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DOCKET: OIL CONSERVATION DIVISION HEARINGS

Docket No. 21023 ICD

Moderated by Gregory Chakalian, Hearing Examiner

Thursday, October 19, 2023

8:15 a.m.

Remote Proceeding

Santa Fe, New Mexico

Reported by: Dana Fulton

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A P P E A R A N C E S

- Gregory Chakalian, Hearing Examiner
- Hailee Thompson, Examiner
- Leonard Lowe, Examiner
- Marlene Salvidrez, Host
- Sheila Apodaca, Host
- Paula Vance, Esquire
- Michael Feldewert, Esquire
- Darin Savage, Esquire
- Yarithza Pena, Esquire
- Sharon Shaheen, Esquire
- Adam Rankin, Esquire
- Deana Bennett, Esquire
- Dana Hardy, Esquire
- Jim Bruce, Esquire
- Beth Ryan, Esquire
- Jackie McLean, Esquire
- Earnest Padilla, Esquire

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E X H I B I T S (Cont'd)

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1 P R O C E E D I N G S

2 HEARING EXAMINER CHAKALIAN: And  
3 before we get started, I wanted to mention that  
4 starting the first docket in December we are going to  
5 have hybrid hearings, meaning that the Pecos Hall  
6 downstairs should be ready for people who want to come  
7 in in person and participate here at the Wendall Chino  
8 Building, 1st Floor. But witnesses, and counsel, and  
9 anyone else who wants to appear virtually can still do  
10 so.

11 We're also working on templates. These  
12 are templates for applications for various procedures  
13 and things like exhibit indexes. I know it is very  
14 important to the technical reviewers that exhibits are  
15 provided in a particular order and these will be  
16 released in the coming months for everyone to use.

17 So Ms. Hardy, if you are ready, we will  
18 start. Okay, Ms. Hardy, these are the hearings of the  
19 Oil Conversation Division. A list of hearings and  
20 cases was sent out yesterday by Ms. Marlene Salvidrez  
21 and we're going to start today with Case Nos. 23399,  
22 23400, 23401, 23402. These are compulsory pooling  
23 applications. Mr. Savage, are these your cases?

24 MR. SAVAGE: They are, Mr. Hearing  
25 Examiner, and I believe also cases 23214, EGL; and

1 23308, that's Mewbourne, are also part of this  
2 package.

3 HEARING EXAMINER CHAKALIAN: I believe  
4 you're correct. Do we have entries of appearance for  
5 other counsel on these cases?

6 MR. PADILLA: Mr. Examiner, Earnest  
7 Padilla for EGL Resources. Good morning.

8 MR. BRUCE: Mr. Examiner, Jim Bruce  
9 here for Mewbourne Oil Company.

10 HEARING EXAMINER CHAKALIAN: Good  
11 morning, Mr. Bruce.

12 MR. BRUCE: Good morning.

13 MS. BENNETT: Good morning. Good  
14 morning, everybody. Deana Bennett at Modrall Sperling  
15 on behalf of Avant Operating, LLC.

16 HEARING EXAMINER CHAKALIAN: Good  
17 morning.

18 MR. SAVAGE: And Mr. Hearing Examiner,  
19 I'm appearing on behalf of Cimarex Energy Company.

20 HEARING EXAMINER CHAKALIAN: Excellent.  
21 So we're here for a status conference today. Where  
22 are we going with these cases?

23 MR. SAVAGE: Well, if I may begin, Mr.  
24 Hearing Examiner, the parties are in discussion and I  
25 believe they are making good progress. I believe

1 they're close to reaching some kind of agreement.  
2 I've been in discussion with some of the other parties  
3 and we think an additional status conference, maybe  
4 one more status conference, will be beneficial to the  
5 proceedings. You know, I will let the other parties  
6 chime in on that, but perhaps a status conference on  
7 December 7th and November 16th.

8 HEARING EXAMINER CHAKALIAN: I know the  
9 November dockets are pretty full, but I think we could  
10 get them on the December dockets. When were these  
11 filed?

12 MR. SAVAGE: You know, I don't have the  
13 date at my fingertips, but they've been a little  
14 while. It's been a while since these cases have been  
15 filed. I can get that information for you if you --

16 HEARING EXAMINER CHAKALIAN: Let me ask  
17 Mr. Padilla a question. Mr. Padilla, it looks like  
18 23214 is the oldest case here. How did it get  
19 consolidated with these other cases?

20 MR. PADILLA: Mr. Examiner, we were  
21 ready to proceed to an affidavit hearing on this case  
22 since, I think, a week before we were set.  
23 Applications were filed by Cimarax, and I think also  
24 Mewbourne, and there was another party before -- I  
25 think Mewbourne got, took an assignment from the other

1 party, but they -- these two companies proposed wells  
2 that four are the same space that, or spacing units  
3 that we were working with. Our application was to  
4 drill in-field wells on an existing order of the  
5 compulsory pooling order.

6 The other wells are -- I think one was  
7 a three-mile lateral and the other was a two-mile  
8 lateral. And we're just trying to figure out what  
9 they're going to do on their competing cases, where  
10 they're going so that perhaps EGL can drill its in-  
11 field wells into the first Bone Springs.

12 So our case is obviously dependent on  
13 what happens with the other cases. But we were ready  
14 to go and I think we even filed exhibits already.

15 HEARING EXAMINER CHAKALIAN: I'm seeing  
16 that you filed your application almost exactly a year  
17 ago. Is it typical a case filed this long ago has not  
18 gone to a hearing?

19 MR. PADILLA: If you look at the ones  
20 that we had because for -- EGL resources is the one  
21 that you called attention to going on four years.  
22 But, no, it shouldn't take that long.

23 HEARING EXAMINER CHAKALIAN: And I'm  
24 seeing that this case was addressed last August 18.  
25 And I want to see the discussion here. I meant to

1 review this because I see the same counsel, Ms.  
2 Bennett. I see Mr. Savage, Mr. Padilla all discussing  
3 -- Mr. Feldewert was also here. Is Mr. Feldewert  
4 still representing a party in this case?

5 MR. BRUCE: Mr. Examiner, Jim Bruce  
6 here. I believe Mr. Feldewert initially filed the  
7 Mewbourne case and then something -- a conflict came  
8 up. And so I took over that case and I really don't  
9 remember when it was filed. So I -- I barely looked  
10 at the file. It has been continued so --

11 HEARING EXAMINER CHAKALIAN: I see here  
12 he mentions that he's appearing in a matter for XTO  
13 Energy, but let me --

14 MR. BRUCE: That may be right.

15 HEARING EXAMINER CHAKALIAN: Let me see  
16 where this is going here. Hold on a minute. Mr.  
17 Padilla, you were present in August. What is your  
18 recollection of how this was resolved in August?

19 MR. PADILLA: I think it was just  
20 continued to another status conference based on  
21 negotiations between Mewbourne and Cimarex. We were  
22 under the belief that if they made a deal, they would  
23 drill wells at Section 16 and EGL could drill its in-  
24 field wells for Bone Springs.

25 So obviously we can't drill -- or EGL

1 can't drill 'cause there are other applications that  
2 have not been resolved. But negotiations have been  
3 going on for quite a while. We're ready to proceed,  
4 but simply can't if negotiations don't resolve the  
5 issue between Cimarex and Mewbourne.

6 HEARING EXAMINER CHAKALIAN: Ms.  
7 Bennett?

8 MS. BENNETT: Thank you, Mr. Examiner.  
9 Avant Operating is monitoring these cases. We don't  
10 have a -- we're not objecting to them at this point or  
11 have proposals that compete with them. So I'm  
12 monitoring the cases for Avant.

13 HEARING EXAMINER CHAKALIAN: Okay.  
14 Thank you. Well, I'm asking the parties the  
15 following: I don't mind setting it for one more  
16 status conference, but I feel like once a year has  
17 passed, these cases either need to move to hearings,  
18 or be resolved, or be dismissed until they're ready  
19 for a hearing.

20 I don't want this docket to be a place  
21 where cases are filed and then just left. So Mr.  
22 Savage, any problem with that?

23 MR. SAVAGE: No problem, Mr. Hearing  
24 Examiner. I tend to agree with that. Sometimes when  
25 you set a hearing date, it does facilitate

1 negotiations, but I -- in my conversations with the  
2 client, it looks like they are genuinely making  
3 progress.

