 MS. RYAN: Thank you.

20 THE HEARING EXAMINER BRANCARD: Thank
21 you.

22 All right. We're now on Items 11 and
23 12. This is Cases 22871, 22872, Chevron USA.

24 MR. FELDEWERT: Good morning, Mr.
25 Examiner. Michael Feldewert with the Santa Fe Office

1 of Holland and Hart on behalf of Chevron.

2 THE HEARING EXAMINER BRANCARD: Thank
3 you.

4 Cimarex Energy.

5 MR. BRUCE: Jim Bruce on behalf of
6 Cimarex Energy Company.

7 THE HEARING EXAMINER BRANCARD: Thank
8 you.

9 Any other interested appearances in
10 22871, 872?

11 So my understanding, Mr. Feldewert,
12 maybe, Mr. Bruce, is that you had --

13 Mr. Bruce, you had cases that have been
14 dismissed that are now being replaced by new cases?
15 Mr. Bruce?

16 MR. BRUCE: Mr. Examiner, yes. Chevron
17 has filed these cases. Cimarex has filed competing
18 cases that are set on the November 3 docket, and these
19 are cases that we brought up before that the fact
20 situation is pretty basic between these Bone Spring
21 cases and the Wolf Camp cases which are subject to an
22 order on appeal to the Commission regarding the Wolf
23 Camp formation.

24 And probably next week I am going to
25 file a motion with the Division to refer the Spring

1 cases to the Commission because of the common fact
2 pattern and therefore -- and I'm also the noble appeal
3 of the Wolf Camp Order is currently set for a week
4 from now, but I've informed everyone and without
5 Mister -- without objection from Mr. Feldewert.

6 Today, I will be filing a Motion for
7 Continuance of the Wolf Camp cases and Cimarex would,
8 you know, and of course, the Division may not grant
9 the reference motion but regardless, I think Cimarex
10 would like to see these cases continued to a December
11 docket.

12 THE HEARING EXAMINER BRANCARD: Okay.
13 So let me just get the numbers straight here. Mr.
14 Bruce, you had cases 22649 through 652 those have been
15 dismissed and they are replaced by 23088 through
16 23091. Is that correct?

17 MR. BRUCE: That is correct.

18 THE HEARING EXAMINER BRANCARD: Okay.
19 And whatever order we issue, I assume you want those
20 new cases added to it.

21 MR. BRUCE: Yes, sir.

22 THE HEARING EXAMINER BRANCARD: Thank
23 you.

24 All right. Mr. Feldewert, did you get
25 all of that from Mr. Bruce?

1 MR. FELDEWERT: Yes, I did. And I
2 don't have a -- I think it makes sense to continue. I
3 guess, let me step back. His cases are going to be on
4 the November 3rd docket. I suppose it makes sense,
5 Mr. Examiner, to continue the cases on the November
6 3rd docket and then these cases to the December docket
7 where we may have some additional clarity on what's
8 going to happen.

9 THE HEARING EXAMINER BRANCARD: Well, I
10 assume we want everybody on the same docket.

11 MR. FELDEWERT: Yes. So our cases
12 today would be moved to the December docket. Jim's
13 cases that's going to be on the November 3rd docket
14 would also be moved to the December docket.

15 THE HEARING EXAMINER BRANCARD: Okay.

16 Mr. Bruce, I think we have to do that.
17 November 3rd is pretty jammed at this point anyway.

18 MR. BRUCE: Yeah. Okay. That's great.

19 THE HEARING EXAMINER BRANCARD: And
20 then that gives you enough time to decide whether you
21 want to file a Motion to Certify the cases.

22 MR. BRUCE: Yes, and I will be doing
23 that next week.

24 THE HEARING EXAMINER BRANCARD: All
25 right. So then why don't we set this -- we setting it

1 for a hearing or a status conference?

2 MR. BRUCE: Probably a hearing. Well,
3 I'll tell you what. Could we set it for the first
4 December docket for a status conference and I'm not
5 sure, I think I will be filing, like I said, a Motion
6 to Continue the Wolf Camp De Novo Order for December
7 and I'm sure that would probably be, you know, a week
8 after that and maybe the best thing to do is set for a
9 status conference. By which time we'll have a better
10 idea of what's going on.

11 THE HEARING EXAMINER BRANCARD: Mr.
12 Feldewert, you okay with that, December 1 status
13 conference?

14 MR. FELDEWERT: That makes sense to me.
15 Yes.

16 THE HEARING EXAMINER BRANCARD: All
17 right.

18 MR. FELDEWERT: Yes. Yeah.

19 THE HEARING EXAMINER BRANCARD: You
20 know if you file a Motion to Certify, you'll have a
21 decision certainly by then.

22 MR. BRUCE: Yes. Thank you.

23 THE HEARING EXAMINER BRANCARD: All
24 right. So Cases 22871, 22872 will be set for a status
25 conference for December 1. We will add to that order

1 Cases 23088 through 23091. Thank you all.

2 With that, we have a series of status
3 conferences based on objections. Let's start with
4 Item Number 13 Case 22701 Legacy Reserves Operating.

5 MR. PARROT: Good morning, Mr.
6 Examiner, this is James Parrot with Beatty and
7 Wozniak, representing Legacy Reserves.

8 THE HEARING EXAMINER BRANCARD: Okay.
9 Thank you.

10 And we have an objection to Affidavit
11 Hearing from COG Operating.

12 MS. RYAN: Yes, sir, this is Beth Ryan
13 on behalf of COG Operating.

14 THE HEARING EXAMINER BRANCARD: Thank
15 you.

16 So let me start with the basic
17 question, Ms. Ryan. Is COG planning on filing a
18 competing application here?

19 MS. RYAN: We are still working through
20 some of those issues, but I do think we are okay with
21 setting a contested hearing date in December.

22 THE HEARING EXAMINER BRANCARD: All
23 right. Any comments, Mr. Parrot?

24 MR. PARROT: That'd be Legacy's Request
25 as well, it be a December 1st contested hearing date.

1 THE HEARING EXAMINER BRANCARD: Are
2 there any other interested persons to Case 22701?

3 MR. BRUCE: Mr. Examiner, Jim Bruce,
4 entering an appearance on behalf of Mewbourne Oil
5 Company and Mewbourne has no objection to what has
6 been requested.

7 THE HEARING EXAMINER BRANCARD: All
8 right. Okay. December 1 is pretty full with new --
9 is going to be full with new cases so we're going to
10 go for December 15 for a hearing date.

11 MR. PARROT: Okay, thank you.

12 MS. RYAN: Thanks.

13 THE HEARING EXAMINER BRANCARD: All
14 right. So with that Case 22701 is set for a hearing
15 on December 15. I will issue a Prehearing Order if
16 COG files any competing -- cases. Please let us know.

17 MR. PARROT: Just a housekeeping
18 question, is COG required to file a continuance for
19 this, or is it continued by virtue of our discussion
20 just now?

21 THE HEARING EXAMINER BRANCARD: You
22 mean if they file a competing case or -- oh, for your
23 case.

24 MR. PARROT: Yes.

25 THE HEARING EXAMINER BRANCARD: Do they

1 have to pay the \$150?

2 MR. PARROT: Or does anybody need to?
3 Does anybody need to file anything?

4 THE HEARING EXAMINER BRANCARD: Yes,
5 you need to file a continuance. Somebody needs to
6 file a continuance to December 15th.

7 MS. RYAN: We'll do that.

8 MR. PARROT: Okay.

9 MS. RYAN: We'll get that filed.

10 MR. PARROT: Thanks, Ms. Ryan.

11 MS. RYAN: Yeah.

12 THE HEARING EXAMINER BRANCARD: Thank
13 you.

14 Okay. With that, we're on Item Number
15 14 Case 23042 Mewbourne Oil Company.

16 MR. FELDEWERT: If it pleases the
17 Examiner, Michael Feldewert with the Santa Fe Office
18 of Holland and Hart on behalf of Mewbourne Oil
19 Company.

20 THE HEARING EXAMINER BRANCARD: All
21 right. Mewbourne is seeking to revoke the injection
22 of Endeavor Energy Resources and surprisingly enough
23 Endeavor Energy Resources objects. Who's here for
24 Endeavor?

25 MS. SHAHEEN: Sharon Shaheen,

1 Montgomery and Andrews, on behalf of Endeavor.

2 THE HEARING EXAMINER BRANCARD: So I
3 assume we want a contested hearing on this particular
4 application. There's not going to be a competed
5 application, I assume, and so we simply need to set a
6 date for hearing on this?

7 MR. FELDEWERT: Yes, sir.

8 THE HEARING EXAMINER BRANCARD: Ms.
9 Shaheen? Any thoughts?

10 MS. SHAHEEN: Yes, I would note that
11 Endeavor's making every effort to resolve the issue
12 with Mewbourne but would like to go ahead and set a
13 contested hearing date. And I'll just note for the
14 record that we would only be available on November
15 17th or December 15th, and we would prefer that it be
16 set for December 15th at the earliest.

17 THE HEARING EXAMINER BRANCARD: Okay.
18 Mr. Feldewert, December 15th hearing.

19 MR. FELDEWERT: Well, I guess my hands
20 are tied. We could go on November 17th.

21 MS. SHAHEEN: I think it would be
22 helpful to give the parties some extra time to work
23 this through and so I would suggest the later date if
24 possible.

25 THE HEARING EXAMINER BRANCARD: All

1 right. Let's set this for a December 15th hearing as
2 we watch our dockets fill up here. I will issue a
3 Pre-Hearing Order. Do we have any interested person
4 in -- for Case 23042? Thank you. Hearing on December
5 15th.

6 MR. FELDEWERT: Thank you.

7 MS. SHAHEEN: Thank you.

8 MR. FELDEWERT: Ms. Shaheen, I'm going
9 to make you file the continuance notice.

10 MS. SHAHEEN: I'm happy to do that, Mr.
11 Feldewert.

12 MR. FELDEWERT: Thank you.

13 THE HEARING EXAMINER BRANCARD: All
14 right. We're on Item 15 Case 23045 Mewbourne Oil
15 Company.

16 MS. HARDY: Mr. Examiner, Dana Hardy
17 with the Santa Fe Office of Hinkle Shanor, on behalf
18 of Mewbourne.

19 THE HEARING EXAMINER BRANCARD: We have
20 an objection from MRC Permian Company.

21 MR. FELDEWERT: May it please the
22 Examiner, Michael Feldewert appearing on behalf of
23 Matador Production Company and MRC Delaware Resources,
24 LLC.

25 THE HEARING EXAMINER BRANCARD: Thank

1 you.

2 Are there any other interested persons
3 for Case 23045? Hearing none. This is an Objection
4 Application, I believe.

5 Is that correct, Ms. Hardy?

6 MS. HARDY: Correct. Yes, it is.

7 THE HEARING EXAMINER BRANCARD: All
8 right. And MRC would like a hearing on this, Mr.
9 Feldewert?

10 MR. FELDEWERT: Well, we object at this
11 point at this time to the application. There's some
12 confusion. I guess theirs was filed as an Amended
13 Application so I'm not sure what prompted the Amended
14 Application and Matador and MRC received notice as
15 offsetting operators.

16 So my understanding is they seek to
17 convert an existing wellbore into a disposal well on
18 this Cisco Formation which would be the upper pan
19 field.

20 So I think my clients are still trying
21 to understand the status procedurally here given that
22 they filed some kind of, I guess, Amended Application
23 and trying to ascertain what impacts it would have on
24 their offsetting acreage at this point.

25 THE HEARING EXAMINER BRANCARD: Okay.

1 So we probably should just set a date for a hearing
2 and then if you manage to resolve this in the meantime
3 that would be fine.

4 MR. FELDEWERT: Okay.

5 MS. HARDY: Mr. Examiner, I agree.
6 Mewbourne would like to have this set for a hearing in
7 December.

8 THE HEARING EXAMINER BRANCARD: All
9 right. We'll try again with a December 15 even though
10 it's really filling up but --

11 MR. FELDEWERT: Hey, Ms. Hardy, do you
12 know why you filed an Amended Application? Can you
13 just let me know, please?

14 MS. HARDY: Sure.

15 MR. FELDEWERT: Okay.

16 MS. HARDY: I can actually just tell
17 you right now if you'd like, Mr. Feldewert.

18 MR. FELDEWERT: Sure.

19 MS. HARDY: It was just a correction
20 on, I believe, two of the pages regarding the
21 injection -- so we had what was basically -- I think
22 really, it was just a typo, so we were making it that,
23 consistent with the rest of the application so it was
24 pretty minor. That was it.

25 MR. FELDEWERT: Okay.

1 THE HEARING EXAMINER BRANCARD: Thank
2 you. We like consistency here.

3 MS. HARDY: That's what we shoot for.

4 THE HEARING EXAMINER BRANCARD: All
5 right. With that, there are no other objections.
6 Case 23045 will be set for a hearing on December 15th.
7 I will issue a Pre-Hearing Order.

8 MR. FELDEWERT: Thank you.

9 MS. HARDY: Thank you.

10 THE HEARING EXAMINER BRANCARD: All
11 right. We're at Item 16. This is Case 23046 Spur
12 Energy Partners.

13 MS. HARDY: May it please the Examiner,
14 Dana Hardy, with Hinkle Shanor, on behalf of Spur
15 Energy Partners.

16 THE HEARING EXAMINER BRANCARD: All
17 right. And I believe we have an objection from Apache
18 Corporation.

19 MR. DEBRINE: Good morning, Mr.
20 Examiner. Earl DeBrine with Modrall Sperling Firm in
21 Albuquerque on behalf of Apache Corporation.

22 THE HEARING EXAMINER BRANCARD: All
23 right. Are there any other interested persons first
24 for Case 23046? Okay.

25 Mr. DeBrine, is Apache considering

1 filing a Contested -- Competing Applications in this
2 case?

3 MR. DEBRINE: Not at this time. We're
4 just trying to work with Spur to reach an agreement on
5 this matter and need additional time to work things
6 out.

7 THE HEARING EXAMINER BRANCARD: All
8 right. Would you prefer a date for a contested
9 hearing or a status conference?

10 MR. DEBRINE: I believe a status
11 conference would work in this matter, Mr. Examiner.

12 THE HEARING EXAMINER BRANCARD: All
13 right. Ms. Hardy?

14 MS. HARDY: I agree. I know that Spur
15 and Apache are working to resolve their issues and
16 hopefully that can be accomplished relatively quickly.
17 I think it would be Spur's preference to have this
18 matter set for a status conference on the October 20th
19 docket with the hope that the issues will be resolved,
20 and we could present the case by Affidavit at that
21 time.

22 THE HEARING EXAMINER BRANCARD: October
23 20? Goodness. Let's set this for November 3rd; okay?
24 Status conference and yes, if you file something to
25 convert this to a hearing, you need to file something.

1 Let us know that.

2 MS. HARDY: I will do that.

3 MR. DEBRINE: That works. Thanks.

4 THE HEARING EXAMINER BRANCARD: All
5 right. Thank you. That is Case 23046. We are now on
6 Items 17 Case 23074.

7 MS. VANCE: Good morning,
8 Mr. Hearing --

9 THE HEARING EXAMINER BRANCARD:
10 Centennial Resource Production.

11 MS. VANCE: Sorry, Mr. Hearing
12 Examiner. Paula Vance with the Santa Fe office of
13 Holland and Hart on behalf of Centennial Resource
14 Production.

15 THE HEARING EXAMINER BRANCARD: Thank
16 you.

17 And who is our other entry of
18 appearance here for Case 23074?

19 MR. BRUCE: Mr. Examiner, Jim Bruce on
20 behalf of BTA Oil Producers, LLC.

21 THE HEARING EXAMINER BRANCARD: Thank
22 you. And from what I understood from some e-mails
23 that BTA was going to object to this case. Is that
24 correct, Mr. Bruce?

25 MR. BRUCE: Yes. They required an

1 interest from a party who was notified of this
2 hearing, and they are deciding whether to join in the
3 well or to file a counter application and they need a
4 little time to review everything and make that
5 decision.

6 THE HEARING EXAMINER BRANCARD: All
7 right. So should we set this for a hearing then?

8 MR. BRUCE: I'll leave that -- probable
9 for a hearing, yes, and I mean, if a counter
10 application is filed that hearing would have to be
11 continued but I think that Centennial would probably
12 like a hearing date.

13 MS. VANCE: That's correct, Mr. Bruce.
14 Mr. Hearing Examiner, it would be Centennial's
15 preference to set this for a hearing on the November
16 3rd docket, if possible.

17 THE HEARING EXAMINER BRANCARD: We
18 already have a slew of contest hearings set for
19 November 3rd so we would set this a hearing --

20 MR. BRUCE: Yeah, and I would
21 probably --

22 THE HEARING EXAMINER BRANCARD: I'm
23 sorry, Mr. Bruce. If I understand it, we would set
24 this for hearing, you might resolve this, but if not,
25 you might file a Competing Application.

1 MR. BRUCE: That is correct, sir.

2 THE HEARING EXAMINER BRANCARD: Okay.

3 So okay. We can set this for November 17th because it
4 looks like a good chance, we will not have a hearing
5 on November 17th just because other things may happen
6 with the parties.

7 MS. VANCE: Mr. Hearing Examiner, you
8 said November 17th because --

9 THE HEARING EXAMINER BRANCARD: Yes.

10 MS. VANCE: Okay. So the November 3rd
11 hearing docket is not available?

12 THE HEARING EXAMINER BRANCARD: Is
13 full. It's way full. We're getting a lot of new
14 applications, so these first-of-the-month dockets are
15 pretty full. And then we've already a whole number
16 of -- from previous hearings, contested hearings to
17 the November 3rd docket so it's full.

18 So I will set this for November 17th
19 hearing and issue a Pre-Hearing Order. Are we okay
20 parties?

21 MS. VANCE: Thank you.

22 THE HEARING EXAMINER BRANCARD: Thank
23 you.

24 MS. VANCE: Yes.

25 THE HEARING EXAMINER BRANCARD: All

1 right. We are now on Item 18 Case 23081 Longfellow
2 Energy.

3 MS. SHAHEEN: Morning, Mr. Examiner.
4 Sharon Shaheen, Montgomery and Andrews, on behalf of
5 Longfellow Energy.

6 THE HEARING EXAMINER BRANCARD: All
7 right. And I think we have an objection from Apache
8 Corporation.

9 MR. DEBRINE: Good morning, Mr.
10 Examiner. Earl DeBrine with Modrall Sperling Firm in
11 Albuquerque, on behalf of Apache Corporation.

12 THE HEARING EXAMINER BRANCARD: All
13 right. Mr. DeBrine, once -- well, first let me ask
14 are there any other interested persons for Case 23081?
15 Hearing none.

16 Mr. DeBrine, once again, do you think
17 Apache is going to file a Competing Application or
18 just need time to think about this? Where are we?

19 MR. DEBRINE: Not at this time. We
20 just need additional time to try to work things out.
21 There's an issue with regard to Apache's ownership
22 interest in the proposed spacing unit that we're
23 trying to resolve and hopefully, within about a
24 month's time, we can work those issues through.

25 THE HEARING EXAMINER BRANCARD: All

1 right. So would you prefer a status conference or a
2 hearing date?

3 MR. DEBRINE: I believe a status
4 conference would work.

5 THE HEARING EXAMINER BRANCARD: All
6 right. I'm going to Longfellow.

7 MS. SHAHEEN: Yes, Longfellow would
8 prefer to set this for hearing. I'm not sure exactly
9 what Apache's concern is. They've been provided with
10 their title attorney's assessment of their division of
11 interest, and they disputed, I think, to the tune of
12 about 60 acres, which doesn't really put them in the
13 position of having the majority of the interest.

14 Long story short, Longfellow would like
15 to set this for a contested hearing as soon as
16 possible.

17 THE HEARING EXAMINER BRANCARD: All
18 right. Why don't we set this for a hearing on
19 November 17th? If the parties resolve the contested
20 hearing, you can reclassify it as an Affidavit Hearing
21 and go forward that date.

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

23 MR. DEBRINE: Thank you, Mr. Examiner.

24 THE HEARING EXAMINER BRANCARD: All
25 right. I think we're on our last status conference

1 here. Case 22782 Whiptail Midstream.

2 MR. SAVAGE: Good morning, Mr. Hearing
3 Examiner. Darin Savage with Abadie and Schill on
4 behalf of Whiptail Midstream, LLC.

5 THE HEARING EXAMINER BRANCARD: All
6 right. Oil Conservation Division.

7 MS. LUCK: Good Morning. Kaitlyn Luck
8 with the Oil Conservation Division.

9 THE HEARING EXAMINER BRANCARD: All
10 right. I believe this is an appeal of a compliance
11 issue and the parties have been trying to work this
12 out.

13 Mr. Savage?

14 MR. SAVAGE: That's correct. The OCD
15 has requested additional time for the response that
16 they are providing and we're amendable to that
17 request. We hope to have some discussion with the OCD
18 in the next couple of weeks and we would ask for a
19 status conference on the November 3rd docket if that's
20 available and there's no objection.

21 THE HEARING EXAMINER BRANCARD: Thank
22 you.

23 Ms. Luck? What's the Division's
24 position?

25 MS. LUCK: I agree with everything Mr.

1 Savage has stated as far as the parties requesting
2 additional time. I do understand the November 3rd
3 docket may be full so, so long as Whiptails okay with
4 it, the Division is okay with a status conference on
5 November 17th.

6 And I think the Division has internally
7 worked out its process and is in a position to provide
8 a response to what tails, so we just need to have
9 those conversations now.

10 THE HEARING EXAMINER BRANCARD: Okay.
11 Thank you. Well, if we're just having a status
12 conference, I think we can do it November 3rd. So
13 we'll schedule this for November 3rd status
14 conference.

15 MS. LUCK: Thank you.

16 THE HEARING EXAMINER BRANCARD: Any
17 other interested persons for Case 22782? Hearing
18 none. This will be set for a November 3rd status
19 conference.

20 MR. SAVAGE: Thank you.

21 THE HEARING EXAMINER BRANCARD: Okay.
22 We're now on Item 20 22817 Petro Mex LLC. Well, let
23 me try Oil Conservation Division.

24 Ms. Luck, are you still on the line?

25 Is Mr. Tremaine there?

1 My understanding was that Petro Mex
2 filed a Motion for Continuance with their Pre-Hearing
3 Statement. I had not heard whether the Division --
4 the Division did respond yesterday. Okay. The
5 Division is requesting a continuance through November
6 17th and seeing that nobody's here to object, we will
7 agree to a November 17th continuance. Thank you.

8 Item Number 21 Case 22987 Matador
9 Production Company.

10 MS. VANCE: Good morning, Mr. Hearing
11 Examiner. Paula Vance with the Santa Fe office of
12 Holland and Hart on behalf of Matador.

13 THE HEARING EXAMINER BRANCARD: All
14 right. Thank you. I think this is just a late file
15 continuance, Ms. Vance. Is there any other persons
16 here for Case 22987? Hearing none.

17 Is that correct? Did you have a
18 specific date that you requested?

19 MS. VANCE: Let me double-check. I
20 don't remember what we filed in there, but I can look
21 very quickly. I think it was to the --

22 MS. SALVIDREZ: It was October 20th.

23 MS. VANCE: October 20th.

24 Thank you. Thank you, Marlene.

25 THE HEARING EXAMINER BRANCARD: Okay.

1 And this is not a contested case; correct?

2 MS. VANCE: No, that's correct, Mr.
3 Examiner.

4 THE HEARING EXAMINER BRANCARD: All
5 right. Assuming there are no objections, the case
6 will be continued to October 20th.

7 MS. VANCE: Thank you.

8 THE HEARING EXAMINER BRANCARD: All
9 right. So we're on Items 22 and 23, 23054, 23055
10 Devon Energy Production.

11 MS. LUCK: Mr. Hearing Examiner, this
12 is Kaitlyn Luck again with the Division. Sorry, I
13 logged off and I understand there was another update
14 regarding Case 22817.

15 THE HEARING EXAMINER BRANCARD: Yes, I
16 believe Mr. Tremaine filed yesterday to continue it to
17 November 17th.

18 MS. LUCK: Oh, okay. Great.

19 THE HEARING EXAMINER BRANCARD: So
20 we've agreed to that.

21 MS. LUCK: Thank you.

22 THE HEARING EXAMINER BRANCARD: And no
23 one from Petro Mex appeared so.

24 MS. LUCK: Oh, okay. Thanks.

25 THE HEARING EXAMINER BRANCARD: Mr.

1 Savage, you can unmute yourself and --

2 MR. SAVAGE: Thank you, Mr. Hearing
3 Examiner. Darin Savage with Abadie and Schill on
4 behalf of Devon Energy Production Company, LP.

5 THE HEARING EXAMINER BRANCARD: Okay.
6 I believe there was a late file Motion to Dismiss
7 these two cases. Is that correct, Mr. Savage?

8 MR. SAVAGE: That is correct. We did
9 an Amended Applications and -- to replace these two
10 cases and those new cases are 23147 and 23148. We'd
11 like to proceed with those. We requested November 3rd
12 hearing date on those.

13 THE HEARING EXAMINER BRANCARD: Okay.
14 Well, that's out of my hands but I can deal with this.
15 Are there any other interested persons
16 for Cases 23054, 055? Hearing none. The Motion to
17 Dismiss will be granted.

18 MR. SAVAGE: Thank you.

19 THE HEARING EXAMINER BRANCARD: All
20 right. We are now on hearings. And we are on Item 24
21 on the worksheet. This is Cases 22897, 22898, and I
22 will ask whether they need to be combined with the
23 following two cases. So Cimarex Energy.

