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STATE OF NEW MEXICO
ENERGY, MINERALS, AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
DIVISION FOR THE PURPOSE OF
CONSIDERING:
Case Nos. 25222, 25225, 25243,
25244, 25245, 25246.

HEARING - DAY 1

DATE: Tuesday, August 12, 2025
TIME: 1:26 p.m.
BEFORE: Hearing Examiner Gregory Chakalian
LOCATION: Pecos Hall
1220 South St. Francis Drive
Wendell Chino Building
Santa Fe, NM 87505

REPORTED BY: Ryan Auten
JOB NO.: 7396398

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A P P E A R A N C E S

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ALSO PRESENT:

Freya Tschantz, Law Clerk

Andrew Fordyce, OCD Technical Examiner

Anthony Harris, OCD Technical Examiner (by
videoconference)

Stephen Janacek, Expert Witness (by
videoconference)

Stephanie Noonan, Expert Witness (by
videoconference)

Leslie Mullin, Expert Witness (by
videoconference)

Daniel Salamander, Expert Witness (by
videoconference)

Tyler Jolly, Expert Witness (by videoconference)

Charles Crosby, Expert Witness (by
videoconference)

Gavin Edington, Expert Witness (by
videoconference)

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E X H I B I T S

NO.	DESCRIPTION	ID/EVD
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Exhibit B	Stephen Janacek, Petroleum Engineer Dated 08/05/25	12/14
Exhibit C	Leslie Mullin, Landman Dated 08/05/25	12/14
Exhibit D	Stephanie Noonan, Geologist Dated 08/05/25	12/14
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E X H I B I T S (Cont'd)

NO.	DESCRIPTION	ID/EVD
Cases 25243-25246:		
Exhibit 25243-25246F	Self-Affirmed Statement of Notice for Kaitlyn A. Luck & Publication Affidavit Dated 08/05/25	N/A
(**Exhibit rejected.)		

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P R O C E E D I N G S

THE HEARING EXAMINER: -- 2025. This is a special docket. It will stretch to tomorrow. We have cases that we are hearing by affidavit, but we are also hearing contested cases as well.

Ms. Vance, are you ready to proceed with OXY?

MS. VANCE: I am.

THE HEARING EXAMINER: Okay. Let me call the first two cases on our docket. This is 25222 and 25225. We -- do you have a special hearing examiner for this, Mr. Tony Harris? Are you available, Mr. Harris?

EXAMINER HARRIS: Yes, I am.

THE HEARING EXAMINER: All right. Perfect.

Ms. Vance? Entry of appearance, please

MS. VANCE: Thank you.

THE HEARING EXAMINER: Thank you.

MS. VANCE: Good afternoon. Paula Vance with the Santa Fe office of Holland and Hart on behalf of the applicant, OXY USA, Inc.

MS. MCLEAN: Good afternoon. Jackie McLean with Hardy McLean on behalf of COG and Burlington Resources.

1 THE HEARING EXAMINER: Ms. Vance, do
2 you know if Bradfute Sayer is still representing EOG?

3 MS. VANCE: That is my understanding.
4 And I don't see any more --

5 THE HEARING EXAMINER: Do you know what
6 EOG's position was?

7 MS. VANCE: Right now they have just --
8 they've entered an appearance and they objected
9 previously, but they have withdrawn that objection.
10 And the parties have made some agreements. And OXY
11 made some adjustments to the request for relief, which
12 I was actually was going to walk through in my intro.

13 Just kind of talking about the cases
14 and where they are. So as of right now, they are
15 just -- they just have an entry of appearance.

16 THE HEARING EXAMINER: Okay. Perfect.
17 Thank you. Go ahead.

18 MS. VANCE: Thank you, Mr. Hearing
19 Examiner. Like I said, I just was going to give a
20 brief background where we are with the cases. So
21 25222 is the Bone Spring enhanced oil recovery
22 application for OXY.

23 (Exhibit A was marked for
24 identification.)

25 And then 25225 is the Wolfcamp enhanced

1 oil recovery application for OXY. These were filed in
2 February of this year. And were previously -- it was
3 COG, Burlington, EOG, like, accepting had filed an
4 entry of appearance, had it drafted, but have since
5 withdrawn those objections, and that's how we've
6 gotten out this far.

7 And based off of those objections and
8 the parties discussing, OXY ended up doing some
9 revisions in -- to their -- to both of the
10 applications. And exchanges primarily -- I'll go
11 through them. It was the removal of wells in Sections
12 9 and 16; removal of CO2 from the list of permissible
13 injectants.

14 And then there were a few slight
15 changes to the limitations on the max rates requested
16 for gas and water injection. And then lastly were
17 some changes to the operational changes in the event
18 of a breakthrough.

19 And so based on the -- those changes,
20 what we did is OXY went ahead and prepared redlines of
21 both applications, which were provided to the
22 examiners just so they could see where the changes I
23 just went over were made to the applications --
24 that -- just for ease of understanding where those
25 applications are and when the requested relief is at

1 this point.

2 And then we also filed last week
3 hearing packets that included a clean version of those
4 redlines along with statements from our technical
5 experts. Those technical experts are Mr. Stephen
6 Janacek, who is our petroleum engineer. And then we
7 have Ms. Stephanie Noonan, who is our geologist.

8 Both Mr. Janacek and Ms. Noonan have
9 previously testified before the Division and their
10 credentials have been accepted as a matter of record.
11 However, we do have our landman, Ms. Leslie Mullin,
12 and then our reservoir engineer, Mr. Daniel
13 Salamander. They have not previously testified.

14 And so we did include a copy of their
15 CVS with their statements that go over their
16 educational and their experience. And all of our
17 experts are on the line and available for questioning.
18 Along with their statements, we did provide some
19 additional exhibits.

20 (Exhibit B through Exhibit E were
21 marked for identification.)

22 I won't go through those -- I believe
23 Mister -- the tech, Mr. Harris has a copy of those and
24 has probably gone through them. And then along with
25 our hearing packets of course we have our notice. My

1 self affirmed statement of notice is included along
2 with a sample copy of the letter notice that went out
3 and was timely on February 21, 2025.

4 And then we also have our affidavit of
5 publication that was timely published on February 26,
6 2025. And I will -- I'm assuming Mr. Harris has
7 questions and like I said, we have our experts
8 available. And we just need to make sure that we have
9 our -- Ms. Mullin and then Mr. Salamander again, have
10 not previously testified.

11 (Exhibit F and Exhibit G were marked
12 for identification.)

13 So I would just ask that they be
14 tendered as experts once you've had a chance to review
15 their resumes.

16 THE HEARING EXAMINER: Perfect. Thank
17 you, Ms. Vance.

18 Mr. Harris, before I continue, which of
19 the witnesses will you have questions?

20 EXAMINER HARRIS: Primarily production
21 engineering and reservoir. But if we could have it as
22 a panel with the geologist as well, that would be
23 preferable.

24 THE HEARING EXAMINER: Okay.
25 Fantastic. That's what we'll do.

1 All right. So first of all, Ms. Vance,
2 we admit your exhibits into evidence without objection
3 from any party.

4 Let's get all of your witnesses on the
5 screen.

6 MS. VANCE: Is everyone -- yeah.

7 THE HEARING EXAMINER: Perfect. Okay.
8 I do recognize Mr. Janacek. I'm not sure about the
9 others. So would you please, all four of you, raise
10 your right hand.

11 WHEREUPON,

12 STEPHEN JANACEK
13 called as a witness and having been first duly sworn
14 to tell the truth, the whole truth, and nothing but
15 the truth, was examined and testified as follows:

16 WHEREUPON,

17 STEPHANIE NOONAN,
18 called as a witness and having been first duly sworn
19 to tell the truth, the whole truth, and nothing but
20 the truth, was examined and testified as follows:

21 WHEREUPON,

22 LESLIE MULLIN,
23 called as a witness and having been first duly sworn
24 to tell the truth, the whole truth, and nothing but
25 the truth, was examined and testified as follows:

1 WHEREUPON,

2 DANIEL SALAMANDER,

3 called as a witness and having been first duly sworn
4 to tell the truth, the whole truth, and nothing but
5 the truth, was examined and testified as follows:

6 THE HEARING EXAMINER: Okay. Very
7 good.

8 Okay. Let's start with Ms. Noonan.

9 Ms. Noonan, would you spell your name
10 for the record?

11 MS. NOONAN: Stephanie,
12 S-T-E-P-H-A-N-I-E. Noonan is N-O-O-N-A-N.

13 THE HEARING EXAMINER: Thank you. Have
14 you been accepted as an expert in the field before
15 this Division?

16 MS. NOONAN: I have.

17 THE HEARING EXAMINER: You have? In
18 what field?

19 MS. NOONAN: Geology.

20 THE HEARING EXAMINER: Okay. Now, Mr.
21 Janacek, please spell your name.

22 MR. JANACEK: Yes. My name is Stephen
23 Janacek, S-T-E-P-H-E-N J-A-N-A-C-E-K.

24 THE HEARING EXAMINER: Have you been
25 previously qualified as an expert before this

1 Division?

2 MR. JANACEK: Yes.

3 THE HEARING EXAMINER: In what field?

4 MR. JANACEK: Petroleum engineering.

5 THE HEARING EXAMINER: Petroleum
6 engineer. Thank you.

7 Okay. Mr. Salamander, would you spell
8 your name.

9 MR. SALAMANDER: Yes, it's Daniel
10 Salamander, D-A-N-I-E-L. And then Salamander just
11 like the animal, S-A-L-A-M-A-N-D-E-R.

12 THE HEARING EXAMINER: And what field
13 are you seeking to be qualified as an expert before
14 this Division?

15 MR. SALAMANDER: Yes, the field of
16 reservoir engineering.

17 THE HEARING EXAMINER: Reservoir
18 engineering. Okay. I'll come back to you in just a
19 moment.

20 And Ms. Mullin.

21 MS. MULLIN: Yes. It's Leslie Mullin,
22 L-E-S-L-I-E M-U-L-L-I-N.

23 THE HEARING EXAMINER: And what field
24 are you seeking to be admitted as an expert for this
25 Division?

1 MS. MULLIN: In the field of land.

2 THE HEARING EXAMINER: Land. Okay.

3 Very good.

4 MS. MULLIN: Yes.

5 THE HEARING EXAMINER: Okay. Mr.

6 Salamander --

7 And Ms. Mullin, I'll ask you after Mr.

8 Salamander's qualified by this Division.

9 But what I'd like you to do is run down
10 your education and your experience. Give me some
11 dates, some job duties, things like that; job titles.
12 Let's start with your education.

13 MR. SALAMANDER: Absolutely. I
14 received my degree in -- bachelor's of science in
15 Detroit in engineering from the University of
16 Oklahoma. And that was in 2014.

17 THE HEARING EXAMINER: What did you do
18 after 2014?

19 MR. SALAMANDER: In -- yeah, so after I
20 graduated from school, I started my career actually as
21 a drilling engineer. I worked in drilling before --
22 Anadarko Petroleum for three years prior to moving
23 into reservoir engineering. I then worked as a
24 reservoir engineer for four years in Colorado, working
25 the D-J Basin, focused on unconventional resource

1 development.

2 And then for the past three years I
3 have been in Houston working in my current role as a
4 reservoir engineer on the subsurface technology team
5 here at OXY. And again, focused on unconventional
6 resources development in the Permian Basin. And
7 mostly in New Mexico.

8 THE HEARING EXAMINER: What is your
9 title?

10 MR. SALAMANDER: Reservoir engineer.

11 THE HEARING EXAMINER: Okay. All
12 right. And that's for OXY?

13 MR. SALAMANDER: That's correct.

14 THE HEARING EXAMINER: Okay. So the
15 Division qualifies you as an expert in reservoir
16 engineering. Thank you.

17 And now Ms. Mullin in land. Your
18 education and your experience, please.

19 MS. MULLIN: Yes, sir. I have a
20 Bachelor of Arts, and that is in political science and
21 elementary education. That's back from 2001, and then
22 my MBA, I finished that in 2007. I have some
23 nonenergy, non -- gas, nonland experience. Higher
24 education was one area.

25 Before I worked in land, I had couple

1 of years experience with ConocoPhillips. I worked in
2 export compliance and strategic sourcing. And then
3 I've been working in land since 2012. I started as a
4 land analyst working in the Texas Panhandle. That was
5 a different employer. That was Apache Corporation at
6 the time.

7 I was promoted to landman in 2014.
8 From that period on till about 2020, I was working
9 Oklahoma assets. And then in 2020, I moved over to --
10 for New Mexico assets. So that was a large amount of
11 land and older producing properties and then moved to
12 OXY last April. My current title is advisor land
13 negotiator.

14 THE HEARING EXAMINER: Okay. Thank you
15 very much. So you are qualified before this Division
16 in the field of land.

17 MS. MULLIN: Thank you.

18 THE HEARING EXAMINER: Thank you both
19 for going through your resumes with me.

20 Okay. Now, what we're going to do, if
21 Ms. Vance thinks this is okay, is we're going to
22 present the four experts as a panel for Mr. Harris to
23 ask his question. Whoever decides to answer the
24 question, please say your name because, you know, we
25 don't -- the court reporter needs to know who's

1 speaking, and then give the answer.

2 If more than one person wants to give
3 an answer, they can. But just one at a time, please.
4 And then I'll give Ms. Vance a chance to redirect the
5 witnesses after the panel is through with the
6 questions.

7 So Mr. Harris, are you ready?

8 EXAMINER HARRIS: Good afternoon. Yes,
9 I am.

10 THE HEARING EXAMINER: Okay. Mr.
11 Harris, if you would reference the exhibit first so
12 that the witness will know -- the panel will know
13 which exhibit you're going to be questioning them
14 about.

15 EXAMINER HARRIS: Sure. If we could
16 open the case file for 25222, which is 127 pages. And
17 it was -- the latest version was submitted on --
18 August 6th, I believe it was. The clean version that
19 Mrs. Vance referred to earlier.

20 MS. VANCE: And I am sharing my screen.
21 So hopefully you can see.

22 EXAMINER HARRIS: Very good. Yeah.
23 If we could go to page 11, please.

24 MS. VANCE: And let me know if you're
25 not seeing it. Hopefully you are.

1 EXAMINER HARRIS: Yep. I can see it.

2 So item VII, Roman numeral VII, and
3 then subitem II under that, states that the system is
4 closed. So I just want to confirm that all injected
5 fluids will be sourced from within the field or more
6 specifically from the central type battery; is that
7 correct?

8 MR. JANACEK: This is Janacek here.
9 Good to see you, Examiner Harris.

10 EXAMINER HARRIS: Good to see you.

11 MR. JANACEK: Yes, that is correct.
12 All of the injectables would be sourced from the Mesa
13 Verde units.

14 EXAMINER HARRIS: Okay. So there's no
15 third party operators involved here for allocation of
16 fluids or any of those complications? Everything is
17 OXY?

18 MR. JANACEK: That is correct.
19 Everything is OXY.

20 EXAMINER HARRIS: Okay. Very good.

21 If we go to page -- exhibit page 17.
22 Yeah, so it's production protocol. The third bullet
23 point there. So it's miscible gas huff-n-puff has
24 been demonstrated to increase production in
25 unconventional wells and in other basins.

1 And you're expecting an uplift here of
2 an ultimate recovery between 10 to 30 percent using
3 EOR techniques. I'm just wondering, what was your --
4 what is your original reservoir pressure in this field
5 or in this particular interval?

6 MR. SALAMANDER: Yes, this is Daniel
7 Salamander, reservoir engineer. So for the Wolfcamp,
8 the initial reservoir pressure is around 9,000 PSI.
9 And for the second Bone Springs the initial reservoir
10 pressure is around 6,000, 6200 PSI.

11 EXAMINER HARRIS: Okay. And do you
12 have an estimate on your current reservoir pressure
13 for those intervals?

14 MR. SALAMANDER: Yes, I do. For -- for
15 the second Bone -- give me one second. I'll -- I'll
16 refer back to -- to my notes here. The current
17 reservoir pressure in the second Bone Springs interval
18 is -- is around 2,000 PSI. And in the Wolfcamp it's
19 estimated to be around 3,000 PSI.

20 EXAMINER HARRIS: Okay. Thank you for
21 that.

22 If we could go to page 77, please. So
23 just a point of clarification, our very last, lowest
24 point at the bottom, once -- or after EOR injection
25 commences gas storage operations will not be

1 necessary.

2 So in that regard, so does 4R-22106 for
3 a closed-loop gas capture -- so all the -- all the
4 wells listed in the table just above here -- all
5 the -- basically the closed-loop gas capture portion
6 of this project will be completely terminated; is that
7 correct?

8 MR. JANACEK: This is Janacek. Yes,
9 that is correct.

10 EXAMINER HARRIS: Okay. And just
11 for -- so I don't -- I have not dealt directly with
12 the closed loop gas capture applications but I know
13 some of our examiners that have -- there's always
14 been, you know, a lot of issues with -- well, not
15 necessarily issues, but a lot of considerations with
16 respect to allocation.

17 But considering the fact that OXY is
18 the sole operator here on this case, for a miscible
19 flood or for the gas injection EOR flood, I'm assuming
20 that all allocation -- or that wouldn't be any
21 complications with allocation in this case.

22 MR. JANACEK: That's correct. This is
23 Janacek again. All of these wells are -- are unitized
24 in the unit -- either the Bone Spring or the Wolfcamp,
25 and the interest is identical -- identical between the

1 two.

2 Additionally, the takeaway point for
3 the gas that's going to be injected is upstream of our
4 gas sales meter. So that simplifies any type of
5 accounting issues that could arise.

6 EXAMINER HARRIS: Could you repeat that
7 last part again, please, about the -- the meter?

8 MR. JANACEK: Yes. So the takeaway
9 point for where the injecting gas is going to be
10 taking off this system, that is going to be located
11 upstream of the gas sales meter. So the gas that is
12 going to be used for injection is not going to have
13 pass through a gas sales meter twice.

14 EXAMINER HARRIS: Okay. Okay. Thank
15 you for that.

16 And if we could move to the next page,
17 please, 78. Just one item to clarify here. If you
18 look at the well labels number 8 in Sections 9 and 16,
19 I believe that's -- that shouldn't be there. There's
20 only seven wells in this application; is that correct?

21 MR. JANACEK: That is correct. That
22 should not be there. This is Janacek again.

23 EXAMINER HARRIS: Okay. Thank you.
24 Just wanted to clarify that.

25 So number 8 as shown on page 78, well

1 number 8, should not be there. It's just the seven
2 wells in Sections 8 and 17; is that correct?

3 MR. JANACEK: That is correct.

4 EXAMINER HARRIS: Okay. Thank you.

5 If we move to page 79, please. So
6 again, looking at the third column here, Section 17
7 and 8 and specifically the orange circles. Those are
8 Bone Springs unit -- Bone Spring wells in this
9 application. Have all these wells been
10 fracture-stimulated?

11 MR. SALAMANDER: This is Daniel
12 Salamander, reservoir engineer. That -- that is
13 correct.

14 EXAMINER HARRIS: Okay. And then
15 for -- if we draw your attention to those -- the lower
16 most orange circle in blocks 17 and 8, one was very
17 close to the Wolfcamp base. Does that particular
18 well, do you think -- does that communicate with the
19 Wolfcamp? Is there any cross well occurring there or
20 could you elaborate on your interpretation of the
21 reservoir for that particular well?

22 MR. SALAMANDER: Yes, so in that case,
23 with the proximity to the Wolfcamp, there -- there is
24 potential for communication during gas injection.
25 As -- as I believe Stephen stated previously, that

1 with the interest being the same for the two units,
2 it -- it should not be an issue from a -- accounting
3 standpoint. But yes.

4 EXAMINER HARRIS: Okay. Thank you for
5 that.

6 If we can move to page 82, please. So
7 this is dealing with the variance requests or one of
8 the variance requests. So it's noted that you'll have
9 gas with valves installed as -- as part of your
10 production title. Which makes sense, by the way. It
11 makes technical sense.

12 Just one question here from a well
13 integrity perspective. As you know, injection wells,
14 every five years they -- they require a mechanical
15 integrity test from MIT as we refer to it. With these
16 gasket valves installed, will it be possible to
17 perform an MIT on this well so that the -- that those
18 gasket valves in place?

19 MR. JANACEK: This is Janacek here. I
20 believe it will be, but I can follow up offline with
21 our operations to make sure that's a hundred percent
22 true.

23 EXAMINER HARRIS: Okay.

24 MR. JANACEK: My understanding, Mr.
25 Examiner, is that yes, MITs will be possible to

1 perform with the gas lift equipment in the hole after
2 we set a blanking plug in the Signet hole, but I will
3 verify all that as -- is accurate.

4 EXAMINER HARRIS: Yeah, okay. Very
5 good. Yeah, I guess the gasket manhole themselves
6 would need to be isolated, so you need some sort of
7 a -- a side pocket manhole to install a -- a blanking
8 plug into each of those gasket manholes in order to do
9 an MIT or something along those lines.

10 So if we -- we do need confirmation
11 that an MIT would still be able to be performed on
12 these injection -- or on these wells once the EOR
13 project commences.

14 And if we could move to page 83,
15 please. Okay. So this talks about -- the very first
16 bullet point at the top. It talks about to upgrade
17 wellheads to 10,000 PSI components before injection
18 commences. Can you elaborate, please, on which
19 components would be upgraded?

20 MR. JANACEK: This is Janacek here.
21 Yes, I believe that specifically talking to the -- the
22 two main head components. I believe the casing heads
23 out here are already 10K PSI. But the tubing heads I
24 believe are -- are 5K.

25 EXAMINER HARRIS: Okay. At the tree

1 itself?

2 MR. JANACEK: The tree itself I would
3 have to look into that.

4 EXAMINER HARRIS: Okay. And there are
5 some -- some items we -- we would want to verify
6 because -- I mean, this was and always was a --, I
7 don't know how you go about that, whether it's a tree
8 saver or, you know, you install the tree components
9 later.

10 But in any event, you know, going from
11 a production level to now high temperature gas, we
12 just want to make sure that all the equipment
13 components are adequately -- cases, spools, --; all
14 your valves and your Christmas tree and wellhead. So
15 yeah, if you could share those details with us, that
16 would be very valuable, please.

17 MR. JANACEK: Will do.

18 EXAMINER HARRIS: And just while we're
19 on the screen. So in terms of the gasket compressor,
20 we've got in the middle of the diagram there, it moves
21 down and goes through a 2-inch flow meter -- so is
22 that the flow meter you were referring to that's
23 upstream?

24 MR. JANACEK: No. This is Janacek.
25 No, that is our well pad flow -- flow meter. The

1 meter I was referring to previously was the -- I guess
2 you can call it the master gas sales meter where we
3 sell gas to a third party. That is -- that is
4 downstream of our central tank battery in those
5 facilities.

6 EXAMINER HARRIS: Okay. So will you
7 have gas injection or gas flow rate monitoring for
8 each well? Or will it be a cumulative?

9 MR. JANACEK: Yes. So it will be for
10 each well.

11 EXAMINER HARRIS: Each well. Okay.

12 MR. JANACEK: If you -- you can see
13 that in the diagram on the righthand side just below
14 the EOR compressor. There's another flow FCV or flow
15 control valve, which will be installed for injection
16 down the tubing.

17 EXAMINER HARRIS: Okay. Yes, I see
18 that. Okay. Thank you.

19 If we can go to page 85, please. So if
20 we -- at the very top portion there. My guess is the
21 one, two, three, four, five, sixth -- under "Safety
22 devices," which is the sixth bullet down, it says --
23 the third bullet below that, "the relief valves for
24 both production and injection drains to prevent
25 overpressure."