4 HEARING EXAMINER CHAKALIAN: Thank you.  
5 Mr. Padilla, any problem with what I suggest?

6 MR. PADILLA: No, no.

7 HEARING EXAMINER CHAKALIAN: Okay.

8 MR. PADILLA: I don't have a problem  
9 with that at all.

10 HEARING EXAMINER CHAKALIAN: Okay.

11 Then Marlene --

12 MR. PADILLA: -- like to get this  
13 resolved by -- in this case.

14 HEARING EXAMINER CHAKALIAN: Okay.

15 Marlene, do we have room on the December 7 docket for  
16 setting these cases for status conference?

17 MS. SALVIDREZ: Yes, we do.

18 HEARING EXAMINER CHAKALIAN: Okay.

19 Then we are going to set 23399, 400, 401, 402, 23308,  
20 and 23214 for a final status conference on December 7  
21 and at that point if the parties have not resolved  
22 these through a settlement agreement between  
23 themselves, we're going to set this for a hearing and  
24 no more status conferences. I'm just going to take a  
25 few notes here.

1 MS. SALVIDREZ: And these files,  
2 continuous -- via the portal. Thank you.

3 HEARING EXAMINER CHAKALIAN: Thank you,  
4 Marlene. I'm now calling 22988. It looks like, Mr.  
5 Bruce, this is your case?

6 MR. BRUCE: Yes, sir.

7 HEARING EXAMINER CHAKALIAN: Do we have  
8 any other entries of appearances on this case? Mr.  
9 Bruce, do you know of any?

10 MS. MCLEAN: Hi. This is Jackie  
11 McLean. And my partner, Dana, was going to be on the  
12 status conference, but she's actually out of the  
13 office. So I don't know if she's having an issue with  
14 her sound or anything. So I'll go ahead and -- oh,  
15 there she goes. Dana, are you there?

16 MS. HARDY: I am, but actually we're  
17 not in this case. We --

18 MS. MCLEAN: Oh.

19 MS. HARDY: Is this Cow Bell? We are  
20 in 239--

21 MS. MCLEAN: I thought --

22 MS. HARDY: 23988.

23 MS. MCLEAN: Oh, I'm sorry. That's  
24 fine. That's the one you called, right?

25 HEARING EXAMINER CHAKALIAN: No. I

1 called 22988.

2 MS. HARDY: Okay. 22988, yes, Dana  
3 Hardy on behalf of ConocoPhillips.

4 HEARING EXAMINER CHAKALIAN: I thought  
5 so. Okay, perfect.

6 MS. HARDY: Sorry about that.

7 HEARING EXAMINER CHAKALIAN: That's  
8 okay. Don't worry. Mr. Bruce, where are we with this  
9 case?

10 MR. BRUCE: I know the parties are in  
11 discussions and I don't really know the status of  
12 them. This is -- this is another case where I wasn't  
13 the original counsel. So I'm uncertain of stuff here.  
14 I was told that the parties would probably settle by  
15 now, which is why I think at whatever the prior  
16 hearing date was, Matador wanted a status conference  
17 on this date.

18 But again, as you say, this case is  
19 getting older. I'd imagine this case was filed the  
20 first quarter of this year.

21 HEARING EXAMINER CHAKALIAN: Okay, Mr.  
22 Bruce, then let's go to Ms. Hardy. Let's see if she  
23 knows what's going on with this case.

24 MS. HARDY: Mr. Examiner, I do believe  
25 the parties are still negotiating and it's my

1 understanding they've been close to reaching an  
2 agreement but haven't yet. So ConocoPhillips would  
3 request that this case be set for another status  
4 conference.

5 HEARING EXAMINER CHAKALIAN: And Mr.  
6 Bruce said -- Mr. Bruce, how do you feel about that?

7 MR. BRUCE: I'm good with that.

8 HEARING EXAMINER CHAKALIAN: You're  
9 good with that. But you are representing Matador at  
10 this point?

11 MR. BRUCE: Yes, I am. Yes, I am.

12 HEARING EXAMINER CHAKALIAN: So are you  
13 -- would you be involved in the negotiations?

14 MR. BRUCE: No. That's strictly  
15 handled by the Matador personnel.

16 HEARING EXAMINER CHAKALIAN: I see. I  
17 see. So counsel is not involved in negotiations. I  
18 didn't realize that.

19 MR. BRUCE: Usually not in these  
20 matters.

21 HEARING EXAMINER CHAKALIAN: This  
22 was --

23 MR. BRUCE: I have always told them  
24 it's better if they talk to each other than rather  
25 going through Ms. Hardy and me because it's just

1 another layer of inconvenience.

2 HEARING EXAMINER CHAKALIAN: This case  
3 was actually filed August 1, 2022 by my records here.  
4 So this is getting old and this was filed by, it looks  
5 like Paula Vance on behalf of Matador at that time.  
6 When did you take over the case, Mr. Bruce?

7 MR. BRUCE: Sometime this year. First  
8 quarter of this year, I believe.

9 HEARING EXAMINER CHAKALIAN: Okay.

10 MS. RYAN: Hearing Examiner, I'm Beth  
11 Ryan. I'm in-house at ConocoPhillips and I have a  
12 better update on this case, if I may chime in. The  
13 parties have resolved this matter and actually closed  
14 this morning. So ConocoPhillips will be filing  
15 withdrawal from this case and not objecting further to  
16 Matador's application.

17 HEARING EXAMINER CHAKALIAN: So I  
18 didn't catch your name?

19 MS. RYAN: My name is Beth Ryan for  
20 ConocoPhillips.

21 HEARING EXAMINER CHAKALIAN: Okay. Ms.  
22 Ryan, you're going to file a withdrawal from the case?

23 MS. RYAN: Yes.

24 HEARING EXAMINER CHAKALIAN: Mr. Bruce,  
25 does that mean you're going to proceed by affidavit?

1 MR. BRUCE: Yes. I didn't quite hear  
2 the statement, but I didn't get the exhibits from the  
3 client because they were still negotiating and I'm  
4 sure they wanted to have everything signed up before  
5 they did that.

6 So now it's an affidavit case, so it  
7 could be continued to whatever is convenient for the  
8 Division.

9 HEARING EXAMINER CHAKALIAN: Right.  
10 So, Mr. Bruce, you don't know of any other objection  
11 besides ConocoPhillips'?

12 MR. BRUCE: No, none.

13 HEARING EXAMINER CHAKALIAN: Okay.  
14 Okay. Okay. Marlene, when is the next docket we can  
15 put this case on for a hearing by affidavit?

16 MS. SALVIDREZ: November 16th and Jim  
17 Bruce can file a continuance for that date.

18 MR. BRUCE: Okay.

19 HEARING EXAMINER CHAKALIAN: Okay.  
20 Marlene, just a question while everyone's here with  
21 us. Once we go back -- once we go back to an in-  
22 person hybrid setting, are we going to have -- are we  
23 going to still proceed by affidavit in cases that are  
24 not contested?

25 MS. SALVIDREZ: So that's a question

1 for management to discuss, and we'll need to discuss  
2 that in-house and then let everybody know the answer  
3 to that question.

4 HEARING EXAMINER CHAKALIAN: Okay. Mr.  
5 Bruce, how was that handled before the pandemic began  
6 when -- when a case -- when an application was not  
7 contested, how was it handled?

8 MR. BRUCE: It was handled by  
9 affidavit. The attorney would get up and present it  
10 by affidavit just like we're more or less doing. On  
11 the other hand, most of our clients love coming to  
12 Santa Fe. So they don't mind coming and attending  
13 these things.

14 HEARING EXAMINER CHAKALIAN: Okay.  
15 But, of course, your clients aren't necessarily your  
16 witnesses. So, right?

17 MR. BRUCE: Oh, it would be -- it would  
18 be the witnesses who sign the affidavit. So we come  
19 out here, so.

20 HEARING EXAMINER CHAKALIAN: Okay. All  
21 right. Good to know. So Marlene, let's set this for  
22 the November 16 docket for an uncontested hearing.

23 MR. BRUCE: Thank you.

24 HEARING EXAMINER CHAKALIAN: Okay.  
25 Thank you, everyone. We're moving on to 23807 and

1 23808. These are Permian Oilfield and it looks like  
2 saltwater disposal cases. One is overdue; one is  
3 belated. Entries of appearance, please?