24 MR. BRUCE: Mr. Examiner, Jim Bruce
25 representing Cimarex.

1 THE HEARING EXAMINER BRANCARD: Thank
2 you. And Mr. Bruce do you want to combine these with
3 23084 and 23085?

4 MR. BRUCE: Yes, sir.

5 THE HEARING EXAMINER BRANCARD: Thank
6 you. We will combine those.

7 So I have Chevron USA.

8 MR. FELDEWERT: May it please the
9 Examiner, Michael Feldewert, Santa Fe office, Holland
10 and Hart.

11 THE HEARING EXAMINER BRANCARD: All
12 right. Are there any other interested persons that we
13 now have four cases combined, 22897, 22898, 23084,
14 23085?

15 MR. FELDEWERT: Mr. Examiner, this is
16 Michael Feldewert, with the Santa Fe Office of Holland
17 and Hart. Yesterday we filed an appearance for MRC
18 Permian Company and MRC Permian LKE Company.

19 THE HEARING EXAMINER BRANCARD: Mr.
20 Feldewert, is that appearance in all four cases?

21 MR. FELDEWERT: Certainly in Cases
22 23084 and 23085. I don't recall if we did it for the
23 other two or not.

24 THE HEARING EXAMINER BRANCARD: Okay.
25 Any other interested persons for the cases I

1 mentioned, 22897, 898, 23084, 085?

2 Hearing nothing, Mr. Bruce, to explain
3 the applications.

4 MR. BRUCE: Yes, sir, and first of all,
5 Mr. Examiner, thank you for accommodating Mr.
6 Feldewert's schedule and my schedule by moving these
7 cases up and consolidating them.

8 What I plan on doing is briefly going
9 through the exhibits or maybe the exhibit packages are
10 almost identical, so I'll go through one set of the
11 exhibits for the two pooling applications.

12 The other applications are to allow two
13 operators in a well unit related to these
14 applications.

15 But I have my landman and geologist
16 available for Mr. Feldewert's questioning if that is
17 acceptable with him.

18 MR. FELDEWERT: Certainly.

19 MR. BRUCE: Mr. Examiner, in these
20 cases, in Case 23084 Cimarex seeks an order pooling
21 the Bone Spring Formation in the east-west half of
22 Sections 29 and 32 25 South 274 East.

23 And in Case 23085 they seek the pooling
24 of the same of the east half west half of Sections 29
25 and 32, same township and range for purposes of

1 drilling their southern hills 1H and 2H wells.

2 This has been through several
3 permutations, Mr. Examiner. They are only seeking to
4 force pool a certain portion of the Bone Spring
5 because of the depth severance of its acreage so
6 they're basic -- their target formation is the Harkey
7 Sands and the Bone Spring, and the depth severance is
8 set for in the Applications and in the Landman's
9 Affidavit.

10 And going through the Affidavit, the
11 Landman has submitted C-102s, land plats showing
12 working interest, information on the parties being
13 pooled.

14 The two parties being pooled are
15 Chevron USA, Inc. and Oxy Y-1 Company. Avo Petroleum,
16 Inc., does own an interest but they have signed a JOA,
17 and Cimarex does not seek to pool them.

18 The only other working interest owner
19 is Cimarex itself, which owns a majority working
20 interest owner.

21 Attachment 3, the landman's exhibit is
22 Exhibit 1 Attachment 3, it gives information.
23 Contacts with the parties as well as sample proposal
24 letter. And the AFEs which are stated to be fair and
25 reasonable for these wells.

1 And I should say upfront that Mr.
2 Morris, the landman, has previously testified before
3 the Division and has had his credentials accepted as a
4 matter of record.

5 Exhibit B is the Self Affirmed
6 Statement of Holden Allen, the geologist for Cimarex.
7 He has not previously testified but he does set forth
8 his educational and employment background in Paragraph
9 5 of his Affidavit and he's also attached his resume
10 and I would ask that he be recognized as an expert
11 petroleum geologist at this time.

12 THE HEARING EXAMINER BRANCARD: Thank
13 you, Mr. Bruce.

14 Any objections to the testimonial
15 witnesses, Mr. Feldewert?

16 MR. FELDEWERT: No, sir.

17 THE HEARING EXAMINER BRANCARD: Thank
18 you. So admitted as experts. But first, before I
19 open this up for questioning by others.

20 I just clicked on the case file, Mr.
21 Bruce, and it appears that you have submitted Amended
22 Exhibits.

23 MR. BRUCE: Yeah, there's just a --

24 THE HEARING EXAMINER BRANCARD: Could
25 you just explain what those are?

1 MR. BRUCE: The first one, that was the
2 revised Exhibit A. The Landman's Affidavit. Minor
3 changes and I can put my landman on and he can explain
4 any changes but they're minor. And that's Exhibit A.

5 And then revised Exhibit F, the pooling
6 checklist in each case, Mr. Morris, added some
7 language regarding the depth severance in those and
8 that's the only change. So there's really not that
9 much there.

10 And then the other item that was
11 changed was the geologist Exhibit P-1, it was just
12 clarified and corrected. That is the wine rack but --
13 and Mr. Allen can discuss what changes are in on that.
14 But I'll let the witnesses explain but it's really
15 nothing substantive.

16 THE HEARING EXAMINER BRANCARD: Okay.
17 So Mr. Feldewert, I believe you wanted to ask a few
18 questions.

19 MR. FELDEWERT: Yes, if I may.

20 THE HEARING EXAMINER BRANCARD: Mr.
21 Bruce, are we just dealing with two cases right now,
22 or are we dealing with all four?

23 MR. BRUCE: Let me go to the -- the
24 other cases 22897, 22898 were simply because in the
25 original applications or I think we're on the third

1 variant now of the Pooling Applications. I did not
2 ask for approval because there are two operators in
3 the Bone Spring as set forth in the exhibit package
4 for those two cases.

5 There are overlapping well units. The
6 COG Operating, LLC operates certain Bone Springs
7 acreage in the west half west half of Section 29 and
8 in the east half west half of Section 29 as do a
9 separate Bone Spring zone.

10 And Cimarex also has a well -- has
11 wells in that acreage in 160-acre laterals in Section
12 32. So I applied for approval of two operators.
13 Exhibit A contains that applications and proposed
14 notices. Exhibit B is the Affidavit of Mr. Morris.
15 And E simply goes through the basics of the
16 operatorship in these cases.

17 And notice was sent to the interest
18 owners as shown in the exhibit regarding the two
19 operators. And notice was given to the other operator
20 which is COG Operating and at the time I filed these
21 in, I guess, July, these exhibits, I did not have the
22 green card and I noticed I still owed the Division a
23 green card on these applications which I have in my
24 clamming little meat hooks right now and I will
25 subsequently file that.

1 But it was just to get approval of two
2 operators, and I have -- COG -- I've been in
3 discussions with COG's counsel, and they had no
4 objection to this matter. But with that, you know,
5 the I would just go through the pooling application a
6 little more briefly. The geologist's affidavit
7 contains the usual structure math. It's the cross-
8 section, et cetera.

9 The -- contains the affidavit of
10 mailing the publication notice and I believe the
11 publication notice is not the Affidavit of Public
12 Publication which I just received late yesterday. And
13 I will supplement the record with the actual Affidavit
14 of Public Publication.

15 And then there's the Pooling Checklist
16 which, like I said, were supplemented yesterday but
17 with that, I would turn it over to Mr. Feldewert.

18 THE HEARING EXAMINER BRANCARD: Thank
19 you.

20 So Mr. Feldewert, you can start the
21 questioning. And at this point, we are on all four
22 cases.

23 I assume you have the same witness for
24 each case, Mr. Bruce?

25 MR. BRUCE: Yes. On the line are Riley

1 Morris, the landman, and Holden Allen, the geologist.

2 THE HEARING EXAMINER BRANCARD: Okay.

3 So let's start this by having Mr. Morris and Mr. Allen
4 raise their right hands. Okay. In duplicate or
5 triplicate there but that'll work.

6 WHEREUPON,

7 RILEY MORRIS

8 called as a witness, and having been first duly sworn
9 to tell the truth, the whole truth, and nothing but
10 the truth, was examined and testified as follows:

11 All right. Mr. Feldewert, questions.

12 MR. FELDEWERT: Yes.

13 DIRECT EXAMINATION

14 BY MR. FELDEWERT:

15 Q I'll just start with the land issues first
16 so I guess that will be you, Mr. Morris; right?

17 A Yes, sir.

18 Q So I received your amended exhibits late
19 yesterday and saw them this morning. I guess you made
20 a change to your statement, and it looks to me like
21 you corrected the case number in Paragraph 6. That's
22 one of the changes that I see.

23 A Yes, sir, that's correct.

24 Q Was there any other change made to your Self
25 Affirmed Statement?

1 A In Case Number 23084, the populous well was
2 incorrectly called the 2H within the Affidavit. It
3 was actually the 4H. The API number is correct
4 though.

5 Q Okay. Was there any other change?

6 A I made a correction to make sure that we
7 were listing any override owners as potentially pooled
8 interests.

9 Q Okay. Any other change?

10 A No, sir, I don't believe so.

11 Q Okay. I guess it doesn't matter then which
12 one we look at but when I look at Paragraph 7 of your
13 Self-Affirmed Statement, you identify existing Bone
14 Spring wells in the acreage. My questions is, those
15 existing Bone Spring wells, do you know what target
16 interval they're in? What zone?

17 A I -- I believe those are all second Bone
18 Spring wells.

19 Q Okay.

20 A So they're a little bit shallower.

21 Q Thank you. So that would be then wells in
22 interval that's above the interval that you seek to
23 pool in these applications?

24 A Yes, sir. That's correct.

25 Q Okay. When I go to your chronology of

1 contacts, which is your attachment three to your
2 Affidavits and I believe it's the same for both
3 Affidavits; correct, Mr. Riley [sic]?

4 A Yes, sir. That is correct.

5 Q Okay. You state in there that with respect
6 to Oxy that you had some discussions in November 29th
7 of 2021 and then you say this concluded the
8 communication between Ms. Carr and myself.

9 Has there been any communication with Oxy
10 since November 2021?

11 A Yes, sir, there has. I've actually spoke
12 with a landman by the name of Hanna Eastwood regarding
13 the JOA. We haven't really made any progress or
14 traded any additional edits. She's recently moved
15 into that role for Oxy, but we are hopeful that we'll
16 be able to continue negotiations and have the execute
17 the JOA.

18 Q Okay. And those conversations occurred
19 when?

20 A Over the last couple of weeks.

21 Q Okay. All right. What about the MRC
22 Permian or Matador. Have you had any discussions with
23 them?

24 A No, sir. Matador did own in the three-mile
25 lateral the 2H when we had it planned as a three-mile

1 lateral. We have since revised that development plan
2 to only be two miles which would preclude any interest
3 owners in Section 20 from a well proposal in the 2H
4 well.

5 Q And so given -- so your proposed spacing
6 is -- let me step back. So the spacing units that you
7 now propose under these applications, do not involve
8 any interest owned by Matador or MRC Permian?

9 A No, sir. They do not.

10 Q Okay. And I believe you said because they
11 own in Section 20?

12 A Yes, sir.

13 Q Okay. All right. You mentioned that with
14 respect to Chevron there have been ongoing discussions
15 between Cimarex and Chevron concerning an acreage
16 trade in this general area. How would you
17 characterize the status of those trade discussions
18 with Chevron today?

19 A I would say that they are somewhat in a
20 holding pattern. We have discussed acreage north of
21 this in Sections 8, 17, and 20. Has been most at
22 issue and I think the parties that, you know, have
23 dealt with cases understand the nature of those being
24 somewhat tied to this development, you know, given the
25 proximity.

1 But as far as it goes with respect to these
2 particular cases, there hadn't been any real trade
3 negotiations involved with this acreage. It's more of
4 a, you know, looking for ideas on the three sections
5 to the north.

6 Q And how would you characterize the status of
7 the discussions for the three sections to the --

8 A I would describe them as, you know,
9 relatively positive. You know, as we stand right now,
10 those cases have been continued for a status
11 conference on December 1st to, you know, continue to
12 give the parties time to, you know, seek a resolution
13 on that acreage.

14 The last time that we spoke, it's probably
15 been within four to six weeks ago and it was
16 discussing the most recent trade proposal for interest
17 in the three sections to the north with some acreage
18 further to the south on the state line between
19 Culberson and Eddy Counties.

20 Q Okay. All right.

21 MR. FELDEWERT: Thank you, Mr. Morris.
22 That's all the questions I have.

23 WITNESS MORRIS: Yes, sir. Thank you.

24 THE HEARING EXAMINER BRANCARD: Mr.
25 Feldewert, are you done with your questions?

1 MR. FELDEWERT: I guess. Okay. I do
2 have some questions for the geologist so should I move
3 to that now, Mr. Brancard, or do you want to split it?

4 THE HEARING EXAMINER BRANCARD: Yes.
5 Yes, you should.

6 MR. FELDEWERT: Okay. All right.
7 WHEREUPON,

8 HOLDEN ALLEN
9 called as a witness, and having been first duly sworn
10 to tell the truth, the whole truth, and nothing but
11 the truth, was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. FELDEWERT:

14 Q That would be Mr. Allen; right?

15 A Yes, sir.

16 Q Okay. Mr. Allen, now, there was -- you made
17 a change it looks like to Exhibit B-1 which was just
18 recently filed so I haven't had a chance to do a
19 comparison. Can you tell me what change you made to
20 Exhibit B-1?

21 A Yes, sir. We removed a piece of the title
22 for grammatical error as well as on the 2-H. It
23 stated that it was a three-mile unit previously. We
24 adjusted that to being the two-mile that we are
25 proposing.

1 Q Okay. So if I look at what was originally
2 filed, Exhibit B-1, you have the 1-H which you labeled
3 two-mile and the 2-H which you labeled three miles you
4 changed it to two miles.

5 A Yes, sir.

6 Q Okay. You mentioned something with the
7 title, what was that?

8 A WYP was in the title, and we removed that.

9 Q Okay. All right. Now, your Affidavit talks
10 about what you describe as the Bone Springs Harkey
11 interval. Is that interval shown on Exhibit B-1 with
12 the green wells that are labeled 1H and 2H?

13 A Yes, sir.

14 Q Okay. And is that the interval that then is
15 also shown in Exhibit B-5 as the Bone Spring TZ?

16 A Yes, sir.

17 Q Okay. All right. You state in your
18 Affidavit that Exhibit B-1 reflects the optimal
19 spacing and configuration. Recall that testimony?

20 A Yes, sir.

21 Q All right. With respect to the 1H and the
22 2H in the Harkey Sands, when you say that it reflects
23 the optimal spacing of configuration you're talking
24 about that interval?

25 A Yes, sir.

1 Q Does Exhibit B-1 also reflect the optimal
2 spacing and configuration for the wells above that?

3 A Yes, sir.

4 Q Okay. And what zone are those wells
5 completed in?

6 A So the top row would be the Second Bone
7 Spring and then the lower would be that -- Wolf Camp.

8 Q Okay. Now, focusing in on the Harkey
9 interval. You have the 1H according to the CO2s
10 located 330 feet from the west line. And then the 2H
11 located 212 feet from the west line. That's the
12 optimal spacing and configuration you're talking
13 about?

14 A Yes, sir.

15 Q Okay. Why did you place 1,782 feet between
16 the two wells?

17 A Again, for the optimal design, sir.

18 Q Okay. Is that based on any information that
19 the company has? Another words, how did you determine
20 that 1,872 [sick] feet between the two wells is the
21 optimal spacing and configuration?

22 A Yeah, so I would lean on obvious more of my
23 reservoir engineer at that point and -- and have
24 that -- that question pointed more directly at -- at
25 him. It's a bit out of my scope I would say.

1 Q So that statement in your Affidavit is not
2 your opinion?

3 A No, it is my opinion, yes, sir, for geology
4 matters. Yes, sir.

5 Q Okay. So from a geology perspective, why do
6 you consider that to be the optimal spacing and
7 configuration?

8 A For future development and previous
9 development communication. The potential baffles and
10 bares that we might encounter.

11 Q Is there a remaining existing development to
12 the east or the west in the Harkey Sands in this area?

13 A Yes, sir. So Exhibit E-2 as well as B-3
14 would highlight some of those offsetting activity for
15 wells. Yes, sir.

16 Q Okay. Let me be more pointed. Is there any
17 existing wells in the spacing units adjacent to this
18 acreage style in either the east or the west side in
19 Harkey Sands?

20 A Okay. Yeah, I'm not -- sorry. I'm not
21 quite sure what you're asking there.

22 Q So these applications seek to pool the west
23 half of Sections 29 and 32; right? The west half west
24 half and then east half west half.

25 A Yes, sir.

1 Q Okay. In the Harkey -- we'll call it the
2 Harkey Sands; is that okay?

3 A Yes, sir.

4 Q All right. Is there an existing development
5 in the adjacent spacing unit to the east of your
6 proposed facing unit?

7 A No, sir. Not to my knowledge.

8 Q Is there an existing development to the west
9 of your proposed spacing?

10 A There is -- adjacent it's about a section or
11 so over but --

12 Q Okay. But not directly adjacent.

13 A Yes, sir.

14 Q Is that right?

15 A Yes, that's -- that's correct. To my
16 knowledge, that's correct.

17 Q All right. So your optimal spacing here
18 then is focused solely on the optimal spacing for the
19 west half acreage without any consideration of
20 offsetting development?

21 A I -- at this point, yes.

22 Q Okay. All right. Did you call this a -- in
23 your affidavit, a wine rack representation and I just
24 want to make sure I understand. And let me say this
25 as a lawyer when I heard wine rack sometimes that

1 tells me that you're trying to deal with communicative
2 zones; right?

3 A Yes, sir.

4 Q Okay?

5 A Yes, sir.

6 Q Are you suggesting that the Harkey Sands is
7 somehow potentially in communication with the wells
8 above it shown on B-1 in the Second Bone Spring?

9 A I can't say no. But no, sir, I can't
10 say that that would not happen.

11 Q So in your opinion, there's potential
12 communications between these wells in the Harkey Sand
13 and the wells in the Second Bone Spring Sand above?

14 A I would say it's unlikely at this point but
15 yes, there is a potential.

16 Q There's potential. Okay. Is that right?
17 Potential.

18 A Yes, sir.

19 Q And in putting together your configuration
20 here for your Harkey Sand wells, did you take into
21 account that potential for communication with the
22 existing wells in the Second Bone Spring Sand?

23 A Yes, sir.

24 Q And is that -- did that help formulate your
25 opinion then on where these wells in the Harkey Sand

1 should be located in relationship to the wells above?

2 A Yes, sir.

3 Q Okay.

4 MR. FELDEWERT: Okay. That's all the
5 questions that I have. Thank you.

6 WITNESS ALLEN: Thank you very much.

7 THE HEARING EXAMINER BRANCARD: Thank
8 you. That was a lot more questions that I thought
9 would be here, Mr. Feldewert. All right. Is your
10 client objecting to this application?

11 MR. FELDEWERT: No.

12 THE HEARING EXAMINER BRANCARD: Okay.
13 You're just fishing for information.

14 MR. FELDEWERT: Well, I'm trying to
15 understand the information. I mean, we are an owner
16 in the acreage, so I think Chevron has the -- is just
17 trying to understand Coterra's thought process here in
18 putting together their development plan.

19 THE HEARING EXAMINER BRANCARD: Okay.
20 Thank you.

21 Mr. Garcia, questions?

22 THE TECHNICAL EXAMINER: I do have one
23 question. I'll be simpler.

24 For comparing the cases, I believe this
25 might be aimed at Mr. Riley or Mr. Bruce, not too sure

1 yet. When comparing the cases, I guess, my question
2 is, the notice list just says different in general,
3 but it appears to be the same acreage.

4 So in the Case 22897 there's a green
5 card for COG. I believe, Mr. Bruce, you said you're
6 missing a green card but in the other case 23084
7 there's Avo, Chevron, COG, Oxy, MRC. I guess I'm just
8 curious on why the notices different if it's the same
9 acreage.

10 THE HEARING EXAMINER BRANCARD: Mr.
11 Bruce?

12 MR. BRUCE: Sorry about that, I was on
13 mute. As to the first two applications, it's just a
14 notice to the operator of the second Bone Spring wells
15 COG Operating. And I do have that green card.

16 As to the notice, in this case, I think
17 when you see the notice list, I did this -- I did give
18 notice MRC Permian Company and MRC Permian LKE but as
19 Mr. Morris' testified, they owned in a -- they do not
20 own an interest in this particular well unit. And
21 when Cimarex first proposed the well, they had a
22 three-mile-long well unit which included the MRC
23 entities. But they do not own in this entity. In
24 this two-mile lateral. These two-mile laterals.

25 So I did not -- I did get a green card

1 back from MRC, but I didn't include it since they are
2 not a working interest owner in these well units.

3 THE TECHNICAL EXAMINER: Okay. So I
4 guess what I go back to is our rules allow overlapping
5 spacing units, but they call out that notice has to be
6 given out to all operators and working interests in
7 each existing and new well spacing unit. That's for
8 partial overlap or full overlap.

9 MR. BRUCE: Yeah, it's a partial --
10 well, I think there's a full overlap but one section,
11 160-acre units, I think there's 260-acre units owned
12 by or operated by COG and then two operated by
13 Cimarex. So obviously, I didn't give notice to
14 Cimarex just COG.

15 THE TECHNICAL EXAMINER: Yeah, partial,
16 or full overlap, the notice is the same. All
17 operators and working interests. All obligations,
18 existing and new and I guess I'm just curious it seems
19 that wasn't done. Or Case 22897, that Case 22898.

20 MR. BRUCE: Excuse me. It wasn't done?

21 THE TECHNICAL EXAMINER: I mean,
22 there's one green card and then in pooling cases,
23 there's multiple green cards so --

24 MR. BRUCE: Yeah, because on the
25 overlapping well, yeah, I simply gave notice to the

1 operator COG.

2 In the pooling cases, I gave notice to
3 the working interest owners.

4 THE TECHNICAL EXAMINER: Yeah, I
5 understand that but for overlap, you have to give
6 notice for the existing unit and the new units of the
7 compulsory pooling interest parties would have to be
8 noticed in the overlapped cases also. In my
9 understanding.

10 MR. BRUCE: I'm not quite certain what
11 you're saying.

12 WITNESS MORRIS: Mr. Garcia, this is
13 Riley Morris. I do believe we addressed that in my
14 Exhibit A1 where we showed the letter as working
15 interest owners in the Bone Spring Formation. We sent
16 that letter as notice of the overlapping spacing unit
17 and there is I think Mr. Bruce also sent an additional
18 letter. Let me see if I can find it. Bear with me.
19 I think it's Attachment A. It's the applications and
20 then we list the overlapping spacing units and I think
21 that was sent to all working interest owners and COG
22 as operator in Section 29.

23 MR. BRUCE: And, Mr. Morris, that
24 letter was sent by you to all of the royalty owners
25 and the working interest owner; correct?

1 WITNESS MORRIS: Yes, sir.

2 MR. BRUCE: And did you ever receive
3 any objection to that letter?

4 WITNESS MORRIS: No, sir, I did not.
5 Contra reached out to me and wanted to know our plan
6 of development just to make sure, you know, that we
7 were both aware of the plans 'cause the -- to give
8 some context to the reason for the depth severance
9 footage.

10 We traded the exact same depths to
11 Concho in the east half of Section 32 and so we've
12 been in pretty well constant communication of future
13 development plans.

14 We've also retained a smaller working
15 interest in Contra's future wells that will be drilled
16 in the east half of Section 32 and 29.

17 THE TECHNICAL EXAMINER: Well, I'll
18 take a closer look at the exhibits, I guess. I may be
19 in further contact still.

20 I pass to you, Mr. Brancard.

21 THE HEARING EXAMINER BRANCARD: Thank
22 you.

23 Okay. Let me start my questions by
24 asking about COG because I'm confused about COG. It
25 says that they have paid the populous well in the west

1 half of the west half of 29. Is that correct, Mr.
2 Bruce or Mr. Morris?

3 WITNESS MORRIS: Yes, sir, that's
4 correct. It's the Populous Federal 4-H is in the west
5 half west half. And the Populous Federal 3-H is in
6 the east half of the west half.

7 THE HEARING EXAMINER BRANCARD: Okay.
8 So I'm looking at your exhibits in 23084 on Page 9
9 which lists all the working interest owners in your
10 unit which is Sections west half of 29 and 32 and I
11 don't see COG listed.

12 WITNESS MORRIS: Yes, sir, that's
13 correct. Whenever we did our trade with COG, we
14 included a depth severance that it was everything from
15 the top of, what we're calling the Harkey Sand
16 Formation to the base of the Bone Spring. So these
17 Harkey wells are going to be drilled within that
18 interval which would preclude Concho from
19 participating being that we acquired their interest as
20 to this interval.

21 THE HEARING EXAMINER BRANCARD: Okay.
22 So you have depth severance in this unit? I see.
23 Okay.

24 WITNESS MORRIS: Yes, sir. That's
25 correct.

1 THE HEARING EXAMINER BRANCARD: All
2 right. So then now that we have the geologist on the
3 line, that's great. So looking at your new exhibit, I
4 guess I'm confused. You have a wine rack for Section
5 32 but not Section 29?

6 WITNESS ALLEN: No, sir. This would be
7 both of those, Section 32 just being where the plat or
8 the pad would be located.

9 THE HEARING EXAMINER BRANCARD: Okay.
10 So where's the COG well?

11 WITNESS ALLEN: It's -- it's just not -
12 - it's just not on here.

13 THE HEARING EXAMINER BRANCARD: You
14 mean it should be but it's not?

15 MR. BRUCE: The COG wells are in
16 Section 29, Mr. Examiner.

17 THE HEARING EXAMINER BRANCARD: Right.
18 That's why I'm asking why are we looking at Section 32
19 when the COG wells are in Section 29.

