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

APPLICATIONS OF WPX ENERGY
PERMIAN, LLC FOR COMPULSORY
POOLING, EDDY COUNTY, NEW MEXICO. Case Nos.
25204 & 25205

APPLICATIONS OF 3R OPERATING,
LLC FOR COMPULSORY POOLING, EDDY
COUNTY, NEW MEXICO. Case Nos.
25123 & 25124

HEARING
DAY 2

DATE: Wednesday, April 30, 2025
TIME: 8:53 a.m.
BEFORE: Hearing Examiner Gregory A. Chakalian
LOCATION: Remote Proceeding
Pecos Hall
Wendell Chino Building
1220 South Saint Francis Drive
Santa Fe, NM 87505
REPORTED BY: James Cogswell
JOB NO.: 7132911

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A P P E A R A N C E S

ON BEHALF OF WPX ENERGY PERMIAN LLC:

DARIN C. SAVAGE, ESQUIRE
Abadie & Schill PC
555 Rivergate Lane, Suite B4-180
Durango, CO 81301
darin@abadieschill.com
(970) 385-4401

ON BEHALF OF 3R OPERATING LLC:

JAMES P. PARROT, ESQUIRE
JACOB LEVI EVERHART, ESQUIRE
Beatty & Wozniak PC
1675 Broadway, Suite 600
Denver, CO 80202
jparrot@bwenergyllaw.com
jeverhart@bwenergyllaw.com
(303) 917-2261
(303) 407-4492

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A P P E A R A N C E S (Cont'd)

ON BEHALF OF 3R OPERATING LLC:

MIGUEL A. SUAZO, ESQUIRE

Beatty & Wozniak PC

500 Don Gaspar Avenue

Santa Fe, NM 87505

msuazo@bwenergyllc.com

(202) 251-7768

ALSO PRESENT:

Andrew Fordyce, Technical Examiner

(by videoconference)

Freya Tschantz, Law Clerk

John Garcia, Technical Examiner

(by videoconference)

Jon Slagle, Witness

Brian Atwell, Witness

Brian van Staveren, Witness

Tyler Lane, Witness

Michael Womack, Witness (by videoconference)

Andy Bennett, Witness

Joe Dixon, Witness

Kevin Barnes, Witness

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I N D E X

WITNESS(ES):	DX	CX	RDX	RCX
PAUL MELLAND				
By Mr. Savage	7			
By Mr. Parrot		14		
MICHAEL WOMACK				
By Mr. Savage	22		66	
By Mr. Parrot		37		

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E X H I B I T S

NO.	DESCRIPTION	ID/EVD
	(None marked.)	

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P R O C E E D I N G S

THE HEARING EXAMINER: Okay. We left off yesterday where WPX was presenting its witnesses and its case in chief. We had heard from Mr. Bennett, Dixon, and Barnes. And today, we're going to hear from Mr. Melland and Mr. Womack.

Are there any preliminary matters that we need to deal with before we get into the witness testimony, Mr. Savage?

MR. SAVAGE: Not from us.

THE HEARING EXAMINER: Mr. Parrot?

MR. PARROT: No. Thank you.

THE HEARING EXAMINER: All right.

Thank you.

Okay. Mr. Savage?

MR. SAVAGE: Yes, Mr. Hearing Examiner. I call Paul Melland.

Mr. Melland, are you available?

MR. MELLAND: I am here.

MR. SAVAGE: Okay. Can you state --

THE HEARING EXAMINER: Hold on, Mr. Savage.

Mr. Melland, I remind you that you are under oath, and you are not yet admitted as an expert before this Division.

1 So go ahead, Mr. Savage.

2 DIRECT EXAMINATION

3 BY MR. SAVAGE:

4 MR. SAVAGE: Can you state your full
5 name for the record?

6 MR. MELLAND: It's Paul Melland.

7 MR. SAVAGE: And is it correct you have
8 not testified previously before the New Mexico Oil
9 Conservation -- Oil Division?

10 MR. MELLAND: That is correct.

11 MR. SAVAGE: Are you familiar with the
12 subject lands and the surface facilities in these
13 cases?

14 MR. MELLAND: I am.

15 MR. SAVAGE: Okay. And have you
16 prepared, or prepared under your supervision, and
17 reviewed the exhibits you submitted in these
18 proceedings, including your self-affirmed statement?

19 MR. MELLAND: I have.

20 MR. SAVAGE: Mr. Hearing Examiner, I
21 make Mr. Melland available for review.

22 THE HEARING EXAMINER: All right.

23 Mr. Melland, what field of expertise
24 are you seeking to be qualified as an expert before
25 this Division?

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1 MR. MELLAND: Facilities and
2 construction engineer.

3 THE HEARING EXAMINER: All right.
4 Perfect. What education do you have toward that
5 expertise?

6 MR. MELLAND: I have my -- my
7 bachelor's degree in chemical engineering.

8 THE HEARING EXAMINER: And when did you
9 achieve it?

10 MR. MELLAND: In 2011.

11 THE HEARING EXAMINER: All right. And
12 what work experience do you have toward that
13 experience?

14 MR. MELLAND: I'm currently a
15 facilities and construction engineer for WPX. I've
16 been with them for -- in this role for about
17 two-and-a-half years. My other industry experience,
18 starting from internships throughout my college years,
19 includes a year and a half as a field -- rotational
20 field engineer, four-and-a-half years as a production
21 engineer. That was with -- with Chesapeake Energy in
22 the Gulf Coast region. Three-and-a-half years as a
23 reservoir engineer in the Midcontinent. And -- and
24 then my experience here with Devon and WPX as a
25 facilities engineer.

1 THE HEARING EXAMINER: And what does a
2 facilities and construction engineer do?

3 MR. MELLAND: I -- I'm involved with --
4 well, I oversee the planning and the construction of
5 facilities, well pads, flowlines, and artificial lift
6 equipment associated with new wells being drilled.

7 THE HEARING EXAMINER: I see. Okay.
8 And what is your current title?

9 MR. MELLAND: Facilities and
10 construction engineer. I think -- I think there's a
11 "senior staff" in there. I'd have to look it up
12 though, honestly.

13 THE HEARING EXAMINER: Okay. Is this
14 the -- is this, that you're bringing up, the
15 self-affirmed statement?

16 MR. MELLAND: I am.

17 THE HEARING EXAMINER: Okay. Is there
18 also a resume here as well?

19 MR. MELLAND: Yes.

20 THE HEARING EXAMINER: That's perfect.
21 Thank you. Okay. Mr. Melland, from here on, you're
22 recognized as an expert in facilities and construction
23 engineering before this Division.

24 Mr. Savage?

25 MR. SAVAGE: Thank you, Mr. Hearing

1 Examiner.

2 BY MR. SAVAGE:

3 MR. SAVAGE: Mr. Melland, have you
4 prepared -- I've already asked that.

5 Do you have -- do you see your
6 self-affirmed statement?

7 MR. MELLAND: Yes, I do.

8 MR. SAVAGE: Okay. Do you have any
9 clarifications or corrections or modifications that
10 you'd like to address?

11 MR. MELLAND: I do. I have -- I'd like
12 to clarify in my statement, specifically paragraph
13 nine, where I briefly describe some emissions
14 reduction measures included in the standard design
15 that WPX will be deploying here.

16 I would just like to plainly state that
17 this standard design is fully compliant with all
18 applicable state and federal rules, since I did not
19 specifically state that. And that's my only
20 clarification.

21 MR. SAVAGE: Let's move down to your
22 original exhibit, B2 [ph].

23 Can you explain and discuss for the
24 benefit of the Division this particular exhibit and
25 how it plays into the overall development plan?

1 MR. MELLAND: Yes. This -- this
2 exhibit shows WPX's facility development plan.
3 Included in this plan, as you can see, is a single
4 CTB, two well pads, leased roads, and flowline
5 corridors.

6 I want to highlight the efficiencies
7 gained with this plan with respect to full development
8 of the unit. I want -- our facility is designed to be
9 capable of handling 14 wells, so he'll be capable of
10 servicing four Bone Springs wells, four Wolfcamp XY,
11 and four Wolfcamp B wells.

12 So with WPX as the operator of both
13 Wolfcamp and Bone Springs formations, the total
14 disturbance for development of both formations would
15 be largely limited to the disturbance shown in this
16 exhibit.

17 In a similar way, this plan is
18 "capally" efficient since the CTB equipment costs will
19 be shared across all wells. If -- if 3R is granted
20 operatorship of Wolfcamp, these efficiencies will be
21 lost.

22 Since 3R only has ownership in the
23 Wolfcamp and not in the Bone Springs, WPX is uniquely
24 positioned to realize these efficiencies as operator
25 of Wolfcamp.

1 With both 3R and WPX developing the
2 unit as operators, there will be at least two
3 facilities, more pads, more leased roads, and more
4 pipeline disturbance.

5 3R did not provide an overview, that --
6 that I could see, of their planned surface
7 disturbance, so I cannot quantify what the -- what the
8 total would be with 3R as operator of the Wolfcamp.
9 But given that WPX's disturbance under this scenario
10 would be largely unchanged, the -- the total
11 disturbance is sure to increase. Likewise, capital
12 required for surface facilities is sure to increase.

13 MR. SAVAGE: Okay. Thank you,
14 Mr. Melland. And you also provided two rebuttal
15 exhibits; is that correct?

16 MR. MELLAND: I -- I just provided one
17 rebuttal exhibit.

18 MR. SAVAGE: Just one --

19 MR. MELLAND: R5.

20 MR. SAVAGE: Okay. I'm going to move
21 to those.

22 Okay. Mr. Melland, is this your
23 rebuttal exhibit?

24 MR. MELLAND: Yes, sir.

25 MR. SAVAGE: Okay. And you prepared

1 this under your supervision?

2 MR. MELLAND: Yes, sir.

3 MR. SAVAGE: Can you explain what
4 evidence of 3R -- that 3R presented that it rebuts,
5 and how it rebuts that evidence?

6 MR. MELLAND: In -- in 3R -- or in
7 Rebuttal Exhibit 3R 129, 3R postulates that WPX's
8 facility estimate is low due to the omission of
9 pipeline costs associated with transport from the well
10 pads to the CTB. I just wanted to state that this is
11 incorrect. WPX's development plan is simply cost
12 efficient.

13 And the facility's cost estimate in the
14 AFEs provided are consistent with the cost of a single
15 CTB with eight wells flowing to it.