4 MS. BENNETT: Good morning, everyone.  
5 Deana Bennett from Modrall Sperling on behalf of  
6 Permian Oilfield Partners in these two cases, is the  
7 application.

8 HEARING EXAMINER CHAKALIAN: Good  
9 morning.

10 MS. HARDY: Good morning, again. Dana  
11 Hardy on behalf of Permian Resources in both of these  
12 cases and I wanted to mention that we had filed a  
13 withdrawal in case 23808 but have since been advised  
14 that we need to enter an appearance in that one as  
15 well. So I am entering my appearance for Permian  
16 Resources in both cases.

17 HEARING EXAMINER CHAKALIAN: So you  
18 filed a withdrawal, but you're going to reenter?

19 MS. HARDY: Yes, in 23808. We had  
20 entered appearance in both cases, filed a withdrawal  
21 in 23808 only, but we need to be in that one as well.  
22 So I'm entering in both cases.

23 HEARING EXAMINER CHAKALIAN: Okay. So  
24 will you be filing a new entry of appearance for  
25 23808?

1 MS. HARDY: Yes, I can do that.

2 HEARING EXAMINER CHAKALIAN: That'd be  
3 great. So otherwise, it's going to be confusing with  
4 your withdrawal.

5 MS. HARDY: Sure.

6 HEARING EXAMINER CHAKALIAN: Do we have  
7 any other parties on these two cases?

8 MR. RANKIN: Good morning, Mr. Hearing  
9 Examiner. Adam Rankin appearing on behalf of Matador  
10 Resources and Matador Production Company. We are  
11 appearing in both these cases.

12 HEARING EXAMINER CHAKALIAN: Wonderful.  
13 Good morning. Okay. So --

14 MS. RYAN: Sorry. One more party. One  
15 more entry. My name is Beth Ryan and I'm entering an  
16 appearance on behalf of Burlington Resources in the  
17 23808 case.

18 HEARING EXAMINER CHAKALIAN: Okay. And  
19 do we have an entry of appearance for you?

20 MS. RYAN: Yes.

21 HEARING EXAMINER CHAKALIAN: I see  
22 Burlington Resources in 23808, but not in 23807. Have  
23 you entered in both cases?

24 MS. RYAN: No, just the 23808 case.

25 HEARING EXAMINER CHAKALIAN: Okay.

1 Wonderful. Well, welcome. Good morning. So let me  
2 go back to Ms. Bennett. Where are we with these  
3 cases? I've seen -- I've seen responses. I've seen  
4 replies and sur-replies. And I think I sent an e-mail  
5 to everyone. I don't know if Mr. Ryan received the e-  
6 mail.

7 MS. RYAN: No, I haven't. But I've  
8 been keeping it up to date with the other counsel on  
9 the line.

10 HEARING EXAMINER CHAKALIAN: Well, Ms.  
11 -- Ms. Ryan, I did send out an e-mail basically  
12 keeping this as a status conference instead of moving  
13 forward with this case as a contested hearing today.  
14 But let's -- and I also offered, I think, the November  
15 16 docket for a contested hearing. Is that right, Ms.  
16 Bennett?

17 MS. BENNETT: That's correct. And I  
18 appreciate the information on the next available  
19 docket and Permian Oilfield Partners, who I'll refer  
20 to as POP, wants to go to the contested hearing on  
21 November 16.

22 As our pleadings indicated, we believe  
23 that we were set for a hearing on today's date and we  
24 filed exhibits and where POP is ready to go. So we  
25 are ready and able and want to be set for a contested

1 hearing on November 16th.

2 In the meantime, though, I will say  
3 that Matador's counsel has reached out and finally  
4 proposed some dates that we could hopefully set up a  
5 meeting with the Division. And I responded to that e-  
6 mail this morning.

7 So we are working to set up a meeting  
8 with the Division, but that should not, in my opinion,  
9 delay or otherwise cause any consternation in terms of  
10 setting the November 16th hearing because we do need  
11 that hearing as a fallback position in case we aren't  
12 able to set a meeting with the Division or in case  
13 there is delays there. We need to have the November  
14 16th hearing date set for a contested hearing.

15 HEARING EXAMINER CHAKALIAN: So before  
16 I go to -- yes, of course. Before I go to other  
17 counsel on these cases, Ms. Bennett, is it possible  
18 that these negotiations that have been opened up with  
19 Matador and the other parties, I would assume, could  
20 resolve all the issues and -- and -- and relieve the  
21 need to go to a hearing?

22 MS. BENNETT: That is -- I mean I think  
23 that would be everyone's wish, but to date we haven't  
24 been successful in coming together and having a full  
25 discussion. And so I would not want to consider not

1 having a contested hearing docket set for that reason.  
2 I believe that having a contested hearing set may be a  
3 carrot; may be a stick for both; or for all of us, to  
4 make sure that we're moving forward.

5 And what Permian doesn't -- Permian  
6 Oilfield Partners, or POP, doesn't want to have happen  
7 is that we don't set a contested hearing and then this  
8 just gets dragged on further and further against POP's  
9 wishes.

10 They're ready. And so they don't want  
11 to see any further delay.

12 HEARING EXAMINER CHAKALIAN: Okay, Ms.  
13 Bennett. I did consult with Marlene. There is room  
14 on the November 16th docket and we are placing this  
15 for a contested hearing on the docket. So unless the  
16 parties settle, this will go to a contested hearing on  
17 whatever issues are left unresolved with the parties.  
18 Let me go to Ms. Ryan. Ms. Ryan, do you have anything  
19 further on this case?

20 MS. RYAN: No, sir. We agree to that  
21 hearing date as long as it can have that meeting with  
22 the Division. So we appreciate the Division  
23 accommodating.

24 HEARING EXAMINER CHAKALIAN: Okay. Ms.  
25 Hardy?

1 MS. HARDY: Permian Resources does not  
2 object to this plan, Mr. Examiner. Thank you.

3 HEARING EXAMINER CHAKALIAN: So Mr.  
4 Rankin?

5 MR. RANKIN: Thank you, Mr. Examiner.  
6 Just a couple things I want to say. Yes, we have  
7 identified potential dates and I think shortly after  
8 this hearing we should be confirming with Ms. Bennett  
9 and reaching out to the Division.

10 But what we'd like to do, what Matador  
11 requests, is that we be able to set up an in-camera  
12 confidential meeting with the Division offline with  
13 the parties so that we can review Matador's concerns.  
14 As we indicated in the filings, we have confidential  
15 3D seismic data, which is available to be purchased by  
16 anybody, including Permian.

17 But we'd like to have that discussion  
18 with the Division and the parties to go over that 3D  
19 seismic data and review our concerns, which we think  
20 are, you know, keep abreast of substantial concerns  
21 due to faulting in the area.

22 So we'd like to have that conversation  
23 initially before this matter goes to a contested  
24 hearing. So we ask, you know, essentially that this  
25 proposed meeting be, be a condition that we have it,

1 we're able to get the dates in place and actually have  
2 this meeting with the Division before going to a  
3 contested hearing on November 16th.

4 We have no problem with the November  
5 16th hearing date. We just want to make sure that we  
6 actually do have this in-camera meeting with the  
7 Division in advance of that hearing.

8 HEARING EXAMINER CHAKALIAN: Okay, Mr.  
9 Rankin. As you may well know, I don't have any  
10 control over whether or not the Division is able to  
11 give you what you're asking for before the November  
12 16th hearing, but I am setting it for a contested  
13 hearing on November 16th. So if you have witnesses,  
14 please have them available.

15 MR. RANKIN: Okay.

16 HEARING EXAMINER CHAKALIAN: Ms.  
17 Thompson?

18 MS. THOMPSON: I am unsure if we're  
19 able to do something like that. So, but I think that  
20 contested hearing on November 16th and if the parties  
21 wish to talk with each other in between that, they are  
22 free to.

23 HEARING EXAMINER CHAKALIAN: Ms.  
24 Thompson, I didn't hear you clearly. Would you  
25 restate what you just said?

1 MS. THOMPSON: Yeah. I believe that we  
2 probably don't have a way to do an offline like  
3 private discussion with them. However, if the parties  
4 wish to discuss privately on their own, they are free  
5 to do so before the contested hearing.