20 WITNESS ALLEN: I can follow-up you on
21 that one. Yes, sir.

22 THE HEARING EXAMINER BRANCARD: I mean,
23 it seems if we're dealing with overlapping spacing
24 units here, knowing where the COG wells are, it might
25 be useful to our folks.

1 WITNESS ALLEN: Yes, sir.

2 MR. BRUCE: We can provide that,
3 Mr. Examiner.

4 THE HEARING EXAMINER BRANCARD: Okay.
5 All right. So this is for Mr. Bruce, and I guess
6 everybody else on the call today.

7 First of all, Mr. Bruce, your cases in
8 23084 are compulsory pooling but you've done separate
9 cases for two units, two operators in a unit?

10 MR. BRUCE: Yes, sir --

11 THE HEARING EXAMINER BRANCARD: Trying
12 to figure out what's going on here.

13 MR. BRUCE: Yeah, Mr. Examiner,
14 remember these cases were originally supposed to be
15 heard -- well, actually, quite a while ago but there
16 was a hearing scheduled on July 7th and there was some
17 issues that came up that the Division said refile the
18 Applications and put in the depths that you are
19 seeking to pool which we did in these two cases. And
20 then we also requested for permission for overlapping
21 well units.

22 The other two cases at the time that I
23 filed the prior applications which were dismissed, I
24 had already filed the application to notify COG of two
25 operators in the well unit.

1 And so rather than go through that
2 experience again, I just continued, with your
3 permission, those two applications for two operators
4 in the same formation to this hearing. That's it in a
5 nutshell.

6 I could've included them all at one
7 point, but I already filed the other applications.

8 THE HEARING EXAMINER BRANCARD: Okay.
9 And so the two operators in one unit, Mr. Bruce,
10 you're essentially trying to comply with the
11 provisions in the horizontal well rule about
12 subsequent wells in existing spacing units?

13 MR. BRUCE: Yes, even though they're in
14 different formations and, you know, obviously, as Mr.
15 Morris' has stated, COG has the second Bone Spring
16 rights. Cimarex has the Harkey Sand rights. But
17 yeah, trying to give as much notice as possible to
18 everyone.

19 THE HEARING EXAMINER BRANCARD: All
20 right. And so in response to Mr. Garcia, my sense is,
21 is that what you're saying is that your notice in the
22 second set of cases also mentioned the overlapping
23 well units.

24 MR. BRUCE: Correct.

25 THE HEARING EXAMINER BRANCARD: Okay.

1 Even though that isn't part of what your application
2 is for because you have that other application.

3 MR. BRUCE: Correct.

4 THE HEARING EXAMINER BRANCARD: Okay.
5 And the reason I'm bringing this up is, we've got a
6 bunch of these cases today with overlapping spacing.

7 MR. BRUCE: I didn't know that.

8 THE HEARING EXAMINER BRANCARD: All
9 right. And so one of the -- the problem, I don't
10 think it's too difficult to do this and frankly you
11 don't have to do it at this stage, you can do it at
12 the EPD stage. But if you're going to do that, if
13 you're going to bring up the overlapping spacing unit
14 and try to deal with the notice requirements for
15 overlapping spacing units, while I think I would like
16 to see is like you do a little map of the tracts with
17 the interests in your applications, do the map of the
18 tracts that shows the overlap; okay?

19 MR. BRUCE: Okay.

20 THE HEARING EXAMINER BRANCARD: So
21 we've particularly -- so we can understand if there
22 are portions of the spacing unit you are overlapping
23 that are not within the new spacing unit; okay?

24 MR. BRUCE: Okay.

25 THE HEARING EXAMINER BRANCARD: Because

1 that means there could be other people who need to be
2 noticed.

3 And then I would say as part of your
4 land persons affidavit, that your landman says, you
5 know, we have searched for -- gives us a statement
6 about that they have found the people who are the
7 operators and working interest unit owners in the
8 overlapping spacing unit, you know. A list of them
9 are on Attachment B and we provided notice to all of
10 them.

11 Just so we can, kind of, check the
12 boxes then that you've done what you need to do for an
13 overlapping spacing unit under the horizontal well
14 rules.

15 MR. BRUCE: Okay.

16 THE HEARING EXAMINER BRANCARD: Because
17 otherwise, like, Mr. Garcia's trying to figure out,
18 did you give notice to these people? Who are they?
19 So, you know, and in some of these cases going
20 forward, we're going to have overlapping units where
21 the unit they're overlapping goes beyond the new unit.
22 And so we need to know are there other interest owners
23 in those units that need to be noticed or have been
24 noticed; hopefully.

25 So this is, sort of, a statement to

1 everybody. If you're going to include overlapping
2 spacing units in your applications, you know, give us
3 specific information about what that unit is, and what
4 you did to determine who the interest owners are, and
5 that you've given them notice.

6 Mr. Garcia, did I cover the issues?

7 THE TECHNICAL EXAMINER: Works for me.

8 THE HEARING EXAMINER BRANCARD: All
9 right. Thank you.

10 So then, I guess, Mr. Bruce, you would
11 probably prefer us to just have orders that combine
12 the two sets of cases?

13 MR. BRUCE: That would be perfectly
14 fine.

15 THE HEARING EXAMINER BRANCARD: Okay.
16 That might be simpler for us so that those issues of
17 the overlap and the compulsory pooling are all in one
18 order.

19 Mr. Feldewert, any objections? Any
20 further concerns?

21 MR. FELDEWERT: No.

22 THE HEARING EXAMINER BRANCARD: Thank
23 you. I think we've covered everything there.

24 Are there any interested persons that
25 were on Cases 22897, 22898, 23084, 23085?

1 MR. BRUCE: Mr. Examiner, I did not
2 move the admission of the exhibits and I do so at this
3 time. I was waiting for Mr. Feldewert's questions.

4 THE HEARING EXAMINER BRANCARD: Great.
5 Thank you. We will admit the exhibits into the
6 record. Let's figure out what we need from you, Mr.
7 Bruce. I believe you mentioned green cards.

8 MR. BRUCE: Yes.

9 THE HEARING EXAMINER BRANCARD: In one
10 of the cases.

11 MR. BRUCE: There's cases I have a
12 green card to COG which I will submit. In the pooling
13 cases, we will submit a wine rack for which I have
14 Section -- for Section 29, like you requested, and I
15 actually have the official Affidavit of Publication
16 which I will submit.

17 THE HEARING EXAMINER BRANCARD: That
18 was what was in my notes.

19 Mr. Garcia, was there anything else?

20 THE TECHNICAL EXAMINER: I think that's
21 everything.,

22 THE HEARING EXAMINER BRANCARD: Thank
23 you.

24 With that, the exhibits are admitted
25 into the record. Cases 22897, 898, 23084, 23085 are

1 taken under advisement and the record left open for
2 the submittal of those items we discussed. Thank you.

3 MR. BRUCE: Thank you for accommodating
4 Mr. Feldewert and me, Mr. Examiner.

5 MR. FELDEWERT: Yes, appreciate it.
6 Thank you.

7 THE HEARING EXAMINER BRANCARD: Thank
8 you. Well, hopefully, we'll see more of you as we go
9 on today.

10 So let's move on to Item 28. This is
11 Case 22985 Ameredev Operating.

12 MS. VANCE: Good morning, Mr. Hearing
13 Examiner and Mr. Garcia. Paula Vance with the Santa
14 Fe office of Holland and Hart on behalf of Ameredev
15 Operating, LLC.

16 THE HEARING EXAMINER BRANCARD: Thank
17 you.

18 Are there any other interested persons
19 for Case 22985? Hearing none.

20 You may proceed, Ms. Vance.

21 MS. VANCE: Thank you, Mr. Hearing
22 Examiner.

23 In Case 22985, Ameredev seeks to pool
24 uncommitted mineral interest within the Bone Spring
25 Formation Pool Code 98150 underlying a standard 320-

1 acre horizontal spacing unit. Comprised of the east
2 half east half of Sections 4 and 9, Township 26 South,
3 Range 36 East, Lea County, New Mexico.

4 Ameredev seeks to dedicate the spacing
5 unit to the proposed Firethorn 26 36 04 Fed Com 097H
6 well.

7 In this case, we have provided the
8 Compulsory Point Checklist as well as the Affidavit
9 and Testimony of Landman Brandon Fortessa [ph] and
10 geologist, Parker Foy. Both of whom have previously
11 testified before the Division and their credentials
12 have been accepted as a matter of record.

13 In Mr. Fortessa's [ph] Affidavit, it's
14 Exhibit C, which includes Sub Exhibits, C-1, C-102, C-
15 2, the land track map and ownership, C-3 sample well
16 proposal letters and AFEs, and C-4 a chronology of
17 contacts.

18 This is followed by Mr. Foy's Affidavit
19 which is Exhibit D. It includes Sub Exhibits D-1 a
20 locator map, D-2 a Sub C structure map, D-3 a cross-
21 section map, and D-4 a stratigraphic cross-section.

22 In this case, Mr. Foy did not observe
23 any faulting, pinch-outs, or other geologic
24 impediments to the horizontal drilling of these wells.

25 And then lastly, is Exhibit E, a Self-

1 Affirmed Statement of Notice with sample letters that
2 were timely mailed on September -- September 16, 2022.
3 And Exhibit C Affidavit of Notice of Publication which
4 was timely published on September 20, 2022.

5 And with that, unless there are any
6 questions, I would ask that all exhibits and Sub
7 Exhibits be accepted into the record in the Case 22985
8 be taken under advisement by the Division at this
9 time.

10 THE HEARING EXAMINER BRANCARD: Thank
11 you.

12 Mr. Garcia, questions?

13 THE TECHNICAL EXAMINER: No questions.

14 THE HEARING EXAMINER BRANCARD: Ms.
15 Vance, the only comment I have is, I think I mentioned
16 this previously, if you can make sure that the notice
17 prevision, your proposed notice is attached to your
18 application. Also, it shows up in the --

19 MS. VANCE: Right. I think we filed
20 this well before you had provided that advisement.
21 That's the only reason it's not in this application so
22 we are doing that moving forward. But I apologize
23 it's not in this one.

24 THE HEARING EXAMINER BRANCARD: Thank
25 you. That's correct. I think I did see it in some of

1 your later applications from your law firm. Thank
2 you.

3 Looking at your Page 26 of the
4 geologist exhibits.

5 MS. VANCE: Let me get there. Okay.

6 THE HEARING EXAMINER BRANCARD: What's
7 that, sort of, foreboding gray area to the northeast?

8 MS. VANCE: Let me see. I do not know
9 but I am happy to find out.

10 THE HEARING EXAMINER BRANCARD: All
11 right. Well, just in the future, you know, please in
12 your legends, indicate what things are on the maps so
13 we're not, sort of, confused. I don't think it has
14 any relevance, but I do speak because the next slide
15 does discuss the capital reef complex so that's fine.

16 MS. VANCE: That's correct.

17 THE HEARING EXAMINER BRANCARD: All
18 right. Thank you.

19 Are there any other interested persons
20 then for Case 22985? Hearing non. The exhibits will
21 be admitted into the record in Case 22985 and be taken
22 under advisement. Thank you.

23 MS. VANCE: Thank you, Mr. Hearing
24 Examiner.

25 Thank you, Mr. Garcia.

1 THE HEARING EXAMINER BRANCARD: All
2 right. With that, we are on Item Number 29 Case 23006
3 Strata Productions.

4 MS. SHAHEEN: Sharon Shaheen,
5 Montgomery and Andrews, on behalf of Strata
6 Production.

7 THE HEARING EXAMINER BRANCARD: Do we
8 have an entry appearance from ConocoPhillips?

9 MS. RYAN: Yes, sir. Beth Ryan, on
10 behalf of ConocoPhillips.

11 THE HEARING EXAMINER BRANCARD: Thank
12 you.

13 Are there any other interested persons
14 for Case 23006? Hearing none, Ms. Ryan, does
15 ConocoPhillips object to this case going ahead by
16 Affidavit?

17 MS. RYAN: We don't but we just want to
18 have Ms. Shaheen note for the record that we came to
19 agreement with Strata and that we will not be pooled
20 today.

21 MS. SHAHEEN: That is correct.

22 Thank you, Ms. Ryan.

23 THE HEARING EXAMINER BRANCARD: Thank
24 you. All right.

25 Ms. Shahee, you may proceed.

1 MS. SHAHEEN: Thank you. In this
2 matter, Strata seeks an order from the Division
3 pooling all uncommitted mineral interest in the
4 Delaware Formation in a standard 320-acre unit
5 comprised of the south half south half of Sections 27
6 and 28, Township 23 South, Range 30 East in Eddy
7 County for the purpose of drilling the Eeyore. That
8 is as in Winnie the Pooh. Fed Com 27 28 PML 4H well.

9 The first and last take points and the
10 completed lateral will meet the standard setback
11 requirements required by the statewide rules.

12 If you take a look at your checklist,
13 you will see that we've provided the usual exhibits.
14 The checklist is at Tab 1. The application at Tab 2.
15 Mr. Krakauskas, Landman Affidavit is at Tab 3. His
16 exhibits are in Tab 4. Our Geologist Affidavit for
17 Mr. Scott Kelly is Exhibit B at Tab 5, and the geology
18 exhibits are at Tab 6.

19 Both Mr. Krakauskas and Mr. Kelly have
20 testified before the Division before and had their
21 credentials and expert testimony admitted into the
22 record.

23 I would note with respect to those
24 parties who are being force pooled, that is Aquila
25 Energy Resources. Aquila was unlocatable and if you

1 turn to Exhibit A-5, the chronology of contacts,
2 that's on PF Page 23, you'll see Mr. Krakauskas has
3 made numerous attempts to contact Aquila. He sent
4 notice to the only address that he was able to find.
5 He sent the well proposal, and I sent the notice
6 letter to that address, and it was returned.

7 He called every phone number that he
8 could find through online searches but received no
9 answer or return call from any number.

10 Strata also seeks to force pool WPX
11 Energy as record title owner. Strata understands that
12 Conoco may have acquired WPX's interests so, to the
13 extent that ConocoPhillips has that interest, again,
14 we're not force-pooling Conoco in this proceeding.

15 MR. KRAKAUSKA: Can I hop in? I think
16 we mixed those two up. Aquila has been acquired by
17 Conoco. WPX is not. So we are force-pooling WPX, but
18 Aquila has record title.

19 THE HEARING EXAMINER BRANCARD: Okay.

20 MR. KRAKAUSKA: Sorry. My e-mail may
21 not have been cleared.

22 MS. SHAHEEN: Thank you.

23 THE HEARING EXAMINER BRANCARD: Mr.
24 Krakauska, could you just identify yourself for the
25 record?

1 MR. KRAKAUSKA: Oh, yes, sir. Mitch
2 Krakauska, Vice President, Strata Production Company.

3 THE HEARING EXAMINER BRANCARD: Okay.
4 And can you just raise your right hand?

5 WHEREUPON,

6 MITCH KRAKAUSKA
7 called as a witness, and having been first duly sworn
8 to tell the truth, the whole truth, and nothing but
9 the truth, was examined and testified as follows:

10 THE HEARING EXAMINER BRANCARD: Thank
11 you. All right. Did that help, Ms. Shaheen?

12 MS. SHAHEEN: Yes, it did. So I'll
13 clarify for the record. We are force-pooling Aquila
14 Energy Resources as record title owner. We believe
15 that Conoco may have acquired that interest and to the
16 extent that Conoco has acquired that interest, we are
17 not force pooling that interest, but we are seeking to
18 force pool WPX in this proceeding.

19 Did I get that right, Mr. Krakauska?

20 MR. KRAKAUSKA: Yes, ma'am. Sorry
21 about that.

22 MS. SHAHEEN: Oh, my apologies. Thank
23 you for clarifying.

24 Finally, my Affidavit of Notice is at
25 Exhibit C, Tab 7 and you'll see we did have a green

1 card for Aquila was returned. WPX did receive its
2 green card and we published timely so we believe that
3 notice was properly given to Aquila.

4 And with that, I would ask that the
5 exhibits be admitted into the record and this case be
6 taken under advisement. Happy to answer any
7 questions.

8 THE HEARING EXAMINER BRANCARD: Thank
9 you.

10 Ms. Ryan, any questions?

11 MS. RYAN: No questions. Thank you.

12 THE HEARING EXAMINER BRANCARD: Thank
13 you.

14 Mr. Garcia, any questions?

15 THE TECHNICAL EXAMINER: No questions.

16 THE HEARING EXAMINER BRANCARD: Thank
17 you.

18 And I don't have any questions. So is
19 there any other parties here today for Case 22985?
20 Hearing none. The exhibits will be admitted into the
21 record and the case will be taken under advisement.

22 MS. SHAHEEN: Thank you, Mr. Examiners.

23 THE HEARING EXAMINER BRANCARD: Well,
24 Ms. Shaheen, did you need to change anything based on
25 the situation with ConocoPhillips?

1 MS. SHAHEEN: I don't believe so.
2 We've stated in the Affidavit that we only seek to
3 pool WPX and Aquila. So I don't think I made any of
4 these misrepresentations that I made today. Those
5 were not made in any of the materials that were
6 submitted as exhibits.

7 THE HEARING EXAMINER BRANCARD: Okay.
8 That's fine. Thank you. Just wanted to make sure.

9 THE TECHNICAL EXAMINER: Mr. Brancard?

10 THE HEARING EXAMINER BRANCARD: Yes.

11 THE TECHNICAL EXAMINER: I may have
12 heard wrong, but I think you cited the previous case
13 when you said taken under advisement.

14 THE HEARING EXAMINER BRANCARD: You're
15 correct.

16 This is Case 23006 is taken under
17 advisement.

18 Okay. With that, we're on Item 3 but
19 first, let me check in with the court reporter.

20 Are we doing okay?

21 THE REPORTER: Yes.

22 THE HEARING EXAMINER BRANCARD: Thank
23 you.

24 We are on Item 30. This is Case 23031
25 EOG Resources.

1 MR. PARROT: Good morning, Mr.
2 Examiner, this is James Parrot with Beatty and
3 Wozniak, representing EOG Resources.

4 THE HEARING EXAMINER BRANCARD: Thank
5 you.

6 Are there any other persons for Case
7 23031? Hearing none, Mr. Parrot, you may proceed.

8 MR. PARROT: Okay. Mr. Brancard, Mr.
9 Garcia, thank you very much for your time today.

10 On Case 23031 is an application to pool
11 all uncommitted interests in approximately 488-acre
12 horizontal unit for the Bone Spring Formation covering
13 the southwest of Section 35 and 24 South 34 East and
14 the west half of Section 2 and 25 South 34 East.

15 The Bone Spring unit is committed to
16 seven wells. The Honey Buzzard 35 South State Com
17 301, 302, and 303H, the 401 and 402H, and the 601 and
18 602H. It does include proximity tracts in the
19 defining well as the 302H.

20 The exhibit packet that was filed on
21 Tuesday contains all the normal materials. Exhibit A
22 is the checklist and B is the application. Exhibit C
23 is the Affidavit of EOG's land witness, Lacy
24 Stretcher, who has previously testified before the
25 Division and been accepted as an expert of petroleum

1 land matters.

2 C-1 is a general location map, C-2
3 contains the Form C-102s, Ms. Stretcher notes, and her
4 Affidavit. There are two overlapping spacing units,
5 and she describes the notices that were sent to the
6 extent that they were required. There were no
7 objections, by the way. C-3 is the attracted
8 ownership map along with the working interest breakout
9 showing the pooled parties. C-4 contains a sample
10 proposal that was sent to the working interest owners
11 along with AFEs for all the wells and C-5 finally is
12 the chronology of contacts.

13 Exhibit D is the Affidavit of the EOG's
14 geology witness, Tara George. Ms. George has
15 previously testified before the Division and been
16 accepted as an expert in petroleum geology.

17 Her Exhibit D-1 is a locator map. D-2
18 is a structure map off the top of the Bone Spring
19 showing the Bone Spring unit and the wells used to
20 construct the cross section from A to A Prime. Ms.
21 George states the wells are representative of the area
22 of geology, and she observed no faulty pinching or
23 other geologic hazards developing a horizontal well.

24 Finally, D-3 is a cross-section of the
25 upper Bone Spring showing again where -- activity logs

1 which identifies the targeted intervals in the Bone
2 Spring unit.

3 Exhibit E is the Notice Affidavit
4 showing that notice letters were mailed to Oxy and
5 Sharbro. The certified mailing receipts shows
6 delivery to both parties and those are attached.
7 There were no undeliverable notices but out of an
8 abundance of caution, we published notice and included
9 the proof of publication.

10 So with that, I request that the
11 exhibits are admitted into the record and the matter
12 is taken under advisement.

13 THE HEARING EXAMINER BRANCARD: Thank
14 you. But before I go to Mr. Garcia, Mr. Parrot, we
15 need to deal with what maybe a serious issue here, and
16 maybe you can help me. I am looking on Page 10 of
17 your exhibit package which is the notice that you
18 provided with the application which notice was used
19 for our public notice of this application; okay?

20 MR. PARROT: Okay.

21 THE HEARING EXAMINER BRANCARD: Do you
22 have it in front of you?

23 MR. PARROT: Yeah, I believe it's Page
24 4 of the application. Is that correct?

25 THE HEARING EXAMINER BRANCARD: Yep.

1 MR. PARROT: Okay.

2 THE HEARING EXAMINER BRANCARD: One of
3 the things that's required legally in our rules is a
4 legal description of the spacing unit. I can't find a
5 legal description of the spacing unit in this notice.

6 MR. PARROT: I'm not sure that we
7 actually have a description there in that notice. So
8 the notice that was published, you'll see actually
9 does include on the Exhibit E does include the legal
10 description of the unit, and the notice that was sent
11 also does so, I mean, maybe that's just a typo on that
12 Page 4 of the application.

13 I think that's probably the problem and
14 I can just revise the Page 4 there and resubmit that
15 to correct the type of -- I don't think that's a
16 problem with actual notice that was sent. I think
17 it's just a problem with that Page 4 of the
18 application.

19 THE HEARING EXAMINER BRANCARD: Well,
20 the problem is that it's a problem with the Division's
21 public notice. The Division provides public notice of
22 these hearings by publication and through our website
23 and we rely on the notice that you send us.

24 And so we have therefore given
25 inadequate notice of this proceeding plus it is a

1 requirement of our regulations that you provide us
2 with the legal description in the notice. Another
3 words, not just a good idea it's the law.

4 MR. PARROT: Okay.

5 THE HEARING EXAMINER BRANCARD: So we
6 can do this one of two ways. We can continue this
7 case and renotice it with a new notice that you send
8 us; okay?

9 MR. PARROT: Okay.

10 THE HEARING EXAMINER BRANCARD: Or you
11 can dismiss it and file it as a new application.

12 MR. PARROT: No, I think of the two
13 options, we prefer the first option.

14 THE HEARING EXAMINER BRANCARD: All
15 right. And this applies -- and what I'm talking to
16 you applies about the next case too. It's the same
17 issue.

18 MR. PARROT: Understood.

19 THE HEARING EXAMINER BRANCARD: Okay.
20 So it's 23031 and 23032.

21 MR. PARROT: Okay.

22 THE HEARING EXAMINER BRANCARD: So,
23 Marlene, we would have to get this onto a new docket.

24 MR. PARROT: Would we be able to finish
25 the hearing for the other matter, 23032, and then

1 approval would just be contingent on the revised
2 notice?

3 THE HEARING EXAMINER BRANCARD: Yes. I
4 mean, we will -- you need to send us a revised notice.
5 We will then need to put it on a new docket as a
6 continued case so we would receive the notice it needs
7 from our side. And we'll let you know, I'm not sure
8 which docket it can fit on.

9 MR. PARROT: Do you think we might be
10 able to get it on the November 3rd docket since we
11 won't need to actually have any hearing on it, and we
12 can finish the hearings today, and then approval will
13 be contingent upon no objections being received after
14 it's published for the November 3rd docket? And I
15 don't have to take any more of your time on November
16 3rd.

17 THE HEARING EXAMINER BRANCARD:
18 Marlene, have we already sent out the notice for
19 November 3rd?

20 MS. SALVIDREZ: Yes, it was sent out
21 yesterday, so I mean, if you're fine with it being on
22 a docket as notice, that's fine with me for November
23 3rd but the notice was already sent out with all new
24 cases.

25 THE HEARING EXAMINER BRANCARD: Right.

1 And is that notice different than the notice for the
2 mid-month cases?

3 MS. SALVIDREZ: Yes, because it's a
4 docket, mid-month cases. So I will send out that
5 docket after the October from 20th hearings, so it'll
6 only be noticed for two weeks. I mean, if you all are
7 fine with that, it's fine with me.

8 THE HEARING EXAMINER BRANCARD: Well, I
9 think we need to do the full notice so we will set --
10 we will continue this to December 1; okay?

11 Mr. Parrot, if you want to go ahead
12 with the presentation on 2302, that is fine.

13 MR. PARROT: Okay. Sorry, I just
14 wasn't quite clear. Why could we not have it
15 published for the November 17? The midmonth?

16 THE HEARING EXAMINER BRANCARD: Because
17 that's a much -- because those are all continued cases
18 that have already been properly noticed. They get a
19 shorter notice period.

20 So this would be a new notice so we
21 would need to do the full 30 days for that.

22 And since we missed the cutoff for
23 November 3rd, we have to go to December 1.

24 MR. PARROT: Okay. Well, let's go
25 ahead and go through the exhibits. Did you want to

1 refer to 2303 to as well but did you want to check
2 with Mr. Garcia about 2301?

