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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. 25533, 25534, 25663,
25562, 25564.

HEARING - DAY 2

DATE: Wednesday, January 28, 2026
TIME: 8:30 a.m.
BEFORE: Gregory Chakalian, Hearing
Examiner
LOCATION: Wendell Chino Building
1220 South Saint Francis Drive
Santa Fe, NM 87505
REPORTED BY: Gerald Aragon
JOB NO.: 7684374

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

ALSO PRESENT:

- Olivia Atkins, Observer, Student
- Dean McClure, Technical Examiner, New Mexico Energy, Minerals, and Natural Resources Department (by videoconference)
- Freya Tschantz, Law Clerk, New Mexico Oil Conservation Division
- Kent Weinkauff, Reservoir Engineer, Coterra Energy Co. (by videoconference)
- Matt Pride, Owner, Landman, Pride Energy Company (by videoconference)
- Harvin Broughton, Geologist, Pride Energy Company (by videoconference)

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I N D E X

WITNESS(ES):	DX	CX	RDX	RCX
KENT WEINKAUF				
By Mr. McClure	319		366	
By Ms. Shaheen		321		376
By Mr. Zimsky			370	
HARVIN BROUGHTON				
By Ms. Shaheen	388			
By Mr. Zimsky		395		
By Mr. McClure		417		
MATT PRIDE				
By Ms. Shaheen	427			
By Mr. Zimsky		431		

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E X H I B I T S

NO.	DESCRIPTION	ID/EVD
Rebuttal:		
Exhibit C-2	Go State Com Facility Actual Cost	326/326
Surrebuttal:		
Exhibit 2	Pride Energy/Go State Com Well 401H Cross-Section Reference Map and Stratigraphic Cross-Section	385/385

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P R O C E E D I N G S

THE HEARING EXAMINER: Good morning.
This is 8:30. I don't remember what day it is. And
we are continuing the Pride Coterra contested case. I
believe it's the 28th today. And we left off where
Pride was presenting one of its witnesses, the last of
its four witnesses, Mr. Kent Weinkauf. And
Ms. Shaheen asked for some more time to review some
late filed rebuttal exhibits and other information.

Ms. Shaheen, have you had the time?

MS. SHAHEEN: Yes.

THE HEARING EXAMINER: All right.
Excellent. We also were discussing a post-hearing
submissions schedule, and we'll get to that after the
evidentiary part of this hearing is finished. But we
didn't quite conclude that matter. Okay.

So, Mr. Weinkauf, are you with us?

MR. WEINKAUF: Yes. I am,
Mr. Examiner.

THE HEARING EXAMINER: All right.
Please remember that you are still under oath. Yes?

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1 WHEREUPON,

2 KENT WEINKAUF,

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

6 MR. ZIMSKY: Would you -- Technical
7 Examiner McClure want to finish his cross before --

8 THE HEARING EXAMINER: I don't know. I
9 thought he was --

10 MR. ZIMSKY: I thought he had homework
11 for Mr. Weinkauf.

12 THE HEARING EXAMINER: He did. He did.
13 So let's pick up on that. I'm glad you reminded me of
14 Mr. Weinkauf's homework.

15 Well, let me just ask you, did he
16 submit anything to you?

17 MR. ZIMSKY: Mr. Weinkauf?

18 THE HEARING EXAMINER: Yes.

19 MR. ZIMSKY: Anything written?

20 THE HEARING EXAMINER: Anything that
21 Mr. McClure asked for yesterday, did he submit it to
22 you?

23 MR. ZIMSKY: No.

24 THE HEARING EXAMINER: No. Okay.

25 MR. ZIMSKY: He just said he's

1 prepared.

2 THE HEARING EXAMINER: Verbal. I think
3 it was verbally that he was going to address the
4 situation.

5 So, Mr. Weinkauf, are you prepared for
6 continuation of Mr. McClure?

7 MR. WEINKAUF: I am.

8 THE HEARING EXAMINER: Okay. And were
9 you able to gather that additional information?

10 MR. WEINKAUF: I was.

11 THE HEARING EXAMINER: Okay. Great.
12 Mr. McClure, go right ahead.

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

15 DIRECT EXAMINATION

16 BY MR. MCCLURE:

17 MR. MCCLURE: Mr. Weinkauf, regarding
18 approximate -- just in terms of approximate magnitude
19 of permeability for the Bone Spring 3 and the wolf --
20 and the upper Wolf Camp in this area, what are they?

21 MR. WEINKAUF: So for permeability, for
22 the Third Bone Spring Sand and the upper Wolf Camp
23 Sands, it's about point .01 millidarcy to about 1
24 millidarcy would be the S that we would give for both
25 of those horizons.

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1 MR. MCCLURE: Okay. Thank you, sir.
2 And if I recall correctly, that seems like that's in
3 the same ballpark that was provided in the original
4 cases associated in this area, so that sounds familiar
5 to me. Regarding that laydown well or slant well, I
6 guess, in the north half of section 6, approximately
7 when was that well completed?

8 MR. WEINKAUF: It was -- from looking
9 up the date, it was -- came online on the 6th of June
10 of 2013.

11 MR. MCCLURE: And you would consider it
12 to be a vintage completion, I think you were referring
13 to them as; is that correct?

14 MR. WEINKAUF: That's correct. It --
15 they pumped about 300 pounds per foot of proppant,
16 about 8 barrels a foot of fluid, compared to the 2,600
17 pounds and 55 barrels a foot that we're showing or
18 recommending on show --

19 MR. MCCLURE: And what horizon was that
20 well completed in?

21 MR. WEINKAUF: Third Bone Spring.

22 MR. MCCLURE: Approximately how far
23 above the top of the Wolf Camp was it?

24 MR. WEINKAUF: I need to -- to go look
25 at that or -- or defer to my geologist on that, but

1 it -- to date, it accumulated 74,000 barrels of oil.
2 I believe that was another question you had asked on
3 that.

4 MR. MCCLURE: Yeah. That was going to
5 be my next question. It only accumulated
6 approximately 74,000 barrels of oil? Is that what you
7 said?

8 MR. WEINKAUF: Yes, sir.

9 MR. MCCLURE: Okay. Thank you,
10 Mr. Weinkauf.

11 I have no further questions for this
12 expert witness, Mr. Hearing Examiner.

13 THE HEARING EXAMINER: Okay. Thank
14 you, Mr. McClure.

15 Ms. Shaheen.

16 MS. SHAHEEN: Thank you.

17 THE HEARING EXAMINER: Is your
18 microphone on?

19 CROSS-EXAMINATION

20 BY MS. SHAHEEN:

21 MS. SHAHEEL: Good morning,
22 Mr. Weinkauf.

23 MR. WEINKAUF: Morning.

24 MS. SHAHEEN: I'd like to walk through
25 some of your exhibits with you, starting with

1 Exhibit C-1.

2 MR. WEINKAUF: Okay.

3 MS. SHAHEEN: And if Mr. Zimsky could
4 share.

5 BY MS. SHAHEEN:

6 MS. SHAHEEN: So I was a little bit
7 confused by this. I wanted you to explain it to me.
8 My math's not so great. Here, you've represented that
9 Coterra has spudded 18 wells and completed 24 wells.
10 Were those wells that you completed part of the wells
11 that you spudded?

12 MR. WEINKAUF: Some of them are.
13 Correct.

14 MS. SHAHEEN: Okay. So the total of 42
15 is not exactly accurate. Is it?

16 MR. WEINKAUF: That's an incorrect
17 statement that you just made. The title of that
18 column says "Well spudded or completed." It doesn't
19 specifically determine and -- that they're separate
20 wells. It just says the amount of wells that have
21 been spudded or completed.

22 MS. SHAHEEN: So of the wells that
23 Coterra says they've completed, how many of those also
24 are included in the column that says "spudded"?

25 MR. WEINKAUF: Well, I'd have to get

1 the exact number, but it would be -- it would be 18 or
2 less. I don't have the exact number on me.

3 MS. SHAHEEN: But it could be 18?

4 MR. WEINKAUF: That -- that's correct.

5 MS. SHAHEEN: So the total number could
6 actually be 24 if you thought of it as wells spudded
7 and completed; is that right?

8 MR. WEINKAUF: That's not what I'm
9 showing here.

10 MS. SHAHEEN: If you were to add the
11 wells that were spudded and completed, that would be
12 approximately 24; is that correct?

13 MR. WEINKAUF: Yes. It -- some of the
14 wells could be spudded on the back half of 2024. So
15 we'd have to go look at the timestamp that we'd want
16 to represent.

17 MS. SHAHEEN: But you --

18 MR. WEINKAUF: My math is --

19 MS. SHAHEEN: I'm sorry. What --

20 MR. WEINKAUF: I'd have to look up --
21 I'm sorry. Do you want me to answer?

22 MS. SHAHEEN: I do. And I apologize
23 for talking over you too.

24 I apologize to you and the court
25 reporter.

1 MR. WEINKAUF: Okay. Yeah. So what --
2 what we're showing here is -- is just from Q1 to Q3.
3 So it's just capturing those specific categories for
4 that period of time. If you would like to know what
5 wells were -- were spudded and completed I'd -- I'd
6 have to provide a follow-up exhibit for those exact
7 numbers.

8 MS. SHAHEEN: And --

9 MR. WEINKAUF: That would --

10 MS. SHAHEEN: Okay. And did you
11 prepare this exhibit?

12 MR. WEINKAUF: I did.

13 MS. SHAHEEN: And what did you do to
14 prepare it?

15 MR. WEINKAUF: I looked through our
16 data and looked at the wells that we have recorded
17 that Coterra has spudded and completed in that time
18 range.

19 MS. SHAHEEN: Similar questions with
20 respect to the second representation, 2025 New Mexico
21 activity -- you have here that 74 wells were spudded;
22 is that correct?

23 MR. WEINKAUF: That's correct.

24 MS. SHAHEEN: And of those -- and then
25 49 wells completed; is that correct?

1 MR. WEINKAUF: That's correct.

2 MS. SHAHEEN: And how many of those
3 wells completed are also included in the wells
4 spudded?

5 MR. WEINKAUF: It's the same response
6 that I gave to the table above. The only difference
7 is that this is looking at Lea and Eddy Counties
8 holistically. And the top table is looking at a
9 northern specific area, but it'd be the same comment,
10 that I'd have to go look up what percentage of the
11 wells were -- were spudded and completed within that
12 timeframe. Still quite large numbers relative to what
13 we're talking about with what Pride has done today.

14 MS. SHAHEEN: And today, as we sit here
15 today, if you were to include a column that said wells
16 that were spudded and completed, that would be 49; is
17 that correct?

18 MR. WEINKAUF: It -- now, that wouldn't
19 be correct. You're -- that's a speculation. I'd have
20 to do the math on what it would be.

21 MS. SHAHEEN: So you don't know how
22 many wells were spudded and completed. Do you?

23 MR. WEINKAUF: I'd -- I'd answered
24 that. I have to go look up to calculate the exact
25 number. If you want to know wells that have been

1 spudded and completed within that timeframe, as I
2 stated, I would need to go look that up from our data.

3 MS. SHAHEEN: Okay. So the answer to
4 my question is no. You don't know how many wells were
5 spudded and completed; is that correct?

6 MR. WEINKAUF: Yes. I believe I
7 answered that twice already.

8 MS. SHAHEEN: I've never heard a no.
9 And when I asked the question that can result in a
10 question -- in an answer that's yes or no, I would
11 appreciate it.

12 MR. WEINKAUF: Okay.

13 MS. SHAHEEN: Moving along to C-2, did
14 you create this exhibit?

15 (Rebuttal Exhibit C-2 was marked for
16 identification and received into
17 evidence.)

18 MR. WEINKAUF: Yes.

19 MS. SHAHEEN: And what did you do to
20 create it?

21 MR. WEINKAUF: I utilized an estimate
22 of what we think the productivity's going to be of the
23 wells that we're proposing, working with our
24 operations team to derive the costs that we believe
25 these wells would cost to develop. We presented that

1 and then what the ultimate economics will be of the
2 wells.

3 MS. SHAHEEN: And your cartoon over
4 here on the right, I wasn't quite sure I understood
5 that. You have indications, icons, the circles, the
6 red circles that are empty as proposed. I'm assuming
7 those are the Showbiz 101, 201 and 301; is that
8 correct?

9 MR. WEINKAUF: That's correct.

10 MS. SHAHEEN: And then what are the
11 shaded-in icons that are to the right of those?

12 MR. WEINKAUF: If you see the legend
13 below the cartoon it note -- denotes that as producing
14 wells. Those would be the Go State wells. And the
15 Third Bone Spring on the right would be the Super
16 Cobra well.

17 MS. SHAHEEN: So all of these shaded
18 ones in the middle are the Go State wells?

19 MR. WEINKAUF: No. The shaded ones
20 are -- are just specifying that those are from
21 existing producing wells.

22 MS. SHAHEEN: So which ones are the Go
23 State wells?

24 MR. WEINKAUF: Those would be the
25 middle wells that the -- there's First, Second, Third

1 Bone developed across the two middle spots. I believe
2 there's also a wine rack that was shown in another
3 exhibit to highlight which wells were Go State wells.

4 MS. SHAHEEN: And what's the purpose of
5 this cartoon, to show that you're drilling in the same
6 interval as existing wells?

7 MR. WEINKAUF: The purpose of the
8 cartoon is to show what Coterra's development plan is
9 and what the economics and well recoveries would be of
10 that plan.

11 MS. SHAHEEN: And what's the purpose of
12 the shaded icons?

13 MR. WEINKAUF: As I mentioned just a
14 moment ago, it's highlighting what are the producing
15 wells that are existing.

16 MS. SHAHEEN: Turning to your
17 Exhibit C-3, did you prepare this exhibit?

18 MR. WEINKAUF: I did.

19 MS. SHAHEEN: And in the third column,
20 the total cost for each well, does that reflect the
21 amount that's on each of the AFEs?

22 MR. WEINKAUF: Yes. It's showing
23 updated AFE costs. And I believe you can see the
24 Showbiz 301. That's also included in the land exhibit
25 section showing the \$10.9 million cost.

1 MS. SHAHEEN: And each of those AFEs
2 includes their respective share of the shared
3 facilities; is that correct?

4 MR. WEINKAUF: That's correct. It
5 shows all the costs that these wells would observed.

6 MS. SHAHEEN: And correct me if I'm
7 wrong. Did you testify yesterday that the cost of --
8 the total cost of drilling the two wells, if you did
9 not drill the third well, would be \$600,000 less or
10 the total cost -- I think I got that wrong. Let me
11 withdraw that last question.

12 Was your testimony yesterday that the
13 total cost of 32.4 million would be 600,000 less?

14 MR. WEINKAUF: What I testified to
15 yesterday was that if you were to develop two wells
16 instead of three, the cost for the -- the two wells
17 that you would develop would go up by an estimated 1.1
18 million. And I believe that's highlighted on a
19 different exhibit if you would like to go to that
20 exhibit.

21 MS. SHAHEEN: Let me ask you this. Is
22 the AFE for the 101H the same regardless of whether
23 you drill the 301H?

24 MR. WEINKAUF: No. The cost would go
25 up if we weren't able to drill all three wells

1 together.

2 MS. SHAHEEN: Have you done the math to
3 see what the difference is in cost if you drill -- if
4 Coterra drills the 101 and the 201 and Pride drills
5 the -- its proposed well?

6 MR. WEINKAUF: If you go to C-4, this
7 slide does the math that you're asking for. Would you
8 like to navigate to that slide?

9 MS. SHAHEEN: Okay. So my question is,
10 have you done the math? Have you added what it would
11 cost to drill if Coterra drilled its two wells and
12 Pride drilled its well?