1 You're saying that it says that it's
2 not monitored by the SCADA other than for pressure
3 trend? So is there -- how do you know, I guess, if
4 you've had a process for it if those relief valves
5 have opened?

6 MR. JANACEK: I believe there are other
7 components in the SCADA system that can identify
8 overpressures. But I can follow up on that comment
9 and -- and provide some clarity for you.

10 EXAMINER HARRIS: Okay. And then, I
11 guess -- I'm -- I'm -- I realize that currently this
12 field is free of H2S is that correct, at least based
13 on your exhibits? There's no H2S in this field
14 currently?

15 MR. JANACEK: That is correct.

16 EXAMINER HARRIS: Okay. Because we're
17 thinking along the lines of safety -- so is there a --
18 so is there a H2S contingency plan in place for this
19 field currently or that something that would be
20 addressed later if H2S was observed?

21 MR. JANACEK: This is Janacek. I don't
22 know if there is a -- I'm sure there is some type of
23 current H2S plan for current operations for this
24 field. And we would have something once we started
25 injection. But I'm not -- I'm not aware of a plan

1 that I've seen.

2 EXAMINER HARRIS: Okay. That's
3 something we can maybe place in the order that if H2S
4 is found in the future or you start seeing signs of
5 H2S then this plan would be required. Okay. Thank
6 you for that.

7 If we could go to page 91, please. If
8 we look at the third bullet down, the BLM provides
9 approval through the annual plan of development. I
10 guess, could you elaborate on that a little bit? I
11 mean, has -- has OXY received approval from the -- the
12 BLM and the State Land Office for this particular
13 project? Or -- or what's the status?

14 MS. MULLIN: This is Leslie Mullin. We
15 have not received an official approval yet on our plan
16 of development for the Mesa Verde units. We do one
17 for both Bone Springs and for Wolfcamp. If you see
18 they're underneath a -- at the informal meetings, we
19 did meet with Ed Fernandez and then Baylor Lamkin from
20 the State Land Office after April to kind of walk
21 through our plans.

22 We had submitted our initial
23 applications to them and answered the initial
24 questions that they had. This last week when we
25 submitted in order an updated application in our

1 exhibits, we forwarded that to them as well to see if
2 they had any follow up questions.

3 The SLO did have a few questions just
4 on our changes. Didn't have any issues with our --
5 our updated applications. But no, we've not received
6 official approval yet on our 2025 plan development.
7 So we'll continue to submit the -- the same
8 information with our 2026 pod as well for both the
9 Wolfcamp and the Bone Spring pods.

10 EXAMINER HARRIS: Okay. So once
11 those -- once you do receive approval, could you share
12 those with OCD for our records? Is that possible?

13 MS. MULLIN: Yes. Yes.

14 EXAMINER HARRIS: Okay. Very good.

15 One final question I had, and in terms
16 of -- the gas allocation. Getting back to that point.
17 I know -- I know it's different from the closed loop
18 gas capture, but has the BLM imposed any reporting
19 requirements for gas reporting and gas allocation in
20 this case? Or is that something that's been
21 addressed?

22 MS. MULLIN: Not that I'm aware of.
23 This is Leslie.

24 Stephen, are you aware of -- of
25 anything from the regulatory team?

1 MR. JANACEK: This is Stephen Janacek.
2 No, I'm not aware of any reporting requirements from
3 the BLM.

4 EXAMINER HARRIS: Okay. Thank you.

5 If we could go to page 101, please.
6 Okay. If we look at the image in the upper righthand
7 corner. It's kind of hard to see, but it's labeled as
8 the base of Bone Springs. You see there's a fault,
9 which is -- you've talked about in your -- in your
10 application. -- so that fault does penetrate the --
11 basin of the Bone Springs and I believe the top of
12 Wolfcamp.

13 Do you have any information on that
14 fault with respect to whether or not it's transmissive
15 or is it sealing? Do you have any information based
16 on production from the reservoir over the last number
17 of years on how that fault behaves?

18 MR. SALAMANDER: This is Daniel
19 Salamander. We do have one data point. So in early
20 2024, based on our understanding, another operator did
21 complete wells in that section to the south of -- of
22 Mesa Verde. And -- and so I went back and looked at
23 the production data during that time period when they
24 were doing that completion operations.

25 I did not see any, you know, sharp

1 increase in produced water rates during that
2 completion operations. And generally, those -- those
3 would be at a higher rate and pressure than what is
4 proposed here for gas injection. And so that is the
5 data point that we have, and it suggests that the --
6 the fault is not communicative. And that's -- but
7 that's kind of it.

8 EXAMINER HARRIS: Okay. And when they
9 were fracking in those opposite wells, which zone?
10 Which interval?

11 MR. JANACEK: I think it's the
12 Wolfcamp. Those were the Wolfcamp wells.

13 EXAMINER HARRIS: Okay. Thank you.

14 I think that's mostly it. Because Case
15 25222 and 25225, they're very similar. So the
16 questions I had for 25222 are -- are pretty much a
17 mirror image for 25225. So we don't really need to go
18 through that. I think most of my questions have --
19 all my questions have been answered.

20 Just as a point of clarification here,
21 in the original application, there were many more
22 wells in your planning for CO2 -- as well. Is there a
23 reason why that CO2 was removed? Can you elaborate on
24 that at all?

25 MR. JANACEK: This is Janacek here.

1 The CO2 was removed because there were offset
2 operators had breakthrough concerns with the CO2. So
3 it was -- it was removed for those reasons.

4 EXAMINER HARRIS: Okay. So I guess, do
5 you -- do you anticipate CO2 flooding in the future at
6 some point?

7 MR. JANACEK: At some point, when there
8 is a CO2 source in the vicinity, yes.

9 EXAMINER HARRIS: Okay. I guess from
10 OCD perspective, we view this particular EOR case,
11 which is fantastic in my personal opinion, we would
12 view this as sort of a test or demonstration or proof
13 of concept. And then you don't capture all this --
14 and incorporates CO2 flooding potentially in the
15 future.

16 So I just wanted to add that particular
17 point that if CO2 flooding is planned in the future,
18 that -- that would require some -- obviously a
19 separate application and a more detailed
20 investigation. I think that's it for my questions on
21 this particular application. And I'll hand it back to
22 our Examiner.

23 THE HEARING EXAMINER: Okay. Thank
24 you, Mr. Harris.

25 Ms. Vance, do you feel the need to

1 redirect or are you done?

2 MS. VANCE: I don't, but I do just want
3 to make sure that I've written down notes. It sounds
4 like there might be a few things to follow up with Mr.
5 Harris on, once we get some clarification. And I just
6 want to make sure that I have those down, that Mr.
7 Janacek has those down, our experts have those down,
8 and we're on the same page. So if we can just go over
9 that, I'd appreciate it.

10 Oh, Mr. Harris, you're on mute.

11 EXAMINER HARRIS: Sure. I just noticed
12 I had one more -- one more question for Mr. Salamander
13 if I could.

14 MR. SALAMANDER: Please.

15 EXAMINER HARRIS: If we could go to
16 page 113. So again, just looking at this production
17 profile. And in your -- in your self affirmed
18 statement you mentioned that there were studies
19 performed. Was there any reservoir simulation
20 performed here or is it strictly analog fields that
21 you're relying on for your estimates --

22 MR. SALAMANDER: There was reservoir
23 simulation performed, but that reservoir simulation
24 was calibrated with the -- the analog field data. So
25 yes. I mean, but -- but this uplift is generally

1 consistent with both the analog field data and the
2 reservoir simulation --

3 EXAMINER HARRIS: Okay. So it's
4 calibrated to the analog fields, but was it -- was it
5 history matched to this field before that calibration
6 or how -- how was that calibration performed?

7 MR. SALAMANDER: Yes, varying. So
8 it's -- it's history matched during primary production
9 that's available to us in this field but it's hard to
10 be enhanced flow recovery results. The uplift of
11 expectations -- it -- it -- in order to be realistic,
12 it -- you know, our understanding from analog fields
13 needs to be considered in our -- enhanced soil
14 recovery simulation.

15 EXAMINER HARRIS: Okay. Very good.
16 Okay. Thank you.

17 THE HEARING EXAMINER: So Mr. Harris,
18 do you have a list of what you want from Ms. Vance?

19 EXAMINER HARRIS: I do. I've got
20 some -- I wouldn't call it a list. I've got
21 scribbles. So I'd like to clarify the gas lift valves
22 and whether or not an MIT can -- a mechanical
23 integrity test can be performed at regular intervals?
24 And then the results -- so in that simulation -- page
25 82 of the application.

1 And then on page 83, the upgrade, just
2 to clarify exactly what components are going to be
3 upgraded on the Christmas tree wellhead and any
4 valves, -- any of sorts of casing spools; whatever the
5 case may be.

6 Just what is the listing of what
7 components are going to upgraded. And I guess a
8 listing of components -- the pressure rating for all
9 components in the system that will see pressure.

10 Then we had a discussion from page 85
11 about the H2S contingency plan and whether or not
12 there was one submitted. We're not sure. And like, I
13 think the takeaway point was that we would revisit
14 that in the future. If there is an existing H2S
15 contingency plan, that can be submitted or you -- can
16 just mention it in your response. If not, we would
17 cross that bridge later once H2S -- or if H2S is seen
18 at a later date.

19 And the next item was on page 91. And
20 in relation to when -- the approval from the BLM and
21 State Land Office. Once those approvals are received,
22 if they can share a copy with OCD. I do think that
23 was it.

24 THE HEARING EXAMINER: Ms. Vance,
25 anything else?

1 MS. VANCE: I think also, was there a
2 question about the relief valves related to the SCADA?
3 You had a question about that and wanted
4 clarification.

5 EXAMINER HARRIS: Yes, correct. I
6 guess, is that tied back to a closed system or does it
7 go to a flare -- a flare stack?

8 MS. VANCE: I have all of those
9 questions written down and we will -- I'm not sure if
10 there's a timeline you're -- that you'd like to work
11 with, but -- and I'm not sure how long it would take
12 the team here to get answers to those. Mr. Janacek
13 might be able to give a timeframe. I'm not sure.
14 But --

15 MR. JANACEK: This is Janacek here. I
16 think we could provide all of that within two weeks
17 from today.

18 THE HEARING EXAMINER: Mr. Harris, once
19 they provide the requested information, do you want to
20 further review or how do you want to proceed?

21 EXAMINER HARRIS: Yeah, it definitely
22 would require some review.

23 THE HEARING EXAMINER: Okay.

24 EXAMINER HARRIS: Should be very quick.

25 THE HEARING EXAMINER: Okay. That's

1 fine.

2 So, Ms. Vance, if you can provide this
3 in two weeks, that leaves you time for the September
4 11 docket Hearing by Affidavit. So will you continue
5 these two cases to that docket? And we'll give you a
6 deadline of the 26th, close of business.

7 MS. VANCE: That works for me. And
8 just to clarify, do you want this -- can we just
9 file -- do you want this filed or do you want this
10 e-mailed? I don't -- I'm guessing -- I'm hoping we
11 don't have to do revised hearing packets.

12 THE HEARING EXAMINER: Uh-huh.

13 MS. VANCE: But maybe we -- if you do
14 want it filed, we could just file it as a standalone
15 supplemental document, if that works.

16 EXAMINER HARRIS: That's preferable,
17 actually. Easier. Yeah, that would be much easier.
18 So supplemental document would be fine.

19 THE HEARING EXAMINER: Perfect.

20 EXAMINER HARRIS: Is that okay with
21 you, Mr. Examiner?

22 THE HEARING EXAMINER: Yes. Perfect.
23 Yes. Whatever works for you, Mr. Harris is fine with
24 me.

25 EXAMINER HARRIS: Okay.

1 THE HEARING EXAMINER: Okay. So Ms.
2 Vance, again, close of business 26th August deadline
3 for the -- please put a cover letter with this
4 revision. Or not revision. But this supplemental
5 exhibit packet. And continue your cases to the
6 September 11 docket. And I'm not sure that -- where
7 they will be on the docket. It depends on other
8 cases. So we'll see.

9 All right. Anything further, Ms.
10 Vance?

11 MS. VANCE: Not for me. Thank you.

12 THE HEARING EXAMINER: Any other party
13 to this case?

14 MS. MCLEAN: Nothing.

15 THE HEARING EXAMINER: Thank you, Ms.
16 Mclean.

17 And Mr. Harris, anything further?

18 EXAMINER HARRIS: No, thank you.

19 THE HEARING EXAMINER: All right.
20 We're off the record in these two cases. And I think
21 Ms. Bennett wanted a five-minute recess to get herself
22 together. And then we'll hear the Rockwood cases.

23 MS. BENNETT: Thank you.

24 (Off the record.)

25 THE HEARING EXAMINER: Thank you.

1 Freya, do you know who our technical
2 examiner will be for the contested cases?

3 MS. TSCHANTZ: I believe it's Andy.

4 THE HEARING EXAMINER: Andy.

5 Mr. Fordyce, are you with us?

6 EXAMINER FORDYCE: Yes, Mr. Examiner, I
7 am.

8 THE HEARING EXAMINER: Okay. Great.
9 Can we begin?

10 EXAMINER FORDYCE: Yes, we can begin.

11 THE HEARING EXAMINER: All right.
12 Fantastic.

13 All right. I'm going to call cases 3,
14 4, 5, and 6 on our docket. These are Rockwood Energy
15 cases 25243, 44, 45, and 46. This is a contested
16 hearing. We do have competing applications filed by
17 Coterra. Those cases are 25520, 21, 22, and 23.

18 First, I'm going to call entries of
19 appearance.

20 MS. LUCK: Good afternoon, Mr. Hearing
21 Examiner. Rockwood -- Kaitlyn Luck for Rockwood
22 Energy, LP.

23 THE HEARING EXAMINER: Thank you, Ms.
24 Luck.

25 MS. BENNETT: Good afternoon, everyone.

1 Deana Bennett from Modrall Sperling on behalf of
2 Coterra Energy Operating. And with me today is Josh
3 Hirsch, an associate in our firm.

4 THE HEARING EXAMINER: Thank you, Ms.
5 Bennett.

6 MS. BENNETT: Thank you.

7 MR. BRUCE: Mr. Examiner, Jim Bruce
8 representing Marshall & Winston.

9 THE HEARING EXAMINER: Good to see you,
10 Mr. Bruce. Thank you.

11 Let's start with you, Mr. Bruce. What
12 is the position of your client?

13 MR. BRUCE: Marshall & Winston supports
14 Rockwood.

15 THE HEARING EXAMINER: Okay. All
16 right. Do you want to tell us why?

17 MR. BRUCE: They just prefer their
18 involvement plan. I don't know that they've signed a
19 JOA, but they do support the development plan of
20 Rockwood.

21 THE HEARING EXAMINER: Okay. All
22 right. Thank you.

23 To be -- for the record, Coterra filed
24 its four competing applications on a day that required
25 them to be heard and noticed tomorrow. So we're going

1 to begin with Rockwood Energy cases. And Ms. Luck,
2 how many witnesses will you have for us?

3 MS. LUCK: Thank you, Mr. Hearing
4 Examiner. Today, I have three witnesses with me. I
5 have Tyler Jolly, he's a land witness. I also have
6 Charley Crosby, who is the geologist. And then Gavin
7 Edington, who is the engineer.

8 (Exhibit D and Exhibit E were marked
9 for identification.)

10 THE HEARING EXAMINER: Did you say the
11 third name?

12 MS. LUCK: Gavin Edington.

13 THE HEARING EXAMINER: Edington. Okay.
14 Which ones have been already qualified
15 as experts before this Division?

16 MS. LUCK: All of them.

17 THE HEARING EXAMINER: All of them.
18 Okay. Perfect. That makes that easy.

19 Do you want to make a short opening
20 statement?

21 MS. LUCK: Yes, Mr. Hearing Examiner, I
22 would like to introduce my cases and then also just do
23 the typical rundown that most folks do before their
24 cases start that explains the spacing and --
25 configuration, the wall that's dedicated to each unit.

1 MS. BENNETT: Mr. Hearing Examiner, if
2 we could truncate this just a little bit, I'd like to
3 give an opening statement too before Ms. Luck gets too
4 far into the weeds. So I'm happy for her to present
5 an opening statement. And then I'd like the
6 opportunity to present one as well before we get into
7 the witnesses and things like that.

8 THE HEARING EXAMINER: Okay. And why
9 don't we do this. Before we even get into opening
10 statements, let's see about exhibits and getting our
11 exhibits in through stipulation.

12 Ms. Luck, you have filed your exhibit
13 packet?

14 MS. LUCK: Yes, Mr. Hearing Examiner, I
15 filed the exhibit packet last week. And then I filed
16 a subsequent exhibit packet, which also includes some
17 additional land -- and not just land, but all --

18 THE HEARING EXAMINER: Wait, it
19 includes what?

20 MS. LUCK: It included all the
21 affidavits. So the affidavits for the landman,
22 geologist, and engineer. Those were not included in
23 the original filing.

24 But then I also have some rebuttal
25 exhibits I'd like to present today through our

1 witnesses who are here to testify on behalf of those
2 rebuttal exhibits that were -- okay, that were put
3 together specifically for purposes of rebutting the
4 case of the applicant and the other case is Coterra.
5 This is typical in OCD proceedings and we would like
6 to present those rebuttal exhibits as well.

7 THE HEARING EXAMINER: I'm just asking
8 you to slow down a little bit because the court
9 reporter may be having trouble catching everything you
10 say.

11 MS. LUCK: Okay.

12 THE HEARING EXAMINER: Just a little
13 bit.

14 Okay. So, Ms. Bennett, have you had a
15 chance to review the exhibits that Ms. Luck has filed?

16 MS. BENNETT: I have not had a chance
17 to review the rebuttal exhibits. Those have not been
18 filed as far as I know. And so we have not had a
19 chance to review those. And I would strenuously
20 object to any rebuttal exhibits in the absence of
21 having -- being able to see them, of course.

22 THE HEARING EXAMINER: Okay.

23 MS. BENNETT: But also, just in terms
24 of stipulating to exhibits, I'm going to -- you know,
25 Coterra's in between a bit of a rock and a hard place

1 here. The exhibits were not timely filed. The
2 prehearing order required that all exhibits be filed,
3 including pre-file testimony on or before 9 a.m. on
4 August 6th.

5 And as Ms. Luck just indicated, the
6 exhibits that were filed on August 6th did not include
7 any pre-file testimony. That testimony was not added
8 until August 7th, so a full 24 hours later. It's
9 unclear to me why the materials were not timely filed.
10 But -- and so I tend to point that out during some of
11 my cross-examination.

12 But like I said, we're in a bit of a
13 rock and a hard place here because Coterra does not
14 want all these cases dismissed on procedural nicety
15 like striking the exhibits. We -- Coterra wants these
16 hearings to -- these cases to be decided on the
17 merits.

18 So I do have a lot of questions about
19 the exhibits and about their relevance. The exhibits
20 that are -- the pre-file testimony that your -- was
21 filed is not found by any Rockwood witness. There's
22 not a single Rockwood witness who's going to be
23 testifying today. They are Mewbourne witnesses.

24 THE HEARING EXAMINER: Okay. I
25 understand. So let me just short circuit this.

1 MS. BENNETT: Sure.

2 THE HEARING EXAMINER: It sounds like
3 you're not willing to stipulate to certain exhibits,
4 but you will stipulate to other exhibits? Or you
5 won't stipulate to any exhibits?

6 MS. BENNETT: At this point, I'd like
7 to not stipulate to any.

8 THE HEARING EXAMINER: Okay. All
9 right. It's your prerogative.

10 MS. BENNETT: I don't intend to strike
11 any.

12 THE HEARING EXAMINER: Okay.

13 MS. BENNETT: But I do intend to point
14 out some reliability, relevance, and credibility
15 issues.

16 THE HEARING EXAMINER: Okay. All
17 right.

18 MS. LUCK: And if I may respond, Mr.
19 Hearing Examiner, I would like to respond to both
20 points that she makes.

21 THE HEARING EXAMINER: Okay.

22 MS. LUCK: In this case, Coterra's been
23 given incredible leeway in terms of late filing their
24 applications. And I think likewise in this
25 circumstance, this is a two-day hearing.

1 It's always been scheduled to be a
2 two-day hearing between August 12th and 13th. There
3 was never any set provisional time for when Rockwood's
4 cases would be heard. And the exhibits were filed
5 well in advance of a week of August 13th, which is
6 tomorrow.

7 And I would ask that if there is any
8 issues with so called late filing of those exhibits,
9 that the Division Examiner consider the fact that
10 Coterra has also been given incredible leeway in these
11 proceedings.

12 They appeared when the cases were
13 originally set in April, May, July, and no
14 applications were ever filed during that timeframe.
15 There were six months that lapsed before their
16 applications were filed. And Rockwood has permitted
17 them to come with us to a contested hearing today, Mr.
18 Examiner.

19 And so for that reason, we would ask
20 that the late-filed affidavits be admitted as well as
21 these rebuttal exhibits we've put together to rebut
22 the evidence that Coterra would like to use to attack
23 Rockwood's cases. And then with regards to the second
24 point related to the Rockwood witnesses, today with us
25 here we're lucky to have Mr. Bruce.

1 And Mr. Bruce has been in the oil and
2 gas industry for a long time. Just like he, I've had
3 many hearings over here at the OCD. There is a wide
4 range of contract professionals that are allowed to
5 testify as experts in these proceedings. Like I
6 mentioned previously, all of my witnesses have been
7 qualified as expert witnesses.

8 There is no issue with their
9 credentials related to their expert testimony. What
10 Ms. Bennett is raising is a contractual issue, which
11 is inadmissible with regards to their admissibility as
12 an expert in these proceedings.

13 I think Mr. Bruce would support the
14 fact that many different types of contract
15 professionals testify for operators in the oil and gas
16 industry. And the terms or nature of their testimony
17 is never reliant on who their employer is.

18 THE HEARING EXAMINER: Okay. I
19 understand, Ms. Luck. The question -- the sole
20 question that I'm dealing with right now is, is
21 Coterra willing to stipulate to Rockwood's exhibits?
22 The answer's no. So that doesn't mean that they won't
23 come in.

24 It just means that you're going to have
25 to provide a foundation. There is an issue about the

1 prehearing order. The prehearing order was issued in
2 May. Is there -- I think --

3 MS. LUCK: And Mr. Hearing -- yes.

4 THE HEARING EXAMINER: Well, let me
5 just finish, ma'am, Ms. Luck, before you go on with
6 whatever you want to say.

7 Do you have a copy of the hearing
8 order?

9 MS. LUCK: Yes, Mr. Hearing Examiner.
10 And Coterra's applications did not comply with the
11 hearing order. So I just want to be clear about that,
12 that we did end up going back and amending the
13 prehearing order to allow their late filing of the
14 applications. But I've got a copy of the prehearing
15 order here.

16 THE HEARING EXAMINER: Okay. So let me
17 put one thing to rest here, the idea of late filing.
18 Ms. Bennett's four applications were filed 20 days
19 before tomorrow. I know that Mr. Bruce was drawing a
20 point to today's hearing and that it was 19 days, but
21 they were noticed for tomorrow.

22 They're not late. They comply with the
23 rule. So Ms. Luck, that argument doesn't really do
24 anything for me right now. I realize that they came
25 late in the whole six-month scenario since February,

1 but they do comply with the rule.