16 MR. SAVAGE: Okay. Does that conclude
17 your overview of this slide?

18 MR. MELLAND: It does.

19 MR. SAVAGE: Okay.

20 Mr. Melland's available for
21 cross-examination.

22 THE HEARING EXAMINER: Okay. So
23 there's only one rebuttal slide from this witness?

24 MR. SAVAGE: That's correct.

25 MR. MELLAND: Yes.

1 THE HEARING EXAMINER: All right.
2 Thank you.

3 Okay. Mr. Parrot?

4 MR. PARROT: Thank you very much.

5 CROSS-EXAMINATION

6 BY MR. PARROT:

7 MR. PARROT: Mr. Melland, thank you
8 very much for your time this morning. If you have any
9 trouble hearing me, please just interrupt me and let
10 me know.

11 MR. MELLAND: Yes, sir.

12 MR. PARROT: As WPX's facilities design
13 engineer, do you design your facilities to comply with
14 federal regulations pertaining to measurement and
15 takeaway of gas, such as 43 CFR 3162?

16 MR. MELLAND: I am the -- the
17 construction engineer. We have a separate design
18 engineer that -- that handles much of that.

19 So I do -- while I do handle design
20 considerations and -- and certain things that --
21 regarding compliance, I'm -- I'm not considered the
22 design engineer who -- who designs the standard
23 itself.

24 MR. PARROT: Okay. Well, correct me if
25 I'm wrong, you did -- on your Exhibit D2, you

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1 testified as to the anticipated design of your
2 facilities for the Bone Spring and Wolfcamp
3 formations; correct?

4 MR. MELLAND: Yes, sir. That would be
5 our -- our rev -- revision three of our standard
6 design.

7 MR. PARROT: Do you anticipate that
8 those will comply with -- beyond federal regulations
9 pertaining to measurement comingling?

10 MR. MELLAND: Yes, sir.

11 MR. PARROT: Do you always have your
12 facilities comply with those regulations when there
13 are federal leases involved, to your knowledge?

14 MR. MELLAND: I believe so, sir.

15 MR. PARROT: Do you know if you'll be
16 allowed to flow Wolfcamp wells that are producing from
17 two 640s to your Bone Spring -- to the same central
18 tank battery to which your Bone Spring wells are going
19 to be flowing?

20 MR. MELLAND: Yes. We -- we review
21 comingling on all of our batteries, and we have --
22 we've made that review and have a plan to handle what
23 wells and what formations can be comingled.

24 MR. PARROT: Are you aware whether your
25 Bone Spring wells are going to be spaced on different

1 spacing than your Wolfcamp wells?

2 MR. MELLAND: I -- I'm not -- I don't
3 really handle spacing or -- or any of the details
4 regarding, you know, what goes into what can be -- can
5 or can't be comingled. That's -- that's not in my
6 area of expertise.

7 I am -- I'm solely relying on other
8 professionals to provide me that information, and --
9 and I design my facility based on their
10 recommendations.

11 MR. PARROT: Okay. Would it surprise
12 you to learn that -- given the disparate spacing
13 between Bone Spring and Wolfcamp, that a comingling
14 approval will be necessary for these proposed
15 facilities?

16 MR. SAVAGE: Objection.

17 MR. MELLAND: We --

18 THE HEARING EXAMINER: Hold on,
19 Mr. Melland.

20 What's the objection?

21 MR. SAVAGE: I believe the witness has
22 already explained that he -- that this is outside of
23 his purview -- the regulatory details. And that he
24 relies on other authority to provide those.

25 THE HEARING EXAMINER: Mr. Melland? I

1 mean, Mr. Parrot?

2 MR. PARROT: Presumably, the other
3 authority will have informed him whether he's going to
4 need to obtain a comingling approval in order for
5 these facilities that he is discussing -- the design
6 of which he is discussing will be required.

7 THE HEARING EXAMINER: So, Mr. Parrot,
8 are you asking the witness if he has been informed
9 then?

10 MR. PARROT: Yes.

11 THE HEARING EXAMINER: You are
12 asking --

13 MR. PARROT: Yes.

14 THE HEARING EXAMINER: Would you
15 rephrase your question --

16 MR. PARROT: Certainly.

17 THE HEARING EXAMINER: -- to make that
18 clear?

19 So I'll sustain the objection, but just
20 rephrase your question.

21 MR. PARROT: Certainly.

22 THE HEARING EXAMINER: Thank you.

23 BY MR. PARROT:

24 MR. PARROT: Mr. Melland, have you been
25 informed whether or not these facilities that

1 you're -- for which you're discussing the design will
2 require a comingling approval?

3 MR. MELLAND: Yes.

4 MR. PARROT: You have been informed?

5 MR. MELLAND: Yes.

6 MR. PARROT: Okay. And what was that
7 information?

8 MR. MELLAND: The information I
9 received is that we'll have to apply to comingle our
10 north half wells. And I apologize -- I apologize if
11 I'm not explaining this correctly because it -- it --
12 again, it's not exactly within my purview.

13 But my understanding is that we will
14 have to apply to comingle all of the north half wells
15 in one -- what we call a "comingle group." And then
16 we will apply to comingle our south half wells into
17 what we call a "comingle group."

18 And the -- how our -- how our facility
19 is designed, we are in compliance in terms of how we
20 measure, how we keep oil segregated between comingle
21 groups. And as far as -- as far as I know, we have
22 two comingle groups in this facility.

23 MR. PARROT: Understood.

24 Okay. Thank you. No more questions.

25 THE HEARING EXAMINER: Okay.

1 Mr. Fordyce, any questions for this
2 witness?

3 MR. FORDYCE: No questions, Mr. Hearing
4 Examiner.

5 THE HEARING EXAMINER: Okay.
6 Is there any redirect, Mr. --

7 MR. SAVAGE: No questions.

8 THE HEARING EXAMINER: Okay. May this
9 witness be excused?

10 MR. SAVAGE: He may.

11 THE HEARING EXAMINER: Okay.

12 Mr. Melland, thank you for your
13 testimony.

14 MR. MELLAND: Thank you.

15 THE HEARING EXAMINER: Now I think
16 we're calling Mr. Womack; is that correct?

17 MR. SAVAGE: That is correct,
18 Mr. Hearing Examiner.

19 THE HEARING EXAMINER: Mr. Womack, once
20 we get you on the screen -- there you are -- we're
21 going to go through the same things we did with
22 Mr. Melland.

23 You're still under oath from yesterday.

24 MR. WOMACK: Yes, sir.

25 THE HEARING EXAMINER: All right.

1 Let's deal with your field of expertise.

2 What field do you wish to be qualified
3 as an expert before this Division?

4 MR. WOMACK: Completions engineering.

5 THE HEARING EXAMINER: Completions.

6 MR. WOMACK: Yes, sir.

7 THE HEARING EXAMINER: Okay. What does
8 a completions engineer do?

9 MR. WOMACK: That's a good question. I
10 would -- I would say a completions engineer, in the
11 general sense, designs and executes operations related
12 to making contact with the reservoir. But, you know,
13 more specific to Delaware Basin, completions engineer
14 has a pretty large focus on hydraulic fracturing.

15 THE HEARING EXAMINER: I see. Okay.
16 All right. Let's talk about your education and
17 your -- first, we'll deal with your education.

18 Tell me what education you have that
19 goes toward this field of expertise.

20 MR. WOMACK: I hold a bachelor of
21 science degree in petroleum -- petroleum engineering
22 from the University of Missouri-Rolla.

23 THE HEARING EXAMINER: Is there a date
24 to that?

25 MR. WOMACK: I graduated in December

1 2005.

2 THE HEARING EXAMINER: Okay. And then
3 what?

4 MR. WOMACK: And then I -- sorry about
5 that. I started work for Devon Energy. I have over
6 17 years of industry experience, and 12 years of
7 direct involvement with completions.

8 THE HEARING EXAMINER: Okay.

9 MR. WOMACK: And then in, you know,
10 July of 2022, I hired on with WPX Devon, and I've been
11 working in the Delaware -- Delaware Basin for that
12 whole time.

13 THE HEARING EXAMINER: Okay. And
14 during those 17 years of experience, what did you do?

15 MR. WOMACK: During those -- I had a
16 multitude of roles. Pretty much every aspect of
17 petroleum engineering. But -- but in general, I was
18 an operations engineer dealing with -- you know, back
19 then, everything was combined where you would have
20 completions, production, facilities, everything
21 combined into one group.

22 And then as the industry became more
23 specialized, I had roles both in the completions on
24 the design aspect, including a few -- a few times
25 where I was on teams that were reservoir -- reservoir

1 characterization teams, where we were solely focused
2 on the reservoir. And my role was the understanding
3 of the completions planning, and conducting
4 diagnostics, and modeling, and that sorts of things.

5 I've also been a production engineer
6 and a reservoir engineer.

7 THE HEARING EXAMINER: Okay. Thank
8 you. What's your title now, sir?

9 MR. WOMACK: My title is senior staff
10 completions engineer.

11 THE HEARING EXAMINER: Okay. Thank
12 you. So from here on in, you are recognized as a
13 completions engineer before this Division.

14 Mr. Savage?

15 MR. SAVAGE: Yes.

16 DIRECT EXAMINATION

17 BY MR. SAVAGE:

18 MR. SAVAGE: Mr. Womack, can you state
19 your full name for the record?

20 MR. WOMACK: My full name is Michael
21 Tanner Womack.

22 MR. SAVAGE: Are you familiar with the
23 subject lands and the wells in these cases?

24 MR. WOMACK: Yes, sir.

25 MR. SAVAGE: And are you appearing as a

1 rebuttal witness?

2 MR. WOMACK: Yes, sir.

3 MR. SAVAGE: And have you prepared, or
4 prepared under your supervision, and reviewed the
5 rebuttal exhibits you submitted in these proceedings,
6 including your statement?

7 MR. WOMACK: That is correct. Yes,
8 sir.

9 MR. SAVAGE: Okay. I have the
10 statement pulled up. Are there any clarifications or
11 any matters you want to address in this statement
12 before we go to the rebuttal exhibits?

13 MR. WOMACK: I would like to clarify
14 paragraph seven. In there, I -- I stated that the --
15 the WPX Rebuttal Exhibit R3 shows that the average
16 proppant of 499 WPX/Devon wells drilled and completed
17 since 2016 in Eddy and Lea Counties is 2,474 pounds
18 per foot. That -- I would like to clarify that as
19 Devon wells, which includes Devon wells after the
20 merger.

21 And during my exhibit, I'll kind of --
22 I'll -- I'll explain where the data comes from.

23 MR. SAVAGE: Okay. Thank you. I'm
24 going to move to the rebuttal exhibits at this time.

25 Okay, Mr. Womack. This is Rebuttal

1 Exhibit R3. Is this one of your rebuttal exhibits?

2 MR. WOMACK: Yes, sir.

3 MR. SAVAGE: Okay. And you prepared
4 this yourself on --

5 MR. WOMACK: Yes, sir.

6 MR. SAVAGE: Okay. And can you explain
7 what in 3R's evidence it rebuts, and how it rebuts
8 that evidence?

9 MR. WOMACK: Yes, sir. It -- it rebuts
10 3R's Exhibits 127, 128, and 129, in which 3R implies
11 that Devon does not have a modern completion design.
12 And it also rebuts 3R's suggestions that the
13 completion portion of the AFE proposals are
14 underestimated.

