

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

OIL & GAS DOCKET NO. 01-0319496

SINGLE SIGNATURE P-4 FILING BY PATTERSON ENERGY CORPORATION (OPERATOR NO. 643402) FOR THE MILLER (17899) LEASE, WELL NO. 1H, BRISCOE RANCH (EAGLEFORD) FIELD, DIMMIT COUNTY, TEXAS, TO CHANGE THE OPERATOR OF RECORD FROM GAMBIT RESOURCES, INC. (OPERATOR NO. 293427) TO PATTERSON ENERGY CORPORATION

FINAL ORDER

The Railroad Commission of Texas ("Commission" or "RRC") finds that after statutory notice and an opportunity for hearing regarding the captioned proceeding, Gambit Resources, Inc. failed to request a hearing and did not otherwise respond such that this case can proceed as a default. This proceeding having been duly submitted to the Commission at a conference held in its offices in Austin, Texas, the Commission makes the following findings of fact and conclusions of law.

Findings of Fact

1. On or about April 10, 2019, Patterson Energy Corporation ("Patterson"), RRC Operator No. 643402, filed a single-signature Form P-4 *Certificate of Compliance and Transportation Authority* (Form P-4) requesting that it be designated the Commission operator of record for the Miller (17899) Lease, Well No. 1H ("Well"). The Form P-4 did not contain the signature of the current Commission operator of record for the Well.
2. Gambit Resources, Inc. ("Gambit") (Operator No. 293427), is the current Commission operator of record for the Well.
3. In a letter dated April 23, 2019, a Commission Administrative Law Judge ("ALJ") requested in writing that Gambit 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 May 22, 2019. This letter expressly notified Gambit that failure to timely request a hearing would constitute waiver of the opportunity to request a hearing for this proceeding. The letter was sent via first-class mail to Gambit's address of record at the Commission as identified in Gambit's most recent filing of Form P-5 *Organization Report* ("Form P-5"). The letter was returned unopened to the Commission, marked "Return to Sender, Attempted - Not Known, Unable to Forward."

4. 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.” 16 Tex. Admin. Code § 3.15(a)(5).
5. Gambit failed to provide evidence that it holds a good faith claim to a continuing right to operate the Well, failed to respond to the ALJ’s April 23, 2019 letter and failed to request a hearing.
6. At least ten days’ notice of an opportunity for hearing was given to Patterson and Gambit.
7. To demonstrate its good faith claim to operate the Well, Patterson presented documentation including an oil and gas lease giving Patterson the right to operate the Well.
8. Patterson has a current Form P-5 with a \$50,000 letter of credit as its financial assurance. Patterson is currently the record operator of 61 wells. Patterson’s status at the Commission is active.
9. Gambit does not have a good faith claim to operate the Well.
10. Pursuant to Tex. Gov’t Code §§ 2001.056 and 2001.062(e), Gambit was provided an opportunity to request a hearing and failed to do so.
11. Patterson has demonstrated a good faith claim to a continuing right to operate the Well.
12. The Well should be transferred to Patterson as operator of record.

Conclusions of Law

1. Proper notice of hearing was timely issued to persons entitled to notice. *See, e.g.*, Tex. Gov’t Code § 2001.051; 16 Tex. Admin. Code §§ 1.42, 1.45.
2. The Commission has jurisdiction in this case. *See, e.g.*, Tex. Nat. Res. Code § 81.051.
3. Gambit does not have a good faith claim, as that term is defined in Statewide Rule 15(a)(5), to continue operating the Well. 16 Tex. Admin. Code § 3.15(a)(5).
4. Patterson does have a good faith claim to operate the Well

Ordering Provisions

IT IS THEREFORE ORDERED that the application of Patterson to change the RRC operator of record for the Well is **APPROVED** and Patterson's submitted Form P-4 *Certificate of Compliance and Transportation Authority* reflecting itself as the current operator for the Well 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, Patterson has not met the requirements of the listed provisions, this Final Order shall be **VOID** and the subject Form P-4 shall be marked as *Unable to Process* and archived.

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

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) and 16 Tex. Admin. Code § 1.128(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 the Commission Order is signed.

Done June 18, 2019, in Austin, Texas.

RAILROAD COMMISSION OF TEXAS

(Order approved and signatures affixed by HD
Unprotested Master Order dated June 18, 2019)

JNC/mls