6 HEARING EXAMINER CHAKALIAN: That  
7 sounds like that's not going to make Mr. Rankin happy.

8 MR. RANKIN: Well, Mr. Examiner, we've  
9 been in situations with injection cases. We've had  
10 meetings with the Division in-camera, especially where  
11 there's 3D seismic or confidential information. It's  
12 something that we've done in the past. And so we'll  
13 make the request, I believe, go see counsel, see if we  
14 can set something up in the interim.

15 HEARING EXAMINER CHAKALIAN: And would  
16 that be with Mr. Goetze?

17 MR. RANKIN: Probably, Mr. Examiner,  
18 and we'll reach out to Division counsel and see if we  
19 can coordinate jointly with the parties here, with Ms.  
20 Bennett and the others, and see if we can get a date  
21 that works.

22 HEARING EXAMINER CHAKALIAN: Okay.

23 MR. RANKIN: And if the Division is  
24 going to meet with us, of course.

25 HEARING EXAMINER CHAKALIAN: Okay.

1 But, Mr. Rankin, it's my understanding that Mr. Goetze  
2 oversees that technical area. Is that correct?

3 MR. RANKIN: Yes, the USC Group, yes.

4 HEARING EXAMINER CHAKALIAN: Ms.  
5 Thompson, would you let Mr. Goetze know what's going  
6 on? Okay.

7 MS. THOMPSON: Yeah.

8 CHAIRMAN CHAKALIAN: Okay. Wonderful.  
9 If there's nothing else on these two cases, 23807 and  
10 23808, I'm just going to make a note here. We will  
11 see the parties and their witnesses virtually. So  
12 still going to be virtual on November 16. That should  
13 be the last purely virtual setting.

14 MR. RANKIN: And Mr. Examiner, one of  
15 the things that I think we wanted to discuss in terms  
16 of preparation for the hearing, was it's likely if  
17 this does go to hearing on the 16th of November, that  
18 we will have potentially confidential information that  
19 by license is required to be maintained confidential.  
20 The Division is not set up to address, handle  
21 maintaining confidential information through exhibits  
22 or testimony.

23 In the past when we've had to do so  
24 during live hearings, we will simply exclude those  
25 non-essential parties, individuals from the hearing

1 room, and we're able to present evidence and testimony  
2 separately through the transcript and can control, you  
3 know, thereby the exhibits because they weren't  
4 posted. So it's a little more difficult nowadays with  
5 an online hearing system and everything being done  
6 remotely and virtually.

7 So we'd like to address at some point  
8 through a prehearing order, a manner in which we can,  
9 you know, have a process in place to allow us to  
10 present testimony and exhibits that will be protected  
11 from being disclosed to the public.

12 HEARING EXAMINER CHAKALIAN: That's  
13 fine. That's fine, Mr. Rankin. What I would request  
14 you're doing before you submit that motion is discuss  
15 this with the other parties and then submit a proposed  
16 form of order that is satisfactory to all the parties.  
17 I'll review that and I'll endorse it if I agree with  
18 it. That way we can keep this information  
19 confidential.

20 MR. RANKIN: Very good.

21 HEARING EXAMINER CHAKALIAN: If there  
22 is nothing else, Mr. Bruce, we have come to your set  
23 of cases -- thank you. 23698, 99, 700, 010, 203, 04  
24 and 05, which you filed an unopposed motion to  
25 dismiss.

1 MR. BRUCE: Yes.

2 HEARING EXAMINER CHAKALIAN: These were  
3 cases that were set for a hearing. No statement or  
4 exhibits was timely filed. And so you are asking to  
5 dismiss these?

6 MR. BRUCE: Yes, Mr. Examiner. I was  
7 going to say the reason is just to reduce the  
8 Division's workload, but it's because EGL Resources is  
9 dismissing these. They will probably file them, but  
10 with reconfigured units, so.

11 HEARING EXAMINER CHAKALIAN: Okay.  
12 Perfect. So, Marlene, if I grant that motion  
13 verbally, do we follow it up with a written order?

14 MS. SALVIDREZ: Yes. We will -- the  
15 Division will issue a dismissal order today.

16 HEARING EXAMINER CHAKALIAN: Okay. And  
17 Mr. Bruce, since this came in late, this motion to  
18 dismiss, do you need to do anything through the portal  
19 or to pay any money to have these dismissed?

20 MR. BRUCE: No, there's no fee for a  
21 motion to dismiss. And one thing I would like a  
22 clarity on, I know there's, of course, time deadlines  
23 for prehearing statements, exhibits.

24 HEARING EXAMINER CHAKALIAN: Right.

25 MR. BRUCE: Things like that, motions

1 for a continuance. I've never known that there was a  
2 time deadline on filing motions to dismiss.

3 HEARING EXAMINER CHAKALIAN: And I  
4 don't know either. And I'm not saying that there is.  
5 I'm asking the question basically.

6 MR. BRUCE: Okay. Well, I'll go re-dig  
7 up the rules and look at them again, so.

8 HEARING EXAMINER CHAKALIAN: I don't  
9 see it addressed in the rule, which is why I was  
10 asking the question.

11 MR. BRUCE: Okay.

12 HEARING EXAMINER CHAKALIAN: But thank  
13 you, sir. We'll get the order out today for you, and  
14 thank you. I'm now going to call 23670 and 23671 and  
15 MRC Permian Company compulsory pooling. May I have  
16 entries of appearance?

17 MS. VANCE: Good morning, Hearing  
18 Examiner and Ms. Thomspson. Paula Vance with the Santa  
19 Fe office of Holland & Hart on behalf of the applicant  
20 and MRC Permian Company.

21 HEARING EXAMINER CHAKALIAN: Good  
22 morning. Ms. Shaheen?

23 MS. SHAHEEN: Good morning, everyone.  
24 Sharon Shaheen with the Montgomery & Andrews on behalf  
25 of S.K. Warren Resources.

1 HEARING EXAMINER CHAKALIAN: It's hard  
2 to hear you. So if you could do something to improve  
3 the sound quality of your microphone, it would be  
4 appreciated. Do we have any other parties or just the  
5 two? Just the two. Okay. This is set for a hearing.  
6 Ms. Shaheen, are you contesting this going by  
7 affidavit?

8 MS. SHAHEEN: No. S.K. Warren does not  
9 object to this case going forward by affidavit.

10 HEARING EXAMINER CHAKALIAN: Okay.  
11 You're just monitoring for your client?

12 MS. SHAHEEN: We resolved our concerns.

13 HEARING EXAMINER CHAKALIAN: Very good.  
14 Okay. So, Ms. Vance, would you like to proceed?

15 MS. VANCE: Yes. Thank you, Mr.  
16 Hearing Examiner. And I will just go ahead and  
17 preface. On Tuesday we filed revised hearing packets.  
18 I had a number of different updates to exhibits and  
19 rather than do kind of a piecemeal and have, you know,  
20 the original hearing packets and then the revised  
21 exhibits separate, I thought it would be easier for  
22 the Division to just get a whole revised packet and  
23 hopefully that's easier for the technical examiners to  
24 review. So we did, again, file revised hearing  
25 packets on Tuesday. So I'll go ahead and start.

1 In these two cases --

2 HEARING EXAMINER CHAKALIAN: Ms. Vance?

3 MS. VANCE: Oh, I'm sorry.

4 HEARING EXAMINER CHAKALIAN: Ms. Vance,  
5 hold on one second. I want to ask Ms. Thompson a  
6 question. Ms. Thompson, to reduce the confusion  
7 factor, if a party submits, I'll call them -- I'll  
8 call it an amended packet; although it sounds like  
9 it's going to take the place completely of the first  
10 packet; is that right, Ms. Vance?

11 MS. VANCE: That's correct.

12 HEARING EXAMINER CHAKALIAN: Ms.  
13 Thompson, would you prefer that the original packet be  
14 taken down from the imaging system or do you prefer it  
15 stay there?

16 MS. THOMPSON: I prefer it stay there.

17 HEARING EXAMINER CHAKALIAN: Fine.  
18 Excellent. Okay, Ms. Vance, go right ahead.

19 MS. VANCE: Thank you, Mr. Hearing  
20 Examiner. So in both of these cases, MRC is seeking  
21 to pull all the uncommitted interests in the Bone  
22 Spring formation and the pool is the Culebra Bluff,  
23 Bone Spring south, and the pool code is 15011. And  
24 the acreage for these two spacing units is all in  
25 Township 24 South, 28 East, Eddy County, New Mexico.