15 MR. SAVAGE: Okay. And then how does
16 it do this?

17 MR. WOMACK: So I -- I guess to start,
18 I believe -- I believe that 3R was -- was correct in
19 the first standpoint in questioning the completion
20 size. We did revise the completion size, which I'll
21 go into the -- into on the next page.

22 But their method to demonstrate it was
23 very misleading, and 3R introduced incorrect
24 information on historic WPX Devon completion sizes.

25 MR. SAVAGE: Okay. Do you want me to

1 move to the next slide?

2 MR. WOMACK: No, sir. Do I --

3 MR. SAVAGE: Okay.

4 MR. WOMACK: Am I able to go through
5 these?

6 MR. SAVAGE: Okay. Yes, please.

7 Just --

8 MR. WOMACK: Okay.

9 MR. SAVAGE: -- explain, you know, each
10 item in this -- you know, you have -- it looks like
11 you have several bullet points. If you would explain
12 each point in this in the graphs of the exhibit.

13 MR. WOMACK: Yes. So I guess I kind of
14 want to start with Exhibit 127. If you look at the --
15 the table that's presented there showing historic WPX
16 Devon designs, if you look at the red box on the
17 bottom, you can see that this is supposed to be from
18 IHS. It's filtered to Eddy and Lea Counties, and it's
19 filtered to a Wolfcamp interval.

20 And they also -- I mean, I -- I believe
21 it was stated yesterday as well that that was correct.

22 And so if you go and you look at the --
23 the proppant pounds-per-foot column, and then the
24 fluids barrels-per -- or gallons-per-foot column, you
25 see a huge discrepancy in what WPX Devon presented and

1 what I've got presented on the left.

2 For instance, just taking in 2022,
3 their value is 2,097 pounds per foot, versus a real
4 value -- or more accurate value I should say -- of
5 2,080 -- 2,482 pounds per foot.

6 Yeah. This is -- like, the whole
7 dataset's a pretty big misrepresentation. And I -- I
8 think that there are probably some filtering issues
9 going on there.

10 To kind of make it a little bit easier
11 to -- to see the difference, I would like to say
12 that -- well, maybe I should start with the data in
13 our table.

14 So the data in my table is from -- from
15 our what we call "Well View" database. And it
16 contains all Devon wells, and then all WPX wells after
17 our merger. It -- this table doesn't have WPX wells
18 prior to the merger in it, but I took a look at it
19 here, and the data trends remain the same even with
20 the WP well -- WPX wells added.

21 And just for further clarification,
22 years -- going back in time, years 2025, the data is
23 the same. Years 2024, the data is the same. Years
24 2023, the data's the same. 2022, the data's the same.
25 2021, there were four additional WPX wells. And then

1 2020 was the same. And 2019, I think that -- I think
2 2019 -- I can't remember the number, but I think there
3 was about a 40 total, so about eight wells. But don't
4 quote me on that.

5 But that's just to illustrate, you
6 know, 2020 through 2025. This is a very
7 representative dataset of both WPX and Devon wells.
8 If you're able to move up to the scatter plot in the
9 upper right corner? And this is a scatter plot of
10 that -- the data in that table, with the proppant
11 pounds per foot, on the -- the vertical axis, and then
12 the first production date along the X-axis there.

13 And it's pretty clear to see from the
14 data that the majority of WPX Devon's completions have
15 been at that 2,500-pound-per-foot mark.

16 So the table in 127, if you can scroll
17 back to it, it's pretty misleading showing that the
18 average, you know, completion size is twenty -- 2,043
19 foot. And then, also, the statement was made on
20 there -- on 127 that we only -- Devon WPX only started
21 converting to modern design in the last three years,
22 which based on the highlights on their graph would be
23 year 2023, 2024, and 2025.

24 And I believe that that is -- I believe
25 that you would -- I believe, especially with their

1 definition of a "modern completion design," that you
2 would be able to say that we were there at 2019, not
3 2023.

4 MR. SAVAGE: Okay. So that's really
5 one of the main significance of this slide, this
6 comparison between 2,043 and 2,474?

7 MR. WOMACK: That is correct, yes.

8 MR. SAVAGE: And can you just generally
9 describe what this means in terms of the differences
10 between what 3R's asserting and what you're showing?

11 MR. WOMACK: Yes, sir. 3R is asserting
12 that Devon's been slow to upgrade -- update to a
13 modern frac design, and only got there three years
14 ago. And that we are still slightly undersized.

15 You can see there, their proppant per
16 foot there for 2025 of 2,313 pounds per foot, but in
17 reality, we are -- that is incorrect. They've made
18 a -- a misstatement there.

19 MR. SAVAGE: Okay. Thank you.
20 Anything else you want to say about this slide before
21 we move on to the next one?

22 MR. WOMACK: Yes, sir. Their bullet
23 point on 127 that you have right there on the screen,
24 they also call out the Mimosa and Prairie Fire wells
25 as recent wells that were completed at 2,000 pounds

1 per foot. These wells are in a different area with
2 differing geology. They're not -- you know, Devon has
3 a reason for -- for pumping them at those sizes, and
4 we do not think that they are not modern.

5 And that's all I've got.

6 MR. SAVAGE: So is it possible to talk
7 about some of the reasons of -- for that difference?

8 MR. WOMACK: I would rather not.

9 MR. SAVAGE: Okay.

10 MR. WOMACK: I -- just -- just due
11 to -- just due -- yeah. I don't want to give away too
12 much information.

13 MR. SAVAGE: Okay. Okay. But based on
14 the information that you have and what you've done
15 in-house, there is a clear and justified reason for
16 that?

17 MR. WOMACK: Oh, yes.

18 MR. SAVAGE: Okay. Mr. Melland,
19 anything else you want to point at this? I'm sorry.
20 I'm sorry. Mr. Womack.

21 MR. WOMACK: No, sir. The -- you know,
22 I'll -- I'll cover the -- the -- like I said, they --
23 they did identify that it was probably going to be a
24 2,000-pound-per-foot job. And I just want to state
25 here that we are planning a 2,500-pound-per-foot job,

1 a 1,900 gallons per foot, for the Frontier wells. But
2 I'll discuss that on the next -- on R4.

3 MR. SAVAGE: Okay. So is it okay if I
4 move to the next slide?

5 MR. WOMACK: Yes, sir.

6 MR. SAVAGE: Okay.

7 MR. WOMACK: So we did --

8 MR. SAVAGE: Yeah. So you prepared
9 this slide yourself?

10 MR. WOMACK: Yes, sir.

11 MR. SAVAGE: Okay. And can you explain
12 the significance of this slide in relation to 3R's
13 evidence?

14 MR. WOMACK: Yes, sir. You know,
15 it's -- they -- they claimed that we were
16 understating -- well, they claimed that our AFEs
17 were -- are much too low, and that we were
18 understating costs. And I'd like to -- this -- this
19 is a -- rebutting that. And I'll talk through the --
20 you know, how those costs were accurate for the
21 2,000-pound-per-foot job that we were planning on at
22 the time that the AFE proposal was sent out.

23 MR. SAVAGE: Please proceed.

24 MR. WOMACK: Okay. So as I said, the
25 AFEs, they were generated in early December 2024. And

1 after that time, we made a design change from a
2 2,000-pound-per-foot job to a 2,500-pound-per-foot
3 job.

4 The -- oh, I guess I also -- I think
5 it's important to note that footnote number two. Our
6 WPX Devon completions group, we cover operations for
7 when a drilling rig is off location through plug
8 drill-out.

9 So, you know, what that does include
10 for -- for us, what we would call it would be prep,
11 stim, or fracturing. And then the plug-out -- plug
12 drill-out process. Our group doesn't cover flowback,
13 tube-up, artificial lift, or facilities. Which, you
14 know, the completions cost on the AFE -- on the AFE
15 proposals contain all of those -- those values.

16 So when I -- when I talk completions
17 costs on -- I'll be talking about prep, stim, and
18 drill-out costs only.

19 MR. SAVAGE: Okay. So the excerpt with
20 the fuel -- under fuel costs and water costs, those
21 are excerpts from the AFEs; is that correct?

22 MR. WOMACK: That's correct. But do
23 you mind if I cover the --

24 MR. SAVAGE: Yeah.

25 MR. WOMACK: -- AF -- yeah.

1 MR. SAVAGE: Yeah. Please --

2 MR. WOMACK: Okay.

3 MR. SAVAGE: -- go into what you think
4 is most important.

5 MR. WOMACK: All right. So after
6 the -- you know, we -- we made that design change.
7 The updated -- and I do have updated completions costs
8 on here for the prep, stim, and drill-out proportions.
9 And they -- they increased by about \$420,000. You can
10 see on there that you got to go from about a
11 \$2.8-million cost to about \$3.2 million. So with
12 that, that would bring the total well AFE estimates to
13 about \$8 million, which is still a very competitive
14 cost.

15 On 3R's Exhibit 128, which I don't have
16 on here, but I'll talk through it, they -- they show
17 that their lowest cost AFE was -- was \$8.3 million.
18 Which both -- both the Devon's 2,000 and our, you
19 know, revised 2,500-pound-per-foot designs are below.

20 So 3R -- that -- that exhibit -- 3R
21 Exhibit 128, it also showed -- if you take a look at
22 it -- a flat AFE cost from January 1, 2023, to now.
23 And they were demonstrating there that, you know,
24 Devon's AFEs were just out of -- you know, out of
25 range completely.

1 The graph on the right, it
2 demonstrates, you know, our -- WPX Devon's --
3 commitment to continual improvements in our operations
4 in a mostly deflationary environment. So it shows
5 right there, if you look at the red line, you can see
6 the -- so those -- the red line is cost proposals. So
7 those are modeled proposals for this area over time.
8 And the red line is the 2,500-pound-per-foot job that
9 we are planning to pump on the Frontiers. And the
10 black one is the 2,000 that was proposed.

11 But you can see, clearly, in that same
12 time period as Exhibit 128, that just on the
13 completions side -- which is just prep, stim, and
14 drill-out -- that Devon's costs have gone down by over
15 a million dollars in that same time period. So I --
16 you know, I don't -- you know, I didn't see any -- any
17 decreases over time in Exhibit 128.

18 MR. SAVAGE: So you're saying that you
19 accounted for these decreases in costs, and it looks
20 like 3R did not?

21 MR. WOMACK: Yes, sir. We are -- we
22 are seeing those decreases in costs. I'm surprised
23 that 3R was showing -- you know, they were showing an
24 exhibit with flat costs over -- over that time period.

25 MR. SAVAGE: And what is the

1 significance of the flat costs?

