

RAILROAD COMMISSION OF TEXAS  
HEARINGS DIVISION

Oil and Gas Docket No. OG-20-00002649	§	APPLICATION OF ABRAXAS PETROLEUM
	§	CORPORATION (003125) PURSUANT TO STATEWIDE
Tracking No. 49750	§	RULE 46 FOR A PERMIT TO INJECT FLUIDS INTO A
	§	RESERVOIR PRODUCTIVE OF OIL OR GAS FOR THE
	§	9406 JV-P TAURUS (GAS ID NO. 154400) LEASE, WELL
May 18, 2020	§	NO. 1, TAURUS (DEVONIAN) FIELD, WARD COUNTY,
	§	TEXAS; DISTRICT 08

**NOTICE OF PREHEARING CONFERENCE**

**Date, Location, and Place of Hearing and Prehearing Conference-** Notice is hereby given that a public prehearing conference will be held at **9:00 a.m. on Tuesday, June 2, 2020**, at the offices of the Railroad Commission of Texas (Commission) located in the William B. Travis State Office Building, at 1701 N. Congress Avenue, Austin, Texas, in a room number to be posted on the bulletin board in the first-floor lobby. If the prehearing conference is not concluded on the day it commences, it will be continued from day to day until concluded. **Notice is hereby given that a public hearing on the merits, if necessary, will be held at a time and date to be confirmed at the prehearing conference.**

**If you are planning to attend the hearing, please be aware of changes to traffic patterns and the availability of metered parking in the area due to the Capitol Complex Construction project. There is limited metered parking in the capitol complex area. You may find paid parking at the Bob Bullock Museum across the street from the William B. Travis State Office Building or there is also a Capitol Visitors Parking Garage at 1201 San Jacinto Blvd. For access to the building, you can enter through the ground level from Brazos St. You may want to consider the additional time for parking and entering the building. Map and additional information is available on the RRC website at <https://www.rrc.texas.gov/about-us/organization-activities/visiting-the-railroad-commission-in-the-william-b-travis-state-office-building/>.**

**Purpose of Prehearing Conference-** The purpose of the prehearing conference is to allow the parties to present evidence and to consider all issues of fact and law referenced in attached Appendix A.

**Purpose of Hearing on the Merits-** The purpose of the hearing on the merits is to allow the parties to present evidence and to consider all issues of fact and law referenced in attached Appendix B.

**Failure to Appear- All parties, protestants or persons intending to participate at the hearing must attend the prehearing conference and hearing.** Failure to appear at a prehearing conference and a hearing in this case may result in **dismissal of that party's claim or protest**, or default against that party/protestant and claims. See, e.g., Tex. Gov't Code § 2001.056, 16 Tex. Admin. Code § 1.107.

**Appearance at Prehearing Conference and Hearing-** All persons or parties supporting, opposing or protesting this Application and intending to participate in the hearing or prehearing conference **must** complete and file with Docket Services the enclosed Notice of Intent to Appear form at least **five business days** prior to the hearing date and at least **five business days** prior to the prehearing conference date. **This form is required even if a prior written response was submitted to the previously issued "Notice of Application."** A copy of the Notice of Intent to Appear form should be served on the Applicant and any other parties of record. 16 TEX. ADMIN. CODE § 1.45(a)(1).

**Legal Authority and Jurisdiction-** The Commission has jurisdiction over Applicant and over the matters at issue in this proceeding pursuant to Tex. Nat. Res. Code title 3, subtitles A, B and C, Tex. Water Code chapters 26, 27 and 29, and Tex. Gov't Code chapter 2001.

**Particular Statutes and Rules Involved-** The statutes and rules applicable to this proceeding include but are not limited to the following:

- Tex. Nat. Res. Code, title 3, subtitles A, B and C;
- Tex. Water Code, chapters 26, 27 and 29;
- Commission rules in 16 Tex. Admin. Code chapters 1 and 3; and
- Statutes and rules referenced in Appendix A and B, if any.

**Continuance of Prehearing Conference-** Any request for continuance of the hearing or prehearing conference must be filed in Docket Services **no later than five business days prior to the hearing or prehearing conference date**. 16 Tex. Admin. Code § 1.105(a)(2). Copies of such request must be served to all parties shown on the service list.

**Ex Parte Communications Prohibited-** Ex parte communications (e.g. phone calls and emails) with the examiners and Commissioners are prohibited. Tex. Gov't Code § 2001.061, 16 Tex. Admin. Code § 1.7.

**Written Transcript of the Hearing- If a case is protested or becomes protested, the party requesting commission action in this case will need to obtain a court reporter no later than 21 days before the hearing. Typically, this would include the applicant, complainant, and similarly situated parties in other types of cases.** See 16 Tex. Admin. Code § 1.111. If an examiner or party requests a written transcript, the Commission may assess the cost to one or more parties. This includes paying the court reporter's fees for the preparation of the original transcript for the Commission's official records and one copy for use by the examiners in preparing their written recommendation. To obtain a court reporter, contact Dave Howard & Associates Court Reporters at 512-282-0313 or [dave@howardreporters.com](mailto:dave@howardreporters.com).

**Exhibits-** All exhibits must be clearly marked and submitted in duplicate to the examiners. If a party wants to offer an exhibit admitted in a prior proceeding, the party must provide a properly identified copy as an exhibit for the record in this proceeding. Additionally, if a court reporter is used, a copy of all exhibits must be given to the court reporter at the time of the prehearing conference or hearing.

**Auxiliary Aids or Services for Persons with a Disability-** Any individual with a disability who needs auxiliary aids and services to have an equal opportunity to effectively communicate and participate in the hearing must request such aids or services at least two weeks prior to the hearing by notifying the Commission's Docket Services by mail at P. O. Box 12967, Austin, Texas 78711-2967 or by telephone at (512) 463-6848 or TDD No. (800) 735-2989.

**Audio/Visual Computer Presentations-** Requests for setting up a presentation need to be made in writing **no less than three business days prior to the hearing or prehearing conference date**. Please contact Docket Services to complete a Presentation Setup Help Desk Questionnaire Form.

**Service List-** The Applicant shall review this Notice of Prehearing Conference and the attached Certificate of Service for accuracy and completeness and shall immediately notify Docket Services of any discrepancy or omission.

## APPENDIX A

**Purpose of Prehearing Conference**-The purpose of the prehearing conference is to address matters preliminary to the hearing on the merits, including hearing any outstanding motions, establishing a hearing date and procedural schedule, and addressing other preliminary matters as determined by the examiners. Non-exclusive examples of motions that might be considered include motions to dismiss, motions regarding jurisdiction, motions regarding a party's standing and/or motions related to discovery. **All motions to be considered must be filed and served on all parties at least ten days before the prehearing conference.**

## APPENDIX B

**Purpose of Hearing on the Merits**- The purpose of this hearing is to consider the application of Abraxas Petroleum Corporation for a permit to dispose of oil and gas waste by injection for the 9406 JV-P Taurus Gas ID No. 154400) Lease, Well No. 1, Taurus (Devonian) Field, in Ward County, Texas, pursuant to 16 Tex. Admin. Code § 3.46. If granted, the permit will allow injection into a porous formation productive of oil or gas. The proposed location is approximately 8.9 miles southwest of Pyote, Texas. The application seeks authority to inject a maximum volume of 10,000 barrels per day of salt water into the subsurface depth interval from 13,520 to 13,720 feet within the Devonian formation.

One or more seismic events have been recorded within the Area of Investigation (AOI), a circular area 100 square miles around this well. The seismic events are recorded only in the TexNet catalog. There are four seismic events of magnitude 2.0 or greater recorded in the TexNet catalog. Of those TexNet events, the largest and most recent is magnitude 3.1, located approximately 4.8 miles southwest from the proposed disposal well location, recorded on July 31, 2019. The nearest TexNet event is approximately 4.5 miles southwest from the proposed disposal well, magnitude 2.7, recorded December 29, 2018. There are known faults mapped within the AOI based on fault map locations from Shumaker (1992), BEG (2009), and Lund Snee and Zoback (2018).

If you have questions regarding this Application, please contact the Applicant's representative, George Neale, at (512) 477-1976. If you have any questions regarding the hearing procedure, please contact Docket Services at (512) 463-6848 or at Room 12-123. Additional information about the prehearing conference process can be found at [www.rrc.texas.gov/hearings](http://www.rrc.texas.gov/hearings).

Pursuant to the Amended COVID-19 Emergency Response Order issued by the Director of the Hearings Division on March 23, 2020, the assigned Administrative Law Judge **MAY ORDER THAT THE MATTER NOTICED HEREIN BE CONDUCTED REMOTELY BY TELEPHONE OR VIDEO CONFERENCE**. Such order will be transmitted to the parties within a reasonable time prior to the matter noticed herein and will specify procedures for the pre-filing of evidence and participation in the hearing. If the persons noticed herein know of any reason or reasons why this matter must be held in person, please submit a written response to the Hearings Division **within 10 days of the date of this notice**.

Additionally, it is required that the enclosed Notice of Intent to Appear (or a copy thereof) be filed by each party for this case not later than five days prior to the matter noticed herein. Failure to do so by the applicant or complainant **may lead to the hearing being canceled**. In protested matters, failure by a protestant to timely file a Notice of Intent to Appear **may result in dismissal of the protest**.

To access the Commission's Statewide Rules, start from the Commission's Home Page, click on "General Counsel" (upper right side of page) and follow the path: Rules, Current Rules, T.A.C. Chapter 3, Rule Number.

**Check the Weekly Hearing Schedule on the Commission website at: <http://www.rrc.texas.gov/hearings/hearing-schedules/> the day prior to the prehearing conference to confirm that it will go forward as scheduled.**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Notice of Prehearing Conference in Oil and Gas Docket No. **OG-20-00002649** was served on each of the persons named below by depositing same in the United States Mail, Inter-Agency Mail, or Inter-Agency E-Mail, as follows:

ABRAXAS PETROLEUM CORPORATION ATTN: JEFF MARSHALL 18803 MEISNER DR SAN ANTONIO TX 78258	FRANK CARLTON ELLIS 3509 WENTWOOD DR DALLAS TX 75225	EDNA G THOMPSON 1212 HARVEST LN LONGVIEW TX 75604
LEON A. GREENBLATT 2350 N. LINCOLN PARK W APT 2S CHICAGO ILLINOIS 60614	ELIZABETH ELLIS HOLCOMB 7618 APPECROSS LN DALLAS TX 75248	TERRENCE H CHAMNESS 844 AUGUSTA DR HOUSTON TX 77057
JAGGED PEAK ENERGY LLC 1401 LAWRENCE ST STE 1800 DENVER CO 80202	LOUIS C QUINN JR 3029 GLASGOW DR ARLINGTON TX 76015	AUGUST JOHNNY HOFFMANN 1702 CR 3250 MT PLEASANT TX 75455
MICHAEL BABB 100 FIELDBROOK DR ENTERPRISE AL 36330	ERIN QUIN JAMES 79670 CORTEX LN LA QUINTA CA 92253	VADA CHRISTINA DENMAN 5858 COLHURST DALLAS TX 75230
LUCINDA MARIE FAZIO 6729 WESTHILL CT SW OLYMPIA WA 98512	PATRICIA SMITH BEALL 4317 EDMONDSON DALLAS TX 75202	WARD COUNTY CLERK 400 S ALLEN, SUITE 101 MONAHANS, TEXAS 79756
LOUIS R BABB 5450 N PARAMOUNT BLVD UNIT 66 LONG BEACH CA 90805	ALVA ELIZABETH HOFFMANN 8960 ST HWY 11 W. LEESBURG TX 75451	GEORGE NEALE FOR: ABRAXAS PETROLEUM CORPORATION PO BOX 1945 AUSTIN, TX 78767
SUSAN VULLMER 2015 2ND ST NORTH CRANBROOK BC VIC 3L4	LADY KATHERINE CHRISTIAN 4242 LOMO ALTO DR APT E17 DALLAS TX 75219	LORENZO GARZA ASSISTANT DEPUTY DIRECTOR ADMINISTRATIVE COMPLIANCE RRC - AUSTIN <b><i>Via Intra-Agency Email</i></b>
MAUREEN PATRICIA WALSH BABB 22 MYRTLE AVE KEYPORT NJ 07735	MARTHA BERNICE MACDONALD 695 HWY 75 N FAIRFELD TX 75840	JOE STASULLI ASSISTANT DEPUTY DIRECTOR ADMINISTRATIVE COMPLIANCE RRC - AUSTIN <b><i>Via Intra-Agency Email</i></b>
BUTLER WOLFE BABB 1618 CALIFORNIA AVE SW APT 4 SEATTLE WA 98116	ASHLEY, ABBIE, KELLY PO BOX 1649 LAUSTIN TX 78767	OLIN MACNAMARA GEOLOGIST FIELD OPERATIONS RRC - AUSTIN <b><i>Via Intra-Agency Email</i></b>
APRIL ANN MCCLUNG 2137 E US HWY 24 LOT 15 MONTICELLO IN 47960	JOHN CASON ELLIS 7667 FALLMEADOW LN DALLAS TX 75248	PAUL DUBOIS ASSISTANT DIRECTOR O&G DIVISION TECHNICAL PERMITTING RRC - AUSTIN <b><i>Via Intra-Agency Email</i></b>
ROYAL G MACDONALD 615 TRAILS END DR FLOWER MOUND TX 75028	NORMA LOUISE QUINN 100 E HUTCHISON ST STE 200 BEEVILLE TX 78102	
ROBERT ROLSTON PO BOX 2224 MT PLEASANT TX 75456	SHARON QUINN HUDSON 1604 PLEASANT RUN KELLER TX 76248	

On this the **18th** day of **May**, 2020.

***Melissa Stovall***

Docket Services, Hearings Division  
Railroad Commission of Texas

HEARINGS DIVISION  
PO Drawer 12967  
Austin, TX 78711-2967

NOTICE OF INTENT TO APPEAR

A Copy of this Notice of Intent to Appear must be mailed to the Applicant and to Docket Services, P.O. Drawer 12967, Austin, TX 78711-2967. It must be *received* by Docket Services at least five business days in advance of the prehearing conference date and hearing date.

APPLICANT: ABRAXAS PETROLEUM CORPORATION (003125)  
CASE/DOCKET NO.: OG-20-00002649  
STATUS NO.: 49750

\_\_\_\_\_, representing \_\_\_\_\_,  
(Print Name) (Print Name)  
hereby enters this Notice of Intent to Appear at Prehearing Conference as **(Check one of the referenced party status):** \_\_\_\_\_ *Applicant* \_\_\_\_\_ *Protestant* \_\_\_\_\_ *Observer* or \_\_\_\_\_ *In Support of Application*  
and states he/she or his/her representative will appear and participate at the prehearing conference.

I further certify that, as of today's date, I have mailed or delivered a copy of this Notice of Intent to Appear form to the Applicant at the address shown in the Certificate of Service.

\_\_\_\_\_  
Signature Date  
Telephone: Area Code: (\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_  
(OPTIONAL - If provided, e-mail address will become part of this public record; See TEX. GOV'T CODE § 552.137)

TIME ESTIMATE (total required for your presentation): \_\_\_\_\_

ADDRESS TO WHICH NOTICE WAS SENT:

\_\_\_\_\_ Is correct \_\_\_\_\_ Is incorrect and should be corrected to:

\_\_\_\_\_  
Street City State Zip Code

ADDITIONAL NOTICE SHOULD BE SENT TO THE REPRESENTATIVE SHOWN BELOW:

\_\_\_\_\_  
(Print Name)  
\_\_\_\_\_  
Street City State Zip Code



# RAILROAD COMMISSION OF TEXAS

## HEARINGS DIVISION

### **CONSENT TO ELECTRONIC SERVICE AND NOTIFICATION OF DOCUMENTS, RULINGS, DECISIONS, AND ORDERS**

Effective September 1, 2015, Section 2001.142 (Notification of Decisions and Orders) of the Texas Government Code was amended to allow a state agency to notify each party to a contested case of any decision or order of the agency, if agreed to by the party to be notified, by electronic means sent to the current e-mail address of the party's attorney of record or of the party if the party is not represented by counsel. Tex. Gov't Code § 2001.142(a)(2).

Current rules of the Railroad Commission of Texas ("Commission") require the Commission to serve "a pleading or document" by "hand-delivering a copy to the person to be served, or by first class, certified, or registered mail, commercial delivery service, fax, email, or by such other manner as the Commission may require." Commission Practice and Procedure rules, §1.45(e)(2) and §1.45(b). According to §1.45(b)(1)(D), "Service by email may be used if the person to be served consents to be served by email pursuant to §1.27 or §1.32 of this title (relating to Parties and Authorized representatives, and Form and Content of Pleadings, respectively). If the person consents to be served by email, the person affirmatively consents to the release and disclosure of the email address. Email service is complete on the date of the email transmission. An email received after 5 p.m. local time of the recipient shall be deemed served on the following business day."

#### **Completion of this form is optional**

In lieu of service and notification by mail, \_\_\_\_\_ (party name or attorney) on behalf of \_\_\_\_\_ hereby agrees and consents to electronic service and notification of all documents, rulings, decisions, and orders from the Railroad Commission of Texas in Docket No. \_\_\_\_\_ by the following electronic means:

[        ] E-mail at: \_\_\_\_\_

Authorized by:

\_\_\_\_\_ (signature)

\_\_\_\_\_ (print name)

\_\_\_\_\_ (firm)

By requesting electronic service, all orders, proposals for decision, and other documents and communications to me in this docket will be provided to me by e-mail at the address set forth above. I will no longer receive paper copies of any documents in this docket. I also understand and agree that it is my responsibility to inform Docket Services and other parties of any changes to my e-mail address. By accepting the terms of this service my e-mail address will be shown on the service list of this docket and available to the Commission, other parties and will become part of this public record; See Tex Gov't Code §552.137. I am responsible for ensuring that my e-mail filters and settings allow the delivery of e-mails from the RRC and all other parties to this case. **If the pleading contains 10 or fewer pages including exhibits, it may be filed by fax, email, or other approved electronic transmission with the Docket Services Section.** If a party or authorized representative elects to file a pleading by email, the party or authorized representative agrees to be served by email and affirmatively consents to the release and disclosure of the email address.

RAILROAD COMMISSION OF TEXAS  
HEARINGS DIVISION

Oil and Gas Docket No. OG-20-00002867	§ APPLICATION OF GUIDON ENERGY MGMT SERVICES § LLC (337328) FOR AN EXCEPTION TO STATEWIDE § RULE 32 FOR THE MARGIE 9-4 (ALLOC-1NH) LEASE, § WELL NOS. 9LB, 1LL, 2UL, 3JM, 4MM, 10UB, 11LA, AND § THE MARGIE 9-4 A (ALLOC 1-NH) LEASE, WELL NO. May 18, 2020 § 12UA, SPRABERRY (TREND AREA) FIELD, MARTIN § COUNTY, TEXAS; DISTRICT 08
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**NOTICE OF HEARING**

**Date, Location, and Place of Hearing-** Notice is hereby given that a public hearing will be held at **9:00 a.m. on Wednesday, June 3, 2020**, at the offices of the Railroad Commission of Texas (Commission) located in the William B. Travis State Office Building, at 1701 N. Congress Avenue, Austin, Texas, in a room number to be posted on the bulletin board in the first-floor lobby. If the hearing is not concluded on the day it commences, it will be continued from day to day until concluded.

**If you are planning to attend the hearing, please be aware of changes to traffic patterns and the availability of metered parking in the area due to the Capitol Complex Construction project. There is limited metered parking in the capitol complex area. You may find paid parking at the Bob Bullock Museum across the street from the William B. Travis State Office Building or there is also a Capitol Visitors Parking Garage at 1201 San Jacinto Blvd. For access to the building, you can enter through the ground level from Brazos St. You may want to consider the additional time for parking and entering the building. Map and additional information is available on the RRC website at <https://www.rrc.texas.gov/about-us/organization-activities/visiting-the-railroad-commission-in-the-william-b-travis-state-office-building/>.**

**Purpose of Hearing-** The purpose of the hearing is to allow the parties to present evidence and consider all issues of fact and law raised in or relevant to the Application. The issues that may be addressed at the hearing include, but are not limited to, the following:

1. A statement of the matters asserted and the nature of the Applicant's hearing request is in the attached Appendix A.
2. Any other issues raised in the pleadings, evidence, or argument that are necessary for the Commission to render a final decision on the merits of this case.

**Failure to Appear- All parties, protestants or persons intending to participate at the hearing must attend the hearing.** Failure to appear at any prehearing conference or the hearing in this case may result in **dismissal of that party's claim or protest**, or default against that party/protestant and claims. See, e.g., Tex. Gov't Code § 2001.056, 16 Tex. Admin. Code § 1.107.

**Appearance at Hearing-** All persons or parties supporting, opposing or protesting this Application and intending to participate in the hearing must complete and file with Docket Services the enclosed Notice of Intent to Appear at Hearing Protest form at least **five business days** prior to the hearing date in this Notice of Hearing. **This form is required even if a prior written response was submitted to the previously issued "Notice of Application."** A copy of the form should be served on the Applicant and any other parties of record.



**Legal Authority and Jurisdiction-** The Commission has jurisdiction over Applicant and over the matters at issue in this proceeding pursuant to Tex. Nat. Res. Code title 3, subtitles A, B and C, Tex. Water Code chapters 26, 27 and 29, and Tex. Gov't Code chapter 2001.

**Particular Statutes and Rules Involved-** The statutes and rules applicable to this proceeding include but are not limited to the following:

- Tex. Nat. Res. Code, title 3, subtitles A, B and C;
- Commission rules in 16 Tex. Admin. Code chapters 1 and 3;
- Tex. Water Code chapters 26, 27 and 29; and
- Statutes and rules referenced in Appendix A, if any, of this Notice of Hearing.

**Continuance of Hearing-** Any request for continuance of this hearing must be filed in Docket Services **no later than five business days prior to the hearing date**. Copies of such request must be served to all parties shown on the service list. 16 Tex. Admin. Code § 1.45(a)(1).

**Ex parte Communications Prohibited-** Ex parte communications (e.g. phone calls and emails) with the examiners and Commissioners are prohibited. Tex. Gov't Code § 2001.061, 16 Tex. Admin. Code § 1.7.

**Written Transcript of the Hearing-** **If a case is protested or becomes protested, the party requesting commission action in this case will need to obtain a court reporter no later than 21 days before the hearing.** Typically, this would include the applicant, complainant, and similarly situated parties in other types of cases. See 16 Tex. Admin. Code § 1.111. If an examiner or party requests a written transcript, the Commission may assess the cost to one or more parties. This includes paying the court reporter's fees for the preparation of the original transcript for the Commission's official records and one copy for use by the examiners in preparing their written recommendation. To obtain a court reporter, contact Dave Howard & Associates Court Reporters at 512-282-0313 or [dave@howardreporters.com](mailto:dave@howardreporters.com).

**Hearing Exhibits-** All exhibits must be clearly marked and submitted in duplicate. If a party wants to offer an exhibit admitted in a prior proceeding, the party must provide a properly identified copy as an exhibit for the record in this proceeding. Additionally, if a court reporter is used, a copy of all exhibits must be given to the court reporter at the time of the hearing.

**Auxiliary Aids or Services for Persons with a Disability-** Any individual with a disability who needs auxiliary aids and services to have an equal opportunity to effectively communicate and participate in the hearing must request such aids or services at least two weeks prior to the hearing by notifying the Commission's Docket Services by mail at P. O. Box 12967, Austin, Texas 78711-2967 or by telephone at (512) 463-6848 or TDD No. (800) 735-2989.

**Audio/Visual Computer Presentations-** All requests for setting up a presentation need to be made in writing no less than three business days prior to the hearing date. Please contact Docket Services to complete a Presentation Setup Help Desk Questionnaire Form.

**Service List-** The Applicant shall review this Notice of Hearing and the attached Certificate of Service for accuracy and completeness and shall immediately notify Docket Services of any discrepancy or omission.

## APPENDIX A

This hearing is held to consider the application of Guidon Energy Mgmt Services LLC for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Margie 9-4 (Alloc-1NH) Lease Well Nos. 9LB (Parent Well) (DP# 847548), 1LL (DP# 847560), 2UL (DP# 847572), 3JM (DP# 847575), 4MM (DP# 847580), 10UB (DP# 847583), 11LA (DP# 847586), and the Margie 9-4 A (Alloc-1NH) Lease Well #12UA (Parent Well) (DP# 847590), Spraberry (Trend Area) Field, in Martin County, Texas; District 08.. All of the other above listed wells are the stacked lateral wells associated with Well No. 9LB (Parent Well).

If you have questions regarding this Application, please contact the Applicant's representative, Dale Miller, at (512) 478-3456. If you have any questions regarding the hearing procedure, please contact Docket Services at (512) 463-6848 or at Room 12-123. Additional information about the hearing process can be found at [www.rrc.texas.gov/hearings](http://www.rrc.texas.gov/hearings).

Pursuant to the Amended COVID-19 Emergency Response Order issued by the Director of the Hearings Division on March 23, 2020, the assigned Administrative Law Judge **MAY ORDER THAT THE MATTER NOTICED HEREIN BE CONDUCTED REMOTELY BY TELEPHONE OR VIDEO CONFERENCE**. Such order will be transmitted to the parties within a reasonable time prior to the matter noticed herein and will specify procedures for the pre-filing of evidence and participation in the hearing. If the persons noticed herein know of any reason or reasons why this matter must be held in person, please submit a written response to the Hearings Division **within 10 days of the date of this notice**.

Additionally, it is required that the enclosed Notice of Intent to Appear (or a copy thereof) be filed by each party for this case not later than five days prior to the matter noticed herein. Failure to do so by the applicant or complainant **may lead to the hearing being canceled**. In protested matters, failure by a protestant to timely file a Notice of Intent to Appear **may result in dismissal of the protest**.

To access the Commission's Statewide Rules, start from the Commission's Home Page, click on "General Counsel" (upper right side of page) and follow the path: Rules, Current Rules, T.A.C. Chapter 3, Rule Number.

**Check the Weekly Hearing Schedule on the Commission website at: <http://www.rrc.texas.gov/hearings/hearing-schedules/> the day prior to the hearing to confirm that it will go forward as scheduled.**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Notice of Hearing in Oil and Gas Docket No. **OG-20-00002867** was served on each of the persons named below by depositing same in the United States Mail, Inter-Agency Mail, or Inter-Agency E-Mail, as follows:

GUIDON ENERGY MGMT SERVICES LLC  
ATTN: JAMIE ASUNCION  
545 E JOHN CARPENTER FWY, STE 1300  
IRVING TX 75062

CROWNQUEST OPERATING, LLC  
PO BOX 53310  
MIDLAND, TX 79710

ENDEAVOR ENERGY RESOURCES L.P.  
110 N MARIENFELD ST, SUITE 200  
MIDLAND, TX 79701

OVINTIV USA INC.  
370 17TH STREET, SUITE 1700  
DENVER, CO 80202

PIONEER NATURAL RES. USA, INC.  
ATTN: WELDON PIERSON  
777 HIDDEN RIDGE  
IRVING, TX 75038

QEP ENERGY COMPANY  
ATTN: SOUTHERN DIV REGULATORY  
1050 17TH ST, SUITE 800  
DENVER, CO 80265

MILLER CONSULTING, INC.  
ATTN: DALE E. MILLER  
FOR GUIDON ENERGY MGMT SERVICES LLC  
1000 WEST AVE  
AUSTIN TX 78701-2019

LORENZO GARZA  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

JOE STASULLI  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

OLIN MACNAMARA  
GEOLOGIST  
FIELD OPERATIONS  
RRC - AUSTIN  
***Via Intra-Agency Email***

PAUL DUBOIS  
ASSISTANT DIRECTOR  
O&G DIVISION TECHNICAL PERMITTING  
RRC - AUSTIN  
***Via Intra-Agency Email***

On this the **18th** day of **May**, 2020.