1                   Specifically in Case 23670, MRC seeks  
2 to pool the uncommitted interests in the standard 240-  
3 acre horizontal wells spacing unit underlying the  
4 north half of the, south half of Section 1 and the  
5 north half of the southeast quarter of Section 2, and  
6 initially dedicate this spacing unit to the proposed  
7 Drew Dix, Fed Com 113H well, 123H, and 133H.

8                   And then in Case No. 23671, MRC seeks  
9 to pool the uncommitted interests in a 240-acre  
10 overlapping horizontal well spacing unit. And that's  
11 underlying the south half of Section 1, in the south  
12 half of the southeast quarter of Section 2, and  
13 initially dedicate the spacing unit to the proposed  
14 Drew Dix Fed Com 114H and 134H. And as I noted for  
15 this case, there was a request for approval of  
16 overlap.

17                   We did provide notice and we did not  
18 receive any objections. So I believe we can drop that  
19 request at this time. But I will point out in the  
20 hearing exhibits for Case No. 23671, you'll see the  
21 Sub-Exhibit C1, we did provide an overlapping diagram  
22 that shows the existing units in relation to the  
23 proposed unit.

24                   And so in these cases we've provided a  
25 copy of the applications, provided the compulsory

1 pooling checklist, as well as the affidavits of the  
2 landman, Reese Park, and geologist, Dan Brugioni, both  
3 of whom have previously testified before the Division  
4 and their credentials have been accepted as a matter  
5 of record.

6           So first we have Mr. Reese's affidavit,  
7 which is Exhibit C, sorry, and includes all the  
8 standard sub-exhibits. Like I said, we did provide an  
9 overlap diagram for Case 23671 and then we have the C1  
10 and C2, the tract map ownership schedule that outlines  
11 the working interests that Matador and MRC seeks to  
12 pool along with the overrides that MRC seeks to pool a  
13 sample of the well proposal letters and a chronology  
14 of contacts.

15           This is followed by Mr. Brugioni's  
16 affidavit, which is Exhibit D and includes Sub-  
17 Exhibits D1 through D3, which are the locator map, the  
18 sub-C structure map, and the structural cross section.

19           In these cases Mr. Brugioni did not  
20 observe any faulting pinouts or other geologic  
21 impediments to the horizontal drilling of these wells.

22           And then lastly, we have Exhibit E,  
23 which is my self-affirm statement of notice with  
24 sample letters that were timely mailed on July 28,  
25 2023, an additional notice that went out on September

1 29th of 2023, as well as Exhibit F, which is the  
2 Affidavit of Notice of Publication, which were timely  
3 published on July 30, 2023 and September 29, 2023.

4 And again, we've provided additional  
5 notice because we had additional overrides that we  
6 were seeking to pool.

7 Unless there are any questions, I would  
8 ask that all exhibits and sub-exhibits be admitted  
9 into the record and that these cases be taken under  
10 advisement by the Division at this time.

11 HEARING EXAMINER CHAKALIAN: Ms. Vance,  
12 let's deal with one case at a time. We have 23670 and  
13 I'm going to admit Exhibit A; Exhibit B; Exhibit C  
14 with all of its subparts C1 through C6; Exhibit D, D1  
15 through D3; Exhibit E, and Exhibit F into evidence at  
16 this time. Ms. Thompson?

17 (Case No. 23670 Exhibit A through  
18 Exhibit F were received into evidence.)

19 MS. THOMPSON: I have no questions for  
20 those.

21 HEARING EXAMINER CHAKALIAN: All right.  
22 So let's move on to 236. So this case will be taken  
23 under advisement. Let me make a note. It'll be 671.  
24 And we have your exhibits here and this, again,  
25 Exhibit A; Exhibit B; Exhibit C, C1 through C7 this

1 time; D, D1 through D3; E; and F are all admitted into  
2 evidence. Ms. Thompson?

3 (Case No. 23671 Exhibit A through  
4 Exhibit F were received into evidence.)

5 MS. THOMPSON: I have no questions for  
6 this case either.

7 HEARING EXAMINER CHAKALIAN: This case  
8 will be taken under advisement. Is there anything  
9 else, Ms. Vance?

10 MS. VANCE: I do not have anything  
11 else.

12 HEARING EXAMINER CHAKALIAN: Wonderful.  
13 We are going to proceed to 23795, 6, 7, 8, 9. No, not  
14 9. I don't think 9. I don't think 9 is part of the  
15 other cases I just called. Mr. Bruce, your cases?

16 MR. BRUCE: Yes, sir.

17 HEARING EXAMINER CHAKALIAN: 9 is not  
18 part of the other case, is it?

19 MR. BRUCE: Correct.

20 HEARING EXAMINER CHAKALIAN: Very good.  
21 Do we have any other counsel entering an appearance?  
22 I don't see anything, but do you know of any other  
23 counsel?

24 MR. BRUCE: No, sir.

25 HEARING EXAMINER CHAKALIAN: Are you

1 ready to proceed to a hearing?

2 MR. BRUCE: Yes.

3 HEARING EXAMINER CHAKALIAN: 23795, let  
4 me pull this up in our imaging system. All right.  
5 Mr. Bruce, I see an exhibit packet with Exhibits 1; 2,  
6 sub parts 2a through 2d; 3, 3a through 3c; 4; 5a and  
7 5b. Is that a complete packet?

8 MR. BRUCE: Yes. I'll bring up  
9 something in the end of a notice. But if we could  
10 go --

11 HEARING EXAMINER CHAKALIAN: Sure. Are  
12 all the cases -- are you going to present them all at  
13 the same time are you going to do one at a time?

14 MR. BRUCE: Let me do two at a time;  
15 although, the exhibit packages are virtually  
16 identical. And for the technical examiners, I note  
17 that Exhibits 3a through 5b are all the same in each  
18 exhibit package. So really all they have to pay much  
19 attention to at this point as to Exhibits 1 and 2.

20 HEARING EXAMINER CHAKALIAN: Okay.  
21 Please proceed.

22 MR. BRUCE: In these cases, Mr.  
23 Examiner, Mewbourne is basically pooling additional  
24 parties that were pooled order our 22705 and our  
25 22706. These lands are in Sections 11 and 12 of 1831

1 in Eddy County and Section 7 in 1832.

2 I do the first two cases together  
3 because those are two-mile laterals. And the second  
4 two cases are 2 1/2-mile laterals. And the reason I  
5 bring that up is because in the two-mile lateral  
6 cases, the first two cases on the docket, the  
7 northeast corner of Section 7 is excluded from the  
8 well unit. And at the original hearings I was  
9 questioned on that.

10 And the reason why is that the  
11 northeast corner of Section 7 already has a horizontal  
12 well, Bone Spring well in it; whereas the final two  
13 cases cover, also include the full south of Section 7  
14 because there is no horizontal well down below. So I  
15 was asked about it in the first go-around. So I  
16 wanted to clarify that, that there is no standard  
17 acreage from these well proposals.

18 In exhibit package, Exhibit 1 is the  
19 application and the proposed add. Exhibit 2 is a  
20 statement of Braxton Blandford who is landman who has  
21 testified before. He has land plats showing who the  
22 interest owners are.

23 And in the first two cases, there are  
24 two working interest owners being pooled and those are  
25 Stewart Heighten, H-E-I-G-H-T-E-N, Trustee, and

1 Riverhill Energy Corporation.

2 In the second two cases, two working  
3 interest owners are being pooled. Again, Stewart  
4 Heighten and also Patricia Brunson, Trustee.

5 Riverhill is involved in only two cases and Patricia  
6 Brunson is involved in only two case. The land plats,  
7 all of the information is there.

8 Mewbourne is also, of course, pooling a  
9 number of record title owners who do not own working  
10 interests solely for purposes of obtaining approval of  
11 communization agreements from the fed government.

12 Again, going through the Exhibit 2,  
13 attached as part of Exhibit 2b is a list of all record  
14 title owners, which specifies the lease in which they  
15 are a record, lessor or leasee in which they are  
16 record title owners.