13 MR. WEINKAUF: Yes. I -- as I just
14 said, if you go to Exhibit C-4, I showed the math that
15 I had done.

16 THE HEARING EXAMINER: Mr. Zimsky, can
17 you bring up that C-4 exhibit? Okay. Thank you.

18 MR. WEINKAUF: I believe this is what
19 you're asking. And this walks through the math of the
20 additional costs that would be incurred by the First
21 and Second Bone Spring wells.

22 These are working interest holders that
23 would also be working interest holders in the Wolfbone
24 well that we're currently discussing here today. So
25 these would be costs that those working interest

1 owners would endure more costs for those two wells.

2 BY MS. SHAHEEN:

3 MS. SHAHEEN: Right. But that wasn't
4 my question. My question is, have you added the cost
5 of drilling the 101, the 201 and Coterra drilling its
6 well?

7 MR. WEINKAUF: I guess I'm -- I'm
8 having a hard time following you. I've said yes, that
9 we've done the math. This slide showcases by what
10 magnitude the cost would go up. Can you word your
11 question differently if I'm not understanding it
12 correctly?

13 MS. SHAHEEN: Sure. Can you tell me
14 the total cost to the working interest owners if Pride
15 drills its First and Second Bone Spring well and
16 Coterra drills it is Wolfcamp well?

17 MR. WEINKAUF: So you would take this
18 \$1.107 million number here. And you can -- you would
19 add it to the total cost that's shown on C-3 for those
20 respective wells. And that would be the -- the
21 estimated total cost increase if we were the only
22 drill those wells. Would you like me to do the math?

23 MS. SHAHEEN: Well, I don't see on
24 either of these exhibits the cost of drilling Pride's
25 well.

1 MR. WEINKAUF: Well, I'm -- I'm sorry.
2 I -- the -- the point of this slide and -- and if I
3 understand your question was what would the cost
4 increase be for Coterra's First and Second Bone Spring
5 well if it couldn't -- if Pride was to develop a Third
6 Bone Spring well? I can only answer to what that cost
7 would be for Coterra's wells. Do you -- would you
8 like me to do that math?

9 MS. SHAHEEN: No. That wasn't my
10 question. My question is, what is the total cost for
11 all three wells if Coterra drills its First Bone
12 Spring and Second Bone Spring and Pride drills its
13 proposed well?

14 MR. WEINKAUF: Yeah. I -- it's not
15 highlighted here, but we can do the math between both
16 of our exhibits. Would you like to do that math?

17 MS. SHAHEEN: You haven't done it
18 previously?

19 MR. WEINKAUF: I believe neither party
20 has done that previously. I haven't seen any
21 testimony, exhibits, or written statements that have
22 done that math from either side.

23 MS. SHAHEEN: I'll ask the question one
24 more time. You haven't done that. Have you? And
25 it's a yes or no question?

1 MR. WEINKAUF: Yeah. No. No. I have
2 not done that.

3 MS. SHAHEEN: Thank you.

4 MR. WEINKAUF: I'll just qualify my
5 answer.

6 THE HEARING EXAMINER: So do you want
7 an answer to that question? Because after you're done
8 with your questions, Ms. Shaheen, he can do the math.
9 He can come back and advise us before we close the
10 hearing. Is that what you'd like?

11 MS. SHAHEEN: My question was had he
12 done the math?

13 THE HEARING EXAMINER: I got that. But
14 the question before that is what's the cost? And we
15 don't have an answer to that.

16 MS. SHAHEEN: Right.

17 THE HEARING EXAMINER: Does that still
18 matter to you?

19 MS. SHAHEEN: I don't need for
20 Mr. Weinkauf to answer the question. I can do the
21 math.

22 THE HEARING EXAMINER: Oh, okay. Fine.
23 I didn't understand that. It seemed like you still
24 had a question.

25 MS. SHAHEEN: No. I just wanted to

1 know if he had done it.

2 THE HEARING EXAMINER: Okay. I
3 understand.

4 BY MS. SHAHEEN:

5 MS. SHAHEEN: Okay. Turning now to
6 your Exhibit C-6, did you prepare this exhibit?

7 MR. WEINKAUF: I did.

8 MS. SHAHEEN: What did you do to
9 prepare it?

10 MR. WEINKAUF: I looked at modern
11 offsetting developments around the Showbiz
12 development. And I derived the cumulative oil plot
13 that you see on there for those specific projects,
14 focusing on modern developments and trying to find
15 well results that are close by that we could utilize
16 to help determine what's the productivity differences
17 between those horizons.

18 MS. SHAHEEN: And what do you define as
19 "modern developments"?

20 MR. WEINKAUF: As I mentioned in my
21 initial testimony, it's, in this particular case, as
22 with what I call a modern well would be over 2,000
23 pounds of proppant per foot and over 40 pounds of
24 fluid per foot would be considered modern. But the
25 performance could vary if you had significantly more

1 proppant fluid pumped on a given well. But that would
2 be what I'd classify as modern for this.

3 MS. SHAHEEN: And how do you know
4 whether there were 2,000 pounds of proppant per foot
5 used to drill the well?

6 MR. WEINKAUF: Operators are required
7 to disclose what the frack volumes are. So in the
8 cases of developments where we don't -- where we're
9 not a participant in the well, we're utilizing public
10 data. And that's the best we can do.

11 MS. SHAHEEN: So is it your
12 representation that all of the blue lines are modern
13 developments of Bone Spring wells?

14 MR. WEINKAUF: No. That's -- that's
15 not correct. The -- the blue wells on the map
16 indicate what wells are landed in the Third Bone
17 Spring. The red wells indicate what wells are landed
18 in the upper Wolfcamp, the boxes that are highlighting
19 the projects offsetting the box.

20 MS. SHAHEEN: So all of the blue lines
21 are Third Bone Spring wells that you've determined are
22 modern development wells; is that correct? Yes or no?

23 MR. WEINKAUF: No. That's not --
24 that's not what I said. No.

25 MS. SHAHEEN: What are all the -- what

1 do the blue lines represent?

2 MR. WEINKAUF: If you look on the
3 bottom left of the map, it says that the blue lines
4 are the Third Bone Spring. Those are wells that we
5 believe to be landed in the Third Bone Spring.
6 There's no other qualification outside of that they're
7 Third Bone Spring landings.

8 MS. SHAHEEN: Okay. So these are all
9 of the Third Bone Spring wells that are in the area
10 represented in your graph or in your map; is that
11 right?

12 MR. WEINKAUF: Yes. We're -- the map
13 is what we're showing. And those would be the
14 landings of the wells for Third Bone Spring or
15 Wolfcamp within that area we're showing --

16 MS. SHAHEEN: Okay. Right now, I'm
17 just talking about the blue lines. Those are only
18 third bomb spring well; correct?

19 MR. WEINKAUF: That's correct.

20 MS. SHAHEEN: And --

21 THE REPORTER: I'm sorry to interrupt.
22 I'm having some technical difficulties. I need to
23 restart. Can we take a quick break?

24 THE HEARING EXAMINER: Yes. Of course.

25 THE REPORTER: All right.

1 THE HEARING EXAMINER: I've just been
2 advised that the court reporter's having a technical
3 difficulty. He needs to restart. Should take about
4 two minutes.

5 (Off the record.)

6 BY MS. SHAHEEN:

7 MS. SHAHEEN: Back to exhibit C-6, with
8 respect to the blue lines only, are these all of the
9 Third Bone Spring wells that exist within the area
10 depicted in your map? Yes or no?

11 MR. WEINKAUF: Yes.

12 MS. SHAHEEN: And what interval did you
13 use to determine that these were Third Bone Spring
14 wells? And let me rephrase that.

15 What depths did you use to determine
16 whether these were bone -- Third Bone Spring wells?

17 MR. WEINKAUF: Well, the depths change
18 depending where you're at across the map because
19 the -- the reservoir isn't flat. There is a
20 structural change across there. So giving a specific
21 depth doesn't tell you whether it's in the Third Bone
22 Springs. What we're utilizing is the top of the Third
23 Bone Springs formation to the top of the Wolfcamp
24 formation.

25 MS. SHAHEEN: Okay. And did you make

1 that determination?

2 MR. WEINKAUF: My geologist helps make
3 the determination on those landings.

4 MS. SHAHEEN: And that is Ms. Frey?

5 MR. WEINKAUF: That's correct.

6 MS. SHAHEEN: So she decided whether
7 these were Third Bone Spring wells; is that correct?

8 MR. WEINKAUF: That's correct. Yes.

9 MS. SHAHEEN: And did she also make
10 that determination with respect to the Wolfcamp wells,
11 that these well were in the Wolfcamp A?

12 MR. WEINKAUF: That's correct.

13 MS. SHAHEEN: And with respect to the
14 red lines, are these the only Wolfcamp A wells in the
15 area depicted on your map?

16 MR. WEINKAUF: Yes. Based on Coterra's
17 work? That is correct.

18 MS. SHAHEEN: So just to be clear,
19 there are no other wells drilled in the Third Bone
20 Spring anywhere on this map; is that correct?

21 MR. WEINKAUF: Based on the surveys
22 that were available publicly and that -- what we had
23 access to? That is correct.

24 MS. SHAHEEN: And when you say
25 "survey," what do you mean by "survey"?

1 MR. WEINKAUF: Operators are required
2 to publish surveys that show the actual path that the
3 wells drilled so to speak, to keep it simple. And
4 from there' we make determinations of where the wells
5 are actually landed. So for example, Pride's Go State
6 well doesn't have an actual survey on one of the
7 wells.

8 It's not a public record. So I'm not
9 sure if Pride didn't file it or if there was an error
10 with a governing body that -- that handles that. So
11 we -- we do the best we can in lieu of missing
12 surveys. So as I stated, to the best of our ability,
13 this is our understanding of water to Third Bone
14 Spring landings and water to Wolfcamp landings for the
15 map area.

16 MS. SHAHEEN: Are all of the Go State
17 wells represented in -- as a blue line on -- and all
18 of the Third Bone Spring Go State wells represented as
19 a blue line on this map?

20 MR. WEINKAUF: That's correct. It's
21 our -- that's our understanding it's a Third Bone
22 Spring. And it sounds like that -- that's Pride's
23 understanding as well from their testimony.

24 MS. SHAHEEN: Okay. So the only thing
25 that may be missing from this map are wells that --

1 for which no survey is publicly available; is that
2 right?

3 MR. WEINKAUF: Yeah. Potentially. We
4 try to use other means to try to understand the
5 landing if the survey's not, but I would defer you to
6 Ms. Frey if you would like to dive down further on
7 some of those alternative methodologies.

8 MS. SHAHEEN: Okay. So let me make
9 sure I understand because I thought what you said -- I
10 thought you said that these were the Third Bone Spring
11 wells with publicly available surveys; is that
12 correct?

13 MR. WEINKAUF: Yeah. My statement was
14 that these are our understandings of the landings
15 between Third Bone Spring and upper Wolfcamps. And
16 we're trying to base the -- that estimate on what
17 the -- where the wells are actually landed.

18 One of the key things to do that is
19 utilizing survey data. There are other ways to make
20 that determination, but I would defer you to Ms. Frey
21 for more color on that.

22 MS. SHAHEEN: Okay. I'm just trying to
23 pin down what exactly we're looking at and how you
24 came up with what we're looking at. So if I
25 understand correctly, you don't know because Ms. Frey

1 put this together; is that correct?

2 MR. WEINKAUF: Well, I -- what I said
3 is Ms. Frey can elaborate on more color on if we don't
4 have survey data to be able to land the wells. I
5 actually did provide you an answer stating that we
6 utilize survey data to guide what we think the
7 landings are.

8 In lieu of that, there are alternative
9 methodologies that you can ask Ms. Frey that question.
10 I'm a part of making that determination. But Ms. Frey
11 looks at that more in depth. And -- and so any of
12 those more detailed questions that you would like
13 to -- to ask I would ask Ms. Frey.

14 MS. SHAHEEN: Okay. So you don't know
15 whether you've shown all of the Bone Spring wells that
16 exist in this area depicted on the map. Isn't that
17 right? Yes or no?

18 MR. WEINKAUF: That's not what I said.
19 No. That's not what I said.

20 MS. SHAHEEN: Okay. Well, let me ask
21 that question then. Does this map show all of the
22 Third Bone Spring wells that are within the area
23 depicted on the map?

24 MR. WEINKAUF: Based on Coterra's
25 understanding of the data available to them? Yes.

1 This is our understanding of the Third Bone Spring
2 wells in the map area.

3 MS. SHAHEEN: Same question with
4 respect to the Wolfcamp A. I just need a yes or a no
5 answer. Does this map --

6 MR. WEINKAUF: It's the -- oh, sorry.

7 MS. SHAHEEN: Does this map show all of
8 the wells drilled in the Wolfcamp A in this area
9 depicted in the map?

10 MR. WEINKAUF: Yes. Based on the
11 understanding --

12 MS. SHAHEEN: That's a yes -- that's
13 all -- I need yes or no.

14 MR. WEINKAUF: I -- yes.

15 MS. SHAHEEN: Thank you.

16 MR. ZIMSKY: Excuse me. I think we've
17 been sharing the original C-6, so now we're going to
18 show the amended C-6.

19 THE HEARING EXAMINER: And is this
20 something that you have already submitted?

21 MR. ZIMSKY: Yes.

22 THE HEARING EXAMINER: You have
23 submitted it?

24 MR. ZIMSKY: Yeah. In the revised --

25 THE HEARING EXAMINER: This is the one

1 that came in late? Yes. No. Two date -- night
2 before that machine did not have a chance to look at.

3 MR. ZIMSKY: Okay. We are now sharing
4 the amended Exhibit C-6.

5 THE HEARING EXAMINER: And who amended
6 it? Who -- which witness amended it?

7 MR. ZIMSKY: Mr. Weinkauf.

8 THE HEARING EXAMINER: Okay. Good.
9 Mr. Weinkauf, do you recognize this
10 exhibit?

11 MR. WEINKAUF: I do.

12 THE HEARING EXAMINER: Did you prepare
13 it?

14 MR. WEINKAUF: I did. Yes. I have
15 the -- sorry. I've got you guys on one screen, and
16 I've got our submitted packet that shows the amended
17 one. So I'm look -- I'm just looking at that one.
18 All my statements are based on the amended exhibit
19 year.

20 THE HEARING EXAMINER: Thank you for
21 that clarification.

22 BY MS. SHAHEEN:

23 MS. SHAHEEN: Turning now to the graph
24 that you have on the left, modern offsetting analogs,
25 can you briefly tell me what modern offsetting analogs

1 is?

2 MR. WEINKAUF: Yes. As I mentioned a
3 few moments ago, modern wells, those considered with
4 completion designs greater than 2,000 pounds per foot
5 of proppant and greater than 40 barrels per foot of
6 frack fluid. And so what the plot highlights here are
7 modern developments that fit that criteria that are
8 nearby the Showbiz development.

9 MS. SHAHEEN: Okay. So does the blue
10 line correlate to the Third Bone Spring wells that
11 you've identified as modern offsetting developments?

12 MR. WEINKAUF: No. As I mentioned in
13 my direct testimony, the plot line colors correlate to
14 the legend on the top right of the plot. So the blue
15 lines relate to the Thunderball Third Bone Spring
16 development, and the blue lines correlate to the blue
17 dash line on the map.

18 MS. SHAHEEN: So you did not include
19 all of the Third Bone Spring wells in your graph; is
20 that correct?

21 MR. WEINKAUF: This graph only --

22 MS. SHAHEEN: Yes or no? I'm sorry to
23 interrupt, but it's a yes or no question. And I want
24 a yes or no answer?

25 MR. WEINKAUF: Can you repeat the

1 question so I can give you a yes or no answer?

2 MS. SHAHEEN: Yes. This graph does not
3 include all of the Third Bone Spring wells that are on
4 the map?

5 MR. WEINKAUF: That's correct.

6 MS. SHAHEEN: And this map does not
7 include all of the modern offset -- excuse me -- all
8 of the modern Third Bone Spring wells that are on the
9 map; is that correct? Yes or no?