2 So let's talk about the prehearing
3 order for a moment. You have a copy pulled up; right?

4 MS. LUCK: Yes, Mr. Hearing Examiner.

5 THE HEARING EXAMINER: What does it say
6 about the prehearing statement and exhibits? When do
7 they need to be filed?

8 MS. LUCK: It says four days in advance
9 of this hearing by 9 a.m. that morning, Mr. Hearing
10 Examiner.

11 THE HEARING EXAMINER: Okay.

12 MS. LUCK: And so I did read this and I
13 reviewed it with Ms. Bennett.

14 THE HEARING EXAMINER: Yes.

15 MS. LUCK: And I also mentioned that,
16 just like her applications were allowed to be heard
17 tomorrow, that provision of Rockwood's cases could be
18 continued until tomorrow to cure any issues with
19 respect to the 9 a.m. prior to the hearing because
20 tomorrow the hearing does once again commence at 9
21 a.m.

22 THE HEARING EXAMINER: Well, okay. Was
23 there a reason why -- so you filed something on one
24 day and something else on another day. What was the
25 first day you filed?

1 MS. LUCK: The first day was our
2 complete set of exhibits. We had all of our exhibits
3 in there with the exclusion of our testimony.

4 THE HEARING EXAMINER: Okay. What day
5 was that?

6 MS. LUCK: On August 6th.

7 THE HEARING EXAMINER: And how many
8 business days is that before today?

9 MS. LUCK: Yes, sir. I understand that
10 that is four days before the hearing today. But our
11 hearing today was both delayed and continued
12 throughout the proceedings tomorrow.

13 THE HEARING EXAMINER: Okay. So the
14 6th was timely. All I'm trying to say is that the 6th
15 was timely.

16 MS. LUCK: Yes, and I believe that the
17 7th is also timely because the 7th is once again four
18 business days before --

19 THE HEARING EXAMINER: From tomorrow.

20 MS. LUCK: From tomorrow. Yes.

21 THE HEARING EXAMINER: Yes, I got that
22 point three times now. Once is enough for me; okay?
23 So please don't keep repeating yourself over and over
24 again. I get it the first time. I'm listening to
25 what you're saying. And I'm trying to give you

1 consideration as I would give Ms. Bennett.

2 MS. LUCK: And I would like to point
3 out, though, that Ms. Bennett's --

4 THE HEARING EXAMINER: But I'm not
5 finished speaking, Ms. Luck. Why do you -- why are
6 you interrupting me? Okay. Thank you, Ms. Luck.

7 Okay. So we have exhibits filed on the
8 6th. And then we have more exhibits filed on the 7th,
9 which will be timely for tomorrow. Okay.

10 All right. Ms. Bennett, that satisfies
11 me as to the timeliness aspect of the exhibits. This
12 is a two-day hearing. Yes, it starts today. If this
13 were a one-day hearing, the 7th would be late. Now,
14 the rule --

15 Do you have a copy of the rule, Ms.
16 Luck?

17 MS. LUCK: Yes, Mr. Hearing Examiner.

18 THE HEARING EXAMINER: Okay. Can you
19 turn your microphone on?

20 Okay. Under the rule --

21 MS. LUCK: And if you'd like, I can
22 read you the rule.

23 THE HEARING EXAMINER: I have the rule
24 in front of me. I'm reading from 1915413 and that --
25 "The prehearing statement has to be filed at least

1 four business days before a scheduled hearing."

2 Was the prehearing statement filed
3 timely, Ms. Luck?

4 MS. LUCK: Yes, Mr. Hearing Examiner.
5 And once again, if I can read the entire rule, it says
6 "At least four business days in advance of a scheduled
7 hearing before the Division or the Commission but in
8 no later than 5 p.m. on the Thursday preceding the
9 scheduled hearing date," which would make this timely.

10 THE HEARING EXAMINER: Okay. All
11 right.

12 Okay. So we've talked about the
13 timeliness of the exhibits. So, Ms. Bennett, if there
14 is an objection to the exhibits, I'm overruling it.
15 So we're going to hear this on the merits as you want
16 to anyway.

17 All right. So Ms. Luck, a quick
18 opening statement, please.

19 MS. LUCK: Well, again, Mr. Hearing
20 Examiner, I'd like to run through the typical intro
21 opening statement that we give in -- cases, which
22 includes introducing the cases, introducing the lands
23 involved, the subject acreage, and the initial
24 dedicated well.

25 That's typically how I have

1 presented -- cases before this Division. And I would
2 also like to include that information as well as my
3 brief opening statement.

4 THE HEARING EXAMINER: Okay. I'll give
5 you five minutes. So go ahead.

6 MS. LUCK: Thank you, Mr. Hearing
7 Examiner. Thank you to the examiner who is
8 participating in this hearing today. Rockwood Energy
9 is asking for its cases in case numbers 25243 through
10 25246 to be granted because Rockwood filed --
11 applications first in this case.

12 The applications were filed on February
13 26th of 2025, which was approximately five months in
14 advance of Coterra's applications. Rockwood has
15 letters of support from all of the other interest
16 owners in the unit. There's nine total letters of
17 support.

18 Coterra's the only party that
19 Rockwood's seeking to pool in this case. So it's very
20 important that we understand that there's no question
21 that Rockwood has engaged in voluntary contractual
22 good faith negotiations with Coterra regarding the
23 subject acreage and any reason or discussion that
24 Coterra wants to bring up at this hearing regarding
25 the negotiations is inadmissible under the rules

1 related to prehearing negotiations.

2 And so I would ask that any of those
3 negotiations be left out of this hearing under 11408.
4 In this case, it's also disputed that Coterra has
5 engaged with both Mewbourne and Rockwood related to
6 these units. That's never been a confusing issue for
7 Coterra.

8 Coterra has always known Mewbourne is
9 the top operator in the industry, an experienced
10 operator in the industry, and knows how to operate oil
11 and gas wells for a long time. So Mewbourne is ready,
12 willing, and able to drill these wells immediately as
13 proposed by Rockwood.

14 THE HEARING EXAMINER: Did you say
15 Mewbourne?

16 MS. LUCK: Yes.

17 THE HEARING EXAMINER: What's the
18 relationship between Mewbourne and Rockwood?

19 MS. LUCK: And if I may continue my
20 opening statement, any questions related to this could
21 be directed to our witnesses.

22 THE HEARING EXAMINER: But I'm asking
23 you.

24 MS. LUCK: And I'm an attorney in this
25 proceeding, and I'm not allowed to introduce my

1 statements with regards to what the evidence is in
2 this case. I like to introduce my witnesses regarding
3 that evidence.

4 THE HEARING EXAMINER: Okay. Ms. Luck,
5 I'm not asking for evidence. I'm just -- you brought
6 up a point just now. You said Mewbourne is going to
7 be operating these wells. And my only question to you
8 is what is the relationship? Is there some sort of
9 contractual relationship between Rockwood and
10 Mewbourne? Why have you brought up the Mewbourne at
11 all?

12 MS. LUCK: Because it's also going to
13 be discussed extensively by Coterra throughout these
14 proceedings about what Mewbourne's involvement is in
15 this unit. And not just this unit. All four of these
16 cases. So Mewbourne and Coterra have had negotiations
17 just like Coterra and Rockwood have had negotiations
18 related to these units due to Mewbourne's contractual
19 interests.

20 THE HEARING EXAMINER: Okay.

21 MS. LUCK: So Coterra's applications
22 are a reflection of Coterra's unpreparedness through
23 all stages of this process. Hearing testimony and
24 evidence will show that Coterra isn't ready, willing,
25 or able to drill these wells. Coterra hasn't

1 completed the title work in the unit and should not be
2 the operator chosen at this hearing.

3 As to the first factor related to the
4 competing pooling factors, Rockwood clearly has the
5 ability to efficiently recover the hydrocarbons and
6 there are less risks associated with Rockwood's
7 proposal.

8 As stated, Rockwood engaged in
9 extensive negotiations prior to the hearing and
10 Coterra is the one who has failed to engage
11 appropriately and timely with all interest owners as
12 shown by the letters of support from all other nine
13 interest owners in these units.

14 Rockwood has the ability to prudently
15 operate and prevent waste. And most importantly,
16 Rockwood is able to drill these wells before the lease
17 expirations, which happens July 2026. And so in these
18 contested cases, if Coterra's not prepared to drill
19 the wells by April 1st of 2026, Rockwood's asking that
20 the orders default back to Rockwood if Coterra is
21 granted the application so that these wells can be
22 drilled before the lease expirations.

23 And that's an issue that we're going to
24 being up throughout all of these proceedings. There
25 are pending lease expirations which are happening in

1 about eight months. And so since the lease
2 expirations are -- sorry, it might be closer to nine.

3 But the issue here is that we need to
4 be sure that the pooling order is issued and the wells
5 are drilled before the lease expirations. I think
6 that we've already addressed the issues related to the
7 contract professionals that are going to be testifying
8 today.

9 But I would continue to like to bring
10 up the fact that the scenario that's going on today
11 between the relationship between Rockwood and
12 Mewbourne is happening in countless other cases before
13 the Division. For example, Mr. Hearing Examiner, I
14 was involved in case 25164 before the Division, where
15 COG applied but it was really Admiral that would be
16 operating the wells.

17 And I can go through the Division's
18 case list and pool countless other examples where
19 there is a contract operator who is engaged by the
20 operator applying for pooling to be sure that the
21 wells are drilled timely. And because of the
22 situation with Coterra in these cases, Rockwood had to
23 engage in a contract operator.

24 And then once again, if there's any
25 confusion related to the contract negotiations, I

1 would request the Hearing Examiner to keep those
2 contract negotiations out related to 11408 because
3 that rule says under the rules of evidence that "Any
4 prehearing settlement negotiations are not admissible
5 evidence."

6 Turning now to the cases at hand, I
7 just want to overview each case. Case number 25243.
8 Rockwood is seeking an order pooling all uncommitted
9 mineral interests in the Bone Spring formation. This
10 is designated as an oil pool and it's underlying a
11 400-acre, more or less, spacing and it comprised of
12 the west half of Sections 25 and 36.

13 THE HEARING EXAMINER: Ms. Luck. Ms.
14 Luck, the five minutes is up and we have read the
15 applications carefully. So --

16 (Exhibit A and Exhibit B were marked
17 for identification.)

18 MS. LUCK: And I'm sorry, but my five
19 minutes were interrupted by some questionings. I
20 would like to finish with a summary of each of the
21 applications because this is typical in all pooling
22 cases.

23 THE HEARING EXAMINER: Okay. But you
24 don't need to. This is a contested hearing. It's not
25 a hearing by affidavit. You're going to have lots of

1 witnesses, lots of testimony. We don't need to go
2 through the typical opening. We've all read the
3 applications.

4 MS. LUCK: But for purposes of
5 preserving our record in this case, I think it's
6 extremely important to state what Rockwood's seeking
7 in its applications and then give Coterra the chance
8 to present their cases accordingly.

9 THE HEARING EXAMINER: Okay. Mr.
10 Fordyce, are you familiar with what Rockwood is
11 seeking in these four cases?

12 EXAMINER FORDYCE: Mr. Hearing
13 Examiner, yes, I've reviewed their exhibits that were
14 filed, received by OCD August 7th.

15 THE HEARING EXAMINER: Okay. Thank
16 you.

17 EXAMINER FORDYCE: I'm not familiar
18 with any rebuttal exhibits that were mentioned. I
19 have reviewed the exhibit packet filed August 7th.

20 THE HEARING EXAMINER: Okay. Thank
21 you.

22 Ms. Luck, let's go to your rebuttal
23 exhibit, what you mentioned before. When did you file
24 those?

25 MS. LUCK: I have not placed those on

1 file with the OCD because I was going to ask Ms.
2 Bennett's permission to do so given our issues with
3 the earlier filings. I wasn't sure the appropriate
4 process. I thought that I could bring those up at the
5 hearing today. But if it's not appropriate, I will
6 not do so.

7 THE HEARING EXAMINER: I'm not telling
8 you what's appropriate and what's not appropriate. So
9 all I'm saying is I tried to get your exhibits
10 admitted through stipulation. They have not been. So
11 you'll need to provide a foundation to each exhibit as
12 you got through your witness testimony.

13 Ms. Bennett, five minutes to you for an
14 opening statement.

15 MS. LUCK: And Mr. Hearing Examiner, if
16 I may, I'd like to finish my opening statement because
17 my opening statement was interrupted by questioning.

18 THE HEARING EXAMINER: Okay. So no,
19 you're not allowed to speak any longer in your opening
20 statement. Thank you, Ms. Luck.

21 Ms. Bennett?

22 MS. BENNETT: Thank you, Mr. Examiner.
23 As I said from the start of these cases at every
24 status conference, the -- this has been and continues
25 to be a moving target. And today's hearing proves my

1 point. There -- in February, it was a Rockwood case.
2 In April, Coterra was supposed to negotiate with
3 Mewbourne.

4 In May, it was Rockwood again. And in
5 June, it was Rockwood. Or sorry, it was Mewbourne.
6 Now, in July, who knows who it was? Mewbourne or
7 Rockwood? We don't know. But here today, it's a
8 Rockwood application with Mewbourne witnesses. That's
9 confusing.

10 That's a moving target. Rockwood's
11 exhibits, as I mentioned, suffer from seriously -- and
12 factual deficiencies. And I'll get to that. But
13 before I do, I don't want to lose sight of the fact
14 that no matter what, even if those deficiencies were
15 cured, Coterra wins at the end of the day here because
16 Coterra has the majority of working interest any way
17 you slice it.

18 So -- and it's undisputed that Coterra
19 has the majority of working interest. So Coterra has
20 the majority of working interest in the Rockwood
21 units. Coterra has the majority of working interest
22 ownership in its units. And when you compare the
23 Sombrero, which are the Coterra cases with the Shepard
24 cases, which are the Rockwood cases, Coterra has the
25 majority of interest even as compared against

1 Rockwood's own ownership.

2 So at the end of the day, there's a lot
3 that can be said about the different negotiations and
4 I don't agree about 11408 but I'll save that for
5 another time. At the end of the day, the fact of the
6 matter is, Coterra has a majority interest ownership
7 and the Division and the Commission held that in the
8 absence of any other compelling factors, majority
9 interest ownership is the controlling factor.

10 And there are no other compelling
11 factors that weigh in favor of Rockwood here.
12 Rockwood has never drilled a well in New Mexico. Not
13 one. Rockwood is relying only on Mewbourne as
14 contract operator. But there's nothing in the
15 exhibits today that identify the relationship between
16 Mewbourne and Rockwood.

17 So there's no evidence in the materials
18 that Rockwood submitted that shows that Mewbourne has
19 the right to testify on Rockwood's behalf. Contrary
20 to Ms. Luck's statement, it is not usual practice for
21 other operators to testify on behalf of a different
22 operator.

23 I'm certainly aware of contract
24 geologists, contract reservoir engineers, testifying
25 on behalf of someone who doesn't have a reservoir

1 engineer or doesn't have a geologist. But never have
2 I seen an operator like Mewbourne testify on behalf of
3 another operator.

4 And in fact in the cases that I'm aware
5 of and that coincidentally Ms. Luck was involved in a
6 recent case, which was Alpha Energy. Alpha actually
7 refiled its applications and said that it identified
8 the contract operator. And in fact there's the spot
9 on the compulsory pooling checklist that says
10 applicant designated operator.

11 So the Division is -- there's no
12 prohibition against having a contract operator, and
13 there's no prohibition about having contract
14 geologists or reservoir engineers testify. What's
15 happening here, though, is there's no authority shown
16 for Mewbourne to testify.

17 And there's nothing in Rockwood's
18 applications that demonstrates that Rockwood is going
19 to have a contract operator. That's a material
20 deficiency under the Division's material deficiency
21 policy. And so those are some of the legal
22 infirmities that I intend to get into with the
23 Mewbourne, not Rockwood witnesses.

24 But I do -- I don't want the Division
25 or any party here to lose sight of the fact that at

1 the end of the day, this is very -- open and shut.
2 Coterra has the majority working interest. Coterra
3 should be awarded operatorship under the Division's
4 factors.

5 THE HEARING EXAMINER: Okay.

6 MS. BENNETT: Thank you.

7 THE HEARING EXAMINER: Thank you, Ms.
8 Bennett.

9 Okay. Let's get your three witnesses
10 on the screen, Ms. Luck.

11 MS. LUCK: Okay. I have Tyler Jolly,
12 Charley Crosby, and Gavin Edington.

13 THE HEARING EXAMINER: Thank you.

14 MS. LUCK: And if I may, I'd like to
15 respond to some of the statements that Ms. Bennett
16 just made once again about the contract operatorships.

17 THE HEARING EXAMINER: No, Ms. Luck.
18 It's not evidence. We're not doing argument here.
19 Opening statements are opening statements, and that's
20 all they are. They're supposed to be a roadmap to
21 what the evidence is going to show us. That's all
22 they're supposed to be. They're not really legal
23 argument.

24 MS. LUCK: But my opening statement was
25 truncated. So I have a few more statements that I'd

1 like to make in response to Ms. Bennett.

2 THE HEARING EXAMINER: Ms. Luck, I'm
3 sorry. We don't have time for that right now. Let's
4 get your witnesses sworn in. Let's let them do the
5 hearing.

6 Okay. Please, all three, raise your
7 right hands.

8 WHEREUPON,

9 TYLER JOLLY,
10 called as a witness and having been first duly sworn
11 to tell the truth, the whole truth, and nothing but
12 the truth, was examined and testified as follows:

13 WHEREUPON,

14 CHARLES CROSBY,
15 called as a witness and having been first duly sworn
16 to tell the truth, the whole truth, and nothing but
17 the truth, was examined and testified as follows:

18 WHEREUPON,

19 GAVIN EDINGTON,
20 called as a witness and having been first duly sworn
21 to tell the truth, the whole truth, and nothing but
22 the truth, was examined and testified as follows:

23 THE HEARING EXAMINER: Okay. I heard
24 two yeses. I didn't hear a third yes.

25 MR. JOLLY: Yes.

1 THE HEARING EXAMINER: Thank you, Mr.
2 Jolly. Would you spell your name, Mr. Jolly?

3 MR. JOLLY: Yes. Tyler, T-Y-L-E-R
4 Jolly, J-O-L-L-Y.

5 THE HEARING EXAMINER: And Ms. Luck
6 advises me that you've been previously qualified as an
7 expert before this Division?

8 MR. JOLLY: Yes, sir.

9 THE HEARING EXAMINER: Excellent. In
10 what field?

11 MR. JOLLY: Land.

12 THE HEARING EXAMINER: Thank you, sir.

13 Okay. Next, please. The next witness
14 spell their name, please.

15 MR. CROSBY: Charles Crosby,
16 C-H-A-R-L-E-S C-R-O-S-B-Y.

17 THE HEARING EXAMINER: And you've been
18 previously qualified before this Division as an
19 expert?

20 MR. CROSBY: Yes, sir.

21 THE HEARING EXAMINER: In what field,
22 please.

23 MR. CROSBY: Geology.

24 THE HEARING EXAMINER: Geology. Thank
25 you.

1 And the last witness, please.

2 MR. EDINGTON: Gavin Edington, spelled
3 G-A-V-I-N E-D-I-N-G-T-O-N.

4 THE HEARING EXAMINER: Thank you. And
5 the same question to you.

6 MR. EDINGTON: Yes.

7 THE HEARING EXAMINER: Yes what?

8 MR. EDINGTON: I have been an expert
9 witness before.

10 THE HEARING EXAMINER: Before this
11 Division?

12 MR. EDINGTON: And -- yes. In
13 petroleum engineering.

14 THE HEARING EXAMINER: Petroleum
15 engineering; did you say?

16 MR. EDINGTON: Yes.

17 THE HEARING EXAMINER: All right.
18 Thank you.

19 Ms. Luck, who would you like to call
20 first?

21 MS. LUCK: I'd like to call Mr. Jolly
22 as my first witness.

23 THE HEARING EXAMINER: Okay, Mr. Jolly.
24 You're under oath.

25 Go right ahead, Ms. Luck.

DIRECT EXAMINATION

BY MS. LUCK:

Q Okay. Thank you, Mr. Jolly. I believe you already stated your name for the record. But could you also state by whom you're employed and in what capacity?

A Yes, I'm a landman from Mewbourne Oil Company.

Q And have you previously testified before the Division, had your credentials accepted as a landman?

A I have.

Q And are you familiar with applications filed by Rockwood in case number 25243 through 25246?

A I am.

Q Okay. And are you familiar with the status of the lands in the subject area?

A Yes, I am.

Q Okay.

MS. LUCK: And based on that information, I would move to admit him as an expert in land to testify in this case regarding the exhibits that were also submitted with his exhibit packet.

THE HEARING EXAMINER: Okay. Ms. Luck, all of your witnesses have been previously qualified. So -- and there's no objection to the fact that they

1 are experts. So you don't have to qualify them. Now,
2 what did you say about exhibits?

3 MS. LUCK: Okay. Well, sorry, sir. I
4 would need to turn to my exhibits, Exhibit C-1.

5 THE HEARING EXAMINER: Okay. Now,
6 where will I look to see that? I'd like to see that
7 myself.

8 MS. LUCK: I apologize. Would you like
9 me to share my screen?

10 THE HEARING EXAMINER: I don't think
11 you need to. Unless Mr. Fordyce wants you to share
12 your screen. I'm going to look at your exhibits on
13 the imaging system.

14 Mr. Fordyce?

15 EXAMINER FORDYCE: No need to share
16 your screen. I have the exhibits pulled up as well.

17 THE HEARING EXAMINER: Okay. So Ms.
18 Luck, let's first direct me to an exhibit number.

19 MS. LUCK: Yes, Mr. Hearing Examiner.
20 So first, we'll be turning to Exhibit C-1.

21 THE HEARING EXAMINER: Okay. And this
22 is case -- for all -- is the exhibit packet going to
23 be the same for all four cases?

24 MS. LUCK: Yes, Mr. Hearing Examiner.

25 THE HEARING EXAMINER: Okay. Perfect.

1 All right. Let me get your exhibit
2 packet opened up. Hold on one second. I want to be
3 able to follow along. I see -- okay. I see -- this
4 is the document filed on the seventh at 6:47 a.m. And
5 I see Exhibit C-1; you said?

6 MS. LUCK: Yes, Mr. Hearing Examiner.
7 (Exhibit C-1 was marked for
8 identification.)

9 THE HEARING EXAMINER: Okay. Go right
10 ahead.

11 MS. LUCK: Page 35 on the PDF.

12 THE HEARING EXAMINER: I'm there.
13 Thank you.

14 BY MS. LUCK:

15 Q Okay. So this -- Mr. Jolly, could you turn
16 to Exhibit C-1; do you have it?

17 A Sorry, Kaitlyn. Which one is C-1? I have a
18 hard copy here.

19 Q That's okay. C-1 are the C102s.

20 A Okay. C102s.

21 Q Yes.

22 A Okay. I've got them right here. Sorry.

23 Q Okay. And so looking at Exhibit C-1, can
24 you explain to us what those documents are?

25 A Yes. These are C102s outlining the wells

1 that Rockwood applied to drill and complete, targeting
2 the Bone Spring formation surfacing in Section 25 of
3 1835. And then the bottom pool location in, you know,
4 Section 1 of 19 south; 35 east. But this shows where
5 the wells will surface and dedicated acres, the
6 targeted formation, and a well plan.

7 Q Okay. Thanks.

8 And so turning to Exhibit C-2 if we may --

9 MS. LUCK: Or do I need to move
10 admission to the exhibit?

11 THE HEARING EXAMINER: You need -- we
12 need to go exhibit by exhibit. So did you ask this
13 witness if he prepared this himself?