2 MR. WOMACK: You know, over -- over
3 time, especially during this time period from -- from
4 January -- well, I guess I don't have January 2023 on
5 there. I guess that's December 2023, we were -- saw a
6 million-dollar reduction.

7 But over time, you would expect your
8 AFEs to fluctuate based on -- based on improvements in
9 your operations, and then also market -- you know,
10 changes in -- in prices. So --

11 MR. SAVAGE: And WPX was able to take
12 advantage of that -- those changes?

13 MR. WOMACK: Yes, sir. We're -- we're
14 always looking to improve.

15 MR. SAVAGE: Any other item on here
16 that you want to point out or discuss as --

17 MR. WOMACK: Yes. The -- those cost
18 calculations. And, again, I think that they were on
19 the right track in what they were -- were trying to
20 show, but it -- it felt a little bit -- you know,
21 like, the -- the way it was presented, I don't -- I
22 just want to clarify here.

23 So the fuel cost, 3R used the -- when
24 they calculated fuel cost, they used the cost code --
25 "Dyed Liquid Fuels" is the only one that they used.

1 And they calculated it at about 50,000 gallons of
2 diesel. And that -- that is a correct -- that is a
3 fairly correct estimate.

4 Devon -- but to get -- you know, to get
5 the real fuel usage, you do have to add the -- the
6 cost -- cost codes for both the dyed liquid fuels and
7 the gaseous fuels. So Devon utilizes tier four DGB,
8 which is direct gas -- direct gas blend horsepower or
9 frac pumps, which replaces diesel -- diesel usage
10 with -- with natural gas usage.

11 The -- you know, currently, we're --
12 you know, I've got it on here saying that it replaces
13 50 to 70 percent. Current -- currently, we're -- we
14 are seeing up to 70 percent or higher displacements,
15 and it's -- it is always improving. And our current
16 model is -- is representing them at about a 65-percent
17 displacement.

18 The -- and then also on water cost, 3R
19 used the recycled, treated, and produced water line
20 item to calculate water cost. And water line then,
21 you know, specified water volumes. But the -- the
22 correct method would've been to take both the
23 recycled, treated, and produced value and add it to
24 the fluids water value, which represents fresh water.
25 And then you can see your -- your costs there for the

1 two combined. So --

2 MR. SAVAGE: And this is -- is this
3 what WPX did? Can --

4 MR. WOMACK: This is -- these are -- so
5 these are the -- the costs on the proposals -- the AFE
6 proposals that WPX submitted, or whatever the correct
7 terminology is for these Frontier wells. And -- yeah.
8 That would be the -- the correct way to interpret
9 this.

10 MR. SAVAGE: Okay.

11 MR. WOMACK: Because 3R was making
12 volume references based off of diesel usage and water
13 usage. And they -- they used one cost category on
14 each of those instead of using both of them.

15 MS. TSCHANTZ: Mr. Hearing Examiner,
16 we've exceeded the 15-minute limit by several minutes.

17 THE HEARING EXAMINER: Okay. Thank
18 you, Ms. Tschantz.

19 Mr. Savage, are you about finished?

20 MR. SAVAGE: I believe so.

21 Mr. Womack, I believe we're concluded
22 on this.

23 MR. WOMACK: All right. Thank you.

24 THE HEARING EXAMINER: Okay.

25 Mr. Parrot?

1 MR. PARROT: Thank you.

2 CROSS-EXAMINATION

3 BY MR. PARROT:

4 MR. PARROT: Thank you for your time
5 this morning, Mr. Womack.

6 MR. WOMACK: Yes, sir.

7 MR. PARROT: If there's any issues with
8 the audio, please just interrupt me or raise your hand
9 or something so I know to stop talking.

10 MR. WOMACK: Okay.

11 MR. PARROT: I'm just going to refer
12 you to your Exhibit R4. I think we're going to just
13 need a quick sec for the screenshare changeover.

14 UNIDENTIFIED SPEAKER: Oh, you want to
15 switch over, Mr. Parrot?

16 MR. PARROT: Oh, yes, please.

17 UNIDENTIFIED SPEAKER: Okay.

18 MR. PARROT: Okay. Mr. Womack, do you
19 see your Exhibit R4 on the screen?

20 MR. WOMACK: Yes, sir.

21 MR. PARROT: Okay. You're stating that
22 you revised your AFE costs upward by about \$420,000
23 from the AFEs that were originally provided to 3R;
24 correct?

25 MR. WOMACK: I'm stating that our model

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1 of costs for those designs are -- are at that cost.

2 MR. PARROT: Okay. So you're not
3 revising your AFEs. You're just simply stating that
4 your costs are going to be higher than what was stated
5 in the AFEs that were provided?

6 MR. WOMACK: That is what I'm stating.
7 You would have to ask land about AFE revisals --

8 MR. PARROT: Okay.

9 MR. WOMACK: -- anything of that
10 nature.

11 MR. PARROT: And is the bulk of that
12 increase for additional proppant?

13 MR. WOMACK: The -- the -- so the
14 design modifications was from a 2,000-pound-per-foot
15 job, and about 1,500 barrels per foot. And those were
16 increased on the design to 2,500 pounds per foot, and
17 about 1,900 gallons per foot.

18 MR. PARROT: Okay.

19 MR. WOMACK: And so, like, you asked
20 what those costs are, you know, due to. So, no.
21 There -- there is -- there is a holistic increase
22 in -- in a bunch of categories.

23 MR. PARROT: Okay. So you're
24 increasing the proppant by about 20 percent, and
25 you're increasing the water by about 25 -- maybe a

1 little over 25 percent? Does that sound about right?

2 MR. WOMACK: I would -- I've been told
3 never to -- to calculate in my head like this, so I'd
4 have to get a calculator or get a piece of paper. But
5 it sounds --

6 MR. PARROT: Okay.

7 MR. WOMACK: -- directionally correct,
8 yeah.

9 MR. PARROT: Okay. So 2,000 pounds per
10 foot of proppant, and up to 2,500 pounds per foot of
11 proppant. That's one change that caused the increase
12 in the AFE?

13 MR. WOMACK: Yes, sir.

14 MR. PARROT: Okay.

15 MR. WOMACK: Well, it's a design
16 change. So a lot of people -- a lot of people will --
17 you know, you -- you hear 2,500 pound per foot, which
18 is, like, the public available data. But a lot of --
19 you can have a very different -- different completion
20 designs with 2,500 pounds per foot.

21 MR. PARROT: Understood.

22 MR. WOMACK: Yeah.

23 MR. PARROT: So the increase in the
24 AFE, one of the costs -- one of the reasons for the
25 increase is the addition of 500 pounds of proppant per

1 foot.

2 MR. WOMACK: That is correct. That's a
3 correct statement.

4 MR. PARROT: And then --

5 MR. WOMACK: I'm -- I'm sorry.

6 MR. PARROT: -- another --

7 MR. WOMACK: It's not an increase in
8 AFE. It's -- right? Because we --

9 MR. PARROT: Understood. Okay. An
10 increase in the costs.

11 MR. WOMACK: Yes, sir.

12 MR. PARROT: In the anticipated costs.

13 And then another reason for the
14 increase in anticipated costs would be the addition of
15 400 pounds per foot of water?

16 MR. WOMACK: Yes. Increased water
17 volumes, yes.

18 MR. PARROT: Okay. Okay. To your
19 knowledge, have the remainder of your AFEs been fully
20 audited for any other errors like this?

21 MR. WOMACK: What are you -- which AFEs
22 are you referring to?

23 MR. PARROT: The AFEs that were
24 provided to 3R for purposes of WPX's applications in
25 this -- in these two cases.

1 MR. WOMACK: I -- you know, I'm not a
2 lawyer, but they weren't provided in error. At the
3 time of proposal, we were planning a
4 2,000-pound-per-foot job.

5 MR. PARROT: Okay. Have the remainder
6 of the two AFEs -- sorry. Not two AFEs -- four AFEs
7 that were provided to 3R for purposes of this hearing,
8 been audited to ensure there are no other updates
9 necessary?

10 MR. WOMACK: Updates on -- are you
11 asking -- for clarification, are you asking if
12 those -- if we're just making a change into that one
13 cost category?

14 MR. PARROT: No. I'm --

15 MR. WOMACK: Or two?

16 MR. PARROT: I'm asking if the
17 remainder of the AFE has -- the AFEs -- the four
18 AFEs -- have been audited to ensure that no other
19 updates are necessary --

20 MR. WOMACK: Oh, okay.

21 MR. PARROT: -- similar to the updates
22 that you've done here for increased proppant and
23 water.

24 MR. WOMACK: Okay.

25 MR. PARROT: To your knowledge, have

1 those AFEs been audited?

2 MR. WOMACK: I -- I'm not sure -- I'm
3 not sure that -- I don't know that's a valid question.

4 MR. PARROT: Just do you know if the
5 AFEs have been reviewed by anybody to --

6 MR. WOMACK: I'm sorry, sir. They --
7 you're -- you know, you -- you -- I thought that we
8 had established that these are cost estimates? I
9 don't know if we've sent out revised AFEs.

10 MR. PARROT: Okay. Would you say that
11 your current cost estimates are consistent or
12 inconsistent with the AFEs that were provided to 3R?

13 MR. WOMACK: So I can say -- I don't
14 know. I can say things. I don't quite understand
15 what you're asking. But our -- our current cost
16 estimates are -- you know, they're -- they're -- you
17 know, we model them. We -- we update them. We have
18 an engineer that looks through them and updates them.

19 For the years -- you know, we're
20 talking about modeled costs for the completions here.
21 And for 2023, 2024, and 2025, our -- our CapEx
22 estimates, these model ones, we call them a WCDM.
23 They were -- you know, when we execute, we always
24 review them. And we -- we -- for those three years,
25 we've come in three percent under our WCDM model. If

1 that helps.

2 MR. PARROT: I'm not really sure that
3 answers my question.

4 My question is in your opinion, or by
5 your judgment, are your updated costs consistent or
6 inconsistent with the AFEs that were provided for
7 purposes of this hearing?

8 MR. WOMACK: Okay. I see what you're
9 asking now.

10 The -- I think it -- it shows right
11 there that the updated cost would be about \$420,000
12 more than the AFEs that were provided. Is that what
13 you were asking?

14 MR. PARROT: I'm asking if they're
15 consistent or inconsistent? I mean, it's sort of a
16 yes or no question. It's inconsistent or consistent.

17 MR. SAVAGE: Objection.

18 MR. WOMACK: Okay.

19 MR. SAVAGE: I believe that he answered
20 the question, and I believe that the counsel can
21 determine for himself whether it's consistent or not
22 consistent based on the answer that he provided.

23 MR. PARROT: Mr. Hearing Examiner, with
24 all due respect to Mr. Womack, I believe he's being
25 evasive. I believe he's not answering a very simple

1 and direct question that could be answered.