***Melissa Stovall***

Docket Services, Hearings Division  
Railroad Commission of Texas

HEARINGS DIVISION  
PO Drawer 12967  
Austin, TX 78711-2967

NOTICE OF INTENT TO APPEAR AT HEARING

A Copy of this Notice of Intent to Appear at Hearing must be mailed to the Applicant and to Docket Services, P.O. Drawer 12967, Austin, TX 78711-2967. It must be received by Docket Services at least five business days in advance of the hearing date.

APPLICANT: GUIDON ENERGY MGMT SERVICES LLC (337328)  
CASE/DOCKET NO.: OG-20-00002867  
STATUS NO.:

\_\_\_\_\_, representing \_\_\_\_\_,  
(Print Name) (Print Name)  
hereby enters this Notice of Intent to Appear at Hearing as (Check one of the referenced party status):  
\_\_\_ **Applicant** \_\_\_ **Protestant** \_\_\_ **Observer** or \_\_\_ **In Support of Application** and states he/she  
or his/her representative will appear and participate at the hearing.

I further certify that, as of today's date, I have mailed or delivered a copy of this Notice of Intent to Appear at Hearing form to the Applicant at the address shown in the Certificate of Service.

\_\_\_\_\_  
Signature Date  
Telephone: Area Code: (\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_  
(OPTIONAL - If provided, e-mail address will become part of this public record; See TEX. GOV'T CODE § 552.137)

TIME ESTIMATE (total required for your presentation at the hearing): \_\_\_\_\_

ADDRESS TO WHICH NOTICE WAS SENT:

\_\_\_\_\_ Is correct \_\_\_\_\_ Is incorrect and should be corrected to:

\_\_\_\_\_  
Street City State Zip Code

ADDITIONAL NOTICE SHOULD BE SENT TO THE REPRESENTATIVE SHOWN BELOW:

\_\_\_\_\_  
(Print Name)  
\_\_\_\_\_  
Street City State Zip Code



# RAILROAD COMMISSION OF TEXAS

## HEARINGS DIVISION

### **CONSENT TO ELECTRONIC SERVICE AND NOTIFICATION OF DOCUMENTS, RULINGS, DECISIONS, AND ORDERS**

Effective September 1, 2015, Section 2001.142 (Notification of Decisions and Orders) of the Texas Government Code was amended to allow a state agency to notify each party to a contested case of any decision or order of the agency, if agreed to by the party to be notified, by electronic means sent to the current e-mail address of the party's attorney of record or of the party if the party is not represented by counsel. Tex. Gov't Code § 2001.142(a)(2).

Current rules of the Railroad Commission of Texas ("Commission") require the Commission to serve "a pleading or document" by "hand-delivering a copy to the person to be served, or by first class, certified, or registered mail, commercial delivery service, fax, email, or by such other manner as the Commission may require." Commission Practice and Procedure rules, §1.45(e)(2) and §1.45(b). According to §1.45(b)(1)(D), "Service by email may be used if the person to be served consents to be served by email pursuant to §1.27 or §1.32 of this title (relating to Parties and Authorized representatives, and Form and Content of Pleadings, respectively). If the person consents to be served by email, the person affirmatively consents to the release and disclosure of the email address. Email service is complete on the date of the email transmission. An email received after 5 p.m. local time of the recipient shall be deemed served on the following business day."

#### **Completion of this form is optional**

In lieu of service and notification by mail, \_\_\_\_\_ (party name or attorney) on behalf of \_\_\_\_\_ hereby agrees and consents to electronic service and notification of all documents, rulings, decisions, and orders from the Railroad Commission of Texas in Docket No. \_\_\_\_\_ by the following electronic means:

[        ] E-mail at: \_\_\_\_\_

Authorized by:

\_\_\_\_\_ (signature)

\_\_\_\_\_ (print name)

\_\_\_\_\_ (firm)

By requesting electronic service, all orders, proposals for decision, and other documents and communications to me in this docket will be provided to me by e-mail at the address set forth above. I will no longer receive paper copies of any documents in this docket. I also understand and agree that it is my responsibility to inform Docket Services and other parties of any changes to my e-mail address. By accepting the terms of this service my e-mail address will be shown on the service list of this docket and available to the Commission, other parties and will become part of this public record; See Tex Gov't Code §552.137. I am responsible for ensuring that my e-mail filters and settings allow the delivery of e-mails from the RRC and all other parties to this case. **If the pleading contains 10 or fewer pages including exhibits, it may be filed by fax, email, or other approved electronic transmission with the Docket Services Section.** If a party or authorized representative elects to file a pleading by email, the party or authorized representative agrees to be served by email and affirmatively consents to the release and disclosure of the email address.

RAILROAD COMMISSION OF TEXAS  
HEARINGS DIVISION

Oil and Gas Docket No. OG-20-00002713

May 18, 2020

§ APPLICATION OF ROSEWOOD RESOURCES, INC.  
§ (728874) FOR AN EXCEPTION TO STATEWIDE  
§ RULE 32 FOR THE DAWLEAN RICHARDSON  
§ (19842) LEASE, FLARE POINT FOR WELL NOS. 1H  
§ AND 2H, EAGLEVILLE (EAGLE FORD-1) FIELD,  
§ GONZALES COUNTY, TEXAS; DISTRICT 01

**NOTICE OF HEARING**

**Date, Location, and Place of Hearing-** Notice is hereby given that a public hearing will be held at **9:00 a.m. on Friday, June 26, 2020**, at the offices of the Railroad Commission of Texas (Commission) located in the William B. Travis State Office Building, at 1701 N. Congress Avenue, Austin, Texas, in a room number to be posted on the bulletin board in the first-floor lobby. If the hearing is not concluded on the day it commences, it will be continued from day to day until concluded.

**If you are planning to attend the hearing, please be aware of changes to traffic patterns and the availability of metered parking in the area due to the Capitol Complex Construction project. There is limited metered parking in the capitol complex area. You may find paid parking at the Bob Bullock Museum across the street from the William B. Travis State Office Building or there is also a Capitol Visitors Parking Garage at 1201 San Jacinto Blvd. For access to the building, you can enter through the ground level from Brazos St. You may want to consider the additional time for parking and entering the building. Map and additional information is available on the RRC website at <https://www.rrc.texas.gov/about-us/organization-activities/visiting-the-railroad-commission-in-the-william-b-travis-state-office-building/>.**

**Purpose of Hearing-** The purpose of the hearing is to allow the parties to present evidence and consider all issues of fact and law raised in or relevant to the Application. The issues that may be addressed at the hearing include, but are not limited to, the following:

1. A statement of the matters asserted and the nature of the Applicant's hearing request is in the attached Appendix A.
2. Any other issues raised in the pleadings, evidence, or argument that are necessary for the Commission to render a final decision on the merits of this case.

**Failure to Appear-** **All parties, protestants or persons intending to participate at the hearing must attend the hearing.** Failure to appear at any prehearing conference or the hearing in this case may result in **dismissal of that party's claim or protest**, or default against that party/protestant and claims. See, e.g., Tex. Gov't Code § 2001.056, 16 Tex. Admin. Code § 1.107.

**Appearance at Hearing-** All persons or parties supporting, opposing or protesting this Application and intending to participate in the hearing must complete and file with Docket Services the enclosed Notice of Intent to Appear at Hearing Protest form at least **five business days** prior to the hearing date in this Notice of Hearing. **This form is required even if a prior written response was submitted to the previously issued "Notice of Application."** A copy of the form should be served on the Applicant and any other parties of record.

**Legal Authority and Jurisdiction-** The Commission has jurisdiction over Applicant and over the matters at issue in this proceeding pursuant to Tex. Nat. Res. Code title 3, subtitles A, B and C, Tex. Water Code chapters 26, 27 and 29, and Tex. Gov't Code chapter 2001.

**Particular Statutes and Rules Involved-** The statutes and rules applicable to this proceeding include but are not limited to the following:

- Tex. Nat. Res. Code, title 3, subtitles A, B and C;
- Commission rules in 16 Tex. Admin. Code chapters 1 and 3;
- Tex. Water Code chapters 26, 27 and 29; and
- Statutes and rules referenced in Appendix A, if any, of this Notice of Hearing.

**Continuance of Hearing-** Any request for continuance of this hearing must be filed in Docket Services **no later than five business days prior to the hearing date**. Copies of such request must be served to all parties shown on the service list. 16 Tex. Admin. Code § 1.45(a)(1).

**Ex parte Communications Prohibited-** Ex parte communications (e.g. phone calls and emails) with the examiners and Commissioners are prohibited. Tex. Gov't Code § 2001.061, 16 Tex. Admin. Code § 1.7.

**Written Transcript of the Hearing- If a case is protested or becomes protested, the party requesting commission action in this case will need to obtain a court reporter no later than 21 days before the hearing. Typically, this would include the applicant, complainant, and similarly situated parties in other types of cases.** See 16 Tex. Admin. Code § 1.111. If an examiner or party requests a written transcript, the Commission may assess the cost to one or more parties. This includes paying the court reporter's fees for the preparation of the original transcript for the Commission's official records and one copy for use by the examiners in preparing their written recommendation. To obtain a court reporter, contact Dave Howard & Associates Court Reporters at 512-282-0313 or [dave@howardreporters.com](mailto:dave@howardreporters.com).

**Hearing Exhibits-** All exhibits must be clearly marked and submitted in duplicate. If a party wants to offer an exhibit admitted in a prior proceeding, the party must provide a properly identified copy as an exhibit for the record in this proceeding. Additionally, if a court reporter is used, a copy of all exhibits must be given to the court reporter at the time of the hearing.

**Auxiliary Aids or Services for Persons with a Disability-** Any individual with a disability who needs auxiliary aids and services to have an equal opportunity to effectively communicate and participate in the hearing must request such aids or services at least two weeks prior to the hearing by notifying the Commission's Docket Services by mail at P. O. Box 12967, Austin, Texas 78711-2967 or by telephone at (512) 463-6848 or TDD No. (800) 735-2989.

**Audio/Visual Computer Presentations-** All requests for setting up a presentation need to be made in writing no less than three business days prior to the hearing date. Please contact Docket Services to complete a Presentation Setup Help Desk Questionnaire Form.

**Service List-** The Applicant shall review this Notice of Hearing and the attached Certificate of Service for accuracy and completeness and shall immediately notify Docket Services of any discrepancy or omission.

## APPENDIX A

This hearing is held to consider the application of Rosewood Resources, Inc. for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Dawlean Richardson (19842) Lease, Flare Point for Well Nos. 1H (Drilling Permit No. 844653) and 2H (Drilling Permit No. 844654), (Exception No. 41027), Eagleville (Eagle Ford-1) Field, in Gonzales County, Texas; District 01.

If you have questions regarding this Application, please contact the Applicant's representative, Paul Tough, at (512) 327-8111. If you have any questions regarding the hearing procedure, please contact Docket Services at (512) 463-6848 or at Room 12-123. Additional information about the hearing process can be found at [www.rrc.texas.gov/hearings](http://www.rrc.texas.gov/hearings).

Pursuant to the Amended COVID-19 Emergency Response Order issued by the Director of the Hearings Division on March 23, 2020, the assigned Administrative Law Judge **MAY ORDER THAT THE MATTER NOTICED HEREIN BE CONDUCTED REMOTELY BY TELEPHONE OR VIDEO CONFERENCE**. Such order will be transmitted to the parties within a reasonable time prior to the matter noticed herein and will specify procedures for the pre-filing of evidence and participation in the hearing. If the persons noticed herein know of any reason or reasons why this matter must be held in person, please submit a written response to the Hearings Division **within 10 days of the date of this notice**.

Additionally, it is required that the enclosed Notice of Intent to Appear (or a copy thereof) be filed by each party for this case not later than five days prior to the matter noticed herein. Failure to do so by the applicant or complainant **may lead to the hearing being canceled**. In protested matters, failure by a protestant to timely file a Notice of Intent to Appear **may result in dismissal of the protest**.

To access the Commission's Statewide Rules, start from the Commission's Home Page, click on "General Counsel" (upper right side of page) and follow the path: Rules, Current Rules, T.A.C. Chapter 3, Rule Number.

**Check the Weekly Hearing Schedule on the Commission website at: <http://www.rrc.texas.gov/hearings/hearing-schedules/> the day prior to the hearing to confirm that it will go forward as scheduled.**



**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Notice of Hearing in Oil and Gas Docket No. **OG-20-00002713** was served on each of the persons named below by depositing same in the United States Mail, Inter-Agency Mail, or Inter-Agency E-Mail, as follows:

ROSEWOOD RESOURCES, INC.  
ATTN: CHASE HANNA  
2101 CEDAR SPRINGS RD, SUITE 1500  
DALLAS, TX 75201

EOG RESOURCES, INC.  
ATTN: TIM VOGLER  
P. O. BOX 4362  
HOUSTON, TX 77210-4362

MARATHON OIL EF LLC  
5555 SAN FELIPE ST RM 3510  
HOUSTON, TX 77056

LONESTAR OPERATING, LLC  
111 BOLAND ST, SUITE 300  
FORT WORTH, TX 76107

PAUL TOUGH  
FOR ROSEWOOD RESOURCES, INC.  
MCELROY SULLIVAN, MILLER & WEBER L.L.P.  
1201 SPYGLASS DRIVE, SUITE 200  
AUSTIN, TX 78746

LORENZO GARZA  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

JOE STASULLI  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

OLIN MACNAMARA  
GEOLOGIST  
FIELD OPERATIONS  
RRC - AUSTIN  
***Via Intra-Agency Email***

PAUL DUBOIS  
ASSISTANT DIRECTOR  
O&G DIVISION TECHNICAL PERMITTING  
RRC - AUSTIN  
***Via Intra-Agency Email***

On this the **18th** day of **May** 2020.

***Joseph Menefe***

Paralegal, Hearings Division  
Railroad Commission of Texas



RAILROAD COMMISSION OF TEXAS

HEARINGS DIVISION  
PO Drawer 12967  
Austin, TX 78711-2967

NOTICE OF INTENT TO APPEAR AT HEARING

A Copy of this Notice of Intent to Appear at Hearing must be mailed to the Applicant and to Docket Services, P.O. Drawer 12967, Austin, TX 78711-2967. It must be received by Docket Services at least five business days in advance of the hearing date.

APPLICANT: ROSEWOOD RESOURCES, INC. (728874)  
CASE/DOCKET NO.: OG-20-00002713  
STATUS NO.:

\_\_\_\_\_, representing \_\_\_\_\_,  
(Print Name) (Print Name)  
hereby enters this Notice of Intent to Appear at Hearing as **(Check one of the referenced party status):**  
\_\_\_\_ **Applicant** \_\_\_\_ **Protestant** \_\_\_\_ **Observer** or \_\_\_\_ **In Support of Application** and states he/she  
or his/her representative will appear and participate at the hearing.

I further certify that, as of today's date, I have mailed or delivered a copy of this Notice of Intent to Appear at Hearing form to the Applicant at the address shown in the Certificate of Service.

\_\_\_\_\_  
Signature Date  
Telephone: Area Code: (\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_  
(OPTIONAL - If provided, e-mail address will become part of this public record; See TEX. GOV'T CODE § 552.137)

TIME ESTIMATE (total required for your presentation at the hearing): \_\_\_\_\_

ADDRESS TO WHICH NOTICE WAS SENT:

\_\_\_\_\_ Is correct \_\_\_\_\_ Is incorrect and should be corrected to:

\_\_\_\_\_  
Street City State Zip Code

ADDITIONAL NOTICE SHOULD BE SENT TO THE REPRESENTATIVE SHOWN BELOW:

\_\_\_\_\_  
(Print Name)  
\_\_\_\_\_  
Street City State Zip Code



# RAILROAD COMMISSION OF TEXAS

## HEARINGS DIVISION

### **CONSENT TO ELECTRONIC SERVICE AND NOTIFICATION OF DOCUMENTS, RULINGS, DECISIONS, AND ORDERS**

Effective September 1, 2015, Section 2001.142 (Notification of Decisions and Orders) of the Texas Government Code was amended to allow a state agency to notify each party to a contested case of any decision or order of the agency, if agreed to by the party to be notified, by electronic means sent to the current e-mail address of the party's attorney of record or of the party if the party is not represented by counsel. Tex. Gov't Code § 2001.142(a)(2).

Current rules of the Railroad Commission of Texas ("Commission") require the Commission to serve "a pleading or document" by "hand-delivering a copy to the person to be served, or by first class, certified, or registered mail, commercial delivery service, fax, email, or by such other manner as the Commission may require." Commission Practice and Procedure rules, §1.45(e)(2) and §1.45(b). According to §1.45(b)(1)(D), "Service by email may be used if the person to be served consents to be served by email pursuant to §1.27 or §1.32 of this title (relating to Parties and Authorized representatives, and Form and Content of Pleadings, respectively). If the person consents to be served by email, the person affirmatively consents to the release and disclosure of the email address. Email service is complete on the date of the email transmission. An email received after 5 p.m. local time of the recipient shall be deemed served on the following business day."

#### **Completion of this form is optional**

In lieu of service and notification by mail, \_\_\_\_\_ (party name or attorney) on behalf of \_\_\_\_\_ hereby agrees and consents to electronic service and notification of all documents, rulings, decisions, and orders from the Railroad Commission of Texas in Docket No. \_\_\_\_\_ by the following electronic means:

[        ] E-mail at: \_\_\_\_\_

Authorized by:

\_\_\_\_\_ (signature)

\_\_\_\_\_ (print name)

\_\_\_\_\_ (firm)

By requesting electronic service, all orders, proposals for decision, and other documents and communications to me in this docket will be provided to me by e-mail at the address set forth above. I will no longer receive paper copies of any documents in this docket. I also understand and agree that it is my responsibility to inform Docket Services and other parties of any changes to my e-mail address. By accepting the terms of this service my e-mail address will be shown on the service list of this docket and available to the Commission, other parties and will become part of this public record; See Tex Gov't Code §552.137. I am responsible for ensuring that my e-mail filters and settings allow the delivery of e-mails from the RRC and all other parties to this case. **If the pleading contains 10 or fewer pages including exhibits, it may be filed by fax, email, or other approved electronic transmission with the Docket Services Section.** If a party or authorized representative elects to file a pleading by email, the party or authorized representative agrees to be served by email and affirmatively consents to the release and disclosure of the email address.

RAILROAD COMMISSION OF TEXAS  
HEARINGS DIVISION

Oil and Gas Docket No. OG-20-00002725	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS DALE STATE NO. 1H WELL, FLARE § PERMIT NO. 24961, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002726	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS DOROTHY STATE 12 NO. 1H WELL, FLARE § PERMIT NO. 24958, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002727	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS STATE MATTIE 2 NO. 1H WELL, FLARE § PERMIT NO. 26356, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002728	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS STATE MIKE 3 NO. 1H WELL, FLARE § PERMIT NO. 26355, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002729	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS JESS FEE 40 NO. 1H WELL, FLARE § PERMIT NO. 24314, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002730	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS JESS FEE 40 NO. 2H WELL, FLARE § PERMIT NO. 27040, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002731	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS ROXANNE FEE 46 NO. 2H WELL, FLARE § PERMIT NO. 31265, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002732	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS SHELLY FEE 40 NO. 1H WELL, FLARE § PERMIT NO. 25148, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002733	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS TYSON FEE 44 NO. 1H WELL, FLARE § PERMIT NO. 24957, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 § § §

Oil and Gas Docket No. OG-20-00002734	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS WILLIAM FEE 32 NO. 1H WELL, FLARE § PERMIT NO. 24313, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002735	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS CLIFF FEE 4 NO. 1H WELL, FLARE PERMIT § NO. 26579, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002736	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS JAMES FEE 6 NO. 1H WELL, FLARE § PERMIT NO. 24953, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002737	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS JAMES FEE 6 NO. 2H WELL, FLARE § PERMIT NO. 31263, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002738	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS STATE JE LILES 6 NO. 1H WELL, FLARE § PERMIT NO. 25150, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002739	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS STATE JE LILES 6 NO. 2H WELL, FLARE § PERMIT NO. 31264, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002740	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS JS BLAIR FEE 2 NO. 1H WELL, FLARE § PERMIT NO. 26580, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002741	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS JS BLAIR FEE 2 NO. 3H WELL, FLARE § PERMIT NO. 31981, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002742	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS PAT FEE 4 NO. 1H WELL, FLARE PERMIT § NO. 25149, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002743	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS PAT FEE 4 NO. 3H WELL, FLARE PERMIT § NO. 31982, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §

Oil and Gas Docket No. OG-20-00002744	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS ROXANNE FEE 46 NO. 1H WELL, FLARE § PERMIT NO. 25147, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002745	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS GEORGETTE STATE NO. 2H WELL, FLARE § PERMIT NO. 24951, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002746	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS KAREN FEE 17 NO. 1H WELL, FLARE § PERMIT NO. 24952, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002747	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS RYLAN FEE 44 NO. 1H WELL, FLARE § PERMIT NO. 24956, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002748	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS W A STATE NO. 2H WELL, FLARE PERMIT § NO. 24960, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002749	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS W A STATE NO. 3H WELL, FLARE PERMIT § NO. 24950, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002754	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS ALICE FEE 34 NO. 1H WELL, FLARE § PERMIT NO. 25549, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002755	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS AVA STATE 36 NO. 2H WELL, FLARE § PERMIT NO. 32145, FORD, WEST (WOLFCAMP) FIELD, § REEVES COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002756	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS MOTHER FEE 28 NO. 1H WELL, FLARE § PERMIT NO. 25548, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002757	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS MOTHER FEE 28 NO. 2H WELL, FLARE § PERMIT NO. 42660, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §

Oil and Gas Docket No. OG-20-00002758	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS MOTHER FEE 28 NO. 4H WELL, FLARE § PERMIT NO. 40474, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002759	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS WILLIAM FEE 32 NO. 3H WELL, FLARE § PERMIT NO. 41364, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002760	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS WILLIAM FEE 32 NO. 4H WELL, FLARE § PERMIT NO. 41365, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002765	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS LAUREN STATE 30 NO. 1H WELL, FLARE § PERMIT NO. 24954, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002766	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS SCOTT FEE 36 NO. 1H WELL, FLARE § PERMIT NO. 24955, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002767	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS SCOTT FEE 36 NO. 2H WELL, FLARE § PERMIT NO. 31983, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002768	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS SCOTT FEE 36 NO. 4H WELL, FLARE § PERMIT NO. 42035, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002769	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS SCOTT FEE 36 NO. 5H WELL, FLARE § PERMIT NO. 42036, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002770	§ APPLICATION OF CAPITAN ENERGY, INCORPORATED § (130061) FOR AN EXCEPTION TO STATEWIDE RULE § 32 FOR ITS SCOTT FEE 36 NO. 6H WELL, FLARE § PERMIT NO. 42037, FORD, WEST (WOLFCAMP) FIELD, § CULBERSON COUNTY, TEXAS; DISTRICT 08 §
May 19, 2020	

## **JOINT NOTICE OF HEARING**

**Date, Location, and Place of Hearing-** Notice is hereby given that a public hearing will be held at **1:30 p.m. on Wednesday, June 3, 2020**, at the offices of the Railroad Commission of Texas (Commission) located in the William B. Travis State Office Building, at 1701 N. Congress Avenue, Austin, Texas, in a room number to be posted on the bulletin board in the first-floor lobby. If the hearing is not concluded on the day it commences, it will be continued from day to day until concluded.

**If you are planning to attend the hearing, please be aware of changes to traffic patterns and the availability of metered parking in the area due to the Capitol Complex Construction project. There is limited metered parking in the capitol complex area. You may find paid parking at the Bob Bullock Museum across the street from the William B. Travis State Office Building or there is also a Capitol Visitors Parking Garage at 1201 San Jacinto Blvd. For access to the building, you can enter through the ground level from Brazos St. You may want to consider the additional time for parking and entering the building. Map and additional information is available on the RRC website at <https://www.rrc.texas.gov/about-us/organization-activities/visiting-the-railroad-commission-in-the-william-b-travis-state-office-building/>.**

**Purpose of Hearing-** The purpose of the hearing is to allow the parties to present evidence and consider all issues of fact and law raised in or relevant to the Application. The issues that may be addressed at the hearing include, but are not limited to, the following:

1. A statement of the matters asserted and the nature of the Applicant's hearing request is in the attached Appendix A.
2. Any other issues raised in the pleadings, evidence, or argument that are necessary for the Commission to render a final decision on the merits of this case.

**Failure to Appear- All parties, protestants or persons intending to participate at the hearing must attend the hearing.** Failure to appear at any prehearing conference or the hearing in this case may result in **dismissal of that party's claim or protest**, or default against that party/protestant and claims. See, e.g., Tex. Gov't Code § 2001.056, 16 Tex. Admin. Code § 1.107.

**Appearance at Hearing-** All persons or parties supporting, opposing or protesting this Application and intending to participate in the hearing must complete and file with Docket Services the enclosed Notice of Intent to Appear at Hearing Protest form at least **five business days** prior to the hearing date in this Notice of Hearing. **This form is required even if a prior written response was submitted to the previously issued "Notice of Application."** A copy of the form should be served on the Applicant and any other parties of record.

**Legal Authority and Jurisdiction-** The Commission has jurisdiction over Applicant and over the matters at issue in this proceeding pursuant to Tex. Nat. Res. Code title 3, subtitles A, B and C, Tex. Water Code chapters 26, 27 and 29, and Tex. Gov't Code chapter 2001.

**Particular Statutes and Rules Involved-** The statutes and rules applicable to this proceeding include but are not limited to the following:

- Tex. Nat. Res. Code, title 3, subtitles A, B and C;
- Commission rules in 16 Tex. Admin. Code chapters 1 and 3;
- Tex. Water Code chapters 26, 27 and 29; and
- Statutes and rules referenced in Appendix A, if any, of this Notice of Hearing.



**Continuance of Hearing-** Any request for continuance of this hearing must be filed in Docket Services **no later than five business days prior to the hearing date**. Copies of such request must be served to all parties shown on the service list. 16 Tex. Admin. Code § 1.45(a)(1).

**Ex parte Communications Prohibited-** Ex parte communications (e.g. phone calls and emails) with the examiners and Commissioners are prohibited. Tex. Gov't Code § 2001.061, 16 Tex. Admin. Code § 1.7.

**Written Transcript of the Hearing- If a case is protested or becomes protested, the party requesting commission action in this case will need to obtain a court reporter no later than 21 days before the hearing.** Typically, this would include the applicant, complainant, and similarly situated parties in other types of cases. See 16 Tex. Admin. Code § 1.111. If an examiner or party requests a written transcript, the Commission may assess the cost to one or more parties. This includes paying the court reporter's fees for the preparation of the original transcript for the Commission's official records and one copy for use by the examiners in preparing their written recommendation. To obtain a court reporter, contact Dave Howard & Associates Court Reporters at 512-282-0313 or [dave@howardreporters.com](mailto:dave@howardreporters.com).

**Hearing Exhibits-** All exhibits must be clearly marked and submitted in duplicate. If a party wants to offer an exhibit admitted in a prior proceeding, the party must provide a properly identified copy as an exhibit for the record in this proceeding. Additionally, if a court reporter is used, a copy of all exhibits must be given to the court reporter at the time of the hearing.

**Auxiliary Aids or Services for Persons with a Disability-** Any individual with a disability who needs auxiliary aids and services to have an equal opportunity to effectively communicate and participate in the hearing must request such aids or services at least two weeks prior to the hearing by notifying the Commission's Docket Services by mail at P. O. Box 12967, Austin, Texas 78711-2967 or by telephone at (512) 463-6848 or TDD No. (800) 735-2989.

**Audio/Visual Computer Presentations-** All requests for setting up a presentation need to be made in writing no less than three business days prior to the hearing date. Please contact Docket Services to complete a Presentation Setup Help Desk Questionnaire Form.