14 BY MS. LUCK:

15 Q Mr. Jolly, did you prepare --

16 MS. LUCK: I can ask him that now, Mr.
17 Hearing Examiner. Sorry. I can ask him that now, Mr.
18 Hearing Examiner, if you'd like.

19 THE HEARING EXAMINER: Yes. Each --
20 you're going to have to provide a foundation. Pretend
21 that this is like criminal law now and you have to
22 provide a foundation to show me that this is a
23 reliable document, and you want to ask your witness,
24 you know, who prepared the document, has he reviewed
25 it, is it -- does he adopt it under oath. Go through

1 the steps for us.

2 MS. LUCK: Okay.

3 BY MS. LUCK:

4 Q So Mr. Jolly, turning back to the C102s, is
5 this a full and complete C102 form?

6 A Yes.

7 Q Has it been signed?

8 A Yes.

9 Q And at this point in time, do you have
10 anything else that needs to be changed or added to
11 this form?

12 A No, we reviewed the C102s before the -- they
13 were submitted.

14 Q Okay. So this document was either prepared
15 or compiled under your direction or supervision?

16 A Yes.

17 Q Okay.

18 MS. LUCK: And so with that, I would
19 move the admission of this as C-1.

20 THE HEARING EXAMINER: Okay. I'm not
21 sure I heard the question. You went a little fast,
22 Ms. Luck. So let me just ask the witness myself this
23 question.

24 Mr. Jolly, did you prepare these C102s?

25 THE WITNESS: They were prepared under

1 our supervision.

2 THE HEARING EXAMINER: What does that
3 mean?

4 THE WITNESS: Well, Rockwood signed the
5 C102s, but we certainly provided guidance before they
6 were submitted.

7 THE HEARING EXAMINER: Okay. So when
8 you say "we," do you mean you?

9 THE WITNESS: Mewbourne Oil Company.

10 THE HEARING EXAMINER: Oh, okay. So
11 you -- okay. I'm just trying to find out what your --
12 what you mean.

13 Ms. Bennett, your take?

14 MS. BENNETT: May I ask a few follow up
15 questions?

16 THE HEARING EXAMINER: Please. Yeah,
17 while we have the witness, yeah.

18 MS. BENNETT: Thank you.

19 EXAMINATION

20 BY MS. BENNETT:

21 Q Thank you for being here, Mr. Jolly. I
22 appreciate it. And nice to see you. A moment ago you
23 said that these are a full and complete C102. Do you
24 recall that?

25 A Yes, ma'am.

1 Q Don't C102's have two pages each?

2 A Most do, yes. Yes, ma'am.

3 Q And isn't the second page usually a drawing,
4 a plat map?

5 A Yes, ma'am. Usually they are.

6 Q So this is not a complete -- full and
7 complete C102; is it?

8 A It looks like this is the C102 that Rockwood
9 submitted.

10 Q Where do you see that Rockwood submitted
11 this C102?

12 A I don't see it anywhere on the page that
13 says that Rockwood submitted this C102. Is that
14 usually on the C102?

15 THE HEARING EXAMINER: Well, she can't
16 answer your question, Mr. Jolly.

17 BY MS. BENNETT

18 Q So a moment ago you testified that this C102
19 was prepared under your supervision?

20 A Yes, ma'am.

21 Q And by "your," I mean Mewbourne's; not
22 necessarily your direct supervision. When did
23 Mewbourne become involved in Rockwood's development
24 plan?

25 MS. LUCK: And I'm going to object to

1 this question because I'm not sure that it's relevant
2 to the foundational -- laying this document -- excuse
3 me -- is not relevant to laying the foundation for the
4 admission of this document into evidence.

5 THE HEARING EXAMINER: Well, I see it
6 differently, Ms. Luck. So I override your objection
7 and I'll explain to you why.

8 Your witness here has testified to
9 certain things about this document that now put this
10 document's reliability into jeopardy. So at this
11 point, it's looking like I'm not going to admit this
12 C102 unless we find out some different facts about the
13 C102 and your witness's involvement.

14 He didn't prepare this document. It's
15 not a complete document. So I overrule. You can
16 argue all you want, but I overrule the objection.

17 Please continue voir diring him.

18 Would you please answer the question,
19 Mr. Jolly?

20 THE WITNESS: Yes, ma'am -- or -- or
21 yes, sir. Can you please repeat the question?

22 BY MS. BENNETT:

23 Q Certainly. When did Mewbourne become
24 involved in the Rockwood Shepard development plans?

25 A Early in 2026 around -- sorry, early in

1 2025 -- I don't recall the exact date.

2 Q So you don't recall the exact date. Is
3 there anyone who can testify about the exact date?

4 A I don't recall the exact date. No, ma'am.

5 Q And thank you for that, but is there anyone,
6 any one of the Rockwood witnesses, or Mewbourne
7 witnesses actually, who can testify as to the date?

8 A I don't think so.

9 Q This C102 was issued -- or was signed on
10 February 17, 2025. Do you see that at the bottom?

11 A Yes, ma'am.

12 Q So sitting here right now, you can't say for
13 sure that it -- Mewbourne was involved in this
14 prospect before February 17, 2025; can you?

15 A We had been in contact with Rockwood about
16 these lands before February 17th of 2025.

17 Q But were you --

18 A -- exact date that we were involved.

19 Q So you're saying that even though you can't
20 remember when you became involved, that you somehow
21 know that at least by February 17, 2025, things were
22 being prepared under your supervision?

23 A I guess I don't recall the exact date that
24 Mewbourne and Rockwood that -- that no, I guess I
25 don't know the exact date, no, ma'am.

1 Q Thanks. On exhibit -- on this exhibit, it
2 has a OGRID number. Do you see that, 341867?

3 A Yes, ma'am. Yes, ma'am.

4 Q Do you know if that is an OCD OGRID number?

5 A I -- I assume that it is. That's not
6 Mewbourne's OGRID number, but I assume that's Rockwood
7 Energy's correct OGRID number.

8 Q Is there anyone here who can testify whether
9 that is Rockwood Energy's correct OGRID number?

10 A I'd have to defer to the -- to another one
11 of the witnesses from Mewbourne.

12 Q And would it surprise you to learn that that
13 is not Rockwood Energy's correct OCD OGRID number?

14 A I did not know that was not the correct
15 OGRID number.

16 Q If you look down towards the middle of the
17 C102, it says "Spacing Unit Type." And then it has
18 "Horizontal" and "Vertical." Is this a C102 for a
19 vertical spacing unit?

20 A It should be for a horizontal unit.

21 Q Mr. Jolly, if you had reviewed this, would
22 you have agreed that this is a vertical spacing unit?

23 A Well, like I said, this should be a
24 horizontal spacing unit. If it was incorrectly
25 reviewed, then we can definitely look at that.

1 Q And if you had prepared it, if Mewbourne had
2 prepared a C102, would it have your OGRID number on
3 it? The correct OGRID number?

4 A If Mewbourne prepared a C102 for a well that
5 Mewbourne was going to submit with Mewbourne's
6 operator then it would have Mewbourne's OGRID number
7 on it.

8 Q On this C102, who does it say that -- who
9 does it say is going to be the operator?

10 A Rockwood Energy.

11 Q Is Rockwood Energy going to be the operator
12 of these wells if Rockwood is awarded -- if it's
13 applications are granted?

14 A If -- if Rockwood Energy is awarded
15 operatorship and a pooling order to go save their
16 interest on expiring leases, their plan is to transfer
17 the pooling order to Mewbourne Oil Company and
18 Mewbourne Oil Company is ready to go forward and save
19 their leases.

20 Q And you think that going to a contested
21 hearing is the fastest way to save those leases? I
22 strike -- I'm striking my question.

23 A I think Rockwood --

24 MS. BENNETT: I strike my question.

25 I withdraw my question.

1 MS. LUCK: And Mr. Hearing Examiner, if
2 I may step in here regarding these C102s. It's
3 commonplace in these OCD hearings for a draft C102
4 forms to be submitted. In the case that Ms. Bennett
5 referenced earlier, the Hollywood Star cases, there
6 were draft C102s presented in that case.

7 I didn't object on behalf of my client
8 at that point in time. Those C102s also had a
9 plethora of errors. These are not filed C102s. They
10 are drafts. And I want to clarify any misstatements
11 related to that. We're happy to submit revised
12 exhibits with the correct information related to the
13 well development plans.

14 That's typical and common in these
15 draft C102 forms for there to be errors, and they can
16 be rectified through throughout this process. I've
17 worked on many cases. I was here last week and many
18 revised exhibits were filed at that point in time
19 during the regular hearing.

20 THE HEARING EXAMINER: Okay, Ms. Luck.
21 Ms. Luck, the problem here is that this witness didn't
22 prepare this -- these documents, the C102s. His
23 review seemed to have missed some major problems with
24 these. They're supposed to be two-page documents.
25 They're one-page documents.

1 So these exhibits won't be admitted.
2 Now, you can file new C102s. I'll give you until the
3 close of business -- I'll give you until the hearing
4 is over tomorrow to file new C102s, and this witness
5 can prepare them. And this witness can testify and
6 adopt them under oath. But I won't accept these.
7 These will not come into evidence.

8 MS. LUCK: And I want to be clear.
9 It's very common in these proceedings for the C102s to
10 be prepared by someone else other than the testifying
11 witness. Countless cases the C102s are not signed by
12 the witness who testifies. And I would ask that that
13 not be the case in this scenario either.

14 That should not be required by the
15 Division for the C102 to be signed by the witness who
16 is testifying. The provision regarding expert
17 testimony is whether or not the exhibits are compiled
18 under their direction or supervision.

19 This is an inappropriate misstatement
20 of the rules by Ms. Bennett that these C102s should be
21 stricken where these are draft documents. And in many
22 cases, draft documents are submitted and then revised.

23 THE HEARING EXAMINER: Okay. I have --
24 I'm not arguing.

25 MS. BENNETT: Mr. Hearing Examiner --

1 THE HEARING EXAMINER: Hold on, Ms.
2 Bennett.

3 MS. BENNETT: Thanks.

4 THE HEARING EXAMINER: I'm not arguing,
5 Ms. Luck, that it's never the case that someone else
6 prepare a document and then that the expert review
7 that document and adopt that under oath. I have no
8 problem with that. The problem is there's so many
9 problems with these C102s that they're not reliable.

10 And I won't let in unreliable evidence
11 into the Hearing record. That's my job. I'm the
12 gatekeeper for evidence. So these won't come in. If
13 you want to try again, and make a new argument, that's
14 fine. We'll take a look at them. We'll have your
15 witness testify to them.

16 We'll hear objection or not. And then
17 I'll make a ruling. But these won't be coming in. So
18 do you want to move on now?

19 MS. LUCK: Okay. I just want to
20 clarify the OCD's exhibit revision policy because I
21 attended the hearing last week on August 7th and in
22 countless cases of pooling for the Division, everyone
23 was allowed to present revised exhibits. And I want
24 to be sure whether or not that's going to be
25 permissible in this case.

1 THE HEARING EXAMINER: I've already
2 said that to you, Ms. Luck. That's what I'm allowing
3 you to do.

4 MS. LUCK: Okay.

5 THE HEARING EXAMINER: But these
6 documents won't be. These exhibits won't be coming
7 in.

8 Were you going to say something, Ms.
9 Bennett?

10 MS. BENNETT: Yes, thank you. And I do
11 want to clarify that it's not my position that Mr.
12 Jolly needed to prepare the C102.

13 THE HEARING EXAMINER: Sure.

14 MS. BENNETT: But rather that it be
15 prepared under his supervision.

16 THE HEARING EXAMINER: Agreed.

17 MS. BENNETT: I agree with Ms. Luck
18 that there's oftentimes a team that prepares the
19 hearing exhibits, and it's unusual based on my view
20 that a company other than the company that prepared
21 the C102 would be testifying about the C102.

22 MS. LUCK: And again, I would like to
23 respond to that because Ms. Bennett has had countless
24 cases where this exact situation was going on before
25 the Division where there would be a contract operator

1 who would be engaged after the pooling order is
2 entered.

3 That is the same scenario that is
4 happening here. It's very commonplace throughout the
5 oil and gas industry. And Ms. Bennett has been
6 involved in a -- many of these cases. I can give you
7 some of the examples. First of them is 25164.

8 THE HEARING EXAMINER: I'm not asking
9 you for examples, Ms. Luck. Thank you.

10 So I made a ruling on these exhibits.
11 These are not coming into the record. You have an
12 opportunity to submit new C102s. And so why don't you
13 continue your case?

14 MS. LUCK: Okay. When am I going to
15 have a chance to recall to my witnesses to ensure the
16 admission of Mr. Jolly's exhibits?

17 THE HEARING EXAMINER: Not until the
18 end of the hearing tomorrow.

19 MS. LUCK: Okay. So my witnesses will
20 be recalled at the end of Ms. Bennett's case?

21 THE HEARING EXAMINER: It's up to you
22 to recall your witnesses. That's your job. So you
23 have that opportunity.

24 //

25 //

DIRECT EXAMINATION

BY MS. LUCK:

Q Okay. Mr. Jolly, turning to Exhibit number 2, which is page 39 in the exhibit packet, can you tell us what Exhibit 2 shows?

A Exhibit C-2?

Q Yes.

(Exhibit C-2 was marked for identification.)

A This is Section Plat showing the spacing unit of the proposed Shepard 25/1 State Com 521H well spacing unit is going to cover the west half, west half of Section 25. The west half, west half of Section 36 and 18 south; 35 east. And then the west half, northwest border of Section 1 of 19 south 35 east.

Q Okay. And this relates specifically to the Shepard 521H well in 25243?

A Yes, ma'am.

Q Okay. And does this also provide a unit recapitulation for the 521H well as well as highlighting the interest owner to be pooled?

A Yes, ma'am.

Q Okay. And then continuing on through C-2 on page 42 there's a Section plat for 523H. Can you

1 explain to us about those?

2 A Yeah, similar to the plat of the 521H. It
3 shows the spacing unit, the well, the surface
4 location, the -- location. The 521H is kept short
5 because there's already a well that another operator
6 drilled through the west half southwest of Section 1.
7 So that's why the 521H is shorter in length than the
8 523H and some of the other wells that were proposed.

9 Q Okay. Moving on down through the exhibit,
10 that also shows the recapitulation of the unit
11 ownership interest and the party to be pooled, which
12 is Coterra; is that correct?

13 A Yes, ma'am.

14 Q Okay. So then on page 45 of the exhibits,
15 can you tell us what that Section plat shows for the
16 526H well?

17 A Yes, the Section plat for the Shepard 25/1
18 State Come number 526H is a well also surfacing in
19 Section 25 going through Section 36 of 18 south 35
20 east and then also traversing Section 1 of 19 south 35
21 east.

22 Q Okay. And this portion of the exhibit then
23 goes on to show the recap for the unit and the tract
24 ownership in the unit and the only party to be pooled
25 is once again Coterra; is that correct?

1 A Yes, ma'am.

2 Q Okay. And then the final couple of pages,
3 starting on page 48 of C-2, that is a Section plat for
4 528H. Can you explain to us what that page shows?

5 A Yes, it's also a Section plat for the
6 Shepard 25/1 State Com number 528H shows the
7 surface -- location in the northeast -- northeast of
8 Section 25. That's a three-mile lateral cutting
9 through the east half, east half of Section 25 east
10 half, east half from Section 36 of 18 south 35 east.
11 And then also traversing through the east half, east
12 half -- east path of Section 1 19 south 35 east.

13 Q Okay. And the final pages of Exhibit C-2
14 show the recap of the unit and the only party to be
15 pooled again, which is Coterra; is that correct?

16 A Yes, ma'am.

17 Q Okay.

18 MS. LUCK: And so with that I would for
19 the admission of Exhibit C-2.

20 THE HEARING EXAMINER: Ms. Bennett?

21 MS. BENNETT: Thank you. If I may ask
22 the witness some questions?

23 THE HEARING EXAMINER: Go ahead.

24 MS. BENNETT: Thank you.

25 //

EXAMINATION

BY MS. BENNETT:

Q Mr. Jolly, did you prepare Exhibit C-2?

A Yes, ma'am.

Q Were those prepared from Mewbourne's title or from Rockwood's title?

A These were prepared from county records done by both Rockwood and Mewbourne.

Q Does Rockwood have a landman they consulted with to prepare these exhibits?

A I do believe there's a landman that works with or that works for Rockwood, yes.

Q Did you consult with that landman to prepare these exhibits? And by these exhibits, I mean Exhibit C-2 only?

A Yes, we consulted with Rockwood about the Exhibit, C-2, yes.

Q Did you personally consult with the landman?

A Yes.

Q What's the landman's name?

A Kelton Powell is the representative at Rockwood that we have been in communication with.

Q Is there a reason why Mr. Powell or Mr. Kelton -- I'm sorry, what was his name? Kelton Powell?

1 A Yes, ma'am.

2 Q He's not testifying today, though; is he?

3 A No, ma'am.

4 Q On these exhibits that you prepared, it
5 doesn't show Marshall & Winston as having any working
6 interest ownership; does it?

7 A No, ma'am.

8 Q So --

9 A They're not being pooled.

10 Q No, I understand they're not being pooled.
11 But you don't show them as having a working interest
12 in these unit recaps; do you?

13 A We only show Coterra as the other party --
14 party being pooled.

15 Q I understand that. But I'm asking you
16 whether you show Winston and Marshall as being --
17 owning a working interest in these tracts?

18 A We do.

19 Q Where?

20 A I believe Marshall & Winston -- throughout
21 Section 36 -- believe when they made their assignment
22 at the Franklin Mountain they reserved a piece. They
23 also own in tract 3, which is VC-0891, which I believe
24 is the lease that's expiring next year.

25 Q Thanks. I don't see that anywhere in your

1 exhibits, and I'm not trying to make a huge deal out
2 of this. I just was wondering if you knew that the
3 Division has been asking Mewbourne specifically to
4 include committed and uncommitted working interest
5 owners in their unit recap?

6 A We can provide updated ownership if need be.
7 But the other owners aren't being pooled.

8 Q I understand that, but the Division has
9 specifically required Mewbourne in prior cases to
10 submit unit recaps that include both committed and
11 uncommitted, and this does not do that; is that right?

12 A This only shows Rockwood and Coterra. We
13 only show Coterra because they were being pooled. But
14 we can -- we can update the exhibits if need be. The
15 other parties aren't being pooled.

16 Q I understand that. I'll leave it to the
17 Division to decide whether the tract maps need to be
18 updated. But I will say that in prior Mewbourne
19 cases, the Division has required Mewbourne to submit
20 revised exhibit packets that show uncommitted and
21 committed working interest owners.

22 MS. LUCK: And again, Mr. Hearing
23 Examiner, there's no rule related to that. This is
24 just all conjecture. This is an argument being made
25 by counsel that this is a requirement. This has never

1 been required in other pooling cases. There's no rule
2 that's being cited to you. So I'd ask that that be
3 denied.

4 THE HEARING EXAMINER: Okay. Well, I'm
5 only here to deal right now with the admission of
6 Exhibit C-2.

7 So, Ms. Bennett, you voir dired the
8 witness. Do you maintain an objection or -- you
9 didn't object at all to it. Are you objecting or not?

10 MS. BENNETT: No, I'm not objecting to
11 this exhibit.

12 THE HEARING EXAMINER: Okay.

13 MS. BENNETT: But I do reserve the
14 right to ask further cross-examination questions not
15 limited to voir dire.

16 THE HEARING EXAMINER: Okay.

17 C-2, Ms. Luck, is admitted.

18 (Exhibit C-2 was received into
19 evidence.)

20 C-1 is not admitted. And I have -- I
21 want to be very clear. You have until tomorrow
22 whenever the hearing ends. And I don't know what time
23 the hearing will end. But you have until that time to
24 submit new C102s and have a witness testify to their
25 accuracy here at the hearing. Is that clear?

1 MS. LUCK: Yes, Mr. Hearing Examiner.

2 THE HEARING EXAMINER: Okay.

3 Excellent. Do you want to go on to C-3 now?

4 MS. LUCK: Yes, if -- ready.

5 THE HEARING EXAMINER: Go right ahead.

6 DIRECT EXAMINATION

7 BY MS. LUCK:

8 Q So turning to Exhibit C-3, which is at page
9 51 in the exhibit packets, Mr. Jolly, can you explain
10 what that is?

11 (Exhibit C-3 was marked for
12 identification.)

13 A Yes, this is a sample of a proposal letter
14 that Rockwood sent out in February -- yeah, February
15 of 2025, proposing wells. Also behind that is -- it
16 looks like their AFE, showing the cost to drilling
17 complete the wells. And all this was sent out in
18 February of 2025.

19 Q Okay. And also towards the bottom I think
20 of those exhibits -- let me just check.

21 THE HEARING EXAMINER: What page were
22 you on?

23 MS. LUCK: Sorry, I just want to be
24 sure. Yeah, we went all the way through those. So 50
25 all the way through 55, that is those exhibits. So

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1 with that, I will move for the admission of Exhibit
2 C-3.

3 THE HEARING EXAMINER: So what I would
4 like you to ask the witness for each exhibit, Ms.
5 Luck, is do they adopt this exhibit under oath. I'm
6 trying to establish some sort of accuracy, some sort
7 of reliability. And if all he says is it looks like
8 it's this, it doesn't leave me feeling very confident,
9 especially after the C102 incident. So please ask
10 your witness if he adopts them under oath.

11 MS. LUCK: And I would just like to
12 clarify in these OCD proceedings there's a lot of
13 errors that happen. And I attended the hearing on
14 August 7th. And again, I'd note that each of the
15 cases, they were permitted to file revised exhibits.

16 And so I don't know why there's a big
17 issue being made out of some errors on the documents
18 in these cases that can be rectified and clarified
19 before the hearing ends in this proceeding, and I'd
20 just like some courtesy regarding that because it
21 seems like there's some confusion in these cases that
22 there are some issues that may happen throughout the
23 form completion process.

24 And we'd like to proceed with the
25 hearing and in the end it's professional.

1 THE HEARING EXAMINER: Oh, I would to,
2 Ms. Luck. So thank you for saying that. And
3 hopefully we can do that together. The problem with
4 these exhibits, Ms. Luck, is that they were not
5 prepared by this witness. This witness has been
6 qualified as an expert.

7 So he's qualified to review all of the
8 exhibits and then make a expert opinion based on them.
9 But he needs to adopt them under oath if you want to
10 get them in. If there are errors I'm sure Ms. Bennett
11 is going to point them out.

12 And it really just depends on how many
13 errors there are and how fatal those errors are to the
14 document's reliability that I have to make a judgment
15 of. So would you please ask your witness if he is
16 going to adopt this exhibit under oath?

17 BY MS. LUCK:

18 Q Mr. Jolly, I want to clarify. Are you
19 adopting Exhibit C-3 under oath as being compiled or
20 prepared under your direction or supervision?

21 A Yes, ma'am.

22 THE HEARING EXAMINER: Ms. Bennett, are
23 there any objections to C-3?

24 MS. BENNETT: I'd like to ask a couple
25 of questions.

EXAMINATION

BY MS. BENNETT:

Q Mr. Jolly, this letter was sent out on February 12, 2025. Do you see that?

A Yes, ma'am.

Q And did you review the proposal letter before it was sent out?

A Yes, ma'am.

Q That's what you recall, that you reviewed this particular proposal letter before it was sent on February 12, 2025?

A Yes, we were in communication with Rockwood when they were proposing the wells.

Q Turning to -- so do -- so the letter was sent out on February 12, 2025. Do you know when Rockwood filed its -- well, I'll ask you that on cross-examination.

Turning to Exhibit -- the AFE at the end. That's on page 55. Do you see that?