10 MR. WEINKAUF: That statement's
11 incorrect.

12 MS. SHAHEEN: I thought you just said
13 that it only -- well, the blue lines only relate to
14 the Thunderball Third Bone Spring wells; is that
15 correct?

16 MR. WEINKAUF: Are you -- you're asking
17 on the plot of the map because the question you just
18 asked, I thought you said on the map not the plot.

19 MS. SHAHEEN: Well --

20 MR. WEINKAUF: So those are two
21 different visuals on this line. So can you help me
22 elaborate? Are you talking about the plot, or are you
23 talking about the blue lines on the map?

24 MS. SHAHEEN: I'm talking about the
25 blue lines on the plot. So let me ask the question

1 again. The blue lines on the plot only relate to the
2 Thunderball Third Bone Spring wells; is that correct?

3 MR. WEINKAUF: That's correct.

4 MS. SHAHEEN: The blue lines on the
5 plot do not include any other Third Bone Spring modern
6 development that is depicted on the map; is that
7 right?

8 MR. WEINKAUF: That's correct.

9 MS. SHAHEEN: And the green lines only
10 represent the Mallon wells; is that correct?

11 MR. WEINKAUF: The green lines on the
12 plot only represent the Mallon well. That's correct.

13 MS. SHAHEEN: So if you look at section
14 11 there, right in the -- smack dab in the middle of
15 the map, there are four Bone Spring wells. Do you see
16 those?

17 MR. WEINKAUF: I do.

18 MS. SHAHEEN: Those are not represented
19 in the graph in the plot; is that right?

20 MR. WEINKAUF: They're not -- they're
21 not modern.

22 MS. SHAHEEN: And they're not modern
23 because they used less than 2,000 pounds of proppant
24 per foot; is that correct?

25 MR. WEINKAUF: That's correct.

1 Significantly less.

2 MS. SHAHEEN: And when were they
3 drilled?

4 MR. WEINKAUF: I believe somewhere
5 between 2012 and 2014. But I would have to look that
6 up to be precise.

7 MS. SHAHEEN: Is there a difference in
8 the amount of proppant that's used depending on the
9 length of the lateral?

10 MR. WEINKAUF: Typically, an
11 operator --

12 MS. SHAHEEN: Yes or no? Yes or no?

13 MR. WEINKAUF: I -- can you clarify
14 your question? Are you asking if someone pumps the
15 same frack design across the whole lateral, or are you
16 asking whether someone will pump a different design
17 based on whether it's a one mile or 2-mile well?

18 MS. SHAHEEN: I'm asking whether the
19 amount of proppant use per foot differs depending on
20 the length of the lateral?

21 MR. WEINKAUF: No. It -- that's a
22 different decision.

23 MS. SHAHEEN: Can you identify on the
24 map other Third Bone Spring wells that are modern
25 wells, modern developments?

1 MR. WEINKAUF: For some -- some
2 examples I can't. They're further away from the
3 Showbiz, which is why they weren't highlighted on the
4 map.

5 MS. SHAHEEN: Can you tell us which
6 wells those are?

7 MR. WEINKAUF: Yeah. The -- the ones
8 that -- the ones that I know, I'll -- I'll walk
9 through those. So in sections 4 and 9 -- I don't know
10 if somebody wants to move their cursor over that to
11 make sure we're looking at the same development. So
12 sections 4 and 9 on the map, that's not -- that's not
13 section 4 and 9. Yeah

14 So sections 4 and 9 -- yes. Those would be
15 the Cow Bells. Those are farther away from the
16 Showbiz unit. Directly south of there, in sections 21
17 and 28, there's a 2-mile well and then a 1-mile well
18 and section 21. Those are the Mescalero Ridge wells.

19 South -- in section 26, just south of the
20 Thunderballs, that -- those would be the Espejos. I
21 believe that's what -- yeah. Those are the Espejo
22 wells drilled I believe by XTO if memory serves me
23 correct. On the north side of the map in sections 24
24 and 25, those look like the satellite development.

25 On the east side there in red, sections 32

1 and 5, that would be the Foxtrot Development. In
2 sections 33 and 4, that would be the Alpha State
3 Development. Below that, in sections 8 and 17, the
4 red wells on the east side, those would be the -- I
5 believe they're the Rambo wells. I need to confirm
6 the name.

7 We looked at that as the Rambo Unit. And
8 the well -- and the wells in 9 and 16 to the east of
9 that, that would be the Cable Unit. I need to confirm
10 the exact name of that. But those would be modern
11 developments.

12 And then let's see. There are some other
13 modern developments. I believe in sections 20, 29,
14 21, 28, there's the -- the Herefords or Charolais. I
15 can't remember the exact landing. They changed the
16 name up there. I think those are the Herefords. I
17 believe those are modern, but we need to confirm from
18 my data sources. Those are the ones that I can recall
19 off the top of my head.

20 MS. SHAHEEN: Could you ballpark the
21 number of those wells that you just went through?

22 MR. WEINKAUF: I -- I'd have -- I'd
23 have to count them. Would you like me to count them?

24 MS. SHAHEEN: Let's just ballpark it.
25 Are there more than ten?

1 MR. WEINKAUF: I'm sorry. I -- can
2 I -- I'm -- I can't give you a reliable answer on a
3 ballpark. I can count them for you. They're
4 physically on the map. Would you like me to count
5 them to give you an exact number?

6 MS. SHAHEEN: No. I would like for you
7 to ballpark them for me. You just mentioned, I would
8 say, almost ten development areas. Did you not?

9 MR. ZIMSKY: Objection. I'm objecting.
10 He can count it. Why does she want --

11 THE HEARING EXAMINER: Ms. Shaheen, I
12 sustain the objection. Let him count it.

13 BY MS. SHAHEEN:

14 MS. SHAHEEN: Okay. You can count it?

15 MR. WEINKAUF: Okay. So on the
16 developments that I just listed out that were in
17 addition to the ones already marked on the map, I
18 believe there are 26 on my quick count that I -- that
19 were part of the ones that I named and remembered.

20 MS. SHAHEEN: Thank you. So there are
21 26 modern development wells that are not included in
22 your plot; is that correct? Yes or no?

23 MR. WEINKAUF: That's correct.

24 MS. SHAHEEN: With respect to the
25 Wolfcamp wells, if I understand your plot correctly,

1 the only Wolfcamp wells that are represented in the
2 plot are the Beefalo wells; is that correct?

3 MR. WEINKAUF: That's correct.

4 MS. SHAHEEN: And those are identified
5 on the map with the purple dash line; is that right?

6 MR. WEINKAUF: That's -- that's
7 correct.

8 MS. SHAHEEN: And how many of the
9 Wolfcamp A wells that have been identified are modern
10 developments?

11 MR. WEINKAUF: Would you like me to
12 count that based on what I just described or just
13 what -- walked through with you? Just, like, the
14 number I gave you was for Third Bone and Wolfcamp. Do
15 you want me to separate out what are just the Wolfcamp
16 of that number?

17 MS. SHAHEEN: Sure. Well, I was a
18 little confused because -- now I'm a little confused
19 because I had asked you about Bone Spring wells before
20 are -- only. And are you telling me now that the 26
21 number that you gave me also includes the Wolfcamp, or
22 is that just the Bone Spring?

23 MR. WEINKAUF: We'd have to have the
24 court reporter report back. I thought you asked me,
25 which well -- which developments are modern? I didn't

1 hear the Third Bone Spring qualifier in your question.

2 MS. SHAHEEN: Okay. So you're saying
3 that the total of 26 that you gave me included both
4 the Wolfcamp A the Third Bone Spring?

5 MR. WEINKAUF: Yes. On the
6 developments that I can recall.

7 MS. SHAHEEN: Okay. So can you tell me
8 now how many are Wolfcamp modern developments and how
9 many are Bone Spring modern developments?

10 MR. WEINKAUF: Yes. Point of
11 clarification, would you like me to include the ones
12 that I have highlighted as modern developments in my
13 boxes, or do you want me to exclude those from my
14 count?

15 MS. SHAHEEN: I want to exclude those.
16 I want to know how many are not represented on your
17 plot?

18 MR. WEINKAUF: Okay. So I'll give you
19 the count for the Third Bone Spring first. I believe
20 there -- there's 11 that would be considered modern
21 wells that's Third Bone Spring. As far as the
22 Wolfcamp goes, 16 -- 16 to 15. I guess my number of
23 it -- do a quick counts. It's 26 or 27 total, 11
24 Third Bone Springs, and then 17, I think, it's -- or
25 sorry -- 16 on the Wolfcamp.

1 MS. SHAHEEN: So you've omitted 16
2 modern Wolfcamp wells from your plot on the left; is
3 that correct?

4 MR. WEINKAUF: Yes. Based on the
5 criteria.

6 MS. SHAHEEN: And you've omitted 11
7 Third Bone Spring modern developments from your plot
8 on the left; is that correct?

9 MR. WEINKAUF: That's correct. Based
10 on the criteria.

11 MS. SHAHEEN: Now, you provided a list
12 of wells with this exhibit or -- well, did you provide
13 a list of wells with this exhibit?

14 MR. WEINKAUF: I provided a -- yes. I
15 provided a list of wells that showed what's been
16 highlighted on the map.

17 MS. SHAHEEN: And is there any way to
18 correlate those wells to the map?

19 MR. WEINKAUF: They -- they're --
20 they're labeled as the boxes. So on -- in Exhibit C-
21 7, there's a referenced well list. That well list is
22 describing the wells that are for the Go State, the
23 Thunderball, the Beefalo, and the Mallon projects,
24 which have been highlighted on the plot and then are
25 boxed on the map so that you can identify which of the

1 projects that those wells go to.

2 The names are named accordingly to the
3 project name. So yes. You should be able to do that.

4 MS. SHAHEEN: Okay. But that only
5 relates to the wells that you've selected and included
6 in your plot; is that right?

7 MR. WEINKAUF: That's correct. That
8 we're showing data on.

9 MS. SHAHEEN: So we don't really -- we
10 don't know without doing some research what all the
11 other wells are that are represented on Exhibit C-6.
12 Do we? Yes or no?

13 MR. WEINKAUF: You -- if you're not
14 trusting what I'm saying? No.

15 MS. SHAHEEN: I'd like to turn now to
16 your rebuttal exhibits. Actually, going back to the
17 C-6 for a couple minutes here, are you assuming that
18 the geology in the east part of your map is the same
19 as the geology in that acreage that is at issue today?

20 MR. WEINKAUF: I'm not making any
21 assumptions. In my direct testimony, I qualified that
22 the reservoir quality is changing amongst all of these
23 developments. We're just showing the closest examples
24 of modern developments next to the Showbiz because
25 that's the best we can do.

1 MS. SHAHEEN: Has Coterra reviewed the
2 geology in the east and compared it to the geology in
3 the area at issue today?

4 MR. WEINKAUF: We have.

5 MS. SHAHEEN: Did you do that work, or
6 did Ms. Frey do that work?

7 MR. WEINKAUF: Ms. Frey did the geology
8 work.

9 MS. SHAHEEN: Did you review Ms. Frey's
10 geology work?

11 MR. WEINKAUF: I did.

12 MS. SHAHEEN: And did you compare the
13 geology in the east to the geology in the area at
14 issue today?

15 MR. WEINKAUF: Yes.

16 MS. SHAHEEN: And what was the -- could
17 you describe the differences between the geology in
18 the east and the geology at issue today?

19 MR. WEINKAUF: Sure.

20 MR. ZIMSKY: Your Honor, I would
21 object. If she could clarify what she means by the
22 east versus -- she's asking Mr. Weinkauf to make a
23 comparison. So if she could define what she means by
24 "the east."

25 MS. SHAHEEN: I'm happy to do that.

1 MR. ZIMSKY: Okay. Thank you,
2 Ms. Shaheen.

3 BY MS. SHAHEEN:

4 MS. SHAHEEN: In particular, let's look
5 at the east where you've located or you have
6 identified the Wolfcamp Eddy wells. Have you compared
7 that geology to the geology at issue today?

8 MR. WEINKAUF: By "at issue," you mean
9 at the Showbiz?

10 MS. SHAHEEN: Yes?

11 MR. WEINKAUF: Yes.

12 MS. SHAHEEN: And can you describe the
13 differences in the geology?

14 MR. WEINKAUF: Yes. So in sections 33,
15 4, 32, 5 going all the way south there where you see
16 all those wells, in general, for the Third Bone Spring
17 and -- or well, I should say the Wolfbone equivalent
18 zone, the geology is worse there than say where the
19 Beefalo is in 6 and 7.

20 And -- and the -- the far east stuff
21 that you're referring to as the red wells in the upper
22 Wolfcamp, those are worse also than the Showbiz area,
23 which is why those are excluded from the plot to try
24 to do a fair -- as fairest comparison as we can for
25 the upper Wolfcamp versus Third Bone Spring landing.

1 MS. SHAHEEN: I'm sorry. Could you say
2 that last sentence one more time?

3 MR. WEINKAUF: Yes. So the -- the -- I
4 can't remember exactly how I worded it. The far
5 eastern wells that we're referring to, the upper
6 Wolfcamp, those that are -- the tops are sections 32,
7 33 and then moving directly south. The rock quality
8 or the storage that we believe is there for oil and
9 hydrocarbons is less than that of the Beefalo and
10 sections 6 and 7.

11 And we believe that far eastern stuff,
12 the red wells that you highlighted, are also worse
13 than the Showbiz well. That's why those are excluded
14 from the plot is we are trying to make it as fair of a
15 comparison of modern data nearby the Showbiz.

16 So we did not think it was fair to show
17 those Wolfcamp wells east -- that far east because the
18 reservoir is different. We tried to use the closest
19 Wolfcamp well that we had available to make our
20 decision on how have the landings performed.

21 MS. SHAHEEN: And did you compare the
22 geology in sections 6 and 7 where the Beefalo is
23 located to the geology that's at issue with the
24 Showbiz and the Go State wells?

25 MR. WEINKAUF: Yes. We have.

1 MS. SHAHEEN: And what did you
2 determine?

3 MR. WEINKAUF: So in looking at the --
4 the common sources supply, the -- the Third Bone
5 Spring looks really decent in 6 and 7. The Wolfcamp
6 doesn't look as perspective in there, but it's
7 Coterra's belief that you're going to tap the common
8 sources supply of the Wolfbone based on that upper
9 Wolfcamp landing in the Third Bone Spring.

10 And so we believe that the rock quality
11 is a little bit worse than what you would see at
12 Showbiz, but the Third Bone Spring Sand actually looks
13 like it could be a little better. But we think those
14 wells still might be tapping in.

15 MS. SHAHEEN: So is it your testimony
16 that the Bone Spring geology in the area of the
17 Beefalo is better than it is in the area of the
18 Showbiz?

19 MR. WEINKAUF: You're asking if I -- if
20 I would say it's better at the Beefalo than the
21 Showbiz?

22 MS. SHAHEEN: Yes?

23 MR. WEINKAUF: No. I'm sorry. Third
24 Bone Spring or the Wolfbone --

25 MS. SHAHEEN: Third Bone Spring.

1 MR. WEINKAUF: Well, I'd have to go
2 look at the logs to be specific on it because there
3 are height differences, and so the rock quality and
4 the heights need to both take -- be taken into
5 account.

6 So the -- the quality component's one
7 thing. The height element's another thing. So I need
8 to go look at that to give you a precise answer, or
9 you can ask Ms. Frey that question as she's our expert
10 geologist.