**Service List-** The Applicant shall review this Notice of Hearing and the attached Certificate of Service for accuracy and completeness and shall immediately notify Docket Services of any discrepancy or omission.

**APPENDIX A**

**Oil & Gas Docket No. OG-20-00002725-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Dale State Lease, Well No. 1H, Flare Permit No. 24961, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002726-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Dorothy State 12 Lease, Well No. 1H, Flare Permit No. 24958, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002727-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the State Mattie 2 Lease, Well No. 1H, Flare Permit No. 26356, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002728-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the State Mike 3 Lease, Well No. 1H, Ford, Flare Permit No. 26355, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002729-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Jess Fee 40 Lease, Well No 1H, Flare Permit No. 24314, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002730-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Jess Fee 40 Lease, Well No. 2H, Flare Permit No. 27040, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002731-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Roxanne Fee 46 Lease, Well No. 2H, Flare Permit No. 31265, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002732-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Shelly Fee 40 Lease, Well No. 1H, Flare Permit No. 25148, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002733-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Tyson Fee 44 Lease, Well No. 1H, Flare Permit No. 24957, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002734-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the William Fee 32 Lease, Well No. 1H, Flare Permit No. 24313, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002735-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Cliff Fee 4 Lease, Well No. 1H, Flare Permit No. 26579, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002736-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the James Fee 6 Lease, Well No. 1H, Flare Permit No. 24953, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002737-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the James Fee 6 Lease, Well No. 2H, Flare Permit No. 31263, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002738-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the State JE Liles 6 Lease, Well No. 1H, Flare Permit No. 25150, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002739-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the State JE Liles 6 Lease, Well No. 2H, Flare Permit No. 31264, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002740-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the JS Blair Fee 2 Lease, Well No. 1H, Flare Permit No. 26580, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002741-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the JS Blair Fee 2 Lease, Well No. 3H, Flare Permit No. 31981, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002742-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Pat Fee 4 Lease, Well No. 1H, Flare Permit No. 25149, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002743-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Pat Fee 4 Lease, Well No. 3H, Flare Permit No. 31982, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002744-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Roxanne Fee 46 Lease, Well No. 1H, Flare Permit No. 25147, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002745-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Georgette State Lease, Well No. 2H, Flare Permit No. 24951, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002746-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Karen Fee 17 Lease, Well No. 1H, Flare Permit No. 24952, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002747-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Rylan Fee 44 Lease, Well No. 1H, Flare Permit No. 24956, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002748-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the W A State Lease, Well No. 2H, Flare Permit No. 24960, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002749-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the W A State Lease, Well No. 3H, Flare Permit No. 24950, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002754-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Alice Fee 34 Lease, Well No. 1H, Flare Permit No. 25549, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002755-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Ava State 36 Lease, Well No. 2H, Flare Permit No. 32145, Ford, West (Wolfcamp) Field, Reeves County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002756-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Mother Fee 28 Lease, Well No. 1H, Flare Permit No. 25548, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002757-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Mother Fee 28 Lease, Well No. 2H, Flare Permit No. 42660, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002758-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Mother Fee 28 Lease, Well No. 4H, Flare Permit No. 40474, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002759-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the William Fee 32 Lease, Well No. 3H, Flare Permit No. 41364, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002760-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the William Fee 32 Lease, Well No. 4H, Flare Permit No. 41365, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002765-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Lauren State 30 Lease, Well No. 1H, Flare Permit No. 24954, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002766-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Scott Fee 36 Lease, Well No. 1H, Flare Permit No. 24955, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002767-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Scott Fee 36 Lease, Well No. 2H, Flare Permit No. 31983, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002768-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Scott Fee 36 Lease, Well No. 4H, Flare Permit No. 42035, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002769-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Scott Fee 36 Lease, Well No. 5H, Flare Permit No. 42036, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

**Oil & Gas Docket No. OG-20-00002770-** This hearing is held to consider the application of Capitan Energy, Incorporated for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Scott Fee 36 Lease, Well No. 6H, Flare Permit No. 42037, Ford, West (Wolfcamp) Field, Culberson County, Texas; District 08.

If you have questions regarding this Application, please contact the Applicant's representative, George Neale, at (512) 477-1976. If you have any questions regarding the hearing procedure, please contact Docket Services at (512) 463-6848 or at Room 12-123. Additional information about the hearing process can be found at [www.rrc.texas.gov/hearings](http://www.rrc.texas.gov/hearings).

Pursuant to the Amended COVID-19 Emergency Response Order issued by the Director of the Hearings Division on March 23, 2020, the assigned Administrative Law Judge **MAY ORDER THAT THE MATTER NOTICED HEREIN BE CONDUCTED REMOTELY BY TELEPHONE OR VIDEO CONFERENCE**. Such order will be transmitted to the parties within a reasonable time prior to the matter noticed herein and will specify procedures for the pre-filing of evidence and participation in the hearing. If the persons noticed herein know of any reason or reasons why this matter must be held in person, please submit a written response to the Hearings Division **within 10 days of the date of this notice**.

Additionally, it is required that the enclosed Notice of Intent to Appear (or a copy thereof) be filed by each party for this case not later than five days prior to the matter noticed herein. Failure to do so by the applicant or complainant **may lead to the hearing being canceled**. In protested matters, failure by a protestant to timely file a Notice of Intent to Appear **may result in dismissal of the protest**.

To access the Commission's Statewide Rules, start from the Commission's Home Page, click on "General Counsel" (upper right side of page) and follow the path: Rules, Current Rules, T.A.C. Chapter 3, Rule Number.

**Check the Weekly Hearing Schedule on the Commission website at: <http://www.rrc.texas.gov/hearings/hearing-schedules/> the day prior to the hearing to confirm that it will go forward as scheduled.**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Notice of Hearing in Oil and Gas Docket No. **OG-20-00002725** was served on each of the persons named below by depositing same in the United States Mail, Inter-Agency Mail, or Inter-Agency E-Mail, as follows:

CAPITAN ENERGY INCORPORATED P O BOX 2476 CARLSBAD NM 88221-2476	COG OPERATING LLC 600 W ILLINOIS AVE MIDLAND TX 79701	WOLFCAMP WATER PARTNERS LLC 4800 BRYANT IRVIN CT FORT WORTH TX 76107
APR OPERATING LLC 400 WEST ILLINOIS STE 970 MIDLAND TX 79701	CONOCOPHILLIPS COMPANY ATTN CHARLENE WINSTON P O BOX 2197 HOUSTON TX 77252	MS GITA CRANE P O BOX 2476 CARLSBAD NM 88221
ATLANTIC RESOURCES COMPANY LLC 3 HOUSTON CENTER 1301 MCKINNEY ST STE 2060 HOUSTON TX 77002	ENCORE PERMIAN OPERATING LLC P O BOX 1113 MIDLAND TX 79702	MS DONNA CHANDLER 925 A CAPITAL OF TEXAS HWY AUSTIN TX 78746
BPX OPERATING COMPANY 1700 PLATTE ST DENVER CO 80202	JETTA PERMIAN LP FROST TOWER FORT WORTH 640 TAYLOR ST SUITE 2400 FORT WORTH TX 76102	MR GEORGE C NEALE FOR CAPITAN ENERGY, INCORPORATED P O BOX 1945 AUSTIN TX 78767
CARRIZO (PERMIAN) LLC ATTN REGULATORY DEPARTMENT 500 DALLAS ST SUITE 2300 HOUSTON TX 77002	LUXE OPERATING LLC 6500 RIVER PLACE BLVD BLDG 5 SUITE 150 AUSTIN TX 78730	LORENZO GARZA ASSISTANT DEPUTY DIRECTOR ADMINISTRATIVE COMPLIANCE RRC - AUSTIN <b><i>Via Intra-Agency Email</i></b>
CHARGER SHALE OIL OPERATING LLC 611 S CONGRESS AVE STE 125 AUSTIN TX 78704	MEWBOURNE OIL COMPANY BOX 7698 TYLER TX 75711	JOE STASULLI ASSISTANT DEPUTY DIRECTOR ADMINISTRATIVE COMPLIANCE RRC - AUSTIN <b><i>Via Intra-Agency Email</i></b>
CHEVRON U S A INC 6301 DEAUVILLE BLVD MIDLAND TX 79706	PDC PERMIAN INC 1775 SHERMAN ST STE 3000 DENVER CO 80203	OLIN MACNAMARA GEOLOGIST FIELD OPERATIONS RRC - AUSTIN <b><i>Via Intra-Agency Email</i></b>
CIMAREX ENERGY CO ATTN GENE HOLLOWAY 202 S CHEYENNE AVE STE 1000 TULSA OK 74103	SCALA ENERGY OPERATING LLC 20445 STATE HWY 249 STE 300 HOUSTON TX 77070	PAUL DUBOIS ASSISTANT DIRECTOR O&G DIVISION TECHNICAL PERMITTING RRC - AUSTIN <b><i>Via Intra-Agency Email</i></b>
CINNABAR OPERATING LLC 4800 BRYANT IRVIN COURT FORT WORTH TX 76107	TALL CITY OPERATIONS III LLC P O BOX 10729 MIDLAND TX 79702	
	U S ENERGY DEVELOPMENT CORP 1521 N COOPER ST SUITE 400 ARLINGTON TX 76011	

On this the **19th** day of **May**, 2020.

***Melissa Stovall***

Docket Services, Hearings Division  
Railroad Commission of Texas

HEARINGS DIVISION  
PO Drawer 12967  
Austin, TX 78711-2967

NOTICE OF INTENT TO APPEAR AT HEARING

A Copy of this Notice of Intent to Appear at Hearing must be mailed to the Applicant and to Docket Services, P.O. Drawer 12967, Austin, TX 78711-2967. It must be received by Docket Services at least five business days in advance of the hearing date.

APPLICANT: CAPITAN ENERGY, INCORPORATED (130061)  
CASE/DOCKET NO.: OG-20-00002725 ET AL  
STATUS NO.:

\_\_\_\_\_, representing \_\_\_\_\_,  
(Print Name) (Print Name)  
hereby enters this Notice of Intent to Appear at Hearing as (Check one of the referenced party status):  
\_\_\_\_ **Applicant** \_\_\_\_ **Protestant** \_\_\_\_ **Observer** or \_\_\_\_ **In Support of Application** and states he/she  
or his/her representative will appear and participate at the hearing.

I further certify that, as of today's date, I have mailed or delivered a copy of this Notice of Intent to Appear at Hearing form to the Applicant at the address shown in the Certificate of Service.

\_\_\_\_\_  
Signature Date  
Telephone: Area Code: (\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_  
(OPTIONAL - If provided, e-mail address will become part of this public record; See TEX. GOV'T CODE § 552.137)

TIME ESTIMATE (total required for your presentation at the hearing): \_\_\_\_\_

ADDRESS TO WHICH NOTICE WAS SENT:

\_\_\_\_\_ Is correct \_\_\_\_\_ Is incorrect and should be corrected to:

\_\_\_\_\_  
Street City State Zip Code

ADDITIONAL NOTICE SHOULD BE SENT TO THE REPRESENTATIVE SHOWN BELOW:

\_\_\_\_\_  
(Print Name)  
\_\_\_\_\_  
Street City State Zip Code





# RAILROAD COMMISSION OF TEXAS

## HEARINGS DIVISION

### **CONSENT TO ELECTRONIC SERVICE AND NOTIFICATION OF DOCUMENTS, RULINGS, DECISIONS, AND ORDERS**

Effective September 1, 2015, Section 2001.142 (Notification of Decisions and Orders) of the Texas Government Code was amended to allow a state agency to notify each party to a contested case of any decision or order of the agency, if agreed to by the party to be notified, by electronic means sent to the current e-mail address of the party's attorney of record or of the party if the party is not represented by counsel. Tex. Gov't Code § 2001.142(a)(2).

Current rules of the Railroad Commission of Texas ("Commission") require the Commission to serve "a pleading or document" by "hand-delivering a copy to the person to be served, or by first class, certified, or registered mail, commercial delivery service, fax, email, or by such other manner as the Commission may require." Commission Practice and Procedure rules, §1.45(e)(2) and §1.45(b). According to §1.45(b)(1)(D), "Service by email may be used if the person to be served consents to be served by email pursuant to §1.27 or §1.32 of this title (relating to Parties and Authorized representatives, and Form and Content of Pleadings, respectively). If the person consents to be served by email, the person affirmatively consents to the release and disclosure of the email address. Email service is complete on the date of the email transmission. An email received after 5 p.m. local time of the recipient shall be deemed served on the following business day."

#### **Completion of this form is optional**

In lieu of service and notification by mail, \_\_\_\_\_ (party name or attorney) on behalf of \_\_\_\_\_ hereby agrees and consents to electronic service and notification of all documents, rulings, decisions, and orders from the Railroad Commission of Texas in Docket No. \_\_\_\_\_ by the following electronic means:

[        ] E-mail at: \_\_\_\_\_

Authorized by:

\_\_\_\_\_ (signature)

\_\_\_\_\_ (print name)

\_\_\_\_\_ (firm)

By requesting electronic service, all orders, proposals for decision, and other documents and communications to me in this docket will be provided to me by e-mail at the address set forth above. I will no longer receive paper copies of any documents in this docket. I also understand and agree that it is my responsibility to inform Docket Services and other parties of any changes to my e-mail address. By accepting the terms of this service my e-mail address will be shown on the service list of this docket and available to the Commission, other parties and will become part of this public record; See Tex Gov't Code §552.137. I am responsible for ensuring that my e-mail filters and settings allow the delivery of e-mails from the RRC and all other parties to this case. **If the pleading contains 10 or fewer pages including exhibits, it may be filed by fax, email, or other approved electronic transmission with the Docket Services Section.** If a party or authorized representative elects to file a pleading by email, the party or authorized representative agrees to be served by email and affirmatively consents to the release and disclosure of the email address.

RAILROAD COMMISSION OF TEXAS  
HEARINGS DIVISION

Oil and Gas Docket No. OG-20-00002449	§ APPLICATION OF LUXE OPERATING LLC (511772) § FOR AN EXCEPTION TO STATEWIDE RULE 32 FOR § THE WILSON 184-185 UNIT LEASE, FLARE PERMIT § NO. 40509, PHANTOM (WOLFCAMP) FIELD, WARD § COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002450	§ APPLICATION OF LUXE OPERATING LLC (511772) § FOR AN EXCEPTION TO STATEWIDE RULE 32 FOR § THE ALYSE 51 UNIT LEASE, FLARE PERMIT NO. § 41748, PHANTOM (WOLFCAMP) FIELD, WARD § COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002451	§ APPLICATION OF LUXE OPERATING LLC (511772) § FOR AN EXCEPTION TO STATEWIDE RULE 32 FOR § THE DAVIS 201-200-199 UNIT LEASE, FLARE § PERMIT NO. 41939, PHANTOM (WOLFCAMP) FIELD, § WARD COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002452	§ APPLICATION OF LUXE OPERATING LLC (511772) § FOR AN EXCEPTION TO STATEWIDE RULE 32 FOR § THE BULLEIT 12-15-16W UNIT LEASE, PHANTOM § (WOLFCAMP) FIELD, REEVES COUNTY, TEXAS; § DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002453	§ APPLICATION OF LUXE OPERATING LLC (511772) § FOR AN EXCEPTION TO STATEWIDE RULE 32 FOR § THE EVAN WILLIAMS 23-13W UNIT LEASE, § PHANTOM (WOLFCAMP) FIELD, REEVES COUNTY, § TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002454	§ APPLICATION OF LUXE OPERATING LLC (511772) § FOR AN EXCEPTION TO STATEWIDE RULE 32 FOR § THE BROOKE 184-185 UNIT LEASE, FLARE PERMIT § NO. 40510, PHANTOM (WOLFCAMP) FIELD, WARD § COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002455	§ APPLICATION OF LUXE OPERATING LLC (511772) § FOR AN EXCEPTION TO STATEWIDE RULE 32 FOR § THE GEORGE T STAGG 5-2 UNIT LEASE, FLARE § PERMIT NO. 41054, FORD, WEST (WOLFCAMP) § FIELD, REEVES COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002456	§ APPLICATION OF LUXE OPERATING LLC (511772) § FOR AN EXCEPTION TO STATEWIDE RULE 32 FOR § THE KNOB CREEK 12-11 UNIT LEASE, FLARE § PERMIT NO. 41055, PHANTOM (WOLFCAMP) FIELD, § REEVES COUNTY, TEXAS; DISTRICT 08 §
Oil and Gas Docket No. OG-20-00002457	§ APPLICATION OF LUXE OPERATING LLC (511772) § FOR AN EXCEPTION TO STATEWIDE RULE 32 FOR § THE BLACK MAPLE HILL STATE 12 UNIT LEASE, § FLARE PERMIT NO. 42870, PHANTOM (WOLFCAMP) § FIELD, REEVES COUNTY, TEXAS; DISTRICT 08 § § §

Oil and Gas Docket No. OG-20-00002458	§	APPLICATION OF LUXE OPERATING LLC (511772)
	§	FOR AN EXCEPTION TO STATEWIDE RULE 32 FOR
	§	THE MARY GRACE 201-202 UNIT LEASE, FLARE
	§	PERMIT NO. 42869, PHANTOM (WOLFCAMP) FIELD,
	§	WARD COUNTY, TEXAS; DISTRICT 08
Oil and Gas Docket No. OG-20-00002459	§	APPLICATION OF LUXE OPERATING LLC (511772)
	§	FOR AN EXCEPTION TO STATEWIDE RULE 32 FOR
	§	THE JAKE 201-200 UNIT LEASE, FLARE PERMIT NO.
	§	41938, PHANTOM (WOLFCAMP) FIELD, WARD
	§	COUNTY, TEXAS; DISTRICT 08
Oil and Gas Docket No. OG-20-00002461	§	APPLICATION OF LUXE OPERATING LLC (511772)
	§	FOR AN EXCEPTION TO STATEWIDE RULE 32 FOR
	§	THE MITCHTERS STATE 21-26-32 UNIT LEASE,
	§	FLARE PERMIT NO. 42973, PHANTOM (WOLFCAMP)
May 20, 2020	§	FIELD, WARD COUNTY, TEXAS; DISTRICT 08

## **CORRECTED JOINT NOTICE OF HEARING**

Corrected County Names in dockets 2452, 2453, 2455, 2456, & 2457

**Date, Location, and Place of Hearing-** Notice is hereby given that a public hearing will be held at **9:00 a.m. on Wednesday, May 27, 2020**, at the offices of the Railroad Commission of Texas (Commission) located in the William B. Travis State Office Building, at 1701 N. Congress Avenue, Austin, Texas, in a room number to be posted on the bulletin board in the first-floor lobby. If the hearing is not concluded on the day it commences, it will be continued from day to day until concluded.

**If you are planning to attend the hearing, please be aware of changes to traffic patterns and the availability of metered parking in the area due to the Capitol Complex Construction project. There is limited metered parking in the capitol complex area. You may find paid parking at the Bob Bullock Museum across the street from the William B. Travis State Office Building or there is also a Capitol Visitors Parking Garage at 1201 San Jacinto Blvd. For access to the building, you can enter through the ground level from Brazos St. You may want to consider the additional time for parking and entering the building. Map and additional information is available on the RRC website at <https://www.rrc.texas.gov/about-us/organization-activities/visiting-the-railroad-commission-in-the-william-b-travis-state-office-building/>.**

**Purpose of Hearing-** The purpose of the hearing is to allow the parties to present evidence and consider all issues of fact and law raised in or relevant to the Application. The issues that may be addressed at the hearing include, but are not limited to, the following:

1. A statement of the matters asserted and the nature of the Applicant's hearing request is in the attached Appendix A.
2. Any other issues raised in the pleadings, evidence, or argument that are necessary for the Commission to render a final decision on the merits of this case.

**Failure to Appear- All parties, protestants or persons intending to participate at the hearing must attend the hearing.** Failure to appear at any prehearing conference or the hearing in this case may result in **dismissal of that party's claim or protest**, or default against that party/protestant and claims. See, e.g., Tex. Gov't Code § 2001.056, 16 Tex. Admin. Code § 1.107.

**Appearance at Hearing-** All persons or parties supporting, opposing or protesting this Application and intending to participate in the hearing must complete and file with Docket Services the enclosed Notice of Intent to Appear at Hearing Protest form at least **five business days** prior to the hearing date in this Notice of Hearing. **This form is required even if a prior written response was submitted to the previously issued "Notice of Application."** A copy of the form should be served on the Applicant and any other parties of record.

**Legal Authority and Jurisdiction-** The Commission has jurisdiction over Applicant and over the matters at issue in this proceeding pursuant to Tex. Nat. Res. Code title 3, subtitles A, B and C, Tex. Water Code chapters 26, 27 and 29, and Tex. Gov't Code chapter 2001.

**Particular Statutes and Rules Involved-** The statutes and rules applicable to this proceeding include but are not limited to the following:

- Tex. Nat. Res. Code, title 3, subtitles A, B and C;
- Commission rules in 16 Tex. Admin. Code chapters 1 and 3;
- Tex. Water Code chapters 26, 27 and 29; and
- Statutes and rules referenced in Appendix A, if any, of this Notice of Hearing.

**Continuance of Hearing-** Any request for continuance of this hearing must be filed in Docket Services **no later than five business days prior to the hearing date**. Copies of such request must be served to all parties shown on the service list. 16 Tex. Admin. Code § 1.45(a)(1).

**Ex parte Communications Prohibited-** Ex parte communications (e.g. phone calls and emails) with the examiners and Commissioners are prohibited. Tex. Gov't Code § 2001.061, 16 Tex. Admin. Code § 1.7.

**Written Transcript of the Hearing-** **If a case is protested or becomes protested, the party requesting commission action in this case will need to obtain a court reporter no later than 21 days before the hearing.** Typically, this would include the applicant, complainant, and similarly situated parties in other types of cases. See 16 Tex. Admin. Code § 1.111. If an examiner or party requests a written transcript, the Commission may assess the cost to one or more parties. This includes paying the court reporter's fees for the preparation of the original transcript for the Commission's official records and one copy for use by the examiners in preparing their written recommendation. To obtain a court reporter, contact Dave Howard & Associates Court Reporters at 512-282-0313 or [dave@howardreporters.com](mailto:dave@howardreporters.com).

**Hearing Exhibits-** All exhibits must be clearly marked and submitted in duplicate. If a party wants to offer an exhibit admitted in a prior proceeding, the party must provide a properly identified copy as an exhibit for the record in this proceeding. Additionally, if a court reporter is used, a copy of all exhibits must be given to the court reporter at the time of the hearing.

**Auxiliary Aids or Services for Persons with a Disability-** Any individual with a disability who needs auxiliary aids and services to have an equal opportunity to effectively communicate and participate in the hearing must request such aids or services at least two weeks prior to the hearing by notifying the Commission's Docket Services by mail at P. O. Box 12967, Austin, Texas 78711-2967 or by telephone at (512) 463-6848 or TDD No. (800) 735-2989.

**Audio/Visual Computer Presentations-** All requests for setting up a presentation need to be made in writing no less than three business days prior to the hearing date. Please contact Docket Services to complete a Presentation Setup Help Desk Questionnaire Form.

**Service List**- The Applicant shall review this Notice of Hearing and the attached Certificate of Service for accuracy and completeness and shall immediately notify Docket Services of any discrepancy or omission.

**APPENDIX A**

**Oil and Gas Docket No. OG-20-00002449-** This hearing is held to consider the application of Luxe Operating LLC for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Wilson 184-185 Unit Lease, Flare Permit No. 40509, Phantom (Wolfcamp) Field, in Ward County, Texas; District 08.

**Oil and Gas Docket No. OG-20-00002450-** This hearing is held to consider the application of Luxe Operating LLC for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Alyse 51 Unit Lease, Flare Permit No. 41748, Phantom (Wolfcamp) Field, in Ward County, Texas; District 08.

**Oil and Gas Docket No. OG-20-00002451-** This hearing is held to consider the application of Luxe Operating LLC for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Davis 201-200-199 Unit Lease, Flare Permit No. 41939, Phantom (Wolfcamp) Field, in Ward County, Texas; District 08.

**Oil and Gas Docket No. OG-20-00002452-** This hearing is held to consider the application of Luxe Operating LLC for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Bulleit 12-15-16W Unit Lease, Phantom (Wolfcamp) Field, in Reeves County, Texas; District 08.

**Oil and Gas Docket No. OG-20-00002453-** This hearing is held to consider the application of Luxe Operating LLC for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Evan Williams 23-13W Unit Lease, Phantom (Wolfcamp) Field, in Reeves County, Texas; District 08.

**Oil and Gas Docket No. OG-20-00002454-** This hearing is held to consider the application of Luxe Operating LLC for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Brooke 184-185 Unit Lease, Flare Permit No. 40510, Phantom (Wolfcamp) Field, in Ward County, Texas; District 08.

**Oil and Gas Docket No. OG-20-00002455-** This hearing is held to consider the application of Luxe Operating LLC for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the George T. Stagg 5-2 Unit Lease, Flare Permit No. 41054, Ford, West (Wolfcamp) Field, in Reeves County, Texas; District 08.

**Oil and Gas Docket No. OG-20-00002456-** This hearing is held to consider the application of Luxe Operating LLC for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Knob Creek 12-11 Unit Lease, Flare Permit No. 41055, Phantom (Wolfcamp) Field, in Reeves County, Texas; District 08.

**Oil and Gas Docket No. OG-20-00002457-** This hearing is held to consider the application of Luxe Operating LLC for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Black Maple Hill State 12 Unit Lease, Flare Permit No. 42870, Phantom (Wolfcamp) Field, in Reeves County, Texas; District 08.

**Oil and Gas Docket No. OG-20-00002458-** This hearing is held to consider the application of Luxe Operating LLC for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring

of gas, for the Mary Grace 201-202 Unit Lease, Flare Permit No. 44869, Phantom (Wolfcamp) Field, in Ward County, Texas; District 08.

**Oil and Gas Docket No. OG-20-00002459** This hearing is held to consider the application of Luxe Operating LLC for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Jake 201-200 Unit Lease, Flare Permit No. 41938, Phantom (Wolfcamp) Field, in Ward County, Texas; District 08.

**Oil and Gas Docket No. OG-20-00002461** This hearing is held to consider the application of Luxe Operating LLC for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Mitchters State 21-26-32 Unit Lease, Flare Permit No. 42973, Phantom (Wolfcamp) Field, in Ward County, Texas; District 08.

If you have questions regarding this Application, please contact the Applicant's representative, Kelli Kenney, at (512) 327-8111. If you have any questions regarding the hearing procedure, please contact Docket Services at (512) 463-6848 or at Room 12-123. Additional information about the hearing process can be found at [www.rrc.texas.gov/hearings](http://www.rrc.texas.gov/hearings).

Pursuant to the Amended COVID-19 Emergency Response Order issued by the Director of the Hearings Division on March 23, 2020, the assigned Administrative Law Judge **MAY ORDER THAT THE MATTER NOTICED HEREIN BE CONDUCTED REMOTELY BY TELEPHONE OR VIDEO CONFERENCE**. Such order will be transmitted to the parties within a reasonable time prior to the matter noticed herein and will specify procedures for the pre-filing of evidence and participation in the hearing. If the persons noticed herein know of any reason or reasons why this matter must be held in person, please submit a written response to the Hearings Division **within 10 days of the date of this notice**.

Additionally, it is required that the enclosed Notice of Intent to Appear (or a copy thereof) be filed by each party for this case not later than five days prior to the matter noticed herein. Failure to do so by the applicant or complainant **may lead to the hearing being canceled**. In protested matters, failure by a protestant to timely file a Notice of Intent to Appear **may result in dismissal of the protest**.

To access the Commission's Statewide Rules, start from the Commission's Home Page, click on "General Counsel" (upper right side of page) and follow the path: Rules, Current Rules, T.A.C. Chapter 3, Rule Number.