A Yes, you -- are you referring to the AFE for the Shepard 25/1 State Com number 521H?

Q That's the only AFE that made it into the exhibit packet, it looks like. There should be AFEs for the other wells; right?

A Yes, ma'am. We can -- we can provide those.

1 I apologize about that.

2 Q Thank you.

3 MS. BENNETT: Those are the -- I don't
4 object to this document being admitted into evidence
5 with the addition of the AFEs.

6 THE HEARING EXAMINER: Okay.

7 MS. BENNETT: But I do reserve
8 questions for cross-examination.

9 THE HEARING EXAMINER: Okay. So I
10 can't admit a document with the condition that
11 additional documents are also added. So either you
12 object to this document by itself or I can admit this
13 document and it stands for what it stands for.

14 MS. BENNETT: Okay.

15 THE HEARING EXAMINER: If there's
16 missing other AFEs, then it's up to Ms. Luck to
17 provide them, you know, to help strengthen her case.
18 But I can't admit this conditionally like that.

19 MS. BENNETT: I understand. No
20 objections.

21 THE HEARING EXAMINER: Very good.

22 Ms. Luck, C-3 is admitted.

23 (Exhibit C-3 was received into
24 evidence.)

25 MS. LUCK: Thank you, Mr. Hearing

1 Examiner.

2 Turning to Exhibit C-4, which is found
3 on page 56 of the PDF.

4 (Exhibit C-4 was marked for
5 identification.)

6 DIRECT EXAMINATION

7 BY MS. LUCK:

8 Q Mr. Jolly, can you tell us what this
9 document shows?

10 A Yes, this is the communication with Coterra
11 Energy Operating, Summary of Communications starting
12 in January of 2025, all the way through July 2025,
13 with Coterra Energy Operating Company.

14 Q Okay. And included on pages 57 and 58 and
15 59 are summaries for each of the four cases; is that
16 correct?

17 A Yes, ma'am.

18 Q Okay. And was Exhibit C-4 prepared or
19 compiled at your direction and supervision?

20 A Yes, ma'am.

21 Q Okay.

22 MS. LUCK: With that I'd move for the
23 admission of Exhibit C-4.

24 THE HEARING EXAMINER: Ms. Luck, you
25 didn't ask the witness if he adopts this exhibit under

1 oath.

2 MS. LUCK: Okay, sir. And I'm sorry,
3 Mr. Hearing Examiner, is there a rule or some type of
4 judicial procedure that requires that being asked for
5 each witness?

6 THE HEARING EXAMINER: There is. And
7 I'm going to insist on Ms. Bennett asking the same
8 question to her -- and if you object to her
9 exhibits -- see, she has objected to your exhibits.
10 So you have to show me that they're reliable. So if
11 you'll ask the question, please.

12 BY MS. LUCK:

13 Q Mr. Jolly, do you accept this testimony
14 under oath?

15 A Yes, ma'am.

16 THE HEARING EXAMINER: Ms. Bennett, any
17 objection to this -- to C-4?

18 MS. BENNETT: I would like to ask the
19 witness a couple of questions.

20 THE HEARING EXAMINER: All right. And
21 Ms. Bennett, you don't have to ask me that you would
22 like to ask a question. Just say, "I want to voir
23 dire this witness," and go ahead.

24 MS. BENNETT: Thank you.

25 //

EXAMINATION

BY MS. BENNETT:

Q Mr. Jolly, did you participate directly -- sorry. This is the Summary of Communications between Rockwood and Coterra; is that right?

A Yes, ma'am.

Q Were you involved in any of these communications directly? You, Mr. Tyler Jolly?

A We have been in communication with Coterra about these lands and these proposals and the situation between Rockwood and Coterra, yes.

Q Have -- were you -- I don't want to belabor this, but were you involved in -- were you a CC on the 1/24/2025 e-mail?

MS. LUCK: And I'm sorry, I'm not sure what Ms. Bennett's referring to.

THE HEARING EXAMINER: Is this an objection, Ms. Luck?

MS. LUCK: Yes. I'm sorry, I'm not sure what she's referring to, a 1/24/25 e-mail.

THE HEARING EXAMINER: Okay. Would -- if the witness knows what she's talking about, then the witness can answer. If the witness doesn't know, he can say he doesn't know.

MS. LUCK: Okay. But how does this

1 have to do with Exhibit C-4?

2 THE WITNESS: I don't --

3 THE HEARING EXAMINER: Okay. So is
4 this an objection, Ms. Luck?

5 MS. LUCK: Yes, Mr. Hearing Examiner.

6 THE HEARING EXAMINER: What's the
7 objection?

8 MS. LUCK: Relevance. What is this
9 line of questioning --

10 THE HEARING EXAMINER: Okay. Fine.
11 That's all you have to say, Ms. Luck. Just give me an
12 objection timely and tell me what the basis is so I
13 can deal with it.

14 MS. LUCK: Okay. And I'm sorry, Mr.
15 Hearing Examiner, on previously cases I've been
16 involved in, the typical rules of evidence didn't
17 apply like in a courtroom where we're able to just
18 have backwards discussions.

19 And so I just want to be clear, I'll
20 defer to Ms. Bennett. I didn't mean to interrupt her
21 questioning. But I just want to be sure. I wasn't
22 sure what the e-mail was that she was referring to.

23 THE HEARING EXAMINER: Okay. So, Ms.
24 Bennett, the objection is to relevance, to the
25 question.

1 MS. BENNETT: Thank you, Mr. Examiner.
2 The 1/24/2025 e-mail is the first
3 e-mail listed on the summary of contacts in Exhibit
4 C-4.

5 THE HEARING EXAMINER: Okay.

6 MS. BENNETT: And what I am trying to
7 elicit from the witness is whether he or anyone from
8 Mewbourne participated in any of these discussions.

9 THE HEARING EXAMINER: And I understand
10 what the question was, Ms. Bennett. The objection is
11 to relevance.

12 MS. BENNETT: Yes.

13 THE HEARING EXAMINER: So how is it
14 relevant?

15 MS. BENNETT: It goes to reliability,
16 Mr. Hearing Examiner.

17 THE HEARING EXAMINER: Okay.

18 MS. BENNETT: And it goes to the
19 foundation of this exhibit if Mr. Jolly did not
20 participate in any of these communications. I'm not
21 necessarily going to ask that it be stricken. I'm
22 just going to ask that it be accorded the weight its
23 due given that it's a summary of contacts that he had
24 no personal involvement in, if that ends up being the
25 case at the end of my sessions with him.

1 MS. LUCK: And I would just like to
2 respond to that because in countless cases there are
3 land managers involved and other land broker
4 professionals involved in running the title work and
5 corresponding with the parties initially where when
6 the landman testifies, they're taking a compilation of
7 information and putting it together for the OCD
8 hearing.

9 This is not all based on firsthand
10 testimony, firsthand experience. That is not lay
11 witness testimony. This is expert testimony compiled
12 from a compilation of other professionals and based on
13 Mr. Jolly's experience as a landman in the profession
14 and what's admissible at these proceedings.

15 THE HEARING EXAMINER: Okay. So Ms.
16 Luck, I don't disagree with anything you've just said.
17 But that doesn't mean that this is an irrelevant
18 question. Ms. Bennett seems to be going in the
19 direction of how familiar are you, this witness.

20 How familiar is this witness with this
21 document. And that seems to be where she's going with
22 it. So I'm giving her wide latitude to do this. She
23 hasn't objected to the document yet. So there has
24 been no objection. If she objects, then I'll allow
25 that sort of argument to come in and I'll weigh what's

1 going on here. But it's relevant.

2 MS. LUCK: But see what Ms. Bennett's
3 getting at is the fact that Coterra's so-called
4 confused. They have a first-time landman on this
5 project and he's claiming confusion because there are
6 multiple parties involved in the contract
7 negotiations. And so what she's trying to get at is
8 that Coterra's confused, and at some point, Mewbourne
9 stepped in.

10 And so that confused Coterra. But this
11 is Coterra's landman's first time on -- in an MOCD
12 case, and he doesn't really know how contract
13 negotiations go. And so I don't think that it's clear
14 here in that Mr. Jolly did not have to be involved in
15 each and every one of these correspondences or
16 communications back and forth with Coterra.

17 Coterra has at all times known about
18 Mewbourne's involvement. And Ms. Bennett brought this
19 up during her opening statement.

20 THE HEARING EXAMINER: She did.

21 MS. LUCK: And so I would like to bring
22 this full circle.

23 THE HEARING EXAMINER: She did. That
24 was argument that she made. You're correct. However,
25 Ms. Bennett is trying to get to the reliability of

1 this document, and I'm allowing her to question the
2 witness to understand his basis, his involvement with
3 this document. And that's what she's asking. I'm not
4 taking it into what the scope you are.

5 MS. LUCK: Right. But I think that her
6 question is whether or not he was CC'd on the January
7 24, 2025 e-mail.

8 THE HEARING EXAMINER: Yes.

9 MS. LUCK: And that is not required.
10 There is no requirement that an e-mail be sent or
11 received by the party testifying.

12 THE HEARING EXAMINER: But Ms. Luck,
13 it's a question that goes to his familiarity with the
14 e-mail.

15 MS. LUCK: Okay. And this is a summary
16 of all communications. It's not just with the content
17 of this simple e-mail that's mentioned in the summary
18 of correspondence. So I'll defer to Ms. Bennett in
19 terms of what she would like to argue here. But the
20 issue here, though, that Coterra's raising is that
21 they're confused by Mewbourne's involvement.

22 THE HEARING EXAMINER: Okay. Thank
23 you, Ms. Luck.

24 Ms. Bennett, so please -- the objection
25 is overruled. So would you ask your question again

1 because I'm not even sure what the question was.

2 MS. BENNETT: Yes. Thank you.

3 BY MS. BENNETT:

4 Q Mr. Jolly, looking at this list of
5 communications, were you or Mewbourne involved in a
6 direct communication between yourself and Rockwood and
7 Coterra on any of these dates? Either yourself --

8 A Can you repeat the question? I'm sorry.

9 Q Sure. And I don't, I really don't want to
10 belabor this, but I think if I point to one e-mail it
11 might be easier to dispose you with than one by one.
12 I don't want to. But let's just look at the first
13 notation. January 24, 2025. It says e-mail with the
14 representative of the above listed party. Were you or
15 anyone at Mewbourne involved in that e-mail to
16 Coterra?

17 MS. LUCK: And again, I want to object
18 because that's not required for this document to be
19 admitted.

20 THE HEARING EXAMINER: Overruled.

21 THE WITNESS: This summary of
22 communications was prepared in coordination with
23 Rockwood. I don't know that I was copied on the
24 specific e-mail on January 24, 2025.

25 //

1 BY MS. BENNETT:

2 Q And can you identify a specific e-mail or
3 call or meeting on this list that you or someone from
4 Mewbourne participated in?

5 A A lot of the communication between Mewbourne
6 and Coterra and Rockwood has been done over phone
7 calls. I don't know that I was copied on a specific
8 e-mail, but the e-mails were -- were sent in
9 conjunction between Mewbourne and Rockwood. So I
10 don't know which e-mails I was specifically copied on.
11 They were done in coordination with Rockwood.

12 Q Have you reviewed all of the e-mails that
13 are the basis for this summary?

14 A Yes, ma'am.

15 Q Was Mr. Kelton Powell involved in the e-mail
16 communication?

17 A I'm sure he was, yes, ma'am.

18 Q Is there a reason why Mr. Powell isn't
19 testifying today?

20 THE HEARING EXAMINER: Ms. Bennett.
21 Ms. Bennett, you're just voir diring this witness as
22 his involvement in C-4. I'd rather you keep your
23 questions to just that, please.

24 MS. BENNETT: Thank you.

25 I don't object to the admission of this

1 exhibit.

2 THE HEARING EXAMINER: Thanks.

3 Ms. Luck, C-4 is admitted.

4 (Exhibit C-4 was received into
5 evidence.)

6 MS. LUCK: Thank you, Mr. Hearing
7 Examiner. And at the end of C-4 we also included
8 starting on page 60 of the packet some letters of
9 support that we believe correspond with the summary of
10 communication. Sorry, the first one is a little bit
11 blurry. But then these -- that would conclude the
12 exhibits that I had filed on August 7th.

13 We also received three additional
14 letters of support. And so that's why they were
15 received late this week, and I would -- or sorry,
16 early this week, and I would like to present those now
17 to the Division and ask Mr. Jolly about these three
18 additional letters of support and move to admit them
19 as Exhibit C-5 as additional letters of support for
20 Rockwood's pooling case.

21 THE HEARING EXAMINER: All right. Is
22 this -- I can't find -- I see where you labeled all
23 your other exhibits. But I don't see a C-5 anywhere.
24 Is it somewhere I'm missing?

25 MS. LUCK: No, Mr. Hearing Examiner,

1 this is the issue that we covered at the beginning of
2 the hearing, that I did not file the rebuttal
3 exhibits. I'm not sure if I was supposed to file them
4 before I go over them with Ms. Bennett here at the
5 hearing today.

6 But it -- Exhibit C-5 is only on my
7 computer at this point in time because I thought that
8 I was going to have to be reviewing the exhibit with
9 Ms. Bennett on the record and determine whether or not
10 she would agree to the admission today.

11 THE HEARING EXAMINER: Yep. Hold on a
12 second. But you do have these letters of support in
13 your filing. Are they labeled as exhibits?

14 MS. LUCK: No, those were included with
15 Exhibit C-4 originally. But then we received more
16 letters of support, which I would like to add as C-5.
17 So there was these original letters of support that
18 start on page 60. So there's 60, 61, 62, 63, 64.

19 THE HEARING EXAMINER: I see.

20 MS. LUCK: And then we received three
21 more letters of support, which I --

22 THE HEARING EXAMINER: okay. Hold on,
23 Ms. Luck. You're saying that these letters of support
24 are part of C-4?

25 MS. LUCK: Yes, Mr. Hearing Examiner,

1 because they were part of the -- basically, like,
2 summary of correspondence related to the negotiations
3 that we engaged with within all the parties who are
4 involved in this unit.

5 THE HEARING EXAMINER: Okay.

6 MS. LUCK: Because these are other --

7 THE HEARING EXAMINER: A simple -- Ms.
8 Luck, a simple yes would be fine.

9 Ms. Bennett, are you objecting to the
10 letter -- I wasn't sure that C-4 was -- included the
11 letters. Did you understand that?

12 MS. BENNETT: I understood that
13 yesterday.

14 THE HEARING EXAMINER: Oh, okay. All
15 right.

16 MS. BENNETT: But today, I forgot. But
17 I don't have any objections.

18 THE HEARING EXAMINER: Okay. Perfect.

19 MS. BENNETT: I'd like to ask the
20 witness some questions on cross examination. In terms
21 of the new letters, though, that Ms. Luck is seeking
22 to add to the record, I have not seen those.

23 THE HEARING EXAMINER: Okay. Well,
24 we're just talking about what's here in the record
25 right now. So we have --

1 Are you going to clarify this blurry
2 one for -- when you refile this? Are you going to
3 clarify it?

4 MS. LUCK: Yes.

5 THE HEARING EXAMINER: Okay.

6 MS. LUCK: I'm sorry, I can refile that
7 document. I didn't realize it was going to be
8 uploaded that way.

9 THE HEARING EXAMINER: Oh, okay. So we
10 have a letter from Charles Morgan. We have other
11 letters here to Spencer Sell. Okay. So these are all
12 admitted into evidence, Ms. Luck. Is there anything
13 further -- is there any further direct testimony that
14 you want from Mr. Jolly before I turn it over to Ms.
15 Bennett for cross examination?

16 MS. LUCK: I would like to present
17 those three additional letters of support as Exhibit
18 C-5 before the Division today to determine if Ms.
19 Bennett would object to them or if I could send them
20 to her by e-mail and once again file them.

21 THE HEARING EXAMINER: We can deal with
22 that part tomorrow. Right now we have these letters
23 of support. So no, not right now, Ms. Luck. They're
24 not here in front of us. So no. If you wanted them
25 admitted you should have filed them timely. So are

1 you finished with the direct examination from this
2 witness?

3 MS. LUCK: Yes. And I just want to
4 clarify. Some of these letters were received after
5 the filing of the exhibits. So we just -- we could
6 not file them before the filing deadline on August
7 6th.

8 THE HEARING EXAMINER: Okay.

9 MS. LUCK: One of them is dated August
10 11.

11 THE HEARING EXAMINER: Okay. We'll
12 find out more about the other letters tomorrow when
13 you seek to admit them into evidence.

14 But I do have a question for you
15 because I'm on page number 67. Can you go to page 67
16 for me? Whose exhibit is this? The one right after
17 the last letter in the packet.

18 MS. LUCK: Oh, sorry. I think that the
19 letters actually ended on 64 and then Mr. Crosby's
20 affidavits start on 65.

21 THE HEARING EXAMINER: Oh, okay. Okay.

22 MS. LUCK: I --

23 THE HEARING EXAMINER: Okay. There we
24 go. Okay. All right. I understand. Thank you, Ms.
25 Luck.

1 Okay. Are you finished with -- can
2 I -- can Ms. Bennett cross-examine this witness?

3 MS. LUCK: Yes, Mr. Hearing Examiner.

4 THE HEARING EXAMINER: All right.

5 Thank you.

6 Ms. Bennett.

7 MS. BENNETT: Thank you. I'm trying to
8 share my screen, so if you'll give me just a second to
9 share.

10 THE HEARING EXAMINER: Well, while
11 you're doing that.

12 Mr. Bruce? Mr. Bruce? Is your
13 microphone on?

14 MR. BRUCE: Yes, sir.

15 THE HEARING EXAMINER: Okay. I haven't
16 heard anything -- I haven't heard from you at all
17 during this whole exchange. Does your client own an
18 interest in all of the lands here or just some of the
19 tracts? I can't tell from these.

20 MR. BRUCE: As far as I know, just some
21 of the tracts. I don't -- my involvement is only over
22 the last few days.

23 THE HEARING EXAMINER: Oh, I see.

24 MR. BRUCE: And so I don't have a
25 really good idea of Marshall & Winston's land holdings

1 out here.

2 THE HEARING EXAMINER: Okay. Would you
3 be able to send an e-mail to your clients and ask
4 them?

5 MR. BRUCE: I will do so.

6 THE HEARING EXAMINER: All right.
7 Thank you, Mr. Bruce. And Mr. Bruce, you didn't --
8 I'm assuming you don't object to any of the exhibits?

9 MR. BRUCE: I do not object --

10 THE HEARING EXAMINER: I didn't think
11 so. Okay. Thank you.

12 All right. Ms. Bennett?

13 MS. BENNETT: Thank you.

14 CROSS-EXAMINATION

15 BY MS. BENNETT:

16 Q Thanks again, Mr. Jolly, for being here.
17 Earlier today you testified that you're employed by
18 Mewbourne; is that right?

19 A Yes, ma'am.

20 Q And so you're not employed by Rockwood; is
21 that correct?

22 A No, ma'am.

23 Q Do you have a contract with Rockwood?

24 A Yes, we have a contract with Rockwood should
25 they receive a pooling order to drill the wells and

1 protect their interests, Mewbourne would step in and
2 be operator.

3 Q So Mewbourne doesn't have any working
4 interest ownership in these units?

5 A If Rockwood receives an order so they can be
6 operator, we have a contract where Mewbourne would
7 have working interest. If Rockwood were to become
8 operator --

9 Q At the moment, though, Mewbourne does not
10 have a working interest ownership in these units?

11 A No, ma'am.

12 Q And you know that Rockwood's applications
13 seek to have Rockwood named as operator; right?

14 A Yes, ma'am. They would become operator
15 under the order and they would transfer the order to
16 Mewbourne.

17 Q And again, there's not -- no Rockwood
18 witnesses here, though, to testify that that's the
19 deal with Mewbourne?

20 MS. LUCK: And again, I want to object
21 to this line of questioning because I think Ms.
22 Bennett has hit this point home that there are no
23 Rockwood witnesses. Mr. Jolly has advised as to the
24 contract terms that Mewbourne's interest is currently
25 and what --

1 THE HEARING EXAMINER: Okay. Thank
2 you, Ms. Luck. Sustained.

3 MS. BENNETT: Thank you, Mr. Examiner.
4 The point I'm trying to make here is
5 whether there is anyone from Rockwood who can confirm
6 Mr. Jolly's testimony.

7 THE HEARING EXAMINER: I think the
8 answer's no, Ms. Bennett.

9 MS. BENNETT: Oh, thank you.

10 BY MS. BENNETT:

11 Q How long have you been employed by
12 Mewbourne, Mr. Jolly?

13 MS. LUCK: And again, I want to object
14 to that.

15 THE WITNESS: I started July --

16 MS. LUCK: Sorry.

17 I think that Mr. Jolly has been
18 admitted as an expert. I'm not sure if that should've
19 been covered back in the beginning when he was being
20 qualified as an expert. But I think that he is
21 qualified as a landman in this proceeding.

22 THE HEARING EXAMINER: Now, I'm going
23 to --

24 MS. LUCK: So I don't know if his
25 education, experience really go to this testimony.

1 THE HEARING EXAMINER: That --
2 overruled.

3 Go ahead, answer the question, please.

4 THE WITNESS: I started at Mewbourne
5 Oil Company July 1st of 2015.

6 BY MS. BENNETT:

7 Q And in the ten years that you've been
8 employed by Mewbourne, have you ever testified on
9 behalf of another operator?

10 MS. LUCK: And again, I'm going to
11 object because I think this is irrelevant to these
12 proceedings. This is very commonplace throughout the
13 industry and Ms. Bennett is getting into a line of
14 questioning that does not relate to these cases.

15 THE HEARING EXAMINER: Ms. Bennett?

16 MS. BENNETT: Thank you. This goes to
17 reliability and credibility, Mr. Hearing Examiner. If
18 in fact -- first of all, I disagree, this is not that
19 common of a practice to have a -- one operator testify
20 on behalf of another operator.

21 As I mentioned, I don't disagree that
22 there are often contract geologists and contract
23 reservoir engineers. What I'm trying to get to the
24 bottom of here is whether it's a Mewbourne case or a
25 Rockwood case that we're really dealing with here.

1 And so I'm just am trying to understand if
2 Mewbourne -- if Mister --

3 THE HEARING EXAMINER: And Ms. Bennett,
4 why would that matter?

5 MS. BENNETT: Because the applications
6 are Rockwood applications.

7 THE HEARING EXAMINER: Okay.

8 MS. BENNETT: And they seek to have
9 Rockwood named as operator.

10 MS. LUCK: If I may respond.

11 THE HEARING EXAMINER: No. Thank you,
12 Ms. Luck. You've already made your objection. I've
13 heard the response.

14 So, Ms. Bennett, I'm going to give you
15 a very short leash on this line of questioning; okay?

16 MS. BENNETT: Thank you.

17 BY MS. BENNETT:

18 Q In the ten years that you've been employed
19 by Mewbourne, have you ever testified on behalf of
20 another operator?

21 A No, ma'am.

22 Q Did you prepare your self-affirmed
23 statement?

24 A Yes, ma'am.

25 Q Okay. So I'm going to turn to that now.

1 It's Exhibit C and I'm on page 30. Do you see that?
2 I have it up on the screen?

3 (Exhibit C was marked for
4 identification.)

5 A Yeah, let me turn to it. Okay.

6 Q On the first line -- you see that I have it
7 highlighted. "I have personal knowledge of the matter
8 addressed herein and am competent to provide this
9 self-affirmed statement." Do you see that?