11 MS. SHAHEEN: Do you know what locks
12 were used to evaluate the Beefalo?

13 MR. WEINKAUF: No. I do not. You can
14 ask Ms. Frey that.

15 MS. SHAHEEN: Turning now to the
16 rebuttal exhibits --

17 THE HEARING EXAMINER: Which rebuttal
18 exhibit?

19 MS. SHAHEEN: There's C-1 -- excuse me.
20 There's 1, 2, 3, and 4, I believe.

21 THE HEARING EXAMINER: I just wanted to
22 know which one you wanted to deal with first.

23 MS. SHAHEEN: Number 1.

24 THE HEARING EXAMINER: Okay.

25 //

1 BY MS. SHAHEEN:

2 MS. SHAHEEN: Is the map depicted
3 here -- let me ask you this way. What is the
4 difference between the map depicted here and the map
5 depicted under Exhibit C-6?

6 MR. WEINKAUF: They are -- they are
7 near similar maps. The screenshot taken, like,
8 slightly shifted, you know, a few hundred feet left or
9 right or up or down, but they're depicting the same
10 well set.

11 MS. SHAHEEN: And then the plot here,
12 does it represent all of the Third Bone Spring wells
13 that are on the map?

14 MR. WEINKAUF: That's correct. The
15 blue line on the plot represents all the Third Bone
16 Springs that are shown on the map.

17 MS. SHAHEEN: And the red line
18 represents all of the Wolfcamp A wells that are shown
19 on the map?

20 MR. WEINKAUF: That's correct.

21 MS. SHAHEEN: Turning to Rebuttal
22 Exhibit 2, here, you've got First Bone Spring wells
23 identified in red; is that correct?

24 MR. WEINKAUF: That's correct.

25 MS. SHAHEEN: And what First Bone

1 Spring wells here have you selected to show?

2 MR. WEINKAUF: So the -- on the plot?
3 Is that your question?

4 MS. SHAHEEN: No. On the map, how did
5 you determine which First Bone Spring wells should be
6 shown on this map?

7 MR. WEINKAUF: Similar process to the
8 others. We're looking at wells that are landed within
9 the -- the First Bone Spring interval.

10 MS. SHAHEEN: And are these all of the
11 wells that are located within the First Bone Spring
12 interval in the area depicted on your map?

13 MR. WEINKAUF: Yes. Based on the data
14 available in our understanding.

15 MS. SHAHEEN: Turning to Rebuttal
16 Exhibit 3, does your map here depict all of the Second
17 Bone Spring wells within the area depicted on the map?

18 MR. WEINKAUF: Yes. Based on our
19 understanding of the data available.

20 MS. SHAHEEN: And what is your
21 understanding?

22 MR. WEINKAUF: With regard to our
23 understanding of where the wells are landed?

24 MS. SHAHEEN: I'm not sure. I mean, I
25 asked the question. Is this all of the Second Bone

1 Springs on the map depicted on -- or all of the Second
2 Bone Spring wells depicted on the map? And you said,
3 "based on our understanding," so my question is what
4 is your understanding?

5 MR. WEINKAUF: What's on the map is our
6 understanding. These are the wells that we believe
7 are landed in the Second Bone Springs based on the
8 data available and our understanding of that data.
9 This is our interpretation is the way to think about
10 that.

11 MS. SHAHEEN: And how did you determine
12 that these are the Second Bone Spring located in this
13 area?

14 MR. WEINKAUF: By utilizing things,
15 approaches like looking at the survey and determining
16 where the wells are actually traversing through
17 what -- what depths the wells are traversing through.

18 MS. SHAHEEN: And did you do the
19 research that was necessary to create Rebuttal
20 Exhibit 1, Rebuttal Exhibit 2 -- excuse me Rebuttal
21 Exhibit 2 and Rebuttal Exhibit 3?

22 MR. WEINKAUF: When you say "research,"
23 can you elaborate on your question, what you mean by
24 "research"?

25 MS. SHAHEEN: Well, if I understand

1 correctly, you guys looked for surveys. And so my
2 question is did you look for the surveys?

3 MR. WEINKAUF: No. I did not look for
4 the surveys.

5 MS. SHAHEEN: Who looked for the
6 surveys?

7 MR. WEINKAUF: You would need to talk
8 to Ms. Frey. As I stated earlier, she was the one
9 that could elaborate on the landings of these wells.

10 MS. SHAHEEN: Okay. So Ms. Frey
11 determined that these are the only Second Bone Spring
12 wells in the area depicted on your map?

13 MR. WEINKAUF: Yes. Based on her
14 understanding and data available. But you can ask
15 Ms. Frey that question if you have any further detail
16 you would like from that process.

17 MS. SHAHEEN: And then on Exhibit 4,
18 this is your referenced well list. If I understand
19 correctly, this is a list of all the wells that are
20 included in Exhibits 1 through 3; is that correct?

21 MR. WEINKAUF: That are -- yeah -- that
22 are shown on the plots. This is showing the wells
23 that went into the data that's shown on the plots.

24 MS. SHAHEEN: Okay. So we don't have
25 any identification of the wells that are represented

1 on the maps; is that right?

2 MR. WEINKAUF: You -- you don't have
3 all of them, just the ones that we are highlighting in
4 our example that are labeled on the maps.

5 MS. SHAHEEN: You mean that are in the
6 plot?

7 MR. WEINKAUF: Well, if you go back to
8 one of those exhibits, I'll -- I'll show you what I
9 mean. So on the plot, their color codes are tied to
10 the well names. And if you look on the map, there's
11 labels on the map that are color coded to those --
12 that same color scheme as the plot.

13 Those are the wells that are being
14 called out on the plot. And those same wells are
15 being -- what's being referenced in the referenced
16 well list. So on the map, we have called out which
17 wells are being utilized.

18 So that's what I mean. So yes. It's
19 the ones on the plot, but some of the wells on the map
20 have been called out that are tied to that referenced
21 well list.

22 MS. SHAHEEN: And you're -- you've
23 chosen those particular wells that are called out on
24 the plot based on their proximity to the proposed
25 development; is that correct?

1 MR. WEINKAUF: That's correct.

2 MS. SHAHEEN: So we don't have a list
3 of wells other than those with a name here on Exhibits
4 1, 2, and 3; is that right?

5 MR. WEINKAUF: That's correct. Any
6 wells outside of what's shown on the plot are labeled
7 on the map. You do not have that listed in the
8 referenced well list.

9 MS. SHAHEEN: If I could have just a
10 couple minutes to check with my client, I might be
11 done with Mr. Weinkauf.

12 THE HEARING EXAMINER: Okay.

13 Mr. Zimsky, will you have redirect?

14 MR. ZIMSKY: Probably a few questions.

15 THE HEARING EXAMINER: Mr. McClure, did
16 any of that cross-examination raise any redirect for
17 you?

18 MR. MCCLURE: Yes. It did, Mr. Hearing
19 Examiner.

20 THE HEARING EXAMINER: Okay. Great.

21 We'll go to mister -- well, I think --
22 Mr. Zimsky, do you care if I call Mr. McClure first?

23 MR. ZIMSKY: I probably would prefer
24 that.

25 THE HEARING EXAMINER: You would prefer

1 it. Okay.

2 MS. SHAHEEN: Okay. I'm done.

3 Thank you, Mr. Weinkauf.

4 THE HEARING EXAMINER: All right.

5 Thank you, Ms. Shaheen.

6 Mr. McClure, I'm going to go to you
7 next for any questions that might have arisen based on
8 the cross-examination.

9 MR. MCCLURE: Thank you, Mr. Hearing
10 Examiner.

11 REDIRECT EXAMINATION

12 BY MR. MCCLURE:

13 MR. MCCLURE: Mr. Weinkauf, if I were
14 to ask you to provide a written supplemental exhibit
15 detailing all criteria that was used for your Exhibit
16 C-6, including completion, geology, reservoir, would
17 you understand what I'm asking for?

18 MR. WEINKAUF: I -- I would. I believe
19 I do have that in my written testimony. Do you want
20 to look at that paragraph real quick just to make sure
21 that covers the basis of what you would like?

22 MR. MCCLURE: Yeah. Can we bring that
23 up, Mr. Zimsky?

24 MR. ZIMSKY: We're getting there.

25 MR. WEINKAUF: It should -- I do

1 believe it's paragraph 15 within my written statement.
2 This paragraph talks about looking at the productivity
3 of offsetting modern wells. And modern -- it defines
4 the modern projects, the 2,000 pounds, the 40 barrel
5 per foot that I mentioned.

6 Show -- it tells that I've normalized
7 this -- the 10,000 foot. And so that is the criteria
8 of the proximity to the Showbiz and the modern
9 criteria described by those two. That would be the
10 three criteria set forth to make those.

11 BY MR. MCCLURE:

12 MR. MCCLURE: Mr. Weinkauf, in your --
13 I was going to say I can't really see what's on the
14 screen. It's way too blurry for me.

15 MR. WEINKAUF: Yeah, it's --

16 MR. MCCLURE: What page is that, Mr.
17 Zimsky so I can bring it up on my own?

18 MR. ZIMSKY: Page 81 of -- and page 83,
19 including the first two page -- page 83 or on the
20 lower left, it's page 81. And in our computer, it
21 shows -- the screen shows it crystal clear, and it's
22 really fuzzy on the shared screen. I don't know why.

23 MR. MCCLURE: Probably some sort of
24 bandwidth issue, but regardless, I have it on my
25 screen here.

1 BY MR. MCCLURE:

2 MR. MCCLURE: Mr. Weinkauff, did you --
3 earlier in your testimony, under questioning by Ms.
4 Shaheen, did you reference something about poor
5 reservoir conditions making it -- or lesser reservoir
6 conditions making it not comparable to the proposed
7 unit today?

8 MR. WEINKAUF: Yeah. Yes. Ms. Shaheen
9 had asked about the eastern Wolfcamp wells on the far
10 east side and how they compared to the Showbiz area.
11 And I testified that that reservoir was poorer. And
12 that's why we didn't include those wells to try to do
13 a fair comparison.

14 I also commented that it looked like
15 the -- the total reservoir looks like a little bit
16 poorer at the Beefalo but that it was the closest
17 modern Wolfcamp that we had in the area to try to draw
18 some conclusion about the productivity from.

19 MR. MCCLURE: So was that criteria, the
20 reservoir condition criteria, responsible for the
21 exclusion of those wells?

22 MR. WEINKAUF: To the far east? That's
23 correct. So the proximity is trying to get us -- you
24 know, the -- the reservoir is changing gradationally
25 as -- as you move in different areas. And so by

1 looking at the proximity, that acts as a proxy for
2 reservoir quality.

3 So we're trying to find examples really
4 close together, which is why when you look at the
5 Beefalo and the Go State, they're about a mile and a
6 half apart. So that -- you know, there's going to be
7 a little bit of reservoir difference between that.
8 But that's kind of the closest example within this
9 area to highlight the differences in productivity from
10 each landing.

11 MR. MCCLURE: Is reference to -- the
12 criteria used to determine that the reservoir is poor
13 quality and not a good fit, is that included in your
14 paragraph 15 here?

15 MR. WEINKAUF: It is not. It's just
16 simply set -- noting offsetting modern developments,
17 but it doesn't specify that the far eastern wells have
18 been excluded because of poor reservoir quality.

19 MR. MCCLURE: So if I were to ask for
20 either a supplemental exhibit or an amended self-
21 affirmed statement that can include that additional
22 criteria, do you understand what I'm asking for?

23 MR. WEINKAUF: Yes. I do, and I can
24 provide that.

25 MR. MCCLURE: Okay. Thank you,

1 Mr. Weinkauf.

2 I thank you, Mr. Hearing Examiner.
3 That was all my questions for this expert witness.

4 THE HEARING EXAMINER: Thank you.

5 Mr. Zimsky, redirect?

6 MR. ZIMSKY: Yes.

7 REDIRECT EXAMINATION

8 BY MR. ZIMSKY:

9 MR. ZIMSKY: Mr. Weinkauf, I want go to
10 Exhibit C-3 through -- Exhibit C-3 is on lower left
11 page 86 of 156. And that exhibit and Exhibit C-4, the
12 following exhibit -- is there enough in -- and going
13 back to Ms. Shaheen's inquiry about the math, to do
14 the math, is there enough information on these
15 exhibits to be able to do the math?

16 MR. WEINKAUF: Yes. Between the
17 exhibits that Coterra has provided and the exhibits
18 that Pride has provided, we can do the math on what
19 Coterra's three well development would look like on
20 the total cost basis versus what the two Coterra wells
21 with one Pride well drilled capital cost would look
22 like. We can make that comparison based on the
23 exhibits presented by both groups.

24 MR. ZIMSKY: And then going to Exhibit
25 C-6, the -- these wells, these Wolfcamp wells, that I

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1 have my cursor around, 32 and 5, 33 and 4, you
2 testified the -- you -- why didn't you include those
3 in your -- in the plot on the lower left?

4 MR. WEINKAUF: The reservoir quality is
5 poor of those wells. So we're trying to get -- become
6 as most objective as we can, trying to determine the
7 landing, what's the optimal landing. And so I didn't
8 want to skew the Wolfcamp productivity by including
9 wells that have worse reservoir.

10 In that instance, I'm trying to find
11 the examples of the landings as close as we can to the
12 Showbiz unit to make that determination, whether
13 Coterra has the right and ability to drill -- or I
14 said, "Right and ability." But we own in the upper
15 Wolfcamp A the Third Bone Spring.

16 And so our goal is to focus in on,
17 since we have ownership in both of those, which ones
18 can deliver the best productivity. So it's in our
19 interest to look at it, try to look at it, as
20 objectively as we can and exclude wells that could
21 skew that perspective.

22 MR. ZIMSKY: And if you had plotted
23 those on the plot, those plot lines would be below the
24 dash line Wolfbone forecast. It would've -- actually,
25 let me break that up into questions.

1 If you had plotted those wells, the 32,
2 5 and 33, 4 Wolfcamp wells on the plot, they would be
3 below the Wolfbone -- what is currently the Wolfbone
4 forecast -- correct?

5 MR. WEINKAUF: It -- they would fit
6 lower on the plot. That's correct.

7 MR. ZIMSKY: And if you would've
8 included those in your forecast, you would've pushed
9 the Wolfbone forecast lower; is that correct?

10 MR. WEINKAUF: Well, the -- the --
11 yeah. The -- the Wolfbone -- well, as I mentioned in
12 my direct testimony, the Wolfbone forecast is based on
13 a recovery factor model of the Showbiz development.
14 The plot is simply showing our forecast next to modern
15 development.

16 So it wouldn't impact our line because
17 we're utilizing a recovery factor model to describe it
18 based on the analog set in that area. Are you asking
19 if I recruit in -- are you asking if I included that
20 in the building on my recovery factor model, or are
21 you just saying if you showed it on the plot, how
22 would they fit?

23 MR. ZIMSKY: If you included in the
24 forecast model?

25 MR. WEINKAUF: If I included those

1 wells in the forecast model, the recovery factors,
2 I -- I'd have to take a look at how they would be, but
3 they -- they would be lower. I -- to the exact
4 extent, I don't know in until I can pull that data
5 back out for my analysis. But that would drive the
6 recovery factor model lower, indicating poor
7 recoveries of hydrocarbon.

8 THE HEARING EXAMINER: Mr. Zimsky,
9 before you continue, would you preface the questions
10 from here on in to remind the audience what you are
11 redirecting? So in other words, if Ms. Shaheen asked
12 a question about something, please say, "Ms. Shaheen
13 asked you this question before," blah, blah, blah, so
14 I know that this is truly redirect and not getting
15 into new subject area.

16 MR. ZIMSKY: Understood. Thank you.

17 BY MR. ZIMSKY:

18 MR. ZIMSKY: Let's go back to C-3, C-4,
19 ask you about the math. Do you recall that question
20 Ms. Shaheen had asked about the math? Do you recall
21 that?