**Check the Weekly Hearing Schedule on the Commission website at: <http://www.rrc.texas.gov/hearings/hearing-schedules/> the day prior to the hearing to confirm that it will go forward as scheduled.**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Notice of Hearing in Oil and Gas Docket No. **OG-20-00002449 et al** was served on each of the persons named below by depositing same in the United States Mail, Inter-Agency Mail, or Inter-Agency E-Mail, as follows:

LUXE OPERATING LLC  
BLDG 5 SUITE 150  
6500 RIVER PLACE BLVD  
AUSTIN, TX 78730

CARRIZO (PERMIAN) LLC  
ATTN REGULATORY  
DEPARTMENT  
5000 DALLAS ST SUITE 2300  
HOUSTON, TX 77002

CENTENNIAL RESOURCE PROD,  
LLC  
1001 17TH STREET SUITE 1800  
DENVER, CO 80202

COG OPERATING LLC  
600 W ILLINOIS AVE  
MIDLAND, TX 79701

COLGATE OPERATING, LLC  
303 W WALL STREET SUITE 700  
MIDLAND, TX 79701

MDC TEXAS OPERATOR LLC  
24 SMITH RD SUITE 501A  
MIDLAND, TX 79705

NOBLE ENERGY INC  
1001 NOBLE ENERGY WAY  
HOUSTON, TX 77070

OXY USA INC.  
ATTN KELLY MONTGOMERY  
5 GREENWAY PLAZA SUITE 110  
HOUSTON, TX 77046

PDC PERMIAN, INC.  
1775 SHERMAN ST. STE 3000  
DENVER, CO 80203

UPCURVE ENERGY, LLC  
9811 KATY FWY SUITE 975  
HOUSTON, TX 77024

WATERBRIDGE TEXAS  
OPERATING LLC  
840 GESSNER SUITE 100  
HOUSTON, TX 77024

XTO ENERGY INC.  
ATT LAND MANAGER-LOC115  
22777 SPRINGWOODS VILLAGE  
PKWY  
SPRING, TX 77389

EOG RESOURCES, INC.  
1111 BAGBY STREET SKY  
LOBBY 2  
HOUSTON, TX 77002

TALL CITY OPERATIONS III LLC  
PO BOX 10729  
MIDLAND, TX 79702

HALCON OPERATING CO., INC.  
1000 LOUISIANA ST SUITE 6600  
HOUSTON, TX 77002

SHELL WESTERN E&P  
PO BOX 576  
HOUSTON, TX 77001

JETTA PERMIAN, LP  
FROST TOWER FORT WORTH  
640 TAYLOR ST SUITE 2400  
FORT WORTH, TX 76102

CALLON PETROLEUM  
OPERATING CO  
20000 W SAM HOUSTON PKWY S  
STE 2000  
HOUSTON, TX 77042

MCELROY SULLIVAN MILLER &  
WEBER LLP  
KELLI KENNEY  
FOR LUXE OPERATING LLC  
PO BOX 12127  
AUSTIN TX 78711

LORENZO GARZA  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

JOE STASULLI  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

OLIN MACNAMARA  
GEOLOGIST  
FIELD OPERATIONS  
RRC - AUSTIN  
***Via Intra-Agency Email***

PAUL DUBOIS  
ASSISTANT DIRECTOR  
O&G DIVISION TECHNICAL  
PERMITTING  
RRC - AUSTIN  
***Via Intra-Agency Email***

On this the **20th** day of **May**, 2020.

***Melissa Stovall***

Docket Services, Hearings Division  
Railroad Commission of Texas



HEARINGS DIVISION  
PO Drawer 12967  
Austin, TX 78711-2967

NOTICE OF INTENT TO APPEAR AT HEARING

A Copy of this Notice of Intent to Appear at Hearing must be mailed to the Applicant and to Docket Services, P.O. Drawer 12967, Austin, TX 78711-2967. It must be received by Docket Services at least five business days in advance of the hearing date.

APPLICANT: LUXE OPERATING LLC (511772)  
CASE/DOCKET NO.: OG-20-00002449 ET AL  
STATUS NO.:

\_\_\_\_\_, representing \_\_\_\_\_,  
(Print Name) (Print Name)  
hereby enters this Notice of Intent to Appear at Hearing as (Check one of the referenced party status):  
\_\_\_\_ **Applicant** \_\_\_\_ **Protestant** \_\_\_\_ **Observer** or \_\_\_\_ **In Support of Application** and states he/she  
or his/her representative will appear and participate at the hearing.

I further certify that, as of today's date, I have mailed or delivered a copy of this Notice of Intent to Appear at Hearing form to the Applicant at the address shown in the Certificate of Service.

\_\_\_\_\_  
Signature Date  
Telephone: Area Code: (\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_  
(OPTIONAL - If provided, e-mail address will become part of this public record; See TEX. GOV'T CODE § 552.137)

TIME ESTIMATE (total required for your presentation at the hearing): \_\_\_\_\_

ADDRESS TO WHICH NOTICE WAS SENT:

\_\_\_\_\_ Is correct \_\_\_\_\_ Is incorrect and should be corrected to:

\_\_\_\_\_  
Street City State Zip Code

ADDITIONAL NOTICE SHOULD BE SENT TO THE REPRESENTATIVE SHOWN BELOW:

\_\_\_\_\_  
(Print Name)  
\_\_\_\_\_  
Street City State Zip Code



# RAILROAD COMMISSION OF TEXAS

## HEARINGS DIVISION

### **CONSENT TO ELECTRONIC SERVICE AND NOTIFICATION OF DOCUMENTS, RULINGS, DECISIONS, AND ORDERS**

Effective September 1, 2015, Section 2001.142 (Notification of Decisions and Orders) of the Texas Government Code was amended to allow a state agency to notify each party to a contested case of any decision or order of the agency, if agreed to by the party to be notified, by electronic means sent to the current e-mail address of the party's attorney of record or of the party if the party is not represented by counsel. Tex. Gov't Code § 2001.142(a)(2).

Current rules of the Railroad Commission of Texas ("Commission") require the Commission to serve "a pleading or document" by "hand-delivering a copy to the person to be served, or by first class, certified, or registered mail, commercial delivery service, fax, email, or by such other manner as the Commission may require." Commission Practice and Procedure rules, §1.45(e)(2) and §1.45(b). According to §1.45(b)(1)(D), "Service by email may be used if the person to be served consents to be served by email pursuant to §1.27 or §1.32 of this title (relating to Parties and Authorized representatives, and Form and Content of Pleadings, respectively). If the person consents to be served by email, the person affirmatively consents to the release and disclosure of the email address. Email service is complete on the date of the email transmission. An email received after 5 p.m. local time of the recipient shall be deemed served on the following business day."

#### **Completion of this form is optional**

In lieu of service and notification by mail, \_\_\_\_\_ (party name or attorney) on behalf of \_\_\_\_\_ hereby agrees and consents to electronic service and notification of all documents, rulings, decisions, and orders from the Railroad Commission of Texas in Docket No. \_\_\_\_\_ by the following electronic means:

[        ] E-mail at: \_\_\_\_\_

Authorized by:

\_\_\_\_\_ (signature)

\_\_\_\_\_ (print name)

\_\_\_\_\_ (firm)

By requesting electronic service, all orders, proposals for decision, and other documents and communications to me in this docket will be provided to me by e-mail at the address set forth above. I will no longer receive paper copies of any documents in this docket. I also understand and agree that it is my responsibility to inform Docket Services and other parties of any changes to my e-mail address. By accepting the terms of this service my e-mail address will be shown on the service list of this docket and available to the Commission, other parties and will become part of this public record; See Tex Gov't Code §552.137. I am responsible for ensuring that my e-mail filters and settings allow the delivery of e-mails from the RRC and all other parties to this case. **If the pleading contains 10 or fewer pages including exhibits, it may be filed by fax, email, or other approved electronic transmission with the Docket Services Section.** If a party or authorized representative elects to file a pleading by email, the party or authorized representative agrees to be served by email and affirmatively consents to the release and disclosure of the email address.

RAILROAD COMMISSION OF TEXAS  
HEARINGS DIVISION

Oil and Gas Docket No. OG-20-00002584	§	APPLICATION OF SELECT ENERGY SERVICES, LLC
	§	(765602) PURSUANT TO STATEWIDE RULE 46 FOR A
Tracking No. 51861	§	COMMERCIAL PERMIT TO INJECT FLUIDS INTO A
	§	RESERVOIR PRODUCTIVE OF OIL OR GAS FOR THE
May 20, 2020	§	LORD SNOW SWD 58-24 LEASE, WELL NO. 1, FORD,
	§	WEST (4100) FIELD, REEVES COUNTY, TEXAS;
	§	DISTRICT 08

**NOTICE OF PREHEARING CONFERENCE**

**Date, Location, and Place of Hearing and Prehearing Conference-** Notice is hereby given that a public prehearing conference will be held at **9:00 a.m. on Friday, June 5, 2020**, at the offices of the Railroad Commission of Texas (Commission) located in the William B. Travis State Office Building, at 1701 N. Congress Avenue, Austin, Texas, in a room number to be posted on the bulletin board in the first-floor lobby. If the prehearing conference is not concluded on the day it commences, it will be continued from day to day until concluded. **Notice is hereby given that a public hearing on the merits, if necessary, will be held at a time and date to be confirmed at the prehearing conference.**

**If you are planning to attend the hearing, please be aware of changes to traffic patterns and the availability of metered parking in the area due to the Capitol Complex Construction project. There is limited metered parking in the capitol complex area. You may find paid parking at the Bob Bullock Museum across the street from the William B. Travis State Office Building or there is also a Capitol Visitors Parking Garage at 1201 San Jacinto Blvd. For access to the building, you can enter through the ground level from Brazos St. You may want to consider the additional time for parking and entering the building. Map and additional information is available on the RRC website at <https://www.rrc.texas.gov/about-us/organization-activities/visiting-the-railroad-commission-in-the-william-b-travis-state-office-building/>.**

**Purpose of Prehearing Conference-** The purpose of the prehearing conference is to allow the parties to present evidence and to consider all issues of fact and law referenced in attached Appendix A.

**Purpose of Hearing on the Merits-** The purpose of the hearing on the merits is to allow the parties to present evidence and to consider all issues of fact and law referenced in attached Appendix B.

**Failure to Appear- All parties, protestants or persons intending to participate at the hearing must attend the prehearing conference and hearing.** Failure to appear at a prehearing conference and a hearing in this case may result in **dismissal of that party's claim or protest**, or default against that party/protestant and claims. See, e.g., Tex. Gov't Code § 2001.056, 16 Tex. Admin. Code § 1.107.

**Appearance at Prehearing Conference and Hearing-** All persons or parties supporting, opposing or protesting this Application and intending to participate in the hearing or prehearing conference **must** complete and file with Docket Services the enclosed Notice of Intent to Appear form at least **five business days** prior to the hearing date and at least **five business days** prior to the prehearing conference date. **This form is required even if a prior written response was submitted to the previously issued "Notice of Application."** A copy of the Notice of Intent to Appear form should be served on the Applicant and any other parties of record. 16 TEX. ADMIN. CODE § 1.45(a)(1).

**Legal Authority and Jurisdiction-** The Commission has jurisdiction over Applicant and over the matters at issue in this proceeding pursuant to Tex. Nat. Res. Code title 3, subtitles A, B and C, Tex. Water Code chapters 26, 27 and 29, and Tex. Gov't Code chapter 2001.

**Particular Statutes and Rules Involved-** The statutes and rules applicable to this proceeding include but are not limited to the following:

- Tex. Nat. Res. Code, title 3, subtitles A, B and C;
- Tex. Water Code, chapters 26, 27 and 29;
- Commission rules in 16 Tex. Admin. Code chapters 1 and 3; and
- Statutes and rules referenced in Appendix A and B, if any.

**Continuance of Prehearing Conference-** Any request for continuance of the hearing or prehearing conference must be filed in Docket Services **no later than five business days prior to the hearing or prehearing conference date**. 16 Tex. Admin. Code § 1.105(a)(2). Copies of such request must be served to all parties shown on the service list.

**Ex Parte Communications Prohibited-** Ex parte communications (e.g. phone calls and emails) with the examiners and Commissioners are prohibited. Tex. Gov't Code § 2001.061, 16 Tex. Admin. Code § 1.7.

**Written Transcript of the Hearing- If a case is protested or becomes protested, the party requesting commission action in this case will need to obtain a court reporter no later than 21 days before the hearing. Typically, this would include the applicant, complainant, and similarly situated parties in other types of cases.** See 16 Tex. Admin. Code § 1.111. If an examiner or party requests a written transcript, the Commission may assess the cost to one or more parties. This includes paying the court reporter's fees for the preparation of the original transcript for the Commission's official records and one copy for use by the examiners in preparing their written recommendation. To obtain a court reporter, contact Dave Howard & Associates Court Reporters at 512-282-0313 or [dave@howardreporters.com](mailto:dave@howardreporters.com).

**Exhibits-** All exhibits must be clearly marked and submitted in duplicate to the examiners. If a party wants to offer an exhibit admitted in a prior proceeding, the party must provide a properly identified copy as an exhibit for the record in this proceeding. Additionally, if a court reporter is used, a copy of all exhibits must be given to the court reporter at the time of the prehearing conference or hearing.

**Auxiliary Aids or Services for Persons with a Disability-** Any individual with a disability who needs auxiliary aids and services to have an equal opportunity to effectively communicate and participate in the hearing must request such aids or services at least two weeks prior to the hearing by notifying the Commission's Docket Services by mail at P. O. Box 12967, Austin, Texas 78711-2967 or by telephone at (512) 463-6848 or TDD No. (800) 735-2989.

**Audio/Visual Computer Presentations-** Requests for setting up a presentation need to be made in writing **no less than three business days prior to the hearing or prehearing conference date**. Please contact Docket Services to complete a Presentation Setup Help Desk Questionnaire Form.

**Service List-** The Applicant shall review this Notice of Prehearing Conference and the attached Certificate of Service for accuracy and completeness and shall immediately notify Docket Services of any discrepancy or omission.

## APPENDIX A

**Purpose of Prehearing Conference**-The purpose of the prehearing conference is to address matters preliminary to the hearing on the merits, including hearing any outstanding motions, establishing a hearing date and procedural schedule, and addressing other preliminary matters as determined by the examiners. Non-exclusive examples of motions that might be considered include motions to dismiss, motions regarding jurisdiction, motions regarding a party's standing and/or motions related to discovery. **All motions to be considered must be filed and served on all parties at least ten days before the prehearing conference.**

## APPENDIX B

**Purpose of Hearing on the Merits**- The purpose of this hearing is to consider the application of Select Energy Services, LLC for a commercial permit to dispose of oil and gas waste by injection for the Lord Snow SWD 58-24 Lease, Well No. 1, Ford, West (4100) Field, in Reeves County, Texas, pursuant to 16 Tex. Admin. Code § 3.46. If granted, the permit will allow injection into a porous formation productive of oil or gas. The proposed location is 48.3 miles northwest of Pecos, Texas. The application seeks authority to inject a maximum volume of 40,000 barrels per day of saltwater, frac water, and other non-hazardous oil and gas waste into the subsurface depth interval from 2,800 to 5,200 feet within the Delaware formation.

If you have questions regarding this Application, please contact the Applicant's representatives, Kyle Voss, Michael Moore, and Matt Thompson, at (817) 338-4888. If you have any questions regarding the hearing procedure, please contact Docket Services at (512) 463-6848 or at Room 12-123. Additional information about the prehearing conference process can be found at [www.rrc.texas.gov/hearings](http://www.rrc.texas.gov/hearings).

Pursuant to the Amended COVID-19 Emergency Response Order issued by the Director of the Hearings Division on March 23, 2020, the assigned Administrative Law Judge **MAY ORDER THAT THE MATTER NOTICED HEREIN BE CONDUCTED REMOTELY BY TELEPHONE OR VIDEO CONFERENCE**. Such order will be transmitted to the parties within a reasonable time prior to the matter noticed herein and will specify procedures for the pre-filing of evidence and participation in the hearing. If the persons noticed herein know of any reason or reasons why this matter must be held in person, please submit a written response to the Hearings Division **within 10 days of the date of this notice**.

Additionally, it is required that the enclosed Notice of Intent to Appear (or a copy thereof) be filed by each party for this case not later than five days prior to the matter noticed herein. Failure to do so by the applicant or complainant **may lead to the hearing being canceled**. In protested matters, failure by a protestant to timely file a Notice of Intent to Appear **may result in dismissal of the protest**.

To access the Commission's Statewide Rules, start from the Commission's Home Page, click on "General Counsel" (upper right side of page) and follow the path: Rules, Current Rules, T.A.C. Chapter 3, Rule Number.

**Check the Weekly Hearing Schedule on the Commission website at: <http://www.rrc.texas.gov/hearings/hearing-schedules/> the day prior to the prehearing conference to confirm that it will go forward as scheduled.**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Notice of Prehearing Conference in Oil and Gas Docket No. **OG-20-00002584** was served on each of the persons named below by depositing same in the United States Mail, Inter-Agency Mail, or Inter-Agency E-Mail, as follows:

SELECT ENERGY SERVICES, LLC P O BOX 1715 GAINESVILLE TX 76241	JANICE S MCKEE 6400 HILLCREST RD FLOWER MOUND TX 75022	MRS H F OWENS 237 NW CLEARVIEW DR MOUNT JULIET TN 37122
KELLI KENNEY MCELROY SULLIVAN MILLER & WEBER LLP FOR RING ENERGY INC PO BOX 1212 AUSTIN TX 78711	KELLY H BAXTER EST PO BOX 1649 AUSTIN TX 78767	RAMSEY MINERALS LLC 500 W 5TH ST STE 1210 AUSTIN TX 78701
KATHERINE PETERS HILL PO BOX 850 OCCOQUAN VA 22125	MONICA MICHELLE STINNETT 9813 HOLLY DR LUMBERTON TX 77657	REEVES COUNTY PO BOX 700 PECOS TX 79772
BETSY S GUZMAN 5613 SQUIRES DR THE COLONY TX 75056	PATRICIA R EYTCHESEON ET AL PO BOX 1536 MOUNTAIN VIEW CA 77079	ROSARIO FORD 5735 LONGWOOD ST BEAUMONT TX 77707
CLARA F SMITH TRUST 231 ALAMEDA AVE SALINAS CA 93901	RANDY R SNYDER 1219 SHANNON VALLEY DR HOUSTON TX 77077	TEXAS DEPT OF TRANSPORTATION 125 EAST 11TH ST AUSTIN TX 78701
ENPLAT II LLC PO BOX 2078 ABILENE TX 79604	RIVERTON HOLDINGS LLC 1700 PACIFIC AVE STE 2770 DALLAS TX 75201	THOMAS N LYONS 7975 NORTH RIVER BEND DR BEVIL OAKS TX 77713
BARRON LEE WIGGINS SR 9234 COUNTY RD 102 LEONA TX 75850	SCREWBEAN LANDFILL 1235 N LOOP WEST STE 205 HOUSTON TX 77008	WILLIAMS E R ESTATE C/O MICHAEL PRATA 12522 WEST 105TH TERRACE OVERLAND PARK KS 66215
CHARLES BUTLER 403 MORTON ST MONROE LA 71202	TEXAS PACIFIC LAND TRUST 1700 PACIFIC AVE STE 2770 DALLAS TX 75201	STELLA MARIE PETERS FRONZAGLIO 3788 GOVERNERS WAY VIRGINIA BEACH VA 23452
DAVID LYONS 6915 WOODRIDGE DR LUMBERTON TX 77657	WILLIAM A SWOPE WILLIAM ALAN SWOPE TRUST 1600 NW CIRISTA SHORES LN #114 SILVERDALE WA 98383	MIRIAM E TEMPS ET AL C/O DOROTHY MAYHEW PO BOX 267 CUSTER SD 57730
ERMA KARRICK & DONNA SHANAHAN 3185 S OGDEN ST ENGLEWOOD CO 80113	JAMES DANIEL BRUNSON 6403 GLENHILL DR SPRING TX 77389	CONOCO PHILLIPS COMPANY 600 NORTH DAIRY ASHFORD HOUSTON TX 77079
HENRY HATCHER 9051 RD 27 SATANTA KS 67870	JOHN S PERRY EST 1124 COLEMAN ST SOUTH BEND IN 46619	TEXAS DEPARTMENT OF TRANSPORTATION 3901 EAST HIGHWAY 80 ODESSA TX 78761
	MARTHA JANE KEITH CAMPBELL 6180 TURKEY RUN CT MANASSAS VA 20112	

JOYCE POLLARD  
C/O RONALD PRESTON POLLARD  
780 CAROL LN  
BURLESON TX 76028

MARY JANE PETERS DEETS  
35497 PEREGRINE RD  
LEWES DE 19958

TEXAS GENERAL LAND OFFICE  
ENERGY RESOURCES  
1700 CONGRESS AVE  
AUSTIN TX 78701

REEVES COUNTY CLERK  
DIANNE O. FLOREZ  
P. O. BOX 867  
100 E. 4TH STREET, ROOM 101  
PECOS, TEXAS 79772

R. MATT THOMPSON, MICHAEL  
MOORE, AND KYLE VOSS  
BROWN PRUITT WAMBSGANSS  
DEAN FORMAN & MOORE  
FOR SELECT ENERGY SERVICES  
201 MAIN ST STE 801  
FT. WORTH TX 76102

LORENZO GARZA  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

JOE STASULLI  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

OLIN MACNAMARA  
GEOLOGIST  
FIELD OPERATIONS  
RRC - AUSTIN  
***Via Intra-Agency Email***

PAUL DUBOIS  
ASSISTANT DIRECTOR  
O&G DIVISION TECHNICAL  
PERMITTING  
RRC - AUSTIN  
***Via Intra-Agency Email***

On this the **20th** day of **May**, 2020.

***Melissa Stovall***

Docket Services, Hearings Division  
Railroad Commission of Texas

HEARINGS DIVISION  
PO Drawer 12967  
Austin, TX 78711-2967

NOTICE OF INTENT TO APPEAR

A Copy of this Notice of Intent to Appear must be mailed to the Applicant and to Docket Services, P.O. Drawer 12967, Austin, TX 78711-2967. It must be *received* by Docket Services at least five business days in advance of the prehearing conference date and hearing date.

APPLICANT: SELECT ENERGY SERVICES, LLC (765602)  
CASE/DOCKET NO.: OG-20-00002584  
STATUS NO.: 51861

\_\_\_\_\_, representing \_\_\_\_\_,  
(Print Name) (Print Name)  
hereby enters this Notice of Intent to Appear at Prehearing Conference as **(Check one of the referenced party status):** \_\_\_\_\_ *Applicant* \_\_\_\_\_ *Protestant* \_\_\_\_\_ *Observer* or \_\_\_\_\_ *In Support of Application*  
and states he/she or his/her representative will appear and participate at the prehearing conference.

I further certify that, as of today's date, I have mailed or delivered a copy of this Notice of Intent to Appear form to the Applicant at the address shown in the Certificate of Service.

\_\_\_\_\_  
Signature Date  
Telephone: Area Code: (\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_  
(OPTIONAL - If provided, e-mail address will become part of this public record; See TEX. GOV'T CODE § 552.137)

TIME ESTIMATE (total required for your presentation): \_\_\_\_\_

ADDRESS TO WHICH NOTICE WAS SENT:

\_\_\_\_\_ Is correct \_\_\_\_\_ Is incorrect and should be corrected to:

\_\_\_\_\_  
Street City State Zip Code

ADDITIONAL NOTICE SHOULD BE SENT TO THE REPRESENTATIVE SHOWN BELOW:

\_\_\_\_\_  
(Print Name)  
\_\_\_\_\_  
Street City State Zip Code





# RAILROAD COMMISSION OF TEXAS

## HEARINGS DIVISION

### **CONSENT TO ELECTRONIC SERVICE AND NOTIFICATION OF DOCUMENTS, RULINGS, DECISIONS, AND ORDERS**

Effective September 1, 2015, Section 2001.142 (Notification of Decisions and Orders) of the Texas Government Code was amended to allow a state agency to notify each party to a contested case of any decision or order of the agency, if agreed to by the party to be notified, by electronic means sent to the current e-mail address of the party's attorney of record or of the party if the party is not represented by counsel. Tex. Gov't Code § 2001.142(a)(2).

Current rules of the Railroad Commission of Texas ("Commission") require the Commission to serve "a pleading or document" by "hand-delivering a copy to the person to be served, or by first class, certified, or registered mail, commercial delivery service, fax, email, or by such other manner as the Commission may require." Commission Practice and Procedure rules, §1.45(e)(2) and §1.45(b). According to §1.45(b)(1)(D), "Service by email may be used if the person to be served consents to be served by email pursuant to §1.27 or §1.32 of this title (relating to Parties and Authorized representatives, and Form and Content of Pleadings, respectively). If the person consents to be served by email, the person affirmatively consents to the release and disclosure of the email address. Email service is complete on the date of the email transmission. An email received after 5 p.m. local time of the recipient shall be deemed served on the following business day."

#### **Completion of this form is optional**

In lieu of service and notification by mail, \_\_\_\_\_ (party name or attorney) on behalf of \_\_\_\_\_ hereby agrees and consents to electronic service and notification of all documents, rulings, decisions, and orders from the Railroad Commission of Texas in Docket No. \_\_\_\_\_ by the following electronic means:

[        ] E-mail at: \_\_\_\_\_

Authorized by:

\_\_\_\_\_ (signature)

\_\_\_\_\_ (print name)

\_\_\_\_\_ (firm)

By requesting electronic service, all orders, proposals for decision, and other documents and communications to me in this docket will be provided to me by e-mail at the address set forth above. I will no longer receive paper copies of any documents in this docket. I also understand and agree that it is my responsibility to inform Docket Services and other parties of any changes to my e-mail address. By accepting the terms of this service my e-mail address will be shown on the service list of this docket and available to the Commission, other parties and will become part of this public record; See Tex Gov't Code §552.137. I am responsible for ensuring that my e-mail filters and settings allow the delivery of e-mails from the RRC and all other parties to this case. **If the pleading contains 10 or fewer pages including exhibits, it may be filed by fax, email, or other approved electronic transmission with the Docket Services Section.** If a party or authorized representative elects to file a pleading by email, the party or authorized representative agrees to be served by email and affirmatively consents to the release and disclosure of the email address.

RAILROAD COMMISSION OF TEXAS  
HEARINGS DIVISION

Oil and Gas Docket No. OG-20-00002267  
Tracking No. 50950

§ APPLICATION OF RANCHWATER DISPOSAL,  
§ LLC (690687) PURSUANT TO STATEWIDE  
§ RULE 9 FOR A COMMERCIAL PERMIT TO  
§ DISPOSE OF OIL & GAS BY WASTE INJECTION  
§ INTO A POROUS FORMATION NOT  
§ PRODUCTIVE OF OIL OR GAS FOR THE CJR  
§ 78 SWD LEASE, PHANTOM (WOLFCAMP)  
§ FIELD, REEVES COUNTY, TEXAS; DISTRICT 08

May 20, 2020

**NOTICE OF PREHEARING CONFERENCE**

**Date, Location, and Place of Hearing and Prehearing Conference-** Notice is hereby given that a public prehearing conference will be held at **9:00 a.m.** on **Thursday, June 25, 2020**, at the offices of the Railroad Commission of Texas (Commission) located in the William B. Travis State Office Building, at 1701 N. Congress Avenue, Austin, Texas, in a room number to be posted on the bulletin board in the first-floor lobby. If the prehearing conference is not concluded on the day it commences, it will be continued from day to day until concluded. **Notice is hereby given that a public hearing on the merits, if necessary, will be held at a time and date to be confirmed at the prehearing conference.**

If you are planning to attend the hearing, please be aware of changes to traffic patterns and the availability of metered parking in the area due to the Capitol Complex Construction project. There is limited metered parking in the capitol complex area. You may find paid parking at the Bob Bullock Museum across the street from the William B. Travis State Office Building or there is also a Capitol Visitors Parking Garage at 1201 San Jacinto Blvd. For access to the building, you can enter through the ground level from Brazos St. You may want to consider the additional time for parking and entering the building. Map and additional information is available on the RRC website at <https://www.rrc.texas.gov/about-us/organization-activities/visiting-the-railroad-commission-in-the-william-b-travis-state-office-building/>.