3 THE HEARING EXAMINER BRANCARD: Yes,
4 thank you.

5 Mr. Garcia, any questions on 23031?

6 THE TECHNICAL EXAMINER: I have no
7 questions.

8 THE HEARING EXAMINER BRANCARD: Thank
9 you. Okay.

10 MR. PARROT: Okay. You ready for 23032
11 then?

12 THE HEARING EXAMINER BRANCARD: Yes,
13 thank you. All right. Item Number 31 Case 23032, are
14 there any other interested persons in Case 23032?

15 Please proceed, Mr. Parrot.

16 MR. PARROT: Okay. So 23032 is an
17 application to pool approximately 480-acre horizontal
18 unit for the Bone Spring. Covering the west half of
19 Section 26 of the northwest of Section 35 all on 24
20 South, Range 34 East. The following wells are
21 committed to the unit: The Harrier 35 North Fed Com
22 301, 302, 401, 402, 601, and 602H. It does include
23 proximity tracts in the defining wells in 301H.

24 The exhibit packet that was filed
25 contains all the usual information. Exhibit A is the

1 pooling checklist. B is the application. C is the
2 affidavit of EOG's land witness, Lacy Stretcher. Ms.
3 Stretcher has previously testified before the Division
4 and been accepted as an expert in petroleum land
5 matters.

6 C-1 is a general location map. C-2
7 contains the Form C-102s. Ms. Stretcher notes that
8 there are two overlapping space unit. Describes the
9 notices that were sent to the extent they were
10 required and there were no objections.

11 C-3 is the tract and ownership map
12 along with a working interest breakout showing pooled
13 parties. C-4 contains a sample proposal that was sent
14 to all the working interest's owners in the unit along
15 with AFEs for all the wells. C-5 provides a
16 chronology of contacts summarizing the attempts to
17 obtain the participation of pooled parties.

18 Exhibit D is the Affidavit of EOG's
19 geology witness, Tara George. Ms. George has
20 previously testified before the Division and been
21 accepted as an expert in Petroleum geology.

22 E-1 is a locator map. D-2 is a
23 structure map off the top of the Bone Spring showing
24 the Bone Spring unit that allows these to construct a
25 cross-section from A to A Prime.

1 Ms. George states that the wells are
2 representative of the area of geology, and she's
3 observed no faulty pinching or other geologic hazards
4 developing a horizontal well.

5 D-3 is a cross-section of the upper
6 Bone Spring showing -- and resistivity logs which
7 identifies the target intervals in the Bone Spring
8 unit.

9 Exhibit E is the Notice Affidavit
10 showing the letters were mailed to working interest
11 owners. All the certified mailing receipts are
12 attached. There were no undeliverable notices but
13 again, out of an abundance of caution notice was
14 published and the proof of publication is attached.

15 So I would ask for the exhibits to be
16 admitted into the record and the matter to be taken
17 under advisement subject to the new notice that we
18 just discussed.

19 THE HEARING EXAMINER BRANCARD: Thank
20 you.

21 Mr. Garcia, any questions?

22 THE TECHNICAL EXAMINER: No questions.

23 THE HEARING EXAMINER BRANCARD: So
24 again, Mr. Parrot, this is similar to the discussion
25 we just had with Mr. Bruce about overlapping spacing

1 units. So when we come to the next hearing, perhaps
2 you can provide us, looking at -- say let's look at
3 23032 Page 24. If you could come up with a map
4 similar to that that shows where the location of the
5 overlapping spacing units are. That would be helpful.

6 MR. PARROT: I'm sorry, Mr. Bracard,
7 I'm looking at paper copy of the exhibits and not the
8 documents. Is that Exhibit C-3?

9 THE HEARING EXAMINER BRANCARD: It's
10 right after your C-102s. Yes, it's your C-3.

11 MR. PARROT: Okay. And question for
12 you about this new overlapping spacing maps. Earlier
13 you mentioned that you would like the application to
14 contain one, a map showing the proposed spacing unit
15 together with the overlapping units

16 And then two, information who owns in
17 the overlapping units and what the applicant has done
18 to contact those owners.

19 And I guess, maybe I misunderstood, it
20 sounded like you were suggesting that might be
21 included in the application as opposed to the exhibit
22 packet. Was that my misunderstanding?

23 THE HEARING EXAMINER BRANCARD: Yes.
24 Exhibit packet's fine.

25 MR. PARROT: Okay. Great. So all of

1 that we don't need to file a map showing overlapping
2 spacing units with the application itself?

3 THE HEARING EXAMINER BRANCARD: No,
4 your application should, as it does, have the legal
5 description of those units.

6 MR. PARROT: Okay.

7 THE HEARING EXAMINER BRANCARD: Which
8 is what would be helpful but then we get to the
9 exhibits if you had a map that showed; right? And
10 then a statement from your landman that yes, you know,
11 we researched those units and those parties that need
12 to be notified are listed on exhibit whatever.

13 MR. PARROT: Okay. So we have that in
14 the Landman's Affidavit and so I think for our
15 purposes, what would be helpful as an additional
16 exhibit would just be the map showing the overlapping
17 units and otherwise, I think it sounds like we've got
18 the information that you're requesting.

19 THE HEARING EXAMINER BRANCARD: Right.
20 And so, like, in the page that follows your C-3 where
21 you list who -- these are the parties you're pooling
22 but if there are additional parties to be noticed
23 because of the overlapping spacing unit that might be
24 good to either on that page or another page indicate.

25 MR. PARROT: So in the Landman's

1 Affidavit in Paragraph 9A and B, I'll just refer you
2 to that. If you give me a second, I can give you the
3 actual page number on the pdf document.

4 And please don't take this -- I'm not
5 in any way arguing with you, I just want to make sure
6 that we're getting you the information that you want.

7 THE HEARING EXAMINER BRANCARD: Okay.
8 Yes, you do discuss it in this. Thank you.

9 MR. PARROT: Okay

10 THE HEARING EXAMINER BRANCARD: That's
11 what we're looking for.

12 MR. PARROT: So that together with the
13 map and then we're all squared away?

14 THE HEARING EXAMINER BRANCARD: Right.

15 MR. PARROT: Okay. And then we've got
16 the notice thing that we're going to complete and then
17 we're okay.

18 THE HEARING EXAMINER BRANCARD: Yes.
19 So please provide us, you know, as soon as possible, a
20 revised notice for the two applications.

21 MR. PARROT: Okay. Will do.

22 THE HEARING EXAMINER BRANCARD: Thank
23 you.

24 Any other persons interested in Cases
25 23031 or 23032? The exhibits from today's hearings

1 will be admitted into the record and these cases are
2 continued to December 1. Thank you.

3 MR. PARROT: Thank you.

4 THE HEARING EXAMINER BRANCARD: All
5 right. We are now on Item 32 Case 23037 Apache
6 Corporation. Looks like we have also Cases 23038,
7 23039, and 23040 Apache Corporation.

8 MR. DEBRINE: Good morning, Mr.
9 Examiner. Earl DeBrine with Modrall Sperling Firm on
10 behalf of Apache.

11 THE HEARING EXAMINER BRANCARD: Thank
12 you.

13 Are there any other interested persons
14 for Cases 23037, 038, 039, 040? Hearing silence, you
15 may proceed Mr. DeBrine.

16 MR. DEBRINE: Good morning, Mr.
17 Examiner. In Case 23037, Apache seeks to amend Order
18 Number R-21906 which approved horizontal spacing unit
19 for 320-acre Bone Spring unit comprised of the north
20 half of north half of Sections 25 and 26 in Township
21 19 South, Range 27 East, in Eddy County, New Mexico.

22 Case Number 23038, Apache seeks to
23 amend Order Number R-21907 which approved a horizontal
24 spacing unit for 320-acre Bone Spring unit comprised
25 of the south half of the north half of Sections 25 and

1 26 in Townships 19 South, Range 27 East in Eddy
2 County.

3 In Case 23039, Apache seeks to amend
4 Order Number R-21908 which approved compulsory pulling
5 for 320-acre Bone Spring horizontal spacing unit
6 comprised of the north half of the south half of
7 Sections 25 and 26 in Township 19 South, Range 27 East
8 in Eddy County.

9 And finally, in Case 23040, Apache
10 seeks to amend Order Number R-21909 which approved a
11 compulsory pulling for 320-acre Bone Spring horizontal
12 spacing unit comprised of the south half of the south
13 half of Sections 25 and 26 of Township 19 South, Range
14 27 East in Eddy County.

15 In each of these cases, Apache seeks a
16 one-year extension of the time to commence drilling
17 the initial well in each spacing unit.

18 There's a bit of a difference for Case
19 23037, the extension would be from October 26, 2022,
20 to October 26, 2023. For the other three Cases 23038,
21 23039, and 23040, the extension would be from October
22 25, 2022, to October 25, 2023.

23 In support of its application, Apache's
24 submitted the declaration of its landman, Blake
25 Johnson, explaining the reasons for the extension

1 which is Apache is seeking to clear up the title issue
2 with regard to tract involving each of the spacing
3 units and needs additional time in order to clear that
4 title issue up.

5 Also submitted was my Affidavit of
6 Notice which notes there was an issue regarding
7 delivery by the U.S. Postal Service to several parties
8 and although by the time we published notice of the
9 application in the Carlsbad Newspaper on September
10 4th, I noticed that that Exhibit A-34 was
11 inadvertently not attached to my Declaration.

12 And so this morning we corrected that
13 issue with a supplemental filing of the Affidavit of
14 Publication for the Carlsbad -- but as a result of the
15 notice issues, we would ask the Division to continue
16 these cases for purposes of notice so that there are
17 no questions with regard to the notice with regard to
18 undelivered parties even though there was notice in
19 the Newspaper. We just want to be better safe than
20 sorry.

21 And with that, we would ask that the
22 case be taken under advisement but continued for
23 purpose of notice and the exhibits submitted --
24 admitted into the record.

25 THE HEARING EXAMINER BRANCARD: Thank

1 you.

2 Mr. Garcia, any questions?

3 THE TECHNICAL EXAMINER: Two questions,
4 I believe.

5 Submitted exhibit, was it supposed to
6 have the affidavit of the newspaper? It looks like it
7 just has your affidavit. The one page.

8 MR. DEBRINE: Yes, my affidavit refers
9 to Exhibit A-34 as the Affidavit of Publication, but
10 we inadvertently did not attach it to my declaration.
11 I did that this morning as a supplemental exhibit.

12 THE HEARING EXAMINER BRANCARD: But I
13 don't think you attached it to your supplemental
14 exhibit.

15 THE TECHNICAL EXAMINER: Yeah, I guess
16 that's where I'm confused on. A-34 in the previous
17 exhibits or was it supposed to be the new ones?

18 MR. DEBRINE: A-34 it was referred to
19 A-34 in the prior Declaration of Notice that was
20 submitted on Tuesday. It's my understanding that we
21 submitted it this morning as a supplemental exhibit.

22 THE TECHNICAL EXAMINER: You might want
23 to double-check, I guess.

24 THE HEARING EXAMINER BRANCARD: Yeah,
25 because what's showing up on our case file is just

1 your Notice of filing the supplemental exhibit, not
2 the mysterious A-34.

3 MR. DEBRINE: I just have a copy of
4 what I understood was submitted and if it hasn't,
5 we'll double-check and correct the error if it didn't
6 get attached again.

7 THE TECHNICAL EXAMINER: Okay. Second
8 question is, the idol issue, I guess I just want to
9 make sure that doesn't have any major change on
10 working interest or interest owner, like, it's not
11 going to eliminate Apache's interest if something goes
12 wrong.

13 MR. DEBRINE: No, it doesn't alter the
14 working interest. It's just a record title owner that
15 we need to find successors in interest.

16 THE TECHNICAL EXAMINER: And are they
17 going to need be additionally compulsively pooled in
18 the future or --

19 MR. DEBRINE: I don't believe so.
20 There'll be an assignment of record from the record
21 title owner to Apache.

22 THE TECHNICAL EXAMINER: Okay. I
23 believe that's all my questions.

24 I pass to Mr. Brancard.

25 THE HEARING EXAMINER BRANCARD: Thank

1 you.

2 All right. So, Mr. DeBrine, if you
3 could check on your supplemental exhibit, make sure
4 that we got what we need because as of this point it's
5 not in our case files so I just -- just letting you
6 know.

7 MR. DEBRINE: We will do so.

8 THE HEARING EXAMINER BRANCARD: And so
9 your request is for additional time for notice because
10 I'm as puzzled as you are with the post office saying
11 to be mailed on their report.

12 MR. DEBRINE: Yeah, we've had
13 conversations and it's a mystery to everybody
14 apparently but in order to resolve it we would ask
15 that it be continued for notice.

16 THE HEARING EXAMINER BRANCARD: Thank
17 you.

18 MR. DEBRINE: And we sent out a further
19 letter notifying all the parties again, last Friday
20 and there will be a supplemental mailing with regard
21 to that using the traditional green card procedure
22 rather than the service so that hopefully we'll get
23 better service that way.

24 THE HEARING EXAMINER BRANCARD: Okay.
25 And so is that enough time then to October 20th?

1 MR. DEBRINE: It will be, yes. I think
2 from last Friday we'll have the 20 days.

3 THE HEARING EXAMINER BRANCARD: Okay.
4 All right. Thank you.

5 So with that, are there any other
6 interested persons in Cases 23037, 038, 039, 040?
7 Hearing none. The exhibits will be admitted into the
8 record. We obviously are hoping for more information
9 on notice. Both Affidavit of Publication and mailing
10 notice and this case -- these cases, all four cases
11 will be continued to October 28th.

12 MR. DEBRINE: Thank you, Mr. Examiner.

13 THE HEARING EXAMINER BRANCARD: Thank
14 you.

15 With that, we are on Item 36 Case
16 Number 23041 V-F Petroleum.

17 MS. HARDY: May it please the Examiner,
18 Dana Hardy with Hinkle Shanor on behalf of V-F
19 Petroleum.

20 THE HEARING EXAMINER BRANCARD: Thank
21 you.

22 Do we have an entry of appearance from
23 Fasken Oil and Ranch?

24 MR. FELDEWERT: Good morning, Mr.
25 Feldewert, with Santa Fe office of Holland and Hart on

1 behalf of Fasken Oil and Ranch.

2 THE HEARING EXAMINER BRANCARD: Thank
3 you, Mr. Feldewert. Does Fasken object to this case
4 being heard by affidavit?

5 MR. FELDEWERT: Mr. Examiner, I just
6 have one question, Ms. Hardy, I think I looked at the
7 exhibits and had answered it but my understanding in
8 what's been filed by Mr. Johnson is that Fasken is no
9 longer being pooled?

10 MS. HARDY: I'm just looking at his
11 exhibits and that is correct, Mr. Feldewert.

12 MR. FELDEWERT: Okay.

13 In that case, Mr. Examiner, we do not
14 object to the matter going forward and I will have no
15 further participation in these proceedings.

16 THE HEARING EXAMINER BRANCARD: Thank
17 you.

18 Are there any other interested persons
19 for Case 23041? Hearing none.

20 You may proceed, Ms. Hardy.

21 MS. HARDY: Thank you.

22 V-F applies for an order pulling all
23 uncommitted interest in the Bone Spring Formation
24 underlying a 168-acre more or less standard horizontal
25 spacing unit comprised of the north half of the

1 northeast quarter of Section 34 and the north half of
2 the northwest quarter of Section 35, Township 18
3 South, Range 28 East in Eddy County. And the unit
4 will be dedicated to the Burns 34 35 State Com 222 and
5 232H wells.

6 We have provided with our exhibits the
7 Self-Affirmed Statement of Landman, Sean Johnson, and
8 also the Self-Affirmed Statement of Geologist, Jason
9 Lodge.

10 Mr. Johnson provides the Application of
11 Proposed Notice of Hearing, the C-102s for the wells,
12 Exhibit A-3 is a plat of tracts that shows the tract
13 ownership and pooled parties and also includes a unit
14 recapitulation.

15 Exhibit A-4 includes the sample well
16 proposals and AFEs. And A-5 is Mr. Johnson's summary
17 of communications.

18 Mr. Lodge has provided with his
19 affidavit, a location map, a second Bones Spring
20 structure map, a third Bones Spring structure map, and
21 a structural cross-section.

22 In Exhibit C is my Notice Affidavit and
23 I've provided the sample notice letter, a chart that
24 shows the dates on which notice was sent, and the
25 dates we received the certified mail receipts. And we

1 also provided those receipts as Exhibit C-3, and we
2 did timely publish notice and the publication notice
3 is Exhibit C-4.

4 And we did receive return receipts from
5 all but two parties and Mr. Johnson has been in
6 communication with those parties and that is shown, I
7 think, on Page 3 of his Exhibit A-3. So I don't know
8 what's going on with the post office and why those
9 have not been received because they are valid
10 addresses. But regardless, Mr. Johnson has been in
11 communication with those parties.

12 So with that, unless there are
13 questions, I would ask that the exhibits be admitted
14 and that the case be taken under advisement. Thank
15 you.

16 THE HEARING EXAMINER BRANCARD: Thank
17 you.

18 Mr. Garcia, questions?

19 THE TECHNICAL EXAMINER: I have no
20 questions.

21 THE HEARING EXAMINER BRANCARD: Thank
22 you.

23 So I got -- Ms. Hardy, I got a little
24 confused with who are the pool parties here? So I'm
25 scrolling through your application. I'll get there.

1 So your Exhibit A-3 --

2 MS. HARDY: Yes.

3 THE HEARING EXAMINER BRANCARD: So
4 lists all these parties. They're asterisks next to
5 the ones that I assume are committed.

6 MS. HARDY: I think that the asterisks
7 relates to the partners of V-F Petroleum so I don't
8 think -- those are the business partners of V-F, so I
9 don't believe that those are the only parties who are
10 committed.

11 THE HEARING EXAMINER BRANCARD: Okay.
12 Because then when we go down to the next page, you
13 have highlighted a list of pool parties.

14 MS. HARDY: Correct. So those are the
15 only parties who are being pooled.

16 THE HEARING EXAMINER BRANCARD: So
17 there are some parties then that are listed as having
18 an interest who are not being pooled.

19 MS. HARDY: Correct.

20 THE HEARING EXAMINER BRANCARD: Sorry.
21 I'm sounding really simple here. So one that jumps
22 out at me right away is Rafter Partnership.

23 MS. HARDY: Yes.

24 THE HEARING EXAMINER BRANCARD: They
25 are committed party?

1 MS. HARDY: That's my understanding.

2 THE HEARING EXAMINER BRANCARD: And as
3 we just found out, Fasken is; correct?

4 MS. HARDY: Right.

5 THE HEARING EXAMINER BRANCARD: Okay.
6 All right. Okay. I guess I got confused by the
7 asterisks.

8 MS. HARDY: Sorry about that. Next
9 time we'll try to make a little more clear.

10 THE HEARING EXAMINER BRANCARD: Yeah,
11 well, it doesn't take much to confuse me so. All
12 right. And then once I -- I'm sorry. There's a
13 summary of communications in here somewhere.

14 MS. HARDY: Should be Exhibit A-5.

15 THE HEARING EXAMINER BRANCARD: Right.
16 Oh, here it is. That's why I keep losing it. It's
17 pretty sparse, you know? Normally, people are listing
18 each party and what they said to them or whatever.
19 It's just for further notice, I'm just saying, that's
20 a -- it's a little sparse.

21 MS. HARDY: I do think it's pretty high
22 level but then there's that additional detail on Page
23 3 of Exhibit A-3 on the highlighted parties.

24 THE HEARING EXAMINER BRANCARD: Right.
25 Okay.

1 MS. HARDY: A little bit more
2 information but we will note that for the future.

3 THE HEARING EXAMINER BRANCARD: Okay.
4 Thank you. That's the only questions I had.

5 Are there any other persons then for
6 Case 23041? Hearing None. The exhibits will be
7 admitted into the record and Case 23041 will be taken
8 under advisement.

9 MS. HARDY: Thank you.

10 THE HEARING EXAMINER BRANCARD: Thank
11 you.

12 With that, calling Items 37 and 38
13 Cases 23043 and 23044 Tap Rock Operating.

14 MR. RODRIGUEZ: Good morning, Michael
15 Rodriguez of Tap Rock Operating. Can you hear me all
16 right?

17 THE HEARING EXAMINER BRANCARD: We can.
18 There's a little reverb there but -- Coterra Energy.

19 MR. RODRIGUEZ: I'll try to speak
20 slower.

21 THE HEARING EXAMINER BRANCARD:
22 Coterra, Mr. Savage? Coterra Energy.

23 MR. SAVAGE: Yes, good morning. Darin
24 Savage with Abadie and Schill on behalf of Coterra
25 Energy and Cimarex Energy Company.

1 THE HEARING EXAMINER BRANCARD: All
2 right. Does Coterra object to these cases going
3 forward by affidavit?

4 MR. SAVAGE: No objection. Thank you.

5 THE HEARING EXAMINER BRANCARD: Okay.
6 Were there any other interested persons for Cases
7 23043 and 23044? Hearing none.

8 Mr. Rodriguez, you may proceed.

9 MR. RODRIGUEZ: Thank you.

10 In these cases, Tap Rock seeks orders
11 pooling all uncommitted interests within the Bone
12 Spring Formation in Eddy County, New Mexico.

13 It's specifically in Case Number 23043
14 Tap Rock seeks orders pooling all uncommitted interest
15 in the Cottonwood Draw Bone Spring oil pool Code 97494
16 within the Bone Spring Formation underlying a 640-acre
17 standard horizontal spacing unit.

18 It's comprised of the west half of
19 Sections 9 and 16, Township 25 South, Range 26 East
20 and it seeks to dedicate this unit to the Schlitz
21 Federal Com Number 151H and 152H.

22 And the completed interval for the
23 Schlitz Federal Com 152H will be within 330 feet of
24 this quarter-quarter line separating the west half
25 west half from the east half west half of Sections 9

1 and 16 to allow the inclusion of this acreage into a
2 standard horizontal spacing unit.

3 And in Case Number 23044 Tap Rock
4 request a similar order pooling all uncommitted
5 interest in the same acreage except east tap of
6 Sections 9 and 16.

7 And it seeks to dedicate this unit to
8 the Schlitz Federal Com Number 156H and 158H. The
9 completed interval for the 156H will be within 330
10 feet of the quarter-quarter line separating the west
11 half east half from the east half east half of
12 Sections 9 and 16 to allow this inclusion of this
13 acreage into a standard horizontal spacing unit.

14 The exhibit packets submitted to the
15 Division for these cases are identical. It contains
16 the Compulsory Pooling Checklist, Exhibit A which are
17 the Landman Testimony and related exhibits. Exhibit B
18 which are the geologist testimony and related
19 exhibits.

20 And the noticed exhibits can be found
21 in A-6 which contains the Sample Notice of Hearing
22 Letter and contains a tracking list and a current
23 status of the parties who were notified of this
24 hearing via certified mail in Exhibit A-7 which is the
25 Affidavit of Publication demonstrating that all notice

1 requirements of these applications have been met.

2 And with that, I ask that the exhibits
3 and related sub-exhibits be admitted into the record
4 and Case Numbers 23043 and 23044 be taken under
5 advisement.

6 THE HEARING EXAMINER BRANCARD: Thank
7 you.

8 Any questions, Mr. Savage?

9 MR. SAVAGE: Yes, Mr. Bracard, just one
10 question. We support the development plans as
11 proposed.

12 Mr. Rodriguez, Cimarex would just like
13 to confirm that Tap Rock intends to drill both initial
14 wells within the deadlines of the pooling order.

15 MR. RODRIGUEZ: Yes, Tap Rock fully
16 intends to drill these wells within the deadline set
17 within the orders.

18 MR. SAVAGE: All right. Thank you very
19 much for that.

20 THE HEARING EXAMINER BRANCARD: Thank
21 you.

22 Mr. Garcia, questions?

23 THE TECHNICAL EXAMINER: I have no
24 questions.

25 THE HEARING EXAMINER BRANCARD: Okay.

1 Mr. Rodriguez, two things. One little one. On your
2 Exhibit A-3, you have the wrong county on the title.
3 This is Eddy County not Lea County but everywhere else
4 you refer to Eddy County so.

5 But more importantly for your notice
6 documents, we normally require a notice, affidavits,
7 certificate, whatever from the person who organized
8 the notice. That summarizes how the notice was done
9 and I don't see that in your application here -- in
10 your exhibits.

11 MR. RODRIGUEZ: Are you referring to A-
12 6?

13 THE HEARING EXAMINER BRANCARD: I'm
14 looking A-5. A-6 is your letter that you sent.
15 That's all I see.

16 MR. RODRIGUEZ: Yeah, so okay. So
17 you're looking for an affidavit by myself saying that
18 I organized the notice letter and summarizing what was
19 done?

20 THE HEARING EXAMINER BRANCARD: Yes.
21 Yes, it's normally just a one-page affidavit saying,
22 you know, under my direction letters were sent see
23 attached exhibit for a copy. One of those letters.
24 And then, you know, just to summarize the exhibit
25 documents, the affidavit of publication, et cetera.

1 MR. RODRIGUEZ: Sure. With your
2 permission, I'd like to submit that after this hearing
3 for both of these cases.

4 THE HEARING EXAMINER BRANCARD: That
5 would be fine.

6 MR. RODRIGUEZ: Okay. I can do that.

7 THE HEARING EXAMINER BRANCARD: Any
8 other concerns, Mr. Garcia?

9 THE TECHNICAL EXAMINER: None for me.

10 THE HEARING EXAMINER BRANCARD: All
11 right. Thank you.

12 Are there any other interested persons
13 then for Cases 23043, 23044? The exhibits will be
14 admitted into the record. These cases will be taken
15 under advisement. The record left open for the Notice
16 Affidavit.

17 MR. RODRIGUEZ: Thank you.

18 THE HEARING EXAMINER BRANCARD: All
19 right. With that, we are on Items 39 and 40. These
20 will be Cases 23047, 23048. I'm sure I'll
21 mispronounce this, Tascosa Energy Partners.