22 MR. WEINKAUF: Yes. I do.

23 MR. ZIMSKY: Can you do the math for
24 us?

25 MR. WEINKAUF: Sure. Yeah. So on C-3,

1 we have highlighted what the total cost would be if
2 Coterra operated all three wells. That's \$32.4
3 million. If Coterra were to only operate the First
4 and Second Bone Spring and Pride were to operate their
5 Wolfcamp well, if that -- if that is the decision, if
6 you go to slide C-4, it highlights what the added
7 costs to the -- to the First and Second Bone
8 developments would be based on the fact that that's a
9 two-well development.

10 So those costs would increase by \$1.107
11 million. So if we add those costs to the First and
12 Second Bone AFE costs shown on C-3 and then taking
13 those combined costs, which just -- just for year
14 note, 10.7 million plus 1.1 million is roughly 11.8
15 million for the First Bone and roughly 11.9 million
16 for the Second Bone Spring.

17 And if we add those two values to
18 Pride's well cost of -- can you pull up Pride's AFE
19 costs? I believe it's, like, \$9.3 million was their
20 latest AFE cost. I don't know if you have the exhibit
21 out.

22 MR. ZIMSKY: Getting there.

23 MR. WEINKAUF: It should be their 2025
24 AFE. That's their 2022 AFE. If you scroll down to
25 the next page, they'll have a summation line. Oh, so

1 9.34 million. So if -- if we were to only develop two
2 of those wells prior to develop the Wolfbone
3 equivalent well, their cost is 9.34 million.

4 Coterra's cost is 23.7 million roughly
5 for their two wells. That would be about 33 -- \$33.1
6 million of total development cost versus Coterra's
7 plan, which for -- to totally develop that, those
8 three horizons would be 32.4. So that plan would cost
9 working interest owners in gross about 600 to \$700,000
10 more.

11 So again, that's not even factoring in
12 that we have additional cost related to frack volume,
13 related to contingency costs modeled in there, related
14 to the emissions, tankless facility to reduce
15 emissions. So we're cheaper in aggregate with that
16 plan, even including all those other costs.

17 MR. ZIMSKY: Thank you. Now,
18 Ms. Shaheen had asked you about various -- in response
19 to some of her questions, you indicated that you
20 relied on your geologist, Staci Frey, for landing
21 zones, looking at surveys. Did she do that work under
22 your direction and supervision?

23 MR. WEINKAUF: She'd done that work
24 with me. As you might imagine, reservoir engineers
25 and geologists work together. She'd be the primary

1 driver that would be working with me on -- on making
2 those determinations and reviewing that with me.

3 MR. ZIMSKY: But when you were creating
4 those exhibits, you ask her to find the landing zones;
5 correct?

6 MR. WEINKAUF: Correct.

7 MR. ZIMSKY: No further questions.

8 THE HEARING EXAMINER: Thank you.
9 Okay.

10 Mr. Weinkauf, thank you very much.
11 You're excused.

12 MS. SHAHEEN: May I ask one follow-up
13 question?

14 THE HEARING EXAMINER: If it's related
15 to one of the questions that Mr. Zimsky asked, then
16 yes. You can ask -- get another cross-examination
17 question.

18 MS. SHAHEEN: Thank you. Yes.

19 RE-CROSS-EXAMINATION

20 BY MS. SHAHEEN:

21 MS. SHAHEEN: Mr. Weinkauf, Mr. Zimsky
22 asked you to speculate on where the -- if you plotted
23 the wells that are in sections 32, 33, 4, 5 -- if you
24 plotted those wells, where they would be plotted. You
25 haven't done the work to determine where those wells

1 would land in the plot. Have you?

2 MR. ZIMSKY: Objection. I didn't ask
3 him to speculate.

4 THE HEARING EXAMINER: Okay. I don't
5 know whether you -- I don't remember whether you did
6 or not.

7 He's saying he didn't. Well --

8 MS. SHAHEEN: I'll rephrase the
9 question.

10 THE HEARING EXAMINER: Go ahead.

11 BY MS. SHAHEEN:

12 MS. SHAHEEN: Mr. Zimsky asked you to
13 consider the Wolfcamp wells in the sections 33, 34, 4,
14 and 5 and to estimate where they would be on the plot.
15 Do you recall that line of questioning?

16 MR. WEINKAUF: Yes. He asked me where
17 they would fall on the plot.

18 MS. SHAHEEN: But you haven't done that
19 work act -- have you? Actually, you haven't used that
20 information in your recovery factor model? I don't
21 recall the exact term you used for it. You haven't
22 done that activity?

23 MR. WEINKAUF: Well, that's -- that's a
24 different question than what he asked me. That's just
25 part of a separate question he asked me. So are you

1 asking about his question of have I looked at that
2 data and where did it fall in plot, or are you asking
3 me did I include that data in my recovery factor
4 model. You kind of blended two questions together
5 there.

6 MS. SHAHEEN: Okay. Let me start over.
7 Mr. Zimsky asked you about including the information
8 relating to the wells in sections 33, 34, 4, and 5 in
9 the plot, in your Exhibit C-6, I believe. Do you
10 recall that line of questioning?

11 MR. WEINKAUF: I do.

12 MS. SHAHEEN: And you have not
13 included -- previously included that information in
14 your plot. Have you?

15 MR. WEINKAUF: I did not include it on
16 the plot for reasons that I specified. Would you like
17 me to respecify those reasons?

18 MS. SHAHEEN: No.

19 MR. WEINKAUF: Okay.

20 MS. SHAHEEN: You haven't done the work
21 yet to have incorporated those wells in your plot.
22 Have you? Yes or no?

23 MR. WEINKAUF: I have done the work.
24 Yes.

25 MS. SHAHEEN: But you haven't

1 incorporated it in your plot?

2 MR. WEINKAUF: I didn't include it on
3 the plot that's presented in the exhibit for reasons
4 that I specified, which I'm happy to re-elaborate if
5 you would like.

6 MS. SHAHEEN: With respect to the
7 discussion about the recovery model -- is that the
8 correct term for it, a "recovery model"?

9 MR. WEINKAUF: Recovery factor model.
10 Recovery model will work. Yes.

11 MS. SHAHEEN: Okay. Did you include
12 that information from those wells in sections 33, 34,
13 4, and 5 in your recovery factor model? Yes or no?

14 MR. WEINKAUF: I -- I considered them.
15 Yes, but I excluded ultimately.

16 MS. SHAHEEN: Okay. So yes or no? Did
17 you include the information from those wells in your
18 recovery factor model? Yes or no?

19 MR. WEINKAUF: In my final --
20 clarification -- in my final recovery factor model
21 that was used to derive this forecast, did I include
22 them?

23 MS. SHAHEEN: Yes. In the -- whatever
24 recovery factor model you used to create your plot,
25 did you include the information related to the wells

1 in sections 33, 34, 4, and 5? Yes or no?

2 MR. WEINKAUF: I excluded them in my
3 final model.

4 MS. SHAHEEN: So that's a yes. I'm
5 sorry. That's a no. Let me ask it again. And if you
6 could just tell me yes or no, that would be really
7 helpful.

8 MR. WEINKAUF: If -- if I may present
9 some information --

10 MS. SHAHEEN: I -- no.

11 MR. WEINKAUF: I'll help you the
12 question. Okay.

13 MS. SHAHEEN: He's not --

14 MR. WEINKAUF: I want to give you the
15 answer. I want to give you the answer. But you're --
16 you're not allowing me to answer your question because
17 you're trying to twist my testimony to fit something
18 you're trying to ask. And I'm just trying to answer
19 it honestly. So I'm trying to ask for clarifications.

20 THE HEARING EXAMINER: Mr. Weinkauf --

21 MR. WEINKAUF: So I can answer your
22 question. Sorry.

23 THE HEARING EXAMINER: Mr. Weinkauf,
24 excuse me.

25 Ms. Shaheen, what's the question?

1 BY MS. SHAHEEN:

2 MS. SHAHEEN: The question is, did you
3 include information regarding production from the
4 Wolfcamp wells located in section 33, 34, 4, and 5 in
5 your recovery factor model that you used to create the
6 plot on sections -- Exhibit C-6? Yes or no?

7 MR. WEINKAUF: No.

8 THE HEARING EXAMINER: And mister --
9 okay.

10 Thank you.

11 The answer was no.

12 MS. SHAHEEN: Thank you. Those are all
13 the questions I have.

14 THE HEARING EXAMINER: Okay. Thank
15 you.

16 Mr. Weinkauf, thank you for your
17 testimony today.

18 MR. WEINKAUF: Absolutely.

19 THE HEARING EXAMINER: All right. All
20 right.

21 Mr. Zimsky, does that conclude your
22 case in chief?

23 MR. ZIMSKY: Yes.

24 THE HEARING EXAMINER: Okay. Very
25 good.

1 Ms. Shaheen, do you have some other
2 rebuttal evidence?

3 MS. SHAHEEN: I do. I have two
4 witnesses for rebuttal.

5 THE HEARING EXAMINER: Okay. And is
6 this the surrebuttal exhibit that you filed?

7 MS. SHAHEEN: One is the rebuttal
8 exhibit that I filed. We haven't yet filed the --
9 well, maybe we filed the surrebuttal exhibits. I'm
10 not sure if my assistant --

11 THE HEARING EXAMINER: When I say that,
12 I mean, I got an email from Freya. I don't know how
13 she got it, but I got it. Okay. So you have two
14 witnesses. And how many documents do you have?

15 MS. SHAHEEN: Three.

16 THE HEARING EXAMINER: Three documents.
17 Mr. Zimsky, have you received three
18 documents?

19 MR. ZIMSKY: Yes.

20 THE HEARING EXAMINER: You have? Okay.
21 What documents have you received?

22 MR. ZIMSKY: I received -- last night
23 we got two documents, surrebuttal -- I believe it was
24 Exhibit 1, Surrebuttal Exhibit 2. And then I think
25 Ms. Shaheen had provided me a hard copy of a list of

1 costs.

2 Is that the third exhibit you're
3 speaking about?

4 MS. SHAHEEN: Yes. We provided that to
5 you, I believe, maybe Monday.

6 MR. ZIMSKY: Yeah. Monday evening.
7 Yeah.

8 THE HEARING EXAMINER: Okay. So when
9 you say she "gave you," you received it Monday? I
10 just want to be clear.

11 MR. ZIMSKY: I received the third one
12 Monday. The last two she emailed night last night.

13 THE HEARING EXAMINER: Yeah. I
14 understand.

15 So how are they labeled, Ms. Shaheen?

16 MS. SHAHEEN: The one from Monday is
17 labeled Rebuttal Exhibit C-2.

18 THE HEARING EXAMINER: I have to write
19 this down. Hold on one minute. Now, none of these
20 have been admitted to evidence; is that correct?

21 MS. SHAHEEN: The Rebuttal Exhibit C-2
22 I believe has been admitted to evidence.

23 THE HEARING EXAMINER: Okay. Very
24 good. So let me go back to my exhibits here. Well, I
25 only wrote down all prior exhibits, so I didn't list

1 them out here. So you're saying Rebuttal Number 1 was
2 admitted yesterday through stipulation?

3 MS. SHAHEEN: Yes. I believe it was
4 labeled C-2, Rebuttal Exhibit C-2.

5 THE HEARING EXAMINER: Oh, okay. Okay.
6 C-2.

7 Mr. Zimsky, do you confirm that?

8 MR. ZIMSKY: Confirmed.

9 THE HEARING EXAMINER: Good. So C-2
10 was already admitted, and you're going to discuss that
11 today?

12 MS. SHAHEEN: Yes.

13 THE HEARING EXAMINER: And what are the
14 two surrebuttal exhibits that you filed last night?
15 How did you label them?

16 MS. SHAHEEN: Surrebuttal Exhibit 1 and
17 Surrebuttal Exhibit 2.

18 THE HEARING EXAMINER: Just 1 and 2?
19 Okay.

20 MS. SHAHEEN: Yes.

21 THE HEARING EXAMINER: Mr. Zimsky,
22 you've looked at those?

23 MR. ZIMSKY: Yes.

24 THE HEARING EXAMINER: Okay. Very
25 good. Is there any objection to receiving them into

1 evidence?

2 (Surrebuttal Exhibit 2 was marked for
3 identification.)

4 MR. ZIMSKY: Yes.

5 THE HEARING EXAMINER: Okay. Both?

6 MR. ZIMSKY: Just the exhibit --
7 Surrebuttal Exhibit 1.

8 THE HEARING EXAMINER: So you object to
9 1, but you do not object to 2?

10 MR. ZIMSKY: Correct.

11 THE HEARING EXAMINER: Okay. So
12 Surrebuttal 2 is admitted into evidence through
13 stipulation, Mr. Court Reporter.

14 (Surrebuttal Exhibit 2 was received
15 into evidence.)

16 THE HEARING EXAMINER: Surrebuttal
17 Exhibit 1 is not. And we will need to provide
18 foundation. I'll have to make a legal decision on
19 whether that comes in after I hear arguments once I
20 know more about it because I don't know anything about
21 it yet. Okay.

22 So now, Ms. Shaheen, which witness are
23 you calling now?

24 MS. SHAHEEN: I would like to call
25 Harvin Broughton, our geologist back.

1 THE HEARING EXAMINER: Okay. Hold on
2 one moment. Okay. Yes. He was the second witness.
3 Yes. So you are going to recall Mr. Broughton. And
4 then who else are you going to call?

5 MS. SHAHEEN: Mr. Pride.

6 THE HEARING EXAMINER: Mr. Pride.
7 Okay. So you have -- they both are still under oath.
8 Okay. Which one do you want to start with?

9 MS. SHAHEEN: Mr. Broughton.

10 THE HEARING EXAMINER: Mr. Broughton.
11 Now, which of these exhibits are you going to be
12 discussing with Mr. Broughton?

13 MS. SHAHEEN: The Surrebuttal
14 Exhibit 2.

15 THE HEARING EXAMINER: Only Number 2?

16 MS. SHAHEEN: Only Number 2.

17 THE HEARING EXAMINER: Okay. Not C-2
18 and not Rebuttal 1?

19 MS. SHAHEEN: That is correct.

20 THE HEARING EXAMINER: Perfect. Okay.
21 Do we have him? Yes. We do.

22 Mr. Broughton, I remind you that you're
23 still under oath. And I can't hear you because your
24 microphone is muted.

25 //

1 WHEREUPON,

2 HARVIN BROUGHTON,
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

7 MR. BROUGHTON: Yes. I understand that
8 I'm under oath.

9 THE HEARING EXAMINER: Ms. Shaheen, go
10 right ahead.

11 MR. ZIMSKY: Excuse me.

12 THE HEARING EXAMINER: Ms. Shaheen,
13 hold on a minute. Mr. Zimsky has an objection?

14 MR. ZIMSKY: Not an objection.

15 THE HEARING EXAMINER: No. What is it?

16 MR. ZIMSKY: Just procedural.

17 THE HEARING EXAMINER: Yes.

18 MR. ZIMSKY: I have cross-examination
19 questions for -- based on this exhibit, but I may have
20 to call Ms. Frey to possibly --

21 THE HEARING EXAMINER: Okay. If
22 necessary, you'll explain why.

23 MR. ZIMSKY: Yes.

24 THE HEARING EXAMINER: You'll tell me
25 why, you know, this is a surprise to you and why you

1 need Ms. Frey and why it wasn't included in your
2 direct. Okay.