**Purpose of Prehearing Conference-** The purpose of the prehearing conference is to allow the parties to present evidence and to consider all issues of fact and law referenced in attached Appendix A.

**Purpose of Hearing on the Merits-** The purpose of the hearing on the merits is to allow the parties to present evidence and to consider all issues of fact and law referenced in attached Appendix B.

**Failure to Appear- All parties, protestants or persons intending to participate at the hearing must attend the prehearing conference and hearing.** Failure to appear at a prehearing conference and a hearing in this case may result in **dismissal of that party's claim or protest**, or default against that party/protestant and claims. See, e.g., Tex. Gov't Code § 2001.056, 16 Tex. Admin. Code § 1.107.

**Appearance at Prehearing Conference and Hearing-** All persons or parties supporting, opposing or protesting this Application and intending to participate in the hearing or prehearing conference **must** complete and file with Docket Services the enclosed Notice of Intent to Appear form at least **five business days** prior to the hearing date and at least **five business days** prior to the prehearing conference date. **This form is required even if a prior written response was submitted to the previously issued "Notice of Application."** A copy of the Notice of Intent to Appear form should be served on the Applicant and any other parties of record. 16 TEX. ADMIN. CODE § 1.45(a)(1).

**Legal Authority and Jurisdiction-** The Commission has jurisdiction over Applicant and over the matters at issue in this proceeding pursuant to Tex. Nat. Res. Code title 3, subtitles A, B and C, Tex. Water Code chapters 26, 27 and 29, and Tex. Gov't Code chapter 2001.

**Particular Statutes and Rules Involved-** The statutes and rules applicable to this proceeding include but are not limited to the following:

- Tex. Nat. Res. Code, title 3, subtitles A, B and C;
- Tex. Water Code, chapters 26, 27 and 29;
- Commission rules in 16 Tex. Admin. Code chapters 1 and 3; and
- Statutes and rules referenced in Appendix A and B, if any.

**Continuance of Prehearing Conference-** Any request for continuance of the hearing or prehearing conference must be filed in Docket Services **no later than five business days prior to the hearing or prehearing conference date.** 16 Tex. Admin. Code § 1.105(a)(2). Copies of such request must be served to all parties shown on the service list.

**Ex Parte Communications Prohibited-** Ex parte communications (e.g. phone calls and emails) with the examiners and Commissioners are prohibited. Tex. Gov't Code § 2001.061, 16 Tex. Admin. Code § 1.7.

**Written Transcript of the Hearing- If a case is protested or becomes protested, the party requesting commission action in this case will need to obtain a court reporter no later than 21 days before the hearing.** Typically, this would include the applicant, complainant, and similarly situated parties in other types of cases. See 16 Tex. Admin. Code § 1.111. If an examiner or party requests a written transcript, the Commission may assess the cost to one or more parties. This includes paying the court reporter's fees for the preparation of the original transcript for the Commission's official records and one copy for use by the examiners in preparing their written recommendation. To obtain a court reporter, contact Dave Howard & Associates Court Reporters at 512-282-0313 or [dave@howardreporters.com](mailto:dave@howardreporters.com).

**Exhibits-** All exhibits must be clearly marked and submitted in duplicate to the examiners. If a party wants to offer an exhibit admitted in a prior proceeding, the party must provide a properly identified copy as an exhibit for the record in this proceeding. Additionally, if a court reporter is used, a copy of all exhibits must be given to the court reporter at the time of the prehearing conference or hearing.

**Auxiliary Aids or Services for Persons with a Disability-** Any individual with a disability who needs auxiliary aids and services to have an equal opportunity to effectively communicate and participate in the hearing must request such aids or services at least two weeks prior to the hearing by notifying the Commission's Docket Services by mail at P. O. Box 12967, Austin, Texas 78711-2967 or by telephone at (512) 463-6848 or TDD No. (800) 735-2989.

**Audio/Visual Computer Presentations-** Requests for setting up a presentation need to be made in writing **no less than three business days prior to the hearing or prehearing conference date.** Please contact Docket Services to complete a Presentation Setup Help Desk Questionnaire Form.

**Service List-** The Applicant shall review this Notice of Prehearing Conference and the attached Certificate of Service for accuracy and completeness and shall immediately notify Docket Services of any discrepancy or omission.

## APPENDIX A

**Purpose of Prehearing Conference**-The purpose of the prehearing conference is to address matters preliminary to the hearing on the merits, including hearing any outstanding motions, establishing a hearing date and procedural schedule, and addressing other preliminary matters as determined by the examiners. Non-exclusive examples of motions that might be considered include motions to dismiss, motions regarding jurisdiction, motions regarding a party's standing and/or motions related to discovery. **All motions to be considered must be filed and served on all parties at least ten days before the prehearing conference.**

## APPENDIX B

**Purpose of Hearing on the Merits**- The purpose of this hearing is to consider the application of Ranchwater Disposal, LLC (690687) for a commercial permit to dispose of oil and gas waste by injection for the CJR 78 SWD Lease, Phantom (Wolfcamp) Field, Reeves County, Texas, pursuant to 16 TEX. ADMIN. CODE § 3.9. If granted, the permit will allow injection into a porous formation not productive of oil or gas. The proposed location is approximately 12.9 miles southwest of Pecos, Texas. The well has not been drilled. The applicant proposes to inject up to 20,000 barrels per day of saltwater, and other non-hazardous oil and gas waste into the subsurface depth interval from 4,060 to 7,000 feet within the Delaware formation.

If you have questions regarding this Application, please contact the Applicant's representative, David Nelson at (512) 529-1243. If you have any questions regarding the hearing procedure, please contact Docket Services at (512) 463-6848 or at Room 12-123. Additional information about the prehearing conference process can be found at [www.rrc.texas.gov/hearings](http://www.rrc.texas.gov/hearings).

To access the Commission's Statewide Rules, start from the Commission's Home Page, click on "General Counsel" (upper right side of page) and follow the path: Rules, Current Rules, T.A.C. Chapter 3, Rule Number.

Pursuant to the Amended COVID-19 Emergency Response Order issued by the Director of the Hearings Division on March 23, 2020, the assigned Administrative Law Judge **MAY ORDER THAT THE MATTER NOTICED HEREIN BE CONDUCTED REMOTELY BY TELEPHONE OR VIDEO CONFERENCE**. Such order will be transmitted to the parties within a reasonable time prior to the matter noticed herein and will specify procedures for the pre-filing of evidence and participation in the hearing. If the persons noticed herein know of any reason or reasons why this matter must be held in person, please submit a written response to the Hearings Division **within 10 days of the date of this notice**.

Additionally, it is required that the enclosed Notice of Intent to Appear (or a copy thereof) be filed by each party for this case not later than five days prior to the matter noticed herein. Failure to do so by the applicant or complainant **may lead to the hearing being canceled**. In protested matters, failure by a protestant to timely file a Notice of Intent to Appear **may result in dismissal of the protest**.

**Check the Weekly Hearing Schedule on the Commission website at: <http://www.rrc.texas.gov/hearings/hearing-schedules/> the day prior to the prehearing conference to confirm that it will go forward as scheduled.**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Notice of Prehearing Conference in Oil and Gas Docket No. **OG-20-00002267** was served on each of the persons named below by depositing same in the United States Mail, Inter-Agency Mail, or Inter-Agency E-Mail, as follows:

RANCHWATER DISPOSAL, LLC  
6212 LOCKE LANE  
HOUSTON, TX 77057

DIANNE O. FLOREZ  
P. O. BOX 867  
PECOS, TEXAS 79772

LUXE ENERGY  
ATTN: KENNETH KLANIKA  
6500 RIVER PLACE BLVD. BLDG 5 STE 150  
AUSTIN, TX 78730

BILL G. SPENCER CONSULTING, LP.  
ATTN CHRIS SPENCER  
PO BOX 4188  
CEDAR PARK, TX 78613

ANKE MARGA CHRISTA OTTO MOORE  
805 SW FOUNTAIN ST  
PULLMAN, WA 99163

DAVID GROSS  
FOR RANCHWATER DISPOSAL, LLC  
GROSS & NELSON  
5608 PARKCREST DR. SUITE 310  
AUSTIN, TX 78731

EAGLECLAW MIDSTREAM VENTURES LLC  
PO BOX 5889  
MIDLAND, TX 79704

LORENZO GARZA  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

CITY OF AUSTIN  
721 BARTON SPRINGS RD  
AUSTIN, TX 78704

MBF HOLDINGS REEVES LP  
600 ROUND ROCK WEST DR STE 101  
ROUND ROCK, TX 78681

JOE STASULLI  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

MUNOZ & SIRONEN  
4727 CONRAD ST  
LAS VEGAS, NV 89121

TEXAS GENERAL LAND OFFICE  
1700 CONGRESS AVE  
AUSTIN, TX 78701

OLIN MACNAMARA  
GEOLOGIST  
FIELD OPERATIONS  
RRC - AUSTIN  
***Via Intra-Agency Email***

ANA MARIA MARSLAND  
FOR LUXE ENERGY  
OSBORNE, GRIFFITH & HARGROVE  
515 CONGRESS AVE.  
AUSTIN, TX 78701

PAUL DUBOIS  
ASSISTANT DIRECTOR  
O&G DIVISION TECHNICAL PERMITTING  
RRC - AUSTIN  
***Via Intra-Agency Email***

On this the **20<sup>th</sup>** day of **May** 2020.

***Joseph Menefe***

Paralegal, Hearings Division  
Railroad Commission of Texas

HEARINGS DIVISION  
PO Drawer 12967  
Austin, TX 78711-2967

NOTICE OF INTENT TO APPEAR

A Copy of this Notice of Intent to Appear must be mailed to the Applicant and to Docket Services, P.O. Drawer 12967, Austin, TX 78711-2967. It must be *received* by Docket Services at least five business days in advance of the prehearing conference date and hearing date.

APPLICANT: RANCHWATER DISPOSAL, LLC  
CASE/DOCKET NO.: OG-20-00002267  
STATUS NO.: 50950

\_\_\_\_\_, representing \_\_\_\_\_,  
(Print Name) (Print Name)  
hereby enters this Notice of Intent to Appear at Prehearing Conference as **(Check one of the referenced party status):** \_\_\_\_\_ **Applicant** \_\_\_\_\_ **Protestant** \_\_\_\_\_ **Observer** or \_\_\_\_\_ **In Support of Application**  
and states he/she or his/her representative will appear and participate at the prehearing conference.

I further certify that, as of today's date, I have mailed or delivered a copy of this Notice of Intent to Appear form to the Applicant at the address shown in the Certificate of Service.

\_\_\_\_\_  
Signature Date  
Telephone: Area Code: (\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_  
(OPTIONAL - If provided, e-mail address will become part of this public record; See TEX. GOV'T CODE § 552.137)

TIME ESTIMATE (total required for your presentation): \_\_\_\_\_

ADDRESS TO WHICH NOTICE WAS SENT:

\_\_\_\_\_ Is correct \_\_\_\_\_ Is incorrect and should be corrected to:

\_\_\_\_\_  
Street City State Zip Code

ADDITIONAL NOTICE SHOULD BE SENT TO THE REPRESENTATIVE SHOWN BELOW:

\_\_\_\_\_  
(Print Name)  
\_\_\_\_\_  
Street City State Zip Code



# RAILROAD COMMISSION OF TEXAS

## HEARINGS DIVISION

### **CONSENT TO ELECTRONIC SERVICE AND NOTIFICATION OF DOCUMENTS, RULINGS, DECISIONS, AND ORDERS**

Effective September 1, 2015, Section 2001.142 (Notification of Decisions and Orders) of the Texas Government Code was amended to allow a state agency to notify each party to a contested case of any decision or order of the agency, if agreed to by the party to be notified, by electronic means sent to the current e-mail address of the party's attorney of record or of the party if the party is not represented by counsel. Tex. Gov't Code § 2001.142(a)(2).

Current rules of the Railroad Commission of Texas ("Commission") require the Commission to serve "a pleading or document" by "hand-delivering a copy to the person to be served, or by first class, certified, or registered mail, commercial delivery service, fax, email, or by such other manner as the Commission may require." Commission Practice and Procedure rules, §1.45(e)(2) and §1.45(b). According to §1.45(b)(1)(D), "Service by email may be used if the person to be served consents to be served by email pursuant to §1.27 or §1.32 of this title (relating to Parties and Authorized representatives, and Form and Content of Pleadings, respectively). If the person consents to be served by email, the person affirmatively consents to the release and disclosure of the email address. Email service is complete on the date of the email transmission. An email received after 5 p.m. local time of the recipient shall be deemed served on the following business day."

#### **Completion of this form is optional**

In lieu of service and notification by mail, \_\_\_\_\_ (party name or attorney) on behalf of \_\_\_\_\_ hereby agrees and consents to electronic service and notification of all documents, rulings, decisions, and orders from the Railroad Commission of Texas in Docket No. \_\_\_\_\_ by the following electronic means:

[        ] E-mail at: \_\_\_\_\_

Authorized by:

\_\_\_\_\_ (signature)

\_\_\_\_\_ (print name)

\_\_\_\_\_ (firm)

By requesting electronic service, all orders, proposals for decision, and other documents and communications to me in this docket will be provided to me by e-mail at the address set forth above. I will no longer receive paper copies of any documents in this docket. I also understand and agree that it is my responsibility to inform Docket Services and other parties of any changes to my e-mail address. By accepting the terms of this service my e-mail address will be shown on the service list of this docket and available to the Commission, other parties and will become part of this public record; See Tex Gov't Code §552.137. I am responsible for ensuring that my e-mail filters and settings allow the delivery of e-mails from the RRC and all other parties to this case. **If the pleading contains 10 or fewer pages including exhibits, it may be filed by fax, email, or other approved electronic transmission with the Docket Services Section.** If a party or authorized representative elects to file a pleading by email, the party or authorized representative agrees to be served by email and affirmatively consents to the release and disclosure of the email address.

RAILROAD COMMISSION OF TEXAS  
HEARINGS DIVISION

Oil and Gas Docket No. OG-20-00002357	§ APPLICATION PDC PERMIAN, INC. (OPERATOR NO. 646832) PURSUANT TO STATEWIDE RULE 32 TO FLARE GAS FOR THE YELLOW JACKET 1716 LEASE, WELL NO. A2H, AND THE STONEMAN STATE 3927 LEASE, WELL NO. A2H, PHANTOM (WOLFCAMP) FIELD, REEVES COUNTY, TEXAS; DISTRICT 08
Oil and Gas Docket No. OG-20-00002539	§ APPLICATION PDC PERMIAN, INC. (OPERATOR NO. 646832) PURSUANT TO STATEWIDE RULE 32 FOR AN EXCEPTION TO FLARE GAS FOR THE BUCKSKIN STATE 1003 1U LEASE, WELL NO. B1H, PHANTOM (WOLFCAMP) FIELD, REEVES COUNTY, TEXAS; DISTRICT 08
Oil and Gas Docket No. OG-20-00002540	§ APPLICATION PDC PERMIAN, INC. (OPERATOR NO. 646832) PURSUANT TO STATEWIDE RULE 32 FOR AN EXCEPTION TO FLARE GAS FOR THE BUCKSKIN STATE 1003 2U LEASE, WELL NO. A2H, PHANTOM (WOLFCAMP) FIELD, REEVES COUNTY, TEXAS; DISTRICT 08
Oil and Gas Docket No. OG-20-00002541	§ APPLICATION PDC PERMIAN, INC. (OPERATOR NO. 646832) PURSUANT TO STATEWIDE RULE 32 FOR AN EXCEPTION TO FLARE GAS FOR THE BUCKSKIN STATE 1003 3U LEASE, WELL NO. B3H, PHANTOM (WOLFCAMP) FIELD, REEVES COUNTY, TEXAS; DISTRICT 08
Oil and Gas Docket No. OG-20-00002542	§ APPLICATION PDC PERMIAN, INC. (OPERATOR NO. 646832) PURSUANT TO STATEWIDE RULE 32 FOR AN EXCEPTION TO FLARE GAS FOR THE BUCKSKIN STATE 1003 4U LEASE, WELL NO. A4H, PHANTOM (WOLFCAMP) FIELD, REEVES COUNTY, TEXAS; DISTRICT 08
Oil and Gas Docket No. OG-20-00003265	§ APPLICATION PDC PERMIAN, INC. (OPERATOR NO. 646832) PURSUANT TO STATEWIDE RULE 32 FOR AN EXCEPTION TO FLARE GAS STONEMAN STATE 3927 (286927) LEASE, WELL NO. B1H, PHANTOM (WOLFCAMP) FIELD, REEVES COUNTY, TEXAS; DISTRICT 08
May 20, 2020	§

**JOINT NOTICE OF HEARING**

**Date, Location, and Place of Hearing-** Notice is hereby given that a public hearing will be held at 9:00 a.m. on Thursday, June 4, 2020, at the offices of the Railroad Commission of Texas (Commission) located in the William B. Travis State Office Building, at 1701 N. Congress Avenue, Austin, Texas, in a room number to be posted on the bulletin board in the first-floor lobby. If the hearing is not concluded on the day it commences, it will be continued from day to day until concluded.



If you are planning to attend the hearing, please be aware of changes to traffic patterns and the availability of metered parking in the area due to the Capitol Complex Construction project. There is limited metered parking in the capitol complex area. You may find paid parking at the Bob Bullock Museum across the street from the William B. Travis State Office Building or there is also a Capitol Visitors Parking Garage at 1201 San Jacinto Blvd. For access to the building, you can enter through the ground level from Brazos St. You may want to consider the additional time for parking and entering the building. Map and additional information is available on the RRC website at <https://www.rrc.texas.gov/about-us/organization-activities/visiting-the-railroad-commission-in-the-william-b-travis-state-office-building/>.

**Purpose of Hearing-** The purpose of the hearing is to allow the parties to present evidence and consider all issues of fact and law raised in or relevant to the Application. The issues that may be addressed at the hearing include, but are not limited to, the following:

1. A statement of the matters asserted and the nature of the Applicant's hearing request is in the attached Appendix A.
2. Any other issues raised in the pleadings, evidence, or argument that are necessary for the Commission to render a final decision on the merits of this case.

**Failure to Appear-** All parties, protestants or persons intending to participate at the hearing must attend the hearing. Failure to appear at any prehearing conference or the hearing in this case may result in **dismissal of that party's claim or protest**, or default against that party/protestant and claims. See, e.g., Tex. Gov't Code § 2001.056, 16 Tex. Admin. Code § 1.107.

**Appearance at Hearing-** All persons or parties supporting, opposing or protesting this Application and intending to participate in the hearing must complete and file with Docket Services the enclosed Notice of Intent to Appear at Hearing Protest form at least **five business days** prior to the hearing date in this Notice of Hearing. **This form is required even if a prior written response was submitted to the previously issued "Notice of Application."** A copy of the form should be served on the Applicant and any other parties of record.

**Legal Authority and Jurisdiction-** The Commission has jurisdiction over Applicant and over the matters at issue in this proceeding pursuant to Tex. Nat. Res. Code title 3, subtitles A, B and C, Tex. Water Code chapters 26, 27 and 29, and Tex. Gov't Code chapter 2001.

**Particular Statutes and Rules Involved-** The statutes and rules applicable to this proceeding include but are not limited to the following:

- Tex. Nat. Res. Code, title 3, subtitles A, B and C;
- Commission rules in 16 Tex. Admin. Code chapters 1 and 3;
- Tex. Water Code chapters 26, 27 and 29; and
- Statutes and rules referenced in Appendix A, if any, of this Notice of Hearing.

**Continuance of Hearing-** Any request for continuance of this hearing must be filed in Docket Services **no later than five business days prior to the hearing date**. Copies of such request must be served to all parties shown on the service list. 16 Tex. Admin. Code § 1.45(a)(1).

**Ex parte Communications Prohibited-** Ex parte communications (e.g. phone calls and emails) with the examiners and Commissioners are prohibited. Tex. Gov't Code § 2001.061, 16 Tex. Admin. Code § 1.7.

**Written Transcript of the Hearing-** If a case is protested or becomes protested, the party requesting commission action in this case will need to obtain a court reporter no later than 21 days before the hearing. Typically, this would include the applicant, complainant, and similarly situated parties in other types of cases. See 16 Tex. Admin. Code § 1.111. If an examiner or party requests a written transcript, the Commission may assess the cost to one or more parties. This includes paying the court reporter's fees for the preparation of the original transcript for the Commission's official records and one copy for use by the examiners in preparing their written recommendation. To obtain a court reporter, contact Dave Howard & Associates Court Reporters at 512-282-0313 or [dave@howardreporters.com](mailto:dave@howardreporters.com).

**Hearing Exhibits-** All exhibits must be clearly marked and submitted in duplicate. If a party wants to offer an exhibit admitted in a prior proceeding, the party must provide a properly identified copy as an exhibit for the record in this proceeding. Additionally, if a court reporter is used, a copy of all exhibits must be given to the court reporter at the time of the hearing.

**Auxiliary Aids or Services for Persons with a Disability-** Any individual with a disability who needs auxiliary aids and services to have an equal opportunity to effectively communicate and participate in the hearing must request such aids or services at least two weeks prior to the hearing by notifying the Commission's Docket Services by mail at P. O. Box 12967, Austin, Texas 78711-2967 or by telephone at (512) 463-6848 or TDD No. (800) 735-2989.

**Audio/Visual Computer Presentations-** All requests for setting up a presentation need to be made in writing no less than three business days prior to the hearing date. Please contact Docket Services to complete a Presentation Setup Help Desk Questionnaire Form.

**Service List-** The Applicant shall review this Notice of Hearing and the attached Certificate of Service for accuracy and completeness and shall immediately notify Docket Services of any discrepancy or omission.

**APPENDIX A**

**Oil and Gas Docket No. OG-20-00002357** - This hearing is held to consider the application of PDC Permian, Inc. for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Yellow Jack 1716 Lease, Well No. A2H, and the Stoneman State 3927, Well No. A2H, Phantom (Wolfcamp) Field, Reeves County, Texas; District 08.

**Oil and Gas Docket No. OG-20-00002539** - This hearing is held to consider the application of PDC Permian, Inc. for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Buckskin State 1003 1U Lease, Well No. B1H, Phantom (Wolfcamp) Field, Reeves County, Texas; District 08.

**Oil and Gas Docket No. OG-20-00002540** - This hearing is held to consider the application of PDC Permian, Inc. for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Buckskin State 1003 2U Lease, Well No. A2H, Phantom (Wolfcamp) Field, Reeves County, Texas; District 08.

**Oil and Gas Docket No. OG-20-00002541** - This hearing is held to consider the application of PDC Permian, Inc. for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Buckskin State 1003 3U Lease, Well No. B3H, Phantom (Wolfcamp) Field, Reeves County, Texas; District 08.

**Oil and Gas Docket No. OG-20-00002542** - This hearing is held to consider the application of PDC Permian, Inc. for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Buckskin State 1003 4U Lease, Well No. A4H, Phantom (Wolfcamp) Field, Reeves County, Texas; District 08.

**Oil and Gas Docket No. OG-20-00003265** - This hearing is held to consider the application of PDC Permian, Inc. for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Stoneman State 3927 (286927) Lease, Well No. B1H, Phantom (Wolfcamp) Field, Reeves County, Texas; District 08.

If you have questions regarding this Application, please contact the Applicant's representative, Kelli Kenney, at (512) 327-8111. If you have any questions regarding the hearing procedure, please contact Docket Services at (512) 463-6848 or at Room 12-123. Additional information about the hearing process can be found at [www.rrc.texas.gov/hearings](http://www.rrc.texas.gov/hearings).

Pursuant to the Amended COVID-19 Emergency Response Order issued by the Director of the Hearings Division on March 23, 2020, the assigned Administrative Law Judge **MAY ORDER THAT THE MATTER NOTICED HEREIN BE CONDUCTED REMOTELY BY TELEPHONE OR VIDEO CONFERENCE**. Such order will be transmitted to the parties within a reasonable time prior to the matter noticed herein and will specify procedures for the pre-filing of evidence and participation in the hearing. If the persons noticed herein know of any reason or reasons why this matter must be held in person, please submit a written response to the Hearings Division **within 10 days of the date of this notice**.

Additionally, it is required that the enclosed Notice of Intent to Appear (or a copy thereof) be filed by each party for this case not later than five days prior to the matter noticed herein. Failure to do so by the applicant or complainant **may lead to the hearing being canceled**. In protested matters, failure by a protestant to timely file a Notice of Intent to Appear **may result in dismissal of the protest**.

To access the Commission's Statewide Rules, start from the Commission's Home Page, click on "General Counsel" (upper right side of page) and follow the path: Rules, Current Rules, T.A.C. Chapter 3, Rule Number.

**Check the Weekly Hearing Schedule on the Commission website at: <http://www.rrc.texas.gov/hearings/hearing-schedules/> the day prior to the hearing to confirm that it will go forward as scheduled.**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Notice of Hearing in Oil and Gas Docket Nos. **OG-20-00002357 et al** was served on each of the persons named below by depositing same in the United States Mail, Inter-Agency Mail, or Inter-Agency E-Mail, as follows:

PDC PERMIAN INC  
1775 SHERMAN STREET STE 3000  
DENVER CO 80203

ANADARKO E&P ONSHORE LLC  
ATTN KELLEY MONTGOMERY  
5 GREENWAY PLAZA SUITE 110  
HOUSTON, TX 77046

APR OPERATING LLC  
400 WEST ILLINOIS STE 970  
MIDLAND, TX 79701

BHP BILLITON PET (TXLA OP) CO  
1700 PLATTE SUITE 150  
DENVER CO 80202

BPX OPERATING COMPANY  
1700 PLATTE ST  
DENVER CO 80202

CALLON (PERMIAN) LLC  
2000 W SAM HOUSTON PARKWAY STE 2000  
HOUSTON, TX 77042

CIMAREX ENERGY CO.  
ATTN GENE HOLLOWAY  
202 S CHEYENNE AVE STE 1000  
TULSA OK 74103

HORTON OILFIELD SERVICES  
PO BOX 264  
BALLINGER, TX 76821

NGL WATER SOLUTIONS PERMIAN, LLC  
901 TRADEWINDS BLVD STE A & B  
MIDLAND, TX 79706

SONORAN ENERGY INC.  
15305 DALLAS PARKWAY SUITE 337  
ADDISON, TX 75001

WHITE'S INDUSTRIAL ENGINE'S  
C/O PETRO ENERGY GROUP  
12955 WILLOW PL WEST 691485  
HOUSTON, TX 77070

MCELROY SULLIVAN MILLER & WEBER LLP  
KELLI KENNEY  
PO BOX 12127  
AUSTIN TX 78711

LORENZO GARZA  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
*Via Intra-Agency Email*

JOE STASULLI  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
*Via Intra-Agency Email*

OLIN MACNAMARA  
GEOLOGIST  
FIELD OPERATIONS  
RRC - AUSTIN  
*Via Intra-Agency Email*

PAUL DUBOIS  
ASSISTANT DIRECTOR  
O&G DIVISION TECHNICAL PERMITTING  
RRC - AUSTIN  
*Via Intra-Agency Email*

On this the **20th** day of **May**, 2020.