22 MS. MCLEAN: Yes, good morning. Jackie
23 McLean on behalf of Tascosa Energy Partners.

24 THE HEARING EXAMINER BRANCARD: Thank
25 you.

1 Are there any other interested persons
2 for Cases 23047, 23048? Hearing none.

3 Ms. McLean, you may proceed.

4 MS. MCLEAN: Thank you, Mr. Hearing
5 Examiner.

6 In Case Numbers 23047 and 23408 Tascosa
7 seeks to pool uncommitted interests in the Bone Spring
8 Formation in Section 19, Township 20 South, Range 27
9 East, and Section 24, Township 20 South, Range 26 East
10 in Eddy County, New Mexico.

11 And in Case Number 23047 Tascosa is
12 seeking to pool 639.65 acres into a standard
13 horizontal spacing unit in the north half of Section
14 19, Township 20 South, Range 27 East, and the north
15 half of Section 24, Township 20 South, Range 26 East.

16 And this north half unit will be
17 dedicated to the Le Mans 2419 State Com Number 301H,
18 302H, and 303H wells.

19 And this approximately tract unit and
20 the completed interval of the Le Mans 2419 State Com
21 Number 302H well will be located within 330 feet of
22 the quarter-quarter section line separating the north
23 half north half and south half north half of Section
24 19, Township 20 South, Range 27 East and Section 24
25 Township 20 South, Range 26 East to allow for the

1 creation of the 639.65-acre spacing unit.

2 Then in Case 23048, Tascosa seeks to
3 pool 640.15-acre horizontal spacing unit comprised of
4 the south half of Section 19, Township 20 South Range
5 27 East, and the south half of Section 24, Township 20
6 South, Range 26 East.

7 And this south half unit will be
8 dedicated to the Le Mans 2419 State Com Number 304,
9 305, and 306 wells and this is also a proximity tract
10 unit. And the completed interval of the Le Mans 2419
11 State Come 305H well will be located within 330 feet
12 of the quarter-quarter section lines separating the
13 south half south half and north half south half of
14 Section 19, Township 20 South, Range 27 East, and
15 Section 24, Township 20 South, Ranger 26 East to allow
16 for the creation of the 640.15-acre spacing unit.

17 Now, the exhibit packets have typical
18 Exhibits A, B, and C. Exhibit A being the land
19 professional's testimony and the land professional for
20 Case Number 23047 and 23048 is John Shillberg [ph].
21 He has not previously testified before the Division.
22 Attached as Exhibit A-1 is his resume which shows his
23 credentials including 11 years of experience in the
24 petroleum industry. And we ask that Mr. Shillberg
25 [ph] be admitted as an expert in land matters in Case

1 Numbers 23047 and 23048.

2 THE HEARING EXAMINER BRANCARD: Hearing
3 no objections, the witness is so admitted.

4 MS. MCLEAN: Thank you.

5 You'll also find the C-102s plot of
6 tracts, tract ownership, and pooled parties, sample of
7 well proposal letter, and AFEs, as well as a summary
8 of communications.

9 And then Exhibit B, geology testimony,
10 and Exhibit C Notice Testimony which shows that this
11 is timely published on September 20, 2022.

12 And with that, I ask that Exhibits A,
13 B, and C be admitted into the record in Case Numbers
14 23047 and 23048 and that these cases be taken under
15 advisement.

16 THE HEARING EXAMINER BRANCARD: Thank
17 you.

18 Mr. Garcia, any questions?

19 THE TECHNICAL EXAMINER: Well, I have
20 one question for her case -- similar questions. For
21 Case 23047, we have duplicate exhibits. Is there a
22 difference on those?

23 MS. MCLEAN: Oh, we had submitted
24 supplemental exhibits to correct the numbering.

25 THE TECHNICAL EXAMINER: Okay.

1 MS. MCLEAN: The actual exhibit labels.
2 THE TECHNICAL EXAMINER: Okay. And
3 then, same thing in Case 23048, we have triplicate
4 exhibits. One of them -- two of them have an Exhibit
5 B-6, one of them doesn't. Is the one that --
6 MS. MCLEAN: Yes.
7 THE TECHNICAL EXAMINER: The one we
8 use, I guess.
9 MS. MCLEAN: Same issue. Correcting.
10 Unfortunately, the numbering and there should be
11 six -- there should be six exhibits for Exhibit B.
12 THE TECHNICAL EXAMINER: Okay. So for
13 both cases, the most recent exhibit packet is the one
14 to use?
15 MS. MCLEAN: Yes, sir.
16 THE TECHNICAL EXAMINER: Okay. I
17 believe that's all my questions.
18 MS. MCLEAN: Thank you.
19 THE HEARING EXAMINER BRANCARD: Okay.
20 I would say, you know, advice to all parties, if
21 you're going to submit revised exhibits, attach a
22 piece of paper to the front of the exhibits indicating
23 why you're submitting it and what's been changed.
24 MS. MCLEAN: We'll do that.
25 THE HEARING EXAMINER BRANCARD: So, you

1 know, poor Mr. Garcia goes through all these exhibits
2 trying to figure out what exactly was changed.

3 MS. MCLEAN: I'm sorry about that.
4 We'll definitely do that going forward.

5 THE TECHNICAL EXAMINER: Like a pick-me
6 exhibit.

7 THE HEARING EXAMINER BRANCARD: Yeah.

8 So, Ms. McLean, on -- I don't know what
9 numbered exhibit it is but it's looking like Pages 17,
10 18 -- Exhibit A-4, let's try that.

11 MS. MCLEAN: Okay. Yes, sir. Got it
12 here.

13 THE HEARING EXAMINER BRANCARD: The
14 pool parties, are the pool parties the ones that are
15 highlighted?

16 MS. MCLEAN: Yes. The parties that are
17 being pooled are highlighted.

18 THE HEARING EXAMINER BRANCARD: Okay.
19 Again, you know, please indicate --

20 This is for everybody. When you
21 highlight something, what does that mean? So we
22 don't --

23 MS. MCLEAN: So, Mr. Hearing Examiner,
24 in the Affidavit Exhibit A, it does state Paragraph 9,
25 that the party -- the party -- the interests Tascosa

1 seeks to pool are highlighted in yellow.

2 THE HEARING EXAMINER BRANCARD: Okay.
3 Thank you.

4 MS. MCLEAN: Just to reference that.

5 THE HEARING EXAMINER BRANCARD: All
6 right. So I believe you submitted or wanting to
7 submit a new notice to us?

8 MS. MCLEAN: Yes, sir.

9 THE HEARING EXAMINER BRANCARD: Because
10 there was a mistake with the formation. Is that
11 correct?

12 MS. MCLEAN: That's correct. I believe
13 there was a typo in the actual hearing notice it says
14 Yeso formation but the application in the publication
15 notice are the correct Bone Spring and I believe that
16 the Rule 19.15.4.9 Subsection A8 says that the notice
17 needs to contain a legal description so I don't
18 believe that the formation -- that change would be
19 something that's substantial.

20 THE HEARING EXAMINER BRANCARD: Okay.
21 So the correct formation is in the public notice that
22 was published?

23 MS. MCLEAN: Yes, Mr. Hearing Examiner.

24 THE HEARING EXAMINER BRANCARD: I'm
25 staring at it trying to figure out.

1 MS. MCLEAN: It's on Page -- the last
2 page of the PDFs, Page 59, or Page 59 on -- sorry.
3 I'm just looking ahead. It's so tiny here. Page 59
4 on 23047 and then the last page, Page 45 for 23048.

5 THE HEARING EXAMINER BRANCARD: Okay.
6 Now, I do see the words -- magic words Bone Spring in
7 the tiny print. Okay. You're correct, Ms. McLean, I
8 did go look through the rules and it does not specify
9 formation. But that's pretty significant anyway so I
10 don't have any other concerns with your application
11 but what I think we'll do is continue it to the next
12 hearing and we can then put the -- your correct notice
13 in the docket so -- in case there's any else has an
14 interest.

15 MS. MCLEAN: Okay. Thank you.

16 THE HEARING EXAMINER BRANCARD: All
17 right. So with that, are there any other interested
18 persons in Cases 23047, 23048? Hearing none. The
19 exhibits will be admitted into the record, all of
20 them, I guess. And this case is continued to October
21 20, and you don't need to file a continuance.

22 MS. MCLEAN: Okay. Thank you.

23 THE HEARING EXAMINER BRANCARD: Because
24 we need to get it on the docket right away. And you
25 have provided to us; right, the correct notice?

1 MS. MCLEAN: Yes, I e-mailed -- I
2 already e-mailed Ms. Salvidrez.

3 THE HEARING EXAMINER BRANCARD: All
4 right. Excellent.

5 MS. SALVIDREZ: Bill, sorry. This is
6 Marlene. Can you just let me know what case goes to
7 what notice verbiage, please?

8 THE HEARING EXAMINER BRANCARD: So this
9 was both cases, Ms. McLean, or --

10 MS. MCLEAN: I believe it's for both
11 cases, yes, -- sent another e-mail

12 THE HEARING EXAMINER BRANCARD: Okay.
13 So 23047, 23048 will both be continued to October
14 20th. Thank you.

15 With that, we're on Items 41 and 42.
16 These are cases 23052, 23053 COG Operating.

17 MR. FELDEWERT: May it please the
18 Examiner, Michael Feldewert, with Santa Fe office of
19 Holland and Hart, on behalf of the applicant.

20 THE HEARING EXAMINER BRANCARD: Are
21 there any other interested persons for Cases 23052,
22 23053? Hearing none.

23 You may proceed, Mr. Feldewert.

24 MR. FELDEWERT: Thank you.

25 These consolidated cases seek to create

1 two spacing units in the Wolfcamp Formation underlying
2 Sections 24, 25, and 36 in Township 25 South, 27 East,
3 for three-mile laterals. The east half is going to be
4 dedicated to the proposed Atticus 701H, 702H, and
5 703H. The west half acreage is to be initially
6 dedicated to the Atticus 704H, 705H, and 706H wells.

7 Our hearing package contains the
8 checklist for both cases along with the applications
9 for both cases. And then following that is the
10 Exhibit A which is the statement of Ms. Shelley
11 Klingler who is the landman at the COG Operating. She
12 has not previously testified before therefore we
13 provided her credentials as Exhibit A-1 and believe
14 that they qualify her to testify as an expert on
15 petroleum land matters.

16 She then provides as Exhibit A-2 the
17 Form C-102s for all six of these wells in numerical
18 order. Exhibit A-3 identifies the tracts of state and
19 fee lands that comprise the proposed spacing units in
20 each case. And you'll see that they are the same
21 tracts for both the east -- well, there's a little
22 difference in the tracts between the east half and the
23 west half but they're primarily the same.

24 And then she has highlighted in the
25 middle of the exhibit, the parties that they seek to

1 pool for these two spacing units.

2 Exhibit A-4 then provides the well
3 proposal letter that was initially sent out in August
4 with the AFEs for each well. And then there was
5 actually a supplemental letter that was sent out at
6 the end of August to clarify the proposed spacing
7 units.

8 In Exhibit A-5, contains a chronology
9 of current contacts with the parties that COG seeks to
10 pool, and it's broken out by the communications with
11 each particular party.

12 Exhibit B is the statement of the
13 geologist, Jessica Pontiff [ph] and she provides a, as
14 B-1, a general location map showing the subject
15 acreage in relationship to Carlsbad where it's located
16 within Eddy County.

17 Exhibit B-2 then provides her structure
18 map with the acreage highlighted and showing in rough
19 form the general location and orientation for the
20 initial proposed wells.

21 Exhibit B-3 contains her map of the
22 well logs that were utilized to create the
23 stratigraphic cross-section which is provided as
24 Exhibit B-4. And she identifies on that stratigraphic
25 cross-section, the initial target interval for the

1 proposed wells.

2 Exhibit C then is the affidavit from my
3 office confirming that the notice was provided by mail
4 to the parties that the COG seeks to pool in this case
5 and you'll see that there's just three, Devon,
6 Chevron, and Read and Stevens not knowing for sure
7 whether they actually have an interest, so they were
8 provided notice out of an abundance of caution.

9 So there's no need to publish and
10 therefore, I ask that the Exhibits A, B, and C be
11 admitted and that the matter be taken under
12 advisement.

13 THE HEARING EXAMINER BRANCARD: Thank
14 you.

15 Mr. Garcia, any questions?

16 THE TECHNICAL EXAMINER: One question.
17 Can you submit the exhibit packet under 23052 also?
18 It only came in under 23053.

19 MR. FELDEWERT: Uh-oh. Yes. Yes.
20 Sorry about that.

21 THE TECHNICAL EXAMINER: No problem.
22 Unfortunately, I don't have a magical copy button.

23 MR. FELDEWERT: Yes, I'll make sure it
24 was filed in both cases.

25 THE TECHNICAL EXAMINER: Yeah, just

1 missing the 52 case.

2 But I believe that's all my questions.

3 MR. FELDEWERT: Okay.

4 THE HEARING EXAMINER BRANCARD: Thank
5 you.

6 Mr. Feldewert, so Exhibit A-3 just --
7 this is just clarifying on the record here.

8 MR. FELDEWERT: A-3, go ahead. Yes.

9 THE HEARING EXAMINER BRANCARD: So
10 rather than give us separate tract maps for each
11 application, you did one combined tract map. Is that
12 what I'm looking at here?

13 MR. FELDEWERT: Yes, because the tracts
14 were so similar across the entire section. The tracts
15 were provided on the left and then you'll see they
16 provided the working interests, kind of, in the middle
17 based on east half and then on the west half. Because
18 the same parties were essentially involved and then it
19 was -- and then it was parties were to be pooled or
20 identified in yellow.

21 THE HEARING EXAMINER BRANCARD: Okay.
22 Just to clarify. That's all.

23 MR. FELDEWERT: Yeah. Mm-hmm.

24 THE HEARING EXAMINER BRANCARD: Thank
25 you. I have no further questions.

1 Are there any other interested persons
2 for Cases 23052, 23053? Hearing none. The exhibits
3 will be admitted into the record. The cases will be
4 taken under advisement.

5 And Mr. Feldewert will make sure we
6 have the exhibit packet submitted for 23052 also.

7 MR. FELDEWERT: So just to clarify
8 because it's the same exhibit package. I guess it was
9 only filed in one case. Is that what we're clarifying
10 here?

11 THE HEARING EXAMINER BRANCARD: That's
12 what it looks like in our system. It's only showing
13 up in 23053.

14 MR. FELDEWERT: Okay. Okay. Well,
15 we'll see what happened there.

16 THE HEARING EXAMINER BRANCARD: Thank
17 you.

18 MR. FELDEWERT: Thank you.

19 THE HEARING EXAMINER BRANCARD: With
20 that, we are on Cases 43 through 47, 23056, 23057,
21 23058, 23059, 23060 Advance Energy Partners.

22 MR. RANKIN: Good morning, Mr.
23 Examiner. Adam Rankin with the Santa Fe office of
24 Holland and Hart appearing on behalf of the -- just to
25 be totally clear, the full name of the -- in these

1 cases is Advance Energy Partners, Mesa Hat, LLC.

2 THE HEARING EXAMINER BRANCARD: Hat
3 Mesa.

4 MR. RANKIN: Hat Mesa. Thank you.

5 THE HEARING EXAMINER BRANCARD: Are
6 there any other interested persons for Cases 23056,
7 57, 58, 59, 60? Hearing none.

8 You may proceed, Mr. Rankin.

9 MR. RANKIN: Thank you, Mr. Examiner.

10 In these five cases, Advance Energy for
11 short is seeking to pool five different spacing units
12 in the south half of Section 5 and Section 8 in
13 Township 22 South, Range 33 East in Lea County.

14 Three of the cases in space units are
15 pooling the Wolfcamp Formation. Two of the cases are
16 pooling spacing units in the Bone Spring Formation.

17 Each of the Wolfcamp cases seeks to
18 dedicate a single well to each of those spacing units.

19 The Bone Spring cases are seeking to
20 dedicate nine -- in each case nine initial wells to
21 those Bone Spring space units.

22 We submitted on Tuesday a exhibit
23 packet that contains an Exhibit A, a Compulsory
24 Pooling Checklist for each of the cases identifying
25 the acreage sought to be dedicated under the

1 compulsory pooling order. The wells dedicated to that
2 acreage and the other elements required for the
3 compulsory pooling.

4 Exhibit B is a copy of each of the
5 applications filed in each of the cases.

6 Exhibit C is a copy of the Self-
7 Affirmed Statement of company's landman is Lindsey
8 Lawfer [ph] who has previously testified before the
9 Division. And her Self-Affirmed Statement she reviews
10 the -- in each case the acreage formations in the
11 proposed wells to be dedicated to each of the spacing
12 units.

13 Attached to her Self-Affirmed Statement
14 is Exhibit C-1 which is a copy of the C-102s for each
15 of the proposed wells. C-102s reflect the pool and
16 pool code that will be assigned to each of the space
17 units for each case.

18 There are no depth severances in any of
19 the space units within the formations.

20 Exhibit C-2 is a copy of the land plat
21 that identifies the tracts. The comprised is proposed
22 space units in each case along with a breakout of the
23 working interest owners on a tract basis and as a
24 space unit basis.

25 The exhibit also identifies the working

1 interest owner in each case that Advance is seeking to
2 pool which is Mr. Tom Ragsdale.

3 In addition to Mr. Ragsdale, the
4 company is seeking to pool some bear record title
5 owners who are also identified in those exhibits and
6 being highlighted as being subject to the pooling.

7 Exhibit C-3 is a copy of the well
8 proposal letters and the AFEs that were sent to Mr.
9 Ragsdale in this case.

10 C-4 is a summary of the contacts with
11 Mr. Ragsdale confirming that, you know, he has been
12 reached and contacted.

13 Exhibit D is a copy of the Self-
14 Affirmed Statement of the company's geologist, Mr.
15 Eric Rodden [ph]. He's previously testified before.
16 He reviews the spacing units and the proposals for
17 landing zones for each well in his affidavit.

18 Exhibit D-1 is locator map depicting
19 the location of the space units. D-2 is a Sub-C
20 structure map identifying, you know, for each case,
21 the top of the Bone Spring or the Wolfcamp, that's D-
22 3.

23 D-4 is essentially a line cross-section
24 that is used to create cross-sections for Exhibit D-4.
25 Mr. Rodden [ph] confirms that he has not identified

1 any issues with drilling horizontal wells in the
2 offsets dubs or pinch-outs. And that approval is in
3 the best interest of conservation, prevention of
4 waste.

5 Exhibit E is a copy of my affidavit
6 reflecting that we provided notice to all of the
7 parties who are being pooled in these cases along with
8 a updated status of the certified mailing reflecting
9 that each of the parties did receive notice by
10 certified mail.

11 We also attached Exhibit F which is the
12 Affidavit of Publication. I just have abundance of
13 caution that identifying each of the parties who are
14 being pooled have been given constructive notice by
15 publication.

16 Also, just to point out, Mr. Examiner,
17 in the landman's affidavit, we did identify and
18 clarify that the north half of Section 5 is not going
19 to be stranded. The northwest quarter is currently
20 subject to an existing spacing unit for horizontal
21 wells going to the north and then the northeast
22 quarter will be subject to future development by
23 Advance. So there will be no concerns around stranded
24 acreage.

25 Even given the issues of the horizontal

1 well rules which should resolve any concerns around
2 stranded acreage.

3 So with that, Mr. Examiner, I would
4 move the admission of Exhibits A through F and ask
5 that the cases be taken under advisement. Stand for
6 any questions.

7 THE HEARING EXAMINER BRANCARD: Thank
8 you.

9 Mr. Garcia, any questions?

10 THE TECHNICAL EXAMINER: I have no
11 questions.

12 THE HEARING EXAMINER BRANCARD: Mr.
13 Rankin, I have no questions.

14 Are there any other interested persons
15 for Cases 23056, 23057, 23058, 23059, 23060? Hearing
16 none. The exhibits will be admitted into the record
17 and these cases will be taken under advisement.

18 With that, we're on Item 48, 49, 50, 51
19 Case Numbers 23067, 23068, 23069, 23070 Matador
20 Production Company.

21 MS. VANCE: Good morning, Mr. Hearing
22 Examiner and Mr. Garcia. Paula Vance with the Santa
23 Fe office of Holland Hart on behalf of Matador.

24 THE HEARING EXAMINER BRANCARD: Thank
25 you.

1 Are there any other interested persons
2 for Cases 23067, 68, 69, 70? Hearing none.

3 You may proceed, Ms. Vance.

4 MS. VANCE: Thank you, Mr. Hearing
5 Examiner.

6 In Case 23067, Matador seeks to pool
7 uncommitted interest within the Bone Spring Formation
8 Pool Code 27470 underlying a standard 240-acre
9 horizontal spacing unit comprised of the north half
10 south half of Section 15, and the north half of the
11 southwest quarter of Section 14, Township 20 South,
12 Range 29 East, Eddy County, New Mexico.

13 And Matador seeks to dedicate this
14 spacing unit to the proposed Ted 1514 Fed Com Number
15 123H well.

16 In Case 23068, Matador seeks to pool
17 uncommitted interest within the Bone Spring Formation
18 Pool Code 27470 underlying a standard 240-acre
19 horizontal spacing unit comprised of the south half
20 south half of Section 15 and the south half of the
21 southwest quarter of Section 14, Township 20 South,
22 Range 29 East, Eddy County, New Mexico.

23 Matador seeks to dedicate this spacing
24 unit to the proposed Ted 1514 Fed Com Number 124H
25 well.

1 In Case 23069, Matador seeks to pool
2 uncommitted interest within the Wolfcamp Formation.
3 Pool Code 98315 underlying a standard 240-acre
4 horizontal spacing unit comprised of the north half
5 south half of Section 15 and the north half of the
6 southwest quarter of Section 14, Township 20 South,
7 Range 29 East, Eddy County, New Mexico.

8 Matador seeks to dedicate the spacing
9 unit to the proposed Ted 1514 Fed Com Number 203H
10 well.

11 And lastly, in Case 23070, Matador
12 seeks to pool uncommitted interest within the Wolfcamp
13 Formation, Pool Code 98315. Underlying a standard a
14 240-acre horizontal spacing unit comprised of the
15 south half south half of Section 15 and the south half
16 of the southwest quarter of Section 14, Township 20
17 South, Range 29 East, Eddy County, New Mexico.

18 And Matador seeks to dedicate the
19 spacing unit to the proposed Ted 1514 Fed Com Number
20 204H well.

21 In this case, we have provided the
22 Compulsory Pooling Checklist as well as the affidavit
23 and testimony of landman, Hawks Holder, and geologist,
24 Andrew Parker.

25 Mr. Parker has previously testified

1 before the Division and his credentials have been
2 accepted as a matter of record.

3 However, Mr. Holder has not previously
4 testified before the Division. In his affidavit,
5 Paragraph 2, we provided a brief overview of his
6 background and qualifications as a landman.

7 His education, just to give you a brief
8 summary. He's a graduate of Texas A&M with a
9 bachelor's in business administration and
10 concentration and energy commerce.

11 Since graduating and while in school,
12 he's worked for Matador mostly in the land department.
13 And while with Matador he has primarily worked on
14 surface land work, BLM projects, and other land
15 operations. All primarily within the Delaware Basin
16 and Eddy and Lea County.

17 And based on his education and work
18 experience as a landman, I would tender Mr. Holder as
19 a expert in land matters and ask that at this time his
20 credentials be accepted as a matter of record by the
21 Division.

22 THE HEARING EXAMINER BRANCARD: Any
23 objections? Hearing none. So it accepted.

24 MS. VANCE: Thank you, Mr. Examiner.

25 Mr. Holder's affidavit is Exhibit C

1 which includes Sub-Exhibits C-1, the C-102s, C-2 land
2 tract map, C-3 a list of uncommitted working interest
3 owners and overrides, C-4 sample well proposal letter
4 and AFEs, and C-5 a chronology of contacts.

5 This is followed by Mr. Parker's
6 affidavit which is Exhibit D. It includes Sub-
7 Exhibits D-1 a locator map, D-2 a Bone Springs Sub-C
8 Structure map, D-3 a Bone Springs structural cross-
9 section map, D-4 a Wolfcamp Sub-C Structure map, and
10 D-5 a Wolfcamp structural cross-section.

11 In this case, Mr. Parker did not
12 observe any faulting, pinch-outs, or other geological
13 impediments to the horizontal drilling of these wells.

14 And then lastly, is Exhibit E a Self-
15 Affirmed Statement of Notice with sample letters that
16 were timely mailed on September 16, 2022.

17 And then Exhibit F an Affidavit of
18 Notice of Publication which was timely published on
19 September 16, 2022.

20 And with that, unless there are any
21 questions, I would ask that all exhibits and sub-
22 exhibits be admitted into the record and that Cases
23 23067, 230687, 23069, and 23070 be taken under
24 advisement by the Division at this time.

25 THE HEARING EXAMINER BRANCARD: Thank

1 you.

2 Mr. Garcia, questions?

3 THE TECHNICAL EXAMINER: I have no
4 questions.

5 THE HEARING EXAMINER BRANCARD: Thank
6 you.

7 Ms. Vance, I believe you submitted
8 revised checklist.

9 MS. VANCE: I did and so I'm happy to
10 provide an explanation on that. And I did want to
11 make one other point before, so I don't forget to put
12 it on the record.

13 I did want to note that we are seeking
14 to pool record title holders, McMillan Production,
15 Inc., and Permian Exploration Company. Both were
16 provided letter notice and publication notice.