3 Ms. Shaheen, go right ahead.

4 MS. SHAHEEN: Thank you.

5 DIRECT EXAMINATION

6 BY MS. SHAHEEN:

7 MS. SHAHEEN: Good morning,
8 Mr. Broughton.

9 MR. BROUGHTON: Good morning.

10 MS. SHAHEEN: Can you see my screen?

11 MR. BROUGHTON: I can. Yes.

12 MS. SHAHEEN: You heard the -- you
13 heard Mr. Weinkauff's discussion earlier about his
14 Exhibit C-6?

15 MR. BROUGHTON: I did. Yes.

16 MS. SHAHEEN: And the geology. And can
17 you explain to the examiners what this exhibit
18 reveals?

19 MR. BROUGHTON: Okay. So this is an
20 area map. And I've highlighted as upper Wolfcamp
21 wells, the wells that were shown on their Exhibit C-6
22 to be upper Wolfcamp wells, wells load -- landed in
23 the upper Wolfcamp. So I've created a cross-section A
24 to a prime south to north that you can see from --
25 from the southeast corner of section 13, which is the

1 Super Cobra well that was involved in my testimony
2 yesterday.

3 That's the well from which the Wolfbone
4 Pool was described. And then another well up in
5 section 31, the southern part of section 31 -- and
6 that is the -- the Southeast Airstrip Number 1 well
7 Matador Production well, vertical well, the vertical
8 well.

9 So the -- this is just an aerial map
10 laying all that out we're -- the proximity of the
11 wells to the -- to the Go State, the planned area, the
12 cross-section, and then the -- the Wolfcamp wells that
13 were discussed as part of the -- the analysis by
14 the -- by their engineer.

15 MS. SHAHEEN: And this -- what is the
16 relationship distance-wise between the A Prime and
17 the -- I believe it's the Beefalo wells that are
18 located in sections 6 and 7? What is the relative
19 proximity of your A Prime log to the Beefalo wells?

20 MR. BROUGHTON: About probably a mile,
21 roughly a mile.

22 MS. SHAHEEN: If you take a look at
23 Exhibit C-6. And I can show that if necessary, or if
24 Mr. Zimsky could share that, I'll quit sharing. Just
25 one --

1 MR. BROUGHTON: Okay. I'm -- I'm
2 looking at it on my desk, but you're talking about the
3 Coterra Exhibit C-6 or the -- the modified one or
4 revised one?

5 MS. SHAHEEN: Right. The corrected?

6 MR. BROUGHTON: Yes.

7 MS. SHAHEEN: And I believe there's a
8 purple dash line around the Beefalo wells, just below
9 section 31?

10 MR. BROUGHTON: Yes. I see it.

11 MS. SHAHEEN: And I'm just waiting to
12 see if maybe we can share it on the screen.

13 Can you make it a little bigger? Thank
14 you.

15 BY MS. SHAHEEN:

16 MS. SHAHEEN: So can you see the purple
17 dashed line there around sections 6 and 7?

18 MR. BROUGHTON: Yes. I see it.

19 MS. SHAHEEN: And in relation to
20 section 6 there, where is the A Prime log that you're
21 going to discuss located?

22 MR. BROUGHTON: It's right at the tail
23 end of those wells. So it's right at the southern --
24 southern part of section 31. You'll notice there's
25 four wells there in section 31. The second from the

1 left, the first blue coated well, it's right at the
2 surface location of that particular well or --

3 MS. SHAHEEN: Turning now -- I'm sorry.

4 MR. BROUGHTON: Or very close to that.

5 MS. SHAHEEN: Turning now back to our
6 Surrebuttal Exhibit 2 --

7 MR. BROUGHTON: Okay.

8 MS. SHAHEEN: And I will share again.
9 And scrolling now to the second page--

10 MR. BROUGHTON: Okay.

11 MS. SHAHEEN: Can you describe to the
12 examiners what's evident here?

13 MR. BROUGHTON: Okay. So this is --
14 this is a south to north stratigraphic cross section
15 that I created showing -- and I've -- I've tied it to
16 the -- the Super Cobra, well, which is the well on the
17 left. That's the -- that's the pool defining the
18 Wolfbone Pool defining well and then the -- this
19 Southeast Airstrip well, which is the well on the
20 right, which is the A Prime.

21 And it shows raster logs, resistivity,
22 and neutron or porosity logs on the left and on the
23 right. You can see the -- the top of the Third Bone
24 Spring is shown under black, the Wolfcamp on which the
25 cross section is flattened and shown as the red -- red

1 squiggly line.

2 And I've -- I've gone on to show a
3 couple of features that I thought were pertinent to
4 what we're talking about here. So on the left, in
5 the -- the Super Cobra well, which -- which would be
6 nearest in proximity to the Go State well, you've got
7 a really quite well-developed upper Bone Spring Sand
8 package.

9 So there's actually three sands in --
10 in that interval. If you'll move directly over to the
11 right in the -- in the -- the Airstrip well, you'll
12 notice that there's only one of those sands developed
13 there. And I've got that flagged with a -- with a
14 yellow bar.

15 Also note just above the -- that sand
16 is a rather thick, tight limestone. And so a tight
17 limestone would be a barrier or at least a baffle to
18 the frack job. So I think my point here is that
19 the -- the Wolfcamp wells up in this area -- and I do
20 agree that they should have been left out of the
21 model.

22 I do agree that they're poor reservoir
23 quality. But you do -- you will notice that the --
24 the Third Bone Spring Sand is -- is quite -- quite a
25 bit thicker at that particular point. So the -- my --

1 my contention here is that the -- the wells landed in
2 that first -- in the upper Wolfcamp are really only
3 Wolfcamp wells.

4 They're not Wolfbone wells. They're
5 not -- they're the -- the interaction here with that
6 thick, tight limestone -- the interaction between the
7 two formations would be quite different than it would
8 be over at the go -- at the Go State location, where
9 you really have no frack baffle or boundary but at
10 least the apparent frack baffle or boundary over
11 there.

12 So for -- for this area, this northeast
13 area, I think those wolf -- those wells would more --
14 more than likely be Wolfcamp wells and not Wolfbone
15 wells where the -- what we're trying to develop is the
16 Wolfbone. So I think, you know, when you -- when you
17 frack an upper Wolfcamp well in -- in the area of
18 the -- of the Airstrip well, that frack is going to
19 pretty well stay contained within the upper Wolfcamp.

20 And -- and you're -- you're going to
21 get little to possibly even no Third Bone Spring
22 contribution. Whereas over in the Go State area, you
23 really want to complete both. You want -- you're
24 attempting to complete them both together. And then
25 that goes back to how best that we think that should

1 be done.

2 You know, our contention is that if you
3 want to complete both of them together, the -- the
4 lower you land, the better off you are. Every
5 completion engineer I've ever worked with has always
6 encouraged the lowest landing that makes -- you know,
7 that -- that's possible and makes sense.

8 So, you know, we're kind of back to
9 that argument really, I think, is that, you know, is
10 it better landing in the Wolfcamp if you want to
11 complete the Wolfcamp and the upper and Third Bone
12 Spring or take the chance of landing in the upper --
13 in the Third Bone Spring and relying on downward
14 fracture growth, which I mean, I guess we can argue
15 all day long about. But many think that that's not as
16 efficient. So that -- that's kind of the summary of
17 that slide.

18 MS. SHAHEEN: And in lay terms, would
19 you say that the geology in the area in the east,
20 including the area near the Beefalo wells, is
21 significantly different from the geology at the --
22 where the parties had proposed their Showbiz and Go
23 State wells?

24 MR. BROUGHTON: It -- it is different.
25 And it -- just based on these two -- on these two well

1 logs, you can see the Third Bone Spring on the east is
2 much thicker, considerably thicker. And the -- the
3 Wolfcamp is -- is considerably less developed in
4 addition to having a carbonate barrier, baffle,
5 whatever you want to call it, right at the top of the
6 Wolfcamp.

7 So yeah. There -- there's -- not
8 surprisingly, the geology, as you move laterally,
9 changes -- you know, changes sometimes fairly rapidly.
10 And I think that's what the case is here.

11 MS. SHAHEEN: Thank you, Mr. Broughton.
12 I have no further questions at this time.

13 THE HEARING EXAMINER: Mr. Zimsky?

14 MR. ZIMSKY: Yes.

15 CROSS-EXAMINATION

16 BY MR. ZIMSKY:

17 MR. ZIMSKY: Mr. Broughton --

18 MR. BROUGHTON: Good morning.

19 MR. ZIMSKY: William Zimsky on behalf
20 of Coterra. I have a few questions?

21 MR. BROUGHTON: Okay.

22 MR. ZIMSKY: In looking at the side
23 that's here, the tight limestone, how thick is that?

24 MR. BROUGHTON: Right at 50 feet

25 MR. ZIMSKY: In your experience, would

1 that limestone impede fractures growing up into the
2 third sand?

3 MR. BROUGHTON: Well, I -- you know,
4 again, I don't design frack jobs, but I've worked with
5 a lot of completion engineers, you know, in the design
6 of frack jobs. And I think a 50-foot thick, tight
7 limestone would -- would fall at least as a baffle
8 if -- if not a barrier.

9 I mean, it's certainly going to take
10 some of the frack energy to get through that if -- if
11 it doesn't in fact get through it. So again, I would
12 say that it would be much easier to frack in the Third
13 Bone Spring at the -- at the Go State site because
14 there -- there doesn't exist a barrier like that.

15 So I can't tell you that -- that it's a
16 completely sealant barrier and there's no way the
17 frack would get through it. But I would say it would,
18 at least in my experience, be -- be considered a
19 baffle and eat up the frack energy. And so the -- the
20 wells in this area would probably not -- even if they
21 did get into the Third Bone Spring, they probably
22 wouldn't do it very efficiently.

23 MR. ZIMSKY: But you're not a reservoir
24 engineer; correct?

25 MR. BROUGHTON: I'm not a reservoir

1 engineer or a completion engineer or -- or a
2 geomechanics expert.

3 MR. ZIMSKY: And you don't design frack
4 plans for --

5 MR. BROUGHTON: No.

6 MR. ZIMSKY: And is the -- and going
7 back, I think you testified that you basically agreed
8 with Mr. Weinkauff's decision not to conclude those
9 eastern Wolfcamp wells in his plot on C-6?

10 MR. BROUGHTON: Yeah. I think that
11 would be fair because of the quality of the reservoir
12 is -- is poor there. The quality of the Wolfcamp
13 reservoir there is poor.

14 MR. ZIMSKY: Is the Airstrip log
15 representative of the whole Beefalo lateral?

16 MR. BROUGHTON: Well, it's the -- it's
17 the nearest deep well that I could find. So -- so I
18 would have to say yes. That's all you have.

19 MR. ZIMSKY: Well, if -- okay. My
20 question was, so in other words, you don't know
21 whether it does. You're just assuming that it does
22 since it's close?

23 MR. BROUGHTON: Right. I mean, right.
24 It's just -- it's just proximity. I mean, I -- you
25 find the nearest thing that you can work with, and

1 that's the -- the data you have to work with. So --

2 MR. ZIMSKY: And did you look at any
3 other logs?

4 MR. BROUGHTON: I looked at one other,
5 but it -- the log on it was extremely poor and
6 illegible. So it was not of any use to any of us.

7 MR. ZIMSKY: Assuming the quality of
8 the -- given the quality of that log that you looked
9 at, were you able to determine whether type -- what
10 log was that?

11 MR. BROUGHTON: You know, I'd have to
12 go -- I'd have to go find it again. It was another
13 deep well. It was another 13,000 foot-ish well up in
14 the area. I'd have to go find it. I excluded it. It
15 was -- it was illegible because it was an older log.

16 So I just didn't -- it didn't -- it
17 didn't -- you couldn't read it, so it was -- it was
18 kind of useless. You couldn't make any -- I couldn't
19 make any assessment off of it in, you know, either
20 direction. So --

21 MR. ZIMSKY: In that log, were you
22 able, given its quality, to determine whether there
23 were a tight limestone separating Wolfcamp and Third
24 Sand?

25 MR. BROUGHTON: No. No. It -- it was

1 not even -- it was illegible. I mean, I -- you know,
2 I realize these last raster logs are kind of hard to
3 work with anyway sometimes. And, you know, it was
4 just not a very good scan. It wasn't a good -- it --
5 it was illegible in my opinion.

6 MS. SHAHEEN: We're happy to provide
7 you with the name of the well if that would be
8 helpful, Mr. Zimsky.

9 BY MR. ZIMSKY:

10 MR. ZIMSKY: Yes. If you could, that
11 would be helpful?

12 MR. BROUGHTON: Okay. I'll -- I'll
13 have to go find it, but I'll -- I'll get it.

14 MR. ZIMSKY: Now, you testified that it
15 makes sense to have a lower landing zone. And that's
16 the impetus for -- and correct me if I'm wrong in
17 characterizing your testimony.

18 I recall you saying that it makes sense
19 to have the lowest landing zone that you can do. And
20 that was the impetus for Pride deciding to land in the
21 lower -- in the upper Wolfbone. Did I -- is that
22 correct? Is that what you testified to?

23 MR. BROUGHTON: Yes. I believe that's
24 correct. Yes.

25 MR. ZIMSKY: But you're aware that

1 Pride didn't have the right to land in the Third Sand
2 because it doesn't have any working interest ownership
3 there; correct?

4 MR. BROUGHTON: I understand that also.
5 Yes.

6 MR. ZIMSKY: And you also understand
7 when Pride did have the option of landing either in
8 the Third Sand or the Wolfbone in the adjacent Go
9 State development, Pride chose to land in the Third
10 Bone Spring Sand; correct?

11 MS. SHAHEEN: I'm going to object.

12 MR. BROUGHTON: Yeah. I believe --

13 MS. SHAHEEN: I think this is outside
14 the scope of my questioning.

15 THE HEARING EXAMINER: Mr. Zimsky?

16 MR. ZIMSKY: Well, it goes to his
17 testimony that it's always better to land in the lower
18 interval, and that was the impetus for Pride to go to
19 the Wolfbone or the upper Wolfbone landing zone.
20 So --

21 MR. BROUGHTON: I don't believe I said
22 there's always --

23 THE HEARING EXAMINER: Hold on. Hold
24 on. Hold on. Hold on. We're having a discussion
25 here, so please don't interrupt. Thank you.

1 Go ahead.

2 MR. ZIMSKY: Okay. So he said that the
3 reason why Pride landed in the -- was proposing to
4 land in the upper Wolfcamp was because it's always --
5 well, it can be better to land at the lower Wolfcamp
6 than the -- it is better to have a lower landing zone.

7 THE HEARING EXAMINER: Okay. I
8 remember the subject. Okay. Now, what is your
9 question?

10 MR. ZIMSKY: So my question is, given
11 that, why did -- not why -- but isn't it a fact that
12 when they had the option on the adjacent lands, they
13 chose the Third Bone Spring as opposed to the lower
14 when with -- he just testified that's always the
15 better option?

16 THE HEARING EXAMINER: Okay. And well,
17 I don't know that he said it's always the better
18 option, but I heard what he said.

19 Ms. Shaheen, you've heard the response.
20 Your response?

21 MS. SHAHEEN: There was a Bone Spring
22 development that Pride had done. They hadn't
23 considered -- this is in a different area. It's not
24 the same location.

25 THE HEARING EXAMINER: Well, I'm sorry.

1 It sounds -- I'm not sure I'm getting the answer I
2 want.

3 MS. SHAHEEN: Okay.

4 THE HEARING EXAMINER: The -- your
5 objection was outside the scope of his direct
6 testimony. Mr. Zimsky just clarified why he thinks
7 it's within the scope. Why do you disagree with what
8 he just said?

9 MS. SHAHEEN: Because the Go State
10 wells that he's talking about that are Bone Spring
11 wells are not the same acreage. They're different
12 acreage.

13 MR. ZIMSKY: They're right next door.

14 THE HEARING EXAMINER: I understand,
15 but when the witness testified earlier, I don't
16 remember him qualifying his answer to say, "This only
17 applies to this and not that." So I understand why
18 Mr. Zimsky is asking him about the neighboring
19 acreage. And his statement that he made to you
20 applied to the neighboring acreage. So why is that
21 outside the scope of his direct?