***Laura Bradley***

Docket Services, Hearings Division  
Railroad Commission of Texas



# RAILROAD COMMISSION OF TEXAS

## HEARINGS DIVISION

PO Drawer 12967

Austin, TX 78711-2967

### NOTICE OF INTENT TO APPEAR AT HEARING

A Copy of this Notice of Intent to Appear at Hearing must be mailed to the Applicant and to Docket Services, P.O. Drawer 12967, Austin, TX 78711-2967. It must be received by Docket Services at least five business days in advance of the hearing date.

APPLICANT: PDC PERMIAN, INC. (646832)  
CASE/DOCKET NO.: OG-20-00002357 et al  
STATUS NO.:

\_\_\_\_\_, representing \_\_\_\_\_  
(Print Name) (Print Name)  
hereby enters this Notice of Intent to Appear at Hearing as (Check one of the referenced party status):  
\_\_\_\_ **Applicant** \_\_\_\_ **Protestant** \_\_\_\_ **Observer** or \_\_\_\_ **In Support of Application** and states he/she  
or his/her representative will appear and participate at the hearing.

I further certify that, as of today's date, I have mailed or delivered a copy of this Notice of Intent to Appear at Hearing form to the Applicant at the address shown in the Certificate of Service.

\_\_\_\_\_  
Signature Date  
Telephone: Area Code: (\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_  
(OPTIONAL - If provided, e-mail address will become part of this public record; See TEX. GOV'T CODE § 552.137)

TIME ESTIMATE (total required for your presentation at the hearing): \_\_\_\_\_

ADDRESS TO WHICH NOTICE WAS SENT:

\_\_\_\_\_ Is correct \_\_\_\_\_ Is incorrect and should be corrected to:

\_\_\_\_\_  
Street City State Zip Code

ADDITIONAL NOTICE SHOULD BE SENT TO THE REPRESENTATIVE SHOWN BELOW:

\_\_\_\_\_  
(Print Name)  
\_\_\_\_\_  
Street City State Zip Code



# RAILROAD COMMISSION OF TEXAS

## HEARINGS DIVISION

### **CONSENT TO ELECTRONIC SERVICE AND NOTIFICATION OF DOCUMENTS, RULINGS, DECISIONS, AND ORDERS**

Effective September 1, 2015, Section 2001.142 (Notification of Decisions and Orders) of the Texas Government Code was amended to allow a state agency to notify each party to a contested case of any decision or order of the agency, if agreed to by the party to be notified, by electronic means sent to the current e-mail address of the party's attorney of record or of the party if the party is not represented by counsel. Tex. Gov't Code § 2001.142(a)(2).

Current rules of the Railroad Commission of Texas ("Commission") require the Commission to serve "a pleading or document" by "hand-delivering a copy to the person to be served, or by first class, certified, or registered mail, commercial delivery service, fax, email, or by such other manner as the Commission may require." Commission Practice and Procedure rules, §1.45(e)(2) and §1.45(b). According to §1.45(b)(1)(D), "Service by email may be used if the person to be served consents to be served by email pursuant to §1.27 or §1.32 of this title (relating to Parties and Authorized representatives, and Form and Content of Pleadings, respectively). If the person consents to be served by email, the person affirmatively consents to the release and disclosure of the email address. Email service is complete on the date of the email transmission. An email received after 5 p.m. local time of the recipient shall be deemed served on the following business day."

#### **Completion of this form is optional**

In lieu of service and notification by mail, \_\_\_\_\_ (party name or attorney) on behalf of \_\_\_\_\_ hereby agrees and consents to electronic service and notification of all documents, rulings, decisions, and orders from the Railroad Commission of Texas in Docket No. \_\_\_\_\_ by the following electronic means:

[        ] E-mail at: \_\_\_\_\_

Authorized by:

\_\_\_\_\_ (signature)

\_\_\_\_\_ (print name)

\_\_\_\_\_ (firm)

By requesting electronic service, all orders, proposals for decision, and other documents and communications to me in this docket will be provided to me by e-mail at the address set forth above. I will no longer receive paper copies of any documents in this docket. I also understand and agree that it is my responsibility to inform Docket Services and other parties of any changes to my e-mail address. By accepting the terms of this service my e-mail address will be shown on the service list of this docket and available to the Commission, other parties and will become part of this public record; See Tex Gov't Code §552.137. I am responsible for ensuring that my e-mail filters and settings allow the delivery of e-mails from the RRC and all other parties to this case. **If the pleading contains 10 or fewer pages including exhibits, it may be filed by fax, email, or other approved electronic transmission with the Docket Services Section.** If a party or authorized representative elects to file a pleading by email, the party or authorized representative agrees to be served by email and affirmatively consents to the release and disclosure of the email address.

RAILROAD COMMISSION OF TEXAS  
HEARINGS DIVISION

Oil and Gas Docket No. OG-20-00002358    § APPLICATION OF STEWARD ENERGY II, LLC  
   § (OPERATOR NO. 819609) FOR AN EXCEPTION TO  
   § STATEWIDE RULE 32 TO FLARE GAS FOR THE  
   § GREASY BEND 584 (70376) LEASE AND EVEN FLOW  
   § 584 (70729) LEASE, SURFACE COMMINGLING  
May 21, 2020     § PERMIT NO. 8A-5470, PLATANG (SAN ANDRES)  
   § FIELD, YOAKUM COUNTY, TEXAS; DISTRICT 8A

**NOTICE OF HEARING**

**Date, Location, and Place of Hearing-** Notice is hereby given that a public hearing will be held at 1:30 p.m. on Friday, June 5, 2020, at the offices of the Railroad Commission of Texas (Commission) located in the William B. Travis State Office Building, at 1701 N. Congress Avenue, Austin, Texas, in a room number to be posted on the bulletin board in the first-floor lobby. If the hearing is not concluded on the day it commences, it will be continued from day to day until concluded.

If you are planning to attend the hearing, please be aware of changes to traffic patterns and the availability of metered parking in the area due to the Capitol Complex Construction project. There is limited metered parking in the capitol complex area. You may find paid parking at the Bob Bullock Museum across the street from the William B. Travis State Office Building or there is also a Capitol Visitors Parking Garage at 1201 San Jacinto Blvd. For access to the building, you can enter through the ground level from Brazos St. You may want to consider the additional time for parking and entering the building. Map and additional information is available on the RRC website at <https://www.rrc.texas.gov/about-us/organization-activities/visiting-the-railroad-commission-in-the-william-b-travis-state-office-building/>.

**Purpose of Hearing-** The purpose of the hearing is to allow the parties to present evidence and consider all issues of fact and law raised in or relevant to the Application. The issues that may be addressed at the hearing include, but are not limited to, the following:

1. A statement of the matters asserted and the nature of the Applicant's hearing request is in the attached Appendix A.
2. Any other issues raised in the pleadings, evidence, or argument that are necessary for the Commission to render a final decision on the merits of this case.

**Failure to Appear-** All parties, protestants or persons intending to participate at the hearing must attend the hearing. Failure to appear at any prehearing conference or the hearing in this case may result in **dismissal of that party's claim or protest**, or default against that party/protestant and claims. See, e.g., Tex. Gov't Code § 2001.056, 16 Tex. Admin. Code § 1.107.

**Appearance at Hearing-** All persons or parties supporting, opposing or protesting this Application and intending to participate in the hearing must complete and file with Docket Services the enclosed Notice of Intent to Appear at Hearing Protest form at least **five business days** prior to the hearing date in this Notice of Hearing. **This form is required even if a prior written response was submitted to the previously issued "Notice of Application."** A copy of the form should be served on the Applicant and any other parties of record.



**Legal Authority and Jurisdiction-** The Commission has jurisdiction over Applicant and over the matters at issue in this proceeding pursuant to Tex. Nat. Res. Code title 3, subtitles A, B and C, Tex. Water Code chapters 26, 27 and 29, and Tex. Gov't Code chapter 2001.

**Particular Statutes and Rules Involved-** The statutes and rules applicable to this proceeding include but are not limited to the following:

- Tex. Nat. Res. Code, title 3, subtitles A, B and C;
- Commission rules in 16 Tex. Admin. Code chapters 1 and 3;
- Tex. Water Code chapters 26, 27 and 29; and
- Statutes and rules referenced in Appendix A, if any, of this Notice of Hearing.

**Continuance of Hearing-** Any request for continuance of this hearing must be filed in Docket Services **no later than five business days prior to the hearing date**. Copies of such request must be served to all parties shown on the service list. 16 Tex. Admin. Code § 1.45(a)(1).

**Ex parte Communications Prohibited-** Ex parte communications (e.g. phone calls and emails) with the examiners and Commissioners are prohibited. Tex. Gov't Code § 2001.061, 16 Tex. Admin. Code § 1.7.

**Written Transcript of the Hearing-** **If a case is protested or becomes protested, the party requesting commission action in this case will need to obtain a court reporter no later than 21 days before the hearing.** Typically, this would include the applicant, complainant, and similarly situated parties in other types of cases. See 16 Tex. Admin. Code § 1.111. If an examiner or party requests a written transcript, the Commission may assess the cost to one or more parties. This includes paying the court reporter's fees for the preparation of the original transcript for the Commission's official records and one copy for use by the examiners in preparing their written recommendation. To obtain a court reporter, contact Dave Howard & Associates Court Reporters at 512-282-0313 or [dave@howardreporters.com](mailto:dave@howardreporters.com).

**Hearing Exhibits-** All exhibits must be clearly marked and submitted in duplicate. If a party wants to offer an exhibit admitted in a prior proceeding, the party must provide a properly identified copy as an exhibit for the record in this proceeding. Additionally, if a court reporter is used, a copy of all exhibits must be given to the court reporter at the time of the hearing.

**Auxiliary Aids or Services for Persons with a Disability-** Any individual with a disability who needs auxiliary aids and services to have an equal opportunity to effectively communicate and participate in the hearing must request such aids or services at least two weeks prior to the hearing by notifying the Commission's Docket Services by mail at P. O. Box 12967, Austin, Texas 78711-2967 or by telephone at (512) 463-6848 or TDD No. (800) 735-2989.

**Audio/Visual Computer Presentations-** All requests for setting up a presentation need to be made in writing no less than three business days prior to the hearing date. Please contact Docket Services to complete a Presentation Setup Help Desk Questionnaire Form.

**Service List-** The Applicant shall review this Notice of Hearing and the attached Certificate of Service for accuracy and completeness and shall immediately notify Docket Services of any discrepancy or omission.

**APPENDIX A**

**Oil and Gas Docket No. OG-20-00002358-** This hearing is held to consider the application of Steward Energy II, LLC for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Greasy Bend 584 (70376) Lease and Even Flow 584 (70729) Lease, Surface Commingling Permit No. 8A-5470, Platang (San Andres) Field, Yoakum County, Texas; District 8A

If you have questions regarding this Application, please contact the Applicant's representative, James M. Clark, at (512) 415-4191. If you have any questions regarding the hearing procedure, please contact Docket Services at (512) 463-6848 or at Room 12-123. Additional information about the hearing process can be found at [www.rrc.texas.gov/hearings](http://www.rrc.texas.gov/hearings).

Pursuant to the Amended COVID-19 Emergency Response Order issued by the Director of the Hearings Division on March 23, 2020, the assigned Administrative Law Judge **MAY ORDER THAT THE MATTER NOTICED HEREIN BE CONDUCTED REMOTELY BY TELEPHONE OR VIDEO CONFERENCE**. Such order will be transmitted to the parties within a reasonable time prior to the matter noticed herein and will specify procedures for the pre-filing of evidence and participation in the hearing. If the persons noticed herein know of any reason or reasons why this matter must be held in person, please submit a written response to the Hearings Division **within 10 days of the date of this notice**.

Additionally, it is required that the enclosed Notice of Intent to Appear (or a copy thereof) be filed by each party for this case not later than five days prior to the matter noticed herein. Failure to do so by the applicant or complainant **may lead to the hearing being canceled**. In protested matters, failure by a protestant to timely file a Notice of Intent to Appear **may result in dismissal of the protest**.

To access the Commission's Statewide Rules, start from the Commission's Home Page, click on "General Counsel" (upper right side of page) and follow the path: Rules, Current Rules, T.A.C. Chapter 3, Rule Number.

**Check the Weekly Hearing Schedule on the Commission website at: <http://www.rrc.texas.gov/hearings/hearing-schedules/> the day prior to the hearing to confirm that it will go forward as scheduled.**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Notice of Hearing in Oil and Gas Docket No. **OG-20-00002358** was served on each of the persons named below by depositing same in the United States Mail, Inter-Agency Mail, or Inter-Agency E-Mail, as follows:

STEWARD ENERGY II, LLC  
2600 N DALLAS PKWY STE 400  
FRISCO, TX 75034

RILEY PERMIAN OPERATING CO, LLC  
29 E RENO AVE STE 500  
OKLAHOMA CITY, OK 73104

WALSH PETROLEUM, INC.  
P.O. BOX 3528  
MIDLAND, TX 79702

JAMES M. CLARK, P.E.  
WELLINGTON CONSULTING, LLC  
1805 PALMWOOD COVE  
AUSTIN, TX 78757

LORENZO GARZA  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
*Via Intra-Agency Email*

JOE STASULLI  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
*Via Intra-Agency Email*

OLIN MACNAMARA  
GEOLOGIST  
FIELD OPERATIONS  
RRC - AUSTIN  
*Via Intra-Agency Email*

PAUL DUBOIS  
ASSISTANT DIRECTOR  
O&G DIVISION TECHNICAL PERMITTING  
RRC - AUSTIN  
*Via Intra-Agency Email*

On this the **21th** day of **May**, 2020.

***Laura Bradley***

Docket Services, Hearings Division  
Railroad Commission of Texas



# RAILROAD COMMISSION OF TEXAS

## HEARINGS DIVISION

PO Drawer 12967

Austin, TX 78711-2967

### NOTICE OF INTENT TO APPEAR AT HEARING

A Copy of this Notice of Intent to Appear at Hearing must be mailed to the Applicant and to Docket Services, P.O. Drawer 12967, Austin, TX 78711-2967. It must be received by Docket Services at least five business days in advance of the hearing date.

APPLICANT: STEWARD ENERGY II, LLC  
CASE/DOCKET NO.: OG-20-00002358  
STATUS NO.:

\_\_\_\_\_, representing \_\_\_\_\_,  
(Print Name) (Print Name)  
hereby enters this Notice of Intent to Appear at Hearing as (Check one of the referenced party status):  
\_\_\_\_ Applicant \_\_\_\_\_ Protester \_\_\_\_\_ Observer or \_\_\_\_\_ In Support of Application and states he/she  
or his/her representative will appear and participate at the hearing.

I further certify that, as of today's date, I have mailed or delivered a copy of this Notice of Intent to Appear at Hearing form to the Applicant at the address shown in the Certificate of Service.

\_\_\_\_\_  
Signature Date  
Telephone: Area Code: (\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_  
(OPTIONAL - If provided, e-mail address will become part of this public record; See TEX. GOV'T CODE § 552.137)

TIME ESTIMATE (total required for your presentation at the hearing): \_\_\_\_\_

#### ADDRESS TO WHICH NOTICE WAS SENT:

\_\_\_\_\_ Is correct \_\_\_\_\_ Is incorrect and should be corrected to:

\_\_\_\_\_  
Street City State Zip Code

#### ADDITIONAL NOTICE SHOULD BE SENT TO THE REPRESENTATIVE SHOWN BELOW:

\_\_\_\_\_  
(Print Name)  
\_\_\_\_\_  
Street City State Zip Code



# RAILROAD COMMISSION OF TEXAS

## HEARINGS DIVISION

### CONSENT TO ELECTRONIC SERVICE AND NOTIFICATION OF DOCUMENTS, RULINGS, DECISIONS, AND ORDERS

Effective September 1, 2015, Section 2001.142 (Notification of Decisions and Orders) of the Texas Government Code was amended to allow a state agency to notify each party to a contested case of any decision or order of the agency, if agreed to by the party to be notified, by electronic means sent to the current e-mail address of the party's attorney of record or of the party if the party is not represented by counsel. Tex. Gov't Code § 2001.142(a)(2).

Current rules of the Railroad Commission of Texas ("Commission") require the Commission to serve "a pleading or document" by "hand-delivering a copy to the person to be served, or by first class, certified, or registered mail, commercial delivery service, fax, email, or by such other manner as the Commission may require." Commission Practice and Procedure rules, §1.45(e)(2) and §1.45(b). According to §1.45(b)(1)(D), "Service by email may be used if the person to be served consents to be served by email pursuant to §1.27 or §1.32 of this title (relating to Parties and Authorized representatives, and Form and Content of Pleadings, respectively). If the person consents to be served by email, the person affirmatively consents to the release and disclosure of the email address. Email service is complete on the date of the email transmission. An email received after 5 p.m. local time of the recipient shall be deemed served on the following business day."

#### Completion of this form is optional

In lieu of service and notification by mail, \_\_\_\_\_ (party name or attorney) on behalf of \_\_\_\_\_ hereby agrees and consents to electronic service and notification of all documents, rulings, decisions, and orders from the Railroad Commission of Texas in Docket No. \_\_\_\_\_ by the following electronic means:

[        ] E-mail at: \_\_\_\_\_

Authorized by:

\_\_\_\_\_ (signature)

\_\_\_\_\_ (print name)

\_\_\_\_\_ (firm)

By requesting electronic service, all orders, proposals for decision, and other documents and communications to me in this docket will be provided to me by e-mail at the address set forth above. I will no longer receive paper copies of any documents in this docket. I also understand and agree that it is my responsibility to inform Docket Services and other parties of any changes to my e-mail address. By accepting the terms of this service my e-mail address will be shown on the service list of this docket and available to the Commission, other parties and will become part of this public record; See Tex Gov't Code §552.137. I am responsible for ensuring that my e-mail filters and settings allow the delivery of e-mails from the RRC and all other parties to this case. **If the pleading contains 10 or fewer pages including exhibits, it may be filed by fax, email, or other approved electronic transmission with the Docket Services Section.** If a party or authorized representative elects to file a pleading by email, the party or authorized representative agrees to be served by email and affirmatively consents to the release and disclosure of the email address.

RAILROAD COMMISSION OF TEXAS  
HEARINGS DIVISION

Oil and Gas Docket No. OG-20-00003153	§	XTO ENERGY INC. (OPERATOR NO. 945936)
	§	PURSUANT TO STATEWIDE RULE 32 TO FLARE GAS
	§	FOR THE WALTON TANK BATTERY AREA, WALTON,
	§	J.B. "A" (51576) LEASE, FLARE PERMIT NO. 29724,
	§	KEYSTONE (DEV-MCKEE CONS) FIELD, WINKLER
	§	COUNTY, TEXAS; DISTRICT 08
	§	
Oil and Gas Docket No. OG-20-00003154	§	XTO ENERGY INC. (OPERATOR NO. 945936)
	§	PURSUANT TO STATEWIDE RULE 32 TO FLARE GAS
	§	FOR THE WALTON TANK BATTERY AREA, WALTON,
	§	J. B. -A- (03380) LEASE, WALTON, J. B. "A" (GAS ID
	§	NO. 235271) LEASE, WELL NO. 4; AND THE WALTON,
	§	J.B. -A- (GAS ID NO. 271913) LEASE, WELL NO. 6,
	§	FLARE PERMIT NO. 29571, KEYSTONE
	§	(ELLENBURGER) FIELD, WINKLER COUNTY, TEXAS;
	§	DISTRICT 08
	§	
Oil and Gas Docket No. OG-20-00003155	§	XTO ENERGY INC. (OPERATOR NO. 945936)
	§	PURSUANT TO STATEWIDE RULE 32 TO FLARE GAS
	§	FOR THE WALTON TANK BATTERY AREA, WALTON,
	§	J. B. -F- (19871) LEASE, FLARE PERMIT NO. 29727,
	§	KEYSTONE (COLBY) FIELD, WINKLER COUNTY,
	§	TEXAS; DISTRICT 08
	§	
Oil and Gas Docket No. OG-20-00003156	§	XTO ENERGY INC. (OPERATOR NO. 945936)
	§	PURSUANT TO STATEWIDE RULE 32 TO FLARE GAS
	§	FOR THE WALTON TANK BATTERY AREA, WALTON,
	§	J. B. (16084) LEASE, WALTON, J. B. (27284) LEASE,
	§	WALTON, J. B. (51895) LEASE, AND THE WALTON,
	§	J B (GAS ID NO. 200179) LEASE, WELL NO. 95,
	§	FLARE PERMIT NO. 29564, KEYSTONE (DEV-MCKEE
	§	CONS); KEYSTONE (COLBY); KEYSTONE, SW. (SAN
	§	ANDRES); AND KEYSTONE (YATES) FIELDS,
	§	WINKLER COUNTY, TEXAS; DISTRICT 08
	§	
Oil and Gas Docket No. OG-20-00003157	§	XTO ENERGY INC. (OPERATOR NO. 945936)
	§	PURSUANT TO STATEWIDE RULE 32 TO FLARE GAS
	§	FOR THE WALTON TANK BATTERY AREA, PURE-
	§	WALTON (GAS ID NO. 272542) LEASE, WELL NO. 2-E;
	§	PURE WALTON (GAS ID NO. 139703) LEASE, WELL
	§	NO. 6-E; PURE-WALTON (GAS ID NO. 275874)
	§	LEASE, WELL NO. 4EB; PURE-WALTON (272541)
	§	LEASE, WELL NO. 3E; PURE-WALTON (275968)
	§	LEASE, WELL NO. 5E, FLARE PERMIT NO. 29570,
	§	KEYSTONE (ELLENBURGER) FIELD, WINKLER
	§	COUNTY, TEXAS; DISTRICT 08
	§	
Oil and Gas Docket No. OG-20-00003158	§	XTO ENERGY INC. (OPERATOR NO. 945936)
	§	PURSUANT TO STATEWIDE RULE 32 TO FLARE GAS
	§	FOR THE WALTON TANK BATTERY AREA, WALTON,
	§	J. B. (03375) LEASE; WALTON, J. B. (GAS ID NO.
	§	271532) LEASE, WELL NO. 25; AND THE WALTON, J.
	§	B. (GAS ID NO. 243278) LEASE, WELL NO. 24, FLARE
	§	PERMIT NO. 29725, KEYSTONE (ELLENBURGER)
	§	FIELD, WINKLER COUNTY, TEXAS; DISTRICT 08

Oil and Gas Docket No. OG-20-00003159	<p>§ XTO ENERGY INC. (OPERATOR NO. 945936)</p> <p>§ PURSUANT TO STATEWIDE RULE 32 TO FLARE GAS</p> <p>§ FOR THE WALTON TANK BATTERY AREA, PURE-</p> <p>§ WALTON (03361) LEASE AND THE PURE-WALTON</p> <p>§ (GAS ID NO 279343) LEASE, WELL NO. 14E, FLARE</p> <p>§ PERMIT NO. 29567, KEYSTONE (ELLENBURGER)</p> <p>§ FIELD, WINKLER COUNTY, TEXAS; DISTRICT 08</p>
Oil and Gas Docket No. OG-20-00003160	<p>§ XTO ENERGY INC. (OPERATOR NO. 945936)</p> <p>§ PURSUANT TO STATEWIDE RULE 32 TO FLARE GAS</p> <p>§ FOR THE WALTON TANK BATTERY AREA, WALTON,</p> <p>§ J. B., -C- (15164) LEASE, FLARE PERMIT NO. 29723,</p> <p>§ KEYSTONE (SAN ANDRES) FIELD, WINKLER</p> <p>§ COUNTY, TEXAS; DISTRICT 08</p>
Oil and Gas Docket No. OG-20-00003161	<p>§ XTO ENERGY INC. (OPERATOR NO. 945936)</p> <p>§ PURSUANT TO STATEWIDE RULE 32 TO FLARE GAS</p> <p>§ FOR THE WALTON TANK BATTERY AREA, WALTON,</p> <p>§ J. B. (GAS ID NO. 234144) LEASE, WELL NO. 10;</p> <p>§ WALTON, J. B. (GAS ID NO. 243280) LEASE, WELL</p> <p>§ NO. 12; WALTON, J. B. (GAS ID NO. 155378) LEASE,</p> <p>§ WELL NO. 15; WALTON, J. B. (GAS ID NO. 234145)</p> <p>§ LEASE, WELL NO. 20; WALTON, J. B. (GAS ID NO.</p> <p>§ 272543) LEASE, WELL NO. 21; WALTON, J. B. (GAS</p> <p>§ ID NO. 142748) LEASE, WELL NO. 22; WALTON, J. B.</p> <p>§ (GAS ID NO. 155836) LEASE, WELL NO. 30; WALTON,</p> <p>§ J. B. (GAS ID NO. 142752) LEASE, WELL NO. 32; AND</p> <p>§ THE WALTON, J. B. (GAS ID NO. 283647) LEASE,</p> <p>§ WELL NO. 23, FLARE PERMIT NO. 30057, KEYSTONE</p> <p>§ (ELLENBURGER) FIELD, WINKLER COUNTY, TEXAS;</p> <p>§ DISTRICT 08</p>
Oil and Gas Docket No. OG-20-00003162	<p>§ XTO ENERGY INC. (OPERATOR NO. 945936)</p> <p>§ PURSUANT TO STATEWIDE RULE 32 TO FLARE GAS</p> <p>§ FOR THE WALTON TANK BATTERY AREA, WALTON,</p> <p>§ J. B. (GAS ID NO. 153731) LEASE, WELL NO. 42, AND</p> <p>§ THE WALTON, J. B. (GAS ID NO. 235268) LEASE,</p> <p>§ WELL NO. 31, FLARE PERMIT NO. 30056, KEYSTONE</p> <p>§ (ELLENBURGER) FIELD, WINKLER COUNTY, TEXAS;</p> <p>§ DISTRICT 08</p>
Oil and Gas Docket No. OG-20-00003163	<p>§ XTO ENERGY INC. (OPERATOR NO. 945936)</p> <p>§ PURSUANT TO STATEWIDE RULE 32 TO FLARE GAS</p> <p>§ FOR THE WALTON TANK BATTERY AREA, PURE-</p> <p>§ WALTON (03272) LEASE, FLARE PERMIT NO. 30058,</p> <p>§ KEYSTONE (COLBY) FIELD, WINKLER COUNTY,</p> <p>§ TEXAS; DISTRICT 08</p>

Oil and Gas Docket No. OG-20-00003181 § XTO ENERGY INC. (OPERATOR NO. 945936)  
 § PURSUANT TO STATEWIDE RULE 32 TO FLARE GAS  
 § FOR THE WINDHAM SOUTH TANK BATTERY;  
 § MCELROY RANCH B (18402) LEASE; WINDHAM, R.S.  
 § B (18738) LEASE, WINDHAM, R.S. (18917) LEASE;  
 § MCELROY RANCH G (19021) LEASE; WINDHAM, R.  
 § S. 118 (GAS ID NO. 226024) LEASE, WELL NO. 26H;  
 § WINDHAM, R.S. (GAS ID NO. 240773) LEASE, WELL  
 § NO. 27H; MCELROY RANCH CO. (GAS ID NO.  
 § 242352) LEASE, WELL NO. 15H; MCELROY RANCH  
 § CO. (GAS ID NO. 250817) LEASE, WELL NO. 60H ;  
 § COMMINGLING PERMIT NO. 7C-5632, FLARE  
 § PERMIT NO. 39189, SPRABERRY (TREND AREA)  
 § AND WILSHIRE (CONSOLIDATED) FIELDS, UPTON  
 May 21, 2020 § COUNTY, TEXAS; DISTRICT 7C

## **JOINT NOTICE OF HEARING**

**Date, Location, and Place of Hearing-** Notice is hereby given that a public hearing will be held at **9:00 a.m. on Friday, June 5, 2020**, at the offices of the Railroad Commission of Texas (Commission) located in the William B. Travis State Office Building, at 1701 N. Congress Avenue, Austin, Texas, in a room number to be posted on the bulletin board in the first-floor lobby. If the hearing is not concluded on the day it commences, it will be continued from day to day until concluded.