17 And I just wanted to make sure that was
18 entered on the record.

19 With regard to the checklist, you'll --
20 I believe we did put a cover letter and noted that
21 there was a change in service hole location. That is
22 also discussed in the landman, in his exhibit. And
23 I'm trying to -- in Paragraph 11, it's explained in
24 the landman's exhibit. And I believe that's on Pages
25 34 and 35 if you have the PDF open.

1 THE HEARING EXAMINER BRANCARD: All
2 right. Thank you. So if the service hole location
3 for each well?

4 MS. VANCE: Per each well, that's
5 correct. I think originally it was in Unit L, but it
6 was just changed slightly. It's in Unit P. So the
7 southeast quarter of the southeast quarter.

8 THE HEARING EXAMINER BRANCARD: Thank
9 you.

10 Any other questions, Mr. Garcia?

11 THE TECHNICAL EXAMINER: No questions.

12 THE HEARING EXAMINER BRANCARD: All
13 right. Any other interested persons then for Cases
14 23067, 068, 069, 070? Hearing none. The exhibits in
15 these cases are accepted into the record and the cases
16 are taken under advisement. Thank you.

17 MS. VANCE: Thank you, Mr. Hearing
18 Examiner.

19 And thank you, Mr. Garcia.

20 THE HEARING EXAMINER BRANCARD: All
21 right. So let's look at cases -- Items 52, 53, 54.
22 These are Case Numbers 23071, 23072, 23073 Oxy USA,
23 Inc.

24 MR. RANKIN: Morning, Mr. Examiner.
25 May it please the Division. Adam Rankin with the

1 Santa Fe office of Holland and Hart appearing on
2 behalf of the applicant in these cases.

3 THE HEARING EXAMINER BRANCARD: Thank
4 you.

5 Are there any other interested persons
6 then for Cases 23071, 072, 073? Hearing none.

7 You may proceed, Mr. Rankin.

8 MR. RANKIN: Thank you, Mr. Examiner.

9 In these three cases, Oxy is seeking
10 orders pooling interests in three different space
11 units within Sections 12 and 13, in Township 20 South,
12 Range 31 East in Eddy County.

13 Two of the space units will be in the
14 Wolfcamp Formation one on the west half and the other
15 on the east half of the Sections. The other being the
16 Bone Spring Formation which is -- will be comprised of
17 the west half west half of the sections.

18 In the Bone Spring Formation, there
19 will be three wells dedicated to that proposed spacing
20 unit.

21 And then in the Wolfcamp Formations,
22 it'll be four wells dedicated to the spacing unit
23 proposed in Case 23072 and three wells dedicated to
24 Case Number 23073.

25 In the exhibit packet that we submitted

1 on Tuesday, is a -- Exhibit A is the Compulsory
2 Pooling Checklist for each of the cases identifying
3 the wells spacing units and the acreage that will be
4 dedicated to it along with the other elements required
5 for compulsory pooling.

6 Exhibit B is a copy of the applications
7 that were filed in each of the cases along with the
8 proposed notice of hearing.

9 Exhibit C is the Self-Affirmed
10 Statement of Oxy land negotiator, Courtney Carr.
11 She's previously testified before the Division and has
12 had her credentials accepted.

13 Her Self-Affirmed Statement reviews in
14 each case the acreage that will be dedicated to each
15 of the spacing units in each formation along with the
16 wells proposed initially dedicated to each of those
17 spacing units.

18 She identifies the pool names and pool
19 codes for each case.

20 Exhibit C-1 attached to her Self-
21 Affirmed Statement are the C-102s for each of the
22 wells that will be dedicated under the pooling orders.

23 Exhibit C-2 is a copy of her land
24 exhibit identifying the tracts that comprise each of
25 the space units along with the interest on a tract

1 bases and on a recapped as a unit basis. It
2 identifies the parties that they're seeking to pool by
3 highlighting them.

4 Exhibit C-3 is a copy of the well
5 proposals that went out to each of the working
6 interest owners along with the AFEs identifying the
7 costs associated with each well.

8 C-4 is a copy of her chronology of
9 contacts identifying her efforts to identify and
10 locate and then reach agreement with each of the
11 parties.

12 Exhibit D is the Self-Affirmed
13 Statement of the geologist in the case for the
14 company, Mr. Daniel Burnett.

15 Mr. Burnett has previously testified
16 before and has had his credentials accepted as a
17 matter of record.

18 He reviews in his affidavit the basis
19 for the suitability of drilling horizontal wells in
20 each of the spacing units.

21 His exhibits include Sub-C structure
22 maps for each of the formations identifying the
23 structure and confirming there's no geological
24 impediments to horizontal wells.

25 As well as cross-sections reviewing the

1 landing zones for each of the wells and confirming
2 that the target interval is consistent across the
3 entire spacing unit. And that the approval of the
4 applications is in the interest of pressure waste and
5 protection of -- rights.

6 Exhibit E is a copy of the affidavit
7 prepared by me in our office reflecting that we've
8 provided notice to each of the parties that Oxy's
9 seeking to pool in the case along with a copy of the
10 certified letter status reflecting that each of the
11 parties in this case -- in these cases have been --
12 have received notice of the application and of the
13 pooling hearing as well.

14 As of Exhibit F which is a copy of the
15 Affidavit of Publication for each case that reflects
16 that the application notice was provided in a
17 newspaper of town circulation within any county.

18 Mr. Examiner, at this time I would move
19 the Exhibits A through F in each of the cases and ask
20 that the cases be taken under advisement and stand for
21 any questions at this time.

22 THE HEARING EXAMINER BRANCARD: Thank
23 you.

24 Mr. Garcia, questions?

25 THE TECHNICAL EXAMINER: I have no

1 questions.

2 THE HEARING EXAMINER BRANCARD: Thank
3 you.

4 Mr. Rankin, I'm sure this is my
5 inability to read the C-102 form but I'm looking at
6 the C-102 for Well 312H.

7 MR. RANKIN: Let me see if I can get
8 there because there are a number of them. 312H?

9 THE HEARING EXAMINER BRANCARD: Right.

10 MR. RANKIN: All right.

11 THE HEARING EXAMINER BRANCARD: And I
12 guess I'm not sure what the grid pattern is. Is that
13 well going up the center of the section? Or is that
14 the center of the west half?

15 MR. RANKIN: I believe it's just to the
16 west of the center line of this section.

17 THE HEARING EXAMINER BRANCARD: Okay.
18 But isn't that spacing unit just the west half?

19 MR. RANKIN: Yeah, that's correct.

20 THE HEARING EXAMINER BRANCARD: So is
21 this a nonstandard location?

22 MR. RANKIN: Let's see. One moment
23 while I do my calculations assuming it's a standard
24 section. That would be closer to the 330 -- to the
25 east half of the section so it would be at a

1 nonstandard location which would require a
2 administrative application for nonstandard approval.
3 I believe. I'll double-check with the -- with Oxy,
4 Mr. Examiner, because it may be the situation that the
5 ownership is uniformed so I'll double check whether
6 that's required in this instance or not. But if it
7 is, certainly we would file for administrative
8 approval.

9 THE HEARING EXAMINER BRANCARD: Okay.
10 I'm just trying to get a grip on all these wells. You
11 have so many wells here. Okay. So the 311 is the
12 proximity well, not the 312. Okay.

13 MR. RANKIN: Right. Yeah, well, each
14 of the Wolfcamp cases has proximity wells that will
15 pool on the adjacent tracts.

16 THE HEARING EXAMINER BRANCARD: Okay.
17 All right. All right. So as long as you're aware
18 that you may need a nonstandard location.

19 MR. RANKIN: Yeah, I'll confer with the
20 landman to confirm whether it is uniformed interest
21 across the sections or whether it will require
22 administrative application.

23 THE HEARING EXAMINER BRANCARD: Thank
24 you. Let me just check here. Are there any other
25 interested persons in Cases 23071, 072, 073? Hearing

1 none. The exhibits in these three cases will be
2 admitted into the record and the cases will be taken
3 under advisement.

4 Thank you.

5 MR. RANKIN: Thank you.

6 THE HEARING EXAMINER BRANCARD: All
7 right. Let me check in one more time with our court
8 reporter to see if everything is okay, whether you
9 need a break or how we doing?

10 THE REPORTER: I'm here. I'm on your
11 time. Whenever you need a break, I'll go when you go.

12 THE HEARING EXAMINER BRANCARD: Okay.
13 We have one more group of cases to go here so --

14 THE REPORTER: No problem.

15 THE HEARING EXAMINER BRANCARD: I'm
16 hoping we can get it done by noon, but we'll see.

17 All right. With that, we are on Item
18 55. This is Case 23075 Mewbourne Oil Company.

19 MR. BRUCE: Mr. Examiner, Jim Bruce,
20 representing Mewbourne.

21 THE HEARING EXAMINER BRANCARD: Thank
22 you.

23 Are there any other interested persons
24 for Case 23075? Hearing none.

25 Mr. Bruce, you may proceed.

1 MR. BRUCE: Mr. Examiner, in this case,
2 Mewbourne seeks to amend order our 21973 which pooled
3 a 240-acre well unit in Sections 3 and 4 of 18 South,
4 29 East.

5 For once in my life, I got this
6 extension application in early. This case was heard
7 last December. The order was issued January 7, 2022,
8 along with a companion case for a separate Samsonite
9 well.

10 The other Samsonite well has been
11 drilled as well as one related to the next case and
12 Mewbourne seeks to -- those two wells were just
13 recently drilled and completed, and Mewbourne would
14 like time to review the results from those wells to
15 determine how to proceed in drilling the two
16 subsequent wells. And therefore it is requesting an
17 extension of the pooling order for one year to January
18 7, 2024.

19 Although Mewbourne's plans are to drill
20 it sooner than that, but I think they want about a
21 half year of production from the two newly drilled
22 wells to determine what is the best way to proceed,
23 gain knowledge from the wells.

24 So Exhibit 1 is the Application to
25 propose notice. Exhibit 2 is the Affidavit of the

1 Landman, Adrianna Salgado [ph], who has previously
2 testified pretty much describing what I just said
3 here. That the prior order is attached as Exhibit A
4 and then Exhibit 3 is my Affidavit of Notice. A
5 couple of people did not return green cards yet
6 although the -- excuse me, the postal service records
7 show they were served.

8 But publication notice was given to all
9 interest owners, so I believe notice is complete
10 although I haven't received the Affidavit of
11 Publication from the Carlsbad Paper yet. So I will
12 need to supplement the record to submit that to the
13 Division.

14 And then finally, Exhibit 5 is the
15 Notice Spreadsheet.

16 But I think Mewbourne has shown good
17 cause to get the order extended for a year and I would
18 move the admission of Exhibits 1 through 5 and ask
19 that this matter be taken under advisement.

20 THE HEARING EXAMINER BRANCARD: Thank
21 you.

22 Mr. Garcia, questions?

23 THE TECHNICAL EXAMINER: No questions.

24 THE HEARING EXAMINER BRANCARD: Thank
25 you.

1 And I don't have any questions either,
2 Mr. Bruce so.

3 Are there any other interested persons
4 for Case 23075? Hearing none. The exhibits will be
5 admitted into the record in Case 2305 will be taken
6 under advisement.

7 MR. BRUCE: Thank you.

8 THE HEARING EXAMINER BRANCARD: With
9 that, we're on Item 56. This is Case 23076 Mewbourne
10 Oil Company.

11 MR. BRUCE: Mr. Examiner, Jim Bruce,
12 for Mewbourne.

13 THE HEARING EXAMINER BRANCARD: Thank
14 you.

15 Are there any other interested parties
16 for Case 23076? Hearing none.

17 Mr. Bruce, you may proceed.

18 MR. BRUCE: Mr. Examiner, similar to
19 the last case, Mewbourne seeks to amend a pooling
20 order, our 21962 which pooled 240-acre unit in
21 Sections 3 and 2 of 18 South 29 East for one of its
22 Swanson wells.

23 Similar to the last case, it was heard
24 originally, December 16, 2021. Your order was entered
25 on December 22 of that year. Just as in prior case,

1 Mewbourne did drill an additional Swanson well and so
2 it has two new offsetting wells, and it wishes to
3 review the production data on that for a number of
4 months to decide how to proceed although they do
5 totally intend on drilling the wells. They just want
6 to make sure that they have the drilling procedure
7 done properly in this area.

8 Exhibit 1 is the application and
9 proposed add. Again, Exhibit 2 is the Land Affidavit
10 from Adrianna Salgado [ph] essentially reiterating
11 what I just said with the prior order attached.

12 Exhibit 3 is the Affidavit of Notice.
13 One thing that puzzled me on this, I even checked my
14 certified mailing payment receipt. I only got back,
15 at this point, just a few cards which, kind of,
16 surprised me. Green cards. And I will probably
17 supplement the record to show what I might receive
18 over the next few days.

19 But Exhibit 4 is the Affidavit of
20 Publication which shows that every party was also
21 given publication notice.

22 And Exhibit 5 is the spreadsheet on the
23 status of notice.

24 I think everything is proper.
25 Mewbourne has shown good cause for having the order

1 extended for a year. I would move the admission of
2 exhibits 1 through 5 and ask that the matter be taken
3 under advisement.

4 THE HEARING EXAMINER BRANCARD: Thank
5 you.

6 Mr. Garcia, any questions?

7 THE TECHNICAL EXAMINER: No questions.

8 THE HEARING EXAMINER BRANCARD: Thank
9 you.

10 I have no questions, Mr. Bruce.

11 Is there any other person here for Case
12 23076? Hearing none. The exhibits will be moved into
13 the record and the case will be taken under
14 advisement.

15 With that, call Item 57 Case 23077
16 Mewbourne Oil Company.

17 MR. BRUCE: Mr. Examiner, Jim Bruce for
18 Mewbourne.

19 THE HEARING EXAMINER BRANCARD: Are
20 there any other interested parties for Case 23077?
21 Hearing none.

22 Mr. Bruce, you may proceed.

23 MR. BRUCE: Mr. Examiner, in this case,
24 Mewbourne seeks to force pool the Wolfcamp Formation
25 underlying the south half of Section 18 and the south

1 half of Section 17, 23 South 27 East in Eddy County
2 for purposes of drilling two upper Wolfcamp wells
3 named the Slider wells.

4 In this case, once again, there is an
5 overlapping well unit. The Slider 18 well which the
6 well unit is the west half of Section 18 so there's a
7 partial overlaying well unit.

8 The reason that Mewbourne seeks to --
9 well, I'll get into this in a minute but there is that
10 issue of the overlapping well unit again.

11 The application proposed notice are
12 Exhibit 1.

13 Exhibit 2 is the Landman's Affidavit.
14 Which contains the usual land plat showing the
15 interest ownership, the C-102s. It shows the exhibit
16 2 attached to the land affidavit. It shows E-4
17 working interest owners in the well. The only party
18 being pooled is Devon Energy Production Company.

19 And there is an Exhibit 3 which shows
20 the contacts with Devon. Proposal letter, the AFEs
21 which are stated to be fair and reasonable.

22 Exhibit 3 is the Notice Letter sent by
23 Mewbourne to the interest owners regarding the
24 overlapping well unit. The only interest owners are
25 Devon, ConocoPhillips, XTO, and then the royalty

1 owners New Mexico State Land Office. Nobody objected
2 to the overlapping well units and as an aside, the
3 reason Mewbourne did this letter -- did the overlap in
4 this fashion having a weigh-down well overlap a
5 standup well is that the results from the standup
6 well -- and this is, of course, in the Purple Sage
7 Wolfcamp, were very poor.

8 The well was completed several years
9 ago with a producing rate of about 50 barrels of oil
10 which is very unusual for the Purple Sage Wolfcamp.
11 And so they're trying to better produce the acreage by
12 having weigh-down units.

13 Exhibit 4 is the Affidavit of Landman.
14 With the usual structure map, you'll notice that there
15 are some vertical wells in the area that --
16 overwhelming the proposed wells and the already drill
17 wells are lay-down wells which appears to be the
18 better way to go.

19 My Affidavit of Notice marked Exhibit 5
20 and I chose that. Devon was given notice. Of course,
21 I didn't notify ConocoPhillips, but they have since
22 signed a JOA. And XTO Energy, I have not received a
23 green card back and if I do, I will supplement the
24 record. But the postal service online shows that they
25 did receive notice of this hearing approximately two

1 weeks ago.

2 And in addition, Exhibit 6 is the
3 Affidavit of Publication which shows that everybody
4 received proper notice.

5 And Exhibit 7 is the Pooling Checklist.

6 I will supplement the record with a
7 green card but other than that, I believe that
8 everything is in order. I would move the admission of
9 Exhibits 1 through 7 and ask that the matter be taken
10 under advisement.

11 THE HEARING EXAMINER BRANCARD: Thank
12 you.

13 Mr. Garcia, questions?

14 THE TECHNICAL EXAMINER: This is Case
15 23077?

16 THE HEARING EXAMINER BRANCARD: Yes.

17 THE TECHNICAL EXAMINER: No questions.

18 THE HEARING EXAMINER BRANCARD: Okay.
19 Mr. Bruce, I'm really confused as to the size of your
20 spacing unit. Your application and notice says this
21 is the south half of Section 18 and the south half of
22 Section 17.

23 MR. BRUCE: Correct.

24 THE HEARING EXAMINER BRANCARD: Which I
25 would guess is around 640 acres?

1 MR. BRUCE: Yeah.

2 THE HEARING EXAMINER BRANCARD: Okay.
3 Your land person's affidavit refers to Mewbourne 2-C,
4 Mewbourne seeks an order approving a 320-acre
5 horizontal spacing unit. Okay?

6 MR. BRUCE: That was a mistake, and I
7 will get that corrected. When she first e-mailed me a
8 request to pool these wells. She actually asked me to
9 break it up into two units. The north half south half
10 and the south half south half of the two sections and
11 I think in looking at her paperwork she messed up the
12 acreage and I did inform her that the spacing would be
13 640 but I will correct that.

14 THE HEARING EXAMINER BRANCARD: Okay.
15 Well, it goes on from there because the exhibit
16 attached to her it's -- while it does say south half
17 the picture almost looks more looks like a south half
18 of a south half but it's just a picture.

19 Then we get to the C-102s, again, I'm
20 terrible at reading C-102s but they sort of look like
21 the well is only within one section. Two wells,
22 Section 18.

23 MR. BRUCE: Yeah, and I agree. I meant
24 to bring that up. These are what they sent to me, and
25 I went online trying to find a new one, but I have

1 requested updated -- as you can see, C-102s are dated
2 February 2020 and I guess at that point they were
3 going to do a one-mile lateral, and they decided to do
4 a two-mile lateral, but I will supplement the record.

5 THE HEARING EXAMINER BRANCARD: Yeah,
6 because the well name is Slider 18 and I believe
7 you're calling the Slider 1817.

8 MR. BRUCE: Yeah. Correct. I
9 apologize. I noticed that when I was putting the
10 exhibit package together on Tuesday and I forgot to e-
11 mail the client until late yesterday about getting the
12 correct C-102s.

13 THE HEARING EXAMINER BRANCARD: Okay.
14 And then if we go to your checklist, here's the good
15 one. You have the spacing unit at 6,400 acres.

16 MR. BRUCE: My fingers were happy. I
17 will correct that too. I was using a form that said
18 320 acres and I didn't delete the full 320 before I
19 typed in the 640.

20 THE HEARING EXAMINER BRANCARD: So
21 anyway, yeah, it's you have the building blocks
22 correct and you have -- the description is correct
23 everywhere, although, I guess, yeah, now that I notice
24 it, you have a south half of 18 and a south half of
25 18. So you need to check the -- change the

1 description on the checklist also.

2 MR. BRUCE: Okay. I got a list of four
3 items here. I'll take care of them.

4 THE HEARING EXAMINER BRANCARD: All
5 right. Once again, are there any other concerns about
6 Case 23077? Hearing none. The exhibits will be
7 admitted into the record.

8 Again, as we discussed on the
9 overlapping spacing units, I think, you know, Mr.
10 Bruce, you did a decent job of letting us know in your
11 notice provisions what notice you were giving to
12 overlapping spacing unit persons.

13 But I would note that your land
14 person's affidavit doesn't discuss the issue at all so
15 anyway.

16 MR. BRUCE: Okay. Got you.

17 THE HEARING EXAMINER BRANCARD: And
18 with that, Case 23077 will be taken under advisement,
19 and we leave the record open for a revised Land
20 person's Affidavit, Revised C-102s, and Revised
21 Checklist.

22 MR. BRUCE: Thank you.

23 THE HEARING EXAMINER BRANCARD: And
24 with that, we are on Item 58, Case 23078 Mewbourne Oil
25 Company.

1 MR. BRUCE: Jim Bruce for Mewbourne.

2 THE HEARING EXAMINER BRANCARD: Are
3 there any other interested persons for Case 23078?
4 Hearing none.

5 You may proceed, Mr. Bruce.

6 MR. BRUCE: In this case, Mr. Examiner,
7 Mewbourne seeks to force pool the north half of
8 Sections 23 and 24, 22 South, 27 East for two Tommy
9 Boy Wolfcamp wells. Again, Purple Sage Wolfcamp
10 wells. Thankfully, there's no overlap this time
11 around.

12 Exhibit 1 is the application and
13 proposed notice.

14 Exhibit 2 is the affidavit by the
15 landman, Brad Done, who's previously testified. And
16 it's the usual information. I would notice and I
17 intended to do this yesterday and I didn't get a
18 chance. If you look at the C-102s, I neglected to put
19 the Pool name and Pool Code in so I will refile those
20 with you with that data put in there. Obviously,
21 Purple Sage Wolfcamp. Contains information showing
22 the tracts, the leases involved, and the ownership.

23 If you go to Attachment 2-B you will
24 see that it lists Mewbourne Oil Company, et al which
25 is Mewbourne and it.s the people signed up to a JOA.

1 It's only about 99.95 percent of the interest. The
2 only person being pooled is a woman named Joy
3 Magbee [ph] who owns, you know, roughly a half of a
4 percent interest in the well, in the proposed unit and
5 wells.

6 The application contains the usual
7 proposal letter, AFEs which are stated to be fair and
8 reasonable, the Affidavit of Title or -- the geologist
9 which is again contains structure map showing proposed
10 and existing Wolfcamp wells in this area which are all
11 laid down wells. So that seems to be the preferred
12 orientation. There are directional drilling plots or
13 horizontal drilling plots.

14 Exhibit 4 is the Affidavit of Notice.
15 I'm showing that actual notice was given. I did
16 notify a company called S and P Company, but they have
17 since signed a JOA and are not being pooled.

18 Exhibit 5 is the Publication Notice
19 although, again, I have not received that from the
20 Carlsbad Newspaper. But because actual notice,
21 certified notice was given to Joy Magbee [ph], I don't
22 think that's too important, but I will update the
23 record.

24 Finally, compulsory pooling application
25 checklist. Late yesterday, I do reread these things

1 sometimes, Mr. Examiner, and I noticed on Page 2 down
2 on the bottom of the checklist, I put the well
3 orientation as standup which is incorrect. So I will
4 correct that and refile that.

5 But with that, I would move the -- and
6 I did not do a notice spreadsheet since there was only
7 one interest owner to be notified.

8 So I would move the exhibits of --
9 Exhibits 1 through 6 into the record and ask that the
10 matter be taken under advisement.

11 THE HEARING EXAMINER BRANCARD: Thank
12 you.

13 Mr. Garcia, any questions?

14 THE TECHNICAL EXAMINER: I have a few.

15 THE HEARING EXAMINER BRANCARD: Okay.

16 THE TECHNICAL EXAMINER: Mr. Bruce, do
17 you know how close you are to the Carlsbad Brine wells
18 there in the area?

19 MR. BRUCE: I don't know the exact
20 date. I do know this was -- there was actually a
21 separate Tommy Boy pooling application I filed, same
22 acreage a couple of years ago but that was dismissed
23 because all the other -- the interest owners known at
24 that time had signed JOAs.

25 And after that came Brine well

1 situation and this well, Mr. Examiner, I believe this
2 is one of the wells in the order that Mewbourne might
3 have or subject to the order, the conditions in that
4 Brine Well Order. I forget what they are now.

5 So yes, you are correct, Mr. Garcia.
6 It is in that area, but it is subject to that Division
7 order.

8 THE TECHNICAL EXAMINER: Okay. Yeah, I
9 think that's where this case and the next few. I just
10 want to make sure Mewbourne's aware of their proximity
11 to it.

12 MR. BRUCE: Yeah, they're painfully
13 aware of all that so.

14 THE TECHNICAL EXAMINER: Yeah, there
15 might be additional COAs with APDs et cetera.

16 MR. BRUCE: Yeah. But, you know, of
17 course, they were restricted from drilling for quite
18 some time, and they even had some wells that they had
19 drilled but then they were told by the OCD not to
20 complete them which they complied with.

21 So Mewbourne has probably more wells
22 than anyone in the immediate Brine area.

23 THE TECHNICAL EXAMINER: I believe
24 you're right about --

25 I believe that's all my questions or

1 statements, I guess.

2 THE HEARING EXAMINER BRANCARD: Thank
3 you. That was also my point, just to make you make
4 sure Mewbourne was aware which I'm sure they are.

5 And I checked, this is more than one
6 mile from the Brine Well so you're not part of the
7 most restrictive area but as always, as Mr. Garcia,
8 mentioned, there may be conditions put on.

9 MR. BRUCE: Correct. They understand
10 that.

11 THE HEARING EXAMINER BRANCARD: Okay.
12 Thank you.

13 So with that, are there any other
14 interested persons for Case 23078? Hearing none. The
15 exhibits will be admitted into the record. The case
16 will be taken under advisement.