22 MS. SHAHEEN: Well, I didn't understand
23 Mr. Broughton's testimony to be discussing anything
24 other than the proposed Go State 401H. He wasn't
25 speaking to neighboring wells or neighboring acreage.

1 THE HEARING EXAMINER: Let's ask the
2 court reporter. Hold on. Let's ask the court
3 reporter a question. Okay.

4 Can you go back to the question that
5 Ms. Shaheen had asked on direct that elicited the
6 answer about landing wells in the deepest area?

7 How did you phrase it, sir?

8 MR. ZIMSKY: How did I phrase it?

9 THE HEARING EXAMINER: No. I'm asking
10 the witness.

11 How did you phrase it earlier?

12 MR. BROUGHTON: I guess I don't know
13 what you're asking me.

14 THE HEARING EXAMINER: Okay. Let's see
15 what the court reporter can dig up.

16 THE REPORTER: All right. Sure thing.
17 One moment.

18 THE HEARING EXAMINER: Do you remember
19 the question, Ms. Shaheen, since you did ask it? Do
20 you have a list of your questions there that you
21 asked?

22 MS. SHAHEEN: No.

23 THE HEARING EXAMINER: Oh, I don't
24 know. Okay. I used to. Okay.

25 MS. SHAHEEN: I have a list.

1 THE HEARING EXAMINER: Okay.

2 MS. SHAHEEN: That was not on my list.

3 THE HEARING EXAMINER: All right.

4 MS. SHAHEEN: But basically, I was
5 asking him to compare the geology at the location of
6 the Airstrip well to the geology at the location of
7 the proposed Go State well.

8 THE HEARING EXAMINER: Okay. Let's see
9 what the court reporter finds.

10 THE REPORTER: All right. One moment,
11 please.

12 THE HEARING EXAMINER: You're asking
13 this expert witness for his opinion about what's going
14 on in Surrebuttal 2. Okay. And Surrebuttal 2
15 encompasses what acreage are we looking at?

16 MS. SHAHEEN: Surrebuttal 2 encompasses
17 the acreage. Well, with respect to the question here,
18 it encompasses the acreage where the Super Cobra is
19 located.

20 THE HEARING EXAMINER: Okay. And
21 that's on the screen right now. Are we -- am I
22 looking at it here?

23 MS. SHAHEEN: Let's see.

24 THE HEARING EXAMINER: I can't tell
25 what I'm looking at.

1 MS. SHAHEEN: The Super Cobra is
2 located here in the southeast corner of section 13.

3 THE HEARING EXAMINER: Okay. So I am
4 looking at Surrebuttal 2. How many pages is
5 Surrebuttal 2?

6 MS. SHAHEEN: Two pages.

7 THE HEARING EXAMINER: It's two pages.
8 Is this the first page I'm looking at here?

9 MS. SHAHEEN: Now, it's -- this is the
10 first page. Yes. This is a map of the locating the
11 two blocks that is on page -- that are on page 2. So
12 this is the Super Cobra log, and this is the Airstrip
13 log.

14 THE HEARING EXAMINER: Okay. I'm not
15 sure what I'm looking at here. Who's running the
16 screen right now? Is it --

17 MS. SHAHEEN: I am.

18 THE HEARING EXAMINER: You are. Can
19 you reduce this page?

20 MS. SHAHEEN: Sure.

21 THE HEARING EXAMINER: So that it's one
22 page? Keep going.

23 MS. SHAHEEN: So this is the first
24 page.

25 THE HEARING EXAMINER: Where is it

1 marked Surrebuttal? Where is it marked?

2 MS. SHAHEEN: It's not marked yet.

3 THE HEARING EXAMINER: You haven't
4 marked it?

5 MS. SHAHEEN: No.

6 THE HEARING EXAMINER: Okay. So this
7 is -- the entire Surrebuttal 2 is two pages. And this
8 is the first page?

9 MS. SHAHEEN: Yes.

10 THE HEARING EXAMINER: Okay. Very
11 good. Can I see the bottom page?

12 MS. SHAHEEN: Yes.

13 THE HEARING EXAMINER: Who --
14 Mr. Broughton, did you draft the Surrebuttal 2?

15 MR. BROUGHTON: I created these two
16 slides. Yes.

17 THE HEARING EXAMINER: You did create
18 them. Okay. Very good.

19 MR. BROUGHTON: Yes.

20 THE HEARING EXAMINER: Explain to me
21 the relationship between page 1 and page 2.

22 MR. BROUGHTON: Okay. Page 1 is just
23 an aerial map, and it's just to show everybody where
24 we are. It's a proximity map. So you can see the
25 upper Wolfcamp wells up on the -- up in the upper

1 right corner.

2 THE HEARING EXAMINER: Can I see the
3 page?

4 MR. BROUGHTON: Yeah.

5 THE HEARING EXAMINER: Hold on.

6 MR. BROUGHTON: Okay.

7 THE HEARING EXAMINER: Okay. I --
8 okay. Go ahead now.

9 MR. BROUGHTON: So the red lines are --
10 are the upper Wolfcamp wells. And I got those from
11 the Coterra Exhibit C-6. So those are the wells that
12 they had referenced as upper Wolfcamp that they --
13 that they were going to evaluate and ultimately chose
14 to exclude from their type curve analysis.

15 THE HEARING EXAMINER: Okay. I
16 understand now. Okay.

17 MR. BROUGHTON: And so -- so the red
18 box, 12 and 13, that's the -- the acreage that we're
19 talking about, west half -- west half of 12 and 13.
20 So that's the proposed location of the Go State 401H.

21 THE HEARING EXAMINER: Okay. And
22 before you --

23 MR. BROUGHTON: And then --

24 THE HEARING EXAMINER: Hold on. Before
25 you continue, the reason -- so you're taking issue

1 with their excluding these upper Wolfcamp wells?

2 MR. BROUGHTON: No. Not -- not at all.
3 I agree with their exclusion of it.

4 THE HEARING EXAMINER: Oh, then why are
5 you showing them?

6 MR. BROUGHTON: For geological reasons.
7 Right.

8 THE HEARING EXAMINER: Why are you
9 showing them on this map in red?

10 MR. BROUGHTON: Just as a reference
11 point.

12 THE HEARING EXAMINER: Well, okay.
13 What is the purpose of Surrebuttal 2 in your own
14 words?

15 MR. BROUGHTON: It -- it's to show how
16 the geology is changing across that area. So from --
17 from the A Prime log that you see -- there's an A
18 Prime in say the south part of section 31.

19 THE HEARING EXAMINER: I see.

20 MR. BROUGHTON: Down to -- down to A.

21 THE HEARING EXAMINER: I see.

22 MR. BROUGHTON: Which is the Super
23 Cobra log.

24 THE HEARING EXAMINER: I see.

25 MR. BROUGHTON: Which is the log that

1 was used to define the Wolfbone Pool in -- in the
2 previous order. I

3 THE HEARING EXAMINER: I understand
4 now. Now, page 2 -- what is the purpose of page 2?

5 MR. BROUGHTON: Okay. So that's
6 showing -- that's showing the two well logs.

7 THE HEARING EXAMINER: Yes.

8 MR. BROUGHTON: A and A Prime. And
9 that's how -- that's how a geologist or an engineer
10 determines thickness and -- and reservoir properties.

11 THE HEARING EXAMINER: I understand.

12 MR. BROUGHTON: And relationships. So
13 this -- this is the data that the geologist would use
14 to evaluate a drilling opportunity.

15 THE HEARING EXAMINER: Perfect.

16 Can we go back up to the map, Ms.
17 Shaheen, please?

18 Now, Mr. Zimsky, the question you're
19 asking, what lands does it relate to?

20 MR. ZIMSKY: It relates to the lands in
21 the Bone Spring development, the Go State development,
22 which I think is in section 13, east of the Super
23 Cobra A designation --

24 THE HEARING EXAMINER: So this map --
25 excuse me. This map is dealing with upper Wolfcamp

1 wells; right?

2 MR. ZIMSKY: Well, the map shows some
3 upper Wolfcamp wells, but what's not shown I think is
4 the Beefalo, which is 6 and 7.

5 THE HEARING EXAMINER: Mr. Zimsky, just
6 answer please. It's already confusing. And I'm
7 trying to make a proper ruling here. This map and
8 these two pages sound to me like they're dealing with
9 drilling in the upper Wolfcamp formation.

10 MR. ZIMSKY: I believe they're meant to
11 show something about the Wolfbone Pool, Third Sand
12 because in -- the log showed Third Sand and upper
13 Wolfcamp I believe. That's more of a question for Mr.
14 Broughton.

15 THE HEARING EXAMINER: Okay. And your
16 question is related to section 13, just east of the
17 red box.

18 MR. ZIMSKY: Just west of the red box
19 or just -- yeah -- east of the red box.

20 THE HEARING EXAMINER: That's what I
21 thought. So just east of the red --

22 MS. SHAHEEN: Object -- well, east of
23 the red box, but I believe it's section 12, not
24 section 13.

25 THE HEARING EXAMINER: Okay. I'm

1 asking -- okay. Thank you, Ms. Shaheen.

2 So your question goes to the lands in
3 section 12 just east of the red box?

4 MR. ZIMSKY: Yes. It -- yeah. And
5 if -- it would've been nice to have the Go State wells
6 depicted on this map.

7 THE HEARING EXAMINER: But here they
8 are. I mean, this is what we have to work with. So
9 your question is in a different formation?

10 MR. ZIMSKY: It's the Wolfbone Pool,
11 both the Third Bone Spring Sand interval and the upper
12 Wolfcamp interval.

13 THE HEARING EXAMINER: Okay.

14 And Ms. Shaheen, why is that outside
15 the scope?

16 MS. SHAHEEN: I would just note for the
17 record that there is no Wolfbone Pool outside of the
18 proposed spacing unit.

19 THE HEARING EXAMINER: I don't see how
20 that helps me. I'm trying to make a determination on
21 whether this question is within the scope of your
22 direct, and I don't see how that helps me.

23 So now that I'm beginning to understand
24 the question -- and the question is related to, what,
25 analysis of the lands east of the red box?

1 MR. ZIMSKY: Yes.

2 THE HEARING EXAMINER: What is the
3 question now? Tell me.

4 MR. ZIMSKY: Well, the question is --
5 and it goes to what he testified that generally
6 speaking, reservoir engineers or people designing
7 fracks will always land in the lowest -- not always --
8 but generally speaking, they would land in the lower.

9 THE HEARING EXAMINER: Okay. So --

10 MR. ZIMSKY: I'm applying -- and so I
11 think he opened the door for this question. You know,
12 if I had nickel for every time one of my witnesses
13 opened the door to a question, I wouldn't be here.
14 I'd be skiing in Vail or doing something. So I think
15 he opened the door to me for me to ask my question.

16 THE HEARING EXAMINER: Which is what?

17 MR. ZIMSKY: Which is since Pride had
18 the opportunity to land, they had the right in the
19 existing -- or Go State wells to land -- have a lower
20 landing. They chose the Third Bone Spring Sand
21 instead of the upper Wolfcamp. So it's -- the
22 question goes to, in response to his testimony, that
23 generally speaking, you go from lower.

24 THE HEARING EXAMINER: So you're asking
25 about a different development?

1 MR. ZIMSKY: I'm a --

2 THE HEARING EXAMINER: That Pride has
3 conducted east of this red box?

4 MR. ZIMSKY: Correct.

5 THE HEARING EXAMINER: How is that
6 relevant to today's hearing?

7 MR. ZIMSKY: Well, it's relevant
8 because they are proposed. They're claiming the
9 wolf -- the upper Wolfcamp is the preferable landing
10 zone.

11 THE HEARING EXAMINER: Right.

12 MR. ZIMSKY: When they had -- and they
13 didn't have the option of landing in the Third Bone
14 Spring in this case because they don't own in the
15 Third Bone Spring.

16 THE HEARING EXAMINER: Okay. Okay.

17 MR. ZIMSKY: When they had the ability
18 and authority to land deeper in the adjacent lands,
19 they chose the upper -- the Third Bone Spring Sand.

20 THE HEARING EXAMINER: Yes. Yes. I
21 understand.

22 MR. ZIMSKY: And that sort
23 contradicts --

24 THE HEARING EXAMINER: I understand. I
25 understand. Thank you, Mr. Zimsky.

1 Ms. Shaheen, while I'm not sure how
2 relevant the question is -- and I mean, it's -- I
3 think it's barely relevant. And the hearing
4 examiner -- the technical examiner will put the weight
5 they feel it deserves now that we've had this long
6 discussion about this.

7 But based on the answer that this
8 expert gave to your question, I think it's fair game
9 to ask why they didn't do that in this other area
10 right next door. So I'm going to overrule the
11 objection. And that was the longest I have ever had
12 to suffer over a objection.

13 Please ask the question again. And
14 whatever the witness says, we're going to move on
15 after this.

16 BY MR. ZIMSKY:

17 MR. ZIMSKY: Okay. Now, Mr. Broughton,
18 when Pride had the option of locating their wells for
19 the existing Go State wells, they chose the Third Sand
20 and they -- over the upper Wolfcamp; is that correct?

21 MR. BROUGHTON: It appears to be. Yes.

22 MR. ZIMSKY: And in this case, where
23 they didn't have the option, they chose -- they --
24 there was no choice. The only option they had was to
25 propose an upper Wolfcamp landing zone; is that

1 correct?

2 MR. BROUGHTON: That's my
3 understanding. Yes.

4 MR. ZIMSKY: And you testified that
5 going lower is always -- let me rephrase -- is
6 generally better because the fracks go up. Given
7 that, why did they locate the 401H proposed well only
8 about 100 feet below what Coterra is proposing in
9 their Showbiz 301H well instead of going lower, which
10 you said is the better option, generally speaking?

11 MR. BROUGHTON: You mean going lower
12 than the plan for the 401H?

13 MR. ZIMSKY: Correct.

14 MS. SHAHEEN: This is, I believe,
15 outside the scope. Now, he's asking a completely
16 different question that has nothing to do with the Go
17 State and Bone Spring development that's east of
18 the --

19 THE HEARING EXAMINER: So, Ms. Shaheen,
20 it would've been better if you had objected before
21 your -- before the answer was given. The answer has
22 been heard -- because I can't undo that.

23 However, Mr. Zimsky, I did ask you to
24 move on after your other question.

25 MR. ZIMSKY: I'm moving on.

1 THE HEARING EXAMINER: Please. So I do
2 sustain the objection.

3 MS. SHAHEEN: Thank you.

4 THE HEARING EXAMINER: Whatever good
5 that does at this point.

6 MR. ZIMSKY: I may be done. Let me
7 check.

8 Can -- we're going to go to slide C-6,
9 Mr. Weinkauf, in the revised hearing packet.

10 MR. WEINKAUF: Okay.

11 MR. ZIMSKY: Ms. Shaheen, could you --

12 MS. SHAHEEN: I'm sorry. You want me
13 to stop sharing?

14 MR. ZIMSKY: Stop sharing.

15 MS. SHAHEEN: Yes.

16 MR. ZIMSKY: You just point -- okay.
17 I'm done.

18 THE HEARING EXAMINER: Okay.
19 Mr. McClure, do you have any questions for this
20 witness?

21 MR. MCCLURE: Yes. I do, Mr. Hearing
22 Examiner.

23 THE HEARING EXAMINER: Please.

24 MR. MCCLURE: Thank you.

25 //

1 CROSS-EXAMINATION

2 BY MR. MCCLURE:

3 MR. MCCLURE: Mr. Broughton, just to
4 confirm I'm on the same page, is it your testimony
5 that the Beefalo wells are not representative of a
6 Wolfcamp completion in the proposed unit?