2 He's provided a lot of information that
3 is not relevant to the question.

4 THE HEARING EXAMINER: What is the
5 question?

6 MR. PARROT: The question is are the
7 updated cost estimates for completions shown on
8 Exhibit R4 consistent with or inconsistent with the
9 AFEs that were provided to 3R for purposes of these
10 cases.

11 THE HEARING EXAMINER: And I think --
12 correct me if I'm wrong, but I think the answer
13 previous to that question, he said that the revised
14 AFEs were about half a million dollars more than the
15 AFEs provided to 3R. Did you hear that?

16 MR. PARROT: I did not. And he
17 specifically said there are no revised AFEs.

18 THE HEARING EXAMINER: Mr. Savage --

19 MR. SAVAGE: Yes, sir.

20 THE HEARING EXAMINER: -- did you hear
21 what I heard?

22 MR. SAVAGE: I did. He's pointing out
23 a \$420,000 --

24 THE HEARING EXAMINER: Right.

25 MR. SAVAGE: -- cost. WPX can, and

1 will, provide -- he also said that AFEs were
2 estimates. And WPX can, and will, provide updated
3 AFEs --

4 THE HEARING EXAMINER: -- the
5 objection.

6 MR. SAVAGE: Yes.

7 THE HEARING EXAMINER: Now let's be
8 very specific instead of getting into --

9 MR. SAVAGE: Okay.

10 THE HEARING EXAMINER: -- new topics
11 here.

12 So I heard what Mr. Savage heard.
13 Maybe you didn't hear the answer. I can have the
14 court reporter read back the previous question and the
15 previous answer. Why don't we do that.

16 Mr. Cogswell?

17 THE REPORTER: Yes. I'll just cue that
18 up.

19 THE HEARING EXAMINER: Thank you, sir.

20 MR. PARROT: Mr. Examiner, in the
21 interest of time, I think I can withdraw the question.

22 MR. HEARING EXAMINER: No thanks.

23 MR. PARROT: Okay.

24 THE HEARING EXAMINER: We're just going
25 to deal with this.

1 MR. PARROT: Sure.

2 THE HEARING EXAMINER: I want you to
3 hear the previous question and the previous answer,
4 and then you can withdraw this question if you want,
5 but we can also proceed from the basis of what he
6 said.

7 MR. PARROT: Certainly.

8 THE HEARING EXAMINER: I want to make
9 sure you heard the answer.

10 (The reporter repeated the record as
11 requested.)

12 THE HEARING EXAMINER: Thank you,
13 Mr. Cogswell.

14 Okay. Now based on that question, why
15 don't you proceed to your next question.

16 MR. PARROT: Certainly.

17 THE HEARING EXAMINER: So I sustain the
18 objection, Mr. Savage. And we're going to keep going.
19 Thank you.

20 MR. PARROT: Certainly.

21 BY MR. PARROT:

22 MR. PARROT: Mr. Womack, based on the
23 \$420,000 difference to which you just referred, do you
24 know if there is a plan to repropose these wells?

25 MR. WOMACK: I am sorry. I -- I don't

1 know if that's the case or not. And I apologize for
2 not knowing what "inconsistent" -- what you were
3 referring to with "inconsistent."

4 MR. PARROT: No apologies necessary.

5 Would you say that the updated costs
6 and the updated design will have a significant impact
7 on the performance of the wells?

8 MR. WOMACK: Yes. That's why we -- you
9 know, when we look at it and look at design, yes.
10 That's why -- you know, that's why we've got the --
11 the design changes.

12 MR. PARROT: Understood. Let's go
13 ahead and turn to Exhibit 3R 128. Since we're talking
14 about AFEs, we'll talk about the AFE data that you
15 testified to that was presented by 3R.

16 And I believe you testified that the
17 AFEs shown on this graph were 3R's AFEs; is that
18 correct?

19 MR. WOMACK: I'm not sure what I said,
20 but I -- I -- my interpretation was just like what is
21 stated there on that first bullet point. That
22 they're -- they were reviewed by 3R from other
23 operators.

24 MR. PARROT: Okay. So you're aware
25 that these data points on the graph represent

1 industrywide AFEs as opposed to just 3R's AFEs?

2 MR. WOMACK: Yes. But -- yes.

3 MR. PARROT: Okay. And you're aware
4 that the AFEs that were provided to 3R for purposes of
5 this hearing are more than \$2 1/2 million below the
6 average as shown on this graph?

7 MR. WOMACK: That is correct, yes.

8 MR. PARROT: All right. I'll stop
9 bothering you about AFEs now.

10 Do you mind flipping back to your -- I
11 believe it's your Exhibit R4? And you discussed a
12 decrease in CapEx expenses as shown on the graph;
13 correct?

14 MR. WOMACK: That is correct.

15 MR. PARROT: On this slide?

16 MR. WOMACK: Yes.

17 MR. PARROT: And you're attributing
18 that decrease entirely to WPX's efforts to improve
19 capital efficiencies?

20 MR. WOMACK: No. It's a combination of
21 being in a deflationary environment and our continued
22 efforts to increase operational efficiencies.

23 MR. PARROT: Can you tell me how much
24 is attributed to which?

25 MR. WOMACK: Not right off the top of

1 my head for this model.

2 MR. PARROT: Would it surprise you to
3 learn that this graph closely mirrors the price of oil
4 over the past two years?

5 MR. WOMACK: No.

6 MR. PARROT: And are you aware that
7 costs for oilfield services, completion rates, fuel,
8 proppant, et cetera, tend to decline approximately
9 proportional to oil prices?

10 MR. WOMACK: I -- I'm not aware what
11 the percent is or how proportional they are.

12 MR. PARROT: Okay.

13 MR. WOMACK: But I -- I did state
14 deflationary environment.

15 MR. PARROT: Okay. Do you recall
16 Mr. Barnes' and Mr. Melland's prior testimony about
17 possible plans to infill wells in these two units in
18 the Wolfcamp B formation at a later date?

19 MR. WOMACK: A little bit. Yes, sir.

20 MR. PARROT: Okay. Did you coordinate
21 with Mr. Barnes and Mr. Melland regarding development
22 of this unit in the XY formation, or XY bench?

23 MR. WOMACK: Yes.

24 MR. PARROT: Okay. Can we turn to --
25 this is going to be the WPX primary exhibit packet,

1 page 80 of 31. And if you could scroll down to
2 paragraph ten, please.

3 So toward the bottom of this page, just
4 to refresh your memory, Mr. Barnes provided written
5 testimony about potential infill drilling at a later
6 date. And I'm just providing you this exhibit in case
7 you wanted to refresh your memory.

8 MR. WOMACK: Okay.

9 MR. PARROT: Would you like a little
10 time to read this paragraph?

11 MR. WOMACK: Yes, I would.

12 Okay. Yes, sir.

13 MR. PARROT: Okay. Thank you. Let's
14 go ahead and turn to the rebuttal exhibit packet that
15 was submitted by WPX. Exhibit R5.

16 And, Mr. Womack, I'm providing you this
17 exhibit, again, just to refresh your memory about
18 Mr. Melland's testimony regarding future Wolfcamp B
19 infill wells. That would be the third bullet point
20 down. Would you like a moment to read that?

21 MR. WOMACK: The third one? "WPX CTBs
22 can accommodate 14 wells"?

23 MR. PARROT: Correct.

24 MR. WOMACK: Okay. Yes, sir.

25 MR. PARROT: So just kind of returning

1 to my previous question. Are you familiar with WPX's
2 plans to potentially do infill drilling in the
3 Wolfcamp B bench at a later date?

4 MR. WOMACK: Yes, sir. Yes.

5 MR. PARROT: Okay. Would you be
6 involved with completions designs for those wells?

7 MR. WOMACK: Yes.

8 MR. PARROT: And as a completions
9 engineer, can you tell me a little bit about what
10 happens when a set of wells is produced in a
11 particular bench for a period of time regarding the
12 pressure in the reservoir? Do those wells cause a
13 depressurization or a pressurization of the reservoir?

14 MR. WOMACK: Depressurization.

15 MR. PARROT: So would it be fair to say
16 that WPX's plans to develop the XY bench now and
17 produce -- complete and produce those wells will cause
18 a depressurization in a fully expected and normal
19 depressurization in the XY bench?

20 MR. WOMACK: Yes.

21 MR. PARROT: And so let me refer to
22 that.

23 MR. WOMACK: In the -- in the XY bench.

24 MR. SAVAGE: I'm going to object to
25 this line of questioning. And the reason being is

1 that he -- his rebuttal exhibits are R3 and R4.

2 Now he set up the -- this line of
3 questioning by going to reservoir engineer, and looked
4 at the paragraph. And then he went to Melland's,
5 which he could've asked these questions with Paul, and
6 looked at R5. And then he made the bridge by saying,
7 "Were you involved in the design?" which really was
8 outside the scope of his rebuttal testimony in his
9 statement. And then they proceeded down this line of
10 questioning.

11 So I think this is outside the scope
12 and inappropriate.

13 THE HEARING EXAMINER: Okay. The
14 objection's outside the scope.

15 MR. PARROT: Mr. Examiner, Mr. Womack
16 testified that he is responsible for designing the
17 completions of the wells that WPX is drilling in these
18 lands. So all of his rebuttal exhibits go toward the
19 completion design of the wells in this spacing unit.

20 THE HEARING EXAMINER: And what is the
21 question?

22 MR. PARROT: The question is will
23 Mr. Womack be involved in the completions designs of
24 Wolfcamp -- actually, I think that was the prior
25 question.

1 The most recent question was regarding
2 the creation of a pressure sink, basically, in the
3 Wolfcamp XY. And this goes directly to designing the
4 completions for later wells in the spacing unit.

5 THE HEARING EXAMINER: Mr. Savage,
6 yesterday, you referred me to Rule 11-703. And you
7 pointed out correctly that experts may rely on
8 evidence that is typically relied on by those in the
9 field to come up with their expert opinions.

10 By showing him these other exhibits
11 that are outside of his submissions, I don't
12 necessarily find that to be a problem. The question
13 seems to be within his wheelhouse.

14 Can you explain why that is outside his
15 field of expertise?

16 MR. SAVAGE: I'll give you an
17 explanation on that.

18 THE HEARING EXAMINER: Okay.

19 MR. SAVAGE: So this whole issue of
20 pressure sink, that was all litigated previously with
21 Mr. Barnes. That was fully explored, fully addressed.

22 Mr. Womack came in for a very specific
23 and limited discussion based on -- to rebut certain
24 claims made on -- that 3R made based on AFEs; okay?

25 We did not provide a full-blown

1 statement on completion engineering. We provided a
2 very targeted and limited statement based on -- to
3 address that rebuttal issue. And then we provided two
4 rebuttal exhibits that are targeted -- that are
5 crafted and targeted specifically for the rebuttal.