17 I believe you're going to revise the C-
18 102, Mr. Bruce? The checklist and --

19 MR. BRUCE: C-102 and the checklist.

20 THE HEARING EXAMINER BRANCARD: And if
21 you happen to get an Affidavit of Publication, that
22 would be great.

23 MR. BRUCE: I will that too, yes.

24 THE HEARING EXAMINER BRANCARD: Yeah.
25 Thank you.

1 With that, we're on Item 59 Case 23079
2 Mewbourne Oil Company.

3 MR. BRUCE: Mr. Examiner, Jim Bruce for
4 Mewbourne.

5 THE HEARING EXAMINER BRANCARD: Are
6 there any other interested persons for Case 2309?
7 Hearing none.

8 Mr. Bruce, you may proceed.

9 MR. BRUCE: Mr. Examiner, in this case,
10 Mewbourne seeks to force pool the north half of
11 Section 33 of 22 South 27 East for purposes of
12 drilling two upper Wolfcamp -- Purple Sage Wolfcamp
13 wells. The Hot Shots wells.

14 Exhibit 1, of course, is the
15 application of proposed adversement.

16 Exhibit 2 is the landman's affidavit
17 containing the usual information. Land plats, C-102s,
18 and tract information. I did notify a number of
19 parties but the only two people being pooled at this
20 time, looking at Attachment B to the Landman's Exhibit
21 are Post Oak Crown Minerals, LLC, and Lorena
22 Ordonez [ph] and Lorie Viejas [ph] who combined own
23 about 2 percent interest in the well.

24 Attachment C is that summary of
25 contacts with the interest owners which also contains

1 the sample proposal letter.

2 Attachment D is the AFEs for the wells.
3 Again, Tyler Hill, the geologist, submitted the usual
4 information.

5 Two things to note. If you'd look at
6 Attachment A to his affidavit. Again, they're doing
7 lay-down wells and virtually all the wells in this
8 area are lay-down Wolfcamp wells.

9 And they're only drilling a one-mile
10 lateral because there are existing wells to the east
11 and to the west. So they're hemmed in for the most
12 part by current wells so they're only drilling a one-
13 mile lateral which, of course, is unusual at this
14 time.

15 Exhibit 4 is my Affidavit of Notice. I
16 originally notified half a dozen people and I have not
17 received green cards back from the two people being
18 pooled. But I did publish notice and I have the
19 actual Affidavit of Publication and it was timely
20 published, I believe, I think. Yes, it was.

21 And I haven't found any mistakes on my
22 pooling checklist yet but that is submitted as Exhibit
23 6 and then a spreadsheet of certified notice is
24 Exhibit 7.

25 I think notice is proper. I didn't

1 notice too many mistakes in here. I would move the
2 admission of exhibits 1 through 7 and ask that is be
3 taken under advisement.

4 THE HEARING EXAMINER BRANCARD: Thank
5 you.

6 Mr. Garcia, questions?

7 THE TECHNICAL EXAMINER: No questions.

8 THE HEARING EXAMINER BRANCARD: Mr.
9 Bruce, the only thing I got confused with is this
10 Attachment A to your land person's Affidavit. Which
11 may just be, sort of, a conceptual drawing of where
12 the well boars will go. It doesn't quite match what
13 is said all through the application about where the
14 first take points are.

15 MR. BRUCE: Yeah, it's just meant --
16 it's meant broadly just to show general location to
17 show surface and bottom hole locations.

18 So obviously, the surface location is
19 quite a bit off of the well unit and, of course,
20 they'll be heading northwest up into the northeast
21 quarter northeast quarter of Section 3 or 33, excuse
22 me. And then heading east. Yeah, I should probably
23 have them -- in looking at the C-102s it shows the
24 same thing.

25 I should probably ask them, especially

1 when it's this severe, to show them where the first
2 take point is. And if you want me to do that, I will
3 do so.

4 THE HEARING EXAMINER BRANCARD: I'm
5 okay with that.

6 Mr. Garcia, do you see an interest in
7 that, or is this something to handle at the APD stage?

8 THE TECHNICAL EXAMINER: It'll be
9 handled at the APD stage, and I also think Page 24 of
10 the exhibit back, kind of, helps show it. Hopefully.

11 THE HEARING EXAMINER BRANCARD: Good,
12 because I couldn't figure out Page 24.

13 THE TECHNICAL EXAMINER: Yeah, bottom
14 right corners if you're looking down on it from like a
15 bird's eye view.

16 MR. BRUCE: Oh, yeah.

17 THE HEARING EXAMINER BRANCARD: Okay.
18 Okay. So yeah, right. So the page I was looking at
19 just had the wells going in a straight line but in
20 fact, they're going, sort of -- more of -- and then
21 heading west.

22 MR. BRUCE: Yeah.

23 THE HEARING EXAMINER BRANCARD: Okay.
24 That makes sense.

25 THE TECHNICAL EXAMINER: And the way

1 the 102s are, spacings fine. NSL would be more
2 concerned which CPR always addresses NSLs to be and
3 they would be doing -- too.

4 THE HEARING EXAMINER BRANCARD: Okay.
5 Thank you.

6 All right. With that, are there any
7 other interested persons for Case 23079? Hearing
8 none. All the exhibits will be admitted in the
9 record. The case will be taken under advisement.

10 I've forgotten, Mr. Bruce, was there
11 anything else that you needed to submit with this?

12 MR. BRUCE: I don't think so.

13 THE HEARING EXAMINER BRANCARD: Okay.
14 Good.

15 MR. BRUCE: For a change.

16 THE HEARING EXAMINER BRANCARD: All
17 right. With that, we're on Item Number 60 Case 23080
18 Mewbourne Oil Company.

19 MR. BRUCE: Jim Bruce for Mewbourne.

20 THE HEARING EXAMINER BRANCARD: Are
21 there any other interested parties for Case 23080?
22 Hearing none.

23 Mr. Bruce, you may proceed.

24 MR. BRUCE: Mr. Examiner, in this case,
25 the applicant seeks to force pool the south half of

1 Section 33 immediately adjoining the wells we just
2 discussed in 22 South 27 East for purposes of drilling
3 two Purple Sage Wolfcamp wells called the Rockhound
4 wells.

5 Exhibit 1 is the application and
6 proposed notice.

7 Exhibit 2 is the Statement of Landman,
8 Brad Done. And as you just pointed out in the prior
9 case, if you go to Attachment A of the prior two
10 wells, and these two wells are -- all have very
11 similar surface locations in the -- what would that
12 be? The northeast southwest quarter of the adjoining
13 Section 34. And again, it's just a picture to show
14 where the surface location is, and the bottom hole
15 location is.

16 The application contains the usual
17 information. Tract map, it's totally -- it was
18 originally one patented tract so there's a bunch of
19 little interest owners out there who are being pooled
20 and looking at this, Mewbourne does have some people
21 committed to the JOA but otherwise, if you look at
22 Attachment B, all the parties listed therein, other
23 than Mewbourne, are the one being pooled.

24 And if you go a couple of pages beyond
25 that, you will see that Mewbourne owns about 85 --

1 owns or controls about 85 percent of the interest, and
2 the rest is split up pretty much among those interest
3 owners.

4 Attachment C to the landman's affidavit
5 is a summary of communications with sample proposal
6 letter attached. And, of course, the AFE.

7 Again, Tyler Hill, the geologist, is
8 Exhibit Number 3. And it's pretty much identical to
9 the prior case showing structure map, cross-section.

10 And if you go to Attachment D to the
11 affidavit, it's the horizontal drilling plan which
12 again, will show that the wells are drilled from the
13 surface. The general surface location either west
14 northwest or south southwest where they then begin to
15 go straight west. So even though that's not shown on
16 the C-102s.

17 Next exhibit is my affidavit of notice.
18 Once again, I haven't received notice back from a
19 number of people and I intend to supplement the
20 record. Probably go to the post office tomorrow or
21 Saturday and see what else is there and then
22 supplement the record.

23 But there is an Affidavit of
24 Publication so everybody did receive certified, or
25 publication notice but, Mr. Examiner, I -- although I

1 filed this notice at the same time as -- or I filed it
2 with the newspaper at the same time, I believe the
3 publication date is a day late.

4 And I would ask the Division to
5 continue this matter to the next docket just secure
6 that publication date.

7 But with that, I move the admission of
8 Exhibit 1 through 7 and continue it and I will ask
9 that the matter be taken under advisement at that
10 time.

11 THE HEARING EXAMINER BRANCARD: Thank
12 you.

13 Mr. Garcia, any questions?

14 THE TECHNICAL EXAMINER: No questions.

15 THE HEARING EXAMINER BRANCARD: Thank
16 you.

17 Okay, Mr. Bruce, I don't think you have
18 your normal notice certificate affidavit in here. I
19 didn't see that, Mr. Bruce.

20 MR. BRUCE: Which? Now, which?

21 THE HEARING EXAMINER BRANCARD: You
22 know, where you give the affidavit or certificate
23 saying I've given notice as follows.

24 MR. BRUCE: Oh, I see now. I'll do
25 that.

1 THE HEARING EXAMINER BRANCARD: Okay.
2 All right. Thank you.

3 Are there any other interested persons
4 then for Case 23080? Hearing none. We will admit the
5 exhibits into the record. Case is continued to
6 October 20th. You don't need to file a continuance
7 and we will hopefully complete all the notice
8 requirements by then. Thank you.

9 THE TECHNICAL EXAMINER: What was the
10 date, Bill?

11 THE HEARING EXAMINER BRANCARD: It's
12 the 20th of October.

13 THE TECHNICAL EXAMINER: Okay. Thank
14 you.

15 THE HEARING EXAMINER BRANCARD: Next
16 hearing.

17 All right. So we get two cases coming
18 up here, Mr. Bruce, that maybe we need to talk about,
19 23082, 23083. 23083 you filed a Motion to Dismiss;
20 correct?

21 MR. BRUCE: Yes. In that case, there
22 was only one additional party to be pooled and he
23 recently signed a JOA. So I moved to dismiss the
24 case.

25 THE HEARING EXAMINER BRANCARD: Okay.

1 All right. Any objections to the Motion to Dismiss?
2 Hearing none. 23083 will be dismissed.

3 Okay. So 23082, the way I understand
4 this is that we had a hearing on this case. We were
5 waiting for an order to be filed. You must have
6 discovered that you needed to do more notice so there
7 were other parties out there. Is that correct?

8 MR. BRUCE: Yeah, Mr. Examiner, I,
9 myself, had questions so I asked the landman why I
10 needed to notify a bunch of people and apparently, the
11 crack in question within the well unit is a beautiful
12 east globe town site in New Mexico, comprised of a
13 number of small, very small lots which is the reason.
14 And the landman, when he first got his title report
15 back, did not reference this.

16 So he got late title, and this is
17 trying to cure that defect.

18 THE HEARING EXAMINER BRANCARD: Okay.
19 So procedurally, what you did, you filed a new
20 application to reopen this case that had not been
21 final.

22 MR. BRUCE: Yeah. I wasn't sure how to
23 do it. I supposed I could've -- either way I figured
24 I was paying a filing application. I thought this was
25 the easier way to go, that's all.

1 THE HEARING EXAMINER BRANCARD: Okay.
2 What has happened is, literally, a couple days ago, we
3 issued an order in your result case.

4 MR. BRUCE: Correct.

5 THE HEARING EXAMINER BRANCARD: Okay.
6 So what we're really looking at at this point is an
7 Amendment to the Order.

8 MR. BRUCE: Correct.

9 THE HEARING EXAMINER BRANCARD: All
10 right. Which you didn't have when you filed this
11 original case because the order had not been issued.

12 MR. BRUCE: You are correct, sir.

13 THE HEARING EXAMINER BRANCARD: So I'll
14 take any suggestions from Mr. Garcia about how we
15 should try to handle this. I mean, you provided all
16 sorts of notice to people, including the original
17 parties. Is that correct?

18 MR. BRUCE: I do not think I
19 notified -- renotified the originals. No, I did not.

20 THE HEARING EXAMINER BRANCARD: There's
21 a lot of notice in this case and you can go through
22 it.

23 MR. BRUCE: I know. Believe me. I
24 suffered sending out notice. Like I said, it's one of
25 those, like, the loving town side et cetera where

1 there's a bunch of small interests hanging out there
2 and they just want to get them cleared up.

3 And as to the procedure, yeah, I had
4 thought that an order would not be issued couple of
5 days ago, like you said. Although I was happy to see
6 it. So I'll do whatever the Division wants.

7 THE HEARING EXAMINER BRANCARD: So, Mr.
8 Garcia, are we okay with letting this case go forward
9 as an amendment case?

10 THE TECHNICAL EXAMINER: I guess you
11 kind of lost me. What case are we on?

12 THE HEARING EXAMINER BRANCARD: 23082.

13 THE TECHNICAL EXAMINER: Wrong notes.
14 I guess I am lost. What case got dismissed?

15 THE HEARING EXAMINER BRANCARD: 23083.

16 THE TECHNICAL EXAMINER: Oh, that's why
17 I got confused. This was related to a case that I
18 just -- ordered this last week.

19 THE HEARING EXAMINER BRANCARD: That's
20 right.

21 MR. BRUCE: Correct.

22 THE HEARING EXAMINER BRANCARD: So when
23 Mr. Bruce filed this application, the order had not
24 yet been issued.

25 THE TECHNICAL EXAMINER: Do you know a

1 related case number?

2 THE HEARING EXAMINER BRANCARD: Yeah,
3 it's in the application; right?

4 MR. BRUCE: 22646.

5 THE HEARING EXAMINER BRANCARD: 22646.

6 THE TECHNICAL EXAMINER: And I guess
7 I'm confused. What's the change that they're seeking?

8 THE HEARING EXAMINER BRANCARD: To add
9 interest owners for notice purposes.

10 THE TECHNICAL EXAMINER: Oh. I think
11 amendment to pool additional parties is -- would be
12 sufficient.

13 THE HEARING EXAMINER BRANCARD: Okay.
14 All right. Mr. Bruce, we will make a decision on the
15 fly here and recast your application as an Application
16 to Amend and I think I have the order number somewhere
17 here R22296 for the purpose of adding additional
18 interest owners.

19 MR. BRUCE: Thank you.

20 THE HEARING EXAMINER BRANCARD: Please
21 proceed then. Okay. So do you want to put on the
22 case now or do you want to try to go back and revise
23 it?

24 MR. BRUCE: If I can get by without
25 revising it, it would be fine with me.

1 THE HEARING EXAMINER BRANCARD: Well,
2 why don't you put on the case and see if we have
3 enough here to accomplish what we're hoping you're
4 accomplish which is amend the existing order?

5 MR. BRUCE: Okay. Mr. Examiner,
6 Exhibit 1 is the application which again, Mewbourne
7 request to reopen Case 22646 to add additional
8 parties. The well, the Wine Mixer 2120B3IL1H covers
9 the north half south half Section 21, and the north
10 half south half of Section 27.

11 The application proposed -- there and
12 then there's the affidavit of the landman, Braxton
13 Blandford [ph] who -- he does give some background on
14 himself, but he has been accepted as an expert in a
15 couple of previous cases.

16 It contains the usual information.
17 Where the well is located, C-102, shows the tract
18 involved, and the parties in each tract.

19 And if you got to Attachment B to his
20 affidavit, you'll get down to a point where you will
21 see the ownership that -- total tract ownership and
22 then the broken down by tract.

23 There is all the people being pooled
24 combined on seven and a half percent interest in the
25 well unit. As I said, they are small tracts of land.

1 So everyone named in that attachment,
2 other than Mewbourne Oil Company, et al, are sought to
3 be pooled in this case.

4 Proposal letter also attached, online
5 certified notices showing that the proposal letter was
6 received by these parties.

7 My statement of notice shows that
8 notice was sent to -- I forget. There's about three
9 dozen interest owners here. And I'm still getting
10 green cards back, so I intend to supplement the record
11 with additional green cards. I think there's some --
12 I think the number of notice letters for this
13 particular well have been returned according to the
14 USPS website.

15 But everyone was notified by
16 publication but once again, the notice was one day
17 late. I have attached two things.

18 I have attached a pooling checklist and
19 you may want me to revise this, Mr. Examiner, because
20 when it came to the -- I did not submit geology
21 because I was just going to say look at the geology
22 presented in Case 22646. It's the exact same, hasn't
23 changed.

24 And in this pooling checklist, I refer
25 on the geological issues portion of the pooling

1 checklist, I just refer to Case 22646.

2 If you want me to revise this, I'm
3 happy to do so. If you want me to submit the geology
4 from the prior case into the record in this case, I'm
5 happy to do so.

6 But with that, other than the potential
7 of the pooling checklist, if you want me to change
8 that and I would move the admission of Exhibits 1
9 through 5. I will do a spreadsheet. It got late on
10 Tuesday night. I didn't feel like doing it. Sorry.

11 But again, the notice was published one
12 day late so again, I begged for a two-week continuance
13 just for purposes of curing the publication notice
14 time. At which time I would ask the case be taken
15 under advisement.

16 THE HEARING EXAMINER BRANCARD: Thank
17 you.

18 Mr. Garcia?

19 THE TECHNICAL EXAMINER: I think I
20 can -- to confuse myself.

21 So Case 23082 is going to essentially
22 amend the previous case to pool additional parties?
23 So I don't think we need the geology exhibits and we
24 don't need the checklist.

25 MR. BRUCE: Okay.

1 THE TECHNICAL EXAMINER: Because
2 pooling additional parties you're really just blows
3 down to the notice issue. But I guess just for the
4 record 30 for public personnel and other -- since
5 you're submitting other stuff, can you submit an
6 affidavit that just describes along the lines of,
7 during the hearing, this was changed to, amendment to.
8 Just to clarify the record. If that's okay with Mr.
9 Brancard?

10 MR. BRUCE: Thank you.

11 THE HEARING EXAMINER BRANCARD: Yeah,
12 just clarify that the order had been issued and this
13 is now proposed to be an amendment to the order.

14 THE TECHNICAL EXAMINER: Yeah, just so
15 if somebody goes looking through it, they know why I
16 did an amendment and not a brand-new CT Order.

17 MR. BRUCE: Okay.

18 THE HEARING EXAMINER BRANCARD: But I
19 agree, we don't need the geology or the checklist.

20 MR. BRUCE: Okay.

21 THE HEARING EXAMINER BRANCARD: But the
22 notice is really important so --

23 MR. BRUCE: Yeah, I will supplement
24 that.

25 THE HEARING EXAMINER BRANCARD: The

1 spreadsheet is really important and there's a whole
2 bunch of people here so that's -- it's good to have
3 that and we can -- this case will be continued, then.

4 So first, let me admit all the exhibits
5 into the record so far and this case will be continued
6 to October 20th. You don't need to file a continuance
7 and it is continued for the purpose of completing
8 notice requirements.

9 MR. BRUCE: Thank you, Mr. Examiner.

10 THE HEARING EXAMINER BRANCARD: Thank
11 you.

12 All right. We've got two more cases to
13 go, and we can try to cruise through them here. I
14 will check in with counsel here. So Case 63 this is
15 22952.

16 Mr. Rankin, are you -- I believe you
17 are the party for this case?

18 MR. RANKIN: Yes, Mr. Examiner, I do
19 represent the party -- the applicant in this case and
20 I believe Ms. Beasley's also here to represent the
21 allottees, we've entered an appearance as well.

22 THE HEARING EXAMINER BRANCARD: All
23 right. Would you all like to just go forward with
24 this case right now?

25 MR. RANKIN: I believe so, Mr.

1 Examiner. If it's okay with Ms. Beasley. Our
2 presentation is very short and then I think she has a
3 couple -- she may have a couple allottees who would
4 like to make a public statement.

5 MS. BEASLEY: Yep, I'm fine with
6 proceeding. Thank you so much and yes, just some
7 public statements.

8 THE HEARING EXAMINER BRANCARD: Thank
9 you.

10 All right. So with that, I'm calling
11 Item 63 Case 22952 Enduring Resources.

12 MR. RANKIN: Good morning, Mr.
13 Examiner. May it please, the Division, Adam Rankin
14 with the Santa Fe office of Holland and Hart appearing
15 on behalf of the applicant in this case, Enduring
16 Resources, LLC.

17 THE HEARING EXAMINER BRANCARD: Thank
18 you.

19 And we have an entry of appearance and
20 I have all the names here, Vivian Mitchell, Marjorie
21 Chiquito, May Toledo, Betty Castillo, Eunice Charlie,
22 Charlotte Gordo, Dixon Castillo, Matilda George,
23 Raquel Harrison.

24 MS. BEASLEY: Yes, good afternoon,
25 Hearing Examiner Brancard. Ally Beasley with Western

1 Environmental Loss Center for the allottees and yes,
2 as stated previously here and in support of Ms. Vivian
3 Mitchell given a public statement on behalf of her
4 relatives.

5 THE HEARING EXAMINER BRANCARD: Thank
6 you.

7 All right. Well, we'll start with --
8 first off, are there any other interested persons for
9 Case 22952? Hearing none.

10 Let's start with Enduring presenting
11 its application.

12 MR. RANKIN: Thank you, Mr. Examiner.

13 We filed back in September, I believe,
14 the application exhibit packet for this case. In this
15 case, Enduring is seeking to amend an existing order
16 approving a Federal Unit in Sandoval County.

17 The application seeks to amend Order
18 R14347, which was an order approving a federal unit
19 that is comprised a 100 percent Federal acreage and/or
20 Indian allottee acreage.

21 In this case, we're seeking to expand
22 the geographic area of what has been identified as
23 our -- designated as the South Escavada Unit Area.

24 The application in this case seeks to
25 increase the unit area by, let's see, a total of

1 three -- approximately 320 acres -- sorry, 160-acre
2 tract which is comprised of a lot of Indian lands
3 described as the northeast quarter of Section 22 in
4 Township 22 North Range 7 West.

5 So the only thing we're asking here is
6 just simply that the existing order be amended to
7 include that additional 160-acre tract of Indian-
8 allotted lands.

9 In the exhibit packet that we filed, it
10 contains Exhibit A which is the application that was
11 filed in the case identifying the order, the existing
12 acreage, and the proposed additional acreage that
13 would be included in the Federal Unit.

14 Exhibit B is the Self-Affirmed
15 Statement of Ms. Anita Ashland who's the landman with
16 the company. She has previously testified and has had
17 her credentials as an expert in petroleum land matters
18 accepted by the Division.

19 Her affidavit reviews the existing
20 unit, the order that previously approved, and the
21 background explaining why the additional tract is
22 being added and the support of both the Federal Indian
23 Minerals Office as well as the BLM to include that
24 acreage.

25 The amendment to unit agreement has

1 already been approved by both FIMO and the BLM.
2 Again, the acreage is a 100 percent federal, and
3 Enduring is a 100 percent working interest owner in
4 the expanded -- in the entire expanded unit area.

5 Attached to her Self-Affirmed Statement
6 is first the Order of the Division that originally
7 approved the unit for reference by the Division.

8 Exhibit B-2 is a copy of the approval
9 letter from the BLM to the company.

10 Exhibit B-3 is an exhibit that is a
11 plat of the existing unit acreage as well as the
12 proposed additional 160-acre tract that's highlighted
13 in yellow.

14 Exhibit B-4 is a approval of the
15 expansion of the unit area from the BLM.

16 And B-5 is the same approval from FIMO,
17 the Federal Indian Minerals Office.

18 Exhibit C is the Self-Affirmed
19 Statement of Mr. Rafael Osocradote [ph]. He's the
20 geologist for the company and he's previously
21 testified. His Self-Affirmed Statement reviews the
22 acreage that's being proposed and leased out which is
23 the geologic basis for including that acreage within
24 the existing unit area as well. And essentially
25 explains that the benefit of including this acreage

1 will be to allow the company to drill longer laterals
2 resulting in more efficient recovery.

3 Exhibit C-1 to his statement is a
4 geologic map showing the existing unit outlined in red
5 with a brighter larger square identifying -- or
6 brighter square showing the proposed additional
7 acreage. Along with the cross-section line from BB
8 Prime.

9 Exhibit C-2 is a structure map just
10 showing the structure of the top of the -- rather --
11 I'm sorry, isopach map showing the top of the
12 designating isopach for the unitized interval.

13 Exhibit C-3 is a cross-section from AA
14 Prime showing that the target interval is consistent
15 across the acreage.

16 And C-4 is a similar B to B Prime cross
17 section showing the same thing from a different angle.

18 So D is an affidavit that was prepared
19 by me in our office reflecting that we provided notice
20 of this application and of the hearing. All the
21 owners of an interest within the unit area including
22 the Indian allottees and other owners based on a list
23 provided to us by FIMO and it's a long list.

24 And you'll see that not every notice
25 was accepted or delivered as of the time of the

1 generation of this report, so we have also provided
2 notice by publication in the newspaper of general
3 circulation in Sandoval County identifying each of the
4 interested affected parties by name. Quite a number.

5 And so with that, Mr. Examiner, we
6 would move the admission of Exhibits A through E into
7 the record, and we'll stand for any questions that the
8 Division may have.

9 And also, just matter of formality, ask
10 that the case be taken under advisement.

11 THE HEARING EXAMINER BRANCARD: Thank
12 you.

13 Mr. Garcia, I think I'd like to hear
14 from Ms. Mitchell first if that's okay, and then we
15 can ask questions of everybody.

16 THE TECHNICAL EXAMINER: That works for
17 me.

18 THE HEARING EXAMINER BRANCARD: Ms.
19 Beasley, is your witness ready?

20 MS. BEASLEY: I believe so.

21 MS. MITCHELL: Good morning, sir. This
22 is Vivian Mitchell. I thank you for allowing me the
23 opportunity to speak to you today.

24 I'm here on behalf of myself and my
25 family who have an interest in this Indian Allotment

1 located in northeast corner of Township 22 North Range
2 7 West Section 2 in Sandoval County.

