

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

OIL & GAS DOCKET NO. 05-0311537

SINGLE SIGNATURE P-4 FILING OF MARTIN FOREE OPERATING, LLC (OPERATOR NO. 528512) FOR THE BAKER, DANNY LEE OIL UNIT (02513) LEASE, WELL NO. 1, HORN HILL (WOODBINE) FIELD, PECOS COUNTY, TEXAS, TO CHANGE THE OPERATOR FROM AEON OPERATING, INC. (OPERATOR NO. 000834) TO MARTIN FOREE OPERATING, LLC

FINAL ORDER

The Commission finds that after notice and opportunity for hearing, the operator of the captioned lease did not respond, and the docket proceeded as a default. The proceeding having been duly submitted to the Railroad Commission of Texas at conference held in its offices in Austin, Texas, the Commission makes the following Findings of Facts and Conclusions of Law.

FINDING OF FACT

1. At least twenty days' notice was given to Aeon Operating, Inc. (Operator No. 000834), ("Aeon"), and Martin Foree Operating, LLC (Operator No. 528512), ("Martin Foree").
2. Aeon is the operator of record for the Baker, Danny Lee Oil Unit (02513) Lease, Well No. 1, Horn Hill (Woodbine) Field, Pecos County, Texas.
3. On or about May 14, 2018, Martin Foree submitted to the Commission a Form P-4 *Certificate of Compliance and Transportation Authority* requesting transfer of the Baker, Danny Lee Oil Unit (02513) Lease, Well No. 1, Horn Hill (Woodbine) Field, Pecos County, Texas, from Aeon to Martin Foree, as operator of record.
4. All Commission correspondence to Aeon was sent via United States Postal Service first-class mail to Aeon's address of record, as set forth on Aeon's most recent Form P-5 *Organization Report*.
5. All Commission correspondence to Martin Foree was sent via United States Postal Service first-class mail to Martin Foree's address of record, as set forth on Martin Foree's most recent Form P-5 *Organization Report*.
6. On or about May 23, 2018, the Administrative Law Judge requested in writing that Aeon either: (1) provide evidence that it holds a good faith claim to a continuing right to operate the referenced property; or (2) request a hearing on the matter on or before June 24, 2018. This writing expressly notified the operator that failure to timely request a hearing would constitute waiver of the opportunity to request a hearing on the matter.

7. Aeon's Form P-5 is delinquent. Aeon had a \$50,000.00 bond as its financial assurance at the time of the last Form P-5 annual renewal submission.
8. Martin Foree's Form P-5 is active. Martin Foree has a \$50,000.00 cash deposit as its financial assurance.
9. A "good faith claim" is defined in Commission Statewide Rule (15)(a)(5) as "a factually supported claim based on a recognized legal theory to a continuing possessory right in the mineral estate, such as evidence of a currently valid oil and gas lease or a recorded deed conveying a fee interest in the mineral estate."
10. No production has been reported on the subject lease since March 2011.
11. Aeon failed to reply to the Administrative Law Judge's letter dated May 23, 2018, with any documents that it holds a "good faith claim" to a continuing right to operate the subject lease and failed to timely request a hearing.
12. Aeon does not have a "good faith claim" to operate the subject lease.
13. Pursuant to TEX. GOV'T CODE §§ 2001.056 and 2001.062(e), Aeon and Martin Foree have waived the opportunity to request a hearing on the matter.
14. Martin Foree now asserts a "good faith claim" to a continuous right to operate the subject lease.
15. The Baker, Danny Lee Oil Unit (02513) Lease, Well No. 1, Horn Hill (Woodbine) Field, Pecos County, Texas, should be transferred to Martin Foree as operator of record.

CONCLUSIONS OF LAW

1. Proper notice of hearing was timely issued to appropriate persons entitled to notice.
2. All things necessary to the Commission attaining jurisdiction has occurred.
3. Resolution of this docket is a matter committed to the jurisdiction of the Commission. TEX. GOV'T CODE §§ 81.051.
4. Aeon does not have a "good faith claim" to continue to operate the Baker, Danny Lee Oil Unit (02513) Lease, Well No. 1, Horn Hill (Woodbine) Field, Pecos County, Texas.
5. Martin Foree does have a "good faith claim" to continue to operate the Baker, Danny Lee Oil Unit (02513) Lease, Well No. 1, Horn Hill (Woodbine) Field, Pecos County, Texas.

IT IS THEREFORE ORDERED that the application of Martin Foree Operating, LLC for transfer of the Form P-4 "Certificate of Compliance and Transportation Authority" is hereby **APPROVED**, subject to the provisions of TEX. NAT. RES. CODE §§ 91.1041,

91.1042, 91.107, 91.114, 91.142 and TEX. ADMIN. CODE § 3.15, 3.58, and 3.78. If after 90 days after the order becomes final, Martin Foree Operating, LLC has not met the requirements of the listed provisions, this Order shall be **VOID** and the subject Form P-4 shall be marked as *Unable to Process* and archived.

It is further **ORDERED** by the Commission that this order shall not be final and effective until 25 days after the Commission's order is signed, unless the time for filing a motion for rehearing has been extended under TEX. GOV'T CODE § 2001.142, by agreement under TEX. GOV'T CODE § 2001.147, or by written Commission Order issued pursuant to TEX. GOV'T CODE § 2001.146(e). If a timely motion for rehearing of an application is filed by any party at interest, this order shall not become final and effective until such motion is overruled, or if such motion is granted, this order shall be subject to further action by the Commission. Pursuant to TEX. GOV'T CODE § 2001.146(e), the time allotted for Commission action on a motion for rehearing in this case prior to its being overruled by operation of law is hereby extended until 100 days from the date Commission Order is signed.

All pending motions and requests for relief not previously or herein granted are denied.

Done this 21st day of August 2018, Austin, Texas.

**Railroad Commission of Texas (Order approved
and signatures affixed by Hearings Division
Unprotested Master Order dated August 21, 2018)**