17 The well proposal sent out to the  
18 various parties is submitted as part of Exhibit 2c,  
19 which also contains information on steps to contacts  
20 with the parties. And Exhibit 2d is AFEs, contains  
21 all the usual information.

22 Since geology was presented in the  
23 original cases. In all four original cases I did not  
24 include a geologic affidavit. I suppose I could have  
25 and maybe should have, but it is in the file for the

1 original cases.

2 If we move to Exhibit 3, there are  
3 three notice letters. The reason for that is Exhibit  
4 3a is a letter sent only to the working interest  
5 owners being pooled. And Exhibit 2b, or 3b, was the  
6 notice letter sent to the vast majority of record  
7 title owners.

8 And then got to me almost 2a, to make  
9 it on the docket, but Exhibit 3c is also a notice  
10 letter to five additional record title owners.

11 And Exhibit 4 is a certified notice  
12 spreadsheet.

13 And Exhibit 5a and 5b are the  
14 affidavits, one from Lea County and an identical one  
15 for Eddy County.

16 Now the reason I point out Exhibit 3c  
17 is that I did timely give certified notice; although,  
18 I never got a green card back from the five people  
19 listed in this letter. And for some reason I forgot  
20 to publish notice against those five people.

21 So I did that but it wasn't in time for  
22 this docket. I have published notice, but what I  
23 would ask -- what I would ask for is that these cases  
24 be put on the October, I mean, excuse me, November 2nd  
25 docket strictly for purposes of submitting the two

1 additional notice affidavits, that they have been  
2 published, but I don't have the original affidavits in  
3 hand to submit to the Division.

4 HEARING EXAMINER CHAKALIAN: Mr. Bruce,  
5 hold on a second. Mr. Bruce, hold on a second. The  
6 November 2nd docket is full and we can't put anything  
7 else on that docket, but I'm not sure that we need to  
8 put something on a docket to receive information that  
9 you could file.

10 So let me go to Marlene first and then  
11 I'm going to ask Ms. Thompson. Marlene, in a case  
12 like this where there's a document missing that needs  
13 to be added to the packet before it can be taken under  
14 advisement, how is it normally handled?

15 MS. SALVIDREZ: I mean we have been  
16 allowing them to continue cases out two weeks so they  
17 can receive those green cards and then they will file  
18 it. It'll be uploaded into the case file. You know,  
19 if he thinks he's going to get it within two weeks, we  
20 can take it under advisement and he can file the green  
21 cards. So that depends on the examine -- you know,  
22 Hailee can probably answer to that.

23 HEARING EXAMINER CHAKALIAN: Okay.  
24 Great. Thanks, Marlene. I think we're not looking  
25 for green cards. My understanding is we're looking

1 for an affidavit that it's been published by the  
2 paper; is that correct, Mr. Bruce?

3 MR. BRUCE: That is correct. I just  
4 haven't received those in the mail yet.

5 HEARING EXAMINER CHAKALIAN: Right.  
6 Ms. Thompson, how do you want to handle that?

7 MS. THOMPSON: I feel like we can take  
8 it under advisement; however, I would still need to  
9 know the publication date so that way we know that  
10 it's been published for a due amount of time so that  
11 way I can wait the appropriate amount of time before  
12 we pull them back into the case.

13 HEARING EXAMINER CHAKALIAN: Okay. Mr.  
14 Bruce, what I'm going to do is I'm going to make a  
15 note to myself and set a calendar reminder. When will  
16 you submit -- now for which cases are we talking  
17 about? Is it only these two?

18 MR. BRUCE: Hold on a minute. It's for  
19 all four. It's for all four.

20 HEARING EXAMINER CHAKALIAN: You don't  
21 know?

22 MR. BRUCE: I'm just looking at my  
23 notice material.

24 HEARING EXAMINER CHAKALIAN: Sounds  
25 good.

1 MR. BRUCE: Let me look at a land plat  
2 and I can help you. I have to compare lease numbers.  
3 I apologize.

4 HEARING EXAMINER CHAKALIAN: Mr. Bruce,  
5 we can get to the other two case. If you're sure of  
6 95 and 96, what I'll do is I'll make a note and I'll  
7 say that we're going to take these under advisement  
8 after I give Ms. Thompson an opportunity to question  
9 you on these two cases. But that you need to supply  
10 the Division with an affidavit from the newspaper by,  
11 what, November 2nd?

12 MR. BRUCE: By November 2nd, yeah.  
13 Well, really by, by October 30, I think.

14 HEARING EXAMINER CHAKALIAN: I'll put  
15 November 2nd to give you some more time. So I have a  
16 calendar reminder now and you have a deadline to  
17 submit those affidavits of publicization on or before  
18 November 2nd through the portal.

19 MR. BRUCE: Okay. And I -- I'm -- I'm  
20 going through this real fast. And I believe taken  
21 under advisement, I think the only -- I just -- like I  
22 said, I'm comparing. I need a moment.

23 HEARING EXAMINER CHAKALIAN: Ms.  
24 Thompson, do you have any questions on Case No. 23795  
25 and 23796?

1 MS. THOMPSON: I have no questions as  
2 long as the documents get submitted to the Division.

3 HEARING EXAMINER CHAKALIAN: Okay. Mr.  
4 Bruce, we're going to move on to the next two cases.  
5 And I have a note in my calendar to check the imaging  
6 system on November 2nd for those documents. Are you  
7 ready to proceed with 23797 and 98?

8 MR. BRUCE: Yes. Yes. As I said  
9 briefly, those are 1 1/2-mile laterals in the southern  
10 portions of the sections mentioned. They're 2 1/2-  
11 mile lateral wells and the exhibit packets, as I said,  
12 the Exhibits 3a through the end, 5b, are identical.

13 Exhibit 1 is the application of  
14 proposed notice. Exhibit 2 is the landman's  
15 affidavits. Same landman, same general layout of the  
16 exhibits. And really all the same information that  
17 was previously involved.

18 HEARING EXAMINER CHAKALIAN: Yeah, Mr.  
19 Bruce, I just realized that I skipped an important  
20 part of this process. So let me go back to the case  
21 23795 and admit these exhibits into evidence of your  
22 request.

23 So I am admitting Exhibit 1, 2, 2a  
24 through 2d, 3, 3a through 3c, 4, 5a, and 5b into  
25 evidence in Case No. 23795. And Mr. Bruce, before I

1 go to 96, these affidavit of publications that are  
2 labeled 5a and 5b, these do not contain the  
3 information that you're going to submit because there  
4 we were some additional owners that were left out; is  
5 that what you're saying?

6 (Case No. 23795 Exhibit 1 through  
7 Exhibit 5 were received into evidence.)

8 MR. BRUCE: Yes. The owners notified,  
9 or the record title owners are notified by notice  
10 letter Exhibit 3c were left out of those affidavits of  
11 publication.

12 HEARING EXAMINER CHAKALIAN: So let me  
13 clean up case 23796. I'm admitting into evidence  
14 Exhibit 1, 2, 2a through 2d, 3, 3a through 3c, 4, 5a  
15 and 5b into evidence. Now that we've handled that,  
16 now we're in case 23797 and you were presenting your  
17 evidence to Ms. Thomson and the Division. Please  
18 proceed.

19 (Case No. 23796 Exhibit 1 through  
20 Exhibit 5 were received into evidence.)

21 MR. BRUCE: Okay. Again, except for  
22 the lands involved, the exhibit packages are virtually  
23 all identical. And again, Exhibit 2 is the affidavit  
24 with the landman, with all the, Braxton Blandford,  
25 with all the pertinent information. The lands

1 involved, what steps were taken to locate the people,  
2 etcetera, the land plats, I did not include C102s on  
3 any of these or pooling checklists because those were  
4 filed in the original case file.

5 HEARING EXAMINER CHAKALIAN: Mr. Bruce,  
6 I have a question. I'm just looking at your exhibit.  
7 I'm looking at your Exhibit 2. I guess it's just 2  
8 here, the way you've listed it. Self-affirming  
9 statement of Braxton Blandford and I don't see a  
10 notarization. Is it typical to submit testimony like  
11 this without it being notarized?

12 MR. BRUCE: Yes. I think Mr. Goetze  
13 was the first one to allow that at the Division  
14 several years ago, and I believe that at one of these  
15 hearings Mr. Feldewert said that it is expressly  
16 allowed by statute now.