10 A Yes, ma'am.

11 Q In your normal practice as a landman for
12 Mewbourne, do you normally identify that you are
13 employed by Mewbourne in your affidavits?

14 A I'm sorry, repeat the question again.

15 Q In your practice, your normal practice as a
16 landman for Mewbourne, do you normally identify that
17 you work for Mewbourne in your declaration?

18 MS. LUCK: And again, I'm going to
19 object to this.

20 THE WITNESS: Yes.

21 MS. LUCK: Because I don't know that
22 it's necessarily relevant to this case at hand.
23 Mewbourne has not applied to be the operator in this
24 case. Mewbourne is not the applicant that prepared
25 this pooling application.

1 Mr. Jolly has been qualified as an
2 expert in this proceeding. His employment with
3 Mewbourne and his experience in other cases is not
4 exactly on point to what's going on in this case.

5 THE HEARING EXAMINER: Ms. Bennett?

6 MS. BENNETT: Thank you. The reason
7 I'm asking these questions is because the declarations
8 do not -- they lead to further confusion by what they
9 leave out. There is confusion in these cases. If Mr.
10 Jolly had simply mentioned that he works for
11 Mewbourne, that would've alerted everyone to the fact
12 that he works for Mewbourne and we would not be
13 spending time on this.

14 So I -- my point is that there's a lack
15 of information in the self-affirmed statements that
16 adds to the confusion that both the Division and
17 Coterra are faced with at the moment.

18 THE HEARING EXAMINER: So Ms. Luck, the
19 Division has to decide how much weight to give Mr.
20 Jolly's testimony as an expert. And to judge that, if
21 there are omissions of fact, then we need to know
22 about what they are. It doesn't automatically
23 discredit the affidavit. So I'm not saying that. But
24 these questions are relevant to the weight we want to
25 give this affidavit and this expert testimony.

1 So, Ms. Bennett, please keep your
2 questions short and to the point.

3 MS. BENNETT: I will. Thank you.

4 BY MS. BENNETT:

5 Q Mr. Jolly, I have up on the screen an order
6 that the Division has entered. Do you see the screen?
7 And I've highlighted some text.

8 MS. LUCK: I'm not sure what this order
9 is being presented for. It hasn't been provided to me
10 prior to this hearing. Ms. Bennett is fully sharing
11 her screen. There's been no provision of this to me
12 prior to this hearing and I would just object to any
13 further questioning.

14 THE HEARING EXAMINER: Okay.

15 Ms. Bennett?

16 MS. BENNETT: Thank you. This is an
17 order that was entered in an OCD Division case and it
18 sets out the seven factors that the Division considers
19 when adjudicating competing applications. And I was
20 merely going to use this as a demonstrative to show
21 what the seven factors are, but I'm happy to just walk
22 through those without showing them as a demonstrative.

23 THE HEARING EXAMINER: And why is that
24 relevant to this witness?

25 MS. BENNETT: Mr. Jolly's testimony is

1 designed to -- at least it should be designed to
2 demonstrate to the Division why Rockwood should be
3 granted operatorship of this. And the Division
4 evaluates seven factors when analyzing competing
5 applications.

6 THE HEARING EXAMINER: Uh-huh.

7 MS. BENNETT: And so Mr. Jolly's
8 testimony should address these seven factors.

9 THE HEARING EXAMINER: But the fact
10 that it does or doesn't, doesn't that -- I mean, I'm
11 not understanding why this is relevant to this
12 witness's testimony. Does it not just stand on its
13 own for the Division to consider and give its weight
14 it deems necessary?

15 MS. BENNETT: Definitely. I wasn't
16 trying to admit this as an exhibit.

17 THE HEARING EXAMINER: Right.

18 MS. BENNETT: I was just using it as
19 a -- an illustrative showing of the factors so that
20 if -- so that I don't have to restate them.

21 THE HEARING EXAMINER: And that's fine.

22 MS. BENNETT: But I --

23 THE HEARING EXAMINER: Demonstrative
24 exhibits are just fine. And now Ms. Luck knows why
25 you're using this.

1 MS. BENNETT: Right.

2 THE HEARING EXAMINER: But in the
3 bigger picture, why do you want to go down -- why are
4 you trying to go down this route?

5 MS. BENNETT: Because as the applicant
6 or, I guess, the applicant's agent, Mewbourne has the
7 obligation of demonstrating the factors have been met
8 in Rockwood's favor.

9 THE HEARING EXAMINER: Uh-huh.

10 MS. BENNETT: And so what my plan was
11 was to walk through the factors and ask Mr. Jolly what
12 portions of his testimony address the factors to show
13 whether -- to show in fact that Rockwood has not met
14 its burden. Those are the factors that outline the
15 applicant's burden.

16 THE HEARING EXAMINER: Okay.
17 But -- and that's fine to the points in the seven
18 factors that this witness's testimony would lay on.
19 Let's not go to all seven because I don't think his
20 testimony goes to all seven. So please restrict your
21 questions just to the ones.

22 MS. LUCK: And if I may respond, the
23 factors don't -- they are not included in any rule
24 where there is a statement that these factors need to
25 be included in an affidavit.

1 THE HEARING EXAMINER: True.

2 MS. LUCK: Ms. Bennett is making a
3 claim that our affidavits are missing something or
4 there is material omissions. And I think rather than
5 presenting the law back to the Division that the
6 Division should know, Ms. Bennett should be pointing
7 out what she alleges is missing from our case.
8 There's --

9 THE HEARING EXAMINER: Okay. And I
10 agree with that. And that's just what I just said a
11 moment ago. So I already agree with that, Ms. Luck.
12 Thank you.

13 Ms. Bennett?

14 MS. BENNETT: Thank you. And again,
15 I'm just using this as shorthand for what is the
16 applicant's burden.

17 BY MS. BENNETT:

18 Q And so Mr. Jolly, your testimony addresses
19 ownership; right, which is factor F on this list?

20 A Yes.

21 Q And it shows that Coterra owns that majority
22 interest in the Rockwood spacing units; right?

23 A Yes, I don't think anyone's disputing that.

24 Q And is it your understanding -- well, I'm
25 not going to ask that.

1 With respect to prudent operations in the
2 surface factor, which are factors D and G, a
3 comparison of the ability of each party to prudently
4 operate and a comparison of the ability of applicants
5 to timely locate well sites on the surface, does --
6 your testimony doesn't address Rockwood's surface
7 facilities; does it?

8 A Their surface facilities? I guess I'd have
9 to defer to our engineering witness on that.

10 Q But does your testimony address that?

11 MS. LUCK: And I just want to be clear.
12 Nowhere does these factors say that they're supposed
13 to be involved in the testimony. It says that these
14 are the factors the Commission may consider in
15 evaluating competing pooling applications.

16 THE HEARING EXAMINER: Ms. Luck, a
17 moment -- and I'm not sure what the objection is. But
18 Ms. Luck, a moment ago, you said that its Ms.
19 Bennett's job to show which of these factors is
20 basically weak in your case, and that's what she's
21 doing. So I'm not sure what you're saying anymore.

22 Go ahead, Mr. Jolly. Would you answer
23 the question, please.

24 THE WITNESS: Can you repeat the
25 question, please? I'm sorry.

1 BY MS. BENNETT:

2 Q Certainly. Is there anything in your
3 testimony that addresses Rockwood's surface
4 facilities?

5 A The C102 and -- shows, I believe the surface
6 allocation. I'm not sure about the facilities. Like
7 I said, I'd have to defer. I guess my testimony does
8 not. If we want to go into surface facilities, I
9 think our engineering witness can testify to that.

10 Q Thank you. How about third party takeaways?
11 Does -- your testimony doesn't address that; does it?

12 A My testimony does not contemplate takeaway,
13 but Mewbourne, I believe, is -- as an operator has
14 drilled most wells in this area.

15 Q Thank you.

16 A So I would think they would probably have a
17 plan for takeaway.

18 Q Thank you. But your testimony doesn't
19 address it; is that right?

20 A It does not. No.

21 Q Thank you.

22 A But like I said, Mewbourne has drilled the
23 most wells in the -- in the area. I think that we
24 could probably figure out a way for takeaway.

25 Q Does -- your testimony doesn't address any

1 discussions with the State Land Office; does it?

2 A I'm sorry, can you repeat the question. I
3 apologize.

4 Q Your testimony does not address any
5 discussions with the State Land Office; does it?

6 A I do not believe so.

7 Q Thank you.

8 Turning to risk, which is the factor B.
9 Does your testimony -- your testimony doesn't address
10 the fact that Rockwood has never drilled a well in New
11 Mexico; does it?

12 A My testimony does not contemplate that, but
13 the plan is not for Rockwood to drill the wells. If
14 they receive the pooling order to operate the well
15 they're going to transfer it over to Mewbourne.

16 Q Thank you for continuing to make my point.

17 A Mewbourne, like I said, has drilled the most
18 wells in the -- in the area.

19 Q Thank you.

20 Did you know that Rockwood is not a bonded
21 operator?

22 A I did not know that, no.

23 Q Did you know -- so does your testimony -- it
24 doesn't address the uncertainty about who may be on
25 the hook from OCD's perspective if anything goes wrong

1 with your contract with Mewbourne -- I'm sorry, with
2 Rockwood; does it?

3 MS. LUCK: And I again want to object
4 to this line of questioning. It appears that Ms.
5 Bennett's getting into bonding questions, which are
6 oversight related to the OCD. Any bonds that would be
7 required to be in place would only come into play once
8 those C102s are filed.

9 And so at this point in time, there's
10 no bonding violation because there's no wells that
11 have been drilled. You only have to have wells --
12 excuse me -- you only have to have bonds if you have
13 wells. And at this point in time, Ms. Bennett is
14 making her case very clearly that Rockwood has never
15 drilled any wells, which is why they had to bring in a
16 contract operator.

17 And so just to be clear, I don't think
18 that there is any technical or otherwise violation of
19 the OCD rules because Rockwood does not have any wells
20 drilled and would not be required to have any bonds.
21 The bond requirement correlates to the well number.

22 THE HEARING EXAMINER: So the basis for
23 the objection is what?

24 MS. LUCK: Again, there's no relevance
25 to any objection regarding bonding.

1 THE HEARING EXAMINER: Relevance.
2 Thank you.

3 Relevance, Ms. Bennett?

4 MS. BENNETT: Thank you. An operator's
5 ability to have a bond and its actual bonding does go
6 to risk. If there's no bond, to me, that is a risk
7 that the OCD should consider.

8 THE HEARING EXAMINER: But Ms. Luck and
9 the witness have both stated that its Mewbourne that
10 will be drilling the wells. And I -- are you asking
11 if Mewbourne has a bond?

12 MS. BENNETT: No.

13 MS. LUCK: Right. Because that should
14 be the question.

15 THE HEARING EXAMINER: Thank you, Ms.
16 Luck. Please don't help me.

17 So, Ms. Bennett, I agree that this
18 question is not relevant.

19 MS. BENNETT: Thank you.

20 BY MS. BENNETT:

21 Q I wanted to now turn to the tract maps that
22 are part of your declaration. And so I am looking at
23 page 39 of your declaration. Do you see that?

24 A Is that for the 521H?

25 Q That is for the 521H.

1 A Okay.

2 Q And so earlier today you testified that at
3 the end of each tract map there is a unit recap;
4 right?

5 A Yes, ma'am.

6 Q And this is the recap for the 521H. Do you
7 see that?

8 A Yes, ma'am.

9 Q And Coterra has the majority interest in
10 this tract, in this unit; is that correct?

11 A Yes, ma'am.

12 Q And then turning to the 523H recap, Coterra
13 Energy, majority interest; is that correct?

14 A Yes, ma'am. I don't think we're disputing
15 the working interest. I think we're involved to
16 protect Rockwood's interest because they have an
17 expiring lease. So I don't think we're disputing that
18 Coterra has the most working interest.

19 I think we're just trying to make sure that
20 Rockwood's interest is protected and that a well is
21 drilled timely so that Rockwood and all these other
22 owners don't have leases that expire.

23 Q Who are the other owners?

24 A Sharbro Energy, LLC has an interest. Salt
25 Fork Limited has an interest. S R Premium Holdings

1 has an interest. Guns Up Exploration has an interest.
2 Marshall & Winston has an interest. And World
3 Investment Corporation has an interest.

4 Q Are Sharbro, Salt Creek or -- Salt -- I'm
5 sorry, I didn't catch the name. Let me start with
6 Sharbro. Is Sharbro committed to the Rockwood JOA?

7 A They have not signed a JOA, but they signed
8 the letters for supporting Rockwood's development.

9 Q Is that letter of support in the record?

10 A No, ma'am. I believe Kaitlyn has it.

11 Q How about -- what was the Salt -- so first
12 of all, let me just take a big step back.

13 Are any of those names that you just
14 read -- and I'm looking right now at the unit recap
15 for the 523H well just because that happens to be the
16 one that my screen has landed on. Are any of those
17 folks that you just mentioned, are they owners in the
18 523H well?

19 A Yes, they are. They're included in the
20 Rockwood Energy LP's interest. We're not pooling
21 those owners. So we did not list them.

22 Q So again, you did not list the committed
23 working interest owners?

24 A They wrote a letter of support, so we did
25 not list them as a party we needed to pool.

1 Q And that I'm not asking you if you listed
2 them as a party that needs to be pooled. I'm asking
3 if you included the -- an accurate recap of who owns
4 in the -- in this case the east half, west half of the
5 Sections. Is this an accurate recap of the working
6 interest owners in that Section?

7 A It does not include those owners.

8 Q Thank you.

9 A Those owners have stated they would sign a
10 JOA in favor of Rockwood Energy.

11 Q Okay. Thank you.

12 But they have not yet signed it?

13 A They have not. They wrote a letter of
14 support.

15 Q And it's not in the record?

16 MS. LUCK: And again, I'd like to
17 mention that we have moved to Exhibit C-5.

18 THE WITNESS: I don't believe so.

19 BY MS. BENNETT:

20 Q Let's look at the tract map for the 526H
21 well, which I have here on my screen. Are you seeing
22 that?

23 A Yes, ma'am. Let me pull it up on my end.
24 Okay. I've got it.

25 Q So my understanding is that Rockwood seeks

1 to drill a well from the north half, north half of
2 Section 25 through Section 36 and Section 1, ending in
3 the south half, south half of Section 1; is that
4 right?

5 A Yes, ma'am.

6 Q How much working interest does Rockwood have
7 in tract 1 here that's depicted on the Section plat?

8 A Tract 1 in Section 25? I don't believe
9 they -- they have any interest.

10 Q How about tract 2?

11 A I don't believe they have any interest.

12 Q How about tract 3?

13 A Tract 3 Section 1 they have a hundred
14 percent of that tract.

15 Q I'm sorry, Tract 3 is in Section 36.

16 A Oh, I'm sorry. Tract 3, they did not have
17 any interest in Section 30, in that -- or in Section
18 36, I don't believe.

19 Q So in other words, Rockwood plans to drill
20 through two full sections where they have no interest
21 at all?

22 A Correct.

23 MS. LUCK: Mr. Hearing Examiner, the
24 point's been made here. All of this information is on
25 the exhibit as to who each owner is and the tracts,

1 and I think that Ms. Bennett's kind of belaboring a
2 point here. There's one factor we're talking about,
3 who has the majority interest ownership.

4 And no one's disputing that's Coterra
5 here. We all -- we're all in agreement regarding who
6 has the majority interest ownership in this case as
7 well as the three others. And so I think that we've
8 all gotten Ms. Bennett's point that Coterra has the
9 majority interest ownership. Rockwood has the
10 minority. We're talking about the other four factors
11 here today.

12 THE HEARING EXAMINER: So was that an
13 objection?

14 MS. LUCK: Yes. This question has been
15 asked and answered. Ms. Bennett has gone through this
16 several times to ask whether Coterra has the majority
17 interest.

18 THE HEARING EXAMINER: Okay.

19 MS. LUCK: And each one of these cases
20 already previously --

21 THE HEARING EXAMINER: Ms. Bennett?
22 Asked and answered?

23 MS. BENNETT: Mr. Examiner, I have
24 asked whether Coterra has the majority interest. But
25 I also believe that it's important for the Division to

1 understand the scope of Coterra's interest and the
2 fact that Rockwood is seeking to drill, develop
3 acreage that is 100 percent controlled by Coterra --

4 THE HEARING EXAMINER: Can you bring
5 that out through your own witnesses?

6 MS. LUCK: Right --

7 THE HEARING EXAMINER: Okay.

8 MS. BENNETT: Thank you.

9 THE HEARING EXAMINER: So I'm
10 sustaining the objection.

11 Is there more cross-examination?

12 MS. BENNETT: Yes.

13 THE HEARING EXAMINER: Okay. Go right
14 ahead.

15 MS. BENNETT: Thanks.

16 BY MS. BENNETT:

17 Q I'd like to turn now to the applications
18 that were submitted. Did you oversee the preparation
19 of these applications?

20 A Yes, ma'am.

21 Q So again, they have the incorrect OGRID for
22 Rockwood. Were you aware of that when you oversaw the
23 complete -- the preparation of these exhibits? I'm
24 sorry, applications?

25 A The plan was to transfer the orders over to

1 Mewbourne. So we probably didn't pay too much
2 attention to that OGRID number.

3 MS. LUCK: And Mr. Hearing Examiner --

4 THE WITNESS: Since the plan was to
5 transfer the orders over to Mewbourne so that
6 Mewbourne can go protect the interest.

7 MS. LUCK: Mr. Hearing Examiner, I
8 don't see the relevance of the OGRID number to this
9 case and the proceeding overall. If this is a
10 clerical error, we're happy to rectify it.

11 Of course, we can't in the applications
12 at this point in time. But it is our understanding
13 that Rockwood's OGRID number was incorrect in the
14 applications and we're happy to rectify it throughout
15 the rest of the proceedings.

16 THE HEARING EXAMINER: Okay. So what's
17 the objection?

18 MS. LUCK: This issue has been covered
19 previously by Ms. Bennett.

20 THE HEARING EXAMINER: Okay. So Ms.
21 Luck, if you could -- being a former trial attorney,
22 Ms. Luck, if you make an objection, please make it
23 timely before the witness answers the question. And
24 second of all, just say, "Objection," and then provide
25 the foundation for the objection. And let me deal

1 with it.

2 So, Ms. Bennett, the objection --

3 Well, you know what, Ms. Luck, the
4 witness already gave the answer to this one. So this
5 wasn't a timely objection. So we're going to leave
6 that alone.

7 So please continue, Ms. Bennett.

8 MS. BENNETT: Thank you.

9 BY MS. BENNETT:

10 Q Mr. Jolly, are you familiar with the
11 Division's material deficiency policy?

12 A I guess not. What -- what's the material
13 deficiency policy?

14 Q It's a notice that was sent out on --
15 effective June 11, 2020. Do you see that on the
16 screen?

17 A Yes, ma'am.

18 Q And it states that the Engineering Bureau
19 gives notice that it intends to deny applications for
20 which the applicant proposes a material change -- and
21 I'm paraphrasing here -- that's found throughout the
22 administrative or technical review process.

23 And if I turn to OCD hearing applications it
24 has two material deficiencies. One is change of the
25 operator name and one is change in the operator OGRID

1 number. Do you see those?

2 A Yes, ma'am.

3 MS. LUCK: And again, I want to object
4 to this line of questioning because this witness has
5 stated he's not familiar with this policy --

6 THE HEARING EXAMINER: What's the basis
7 of the objection, Ms. Luck? Just say objection and
8 basis. What is the basis?

9 MS. LUCK: Foundation.

10 THE HEARING EXAMINER: Foundation.

11 Ms. Bennett.

12 MS. BENNETT: Thank you. I'm happy to
13 move on. Well, I'm -- sorry. I -- he did say that
14 he's not familiar with the material deficiency policy.

15 THE HEARING EXAMINER: Right.

16 MS. BENNETT: I also think it's
17 relatively straightforward, what I'm showing on the
18 screen, that a change in operator name and a change in
19 operator OGRID are material deficiencies.

20 THE HEARING EXAMINER: Okay.

21 MS. LUCK: And I --

22 THE HEARING EXAMINER: Would this be
23 better brought up maybe in a closing argument or
24 something of that nature?

25 MS. BENNETT: Certainly.

1 THE HEARING EXAMINER: I mean, at this
2 point, you're cross-examining this witness. He's not
3 familiar with it. The objection was raised to
4 foundation. I sustain the objection. But maybe you
5 want to argue that on closing.

6 MS. BENNETT: I didn't realize you had
7 sustained the objection. I apologize.

8 THE HEARING EXAMINER: Well, I didn't.
9 I didn't have -- I was waiting for your response. And
10 then you withdrew the question.

11 MS. BENNETT: Uh-huh.

12 THE HEARING EXAMINER: Then you started
13 arguing. So I was waiting for you to finish.

14 MS. BENNETT: Thank you.

15 THE HEARING EXAMINER: But I agree with
16 Ms. Luck that he doesn't have knowledge of it.

17 MS. BENNETT: Thank you.

18 BY MS. BENNETT:

19 Q Mr. Jolly, you testified that you prepared
20 your declaration; right?

21 A Prepared the declaration?

22 Q Yes.

23 A What are you saying the declaration is? I'm
24 sorry.

25 Q I'm sorry, your self-affirmed statement.

1 A Yes, ma'am.

2 Q Okay. So paragraph 11. You see where I
3 have that up?

4 A Yes, ma'am.

5 Q And in your declaration -- self-affirmed
6 statement you said the costs reflected in the AFEs are
7 consistent with what Rockwood has incurred for
8 drilling similar -- wells and you said and other
9 operators. But I just want to focus on the Rockwood
10 portion. You say the costs reflected in the AFEs are
11 consistent with what Rockwood has incurred. But
12 Rockwood hasn't drilled a well in New Mexico; has it?

13 A Correct.

14 Q Do you see paragraph 12 here of your
15 declaration?

16 A Yes, ma'am.

17 Q And it identifies the Chronology of
18 Contacts?

19 A Yes, ma'am.

20 Q And in this paragraph it says "Mewbourne has
21 made good faith effort to locate and has had
22 communications with all of the parties that it seeks
23 to pool in this case." Is Mewbourne seeking to pool
24 anyone in this case?

25 A No, ma'am. That must've been a typo -- need

1 to say Rockwood.

2 MS. LUCK: And I want to clarify. I
3 think that that sentence can be read a lot of
4 different ways. I think that --

5 THE HEARING EXAMINER: Is this an
6 objection?

7 MS. LUCK: Yes.

8 THE HEARING EXAMINER: What's the
9 objection?

10 MS. LUCK: I think that there may be
11 some form misunderstanding there that the -- in terms
12 of how Ms. Bennett's reading that question. Or sorry,
13 that --

14 THE HEARING EXAMINER: What's the
15 objection?

16 MS. LUCK: Form.

17 THE HEARING EXAMINER: Form. Form of
18 question. Okay.

19 MS. LUCK: Yes.

20 THE HEARING EXAMINER: Ms. Bennett?

21 MS. LUCK: She was -- sorry, she was
22 leading the witness.

23 THE HEARING EXAMINER: Well, in cross
24 examination -- what do you mean, leading the witness?

25 MS. LUCK: Mr. Hearing Examiner, she

1 read the sentence a certain way and wanted to make it
2 seem like Mewbourne is the "it" in the second part of
3 the sentence. It could be Mewbourne has made a good
4 faith effort to locate and communications with all the
5 parties that Rockwood seeks to pool because I'm not
6 exactly sure how Mr. Jolly meant this sentence when he
7 wrote it.