6 Now 3R had -- counsel has expanded
7 this. They have, like -- and intentionally. They did
8 it intentionally. They went to the previously
9 litigated issues of pressure sinks. Nothing to do --
10 nothing to do with adjustments in AFEs -- the
11 additional \$420,000 that's referenced.

12 So I feel like this is out -- you know,
13 significantly outside the scope of what he was brought
14 in to -- what he was defined to testify to, and -- you
15 know, and his expertise pertains to.

16 THE HEARING EXAMINER: So, Mr. Parrot,
17 the objection is that it's outside the scope of his
18 testimony. Not necessarily his field of expertise,
19 but his testimony.

20 Can you show me somewhere in his
21 testimony, either his sworn testimony today or his
22 exhibits that he has crafted and adopted under oath,
23 how this issue is within that scope?

24 MR. PARROT: Certainly, Mr. Examiner.
25 First, I'd like to address the point that I have not

1 dealt with the issue of reservoir depressurization or
2 how completions at a later date are affected by
3 depressurization in the reservoir pressure sink. I
4 did not address that issue with Mr. Barnes. I did not
5 feel that that was a proper issue for a reservoir
6 engineer, especially when WPX clearly planned to
7 present a witness who is specifically an expert in how
8 fractures propagate within the reservoir. And how the
9 completions for a well should be best designed to
10 ensure the best fracture propagation.

11 Mr. Womack provided ample testimony
12 about the completions designs for the wells in the XY
13 bench. That goes directly to how those XY wells are
14 going to depressurize the reservoir.

15 So there's a direct correlation between
16 the completions design and the XY wells today, and the
17 potential completion design in the B bench at a later
18 date.

19 THE HEARING EXAMINER: So, Mr. Savage,
20 while I understand your objection thoroughly now, I've
21 heard from both sides exhaustively, I believe the
22 objection will be overruled.

23 And please answer the question,
24 Mr. Womack.

25 MR. WOMACK: Would you remind repeating

1 it, sir?

2 BY MR. PARROT:

3 MR. PARROT: Certainly. Mr. Womack,
4 completing and producing, for a period of time,
5 Wolfcamp XY bench wells will create a low-pressure
6 area in the XY bench, or a pressure sink, above the
7 Wolfcamp B; is that correct?

8 MR. WOMACK: Yes.

9 MR. PARROT: Thank you. And to the
10 extent that WPX comes back at a later point in time
11 and hydraulically stimulates the Wolfcamp B bench, the
12 stimulation and fractures will preferentially migrate
13 towards that pressure sink; correct?

14 MR. WOMACK: Generally, we see -- we
15 see that -- that usually affects more on, like, a
16 horizontal bench-to-bench level. I -- I doubt, at the
17 750-foot vertical distance, that it would alter the
18 frac growth very much.

19 MR. PARROT: And are you familiar with
20 the concept of zipper fracking?

21 MR. WOMACK: Yes, sir.

22 MR. PARROT: As briefly as you possibly
23 can, for us lay folks, can you explain that a little
24 bit for us?

25 MR. WOMACK: Zipper -- generally,

1 zipper fracking is when -- when you have two wells
2 that you're -- you're -- well, two plus wells that
3 you're fracs --

4 So start off with you've got, like, a
5 single well ops, where you just have one well, and
6 you've got a frac crew on it, and you're completing
7 that one well at a time. So you're -- you know,
8 you -- you run in with your wireline, you perforate,
9 then you stim, and then you're sitting there, waiting
10 on your wireline.

11 A zipper operation can be multiple
12 wells, but you're utilizing the downtime from the
13 pump -- or you're -- you're shooting your perforations
14 during -- for your other wells while your pumps are
15 pumping. So you're basically -- so -- yeah. You're
16 basically saving time.

17 MR. PARROT: Okay.

18 MR. WOMACK: If that --

19 MR. PARROT: Thank you.

20 MR. WOMACK: If that's what you're
21 asking.

22 MR. PARROT: Does it enable a
23 completions crew to preferentially direct the
24 reservoir stimulation using the high-pressure zone
25 from a prior or adjacent stimulation?

1 MR. WOMACK: Can -- does it allow?

2 MR. PARROT: Is that --

3 MR. WOMACK: I'm not --

4 MR. SAVAGE: I object to that question.

5 Again, we're getting even further -- further from
6 this -- from his purpose on this, in this testimony.

7 Now we're into the zipper techniques, which nobody has
8 talked about zipper techniques, in the reservoir
9 engineer's testimony or during this case.

10 It seems like we keep going farther and
11 further afield.

12 THE HEARING EXAMINER: So the objection
13 is outside the scope?

14 MR. SAVAGE: Beyond what you have
15 authorized.

16 THE HEARING EXAMINER: Well, but the
17 objection still is --

18 MR. SAVAGE: Yes.

19 THE HEARING EXAMINER: -- outside the
20 scope; right?

21 MR. SAVAGE: Beyond what you
22 authorized, yes.

23 THE HEARING EXAMINER: Mr. Parrot?

24 MR. PARROT: Mr. Examiner, it's --
25 granted, I am not a completions engineer, and I don't

1 work for an oil and gas company within the engineering
2 division, but it is my understanding that, typically,
3 the completions engineer has the role -- not only the
4 expertise, but the specific role of dealing with
5 completions designs for the company.

6 And whether a completions design will
7 be utilizing a zipper frac or not would be solely
8 within the decision of -- primarily within the
9 decision of the completions engineer.

10 THE HEARING EXAMINER: Okay. And why
11 is that relevant to your case?

12 MR. PARROT: Because this particular
13 witness, Mr. Womack, will be responsible for
14 determining whether zipper fracking is appropriate or
15 inappropriate for the overall development plan that
16 WPX has proposed, which is four wells currently in the
17 XY bench, with the potential of additional wells in
18 the B bench at a later date.

19 THE HEARING EXAMINER: Okay. And why
20 is that relevant to your case?

21 MR. PARROT: It goes to waste. It goes
22 to whether the reservoir can be more efficiently
23 developed by concurrent development of the XY bench
24 and B bench, or whether it is -- sorry. Let me back
25 up for a second.

1 Whether it is less wasteful to
2 concurrently develop the XY and B benches, or -- as
3 opposed to developing the XY benches and then, at a
4 later date -- years later -- the B bench.

5 THE HEARING EXAMINER: Okay. And where
6 in the scope of his direct or his exhibits did he
7 discuss either the efficiency of that maneuver or the
8 waste of that maneuver?

9 MR. PARROT: The exhibits that he
10 presented are pertaining to the completions design of
11 these wells. Exhibit R4 specifically mentions that
12 the completion design of the wells has been updated.

13 THE HEARING EXAMINER: Is this R4 now?
14 Are we looking at R4?

15 MR. PARROT: Yes.

16 THE HEARING EXAMINER: Thank you. Can
17 you show me where -- just point to me where we're
18 talking about waste or efficiency here.

19 MR. PARROT: So let's go down to the
20 fifth bullet point.

21 THE HEARING EXAMINER: How about we
22 take a five-minute break while you find it, and I'll
23 be back.

24 MR. PARROT: Certainly.

25 THE HEARING EXAMINER: Thank you.

1 (Off the record.)

2 THE HEARING EXAMINER: It is 10:13 a.m.
3 and we're in the middle of an objection. I had asked
4 where in that testimony or exhibits -- we're looking
5 at R4 right now -- they talk about waste or
6 efficiency.

7 Mr. Parrot?

8 MR. PARROT: Yes, Mr. Examiner. Thank
9 you. I was asking about zipper fracking and
10 completion design. On the fifth bullet point down,
11 you'll notice that WPX is planning to use a "modern
12 design." On the graph, you'll notice that they are
13 referring to their zipper costs.

14 THE HEARING EXAMINER: Okay. I see it.

15 Mr. Savage?

16 MR. SAVAGE: So --

17 THE HEARING EXAMINER: Your microphone,
18 sir?

19 MR. SAVAGE: We believe that this is
20 appropriate for the reservoir engineer, and that
21 this -- they had an opportunity to fully address this
22 at that time. The reservoir engineer talked about
23 pressure sinks regarding the plumbing wells. They
24 talked about that there's no interference between the
25 XY and B.

1 We believe that 3R realized that they
2 forgot to address this reservoir engineering issue
3 previously, and that they're using this opportunity to
4 make up for certain deficiencies.

5 THE HEARING EXAMINER: Well,
6 Mr. Savage, that being said, I can't ignore the fact
7 that this witness has addressed this subject in this
8 Exhibit R4. If this witness doesn't know the answer
9 to a question, he's more than welcome to answer it in
10 that way, but I am giving Mr. Parrot the latitude to
11 ask about this.

12 So the objection's overruled. Please
13 proceed.

14 MR. PARROT: Thank you, Mr. Examiner.
15 BY MR. PARROT:

16 MR. PARROT: Mr. Womack, would you like
17 me to re-ask the question?

18 MR. WOMACK: Yes, please.

19 MR. PARROT: Okay. So the question was
20 can completions be designed in such a way as between
21 the Wolfcamp XY bench, Wolfcamp B bench to
22 preferentially direct fractures between those two
23 benches, to use the pressure from one well to
24 preferentially direct the fractures from the next
25 well, and the next well, and the next well -- a/k/a

1 zipper fracking?

2 MR. WOMACK: From a simplistic
3 standpoint, yes. I -- I will go along.

4 MR. PARROT: And in so far as you're
5 talking about the completions design for the Frontier
6 DSU, is that this DSU -- in your bullet point three on
7 R4?

8 MR. WOMACK: Bullet point three?

9 MR. PARROT: Yes, sir.

10 MR. WOMACK: Oh. Yes, sir. That is
11 correct.

12 MR. PARROT: That would be both the
13 north half and south -- or the northern DSU and the
14 southern DSU, sort of combining that as one?

15 MR. WOMACK: That's correct. Yes, sir.

16 MR. PARROT: Okay. So this zipper
17 fracking technique, this happens elsewhere around in
18 the basin --

19 MR. WOMACK: I --

20 MR. PARROT: -- as demonstrated on your
21 CapEx?

22 MR. WOMACK: That -- that's correct,
23 yes. I would say most operators are utilizing zipper
24 for operations.

25 MR. PARROT: Understood. Thank you.

1 And just one last question. Regarding the AFE, bullet
2 point -- major bullet point four, sub bullet point one
3 and two, were those costs updated in response to 3R's
4 comments about WPX's AFEs being too low?