17 HEARING EXAMINER CHAKALIAN: So some  
18 parties go through the trouble of notarizing these  
19 self-affirming statements and others don't?

20 MR. BRUCE: Correct. Whatever the  
21 witness says decides should I guess basically.

22 HEARING EXAMINER CHAKALIAN: Okay.  
23 Marlene, is that your understanding as well?

24 MS. SALVIDREZ: I do not know the  
25 answer that question.

1 HEARING EXAMINER CHAKALIAN: Okay.

2 Okay. Please proceed, Mr. Bruce.

3 MR. BRUCE: Yes. Give me one second  
4 'cause I want to clear something up with you. Okay.

5 Mr. Examiner, getting back to this record title  
6 situation, in the first two cases, those interest  
7 owners listed on Exhibit 3c are not involved. And so  
8 those cases can be taken under advisement with no  
9 subsequent filing of the affiliate of publication.

10 HEARING EXAMINER CHAKALIAN: Okay. So  
11 I thought I understood what was going on. Now I'm not  
12 sure that I understand what's going on. Why the  
13 change?

14 MR. BRUCE: Because, Mr. Examiner, if  
15 you'll look at Exhibit 2b, the final page of Exhibit  
16 2b --

17 HEARING EXAMINER CHAKALIAN: In which  
18 case, sir?

19 MR. BRUCE: Anyone of them.

20 HEARING EXAMINER CHAKALIAN: I prefer  
21 to have a case number from you for the record.

22 MR. BRUCE: Okay. How about 797?

23 HEARING EXAMINER CHAKALIAN: But we had  
24 already dealt with 95 and 96. So are you saying 97  
25 and 98 are different?

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1 MR. BRUCE: Yes. And the reason is  
2 this: The final page of Exhibit 2b lists are the five  
3 record title owners who are being pooled. The leases  
4 listed are 58709a, or they are record title owners in  
5 federal lease LC58709a and 58709 -- no. I messed up.  
6 Yeah.

7 It would be -- okay. Sorry about that.  
8 As I said, going through the exhibit packages are all  
9 pretty much the same. Exhibits 3 through 5b are the  
10 same in each case package. The only difference for  
11 Exhibits 1 and 2 is simply the application and then  
12 the typical landman's affidavits.

13 And as you stated, Exhibit 5a and 5b,  
14 the affidavits of publication, which were timely  
15 noticed, do not include the people in Exhibit 3c. And  
16 therefore, notice had to be published against them.  
17 And that is the stuff I don't have.

18 Other than that, all the exhibit  
19 packages are the same and I move the admission of the  
20 exhibits and stand open for any questions by Ms.  
21 Thompson.

22 HEARING EXAMINER CHAKALIAN: Okay.  
23 Before we get to Ms. Thompson's questions, I need to  
24 be very clear about these cases. Now we dealt with  
25 23795 and 23796. And from the last couple of

1 sentences you just said -- those cases we are still  
2 waiting for the newspaper publishing affidavit in  
3 those two cases; is that correct?

4 MR. BRUCE: Yes, that is correct.

5 HEARING EXAMINER CHAKALIAN: Okay.

6 MR. BRUCE: Those five people need to  
7 be noticed by publication.

8 CHAIRMAN CHAKALIAN: Correct. That's  
9 what I thought I understood, but then it sounded like  
10 you were saying something else. So that's why I'm  
11 asking for your clarification.

12 MR. BRUCE: Because I was comparing  
13 these lease numbers as opposed with the tracts to see  
14 if those five people owned interest in each well unit,  
15 and they do. At first, I thought it was only in two  
16 of them, but they own an interest in all four well  
17 units.

18 HEARING EXAMINER CHAKALIAN: Okay. So  
19 then what you're saying is 23795 and 96, the status of  
20 being taken under advisement with the caveat that you  
21 must submit by November 2nd the published affidavit is  
22 still correct?

23 MR. BRUCE: Correct.

24 HEARING EXAMINER CHAKALIAN: Okay. Now  
25 we are at 23797 and 98. Are you saying that we also

1 in these cases need the newspaper's affidavit of  
2 publishing?

3 MR. BRUCE: Yes.

4 HEARING EXAMINER CHAKALIAN: Very good.  
5 That's how we'll take it. Okay. So you're asking me  
6 to admit into evidence Exhibits 1, 2, 2a through 2d,  
7 3, 3a through 3c, 4, 5a, and 5b into evidence in both  
8 cases. And I am doing so as of record now. And Ms.  
9 Thompson, do you have any questions on these two  
10 cases?

11 (Case No. 23796 and Case No. 23798  
12 Exhibit 1 through Exhibit 5 were  
13 received into evidence.)

14 MS. THOMPSON: I have no questions on  
15 these cases.

16 HEARING EXAMINER CHAKALIAN: All right.  
17 Mr. Bruce, I'm going to make the same note in my  
18 calendar that you have a deadline of November 2nd to  
19 file the affidavit in all four of these cases.

20 MR. BRUCE: Okay.

21 HEARING EXAMINER CHAKALIAN: And Mr.  
22 Bruce, when you file this affidavit, would you also e-  
23 mail it to me and Ms. Thomspon separately so that it  
24 peaks our interest?

25 MR. BRUCE: I will.

1 HEARING EXAMINER CHAKALIAN: All right.  
2 Okay. Then I will make a note here of this. And we  
3 will move on to 23799, Mewbourne Oil. Mr. Bruce, your  
4 case?

5 MR. BRUCE: Yes, sir.

6 HEARING EXAMINER CHAKALIAN: Do we have  
7 any participating counsel in this case?

8 MR. BRUCE: Not that I am aware.

9 HEARING EXAMINER CHAKALIAN: I'm not  
10 aware either. So, Mr. Bruce, are we proceeding to a  
11 hearing by affidavit?

12 MR. BRUCE: Yes.

13 HEARING EXAMINER CHAKALIAN: 23799,  
14 let's see what you have filed in this case.

15 MR. BRUCE: Okay. Now first of all --

16 HEARING EXAMINER CHAKALIAN: Hold on.  
17 Let me -- hold on. Let me find it first. It looks  
18 like you filed two things on the 17th. Why are there  
19 two things?

20 MR. BRUCE: Because if the exhibit  
21 package gets too thick and I scan it in, it won't  
22 upload from my computer to the Division's system. So  
23 I have to make it generally less than 50 to 55 pages.  
24 And this one had about 70 or something like that.

25 HEARING EXAMINER CHAKALIAN: Okay. I

1 see that. Okay. Please proceed.

2 MR. BRUCE: Okay. In this case,  
3 Mewbourne also seeks to pool additional parties into  
4 the well unit. Just preliminary, I know that Exhibit  
5 1, the application, shows that what we're dealing with  
6 here is the south half of Sections 21 and 20. In 20  
7 south range, 27 east, it is a non-standard spacing  
8 unit. Mewbourne previously applied for a non-standard  
9 unit administratively. I think that order has been  
10 issued, but nonetheless, it is being handled  
11 administratively.

12 I've attached the order so that there  
13 is in this -- the prior order, so that there is a  
14 pooling checklist in this item. Oh, yes, the non-  
15 standard unit was granted by administrative order NSP  
16 2136. Land plats are included. What did I do wrong  
17 here? Oh, nothing.

18 Yeah, Exhibit 1 is not the application.  
19 It's a self-affirmed statement of the landman, Braxton  
20 Blandford. It contains all the usual information.  
21 The land plats, the list of interest owners in the  
22 well unit. The final page of Exhibit 1c shows that,  
23 and then Exhibit 1d, the parties being pooled are  
24 interest owners in the southern half of the East Globe  
25 Townsite. As you can see, there's probably, I don't

1 know, 80 lots in there.

2 So there's a bunch of small interest  
3 owners that are being of course pooled. I think  
4 they're listed on Exhibit 1d. Collectively they  
5 probably own 4 or 5 percent of the East Globe  
6 Townsite, these various small lots that are involved.  
7 The lots are not broken down with the other land plats  
8 simply because there's so many of them.

9 Most of the townsite is leased up and  
10 at 94, 95 percent. But these remaining people were --  
11 it was tough to locate them because this townsite is  
12 probably 100 years old. Lot of people own these lots  
13 and moved or died, and finding them after, you know,  
14 80, 70 years is pretty difficult.