8 There could be some misunderstanding.
9 That's what I meant by form. I just want to be sure
10 that this isn't being taken out of context. And as
11 Mr. Jolly stated, maybe that's a typographical error,
12 that Mewbourne is not making a representation that its
13 pooling anyone in these proceedings. Mewbourne is
14 simply testifying for Rockwood in this case.

15 THE HEARING EXAMINER: Okay. Objection
16 is overruled.

17 Did the witness answer your question?

18 MS. BENNETT: He did.

19 THE HEARING EXAMINER: I thought so.
20 So please move on.

21 MS. BENNETT: Thank you.

22 BY MS. BENNETT:

23 Q I'm looking now at paragraph 13 of your
24 declaration. And you said -- and this is the second
25 sentence, where it starts "Most importantly, Coterra

1 has not provided proper or timely mailed notice of its
2 applications." Do you see that? It's right here. I
3 don't know if you can see my -- the mouse hovering
4 over. "Coterra has not properly or timely proposed
5 the wells."

6 A Yes, I see that.

7 Q Yeah. "And not timely -- properly or timely
8 mailed notice of applications." What's your basis for
9 saying that Coterra has not properly or timely mailed
10 notice of the applications in these cases?

11 A I think the bulk of those were sent out on
12 July 25th, whenever I -- whenever I was preparing this
13 affidavit. I believe you have to have 20 days'
14 notice. So if the case was heard today, we didn't
15 figure that met the notice requirements.

16 Q And I'm not talking about the well
17 proposals. I'm only asking you about notice of the
18 hearing applications.

19 MS. LUCK: And I want to object because
20 the statement relates to both. It says "Coterra has
21 not properly proposed the wells or provided notice of
22 the applications." And so I think that again, Ms.
23 Bennett's kind of taking this statement out of
24 context.

25 THE HEARING EXAMINER: So what's the

1 objection?

2 MS. LUCK: Form.

3 THE HEARING EXAMINER: Why don't you
4 say that? I mean, I've asked you, like, five times,
5 Ms. Luck, that when you make an objection tell me the
6 basis right off the bat. Because you're testifying.

7 MS. LUCK: Thank you, Mr. Hearing
8 Examiner.

9 THE HEARING EXAMINER: Ms. Bennett,
10 just continue your question, please.

11 Overruled.

12 So, Mr. Jolly, would you answer the
13 question, please.

14 THE WITNESS: Can you repeat the
15 question please?

16 BY MS. BENNETT:

17 Q Yes.

18 A I'm sorry.

19 Q What is your basis for the statement in your
20 declaration that Coterra has not properly or timely
21 mailed notice of the applications in these cases?

22 A Well, just looking up the well proposals.
23 They were sent July 25th. And I think that we were
24 under the impression that the cases were going to be
25 heard today. And so we didn't believe it was adequate

1 time to notice all the owners they were pooling.

2 Q Thank you.

3 Now that we know that the hearing's
4 tomorrow, would you want to rephrase that statement in
5 your declaration?

6 A I'd have to get a date calculator out and
7 see if I know that's a -- a pretty close to 20 days.
8 I don't know if actually is. I think the Examiner
9 said that he was going to hear the cases anyway.
10 So --

11 Q You say in the same paragraph that "Coterra
12 has unduly delayed Rockwood's attempts to reach a
13 voluntary agreement or drill the wells proposed in
14 Rockwood's applications." Do you see that?

15 A Yes, ma'am.

16 Q I want to talk about Rockwood's plans to
17 drill the wells proposed in Rockwood's applications.
18 When did Rockwood acquire this acreage?

19 A I believe it was fall of 2024.

20 Q And to your knowledge, did Rockwood
21 undertake any plans to development this acreage
22 between the fall of 2024 and January 2025?

23 A I'd have to look and see what the date of
24 the well proposal is. Sorry, the well proposals are
25 dated February 12th of 2025. So that's when they sent

1 the letters out to try to get their acreage developed.

2 Q So that's your first understanding of an
3 attempt that they undertook to get the acreage to
4 the -- was February 2025?

5 A I'm not sure if they reached out to Coterra
6 in the fall of 2024. They may have. I'm not sure.

7 Q But you're here testifying. So to your
8 knowledge, it was February 2025?

9 A Yes, ma'am.

10 Q Do you know what actions Rockwood took in
11 February 2025 to develop this acreage?

12 A They sent out well proposals.

13 Q Do you know if they worked with the State
14 Land Office on any surface locations?

15 A I don't have knowledge of that.

16 Q Do you know if they undertook any surveys?

17 A I don't have knowledge of that either.

18 Q Do you know if they have a rig in New
19 Mexico?

20 A I don't think they have a rig in New Mexico,
21 no.

22 Q Do you know if they submitted APDs?

23 A I don't know if they submitted APDs or not.

24 Q And how about in March? Do you know if
25 Rockwood undertook any of those actions in March?

1 A I do not know if they filed -- I don't think
2 getting permits to drill is a big situation here since
3 you're cutting through state lands. You can get those
4 pretty quick.

5 Q That very well may be. But I'm asking if
6 Rockwood undertook any efforts in March that you know
7 of to develop its acreage?

8 A I don't know if they did or not.

9 Q How about April?

10 A In March. I don't know if they did in April
11 either.

12 Q Do you think that Mr. Powell --

13 A I don't think you can -- I don't think they
14 can file -- I don't think they could file permits
15 across Coterra's acreage because it's a trespass,

16 Q Do you think Mr. Powell --

17 A So they would have to -- they --

18 Q I'm sorry. Go ahead.

19 A Well, like you said, Coterra has a lot of
20 interest here. And they own some tracts a hundred
21 percent. So I think it's a trespass to file permits
22 across someone else's acreage.

23 Q Do you think Mr. Powell could answer the
24 questions that I just asked you?

25 A He may be able to. You'd have to ask him.

1 I'm not sure.

2 Q Let's see. Did you have a deal negotiated
3 with Rockwood back in April?

4 A I'm sorry, can you repeat the question?

5 Q Sure. Did you have a deal negotiated with
6 Rockwood in April?

7 A Yes, we had been in talks with Rockwood
8 before that about this acreage. Yes.

9 Q What happened with that deal? Did it fall
10 through in May?

11 A No. We -- we negotiated a deal. I'm -- no
12 I don't think anything fell through in May.

13 Q Did you tell Coterra that your deal with
14 Rockwood had fallen through?

15 MS. LUCK: And Mr. Hearing Examiner,
16 I'm going to object. At this point in time. I
17 believe that Ms. Bennett is going into the contract
18 negotiations, which I mentioned in my opening
19 statement I think are an issue under Rule 11408. I
20 think that any of those questions that the parties had
21 during prehearing contractual negotiations are not
22 admissible during this hearing today.

23 THE HEARING EXAMINER: Okay. So Ms.
24 Luck, as you said before, the Rules of Evidence don't
25 apply in the administrative forum. But I don't see

1 how this is relevant.

2 So can you tell me, Ms. Bennett, why
3 this is relevant?

4 MS. BENNETT: Yes, it goes to good
5 faith to Rockwood's argument that Coterra has not
6 engaged in good faith negotiations. As I mentioned --

7 THE HEARING EXAMINER: Okay. All
8 right. That's fine. Thank you, Ms. Bennett.

9 So Ms. Luck, it is relevant line of
10 questioning. But please, please keep it --

11 MS. LUCK: And Mr. Hearing Examiner --

12 THE HEARING EXAMINER: I mean, a few
13 questions is all we need here, Ms. Bennett.

14 MS. LUCK: If I may respond, good faith
15 negotiations as interpreted by the Division is what
16 we're talking about here, which has been interpreted
17 to mean a well proposal letter. And that's why we
18 returned to the chronology of contacts and we returned
19 to the exhibits that have already been filed before
20 the Division.

21 THE HEARING EXAMINER: You can bring
22 that out on redirect if you like, Ms. Luck.

23 MS. LUCK: Well, but I believe that
24 what Ms. Bennett is trying to go into now is still
25 impermissible. It's not necessary to bring up

1 anything beyond what's considered by the Division's
2 definition of good faith negotiations.

3 THE HEARING EXAMINER: Is that defined
4 somewhere that you know of?

5 MS. LUCK: Yes, Mr. Hearing Examiner.
6 That was defined in --

7 THE HEARING EXAMINER: Then enlighten
8 me, please.

9 MS. LUCK: There is may pooling orders
10 that define and describe what good faith negotiations
11 are by operators seeking to pool units.

12 THE HEARING EXAMINER: Okay. What --
13 can you tell me what it is?

14 MS. LUCK: A well proposal letter. One
15 follow up communication after that.

16 THE HEARING EXAMINER: Okay. Ms.
17 Bennett.

18 MS. LUCK: All of this additional
19 discussion that Ms. Bennett's getting into is not
20 relevant.

21 THE HEARING EXAMINER: Okay. Ms.
22 Bennett.

23 MS. BENNETT: Thank you. If that is
24 the limited nature that Rockwood wants to take in
25 terms of good faith negotiations then I will hold

1 their witnesses to that standard.

2 THE HEARING EXAMINER: Okay.

3 MS. BENNETT: I disagree with her
4 interpretation entirely of what constitutes good faith
5 negotiations. We would not need to have a summary of
6 communications if the Division only cared about one
7 proposal letter and one follow up. That certainly is
8 not the standard. But if Ms. Luck is willing to live
9 by that standard, then happy to do so.

10 MS. LUCK: Mr. Hearing Examiner, if I
11 may respond, that's what -- the standard that's been
12 applied with countless exhibits that Ms. Bennett has
13 presented in cases regarding chronology of contacts
14 with uncommitted working interest owners in cases like
15 this.

16 THE HEARING EXAMINER: All right. I'm
17 not sure that we need to go on about this subject.

18 Ms. Bennett, I -- it is a factor. So
19 it's relevant. But I'd really -- I admonish you to
20 really keep this a tight subject for
21 cross-examination.

22 MS. BENNETT: Thank you.

23 THE HEARING EXAMINER: Was there a
24 question that hasn't been answered yet?

25 MS. BENNETT: Yes.

1 THE HEARING EXAMINER: What was the
2 question?

3 MS. BENNETT: The question was, did you
4 tell Coterra that the deal with Rockwood had fallen
5 through?

6 THE HEARING EXAMINER: So to get into
7 nitty gritty about who told what and when they told --
8 I think is beyond the scope of this hearing. Let's
9 keep it to, you know, more generalities of good faith
10 negotiation.

11 MS. BENNETT: Thank you. I'm actually
12 going to move on to a different topic.

13 THE HEARING EXAMINER: Okay. Good.
14 Thank you.

15 MS. LUCK: And Mr. Hearing Examiner, I
16 do have the citation for the good faith negotiations
17 if you'd like that. Sorry, I just had to find it
18 really quick.

19 THE HEARING EXAMINER: Okay. What is
20 it?

21 MS. LUCK: Apologies. I just want to
22 bring this up because Ms. Bennett did bring out her
23 order earlier. This is Order R131 --

24 THE HEARING EXAMINER: Okay.

25 MS. LUCK: 13165.

1 THE HEARING EXAMINER: And what does it
2 say?

3 MS. LUCK: "Because past Division
4 practice has not been entirely consistent and because
5 something which of order number R13155 is not intended
6 to apply to all cases, the Division takes the
7 opportunity to clarify the requirements of what will
8 ordinary -- ordinarily apply in compulsory pooling
9 cases as follows.

10 At least 30 days prior to filing a
11 compulsory pooling application, in the absence of
12 extenuating circumstances an applicant should send to
13 locatable parties it intends to ask the Division to
14 pool a well proposal letter identifying the proposed
15 depth and location of -- and target formation together
16 with the proposed AFE for the well.

17 The proposal should specify the
18 footages for section lines at the intended location
19 and in the case of directional well at the intended
20 point of penetration upon a location."

21 THE HEARING EXAMINER: Ms. Luck, can
22 you just confine your recitation of this Rule to the
23 part that goes with good faith negotiations?

24 MS. LUCK: This is it because it
25 involves the well proposal letter, the details that

1 should be included in the well proposal letter, and
2 the AFE, including the footage locations. "The
3 Division understands these requirements to be
4 comparable to the proposal requirements --
5 forum -- operating agreements generally is --
6 industry." And then it goes on. Sorry, there's four
7 factors with regards to what needs to be included in
8 good faith negotiations. I'm happy to submit this
9 order to the Division.

10 THE HEARING EXAMINER: No thank you.

11 Ms. Bennett, do you know -- do you take
12 issue with any of this or do you know this already?

13 MS. BENNETT: I knew that already.

14 THE HEARING EXAMINER: Okay. You
15 already knew this.

16 MS. BENNETT: That is -- order that
17 governs good faith negotiations.

18 THE HEARING EXAMINER: Okay.

19 MS. BENNETT: But it does not -- it has
20 been the Division's practice to inquire further into
21 the parties' negotiations, especially in contested
22 hearings, to understand the limits of -- or the extent
23 of seeking voluntary joinder before we came before the
24 Division.

25 THE HEARING EXAMINER: Okay. Well, you

1 said that you had -- you were going to move on from
2 this anyway.

3 MS. BENNETT: I -- yes.

4 THE HEARING EXAMINER: So please go
5 ahead.

6 MS. BENNETT: Thank you.

7 THE HEARING EXAMINER: Thank you, Ms.
8 Luck.

9 BY MS. BENNETT:

10 Q Mr. Jolly, do you see in -- I'm still
11 focused here on paragraph 13 under Declaration. Do
12 you see that?

13 A Yes, ma'am.

14 Q And at the end you talk about the applicable
15 lease expirations. Do you see that?

16 A Yes, ma'am.

17 Q What leases -- what are the Rockwood leases?

18 A There is a tract in the north half,
19 southwest quarter of Section 36 that has an expiration
20 July 31st of 2026.

21 Q Is that anywhere near materials?

22 A The date of the lease?

23 Q Yes, the date of the lease.

24 A I don't -- I don't believe so.

25 Q Then the next thing I wanted to talk about

1 is have you had discussions with -- oh, sorry. One
2 quick follow up question.

3 When you -- when did you finalize the deal
4 with Rockwood?

5 A I don't remember the exact date. We'd been
6 talking about that for a long time. So I don't know
7 the exact date when the deal was finalized.

8 Q Was it around June 13, 2025?

9 A We had had ongoing discussions long before
10 then.

11 Q But --

12 A I don't know the exact date when the deal
13 was finalized.

14 Q Would you say it was in June 2025? I know
15 you don't know the exact date, but I'm just trying to
16 understand when it could've been.

17 A No, I wouldn't -- no, I -- we had been in
18 discussions long before then. So no, I would not say
19 that.

20 Q So you don't know when it was finalized?

21 A Correct.

22 Q Okay. Have you had discussions with
23 Marshall & Winston about their interests in this
24 acreage?

25 A Yes.

1 Q Did you know that Marshall & Winston filed a
2 motion to continue these cases?

3 A Yes.

4 Q Did you discuss that motion to continue with
5 Marshall & Winston?

6 A Marshall & Winston reached out to us about
7 the hearing. We -- they talked to us about -- about
8 the hearing, yes.

9 Q About continuing the hearing?

10 A Yes. We talked about the circumstances
11 surrounding the hearing with Marshall & Winston.

12 Q And is continuing the hearing
13 consistent -- for a whole month of more consistent
14 with your stated intent of getting an order so that
15 you can drill these wells?

16 A I guess that depends on how long it takes to
17 get an order and which situation. I think we, in a
18 good faith effort, contemplated continuing the -- the
19 hearing so that we could continue to talk with Coterra
20 about this acreage.

21 Q Do you recall Coterra asking several times
22 to have a continuance for these cases?

23 MS. LUCK: And Mr. Hearing Examiner, I
24 want to object to this line of questioning.

25 THE HEARING EXAMINER: Based on what?

1 MS. LUCK: Relevance, Mr. Hearing
2 Examiner.

3 THE HEARING EXAMINER: Relevance.

4 MS. LUCK: We all discussed a
5 continuance prior to this proceeding. Ms. Bennett is
6 revisiting that now. She also mentioned at the
7 beginning of this hearing that a contested hearing
8 might not be the quickest way to get a pooling order.

9 So it would be reasonable for all the
10 parties to try to continue engaging in discussions
11 rather than go to a contested pooling hearing. It was
12 a reasonable thing to discuss at that point in time.

13 THE HEARING EXAMINER: So what's the
14 objection? So what's the objection for her asking
15 this witness that question, though? It's relevance?

16 MS. LUCK: Yes.

17 THE HEARING EXAMINER: Okay.

18 And Ms. Bennett, the objection's
19 relevance.

20 MS. BENNETT: Thank you. It's relevant
21 to Mr. Jolly's statements that Rockwood and Mewbourne
22 intend to develop this acreage as quickly as possible
23 to save the leases from expiration. And so I was just
24 trying to understand the timing of the continuance and
25 how that impacts their -- his testimony with respect

1 to wanting these cases to move forward.

2 MS. LUCK: And I think that we all
3 understand that the Division --

4 THE HEARING EXAMINER: Ms. Luck, I
5 didn't invite additional comment, Ms. Luck. I'm
6 thinking; okay? So let me deal with the objection as
7 it's been raised.

8 Ms. Bennett, it seems to me that there
9 could be different reasons why a party may think that
10 negotiations based on a continuance might be a quicker
11 way to resolve an issue then, let's say, going to a
12 contested hearing and then having the Division, you
13 know, figure out who's the better operator. So
14 there's different answers here. Did this witness give
15 you an answer yet?

16 MS. BENNETT: No.

17 THE HEARING EXAMINER: Okay. You can
18 ask the question, and we're going to live with the
19 answer that he gives, knowing that there could be
20 different reasons behind it.

21 MS. BENNETT: Okay.

22 THE HEARING EXAMINER: So I think Ms.
23 Luck makes a good point. But I will allow this
24 witness to answer that question.

25 So Mr. Jolly, please answer the

1 question.

2 THE WITNESS: Can you repeat the
3 question, please?

4 BY MS. BENNETT:

5 Q I'll do my best.

6 My question was that whether -- oh, actually
7 my question that was objected to was whether you were
8 aware that Coterra had asked for the parties to agree
9 to a continuance and that the other parties said,
10 "No," that, "we want to go to hearing today" to save
11 the lease expirations?

12 A Yes, I think all parties have contemplated
13 at one point or another whether the hearing should
14 happen today or whether we should kick the hearing
15 another month to see if we can try to work something
16 out.

17 Q Earlier today I believe Ms. Luck stated
18 that -- or maybe it was you. I can't quite recall and
19 I'm not sure from my notes. But -- that Coterra has
20 known all along that Mewbourne would be the operator
21 of this acreage. Do you recall that?

22 A I don't think I said that.

23 Q Do you recall Ms. Luck saying that?

24 THE HEARING EXAMINER: Ms. Bennett, if
25 he says he doesn't remember saying that, then it would

1 be outside the scope of his testimony.

2 MS. BENNETT: Okay.

3 THE HEARING EXAMINER: So let's move
4 on.

5 MS. BENNETT: May I ask a follow up?

6 THE HEARING EXAMINER: Yes, of course.

7 BY MS. BENNETT:

8 Q When was the first time, that you know of,
9 within your knowledge, that it was relayed to Coterra
10 that Mewbourne would be the operator of these wells?

11 A I don't recall when they were notified for
12 the first time. You'd have to ask them.

13 Q But it would be you that was notifying them;
14 right, Mewbourne?

15 A Rockwood could've told them too. I don't
16 know. Like I said, a lot of discussion was happening
17 over the phone. So I don't know when the first time
18 they -- they heard that was.

19 Q And all I'm asking is when the first time
20 Mewbourne told Coterra that Mewbourne would be
21 operating these wells?

22 A We've been talking about this for several
23 months. I don't know when we had that discussion.

24 Q Is there anything you can look at that would
25 refresh your memory about when that discussion

1 happened?

2 A I don't think so.

3 Q Do you think that Mr. Powell would know when
4 he first had a discussion with Coterra about this?

5 MS. LUCK: And I'm going to object on
6 this one because there's no foundation.

7 THE HEARING EXAMINER: Okay. Thank
8 you.

9 Sustained.

10 MS. BENNETT: Thank you.

11 I just want to take a quick look at my
12 notes and see if I have any other questions.

13 THE HEARING EXAMINER: And then Mr.
14 Bruce, I'm going to ask you if you have any questions
15 for this witness.

16 MS. BENNETT: No further questions.
17 Thank you.

18 THE HEARING EXAMINER: Thank you.
19 Mr. Bruce?

20 MR. BRUCE: Maybe one or two.

21 THE HEARING EXAMINER: Did you enter
22 your appearance? I don't remember your saying
23 something. It's been a while. Did you enter an
24 appearance?

25 MR. BRUCE: Yes.

1 THE HEARING EXAMINER: Okay. Good. Go
2 ahead, Mr. Bruce.

3 DIRECT EXAMINATION

4 BY MR. BRUCE:

5 Q Mr. Jolly, I've heard talk today. Is one of
6 the concerns of Rockwood and Marshall & Winston that
7 Coterra may not drill the wells in a timely fashion?

8 A That's the main concern, yes.

9 Q And regarding the continuance that I filed
10 on Marshall & Winston's behalf, did -- and you
11 discussed that these matters -- with Marshall &
12 Winston; did you not?

13 A Yes.

14 Q Was one of the reasons for the proposed
15 continuance that Marshall & Winston had received the
16 proposal letter and the notice so late it would not be
17 able to prepare for hearing?

18 A Yes. I believe Marshall & Winston's concern
19 is that they got a well proposal letter less than 20
20 days ago. And so they wanted time to evaluate the
21 well proposal, especially because they own interest in
22 an existing well, and one of the wells proposed by
23 Coterra overlaps that well for a mile and a half.

24 Q Thank you.

25 MR. BRUCE: That's all, Mr. Examiner.

1 THE HEARING EXAMINER: Thank you, Mr.
2 Bruce.

3 Mr. Fordyce?

4 EXAMINER FORDYCE: Yeah, I have one
5 follow up question.

6 CROSS-EXAMINATION

7 BY EXAMINER FORDYCE:

8 Q Mr. Jolly, I'm looking actually at page 108
9 of 116. And it seems like we've established that
10 these exhibits don't contain a complete list of
11 interest owners and perhaps parties that are -- that
12 Rockwood is seeking to pool in this application.

13 And in this mailing list, and it's the same
14 for each of the cases, it only indicates that the
15 State Land Office and Coterra were sent notice of
16 these proceedings. I'm trying to ascertain, since we
17 don't have a complete list of interest owners and
18 who's being pooled, has everyone that was required
19 notice given notice because I only see State Land
20 Office and Coterra?

21 A Coterra is the only party that Rockwood
22 seeks to pool. So the other owners were not listed
23 and weren't notified. They were notified. They know
24 the hearing's going on. But they weren't sent a -- a
25 notification of pooling because there's not being

1 pooled.

2 Q One other follow up question. Since the
3 C102s weren't admitted, and we don't have surveys for
4 those wells, the question is, has Rockwood done any
5 work to identify surface locations or are those
6 proposed surface locations simply theoretical at this
7 point?

8 A I'd have to defer to the engineer on that
9 question. I'm sorry.

10 EXAMINER FORDYCE: Yeah, I don't think
11 I have any further questions for this witness.

12 THE HEARING EXAMINER: Thank you, Mr.
13 Fordyce. But you've opened up a subject that I was
14 concerned about. And now I need to hear from Ms. Luck
15 and Ms. Bennett.

16 Ms. Luck, is it your position that the
17 Rule 1915412 -- let's look at the Rule for a moment
18 because I'm confused about something here. I'm
19 looking at the version that is held by the State
20 Archives, which I believe is the official version.