5 MR. WOMACK: Oh, absolutely not.
6 The -- your -- the design change happened quite a
7 while ago.

8 MR. PARROT: And when was that first
9 communicated to 3R?

10 MR. WOMACK: I think that's a land
11 question.

12 MR. PARROT: Understood.

13 I have no more questions for this
14 witness. Thank you, Mr. Examiner.

15 THE HEARING EXAMINER: Mr. Fordyce?

16 MR. FORDYCE: Yes. I have one quick
17 inquiry, Mr. Hearing Examiner.

18 Mr. Womack, can you hear me okay?

19 MR. WOMACK: Yes, sir.

20 MR. FORDYCE: In your Rebuttal Exhibit
21 R4, you mention replacing 50 to 70 percent of diesel
22 cost, or diesel supply, with natural gas; correct?

23 MR. WOMACK: That is correct. Yes,
24 sir.

25 MR. FORDYCE: I wondered if you could

1 just briefly describe what the source of that gas is?
2 Like, is that pipeline gas that comes through a
3 buyback meter or some other source?

4 MR. WOMACK: Generally, for our
5 operations in Delaware, we -- we use compressed
6 natural gas, liquified natural gas, and then we have a
7 few -- a few places where we -- we do lease -- or I'm
8 not sure what you'd call it, but field gas.

9 MR. FORDYCE: Okay.

10 MR. WOMACK: Yeah. But for this area,
11 it would be either compressed natural gas or LNG.

12 MR. FORDYCE: What percentage of your
13 completions would you say you're using that technology
14 or methodology?

15 MR. WOMACK: We're -- we've got all
16 three are -- we -- currently, we have three frac crews
17 running, and all three are -- are using the tier four
18 DGBs.

19 MR. FORDYCE: Okay. No other
20 questions. Thank you.

21 THE HEARING EXAMINER: Okay.

22 MR. SAVAGE: Just a couple.

23 THE HEARING EXAMINER: Go ahead.

24 MR. SAVAGE: Okay.

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REDIRECT EXAMINATION

BY MR. SAVAGE:

MR. SAVAGE: Mr. Womack, do you recall you stating that AFEs are estimates?

MR. WOMACK: Yes, sir.

MR. SAVAGE: Okay. And is your understanding that WPX will be providing updated AFEs?

MR. PARROT: Objection. I asked that question to the witness. The witness answered, he does not know. That's a land question.

THE HEARING EXAMINER: Okay. So what's the objection?

MR. PARROT: Asked and answered.

THE HEARING EXAMINER: Mr. Savage?

MR. SAVAGE: I'll withdraw the question.

THE HEARING EXAMINER: Okay.

BY MR. SAVAGE:

MR. SAVAGE: Is WPX able to provide updated AFEs?

MR. WOMACK: I -- I would say certainly, but I think that -- yeah. I think that's a land question.

MR. SAVAGE: That's all I have.

THE HEARING EXAMINER: All right. Any

1 cross on redirect?

2 MR. PARROT: No, Mr. Examiner. Thank
3 you.

4 THE HEARING EXAMINER: All right.
5 Thank you.

6 Mr. Fordyce, anything further for this
7 witness?

8 MR. FORDYCE: No further questions.

9 THE HEARING EXAMINER: All right,
10 Mr. Womack. Thank you for your testimony.

11 MR. WOMACK: Yes. Thank y'all.

12 THE HEARING EXAMINER: All right.

13 Mr. Savage, does that conclude your case?

14 MR. SAVAGE: That does.

15 THE HEARING EXAMINER: Okay. Very
16 good.

17 Now since 3R went first, and you had a
18 chance to rebut anything that came up during their
19 case that you were not prepared for, you've had your
20 chance for rebuttal. They've also rebutted what they
21 saw in your exhibits. Is there any further rebuttal
22 in your case? And if so, you have to explain to me
23 how you were surprised.

24 MR. PARROT: Mr. Examiner, may I have
25 one minute to confer with my client?

1 THE HEARING EXAMINER: Sure. Go ahead.
2 Yeah.

3 MR. PARROT: Thank you.

4 (Off the record.)

5 THE HEARING EXAMINER: It is 10:27 a.m.
6 We're back on the record.

7 Mr. Parrot?

8 MR. PARROT: We do not have any
9 additional rebuttal.

10 THE HEARING EXAMINER: Perfect.

11 Okay. So I believe that concludes the
12 evidentiary hearing for this contested hearing. Let's
13 deal with post-hearing submissions, et cetera. We
14 broached the subject yesterday.

15 Mr. Savage, do you have any thoughts
16 about post-hearing submissions?

17 MR. SAVAGE: Well, I think a closing
18 statement would be beneficial to the technical
19 examiner and the Division.

20 THE HEARING EXAMINER: Okay. What did
21 you think about my ten-page limit?

22 MR. SAVAGE: It sounds good.

23 THE HEARING EXAMINER: Okay.

24 Mr. Parrot?

25 MR. PARROT: Agreed.

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1 THE HEARING EXAMINER: Okay. Ten-page
2 limit closing statement. We talked a little bit about
3 when that would be due. We talked about two weeks
4 after the transcript was available.

5 Mr. Savage?

6 MR. SAVAGE: Two weeks after the
7 transcript's available sounds appropriate.

8 THE HEARING EXAMINER: Mr. Parrot?

9 MR. PARROT: If there is an option to
10 have it a little sooner, 3R is on a tight deadline.
11 We'd appreciate any additional time available once the
12 order is issued to get the rig out there. You know,
13 we'd certainly do ours in a week, if that's
14 non-objectionable, but leave it to your discretion.

15 THE HEARING EXAMINER: Well, it's not
16 just a closing statement because the -- a technical
17 examiner and I feel there would be a benefit to
18 proposed findings of fact and conclusions of law. So
19 it's going to take a little bit more time, especially
20 since we want citations to the record for any
21 statement of facts that you propose, or else we will
22 not consider it.

23 So that being said, I think two weeks
24 is a good timeframe. Knowing that you're under
25 pressure. I understand. But I still -- we want a

1 complete post-hearing submission packet from the
2 parties.

3 So, Mr. Parrot, I'm going to stick with
4 my two weeks after the -- now, look, the parties can
5 come together and I believe pay for a quicker
6 transcript. I believe that's an option.

7 Mr. Cogswell, am I correct about that?

8 THE REPORTER: That's correct. The
9 transcript could be turned around within three or four
10 days. I'd need to loop you in with Veritext just to
11 confirm the timeframe and the costs associated.

12 THE HEARING EXAMINER: Okay. Yeah. I
13 thought so.

14 So just so you know, there are options
15 to speed this up. And if you want -- if any party --
16 or the parties together -- want to do that option, you
17 should communicate with Freya, and Freya will
18 communicate with Mr. Cogswell.

19 MR. PARROT: Understood.

20 THE HEARING EXAMINER: All right?
21 Unless you know now.

22 MR. PARROT: I do know now.

23 THE HEARING EXAMINER: Oh, you do know
24 now?

25 MR. PARROT: Certainly.

1 THE HEARING EXAMINER: Mr. Cogswell, I
2 think we have some answer on that.

3 MR. PARROT: Yeah. 3R would like to
4 unliterally offer to pay for an expedited transcript.

5 THE HEARING EXAMINER: All right.

6 Mr. Cogswell, did you hear that?

7 THE REPORTER: Yes, I did. I'll line
8 that up with Veritext.

9 THE HEARING EXAMINER: All right.

10 And, Mr. Parrot, would you give
11 Mr. Cogswell your email address?

12 MR. PARROT: I will.

13 THE HEARING EXAMINER: Right now?

14 MR. PARROT: Yes.

15 Mr. Cogswell, it is J-P-A-R-R-O-T at --
16 this is going to be all one word -- bwenergy -- that's
17 B-W-E-N-E-R-G-Y -- law -- L-A-W -- dot com.

18 THE REPORTER: Got it. Thanks,
19 Mr. Parrot.

20 THE HEARING EXAMINER: Okay. Very
21 good.

22 MR. PARROT: So I hope that all came
23 out. Jparrot@bwenergylaw.com.

24 THE HEARING EXAMINER: All right. So
25 once the --

1 So, Mr. Cogswell, you're still going to
2 submit the expedited transcript to the Division for
3 publication, or are you going to be sending it to
4 Mr. Parrot?

5 THE REPORTER: I think the best idea
6 would be to send it via the Division.

7 THE HEARING EXAMINER: Okay. That's
8 what I thought. Okay.

9 So, Mr. Parrot, as soon as we get it --

10 MR. PARROT: Understood.

11 THE HEARING EXAMINER: -- it'll be --
12 you'll receive it and so will Mr. Savage at the same
13 time.

14 MR. PARROT: Thank you.

15 THE HEARING EXAMINER: Okay?

16 All right. So that being said, I heard
17 three or four days. That, of course, speeds things up
18 greatly.

19 So we'll just say two weeks. So
20 generally, when you count legally, you don't count the
21 day of the transcript being received. So it'll be 14
22 calendar days -- and I'm saying "calendar days"
23 because, you know, some rules count differently when
24 you're less than 15 days out.

25 So, Mr. Savage, I'm saying 14 calendar

1 days the day after the transcript is received and
2 distributed to the parties.

3 MR. SAVAGE: Understood.

4 THE HEARING EXAMINER: All right. So
5 what we're going to have is proposed findings of fact.
6 Each one cited to the record. Whether it be the
7 verbatim transcript, or whether it be an exhibit. Be
8 specific. If it's an exhibit, tell us what paragraph
9 of the exhibit or what diagram in the exhibit that you
10 are citing to.

11 And then we're having conclusions of
12 law. Make sure you cite to statute and rule -- or
13 case. Whatever case you cite to. And then, finally,
14 we have a ten-page limit for a closing argument from
15 each party.