3 This is the same allotment parcel that
4 Enduring Resource has leased or proposes to add to the
5 South Escavada Unit.

6 So I wanted to share with you some
7 concerns about the Enduring application. You know, in
8 light of these concerns, I urge you to deny their
9 application.

10 And our reason being is first, I want
11 to make sure that you are aware of the problematic
12 ways of noticing, you know, the family. The family
13 members were not notified of this application in a
14 timely matter, you know? Many of us did not receive
15 letters via certified mail from Enduring stating that
16 the company had filed this application with the
17 Division. But these letter did not receive at the
18 same time.

19 Some of us did not receive these
20 letters until August 22nd, you know, the first hearing
21 was scheduled for August 4th. Not even two weeks
22 before the September 1st hearing, which was continued
23 from the original August hearing, you know.

24 I received my mother's letter on the
25 20th, you know, the hearing was supposed to be -- the

1 new hearing was September 1st.

2 And my family -- I know my mom and my
3 aunts and my uncle, they only speak Navajo. They
4 cannot read or write in English, nor can they do it in
5 Navajo. They speak it. They understand in Navajo,
6 you know, so these notices are being sent out via,
7 yeah, certified mail, you know. I don't see how they
8 could read that in a timely manner and have somebody
9 explain it to them, you know.

10 I personally live in Colorado Springs,
11 and it was by chance that I drove down to New Mexico
12 to see my mom and she goes, can you please read this
13 for me? It's something came in. You know, we've been
14 receiving notifications, but I don't know what it is.

15 I read it. Come to find out it was
16 Endurance application and they're asking for
17 appearances on my family's behalf. Not appearances
18 but just notification. And in that letter, it stated,
19 you don't have to show appearance, this is just to let
20 you know, you know, is basically what the letter
21 stated, you know.

22 And it's hard to do that and I cannot
23 be traveling every day, you know, to New Mexico to
24 interpret for my mom or my dad, you know. It's --
25 it's hard, you know.

1 Before Enduring applied through the Oil
2 Conservation Division, to add this allotment to the
3 South Escavada Unit, it had to be obtained an oil gas
4 lease.

5 I know that leasing is not a
6 responsibility of OCD, sir. But I want to share with
7 you my concerns about the leasing process, you know,
8 because I believe it is highly relevant here.

9 Now, I want to take the time to address
10 some issues. When I gave this information to my mom,
11 my aunt, and my uncle, they did not appreciate what
12 was going on only because they were no in the know,
13 you know.

14 When I asked them -- when I told them
15 these are the questions, they asked me. They asked me
16 (Speaking in a foreign language.), you know. Now,
17 that's kind of hard for you to understand what I just
18 said. That's basically what's going on with my
19 family. Not just mine but those in the area, you
20 know.

21 So I'm going to translate what they
22 asked, you know, what's the purpose of the project?
23 God doesn't make a difference in plantation waste.
24 How does it impact the surrounding areas and the
25 environment?

1 When Santa Fe Oil Conservation Division
2 indicated a hearing on January 22nd, why didn't they
3 send me a request of mandatory presence instead of
4 voluntary appearances? No.

5 Why didn't -- the other thing I found
6 out is that Enduring Resources received this lease
7 from WPX. Which my family was never notified about.
8 There was a change there and they were not notified at
9 all, you know. Why weren't they notified?

10 Why didn't WPX and Enduring Production
11 notify allottees a production change when Enduring
12 Resources LLC took over?

13 Why didn't Enduring Resources submit
14 introduction of its company and its change in
15 production with WPX?

16 When letters were received from Holland
17 and Hart back in January 2 of 2015, why didn't WPX
18 keep its word of notification to all allottees when
19 promised on documentation of consent?

20 Now, these are their statements, you
21 know, and -- and it just continues to go on. Much
22 like Endurance application, in this case, lease
23 documents for this allotment were presented to the
24 family in English, not Navajo, you know.

25 They had the opportunity to hire an

1 interpreter. They had the opportunity to send
2 somebody in person to explain in Navajo.

3 They had the opportunity to give
4 information to the local radio station. You know, we
5 have radio station that are all Navajo that can
6 address these issue and, you know, interpret or, you
7 know, invite them to a meeting to have a one-on-one
8 conversation, you know. That -- that's just our --
9 ways to sit in front of somebody and explain to them
10 properly instead of sending documentation and saying,
11 here, here sign this. Sign that, you know.

12 And it's hard for my family to
13 understand what's actually going on, you know. It's
14 just so many things, you know.

15 To my understanding, -- does not have
16 to approve this. You really don't, you know. But in
17 this case there -- there is nothing in this regulation
18 compelling you to allow Enduring to expand the South
19 Escavada Unit.

20 If you deny Endurance application, you
21 will be giving my family a chance to learn more about
22 the way things are happening. What's going on? To
23 better understand, you know.

24 Land leasing is hard in our Navajo
25 Nation because it seems unjust because FIMO has to

1 speak for family. BLM speaks for family. BIA speaks
2 for them without directly talking to them, you know.

3 It's very unjust and I don't appreciate
4 it, you know. I don't think you would appreciate,
5 sir, if this was happening within your family.

6 For somebody not to be able to speak
7 for themselves, and understand, you know, it's -- it's
8 very difficult.

9 You know, by denying Endurance
10 application, you will also be sending a strong message
11 to operators that have to do better when it comes to
12 language access.

13 You know, Navajo Nation citizens and
14 all non-English speaking New Mexicans have a right to
15 a proper and timely notice about matters that affect
16 them. This is the only way that we can meaningfully
17 participate in public processes like this hearing.

18 So, please, sir. You know, I
19 appreciate it if you would deny Endurance application.

20 Thank you for your time.

21 THE HEARING EXAMINER BRANCARD: Thank
22 you. Appreciate your comments.

23 Ms. Beasley, did you have any other
24 presentations to make today or?

25 MS. BEASLEY: Not that I'm aware of so

1 thank you so much for the opportunity for Ms. Mitchell
2 to comment and I believe that's all we have.

3 THE HEARING EXAMINER BRANCARD: Okay.
4 Thank you.

5 So we will ask questions now, so I'll
6 start with Mr. Garcia.

7 THE TECHNICAL EXAMINER: Mr. Akin, I
8 have a few questions. Mr. Akin, you're the one
9 putting the case on; correct?

10 MR. RANKIN: Yeah.

11 THE TECHNICAL EXAMINER: Okay. Units
12 always confuse me, and I think that's well aware of
13 so -- need jurisdiction, to begin with.

14 But since it is the -- I guess I have
15 questions on notice some statements Ms. Mitchell made
16 and Holland and Hart Law Firm has experience with
17 massive CP orders which are unrelated to this but, you
18 know, we have experience with that where you've done
19 town hall meetings, public meetings, et cetera. You
20 know, above and beyond.

21 Was anything done for this case like
22 this?

23 MR. RANKIN: Mr. Garcia, are asking
24 whether there was a public meeting of any kind that
25 was held or promoted in the area where the unit is

1 located.

2 THE TECHNICAL EXAMINER: Correct. I
3 mean have experienced, you know, down south when we
4 get close to Carlsbad, we start getting into lots of
5 notice numbers and we've done that before where we've
6 -- where the operators have notice or public meetings
7 or flyers. Was anything done like that in this area
8 given the large amount of notices on your list?

9 MR. RANKIN: Mr. Examiner, it wasn't
10 done. And if I may, only because of time and I'm
11 happy to address a couple of additional follow-up but
12 Mr. Examiner and Mr. Garcia, Ms. Anita Ashland, land
13 representative for the company is available and I
14 think she would like to just respond briefly to the
15 comments that were made.

16 I think Mr. Garcia may address some of
17 your questions around that as well. If that's okay?

18 I think she has to leave at -- maybe in
19 the next 15 minutes so if it's possible, she may be
20 able to provide some comments for your response.

21 THE TECHNICAL EXAMINER: I'll refer to
22 Mr. Brancard on the process and the time. I mean,
23 we're hearing it now, so -- but she will need to be
24 sworn in first.

25 THE HEARING EXAMINER BRANCARD: Yes.

1 Ms. Ashland, are you there?

2 WITNESS ASHLANDER: I'm not sure if you
3 can hear me.

4 THE HEARING EXAMINER BRANCARD: Yes, we
5 can.

6 WITNESS ASHLANDER: Oh, good. Yes, I'm
7 available.

8 THE HEARING EXAMINER BRANCARD: All
9 right. Can you just raise your hand?

10 THE HEARING EXAMINER BRANCARD: Thank
11 you.

12 WHEREUPON,

13 ANITA ASHLAND

14 called as a witness, and having been first duly sworn
15 to tell the truth, the whole truth, and nothing but
16 the truth, was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. RANKIN:

19 Q Ms. Ashland, if you would, I believe you
20 heard Ms. Mitchell comment about her request that the
21 company make more of an effort to hold meetings or
22 provide additional information to the owners in the
23 Navajo -- can you explain to the examiners and Ms.
24 Mitchell what the company has committed to do going
25 forward?

1 A Yes, we've taken the concerns that have been
2 expressed to us to heart and would like to be able to
3 make an effort to set up a meeting in the area with a
4 Navajo speaker/translator so that any interested party
5 would be able to come in person and meet with the
6 company through a translator and ask any questions
7 that they may have.

8 We think on the going-forward basis that
9 would be a good policy. As the -- as the -- in this
10 particular case, we received many, many, many calls
11 from family members who were allottees and allottees
12 themselves asking questions about the mailing.

13 And we were happy to have them call in.
14 Obviously, there is a language barrier so we would
15 like to correct that in the future by having a local
16 meeting available for those who have questions and
17 would like to have a translator available.

18 THE TECHNICAL EXAMINER: I think that
19 would be good in the future, but I guess the concern
20 is is that it wasn't done now.

21 MR. RANKIN: Well, yeah, I can
22 address -- I guess, Mr. Garcia, you know, in terms of
23 what was done here, this is a -- the notice that was
24 provided was, you know, generally, because it was an
25 amendment to order, going to your question about what

1 is the Divisions jurisdiction here.

2 Our understanding is based on
3 discussions with the Division is that the Division has
4 taken the position that it has requested where there
5 is a 100 percent Federal Unit that operators will --
6 in an order existing, another words, an order that's
7 been precede proved that the applicant or the unit
8 operator file for an amendment of that existing unit
9 order in order for the -- so the Division has a record
10 of the expansion of the unit area so it knows what
11 acreage is in or out of the unit.

12 So for that reason and that reason
13 really only, we applied with the Division to amend the
14 unit order so that the Division had a record of the
15 correct acreage that was dedicated to the unit.

16 And this is a voluntary unit and
17 Enduring has been working with both FIMO and BLM to
18 get this acreage included.

19 Going back to 2018, as you'll see in
20 the exhibits, FIMO had requested, and BLM as well had
21 agreed that this lease when it became available should
22 be included in the acreage.

23 And so once that lease was issued and
24 obtained and the process had gone, you know, been
25 engaged, Enduring working with FIMO and BLM added the

1 acreage to the Unit.

2 So then it became necessary to just to
3 update the Division on the acreage that was included
4 in the Unit. So we are working with FIMO got a list
5 of all the owners based -- most updated list of all
6 the owners from FIMO and provided notification to all
7 those owners so they knew both of the process with the
8 BLM and FIMO and that the company was seeking to amend
9 the order in the -- with the Division.

10 So based on that and based on the list
11 that was obtained -- that we obtained from FIMO, we
12 understood that it was the most up-to-date and correct
13 list and so that's what we relied on to give notice to
14 the parties.

15 And so based on the discussions and the
16 feedback from the folks that Ms. Mitchell's
17 representing and some others as well as you heard from
18 Enduring's Landman, they are committed to, you know,
19 holding these meetings in the future just to make sure
20 that there's no question about, you know, what the
21 intent of the company is so that they can answer any
22 questions that may come up.

23 THE TECHNICAL EXAMINER: Yeah, you
24 covered a lot on that. As far as the jurisdiction of
25 these cases, that's why Mr. Brancard's here to help us

1 with that but -- I mean, -- in general on why it was
2 reasonable, I mean we don't get plans and development
3 we get acreage.

4 Updating us on acreage expansion and
5 asking for a hearing order are two different things in
6 my eyes, to begin with.

7 But I believe that's all my questions
8 and will pass to Mr. McClure or Mr. Brancard, if they
9 have any.

10 THE HEARING EXAMINER BRANCARD: Thank
11 you.

12 Mr. McClure, you with us?

13 Perhaps, he's just listening in.

14 Thank you, I appreciate that. I guess,
15 my question, Mr. Rankin, is we have this old order.
16 It's only five years but in regulatory world, that's
17 pretty old. That refers to a whole lot of OCD
18 Regulations that have been extensively rewritten since
19 that time. Do you see any need for us to change parts
20 of the order or can we rely on what are the
21 transitional provisions in the, we call the horizontal
22 well rule?

23 MR. RANKIN: Sorry, I was on mute. I
24 don't believe that there's any need to address any of
25 the prior regulations in the order. I think the

1 only -- still in issue is including the updated
2 acreage. I believe that the other provisions as you
3 mentioned in the horizontal well rule will address
4 that rule.

5 THE HEARING EXAMINER BRANCARD: Okay.
6 Just so you're aware that there's a lot of -- there's
7 terms used in that order that don't exist anymore,
8 like, project area.

9 MR. RANKIN: I appreciate that. I did
10 review that. I don't believe that there's any need to
11 address anything -- any language in the order other
12 than the unit area.

13 THE HEARING EXAMINER BRANCARD: Thank
14 you.

15 And I apologize to, you know, folks who
16 are new to this process. We have been trying to come
17 to grips with these orders that our Division has
18 issued over the years.

19 For units that are basically under the
20 control of the Federal Government and really, we have
21 no say in, but we issued orders on over the years.
22 And I think part of it is that the BLM likes us having
23 hearings because then they don't have to have
24 hearings.

25 So we're glad to have hearings. We

1 have hearings every two weeks, and they go on all day
2 as you can -- as you realize and so we don't mind
3 doing that.

4 We will write an order in this case
5 that may provide some recommendations, you know,
6 purely advisory to the Federal Government about this
7 based on what we have heard today.

8 And so we hope that it's followed up
9 and we hope there's better communication in the future
10 about these units and about the work that's being done
11 out in the checkerboard area. It's a difficult area
12 to regulate and especially difficult for the people on
13 the grounds to know what's going on.

14 So we will certainly urge the Federal
15 Government to get out there and try to work with the
16 operators and to do a better job of communicating with
17 the people on the ground. So that's all for me.

18 Mr. Garcia, anything more?

19 THE TECHNICAL EXAMINER: Nothing more.

20 THE HEARING EXAMINER BRANCARD: Thank
21 you. So with that, Case 22952 will be taken under
22 advisement, and we will issue an amendment to our
23 order at some point. Thank you. Appreciate
24 everyone's waiting around for this.

25 MR. FELDEWERT: Yeah, have a good lunch

1 everybody, and a good day. Thank you.

2 THE HEARING EXAMINER BRANCARD: Thank
3 you.

4 Okay. We have one more case. Can we
5 do it? Item Number 64 Case 22925. You know, I'm
6 going to mispronounce this Invito Operating.

7 MS. BENNETT: Good afternoon, Mr.
8 Examiner and Mr. Garcia. Deana Bennett on behalf of
9 Invito Operating. And I apologize, my camera's not
10 working. I'm not sure. I'll try to fix while we're
11 going on, but I just now noticed that it's not
12 working.

13 THE HEARING EXAMINER BRANCARD: We just
14 see a big field of magenta.

15 MS. BENNETT: Yeah, I don't really
16 understand that so --

17 THE HEARING EXAMINER BRANCARD: Anyway.
18 People have been shy today about cameras. I'm not
19 sure what's going on.

20 So we had an entry of appearance from
21 Tierra Oil Company on behalf of a whole series of
22 folks. I don't know if they're actually involved in
23 the case anymore, but I will ask if they or anyone
24 else interested in Case 22925 are here? Hearing none.
25 And I think there's someone on our call who's not

1 muted. We're getting some noise here so please check
2 if you're on the call and to mute.

3 With that, Ms. Bennett, you may go
4 forward on your application.

5 MS. BENNETT: Thank you. I just turned
6 my camera off since it's not working so my apologies
7 for that.

8 So again, Deana Bennett on behalf of
9 Invito Operating and we submitted an exhibits in Case
10 Number 22925 on Tuesday. And you noted, Mr. Hearing
11 Examiner, there were a number of folks who entered
12 appearances in these cases. It was Tierra Oil, J Bar
13 Cane, Trevor S. Turmel [ph], Spinnaker [ph]
14 Investments, David W. Head, and Norma G. Head. And
15 Invito has reached an agreement with those parties and
16 so they're no longer being parties to that Invito
17 seeks to pool. And we'll see that as we go through
18 the materials, but I did just want to make clear that
19 Invito has reached an agreement with those parties and
20 that's why we're here today, going by declaration.

21 So in this case, Invito seeks to
22 dedicate the Wagoneer 1H well to a spacing unit that
23 will be the east half east half of Section 12,
24 Township 9 South, Range 33 East, Lea County, New
25 Mexico, and it's a 160-acre spacing unit. It's a

1 standard spacing unit.

2 And in the materials, I've submitted
3 Tab A, which is the compulsory pooling checklist.

4 Tab B is the Self-Affirmed Statement of
5 Jared Christianson. He's Invito's president and
6 managing member. He has never testified before the
7 Division before and so I've included his resume. He
8 as I just mentioned now, he's the president of Invito
9 and is managing member.

10 We put a bit of information in his
11 declaration. The primary point of which is that he's
12 worked with Invito for three years, overseeing
13 Invito's technical and operational manners which
14 include land matters.

15 Behind his statement -- Self-Affirmed
16 Statement, I've included the application and notice
17 paragraph. The C-102, the lease tract map and summary
18 of interests, a summary of contacts, a sample well
19 proposal, AFE, and Mr. Christianson's resume.

20 And I did just want to point out a
21 couple of things on the summary of contacts which is
22 Exhibit B-4. And on Exhibit B-4, this includes a
23 summary of -- a detailed summary of contacts with
24 unlocatable parties and these are parties for whom
25 Invito's land broker could not find any address

1 information.

2 And so what Invito has submitted here
3 is a detailed description of all the steps that the
4 broker took to find any type of address for the
5 parties that were unlocatable for whom Invito could
6 not find an address. And so that's on Page 15 and 16
7 of our materials that goes through communications and
8 the attempts to find those unlocatable parties.

9 And there's also included with this
10 packet is a Affidavit with Publication and the
11 unlocatable parties were given constructive notice
12 through the Affidavit of Publication which I'll
13 discuss in a few minutes.

14 I also just wanted to point on, it's on
15 Page 13, this is the best example of something that
16 I'm going to be fixing. Page 13 shows the party to
17 pool, and I highlighted on that parties to pool so
18 it's clear that these are the parties that Invito is
19 seeking to pool.

20 But recently Anthem Oil and Gas entered
21 into a lease with two other entities, JM and Magnolia
22 and as we were finalizing exhibits and removing the J
23 Bar Cane and others, we forgot to update the Anthem
24 Oil and Gas parties and so I'll be submitting an
25 amended exhibit showing the parties to whom Anthem has

1 leased its interests. So I did just want to point
2 that out that I will be submitting some additional
3 exhibits later today.

4 Tab C is the Self-Affirmed Statement of
5 Candace Carol. She's the geologist for Invito. And
6 she has previously testified before the Division and
7 her credentials were accepted as a matter of record.

8 And in her materials, she includes a
9 locator map, a structure map, and a stratigraphic
10 cross-section.

11 And in her declaration, she testifies
12 that this area is suitable for horizontal development.

13 And then Tab D is this Self-Affirmed
14 Statement that I prepared regarding notice. We --
15 Modrall Sperling took over this case from Hinkle
16 Shanor due to a conflict. And Hinkle Shanor had
17 already done all of the notice -- well, almost all of
18 the notice.

19 And so what I did, was I reviewed
20 Hinkle Shanor's notice materials and laid out what
21 Hinkle Shanor had done in my affidavit, and based on
22 my review of what Hinkle Shanor had done, Hinkle
23 Shanor did notify all of the party that Invito is
24 seeking to pool with the exception of J M and Magnolia
25 which were leased the Anthem interest after Hinkle

1 Shanor had already done its notice.

2 And so I followed up or Invito
3 followed-up with JM and Magnolia and gave them notice
4 of the October 6th hearing as well as provided them a
5 copy of the application. And those letters are at the
6 back of Exhibit D and D-5 shows that those letters
7 were mailed and received. Timely mailed and timely
8 received.

9 So with that, I would ask that the
10 exhibits in Case 22925 be admitted into the record.
11 That the case be taken under advisement and I'm happy
12 to answer any questions or ty to answer any questions
13 the Division may have.

14 THE HEARING EXAMINER BRANCARD: Thank
15 you.

16 Mr. Garcia?

17 THE TECHNICAL EXAMINER: I have no
18 questions.

19 THE HEARING EXAMINER BRANCARD: Okay.
20 So, Ms. Bennett, your client is wishing to pool six
21 parties?

22 MS. BENNETT: One, two, three, four,
23 five, six. Well, it's six plus JM and Magnolia who
24 have now leased Anthem's interests, so it'll be eight
25 slash nine.

1 THE HEARING EXAMINER BRANCARD: Okay.
2 But of those six, three of those are unlocatable.

3 MS. BENNETT: Actually, four of them
4 are unlocatable. Lorenzo Lozano Molina, Maria Molino,
5 Miguel Lonzano [ph] Molina, and the Estate of JoAnn
6 Duncan, Deceased.

7 THE HEARING EXAMINER BRANCARD: Okay.
8 All right. So what is your proposal then to deal with
9 these two other parties?

10 MS. BENNETT: My proposal is that I'm
11 going to submit an updated pooled parties list that
12 will show Anthem and then immediately below Anthem
13 will show JM and Magnolia.

14 THE HEARING EXAMINER BRANCARD: Okay.
15 And your proposal to notify those parties?

16 MS. BENNETT: I already notified those
17 parties and that -- well, I should say Invito notified
18 those parties with my assistance. And those letters
19 are Exhibit E-4 where we included in the letter saying
20 that Anthem informed Invito that it had entered into
21 the lease with Magnolia and JM. This was about --
22 there's a series of bullets if you're on that D-4
23 page.

24 THE HEARING EXAMINER BRANCARD: Yes.

25 MS. BENNETT: There's a series of

1 bullets and right below that series of bullets it
2 recaps the procedural history of how we got to where
3 we were on August 29th?

4 And so Anthem did send Invito a letter
5 requesting that Invito update its records and then
6 we -- Invito then sent Magnolia and JM a proposal
7 letter as well as a letter enclosing a copy of the
8 application in this case and notifying JM and
9 Invito [sic] that this case is currently set for
10 hearing on today's date.

11 THE HEARING EXAMINER BRANCARD: Okay.
12 I assume that was timely done.

13 MS. BENNETT: Yes, the letters,
14 although they're dated August 29th, they were actually
15 sent out on September 6th, which is reflected on
16 Exhibit D-5 but that was due to them Memorial Day or
17 Labor Day. I can never keep those two straight
18 holiday. But 9/6 in any event is more than 20 days.
19 That much I know. More than 20 days before today.

20 THE HEARING EXAMINER BRANCARD: Okay.
21 All right. Just wanted to make sure we -- and you
22 probably already said this, I just wasn't following.

23 MS. BENNETT: It's a bit complicated
24 and I could have probably done a better job of
25 explaining that in my opening remarks.

1 THE HEARING EXAMINER BRANCARD: Well,
2 the bottom line is, you don't need to do anything
3 more? Is that correct?

4 MS. BENNETT: Nope. No, I don't need
5 to do anything more for notice. I do just need to
6 give you some updated exhibits.

7 THE HEARING EXAMINER BRANCARD: Okay.
8 And those are the exhibits listing the pool parties?

9 MS. BENNETT: That's right. And then
10 one of our geology exhibits, it mislabels the well and
11 so my intent is to provide a-- the well is called the
12 Palisades well which was the companion case to this
13 case so it's just a relic from, you know, cutting and
14 pasting. So I'm going to give you an updated slide
15 with the correct well name.

16 THE HEARING EXAMINER BRANCARD: Okay.
17 Thank you. All right. Are we good, Mr. Garcia?

18 THE TECHNICAL EXAMINER: I believe so.

19 THE HEARING EXAMINER BRANCARD: All
20 right. Once again, are there any other interested
21 persons for Case 22925? Hearing none. The exhibits
22 will be admitted into the record. The case will be
23 taken under advisement. We'll leave the record open
24 for a revise list of pool parties and amended geologic
25 exhibit. Is that all?

1 MS. BENNETT: Yes, thank you very much,
2 and great to hear you, Mr. Garcia, today. Always
3 great to have you and others but welcome back, I guess
4 or, you know what I'm trying to say.

5 THE TECHNICAL EXAMINER: Thank you.

6 THE HEARING EXAMINER BRANCARD: Thank
7 you.

8 MS. BENNETT: Thanks.

9 THE HEARING EXAMINER BRANCARD: All
10 right. I believe we are at the end of today's
11 worksheet and agenda, and I don't feel like adding
12 anything on to it.

13 So with that, thank you everyone, and
14 have a great rest of the day. Thank you.

15 MS. BENNETT: Thank you, you too.

16 (Whereupon, at 1:54 p.m., the
17 proceeding was concluded.)
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CERTIFICATE OF DEPOSITION OFFICER

I, DANA FULTON, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



DANA FULTON

Notary Public in and for the
State of New Mexico

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I, CARMEN HARPER, do hereby certify that
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nor employed by any of the parties to the action in
which this was taken; and, further, that I am not a
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otherwise interested in the outcome of this action.



CARMEN HARPER

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