Holland & Hart



Michael Feldewert

Senior Counsel

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Oil and gas companies with operations, property, or prospects in New Mexico turn to Michael for advice and strategic counsel.

Michael leverages his extensive experience with the agencies, regulations, and processes of the New Mexico Oil Conservation Division/Commission, the New Mexico State Land Office, and the Bureau of Land Management to help oil and gas clients solve issues involving oil and gas development. Michael also handles severance tax, property tax and other oil and gas development issues before New Mexico courts and administrative agencies.

EXPERIENCE

Michael has over 30 years of experience addressing questions, issues, administrative proceedings, rulemaking, regulations, and legal proceedings involving:

- Horizontal and vertical drilling, including:
  - Compulsory pooling
  - Well spacing and non-standard locations
  - Downhole and Surface Commingling
  - Unitization and Communitization
  - Drilling in the Potash Area
- Secondary and Tertiary recovery projects involving water and carbon dioxide
- Produced gas and carbon dioxide sequestration injection projects
- Oil and gas releases
- Disposal of oilfield waste
- Use and storage of produced water
- Venting and Flaring prohibitions
- Notices of Violations and Administrative penalty issues
- Oil and gas property taxes
- Oil and gas severance taxes
- New Mexico property tax and gross receipts tax obligations

CLIENT RESULTS

PRACTICES

Environmental
State and Local Tax
Environmental Litigation
Tax

INDUSTRIES

Energy and Resources
Oil and Gas
Oil and Gas Regulatory

EDUCATION

Washington University in St. Louis, J.D., 1990

Benedictine College, B.A., 1986

BAR ADMISSIONS

New Mexico

In addition to regular appearances before the state and federal administrative agencies, Michael has extensive experience handling oil and gas matters before state and federal courts, including:

Addressing oil and gas regulations for the New Mexico Oil & Gas Association. *Jalapeno Corporation v. New Mexico Oil Conservation Commission*, No. A-1-CA-37449, 2020-NMCA-[pending]; *Earthwork's v. New Mexico Oil Conservation Commission,* 2016-NMCA-055

Challenges to pooling orders issued by the New Mexico Oil Conservation Division/Commission, *Jalapeno Corporation v. New Mexico Oil Conservation Commission, and Matador Production Company*, D-101-CV-2017-00059 (Santa Fe County District Court).

Challenging property taxes, severance taxes, and processing taxes imposed on oil and gas facilities and production in New Mexico. *Leapartners v. New Mexico Taxation and Revenue Dept.,* D-101-CV-2015-02677 (summary judgment in district court); *Hess Corporation v. New Mexico Taxation and Revenue Department*, 252 P.3d 751 (N.M.App. 2011); *Blackwood & Nichols v. New Mexico Taxation and Revenue Department*, 964 P.2d 137 (N.M. App. 1998).

Addressing county ordinances restricting the development of oil and gas interests in New Mexico. *SWEPI, LP v. Mora County*, 81 F.Supp. 3d 1075 (Dist. NM 2015).

Defending royalty underpayment claims and class actions for oil and gas production in New Mexico. *Abraham v. BP America Production Company*, 685 F.3d 1196 (10th Cir. 2012); *Davis v. Devon Energy, et al.*, 218 P.3d 73 (N.M. 2009); *Elliott Industries v. BP Amoco Production Company*, 407 F.3d 1091 (10th Cir. 2005); *Creson v. Amoco Production Company*, 10 P.3d 853 (N.M. App. 2000).

Access to oil and gas producing properties*. XTO Energy v. Armenta*, 185 P.3d 383 (N.M. App. 2008).

Allegations of contamination from historic drilling pits. *Bank of America v. Apache et al.,*184 P.3d 435 (N.M. App. 2008).

PUBLICATIONS

"New Mexico Environment Department Seeks Comments on Proposed Produced Water Rules That Limit Nearly All Re-Use," *Oil and Gas Legal Update*, November 6, 2023

RECOGNITION

- *The Best Lawyers in America*® Lawyer of the Year, Oil & Gas Law – Santa Fe, 2017, 2021, 2024, 2026; Natural Resources Law – Santa Fe, 2023
- *The Best Lawyers in America*® Natural Resources Law; Oil & Gas Law, 2013-2027
- *Chambers USA*, Environment, Natural Resources, & Regulated

Industries, 2013, 2015-2020; Natural Resources & Environment, 2022-2026

- Southwest Super Lawyers®, Energy and Natural Resources, 2008-2009, 2013-2014, 2019-2020

PROFESSIONAL AND CIVIC AFFILIATIONS

- State Bar of New Mexico, Member
- First Judicial District and American Bar Associations, Member
- New Mexico Oil and Gas Association, Member
- The Foundation for Natural Resources and Energy Law, Member