16 Is there anything else that the parties
17 want to discuss?

18 MR. SAVAGE: This may be obvious, but
19 if I could just ask an obvious question for
20 clarification.

21 So when we cite to a fact --

22 THE HEARING EXAMINER: Yes.

23 MR. SAVAGE: -- once we site initially,
24 let's say in the --

25 THE HEARING EXAMINER: Yes.

1 MR. SAVAGE: -- earlier paragraph --

2 THE HEARING EXAMINER: Sure.

3 MR. SAVAGE: -- we do not have to cite
4 it every time?

5 THE HEARING EXAMINER: Just do the
6 typical -- I forgot what it was. What is the --
7 ibid ID --

8 MR. SAVAGE: Okay.

9 THE HEARING EXAMINER: IB? Sorry.
10 It's been awhile. ID. It's ID.

11 MR. SAVAGE: Well, so, like, if you do
12 a cite -- if you do a -- cite to a fact --

13 THE HEARING EXAMINER: Yes.

14 MR. SAVAGE: -- and then you cite to
15 let's say a statute, then when you have to go back to
16 the fact --

17 THE HEARING EXAMINER: Well, if you do
18 that, then you have to cite to the fact again.

19 MR. SAVAGE: I know, but could we,
20 like, do the cites all up front for facts, and then if
21 we mention a fact --

22 THE HEARING EXAMINER: No.

23 MR. SAVAGE: No? Okay.

24 THE HEARING EXAMINER: I want each
25 one --

1 MR. SAVAGE: But every discrete --
2 THE HEARING EXAMINER: Every fact needs
3 to be cited to the record.
4 MR. SAVAGE: Yeah. Thank you.
5 THE HEARING EXAMINER: Yes.
6 MR. SAVAGE: That's great.
7 THE HEARING EXAMINER: Be very clear.
8 MR. SAVAGE: Yeah.
9 MR. PARROT: Mr. Examiner --
10 THE HEARING EXAMINER: Yes.
11 MR. PARROT: -- I also have what
12 probably is an obvious question.
13 THE HEARING EXAMINER: It wasn't that
14 obvious, so let's hear it.
15 MR. PARROT: When you say "findings of
16 fact" --
17 THE HEARING EXAMINER: Yes.
18 MR. PARROT: -- "conclusions of law,"
19 each party did submit its own --
20 THE HEARING EXAMINER: Of course.
21 MR. PARROT: Thank you. So we're
22 not --
23 THE HEARING EXAMINER: No. Oh, no.
24 MR. PARROT: -- required to
25 coordinate --

1 THE HEARING EXAMINER: No.

2 MR. PARROT: Thank you.

3 THE HEARING EXAMINER: I don't assume
4 that you're going to be able to agree on the facts, or
5 the law. No.

6 Okay. Mr. Fordyce, is there anything
7 that would help the technical team that I haven't
8 outlined yet?

9 MR. FORDYCE: I would just like to
10 point out a couple of clerical corrections --

11 MR. HEARING EXAMINER: Ah, thank you.

12 MR. FORDYCE: -- maybe to the
13 compulsory pooling application checklist for both
14 parties.

15 THE HEARING EXAMINER: Please.

16 MR. FORDYCE: Mr. Parrot, Mr. Suazo, on
17 your checklist, I'd like to point out at the top of
18 the section where you see "entries of appearance and
19 intervenors," the response is "N/A." And, also, for
20 the formation pool, it is "Wolfcamp Gas." That's
21 correct. You've got the right pool code.

22 For the well location setback rules,
23 you have responded "statewide." However, this Purple
24 Sage-Wolfcamp pool is under special pool rules by
25 order R14262? And in the spacing unit section, for

1 the building blocks under those pool rules, it is
2 160-acre building blocks.

3 THE HEARING EXAMINER: Mr. Fordyce,
4 before you go on, let me make sure. Does --

5 Mr. Parrot, you got all three of
6 those --

7 MR. PARROT: Understood.

8 THE HEARING EXAMINER: -- corrections?

9 MR. PARROT: Thank you.

10 THE HEARING EXAMINER: All right.

11 Yes, Mr. Fordyce?

12 MR. PARROT: May I ask Mr. Fordyce --

13 THE HEARING EXAMINER: Yes. Of course.

14 MR. PARROT: -- a clarifying question?

15 THE HEARING EXAMINER: It's your
16 option. Yeah.

17 MR. PARROT: Mr. Fordyce, I've been
18 informed by some of OCD staff that within the Purple
19 Sage-Wolfcamp, it's 320-acre building blocks for gas
20 wells for the Wolfcamp. Did you want us to put -- I
21 don't -- I have no preference. Would you like us to
22 put 160 or 320?

23 MR. FORDYCE: My understanding is that
24 it's an optional 160-acre or 320-acre building block.
25 The stipulation is if the operator chooses 320-acre

1 building blocks, the wheel board must penetrate the
2 entire 320-acre blocks.

3 MR. PARROT: Thank you.

4 THE HEARING EXAMINER: Mr. Fordyce, do
5 you have corrections now for WPX?

6 MR. FORDYCE: Yes.

7 MR. SAVAGE: May I ask one more
8 question on the ten pages real quick?

9 THE HEARING EXAMINER: Okay. We have
10 another question --

11 MR. SAVAGE: I'm sorry.

12 THE HEARING EXAMINER: -- Mr. Fordyce.

13 MR. SAVAGE: So finding the facts can
14 take up a lot of space.

15 THE HEARING EXAMINER: Yes, they do.

16 MR. SAVAGE: So it's ten pages
17 inclusive of the findings of facts and conclusions of
18 law. So there's no --

19 THE HEARING EXAMINER: No. It's
20 exclusive of. Not inclusive of.

21 MR. SAVAGE: Okay. Oh, it's finding of
22 facts and conclusions of law are separate from the --

23 THE HEARING EXAMINER: Of course.

24 MR. SAVAGE: -- ten pages. Okay.

25 THE HEARING EXAMINER: Yeah. Your

1 closing argument is independent.

2 MR. SAVAGE: Yes. Thank you. Thank
3 you. Yeah.

4 THE HEARING EXAMINER: If you want, you
5 can --

6 MR. SAVAGE: No. That's great.

7 THE HEARING EXAMINER: -- attach it.

8 MR. SAVAGE: Yeah.

9 THE HEARING EXAMINER: But please
10 make -- I'm glad you brought that up --

11 MR. SAVAGE: Yeah.

12 THE HEARING EXAMINER: -- Mr. Savage,
13 because we want the proposed findings of fact and
14 conclusions of law in Word format; okay? You can
15 submit a PDF for posterity if you want, but also
16 submit a Word document of your proposed findings and
17 conclusions. We do not need a Word format of the
18 closing statement.

19 Okay. So, Mr. Fordyce, you were now
20 going to address I think Mr. Savage.

21 MR. FORDYCE: Yes. Just one correction
22 for Mr. Savage. On page 15 of 131, in the exhibits,
23 looking at that CPAC, again, under the spacing unit
24 for building blocks, they have references --
25 references quarter -- quarter sections. Again, it was

1 correct on page 12 earlier.

2 MR. SAVAGE: Yes. That was an
3 oversight and we'll correct that.

4 MR. FORDYCE: Yeah. Just a clerical
5 error.

6 MR. SAVAGE: Yeah.

7 MR. FORDYCE: And that's it.

8 THE HEARING EXAMINER: Mr. Fordyce, is
9 that it for you?

10 MR. FORDYCE: That is it. Nothing
11 further.

12 THE HEARING EXAMINER: All right.
13 Fine.

14 Is there anything further before we go
15 off the record?

16 MR. SAVAGE: There is some corrections
17 that we had talked about during the --

18 THE HEARING EXAMINER: Yes.

19 MR. SAVAGE: -- proceeding. Like,
20 striking --

21 THE HEARING EXAMINER: Yes.

22 MR. SAVAGE: -- and that -- we'll go
23 through our notes and address all those. We don't
24 need to address them at this point.

25 THE HEARING EXAMINER: No. We don't

1 have to address them. I anticipate that the parties
2 were diligent in taking down notes. What I didn't do
3 was set a deadline for the exhibit packets -- for
4 revised exhibit packets. So I'm glad you brought that
5 up, Mr. Savage.

6 I'm going to ask the parties, because
7 you do need to exchange your revised exhibits for each
8 other to review and basically provide your position
9 on.

10 I'll start with you, Mr. Savage, since
11 you brought it up. How much time do you want to
12 submit a revised exhibit packet?

13 MR. SAVAGE: Two weeks.

14 THE HEARING EXAMINER: Okay. Two weeks
15 seems fair to me.

16 Mr. Parrot, how do you feel?

17 MR. PARROT: That's acceptable.

18 THE HEARING EXAMINER: All right.

19 MR. SAVAGE: Thank you.

20 THE HEARING EXAMINER: So let's get a
21 date. I want to write this down, so hold on a second.
22 Those findings, conclusions, two weeks after
23 transcript. We talked about Word format, revised
24 exhibits.

25 All right. So two weeks, let's say

1 starting tomorrow, the 5th. And 14 is the 19th. What
2 day of the week does the 19th fall on?

3 MR. PARROT: Mr. Examiner, I believe
4 tomorrow's the 1st.

5 THE HEARING EXAMINER: I'm sorry. My
6 watch has a funny calendar.

7 MR. PARROT: That would be Wednesday,
8 the 14th, I believe.

9 THE HEARING EXAMINER: Wednesday the
10 14th?

11 MR. PARROT: Is that acceptable to --

12 THE HEARING EXAMINER: Yeah. That
13 makes sense.

14 How do you feel about that, Mr. Savage?
15 Wednesday the 14th.

16 MR. SAVAGE: I think I have a contested
17 hearing on the 15th.

18 THE HEARING EXAMINER: Do you want to
19 set it after?

20 MR. SAVAGE: Yeah.

21 THE HEARING EXAMINER: After?

22 MR. SAVAGE: Just a couple days
23 after --

24 THE HEARING EXAMINER: How about that
25 Friday? Does that work for you? You want to go

1 Monday after that?

2 MR. SAVAGE: Monday would be --

3 THE HEARING EXAMINER: What day is --
4 May what?

5 MR. SAVAGE: That's the 19th; is that
6 right? May 19th?

7 THE HEARING EXAMINER: May 19th?
8 How do you feel about May 19th?

9 MR. SAVAGE: That would work.

10 MR. PARROT: That's fine with us.
11 Thank you.

12 THE HEARING EXAMINER: Both parties?
13 Okay. And that'll give you plenty of opportunity to
14 exchange and review each other's revised exhibit
15 packets. May 19th. Got it.

16 MR. SAVAGE: Is that right? That's a
17 Monday; right?

18 MR. PARROT: Yeah, that's a Monday.

19 THE HEARING EXAMINER: Okay. Anything
20 further, Mr. Parrot?

21 MR. PARROT: No, Mr. Hearing Examiner.
22 Thank you.

23 THE HEARING EXAMINER: Wonderful.
24 Mr. Savage?

25 MR. SAVAGE: No. Thank you.

1 THE HEARING EXAMINER: Yeah. I want to
2 thank both parties. This has been, by far, I think
3 the best presentation that the Division has had in a
4 contested hearing from any two parties in the past.
5 The witnesses were all very well prepared. Very well
6 spoken. The exhibits were excellent. There was
7 nothing that was blurry or too small. That happens
8 frequently. So I want to thank all the witnesses for
9 their participation. It really made this -- and the
10 online witnesses as well. It made this a very
11 pleasant and meaningful presentation.

12 So safe trip home to everyone.

13 MR. PARROT: Thank you, Mr. Hearing
14 Examiner.

15 (Whereupon, at 10:41 a.m., the
16 proceeding was concluded.)
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CERTIFICATE

I, JAMES COGSWELL, 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.



JAMES COGSWELL

May 7, 2025

Notary Public in and for the
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, JACOBEEY RADTKE, 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.

May 7, 2025



JACOBEEY RADTKE

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[correct - demonstrating]

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