15 So the rest of the exhibit package, as  
16 I said, usual information, summary of context, the  
17 proposal letter, the AFEs. Part 2 is simply the  
18 application and proposed notice. Exhibit 3 is my  
19 affidavit regarding the mailing of the notice letter,  
20 which is marked Exhibit 3a. Exhibit 4 is a certified  
21 notice spreadsheet.

22 As you can see from looking at that,  
23 there were quite a few people notified and a lot of  
24 people did not return, did not sign for the green  
25 cards and the letters were returned undelivered. But

1 there is a timely affidavit of publication and so the  
2 parties who did not receive or did not return green  
3 cards were served constructively.

4 So I believe the exhibit package is  
5 complete. So I'd ask that Exhibit 1 through 1e, 2, 3  
6 and 3a, 4, and 5, be admitted as evidence.

7 HEARING EXAMINER CHAKALIAN: And this  
8 is for 22799 --

9 MR. BRUCE: 23799.

10 CHAIRMAN CHAKALIAN: I'm sorry, what?

11 MR. BRUCE: I think you said 22799.

12 It's 23799.

13 HEARING EXAMINER CHAKALIAN: I did say  
14 22. Correction. This is for 23799. I am admitting  
15 Exhibits 1, 1a through 1e; 2; 3; and then it looks  
16 like there's a 3a. Is that right, Mr. Bruce?

17 MR. BRUCE: Correct.

18 HEARING EXAMINER CHAKALIAN: But on  
19 your exhibit list I think you mark it as 1-a?

20 MR. BRUCE: Oh, I'm sorry. Do you want  
21 me to refile these exhibits?

22 HEARING EXAMINER CHAKALIAN: No. I  
23 understand. It's fine. It's really 3a. I  
24 understand. I'm just clarifying that the notice  
25 letter in Part 2, Subsection 3, is mislabeled as 1a,

1 but we will consider it as 3a. Exhibit 4 is admitted  
2 as Exhibit 5 is admitted. Ms. Thompson, any questions  
3 on this case?

4 (Case No. 23799 Exhibit 1 through  
5 Exhibit 5 were received into evidence.)

6 MS. THOMPSON: I have no questions on  
7 this case.

8 HEARING EXAMINER CHAKALIAN: Okay. Mr.  
9 Bruce, we will take this case under advisement.

10 MR. BRUCE: Thank you.

11 HEARING EXAMINER CHAKALIAN: You're  
12 welcome, sir. Which leaves us one case. And that is  
13 23814, Permian Resources. Do we have counsel for  
14 Permian Resources?

15 MS. MCLEAN: Yes. Hi. Good morning,  
16 Mr. Examiner. Jackie McLean on behalf of Permian  
17 Resources.

18 HEARING EXAMINER CHAKALIAN: Mm-hmm.  
19 And do we have any other counsel?

20 MS. VANCE: Yes. Good morning, Mr.  
21 Hearing Examiner. Paula Vance on behalf of COG  
22 Operating and Mongoose Minerals.

23 MR. SAVAGE: Good morning, Mr. Hearing  
24 Examiner. Darin Savage on behalf of Rockwood  
25 Resources LLC.

1 HEARING EXAMINER CHAKALIAN: Wonderful.  
2 Do either Ms. Vance or Mr. Savage object to this  
3 proceeding by affidavit?

4 MS. VANCE: We do not. No, Mr. Hearing  
5 Examiner.

6 MR. SAVAGE: No objection.

7 HEARING EXAMINER CHAKALIAN: Okay. So  
8 you're just monitoring this case?

9 MS. MCLEAN: That's correct.

10 HEARING EXAMINER CHAKALIAN: All right.  
11 Ms. McLean, are you ready to proceed?

12 MS. MCLEAN: Yes, Mr. Examiner.

13 HEARING EXAMINER CHAKALIAN: All right.  
14 Go right ahead.

15 MS. MCLEAN: Thank you. In Case No.  
16 23184, Permian Resources is applying for an order  
17 pulling all uncommitted interest in the Wolfcamp  
18 formation underlying a 64-acre standard horizontal  
19 spacing unit comprised of the south half of Sections  
20 33 and 34 in Township 19 South, Range 28 east in Eddy  
21 County. And the unit will be dedicated to the Dawson  
22 34 Fed Com No. 3, 203H, and 204H wells. And this is a  
23 proximity tract spacing unit with the Dawson 34 Fed  
24 Com No. 204H well being the defining well.

25 We have submitted the exhibit packet in

1 this case that includes a compulsory pooling  
2 checklist. Exhibit A, the self-affirmed statement of  
3 Mark Hadjik with Exhibits A1 through A5. Exhibit B,  
4 self-affirmed statement of Christopher Canton with  
5 Exhibits B1 through B5. In both Mr. Hadjik and Mr.  
6 Canton have previously testified before the Division  
7 and were admitted as expert in land and geology.

8 And then finally Exhibit C, which is  
9 the self-affirmed statement of my partner, Dana Hardy,  
10 which attaches a notice letter sent to all the  
11 interested parties, the date that those letters were  
12 sent out, the certified mail receipts and returns.  
13 And we also timely published on October 5, 2023.

14 And I'd ask that these Exhibits A, B  
15 and C and their related sub-exhibits be admitted into  
16 the record in this case and that the case be taken  
17 under advisement.

18 HEARING EXAMINER CHAKALIAN: Thank you,  
19 Ms. McLean. Ms. Vance, Mr. Savage, any objection to  
20 admitting these exhibits into evidence?

21 MS. VANCE: No objection.

22 MR. SAVAGE: No. Thank you.

23 HEARING EXAMINER CHAKALIAN: Thank you  
24 both. Exhibit A, A1 through A5; B, B1 through B5; C,  
25 C1 through C4; are admitted into evidence. Ms.

1 Thompson?

2 (Case No. 23814 Exhibit A through  
3 Exhibit C were received into evidence.)

4 MS. THOMPSON: Yeah. I have a couple  
5 questions.

6 HEARING EXAMINER CHAKALIAN: Please.

7 MS. THOMPSON: So this application  
8 isn't using an operation unit, but it has a proximity  
9 tract, correct?

10 MS. MCLEAN: That's correct.

11 MS. THOMPSON: Which well was that  
12 again?

13 MS. MCLEAN: The 204H well is the one  
14 that's located within 330 feet of the quarter-quarter  
15 section line separating the north half, south half,  
16 and south half --

17 MS. THOMPSON: Okay. That's good.  
18 Yeah. And then going down a little bit below your, to  
19 your interest owners. I want to see it's listed on  
20 here. Are all the ones highlighted in yellow the  
21 people that you're pooling?

22 MS. MCLEAN: That's correct.

23 MS. THOMPSON: Okay. I guess the  
24 reason why I was little confused is 'cause when I  
25 scroll down a little bit further, was I saw your, your

1 ORI owners, which are also highlighted in yellow.

2 So --

3 MS. MCLEAN: Yes, we're pooling all of  
4 the overrides, and the record title, and the working  
5 interest owners. There's a lot of really tiny  
6 interest in this --

7 MS. THOMPSON: Right, right.

8 MS. MCLEAN: -- facing unit.

9 MS. THOMPSON: Okay. Honestly, I don't  
10 think I have any other questions. So, yeah. Thank  
11 you.

12 HEARING EXAMINER CHAKALIAN: All right.  
13 Thank you, Ms. Thompson. Ms. Mclean, then we will  
14 take this case under advisement.

15 MS. MCLEAN: Thank you.

16 HEARING EXAMINER CHAKALIAN: I don't  
17 see any other cases. Is there any other business that  
18 any party has before the Division before we close this  
19 docket? Not hearing any. The time is now 9:33 a.m.  
20 on October 19, 2023. That concludes this docket.  
21 Thank you, everyone. We will see you on November 2nd.

22 (Whereupon, the meeting concluded at  
23 9:33 a.m.)

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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.

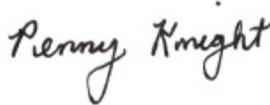


DANA FULTON  
Notary Public in and for the  
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, PENNY KNIGHT, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings 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.



PENNY KNIGHT

[& - 2nd]

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