**If you are planning to attend the hearing, please be aware of changes to traffic patterns and the availability of metered parking in the area due to the Capitol Complex Construction project. There is limited metered parking in the capitol complex area. You may find paid parking at the Bob Bullock Museum across the street from the William B. Travis State Office Building or there is also a Capitol Visitors Parking Garage at 1201 San Jacinto Blvd. For access to the building, you can enter through the ground level from Brazos St. You may want to consider the additional time for parking and entering the building. Map and additional information is available on the RRC website at <https://www.rrc.texas.gov/about-us/organization-activities/visiting-the-railroad-commission-in-the-william-b-travis-state-office-building/>.**

**Purpose of Hearing-** The purpose of the hearing is to allow the parties to present evidence and consider all issues of fact and law raised in or relevant to the Application. The issues that may be addressed at the hearing include, but are not limited to, the following:

1. A statement of the matters asserted and the nature of the Applicant's hearing request is in the attached Appendix A.
2. Any other issues raised in the pleadings, evidence, or argument that are necessary for the Commission to render a final decision on the merits of this case.

**Failure to Appear- All parties, protestants or persons intending to participate at the hearing must attend the hearing.** Failure to appear at any prehearing conference or the hearing in this case may result in **dismissal of that party's claim or protest**, or default against that party/protestant and claims. See, e.g., Tex. Gov't Code § 2001.056, 16 Tex. Admin. Code § 1.107.

**Appearance at Hearing-** All persons or parties supporting, opposing or protesting this Application and intending to participate in the hearing must complete and file with Docket Services the enclosed Notice of Intent to Appear at Hearing Protest form at least **five business days** prior to the hearing date in this



Notice of Hearing. **This form is required even if a prior written response was submitted to the previously issued "Notice of Application."** A copy of the form should be served on the Applicant and any other parties of record.

**Legal Authority and Jurisdiction-** The Commission has jurisdiction over Applicant and over the matters at issue in this proceeding pursuant to Tex. Nat. Res. Code title 3, subtitles A, B and C, Tex. Water Code chapters 26, 27 and 29, and Tex. Gov't Code chapter 2001.

**Particular Statutes and Rules Involved-** The statutes and rules applicable to this proceeding include but are not limited to the following:

- Tex. Nat. Res. Code, title 3, subtitles A, B and C;
- Commission rules in 16 Tex. Admin. Code chapters 1 and 3;
- Tex. Water Code chapters 26, 27 and 29; and
- Statutes and rules referenced in Appendix A, if any, of this Notice of Hearing.

**Continuance of Hearing-** Any request for continuance of this hearing must be filed in Docket Services **no later than five business days prior to the hearing date.** Copies of such request must be served to all parties shown on the service list. 16 Tex. Admin. Code § 1.45(a)(1).

**Ex parte Communications Prohibited-** Ex parte communications (e.g. phone calls and emails) with the examiners and Commissioners are prohibited. Tex. Gov't Code § 2001.061, 16 Tex. Admin. Code § 1.7.

**Written Transcript of the Hearing-** **If a case is protested or becomes protested, the party requesting commission action in this case will need to obtain a court reporter no later than 21 days before the hearing.** Typically, this would include the applicant, complainant, and similarly situated parties in other types of cases. See 16 Tex. Admin. Code § 1.111. If an examiner or party requests a written transcript, the Commission may assess the cost to one or more parties. This includes paying the court reporter's fees for the preparation of the original transcript for the Commission's official records and one copy for use by the examiners in preparing their written recommendation. To obtain a court reporter, contact Dave Howard & Associates Court Reporters at 512-282-0313 or [dave@howardreporters.com](mailto:dave@howardreporters.com).

**Hearing Exhibits-** All exhibits must be clearly marked and submitted in duplicate. If a party wants to offer an exhibit admitted in a prior proceeding, the party must provide a properly identified copy as an exhibit for the record in this proceeding. Additionally, if a court reporter is used, a copy of all exhibits must be given to the court reporter at the time of the hearing.

**Auxiliary Aids or Services for Persons with a Disability-** Any individual with a disability who needs auxiliary aids and services to have an equal opportunity to effectively communicate and participate in the hearing must request such aids or services at least two weeks prior to the hearing by notifying the Commission's Docket Services by mail at P. O. Box 12967, Austin, Texas 78711-2967 or by telephone at (512) 463-6848 or TDD No. (800) 735-2989.

**Audio/Visual Computer Presentations-** All requests for setting up a presentation need to be made in writing no less than three business days prior to the hearing date. Please contact Docket Services to complete a Presentation Setup Help Desk Questionnaire Form.

**Service List-** The Applicant shall review this Notice of Hearing and the attached Certificate of Service for accuracy and completeness and shall immediately notify Docket Services of any discrepancy or omission.

**APPENDIX A**

**Oil and Gas Docket No. OG-20-00003153** - This hearing is held to consider the application of XTO Energy Inc. for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Walton Tank Battery Area, J.B. -A- (51576) Lease, Flare Permit No. 29724, Keystone (Dev-McKee Cons) Field, Winkler County, Texas; District 08

**Oil and Gas Docket No. OG-20-00003154** - This hearing is held to consider the application of XTO Energy Inc. for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Walton Tank Battery Area, J. B. -A- (03380) Lease, Walton J. B. "A" (Gas ID No. 235271) Lease, Well No. 4; and The Walton, J.B. -A- (Gas ID No. 271913) Lease, Well No. 6, Flare Permit No. 29571, Keystone (Ellenburger) Field, Winkler County, Texas; District 08

**Oil and Gas Docket No. OG-20-00003155** - This hearing is held to consider the application of XTO Energy Inc. for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Walton Tank Battery Area, Walton, J. B. -F- (19871) Lease, Flare Permit No. 29727, Keystone (Colby) Field, Winkler County, Texas; District 08

**Oil and Gas Docket No. OG-20-00003156** - This hearing is held to consider the application of XTO Energy Inc. for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Walton Tank Battery Area, Walton, J. B. (16084) Lease, Walton, J. B. (272784) Lease, Walton, J. B. (51895) Lease, and the Walton, J B (Gas ID No. 200179) Lease, Well No. 95, Flare Permit No. 29564, Keystone (Dev-McKee Cons); Keystone (Colby); Keystone, SW. (San Andres); and Keystone (Yates) Fields, Winkler County, Texas; District 08

**Oil and Gas Docket No. OG-20-00003157** - This hearing is held to consider the application of XTO Energy Inc. for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Walton Tank Battery Area, Pure-Walton (Gas ID No. 272542) Lease, Well No. 2-E; Pure Walton (Gas ID No. 139703) Lease, Well No. 6-E; Pure-Walton (Gas ID No. 275874) Lease, Well No. 4EB; Pure-Walton (272541) Lease, Well No. 3E; Pure-Walton (275968) Lease, Well No. 5E, Flare Permit No. 29570, Keystone (Ellenburger) Field, Winkler County, Texas; District 08

**Oil and Gas Docket No. OG-20-00003158** - This hearing is held to consider the application of XTO Energy Inc. for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Walton Tank Battery Area, Walton, J. B. (03375) Lease, Walton, J. B. (Gas ID No. 271532) Lease, Well No. 25; and the Walton, J. B. (Gas ID No. 243278) Lease, Well No. 24, Flare Permit No. 29725, Keystone (Ellenburger) Field, Winkler County, Texas; District 08

**Oil and Gas Docket No. OG-20-00003159** - This hearing is held to consider the application of XTO Energy Inc. for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Walton Tank Battery Area, Pure-Walton (03361) Lease and the Pure-Walton (Gas ID No. 279343) Lease, Well No. 14E, Flare Permit No. 29567, Keystone (Ellenburger) Field, Winkler County, Texas; District 08

**Oil and Gas Docket No. OG-20-00003160** - This hearing is held to consider the application of XTO Energy Inc. for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Walton Tank Battery Area, Walton, J. B. -C- (15164) Lease, Flare Permit No. 29723, Keystone (San Andres) Field, Winkler County, Texas; District 08

**Oil and Gas Docket No. OG-20-00003161** - This hearing is held to consider the application of XTO Energy Inc. for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Walton Tank Battery Area, Walton, J. B. (Gas ID No. 234144) Lease, Well No. 10; Walton, J. B. (Gas ID No. 243280) Lease, Well No. 12; Walton, J. B. (Gas ID No. 155378) Lease, Well No. 15; Walton, J. B. (Gas ID No. 234145) Lease, Well No. 20; Walton, J. B. (Gas ID No. 272543) Lease, Well No. 21; Walton, J. B. (Gas ID No. 142748) Lease, Well No. 22; Walton, J. B. (Gas ID No. 155836) Lease, Well No. 30; Walton, J. B. (Gas ID No. 142752) Lease, Well No. 32; and the Walton, J. B. (Gas ID No. 283647) Lease, Well No. 23, Flare Permit No. 30057, Keystone (Ellenburger) Field, Winkler County, Texas; District 08

**Oil and Gas Docket No. OG-20-00003162** - This hearing is held to consider the application of XTO Energy Inc. for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Walton Tank Battery Area, Walton, J. B. (Gas ID No. 153731) Lease, Well No. 42, and the Walton, J. B. (Gas ID No. 235268) Lease, Well No. 31, Flare Permit No. 30056, Keystone (Ellenburger) Field, Winkler County, Texas; District 08

**Oil and Gas Docket No. OG-20-00003163** - This hearing is held to consider the application of XTO Energy Inc. for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Walton Tank Battery Area, Pure-Walton (03272) Lease, Flare Permit No. 30058, Keystone (Colby) Field, Winkler County, Texas; District 08

**Oil and Gas Docket No. OG-20-00003181** - This hearing is held to consider the application of XTO Energy Inc. for an Exception to Statewide Rule 32 (16 Tex. Admin. Code § 3.32), relating to the flaring of gas, for the Windham South Tank Battery; McElroy Ranch B (18402) Lease; Windham, R.S. B (18738) Lease; Windham, R.S. (18917) Lease; McElroy Ranch G (19021) Lease; Windham, R. S. 118 (Gas ID No. 226024) Lease, Well No. 26H; Windham, R.S. (Gas ID No. 240773) Lease, Well No. 27H; McElroy Ranch Co. (Gas ID No. 242352) Lease, Well No. 15H; McElroy Ranch Co. (Gas ID No. 250817) Lease, Well No. 60H; Commingling Permit No. 7C-5632, Flare Permit No. 39189, Spraberry (Trend Area) and Wilshire (Consolidated) Fields, Upton County, Texas; District 7C

If you have questions regarding this Application, please contact the Applicant's representative, Dale Miller, at (512) 478-3456. If you have any questions regarding the hearing procedure, please contact Docket Services at (512) 463-6848 or at Room 12-123. Additional information about the hearing process can be found at [www.rrc.texas.gov/hearings](http://www.rrc.texas.gov/hearings).

Pursuant to the Amended COVID-19 Emergency Response Order issued by the Director of the Hearings Division on March 23, 2020, the assigned Administrative Law Judge **MAY ORDER THAT THE MATTER NOTICED HEREIN BE CONDUCTED REMOTELY BY TELEPHONE OR VIDEO CONFERENCE**. Such order will be transmitted to the parties within a reasonable time prior to the matter noticed herein and will specify procedures for the pre-filing of evidence and participation in the hearing. If the persons noticed herein know of any reason or reasons why this matter must be held in person, please submit a written response to the Hearings Division **within 10 days of the date of this notice**.

Additionally, it is required that the enclosed Notice of Intent to Appear (or a copy thereof) be filed by each party for this case not later than five days prior to the matter noticed herein. Failure to do so by the applicant or complainant **may lead to the hearing being canceled**. In protested matters, failure by a protestant to timely file a Notice of Intent to Appear **may result in dismissal of the protest**.

To access the Commission's Statewide Rules, start from the Commission's Home Page, click on "General Counsel" (upper right side of page) and follow the path: Rules, Current Rules, T.A.C. Chapter 3, Rule Number.

**Check the Weekly Hearing Schedule on the Commission website at: <http://www.rrc.texas.gov/hearings/hearing-schedules/> the day prior to the hearing to confirm that it will go forward as scheduled.**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Notice of Hearing in Oil and Gas Docket Nos. **OG-20-00003153 et al** was served on each of the persons named below by depositing same in the United States Mail, Inter-Agency Mail, or Inter-Agency E-Mail, as follows:

XTO ENERGY INC.  
ATTN: PATTY URIAS  
6401 HOLIDAY HILL RD #5  
MIDLAND, TX 79707-2156

APACHE CORPORATION  
2000 POST OAK BLVD NO 100  
HOUSTON, TX 77056

ARCO PERMIAN  
ATTN: AMY SPANG WL 4 RM 266  
200 WESTLAKE PARK BLVD  
HOUSTON, TX 77079

BLACKBEARD OPERATING, LLC  
1751 RIVER RUN SUITE 405  
FORT WORTH, TX 76107

BP AMERICA PRODUCTION COMPANY  
ATTN: JEANINE HALLER-PISKURICH  
15377 MEMORIAL DRIVE  
HOUSTON, TX 77079

BREITBURN OPERATING L.P.  
ATTN: REGULATORY DEPT  
1111 BAGBY STREET STE 1600  
HOUSTON, TX 77002

BURLINGTON RESOURCES O & G CO LP  
ATTN CHARLENE WINSTON  
P O BOX 2197  
HOUSTON, TX 77252

CHEVRON U. S. A. INC.  
6301 DEAUVILLE BLVD  
MIDLAND, TX 79706

COG OPERATING LLC  
600 W ILLINOIS AVE  
MIDLAND, TX 79701

DIXILYN CORP.  
BOX 14067  
HOUSTON, TX 77021

ENCANA OIL & GAS(USA) INC.  
370 17TH STREET STE 1700  
DENVER, CO 80202

ENDEAVOR ENERGY RESOURCES L.P.  
110 N MARIENFELD ST SUITE 200  
MIDLAND, TX 79701

EOG RESOURCES, INC.  
ATTN: TIM VOGLER  
PO BOX 4362  
HOUSTON, TX 77210-4362

EXXON CORP.  
P O BOX 4358  
HOUSTON, TX 77210-4358

EXXON CO., U.S.A.  
P O BOX 2180  
HOUSTON, TX 77252-2180

EXXONMOBIL  
OIL CORPORATION  
ATTN: THOMAS DEAN  
P O BOX 3311  
BEAUMONT, TX 77704

FULFER OIL AND CATTLE CO.  
ATTN: DEBBIE MCKELVEY  
PO BOX 1224  
JAL, NM 88252

GOLDEN, MARTY JOE  
3400 E HWY 158  
MIDLAND, TX 79706

GULF OIL CORP.  
P.O. BOX 2100  
HOUSTON, TX 77252

KAISER-FRANCIS  
OIL COMPANY  
ATTN: PROD DEPT  
PO BOX 21468  
TULSA, OK 74121-1468

MECO IV, LLC  
1200 17TH STREET SUITE 975  
DENVER, CO 80202

PALADIN PETROLEUM III, L.L.C.  
3660 STONERIDGE RD BLDG A 101  
AUSTIN, TX 78746

REIN PUSHER OPERATING LLC  
PO BOX 604  
BRENHAM, TX 77834

SABRE OPERATING, INC.  
P O BOX 4848  
WICHITA FALLS, TX 76308-848

SHENANDOAH OIL, INC. (I)  
P O BOX 50982  
MIDLAND, TX 79710

SIMPSON & RIDLEY  
BOX 1142  
ODESSA, TX 79760

STOUT ENERGY INC.  
P O BOX 7434  
MIDLAND, TX 79708-7434

GROSS & NELSON ATTORNEYS  
ATTN: MR DAVID GROSS  
12400 HIGHWAY 71 WEST SUITE 350-230  
AUSTIN, TX 78738

SOUTHWEST ROYALTIES, INC.  
P O BOX 53570  
MIDLAND, TX 79701-3570

SUMMIT PETROLEUM LLC  
550 W TEXAS AVE STE 700  
MIDLAND, TX 79701

THOMPSON, J. CLEO  
325 N SAINT PAUL SUITE 4300  
DALLAS, TX 75201

WALSH & WATTS, INC.  
500 WEST 7TH ST STE 1007  
FORT WORTH, TX 76102

WILDHORSE OPERATING COMPANY  
P O BOX 1604  
ARDMORE, OK 73402

MILLER CONSULTING INC.  
ATTN: MR. DALE MILLER  
1000 WEST AVE  
AUSTIN, TX 78701-2019

LORENZO GARZA  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

JOE STASULLI  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

OLIN MACNAMARA  
GEOLOGIST  
FIELD OPERATIONS  
RRC – AUSTIN  
***Via Intra-Agency Email***

PAUL DUBOIS  
ASSISTANT DIRECTOR  
O&G DIVISION TECHNICAL PERMITTING  
RRC - AUSTIN  
***Via Intra-Agency Email***

On this the **21st** day of **May**, 2020.

***Laura Bradley***

Docket Services, Hearings Division  
Railroad Commission of Texas

HEARINGS DIVISION  
PO Drawer 12967  
Austin, TX 78711-2967

NOTICE OF INTENT TO APPEAR AT HEARING

A Copy of this Notice of Intent to Appear at Hearing must be mailed to the Applicant and to Docket Services, P.O. Drawer 12967, Austin, TX 78711-2967. It must be received by Docket Services at least five business days in advance of the hearing date.

APPLICANT: XTO ENERGY INC. (945936)  
CASE/DOCKET NO.: OG-20-00003153 et al  
STATUS NO.:

\_\_\_\_\_, representing \_\_\_\_\_,  
(Print Name) (Print Name)  
hereby enters this Notice of Intent to Appear at Hearing as (Check one of the referenced party status):  
\_\_\_ **Applicant** \_\_\_ **Protestant** \_\_\_ **Observer** or \_\_\_ **In Support of Application** and states he/she  
or his/her representative will appear and participate at the hearing.

I further certify that, as of today's date, I have mailed or delivered a copy of this Notice of Intent to Appear at Hearing form to the Applicant at the address shown in the Certificate of Service.

\_\_\_\_\_  
Signature Date  
Telephone: Area Code: (\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_  
(OPTIONAL - If provided, e-mail address will become part of this public record; See TEX. GOV'T CODE § 552.137)

TIME ESTIMATE (total required for your presentation at the hearing): \_\_\_\_\_

ADDRESS TO WHICH NOTICE WAS SENT:

\_\_\_\_\_ Is correct \_\_\_\_\_ Is incorrect and should be corrected to:

\_\_\_\_\_  
Street City State Zip Code

ADDITIONAL NOTICE SHOULD BE SENT TO THE REPRESENTATIVE SHOWN BELOW:

\_\_\_\_\_  
(Print Name)  
\_\_\_\_\_  
Street City State Zip Code



# RAILROAD COMMISSION OF TEXAS

## HEARINGS DIVISION

### **CONSENT TO ELECTRONIC SERVICE AND NOTIFICATION OF DOCUMENTS, RULINGS, DECISIONS, AND ORDERS**

Effective September 1, 2015, Section 2001.142 (Notification of Decisions and Orders) of the Texas Government Code was amended to allow a state agency to notify each party to a contested case of any decision or order of the agency, if agreed to by the party to be notified, by electronic means sent to the current e-mail address of the party's attorney of record or of the party if the party is not represented by counsel. Tex. Gov't Code § 2001.142(a)(2).

Current rules of the Railroad Commission of Texas ("Commission") require the Commission to serve "a pleading or document" by "hand-delivering a copy to the person to be served, or by first class, certified, or registered mail, commercial delivery service, fax, email, or by such other manner as the Commission may require." Commission Practice and Procedure rules, §1.45(e)(2) and §1.45(b). According to §1.45(b)(1)(D), "Service by email may be used if the person to be served consents to be served by email pursuant to §1.27 or §1.32 of this title (relating to Parties and Authorized representatives, and Form and Content of Pleadings, respectively). If the person consents to be served by email, the person affirmatively consents to the release and disclosure of the email address. Email service is complete on the date of the email transmission. An email received after 5 p.m. local time of the recipient shall be deemed served on the following business day."

#### **Completion of this form is optional**

In lieu of service and notification by mail, \_\_\_\_\_ (party name or attorney) on behalf of \_\_\_\_\_ hereby agrees and consents to electronic service and notification of all documents, rulings, decisions, and orders from the Railroad Commission of Texas in Docket No. \_\_\_\_\_ by the following electronic means:

[        ] E-mail at: \_\_\_\_\_

Authorized by:

\_\_\_\_\_ (signature)

\_\_\_\_\_ (print name)

\_\_\_\_\_ (firm)

By requesting electronic service, all orders, proposals for decision, and other documents and communications to me in this docket will be provided to me by e-mail at the address set forth above. I will no longer receive paper copies of any documents in this docket. I also understand and agree that it is my responsibility to inform Docket Services and other parties of any changes to my e-mail address. By accepting the terms of this service my e-mail address will be shown on the service list of this docket and available to the Commission, other parties and will become part of this public record; See Tex Gov't Code §552.137. I am responsible for ensuring that my e-mail filters and settings allow the delivery of e-mails from the RRC and all other parties to this case. **If the pleading contains 10 or fewer pages including exhibits, it may be filed by fax, email, or other approved electronic transmission with the Docket Services Section.** If a party or authorized representative elects to file a pleading by email, the party or authorized representative agrees to be served by email and affirmatively consents to the release and disclosure of the email address.



RAILROAD COMMISSION OF TEXAS  
HEARINGS DIVISION

Oil and Gas Docket No. 08-0326272

§ APPLICATION OF DIAMONDBACK E&P LLC  
§ (217012) FOR A NEW FIELD DESIGNATION  
§ AND TEMPORARY FIELD RULES FOR THE  
§ PROPOSED PEART (BARNETT) FIELD, ECTOR  
§ COUNTY, TEXAS

May 22, 2020

**NOTICE OF HEARING**

**Date, Location, and Place of Hearing-** Notice is hereby given that a public hearing will be held at **1:30 p.m. on Wednesday, June 24, 2020**, at the offices of the Railroad Commission of Texas (Commission) located in the William B. Travis State Office Building, at 1701 N. Congress Avenue, Austin, Texas, in a room number to be posted on the bulletin board in the first-floor lobby. If the hearing is not concluded on the day it commences, it will be continued from day to day until concluded.

**If you are planning to attend the hearing, please be aware of changes to traffic patterns and the availability of metered parking in the area due to the Capitol Complex Construction project. There is limited metered parking in the capitol complex area. You may find paid parking at the Bob Bullock Museum across the street from the William B. Travis State Office Building or there is also a Capitol Visitors Parking Garage at 1201 San Jacinto Blvd. For access to the building, you can enter through the ground level from Brazos St. You may want to consider the additional time for parking and entering the building. Map and additional information is available on the RRC website at <https://www.rrc.texas.gov/about-us/organization-activities/visiting-the-railroad-commission-in-the-william-b-travis-state-office-building/>.**

**Purpose of Hearing-** The purpose of the hearing is to allow the parties to present evidence and consider all issues of fact and law raised in or relevant to the Application. The issues that may be addressed at the hearing include, but are not limited to, the following:

1. A statement of the matters asserted, and the nature of the Applicant's hearing request is in the attached Appendix A.
2. Any other issues raised in the pleadings, evidence, or argument that are necessary for the Commission to render a final decision on the merits of this case.

**Failure to Appear- All parties, protestants or persons intending to participate at the hearing must attend the hearing.** Failure to appear at any prehearing conference or the hearing in this case may result in **dismissal of that party's claim or protest**, or default against that party/protestant and claims. See, e.g., Tex. Gov't Code § 2001.056, 16 Tex. Admin. Code § 1.107.

**Appearance at Hearing-** All persons or parties supporting, opposing or protesting this Application and intending to participate in the hearing must complete and file with Docket Services the enclosed Notice of Intent to Appear at Hearing Protest form at least **five business days** prior to the hearing date in this Notice of Hearing. **This form is required even if a prior written response was submitted to the previously issued "Notice of Application."** A copy of the form should be served on the Applicant and any other parties of record.

**Legal Authority and Jurisdiction-** The Commission has jurisdiction over Applicant and over the matters at issue in this proceeding pursuant to Tex. Nat. Res. Code title 3, subtitles A, B and C, Tex. Water Code chapters 26, 27 and 29, and Tex. Gov't Code chapter 2001.

**Particular Statutes and Rules Involved-** The statutes and rules applicable to this proceeding include but are not limited to the following:

- Tex. Nat. Res. Code, title 3, subtitles A, B and C;
- Commission rules in 16 Tex. Admin. Code chapters 1 and 3;
- Tex. Water Code chapters 26, 27 and 29; and
- Statutes and rules referenced in Appendix A, if any, of this Notice of Hearing.

**Continuance of Hearing-** Any request for continuance of this hearing must be filed in Docket Services **no later than five business days prior to the hearing date**. Copies of such request must be served to all parties shown on the service list. 16 Tex. Admin. Code § 1.45(a)(1).

**Ex parte Communications Prohibited-** Ex parte communications (e.g. phone calls and emails) with the examiners and Commissioners are prohibited. Tex. Gov't Code § 2001.061, 16 Tex. Admin. Code § 1.7.

**Written Transcript of the Hearing- If a case is protested or becomes protested, the party requesting commission action in this case will need to obtain a court reporter no later than 21 days before the hearing.** Typically, this would include the applicant, complainant, and similarly situated parties in other types of cases. See 16 Tex. Admin. Code § 1.111. If an examiner or party requests a written transcript, the Commission may assess the cost to one or more parties. This includes paying the court reporter's fees for the preparation of the original transcript for the Commission's official records and one copy for use by the examiners in preparing their written recommendation. To obtain a court reporter, contact Dave Howard & Associates Court Reporters at 512-282-0313 or [dave@howardreporters.com](mailto:dave@howardreporters.com).

**Hearing Exhibits-** All exhibits must be clearly marked and submitted in duplicate. If a party wants to offer an exhibit admitted in a prior proceeding, the party must provide a properly identified copy as an exhibit for the record in this proceeding. Additionally, if a court reporter is used, a copy of all exhibits must be given to the court reporter at the time of the hearing.

**Auxiliary Aids or Services for Persons with a Disability-** Any individual with a disability who needs auxiliary aids and services to have an equal opportunity to effectively communicate and participate in the hearing must request such aids or services at least two weeks prior to the hearing by notifying the Commission's Docket Services by mail at P. O. Box 12967, Austin, Texas 78711-2967 or by telephone at (512) 463-6848 or TDD No. (800) 735-2989.

**Audio/Visual Computer Presentations-** All requests for setting up a presentation need to be made in writing no less than three business days prior to the hearing date. Please contact Docket Services to complete a Presentation Setup Help Desk Questionnaire Form.

**Service List-** The Applicant shall review this Notice of Hearing and the attached Certificate of Service for accuracy and completeness and shall immediately notify Docket Services of any discrepancy or omission.

**APPENDIX A**

- RULE 1:** The entire correlative interval from 10,457 feet to 10,986 feet as shown on the log of the Edwards1-A (API No. 42-135-33263) Ector, County, Texas shall be designated as a single reservoir for proration purposes and be designated as the Peart (Barnett) Field.
- RULE 2:** No well for oil or gas shall hereafter be drilled nearer than THREE HUNDRED AND THIRTY (330) feet to any property line, lease line, or subdivision line. There is no minimum between well spacing requirement. The aforementioned distances in the above rule are minimum distances to allow an operator flexibility in locating a well; and the above spacing rule and the other rules to follow are for the purpose of permitting only one well to each drilling and proration unit. Provided however, that the Commission will grant exceptions to permit drilling within shorter distances and drilling more wells than herein prescribed, whenever the Commission shall have determined that such exceptions are necessary either to prevent waste or to prevent the confiscation of property. When exception to these rules is desired, application therefore shall be filed and will be acted upon in accordance with the provisions of Commission Statewide Rules 37 and 38, which applicable provisions of said rules are incorporated herein by reference.
- In applying this rule, the general order of the Commission with relation to the subdivision of property shall be observed.