21 It says here "Notice requirement for
22 specific adjudications. Compulsory pooling and
23 statutory unitization A-1 (a) Applicant shall give
24 notice to each owner of an interest in the mineral
25 estate of any portion of the lands the applicant

1 proposes to be pooled that is evidenced by a written
2 conveyance either of record or known to the applicant
3 at the time the applicant filed the application and
4 whose interest has not been voluntarily committed."

5 Ms. Luck, are you saying you complied
6 with that rule?

7 MS. LUCK: Yes, Mr. Hearing Examiner.
8 And together with Exhibit C-4, we have the first few
9 letters of support from the so-called uncommitted
10 working interest owners. And then we have additional
11 letters of support that we would like to submit to the
12 Division that include all of the defined owners of an
13 interest in the mineral estate of any portion of the
14 lands the applicant proposes to be pooled."

15 THE HEARING EXAMINER: Okay. Is --

16 MS. LUCK: So even though those folks
17 haven't signed an agreement, they do -- they have
18 voluntarily committed their interests to this unit and
19 the units proposed.

20 THE HEARING EXAMINER: Ms. Bennett?

21 MS. BENNETT: Thank you. As the
22 Division is aware, the Division ordered me to complete
23 notice in another case under similar circumstances,
24 where a client had determined not to pool certain
25 parties and had not sent them notice of the hearing.

1 And the Division read that rule rather
2 broadly to say that if a party is uncommitted, that
3 notice is required even if you're not seeking to pool
4 them.

5 And I understand Ms. Luck's position
6 that these -- that there's letters of support from
7 each of these, but those letters of support, if they
8 are similar to the ones that are in the record, were
9 signed on July 18th, well after the notice that was
10 required under the Division's rules.

11 And I'm not -- I mean, I think if -- it
12 depends on what the Division determines to mean -- the
13 word "committed" to mean. If it means committed to a
14 JOA, then notice in my opinion was not proper. If the
15 Division determines the word committed in that rule
16 means a letter of support, then notice was probably
17 proper.

18 MS. LUCK: And if I may respond, Mr.
19 Hearing Examiner, voluntary committed is not defined
20 and voluntarily committed is not ever -- has not ever
21 been defined to mean a JOA or another kind of written
22 agreement. Parties can voluntarily decide how to
23 either release their interest or farm out their
24 interest or enter into a JOA before pooling hearing,
25 and that can be a voluntary commitment.

1 THE HEARING EXAMINER: Well, my concern
2 is holding a hearing without having provided proper
3 notice because that's a problem for the Division. And
4 it's our responsibility to make sure that we -- that
5 the applicants comply with the Rule. And notice is
6 critical.

7 It's one of the things that is critical
8 to us. And I think Mr. Fordyce and I need to take a
9 break after this witness is done and decide how we
10 want to deal with the idea of voluntary commitment
11 through a letter of support versus the -- well, that's
12 the evidence that we have in the record as of now. So
13 I think -- let's see. Mr. Fordyce has asked his
14 questions. Mr. Bruce did.

15 Ms. Luck, any redirect questions for
16 this witness?

17 MS. LUCK: Yeah, I just have a couple
18 of questions on some of the issues that you brought
19 up.

20 THE HEARING EXAMINER: Go right ahead.
21 Go right ahead.

22 REDIRECT EXAMINATION

23 BY MS. LUCK:

24 Q So Mr. Jolly, do you know when Coterra
25 purchased Franklin Mountain Energy?

1 A I believe it was January of 2025.

2 Q Okay. So they are fairly new to this
3 acreage; correct?

4 A Yes, they just acquired it this year.

5 Q Okay. And is it your opinion in this case
6 that Rockwood has engaged in good faith negotiations
7 with the parties to be pooled?

8 A Yes.

9 Q And has it been your experience previously
10 at OCD hearings that sometimes Form C102s would be
11 submitted and then the final C102s would be filed
12 later on?

13 A Yes, ma'am.

14 Q Okay. And so that's commonplace practice,
15 to submit drafts and then file final C102s at a later
16 time?

17 A Yes, ma'am.

18 Q Okay. And finally, with respect to the
19 letters of support. So we do have letters of support
20 from each of the other interest owners in these units
21 who may have had a mineral interest in the estate and
22 any other portions of the lands to be pooled; is that
23 correct?

24 A Yes, ma'am.

25 Q Okay.

1 MS. LUCK: That's all the questions I
2 have for this witness. Thank you.

3 THE HEARING EXAMINER: All right.
4 Thank you.

5 Is there any recross on those
6 questions?

7 MS. BENNETT: Yes, yes.

8 THE HEARING EXAMINER: Of course.

9 MS. BENNETT: Yes.

10 THE HEARING EXAMINER: Go ahead, Ms.
11 Bennett.

12 RECROSS-EXAMINATION

13 BY MS. BENNETT:

14 Q Mr. Jolly, you testified that Coterra
15 acquired this acreage from Franklin Mountain Energy in
16 January of 2025; right?

17 A They bought both the bond and Franklin
18 Mountain. I believe that it happened in January. A
19 press released it January of 2025.

20 Q So that was like six months ago?

21 A Eight months ago.

22 Q Okay. And -- but earlier you testified that
23 Rockwood's had this acreage since sometime in the fall
24 of 2024; is that right?

25 A I believe that's the date of the term

1 assignment they took.

2 Q Mr. Bruce asked --

3 MS. BENNETT: May I recross on one
4 thing?

5 BY MS. BENNETT:

6 Q Mr. Bruce asked a question about Marshall &
7 Winston's concerns that you discussed with them. Do
8 you recall that testimony?

9 A I remember him saying something, yes.

10 Q Do you recall testifying that you discussed
11 Marshall & Winston's concerns?

12 A Marshall & Winston's concerns were about the
13 timing of the well proposal letter when they -- they
14 only got it a couple weeks ago. And they have
15 interest in a well that overlapped -- the spacing unit
16 of the existing well overlaps with a well that Coterra
17 proposed to overlap that spacing unit with.

18 Q Do you have --

19 A So they were concerned about that.

20 Q Does Mewbourne have any interests in that
21 overlapping spacing unit?

22 A No.

23 Q You -- I believe you might've testified that
24 Marshall & Winston wanted time to evaluate Coterra's
25 proposals. Do you recall that?

1 A Yes.

2 Q Marshall & Winston is committed to Rockwood,
3 though; right?

4 A They support Rockwood's development.

5 Q Did you know that Marshall & Winston has
6 signed a JOA?

7 A With who?

8 Q With Rockwood.

9 A I wasn't aware that they signed a JOA.

10 Q So that's in your exhibits to your
11 declaration.

12 A I saw the letter of support. I -- I know
13 that they would sign a JOA if they were asked to sign
14 one. I didn't know they actually can sign --

15 Q Did you review the support letters?

16 A Yes, ma'am.

17 Q Do you know who prepared the letters of
18 support?

19 A They were prepared under the guidance of
20 both Rockwood and Mewbourne.

21 Q Okay. I'm going to represent to you, and
22 I'm happy to pull up the letter -- let me see if I
23 have it here -- from Marshall & Winston. Oh, that's
24 the George Mitchell [ph] letter. Okay. Sorry, I'm
25 just --

1 THE HEARING EXAMINER: What page are
2 you on?

3 MS. BENNETT: I'm looking for that page
4 number. I apologize. It's page 61 of 116.

5 THE HEARING EXAMINER: Okay.

6 BY MS. BENNETT:

7 Q And it's --

8 A Yes, ma'am.

9 Q Okay. And do you see that at the very end
10 of that first -- there's a first full paragraph and
11 then there's a single sentence that starts "Marshall &
12 Winston signed." Do you see that?

13 A Yes, ma'am.

14 Q And that's dated July 18th; right?

15 A Yes, ma'am.

16 Q And the wells -- it says "The wells are
17 being proposed under an operating agreement dated July
18 15th naming Rockwood Energy as operator."

19 MS. LUCK: And I'm going to object. I
20 think that Ms. Bennett's made her point here. This
21 question's been asked and answered.

22 THE HEARING EXAMINER: What question
23 has been asked and answered?

24 MS. LUCK: Her line of questioning
25 related to what this letter of support says.

1 THE HEARING EXAMINER: And what's the
2 question, Ms. Luck, that's been asked and answered?

3 MS. LUCK: She asked -- the final line
4 says Marshall & Winston has signed Rockwood's
5 proposal -- greenlit and fully supports Rockwood's
6 development plan in this area.

7 THE HEARING EXAMINER: Uh-huh.

8 MS. LUCK: And I believe she's already
9 asked this multiple times whether or not Marshall &
10 Winston has signed a JOA with --

11 THE HEARING EXAMINER: Ms. Bennett?

12 MS. BENNETT: Thank you. What I was
13 getting at with the second line of questioning is that
14 the operating agreement is actually dated July 15th
15 and names Rockwood as the operator.

16 THE HEARING EXAMINER: Okay.

17 MS. BENNETT: Which is information that
18 is inconsistent with what is being presented today.

19 THE HEARING EXAMINER: I see. So
20 you're saying -- okay. And the objection was that
21 you've already asked and answered this. Now, have you
22 already asked this question?

23 MS. BENNETT: No, I have not asked a
24 question about when the operating agreement was signed
25 and who it named as operator.

1 THE HEARING EXAMINER: Ah. Okay. All
2 right.

3 So Ms. Luck, the question hasn't been
4 answered yet.

5 MS. LUCK: Okay. I'll withdraw my
6 objection.

7 THE HEARING EXAMINER: Thank you.
8 Thank you, Ms. Luck.

9 So would the witness please answer the
10 question?

11 THE WITNESS: Is -- was the question
12 if -- if the operating agreement has been signed or
13 why it says that Rockwood Energy is operator?

14 BY MS. BENNETT:

15 Q The question is whether you were aware of
16 the fact that Rockwood has signed a JOA with -- I'm
17 sorry -- that Marshall & Winston has signed a JOA with
18 Rockwood as of July 15, 2025?

19 A The plan is for Rockwood to transfer
20 ownership to Mewbourne. So that's easily done in an
21 operating agreement.

22 Q And I --

23 A So that shouldn't be an issue.

24 Q I appreciate your answer, but that's not the
25 question I asked. I asked you if you were aware that

1 Rockwood and Marshall & Winston have entered into an
2 agreement dated July 15, 2025?

3 A I was aware that Marshall & Winston would
4 sign what JOA we wanted them to sign. I wasn't aware
5 they had already signed one.

6 Q And when you say whatever JOA you wanted
7 them to sign, is that Mewbourne?

8 A If Rockwood obtains an order, then the deal
9 was for Mewbourne to step in and operator -- and be an
10 operator of the pooling order. So Mewbourne would be
11 operator and Marshall & Winston would support us.

12 Q Is there anything in the record that says
13 Marshall & Winston supports Mewbourne as operator of
14 these wells?

15 A No, they support Rockwood's developments
16 and -- the wells.

17 Q Is there anything in the record that
18 demonstrates that Rockwood has given you authority to
19 testify in their behalf today?

20 MS. LUCK: And once again, I would like
21 to object to that. This has never been a requirement
22 before the Division. Ms. Bennett has had many clients
23 despite -- the Division --

24 THE HEARING EXAMINER: So what's the
25 objection? What's the objection?

1 MS. LUCK: Relevance.

2 THE HEARING EXAMINER: Fine.

3 MS. LUCK: The contract terms --

4 THE HEARING EXAMINER: Thank you, Ms.

5 Luck. Thank you, Ms. Luck.

6 Ms. Bennett, why are you --

7 MS. BENNETT: I'll withdraw my

8 question.

9 THE HEARING EXAMINER: Thank you. I do
10 sustain the objection.

11 BY MS. BENNETT:

12 Q Has Mewbourne entered an appearance in these
13 cases?

14 A No. Not to my knowledge.

15 Q Thank you.

16 MS. BENNETT: Those are all the
17 questions I have. Thank you.

18 THE HEARING EXAMINER: Okay. Mr.
19 Bruce, any -- no. You're shaking your head no. Okay.

20 Mr. Fordyce, any questions based on
21 what Ms. Bennett has asked?

22 EXAMINER FORDYCE: No, I have no
23 further questions at this time, Mr. Hearing Examiner.

24 THE HEARING EXAMINER: Thank you.

25 Ms. Luck, is there any redirect on

1 those questions?

2 MS. LUCK: I would just like to clarify
3 with -- Marshall & Winston --

4 THE HEARING EXAMINER: With the
5 witness. With the witness.

6 MS. LUCK: Yes.

7 THE HEARING EXAMINER: Go ahead.

8 REDIRECT EXAMINATION

9 BY MS. LUCK:

10 Q Okay. So Mr. Jolly, Marshall & Winston is
11 one of the interest owners that could be considered
12 uncommitted in this unit, was it not for that letter
13 of support; is that correct?

14 A They have not signed a -- well, I guess they
15 could be considered uncommitted. But they support
16 Rockwood's development.

17 Q Right. So I think it's --

18 MS. BENNETT: Mr. Hearing Examiner, I
19 need to -- I'd like to object to this line of
20 questions as asked and answered. I asked. The
21 evidence that Ms. Luck herself provided shows clearly
22 that Marshall & Winston has signed a JOA. It's not
23 merely a letter of support.

24 THE HEARING EXAMINER: Wait, wait, were
25 you -- okay. So first of all, what's the objection?

1 MS. BENNETT: Asked and answered.

2 THE HEARING EXAMINER: Okay. Asked and
3 answered. Okay.

4 So Ms. Luck, the objection is asked and
5 answered.

6 MS. LUCK: Okay. Well, the question
7 has not been answered. I'm trying to clarify with Mr.
8 Jolly because Mr. Fordyce did raise an issue that
9 there may be a notice issue, and I want to just iron
10 that out as much as possible before we move on that no
11 additional notice is required.

12 THE HEARING EXAMINER: You had the
13 opportunity to iron out the notice issue after Mr.
14 Fordyce asked the question. And that was before. And
15 I gave you an opportunity to redirect. And that
16 wasn't dealt with then. Now you're only allowed to
17 ask questions based on what Ms. Bennett specifically
18 asked. So please confine your scope of your
19 questions, your re-redirect, to what Ms. Bennett
20 asked.

21 MS. LUCK: Yes, Mr. Hearing Examiner.
22 Ms. Bennett asked specifically about this Marshall &
23 Winston letter.

24 THE HEARING EXAMINER: Okay. So what
25 was the question now? What are you trying to

1 determine.

2 MS. LUCK: Whether or not Marshall &
3 Winston is one of the other owners of the mineral
4 interest within the unit.

5 THE HEARING EXAMINER: Okay. And
6 is -- has that been asked and answered?

7 MS. BENNETT: Yes.

8 THE HEARING EXAMINER: Okay. So Ms.
9 Luck, the objection is asked and answered. If you
10 haven't asked it, then tell me now so I can let you
11 ask it. Otherwise, if you had asked it already, then
12 I'll sustain the objection.

13 MS. LUCK: Right. Ms. Bennett's
14 statement was that she was the person that asked this
15 question and I haven't asked this question before
16 about whether or not Marshall & Winston are an owner
17 of an interest in the unit and they could've been
18 provided notice of this pooling hearing but they were
19 not. For the reasons stated herein, that they did
20 provide a letter of support. They did sign an
21 operating agreement. All that's been ironed out by
22 Ms. Bennett at this point.

23 THE HEARING EXAMINER: Well -- so Ms.
24 Luck, the objection is asked and answered. Are you
25 saying that you have not asked that question before?

1 MS. LUCK: Correct.

2 THE HEARING EXAMINER: Specifically
3 what question do you want to ask?

4 MS. LUCK: And I'm sorry, Mr. Hearing
5 Examiner, I'll have to repeat it. Whether or not
6 Marshall & Winston is the uncommitted interest owner
7 in this unit whose interest could have been provided
8 notice as required through 1915409 you reviewed for
9 us.

10 THE HEARING EXAMINER: Okay. So what's
11 the question? If I don't understand the question then
12 you're not asking it in a way that's -- I need to
13 understand the question.

14 MS. LUCK: I mean, I would be asking
15 the question to the witness, Mr. Hearing Examiner.

16 THE HEARING EXAMINER: Right.

17 MS. LUCK: Mr. Jolly. He's on the line
18 here with us today. I'd be asking him whether or not
19 Marshall & Winston is an owner of an interest in these
20 units that would have been required to be provided
21 notice as required by the rule that you stated to us,
22 1915 --

23 THE HEARING EXAMINER: Okay. So you're
24 asking him for a legal conclusion? Overruled. You
25 can't ask that question. He's a fact witness. He's

1 not an attorney here to give us his opinion.

2 MS. LUCK: And I understand that, Mr.
3 Hearing Examiner. But Ms. Bennett's gone down many
4 legal rabbit trails with my client so far. She
5 presented competing pooling factors. She was able to
6 make legal arguments with respect to those lines of
7 questioning. And so out of respect, I -- that same
8 respect.

9 THE HEARING EXAMINER: Yeah, I'm sorry.
10 No. That question won't be asked. You're asking for
11 a legal conclusion to this witness outside the scope
12 of his expertise.

13 So do you have any other redirect
14 questions for this witness?

15 MS. LUCK: No.

16 THE HEARING EXAMINER: Okay. Thank
17 you.

18 All right. Mr. Jolly, I believe we're
19 done with you for today. Thank you for your
20 participation. And you may be recalled tomorrow. So
21 please keep yourself available for tomorrow.

22 Okay. It's 4:37. I think we should
23 end here today. We're coming back tomorrow. We've
24 only gotten through one witness. We have two more,
25 Mr. Crosby and Mr. Edington tomorrow.

1 Which one are you going to call first?

2 MS. LUCK: Mr. Hearing Examiner, I'd
3 like to go in the order of exhibits, which would be
4 Mr. Crosby.

5 THE HEARING EXAMINER: Fine. So
6 that'll be number two for tomorrow.

7 In the meantime, Mr. Fordyce and I have
8 to discuss notice. We have to discuss what we're
9 going to do about the notice issue. If there is an
10 issue and what we're going to do about it if there is
11 an issue because facts have come out during today's
12 hearing that bring notice into question.

13 Okay. So do -- this may be a long day
14 tomorrow. And What I'm wondering is if we should try
15 to start at 8 a.m. instead of 9 a.m. Do the parties
16 want to begin at 8 a.m.?

17 I'll start with you, Ms. Luck.

18 MS. LUCK: Yes, Mr. Hearing Examiner.
19 I'm happy to be here at any time.

20 THE HEARING EXAMINER: Okay. Thank
21 you.

22 Ms. Bennett? I know you have to
23 commute from Albuquerque.

24 MS. BENNETT: Yes.

25 THE HEARING EXAMINER: So I know it's

1 early for you. However, we do want to hear your cases
2 tomorrow as well. So can you be here at eight
3 o'clock?

4 MS. BENNETT: I'd like to confer
5 with -- I can be. We might need to take our witnesses
6 a little out of order. So I can be here at 8.

7 THE HEARING EXAMINER: That's
8 marvelous.

9 So Ms. Tschantz, I'll be here at 7. I
10 can come down and open the door if necessary.

11 I know you won't be here, Mr. Bruce. I
12 got that. Good luck with your procedure tomorrow.

13 MR. BRUCE: Thank you.

14 THE HEARING EXAMINER: So Ms. Tschantz,
15 I'll come and I'll open the door whatever time the
16 court reporter needs me to be there if they're going
17 to have a in-person court reporter.

18 If it's going to be virtual, is there
19 anyway of knowing that now?

20 MS. TSCHANTZ: I would need to contact
21 Veritext and just confirm availability one hour
22 earlier. I don't know if that's possible, so I need
23 to confirm.

24 THE HEARING EXAMINER: Well, we're
25 going to start at 8 a.m. tomorrow so we can record the

1 hearing and then have Veritext -- I really want to
2 leave time for tomorrow -- the most time we can
3 possibly have tomorrow. Because this took a long time
4 for one witness.

5 MS. BENNETT: Mr. Hearing Examiner?

6 THE HEARING EXAMINER: Yes.

7 MS. BENNETT: I noticed also that there
8 are some affidavit cases going tomorrow. So if we
9 start at 8 and then the affidavit cases would start at
10 9 --

11 THE HEARING EXAMINER: We'll do them --
12 this is the priority. These -- this contested cases
13 is the priority. Is there a problem with that, Ms.
14 Bennett?

15 MS. BENNETT: Well, I'm just thinking
16 about the other attorneys who have to be here and who
17 are planning on being here at nine o'clock tomorrow
18 for affidavit cases. And so I would just suggest that
19 maybe we take a short break from our cases.

20 THE HEARING EXAMINER: Okay. And I
21 will tell you that all affidavit cases will be taken
22 under advisement.

23 MS. BENNETT: Nice.

24 THE HEARING EXAMINER: They've all been
25 reviewed, and they'll all be taken under advisement.

1 So it should take about five minutes.

2 MS. BENNETT: That's what I was hoping
3 is that it would be a very quick, you know, whatever.

4 THE HEARING EXAMINER: Yes.

5 MS. BENNETT: And so that would mean
6 that I'd rather than having the other attorneys
7 waiting all day, and listening to us --

8 THE HEARING EXAMINER: That's very kind
9 of you, Ms. Bennett.

10 MS. BENNETT: Well --

11 THE HEARING EXAMINER: Okay.

12 MS. BENNETT: -- I do see that Ms.
13 Vance has her hand up --

14 THE HEARING EXAMINER: We're --

15 MS. BENNETT: -- she was going to be
16 talking about --

17 THE HEARING EXAMINER: Ms. Vance. Ms.
18 Vance. You're still there, Ms. Vance. What can we do
19 for you?

20 MS. VANCE: I am, and actually Ms.
21 Bennett was getting to my question because I have to
22 appear for one case.

23 THE HEARING EXAMINER: Okay.

24 MS. VANCE: At nine o'clock.

25 THE HEARING EXAMINER: Okay.

1 MS. VANCE: And just wanted to make
2 sure that we were actually going to be heard for that
3 quick five minutes at nine o'clock.

4 THE HEARING EXAMINER: Ms. Vance, is
5 this the Riley Permian case?

6 MS. VANCE: Yeah, I actually have an
7 appearance in both the Riley case and the case after
8 that, the PBEX case, Dr. Vogel.

9 THE HEARING EXAMINER: Okay. Well,
10 I'll -- I hate to spoil the surprise. But once we
11 call the case, we're going to take it under advisement
12 because all the information we wanted was received,
13 reviewed; there was no further questions. So it'll
14 take about a minute to take care of those tomorrow.
15 And we'll do that at nine o'clock.

16 MS. VANCE: Perfect.

17 THE HEARING EXAMINER: We'll take a
18 little short break from our Coterra vs. Rockwood case.

19 We're off the record. Have a good
20 evening, everyone. Thank you.

21 MS. BENNETT: Thank you.

22 (Whereupon, at 4:41 p.m., the
23 proceeding was concluded.)
24
25

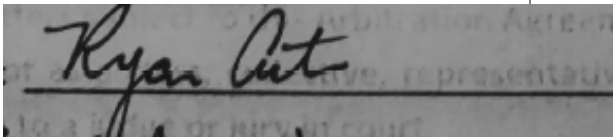
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CERTIFICATE

I, RYAN AUTEN, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

September 4, 2025

A rectangular box containing a handwritten signature in black ink. The signature appears to read "Ryan Auten" and is written over a horizontal line.

RYAN AUTEN
Notary Public in and for the
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, CHRIS E. FLOYD, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.
September 4, 2025



CHRIS E. FLOYD

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