Provided, however, that for purposes of spacing for horizontal wells, the following shall apply:

- a. A take point in a horizontal drainhole well is any point along a horizontal drainhole where oil and/or gas can be produced into the wellbore from the reservoir/field interval. The first take point may be at a different location than the penetration point and the last take point may be at a location different than the terminus point.
- b. No horizontal drainhole well for oil or gas shall hereafter be drilled such that the first and last take points are nearer than ONE HUNDRED (100) feet to any property line, lease line or subdivision line.
- c. For each horizontal drainhole well, the perpendicular distance from any take point on such horizontal drainhole between the first take point and the last take point to any point on any property line, lease line, or subdivision line shall be a minimum of THREE HUNDRED AND THIRTY (330) feet.

In addition to the penetration point and the terminus of the wellbore required to be identified on the drilling permit application (Form W-1H) and plat, the first and last take points must also be identified on the drilling permit application (remarks section) and plat. Operators shall file an as-drilled plat showing the path, penetration point, terminus and the first and last take points of all drainholes in horizontal wells, regardless of allocation formula.

If the applicant has represented in the drilling application that there will be one or more no perf zones or "NPZs" (portions of the wellbore within the field interval without take points), then the as-drilled plat filed after completion of the well shall be certified by a person with knowledge of the facts pertinent to the application that the plat is accurately drawn to scale and correctly reflects all pertinent and required data. In addition to the standard required data, the certified plat shall include the as-drilled track of the wellbore, the location of each take point on the wellbore, the boundaries

of any wholly or partially unleased tracts within a Rule 37 distance of the wellbore, and notations of the shortest distance from each wholly or partially unleased tract within a Rule 37 distance of the wellbore to the nearest take point on the wellbore.

A properly permitted horizontal drainhole will be considered to be in compliance with the spacing rules set forth herein if the as-drilled location falls within a rectangle established as follows:

- a. Two sides of the rectangle are parallel to the permitted drainhole and 50 feet on either side of the drainhole;
- b. The other two sides of the rectangle are perpendicular to the sides described in (a) above, with one of those sides passing through the first take point and the other side passing through the last take point.

Any point of a horizontal drainhole outside of the described rectangle must conform to the permitted distance of the property line, lease line or subdivision line measured perpendicular from the wellbore.

For any well permitted in this field, the penetration point need not be located on the same lease, pooled unit or unitized tract on which the well is permitted and may be located on an Offsite Tract. When the penetration point is located on such Offsite Tract, the applicant for such a drilling permit must give 14 days' notice by certified mail, return receipt requested to the mineral owners of the Offsite Tract. For the purposes of this rule, the mineral owners of the Offsite Tract are (1) the designated operator; (2) all lessees of record for the Offsite Tract where there is no designated operator; and (3) all owners of unleased mineral interests where there is no designated operator or lessee. In providing such notice, applicant must provide the mineral owners of the Offsite Tract with a plat clearly depicting the projected path of the entire wellbore, the operator name, lease name, well name, the field the proposed wellbore will be located, and contact information for the applicant in the event of an objection. The notice by the operator must also inform the mineral owner of the following: i) the deadline to file an objection to the Commission in writing at [drillingpermits-info@rrc.texas.gov](mailto:drillingpermits-info@rrc.texas.gov) (or successor email address) is 14 days from the receipt of the application and must include the operator name, lease name, well number, and field name; ii) the objection must also be provided to applicant no later than the following day after an objection is filed with the Commission; and iii) failure to timely or properly object will result in the application being approved administratively by the Commission without a hearing. In the event the applicant is unable, after due diligence, to locate the whereabouts of any person to whom notice is required by this rule, the applicant must publish notice of this application pursuant to the Commission's Rules of Practice and Procedure. It is the responsibility of the applicant to provide the Commission with the deadline for a mineral owner to object to the proposed Offsite Tract penetration point. Any permit issued by the Commission prior to the expiration of the objection deadline is void, unless an objection is not timely filed by a mineral owner.

An objection by a mineral owner to the proposed location of the penetration point on an Offsite Tract must be in writing and filed with the Commission at [drillingpermits-info@rrc.texas.gov](mailto:drillingpermits-info@rrc.texas.gov) (or successor email address) within 14 days of the receipt of the certified mail drilling permit application. The written objection must include the operator name, lease name, well number, and field the wellbore will be located. The mineral owner must also provide the applicant a copy of the objection letter no later than the following day of filing with the Commission. Failure of a mineral owner to file an objection with all of the information described above with the Commission or failure of a mineral owner to notify the applicant of the objection to the proposed Offsite Tract penetration point renders the objection invalid. Upon a timely objection by a mineral owner, the applicant may request a hearing to demonstrate the necessity of the location of the penetration point of the well

to prevent waste or to protect correlative rights. Notice of Offsite Tract penetration is not required if (a) written waivers of objection are received from all mineral owners of the Offsite Tract; or, (b) the applicant is the only mineral owner of the Offsite Tract. To mitigate the potential for well collisions, applicant shall promptly provide copies of any directional surveys to the parties entitled to notice under this section, upon request.

If the applicant cannot locate a mineral owner of an offsite tract to provide notice, the applicant may publish notice of the application at least once a week for two consecutive weeks in the newspaper of general circulation for the county that the proposed off lease penetration point is located. The notice should include the information that would have been provided in the certified mail notice, except for the plat. A property description of the offsite tract shall be included in the published notice. A protest must be filed with the Commission as described above with three (3) days after the last date of publication in the newspaper or the application will be approved by the Commission.

RULE 3A: The acreage assigned to the individual vertical oil for the purpose of allocating allowable oil production thereto shall be known as a proration unit. The standard drilling and proration units for a vertical oil or gas well are established hereby to be EIGHTY (80) Acres. No proration unit shall consist of more than EIGHTY (80) acres for a vertical oil well except as hereinafter provided.

Notwithstanding the above, operators may elect to assign a tolerance of not more than EIGHTY (80) acres of additional unassigned lease acreage to an oil well.

RULE 3B: The acreage assigned to the individual vertical gas well shall be known as a proration unit. The standard drilling and proration units are established hereby to be ONE HUNDRED AND SIXTY (160) acres. No proration unit shall consist of more than ONE HUNDRED AND SIXTY (160) acres except as hereinafter provided.

Notwithstanding the above, operators may elect to assign a tolerance of not more than EIGHTY (80) acres of additional unassigned lease acreage to a gas well.

RULE 3C: For purposes of acreage assignment to horizontal drainhole wells under Statewide Rule 86, the amount specified by applicable rules for a proration unit for a vertical oil well shall be Eighty (80) acres plus EIGHTY (80) acres tolerance provided in Rule 3A and for vertical gas wells shall be ONE HUNDRED AND SIXTY (160) acres plus EIGHTY (80) acres provided in Rule 3B.

There is no maximum diagonal in this field.

RULE 4: The maximum daily oil allowable for each vertical well in the subject field shall be the 1965 Yardstick Allowable and the actual allowable for an individual well shall be determined by the sum total of the two following values:

- a. Each well shall be assigned an allowable equal to the top allowable established for a well having a proration unit containing the maximum acreage authorized exclusive of tolerance acreage multiplied by 75% and by then multiplying this value by a fraction, the numerator of which is the acreage assigned to the well and the denominator of which is the maximum acreage authorized for a proration unit exclusive of tolerance acreage.
- b. Each well shall be assigned an allowable equal to 25% of the maximum daily oil allowable above.

The allowable for horizontal wells is governed by Rule 86's allowable for horizontal wells in UFT Fields. See 16 TAC 3.86(d)(5).

RULE 5: For any well in the Peart (Barnett) Field completed with a gas-oil ratio (GOR) of 4,000 cubic feet per barrel and above, the operator may elect to have such well permanently classified as a gas well without the need of further administrative review effective the date of initial completion, provided the GOR was determined by stabilized well test conducted within 180 days of well completion and in accordance with the GOR determination requirements of Commission procedures as indicated on Forms G-1, G-5 or W-2 as appropriate.

If you have questions regarding this Application, please contact the Applicant's representative, Bill Hayenga, at (512) 327-8111. If you have any questions regarding the hearing procedure, please contact Docket Services at (512) 463-6848 or at Room 12-123. Additional information about the hearing process can be found at [www.rrc.texas.gov/hearings](http://www.rrc.texas.gov/hearings).

To access the Commission's Statewide Rules, start from the Commission's Home Page, click on "General Counsel" (upper right side of page) and follow the path: Rules, Current Rules, T.A.C. Chapter 3, Rule Number.

Pursuant to the Amended COVID-19 Emergency Response Order issued by the Director of the Hearings Division on March 23, 2020, the assigned Administrative Law Judge **MAY ORDER THAT THE MATTER NOTICED HEREIN BE CONDUCTED REMOTELY BY TELEPHONE OR VIDEO CONFERENCE**. Such order will be transmitted to the parties within a reasonable time prior to the matter noticed herein and will specify procedures for the pre-filing of evidence and participation in the hearing. If the persons noticed herein know of any reason or reasons why this matter must be held in person, please submit a written response to the Hearings Division **within 10 days of the date of this notice**.

Additionally, it is required that the enclosed Notice of Intent to Appear (or a copy thereof) be filed by each party for this case not later than five days prior to the matter noticed herein. Failure to do so by the applicant or complainant **may lead to the hearing being canceled**. In protested matters, failure by a protestant to timely file a Notice of Intent to Appear **may result in dismissal of the protest**.

**Check the Weekly Hearing Schedule on the Commission website at: <http://www.rrc.texas.gov/hearings/hearing-schedules/> the day prior to the prehearing conference to confirm that it will go forward as scheduled.**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Notice of Hearing in Oil and Gas Docket No. **08-0326272** was served on each of the persons named below by depositing same in the United States Mail, Inter-Agency Mail, or Inter-Agency E-Mail, as follows:

DIAMONDBACK E&P LLC  
500 W TEXAS AVE STE 1200  
MIDLAND, TEXAS 79701-4203

ADVENTURE OPERATING COMPANY, LLC  
PO BOX 11354  
MIDLAND, TEXAS 79702

BAKER OPERATING, INC.  
700 WEST 65TH STREET  
ODESSA, TEXAS 79764

PFOG OPERATIONS, LLC  
210 N MAIN ST  
MIDLAND, TEXAS 79701

OVINTIV USA INC.  
370 17TH STREET SUITE 1700  
DENVER, COLORADO 80202

BILL HAYENGA  
MCELROY, SULLIVAN, MILLER & WEBER. LLP  
P.O. BOX 12127  
AUSTIN, TEXAS 78711

LORENZO GARZA  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

JOE STASULLI  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

OLIN MACNAMARA  
GEOLOGIST  
FIELD OPERATIONS  
RRC - AUSTIN  
***Via Intra-Agency Email***

PAUL DUBOIS  
ASSISTANT DIRECTOR  
O&G DIVISION TECHNICAL PERMITTING  
RRC - AUSTIN  
***Via Intra-Agency Email***

On this the **22<sup>nd</sup>** day of **May** 2020.

***Joseph Menefe***

Paralegal, Hearings Division  
Railroad Commission of Texas

HEARINGS DIVISION  
PO Drawer 12967  
Austin, TX 78711-2967

NOTICE OF INTENT TO APPEAR AT HEARING

A Copy of this Notice of Intent to Appear at Hearing must be mailed to the Applicant and to Docket Services, P.O. Drawer 12967, Austin, TX 78711-2967. It must be received by Docket Services at least five business days in advance of the hearing date.

APPLICANT: DIAMONDBACK E&P  
CASE/DOCKET NO.: 08-0326272  
STATUS NO.:

\_\_\_\_\_, representing \_\_\_\_\_,  
(Print Name) (Print Name)  
hereby enters this Notice of Intent to Appear at Hearing as (Check one of the referenced party status):  
\_\_\_ **Applicant** \_\_\_ **Protestant** \_\_\_ **Observer** or \_\_\_ **In Support of Application** and states he/she  
or his/her representative will appear and participate at the hearing.

I further certify that, as of today's date, I have mailed or delivered a copy of this Notice of Intent to Appear at Hearing form to the Applicant at the address shown in the Certificate of Service.

\_\_\_\_\_  
Signature Date  
Telephone: Area Code: (\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_  
(OPTIONAL - If provided, e-mail address will become part of this public record; See TEX. GOV'T CODE § 552.137)

TIME ESTIMATE (total required for your presentation at the hearing): \_\_\_\_\_

ADDRESS TO WHICH NOTICE WAS SENT:

\_\_\_\_\_ Is correct \_\_\_\_\_ Is incorrect and should be corrected to:

\_\_\_\_\_  
Street City State Zip Code

ADDITIONAL NOTICE SHOULD BE SENT TO THE REPRESENTATIVE SHOWN BELOW:

\_\_\_\_\_  
(Print Name)  
\_\_\_\_\_  
Street City State Zip Code





# RAILROAD COMMISSION OF TEXAS

## HEARINGS DIVISION

### **CONSENT TO ELECTRONIC SERVICE AND NOTIFICATION OF DOCUMENTS, RULINGS, DECISIONS, AND ORDERS**

Effective September 1, 2015, Section 2001.142 (Notification of Decisions and Orders) of the Texas Government Code was amended to allow a state agency to notify each party to a contested case of any decision or order of the agency, if agreed to by the party to be notified, by electronic means sent to the current e-mail address of the party's attorney of record or of the party if the party is not represented by counsel. Tex. Gov't Code § 2001.142(a)(2).

Current rules of the Railroad Commission of Texas ("Commission") require the Commission to serve "a pleading or document" by "hand-delivering a copy to the person to be served, or by first class, certified, or registered mail, commercial delivery service, fax, email, or by such other manner as the Commission may require." Commission Practice and Procedure rules, §1.45(e)(2) and §1.45(b). According to §1.45(b)(1)(D), "Service by email may be used if the person to be served consents to be served by email pursuant to §1.27 or §1.32 of this title (relating to Parties and Authorized representatives, and Form and Content of Pleadings, respectively). If the person consents to be served by email, the person affirmatively consents to the release and disclosure of the email address. Email service is complete on the date of the email transmission. An email received after 5 p.m. local time of the recipient shall be deemed served on the following business day."

#### **Completion of this form is optional**

In lieu of service and notification by mail, \_\_\_\_\_ (party name or attorney) on behalf of \_\_\_\_\_ hereby agrees and consents to electronic service and notification of all documents, rulings, decisions, and orders from the Railroad Commission of Texas in Docket No. \_\_\_\_\_ by the following electronic means:

[        ] E-mail at: \_\_\_\_\_

Authorized by:

\_\_\_\_\_ (signature)  
 \_\_\_\_\_ (print name)  
 \_\_\_\_\_ (firm)

By requesting electronic service, all orders, proposals for decision, and other documents and communications to me in this docket will be provided to me by e-mail at the address set forth above. I will no longer receive paper copies of any documents in this docket. I also understand and agree that it is my responsibility to inform Docket Services and other parties of any changes to my e-mail address. By accepting the terms of this service my e-mail address will be shown on the service list of this docket and available to the Commission, other parties and will become part of this public record; See Tex Gov't Code §552.137. I am responsible for ensuring that my e-mail filters and settings allow the delivery of e-mails from the RRC and all other parties to this case. **If the pleading contains 10 or fewer pages including exhibits, it may be filed by fax, email, or other approved electronic transmission with the Docket Services Section.** If a party or authorized representative elect to file a pleading by email, the party or authorized representative agrees to be served by email and affirmatively consents to the release and disclosure of the email address.

RAILROAD COMMISSION OF TEXAS  
HEARINGS DIVISION

Oil and Gas Docket No. OG-20-00003597

§ APPLICATION OF HILCORP ENERGY  
§ COMPANY (386310) TO CONSIDER  
§ AMENDING THE FIELD RULES FOR THE TOM  
§ O'CONNOR (5900 SAND) FIELD, REFUGIO  
§ COUNTY, TEXAS; DISTRICT 02

May 22, 2020

**NOTICE OF HEARING**

**Date, Location, and Place of Hearing-** Notice is hereby given that a public hearing will be held at 1:30 p.m. on **Monday, June 8, 2020**. Pursuant to the Amended COVID-19 Emergency Response Order issued by the Director of the Hearings Division on March 23, 2020, **THE MATTER NOTICED HEREIN WILL BE CONDUCTED REMOTELY BY TELEPHONE OR VIDEO CONFERENCE**. Instructions for the pre-filing of evidence and participating in the hearing remotely will be transmitted to the parties within a reasonable time prior to the matter noticed herein. If the hearing is not concluded on the day it commences, it will be continued from day to day until concluded.

**If you are planning to attend the hearing, please be aware of changes to traffic patterns and the availability of metered parking in the area due to the Capitol Complex Construction project. There is limited metered parking in the capitol complex area. You may find paid parking at the Bob Bullock Museum across the street from the William B. Travis State Office Building or there is also a Capitol Visitors Parking Garage at 1201 San Jacinto Blvd. For access to the building, you can enter through the ground level from Brazos St. You may want to consider the additional time for parking and entering the building. Map and additional information is available on the RRC website at <https://www.rrc.texas.gov/about-us/organization-activities/visiting-the-railroad-commission-in-the-william-b-travis-state-office-building/>.**

**Purpose of Hearing-** The purpose of the hearing is to allow the parties to present evidence and consider all issues of fact and law raised in or relevant to the Application. The issues that may be addressed at the hearing include, but are not limited to, the following:

1. A statement of the matters asserted and the nature of the Applicant's hearing request is in the attached Appendix A.
2. Any other issues raised in the pleadings, evidence, or argument that are necessary for the Commission to render a final decision on the merits of this case.

**Failure to Appear-** **All parties, protestants or persons intending to participate at the hearing must attend the hearing.** Failure to appear at any prehearing conference or the hearing in this case may result in **dismissal of that party's claim or protest**, or default against that party/protestant and claims. See, e.g., Tex. Gov't Code § 2001.056, 16 Tex. Admin. Code § 1.107.

**Appearance at Hearing-** All persons or parties supporting, opposing or protesting this Application and intending to participate in the hearing must complete and file with Docket Services the enclosed Notice of Intent to Appear at Hearing Protest form at least **five business days** prior to the hearing date in this Notice of Hearing. **This form is required even if a prior written response was submitted to the previously issued "Notice of Application."** A copy of the form should be served on the Applicant and any other parties of record.

**Legal Authority and Jurisdiction-** The Commission has jurisdiction over Applicant and over the matters at issue in this proceeding pursuant to Tex. Nat. Res. Code title 3, subtitles A, B and C, Tex. Water Code chapters 26, 27 and 29, and Tex. Gov't Code chapter 2001.

**Particular Statutes and Rules Involved-** The statutes and rules applicable to this proceeding include but are not limited to the following:

- Tex. Nat. Res. Code, title 3, subtitles A, B and C;
- Commission rules in 16 Tex. Admin. Code chapters 1 and 3;
- Tex. Water Code chapters 26, 27 and 29; and
- Statutes and rules referenced in Appendix A, if any, of this Notice of Hearing.

**Continuance of Hearing-** Any request for continuance of this hearing must be filed in Docket Services **no later than five business days prior to the hearing date**. Copies of such request must be served to all parties shown on the service list. 16 Tex. Admin. Code § 1.45(a)(1).

**Ex parte Communications Prohibited-** Ex parte communications (e.g. phone calls and emails) with the examiners and Commissioners are prohibited. Tex. Gov't Code § 2001.061, 16 Tex. Admin. Code § 1.7.

**Written Transcript of the Hearing- If a case is protested or becomes protested, the party requesting commission action in this case will need to obtain a court reporter no later than 21 days before the hearing.** Typically, this would include the applicant, complainant, and similarly situated parties in other types of cases. See 16 Tex. Admin. Code § 1.111. If an examiner or party requests a written transcript, the Commission may assess the cost to one or more parties. This includes paying the court reporter's fees for the preparation of the original transcript for the Commission's official records and one copy for use by the examiners in preparing their written recommendation. To obtain a court reporter, contact Dave Howard & Associates Court Reporters at 512-282-0313 or [dave@howardreporters.com](mailto:dave@howardreporters.com).

**Hearing Exhibits-** All exhibits must be clearly marked and submitted in duplicate. If a party wants to offer an exhibit admitted in a prior proceeding, the party must provide a properly identified copy as an exhibit for the record in this proceeding. Additionally, if a court reporter is used, a copy of all exhibits must be given to the court reporter at the time of the hearing.

**Auxiliary Aids or Services for Persons with a Disability-** Any individual with a disability who needs auxiliary aids and services to have an equal opportunity to effectively communicate and participate in the hearing must request such aids or services at least two weeks prior to the hearing by notifying the Commission's Docket Services by mail at P. O. Box 12967, Austin, Texas 78711-2967 or by telephone at (512) 463-6848 or TDD No. (800) 735-2989.

**Audio/Visual Computer Presentations-** All requests for setting up a presentation need to be made in writing no less than three business days prior to the hearing date. Please contact Docket Services to complete a Presentation Setup Help Desk Questionnaire Form.

**Service List-** The Applicant shall review this Notice of Hearing and the attached Certificate of Service for accuracy and completeness and shall immediately notify Docket Services of any discrepancy or omission.

## APPENDIX A

This hearing is held to consider the application of Hilcorp Energy Company, to consider amending the Field Rules for the Tom O'Connor (5900 Sand) Field, in Refugio County, Texas; District 2.

Applicant seeks the following:

**RULE 1:** No well for oil or gas shall hereafter be drilled nearer than ONE HUNDRED AND FIFTY (FIFTY) feet to any property line, lease line, or subdivision line. There is no minimum between well spacing requirement. The aforementioned distances in the above rule are minimum distances to allow an operator flexibility in locating a well; and the above spacing rule and the other rules to follow are for the purpose of permitting only one well to each drilling and proration unit. Provided however, that the Commission will grant exceptions to permit drilling within shorter distances and drilling more wells than herein prescribed, whenever the Commission shall have determined that such exceptions are necessary either to prevent waste or to prevent the confiscation of property. When an exception to these rules is desired, application therefor shall be filed and will be acted upon in accordance with the provisions of Commission Statewide Rules 37 and 38, which applicable provisions of said rules are incorporated herein by reference.

In applying this rule, the general order of the Commission with relation to the subdivision of property shall be observed.

Provided, however, that for purposes of spacing for horizontal wells, the following shall apply:

- a. No horizontal drainhole well for oil or gas shall hereafter be drilled such that the first and last take points are nearer than ONE HUNDRED (100) feet to any property line, lease line or subdivision line.
- b. For each horizontal drainhole well, the perpendicular distance from any take point on such horizontal drainhole between the first take point and the last take point to any point on any property line, lease line, or subdivision line shall be a minimum of ONE HUNDRED AND FIFTY (150) feet.

If you have questions regarding this Application, please contact the Applicant's representative, Bill Hayenga, at (512) 327-8111. If you have any questions regarding the hearing procedure, please contact Docket Services at (512) 463-6848 or at Room 12-123. Additional information about the hearing process can be found at [www.rrc.texas.gov/hearings](http://www.rrc.texas.gov/hearings).

Additionally, it is required that the enclosed Notice of Intent to Appear (or a copy thereof) be filed by each party for this case not later than five days prior to the matter noticed herein. Failure to do so by the applicant or complainant **may lead to the hearing being canceled**. In protested matters, failure by a protestant to timely file a Notice of Intent to Appear **may result in dismissal of the protest**. Persons intending to observe or participate in this matter are strongly encouraged to file the enclosed Consent to Electronic Service and Notification together with the Notice of Intent to Appear.

To access the Commission's Statewide Rules, start from the Commission's Home Page, click on "General Counsel" (upper right side of page) and follow the path: Rules, Current Rules, T.A.C. Chapter 3, Rule Number.

**Check the Weekly Hearing Schedule on the Commission website at:**

<http://www.rrc.texas.gov/hearings/hearing-schedules/> the day prior to the hearing to confirm that it will go forward as scheduled.

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Notice of Hearing in Oil and Gas Docket No. **OG-20-00003597** was served on each of the persons named below by depositing same in the United States Mail, Inter-Agency Mail, or Inter-Agency E-Mail, as follows:

HILCORP ENERGY COMPANY  
P O BOX 61229  
HOUSTON, TX 77208-1229

T-C OIL COMPANY, LLC  
427 FM 774  
REFUGIO, TX 78377

BILL HAYENGA  
FOR HILCORP ENERGY COMPANY  
PO BOX 12127  
AUSTIN TX 78711

LORENZO GARZA  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

JOE STASULLI  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

OLIN MACNAMARA  
GEOLOGIST  
FIELD OPERATIONS  
RRC - AUSTIN  
***Via Intra-Agency Email***

PAUL DUBOIS  
ASSISTANT DIRECTOR  
O&G DIVISION TECHNICAL PERMITTING  
RRC - AUSTIN  
***Via Intra-Agency Email***

On this the **22nd** day of **May**, 2020.

***Melissa Stovall***

Docket Services, Hearings Division  
Railroad Commission of Texas

HEARINGS DIVISION  
PO Drawer 12967  
Austin, TX 78711-2967

NOTICE OF INTENT TO APPEAR AT HEARING

A Copy of this Notice of Intent to Appear at Hearing must be mailed to the Applicant and to Docket Services, P.O. Drawer 12967, Austin, TX 78711-2967. It must be received by Docket Services at least five business days in advance of the hearing date.

APPLICANT: HILCORP ENERGY COMPANY (386310)  
CASE/DOCKET NO.: OG-20-00003597  
STATUS NO.:

\_\_\_\_\_, representing \_\_\_\_\_,  
(Print Name) (Print Name)  
hereby enters this Notice of Intent to Appear at Hearing as **(Check one of the referenced party status):**  
\_\_\_\_ ***Applicant*** \_\_\_\_ ***Protestant*** \_\_\_\_ ***Observer*** or \_\_\_\_ ***In Support of Application*** and states he/she  
or his/her representative will appear and participate at the hearing.

I further certify that, as of today's date, I have mailed or delivered a copy of this Notice of Intent to Appear at Hearing form to the Applicant at the address shown in the Certificate of Service.

\_\_\_\_\_  
Signature Date  
Telephone: Area Code: (\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_  
(OPTIONAL - If provided, e-mail address will become part of this public record; See TEX. GOV'T CODE § 552.137)

TIME ESTIMATE (total required for your presentation at the hearing): \_\_\_\_\_

ADDRESS TO WHICH NOTICE WAS SENT:

\_\_\_\_\_ Is correct \_\_\_\_\_ Is incorrect and should be corrected to:

\_\_\_\_\_  
Street City State Zip Code

ADDITIONAL NOTICE SHOULD BE SENT TO THE REPRESENTATIVE SHOWN BELOW:

\_\_\_\_\_  
(Print Name)  
\_\_\_\_\_  
Street City State Zip Code



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## HEARINGS DIVISION

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#### **Completion of this form is optional**

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[        ] E-mail at: \_\_\_\_\_

Authorized by:

\_\_\_\_\_ (signature)

\_\_\_\_\_ (print name)

\_\_\_\_\_ (firm)

By requesting electronic service, all orders, proposals for decision, and other documents and communications to me in this docket will be provided to me by e-mail at the address set forth above. I will no longer receive paper copies of any documents in this docket. I also understand and agree that it is my responsibility to inform Docket Services and other parties of any changes to my e-mail address. By accepting the terms of this service my e-mail address will be shown on the service list of this docket and available to the Commission, other parties and will become part of this public record; See Tex Gov't Code §552.137. I am responsible for ensuring that my e-mail filters and settings allow the delivery of e-mails from the RRC and all other parties to this case. **If the pleading contains 10 or fewer pages including exhibits, it may be filed by fax, email, or other approved electronic transmission with the Docket Services Section.** If a party or authorized representative elects to file a pleading by email, the party or authorized representative agrees to be served by email and affirmatively consents to the release and disclosure of the email address.