7 MR. BROUGHTON: I wouldn't say that. I
8 have not specifically reviewed the Beefalo wells.

9 MR. MCCLURE: Okay. So let me -- I
10 guess let me ask you the question a different way. Do
11 you think it was appropriate for Coterra to include it
12 in its Exhibit C-6 as being comparable to the proposed
13 unit?

14 MR. BROUGHTON: That -- that would be
15 really difficult for me to say. I don't know. I
16 couldn't -- that's -- that's a reservoir engineering
17 question. I couldn't answer that.

18 MR. MCCLURE: I just -- with that
19 question answered, thank you, Mr. Broughton.

20 Thank you Mr. Hearing Examiner. I have
21 no further questions for this expert witness.

22 MR. BROUGHTON: Thank you.

23 THE HEARING EXAMINER: Ms. Shaheen, is
24 there any redirect, or may we excuse this witness?

25 MS. SHAHEEN: He may be excused.

1 THE HEARING EXAMINER: Thank you.

2 Thank you, sir. Okay.

3 MR. BROUGHTON: Thank you.

4 THE HEARING EXAMINER: Now, you wanted
5 to call Mr. Pride?

6 MS. SHAHEEN: Yes.

7 THE HEARING EXAMINER: Mr. Pride? Good
8 morning, Mr. Pride. I remind you that you're still
9 under oath.

10 MR. PRIDE: Yes.

11 WHEREUPON,

12 MATT PRIDE,

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 THE HEARING EXAMINER: Thank you.
17 Please speak louder because I can barely hear you.

18 MR. PRIDE: All right.

19 THE HEARING EXAMINER: Okay. Thank
20 you.

21 Now, Ms. Shaheen, what exhibits are you
22 trying to get in with this witness?

23 MS. SHAHEEN: Surrebuttal C-1. No.
24 Sorry. Surrebuttal 1 and 2.

25 THE HEARING EXAMINER: Wait, 2 is

1 already in.

2 MS. SHAHEEN: That was a rebuttal C-2.
3 And the surrebuttal exhibits are 1 and 2.

4 THE HEARING EXAMINER: I think one of
5 them has already been admitted.

6 MS. SHAHEEN: Oh, you're right.

7 THE HEARING EXAMINER: And that's
8 Number 2.

9 MS. SHAHEEN: Oh, my bad.

10 THE HEARING EXAMINER: I think -- now,
11 I think the only exhibit -- Mr. Zimsky, please remind
12 me if I'm right. The only exhibit you've maintained
13 an objection on is Surrebuttal 1.

14 MR. ZIMSKY: Correct.

15 THE HEARING EXAMINER: Okay. So we
16 already received into evidence Rebuttal C-2.

17 Is that right, Mr. Zimsky?

18 MR. ZIMSKY: Correct.

19 THE HEARING EXAMINER: And
20 Surrebuttal 2. Okay.

21 So, Ms. Sheheen, with that in mind,
22 what is Surrebuttal 1, and what is it rebutting that
23 was a surprise to you?

24 MS. SHAHEEN: Surrebuttal 1 rebuts
25 Mr. Weinkauff's testimony in exhibit -- in Rebuttal

1 Exhibits 2 and 3, I believe, where he talks about
2 Pride's performance.

3 THE HEARING EXAMINER: Where he talks
4 about Pride's performance?

5 MS. SHAHEEN: Yes.

6 THE HEARING EXAMINER: Okay. And,
7 Mr. Zimsky, why is that not proper surrebuttal?

8 MR. ZIMSKY: Well, as far as Pride's
9 performance, it is relative in that -- and these are
10 the --

11 MS. SHAHEEN: Should I share?

12 THE HEARING EXAMINER: No. Please.

13 MS. SHAHEEN: Not yet? Okay.

14 MR. ZIMSKY: Well, because the two
15 rebuttal exhibits of Mr. Weinkauff are focused on the
16 First and Second Bone Spring and only talk about --
17 they were in -- rebutting Mr. Pride's testimony that
18 they weren't economically feasible, casting doubt on
19 whether Coterra was go even going to --

20 THE HEARING EXAMINER: Okay.

21 MR. ZIMSKY: And so this is showing
22 Pride's performance in the Bone Spring, the Third Bone
23 Spring, comparing it to some of Coterra's vintage
24 wells in the Third Bone Spring. And in exhibits --
25 the -- the rebuttal exhibits of Mr. Weinkauff rebutting

1 Mr. Pride, which is focused on the First and Second
2 Bone Spring -- this is the Third Bone Spring. It's
3 not even remotely relevant to his testimony.

4 THE HEARING EXAMINER: Okay. Well,
5 that's a very different objection.

6 Ms. Shaheen, why are these relevant,
7 first of all?

8 MS. SHAHEEN: Okay. I may have
9 misspoken, but this is in rebuttal to Mr. Weinkauff's
10 testimony that Pride -- and it may be in his
11 Exhibit C.

12 THE HEARING EXAMINER: Who --

13 MS. SHAHEEN: Paragraph -- maybe it's
14 paragraph 9.

15 THE HEARING EXAMINER: Let me ask
16 you -- let me ask it this way. Who created this
17 surrebuttal exhibit?

18 MS. SHAHEEN: Mr. Pride.

19 THE HEARING EXAMINER: Mr. Pride.

20 Mr. Pride, we have you here. Mr.
21 Pride, did you create the Surrebuttal Exhibit 1 and 2?

22 MR. PRIDE: Yes.

23 THE HEARING EXAMINER: Very good.
24 Number 2 is already in evidence. You don't have to
25 explain to me why Surrebuttal 1 is relevant. Why did

1 you create -- what was the purpose behind creating
2 Surrebuttal 1?

3 MR. PRIDE: It was to show the
4 production from Pride Energy's Third Bone Spring wells
5 in comparison to the seven wells that Coterra has
6 produced from the Third Bone Spring, which direct
7 offsets -- that clearly states that Pride's wells have
8 outproduced Coterra's wells.

9 THE HEARING EXAMINER: Mr. Zimsky?

10 MR. ZIMSKY: Well, first of all, he's
11 comparing vintage wells, which we've had tons of
12 discussion about, versus modern completion wells,
13 apples, oranges, I mean, totally.

14 THE HEARING EXAMINER: Okay.

15 MR. ZIMSKY: And our two exhibit
16 well -- or two rebuttal exhibits are talking about the
17 First Bone Spring and the Second Bone Spring.
18 Mr. Weinkauff testified that Pride's performance on the
19 Third Bone Spring in the Go State wells were good.
20 They were just in line with modern projections.

21 If we look at the -- if we go back to C
22 -6 and look at that -- the plot, you'll see the -- you
23 know, they're plotted out as good wells. We recognize
24 that Pride -- you know, that those are consistent with
25 modern completions.

1 THE HEARING EXAMINER: All right. I'm
2 going to have a conversation. I'm going to have a
3 conversation with the technical examiner, Ms. Shaheen.
4 I want to find out whether, number one, he finds this
5 helpful, number two, if he finds it relevant. And
6 number three, I'll talk to him about the legal
7 distinction between what you're rebutting, et cetera,
8 et cetera.

9 So let's take a ten-minute break to
10 give me time to talk to Mr. McClure and make a
11 decision about Surrebuttal 1.

12 And, Mr. Pride, please be prepared to
13 testify. I may exclude Surrebuttal 1. I may not.
14 But please be prepared to testify about Rebuttal C-2,
15 is it? C-2 and Surrebuttal 2?

16 MS. SHAHEEN: Yes.

17 THE HEARING EXAMINER: Very good.
18 That's what you're calling them. Is it not?

19 MS. SHAHEEN: Yes. And I'm -- I just
20 have to say that I may have misspoken about what
21 specific testimony of Mr. Weinkauf's this is
22 rebutting. But I -- my understanding is that --

23 THE HEARING EXAMINER: Well, I just
24 asked the witness, and he told me why he created the
25 document.

1 MS. SHAHEEN: Right. And I think
2 there's specific testimony. I just didn't pinpoint it
3 already.

4 THE HEARING EXAMINER: Oh, okay.

5 MS. SHAHEEN: That's my point.

6 THE HEARING EXAMINER: Oh, okay. Well,
7 I understand. Thank you.

8 MS. SHAHEEN: Thank you.

9 THE HEARING EXAMINER: We're off the
10 record for ten minutes. Thank you.

11 (Off the record.)

12 THE HEARING EXAMINER: Okay. Very
13 good. So I'm -- we're back on the record.

14 We're considering the admissibility of
15 Surrebuttal 1. It is the only exhibit in all of the
16 Pride exhibits that has not been admitted. It is
17 objected to by counsel for Coterra. And I'm excluding
18 Surrebuttal 1 because I don't find that it's
19 irrelevant.

20 I'm having a problem with the fact that
21 it compares what Mr. Zimsky said was apples to
22 oranges. And I agree that in -- that comparing
23 vintage wells to modern wells is not a reliable and
24 helpful comparison for the Division.

25 I believe, Ms. Shaheen, that you're

1 using it to show that Pride is a prudent operator; is
2 that correct?

3 MS. SHAHEEN: I believe we're showing
4 it -- and it may be better to ask Mr. Pride. And
5 perhaps you would allow his testimony on it without
6 the exhibit. But we're seeking to rebut Pride's --
7 excuse me -- Coterra's testimony that Pride's wells
8 are not profitable.

9 THE HEARING EXAMINER: Okay.

10 MS. SHAHEEN: And I believe we're
11 entitled to rebut that. And if there's -- he needs to
12 explain why he's -- what the basis of his rebuttal
13 testimony is, that would be great.

14 THE HEARING EXAMINER: Okay. So you're
15 using it to show that Pride's wells are profitable.
16 And what exhibit what -- and what exhibit did Coterra
17 submit that surprised you into that argument?

18 MS. SHAHEEN: And I apologize. I did
19 not -- I misidentified the evidence that Coterra has
20 offered in this regard. And I could do a quick search
21 in their exhibits for profit and see if I could find
22 it. But I do recall -- and I don't know if anyone
23 else recalls -- that there was testimony by Coterra
24 relating to the profitability of Pride's Bone Spring
25 wells.

1 THE HEARING EXAMINER: All right. Let
2 me ask the hearing -- the technical examiner a
3 question.

4 Mr. McClure, you heard what Ms. Shaheen
5 and I were just discussing. Did you hear testimony
6 putting in doubt the fact that Pride's wells are
7 profitable?

8 MR. MCCLURE: I don't remember that
9 testimony ever being on record.

10 THE HEARING EXAMINER: And I don't
11 remember it either, Ms. Shaheen. That's why I'm
12 asking the technical examiner.

13 Mr. Zimsky, did you submit any exhibits
14 where you are trying to assert that Pride's wells are
15 not profitable?

16 MR. ZIMSKY: No. We said the Third
17 Bone Spring are performing as expected. But we did
18 say the First Bone Spring well was underperforming,
19 but we didn't say whether it's profitable or not.

20 THE HEARING EXAMINER: All right.
21 Okay. That's good enough for me.

22 Ms. Shaheen, you don't have to look any
23 further. I'm not going to waste more time on this.
24 I've made a ruling that -- and I stand behind my
25 ruling as Surrebuttal 1 is not relevant to today's

1 proceedings.

2 Now, Mr. Pride has been recalled to
3 testify. Is it about C-2, your Rebuttal C-2?

4 MS. SHAHEEN: That is correct.

5 THE HEARING EXAMINER: Good. And
6 your -- and now, Surrebuttal 2 was already testified
7 by Mr. Broughton; is that right?

8 MS. SHAHEEN: That is correct.

9 THE HEARING EXAMINER: Great. So go
10 right ahead with Mr. Pride, please.

11 And, Mr. Zimsky, can you or your
12 assistant pull up C-2 so we can look at it so
13 Ms. Shaheen can focus on her questions?

14 MS. SHAHEEN: I'm pulling it up.

15 THE HEARING EXAMINER: Oh, you're
16 pulling it up?

17 MS. SHAHEEN: You mean our Rebuttal
18 Exhibit C-2?

19 THE HEARING EXAMINER: Yes. You have
20 it ready? I didn't know if you had it handy.

21 MS. SHAHEEN: Yes. That's what I'm
22 looking for here.

23 DIRECT EXAMINATION

24 BY MS. SHAHEEN:

25 MS. SHAHEEN: Mr. Pride, taking a look

1 here, this is the file Rebuttal Exhibit 2. And
2 turning to the substantive nature of it, can you
3 explain to the hearing examiners the significance of
4 this exhibit?

5 MR. PRIDE: Yes. This exhibit shows
6 what the Go State Pond facility -- the actual cost for
7 all of the wells, that -- which we drilled six wells
8 that that facility services. So it shows a total
9 facility cost of \$3,322,825.

10 So if you take that total amount and
11 you divide it by seven -- we've got six existing wells
12 on that facility. And we drill the Go State 401H.
13 That'd be seven. So we divide that total cost by
14 seven, which will give you \$474,689 as what would be
15 the allocated cost of the facility to the Go State
16 401H.

17 MS. SHAHEEN: And how does that compare
18 to the facility costs that Coterra has assigned to its
19 well?

20 MR. PRIDE: Coterra's facility cost --
21 and this is according to the testimony by Coterra's
22 facility engineer yesterday. He said it's going to
23 cost \$7 million for the three wells, the First and
24 Second Bone Spring that would drill and for the third
25 well, which would be in the Third Bone Spring, which

1 comes out to be \$2,333,333.

2 Taking the difference between our
3 475,000 or so and their 2.3 million, this -- there
4 will have -- Coterra will have \$1.858 million more in
5 facility costs than Pride. So the working interest
6 owners essentially would save \$1.85 million if they
7 did not go with Coterra.

8 MS. SHAHEEN: Now --

9 MR. PRIDE: Going like that -- that's
10 the -- Coterra's cost for -- for facilities is
11 excessive and -- and wasteful. And we try to prevent
12 waste in every way we can. And we -- that's what --
13 that's what the difference is, is \$1.8 million.

14 MS. SHAHEEN: Turning to a different
15 subject, you heard testimony from Coterra's witnesses
16 about asking whether -- why Pride drilled the Third
17 Bone Spring in its adjacent development as opposed to
18 drilling in a Wolfcamp, in the Wolfcamp A. Do you
19 recall testimony in that regard and questions in that
20 regard?

21 MR. PRIDE: Yes.

22 MS. SHAHEEN: And Mr. Broughton wasn't
23 involved with that development. Was he?

24 MR. PRIDE: No. He wasn't.

25 MS. SHAHEEN: Can you explain to the

1 Division and the hearing examiners why Go State
2 drilled the Third Bone Spring in that adjacent
3 development?

4 MR. PRIDE: Pride Energy drilled six
5 wells just in -- in the east half of the west half of
6 section 13 is one drilling spacing unit and also in
7 the west half of the east half of section 13. So
8 there was two First Bone Spring wells, two Second Bone
9 Spring wells, and two Third Bone Spring wells. So --
10 so it was a Bone Spring prospect. It never was a
11 Wolfcamp prospect back when we drilled it
12 approximately five years ago.

13 MS. SHAHEEN: And then is it true that
14 there is no Wolfbone Pool in that area currently?

15 MR. PRIDE: That's correct. It is not
16 a Wolfbone Pool in either one of those drilling space
17 units. The only Wolfbone Pool that has been
18 established is in the drilling space unit, which is
19 the subject of today's hearing.

20 MS. SHAHEEN: And were those
21 developments proposed as for pooling the entire Bone
22 Spring in each of those developments?

23 MR. PRIDE: In each of those
24 developments? Yeah. It was -- it was the entire Bone
25 Spring, which we own 100 percent in.

1 MS. SHAHEEN: Thank you, Mr. Pride. I
2 have no further questions at this time.

3 THE HEARING EXAMINER: Mr. Zimsky?

4 MR. ZIMSKY: Yes.

5 CROSS-EXAMINATION

6 BY MR. ZIMSKY:

7 MR. ZIMSKY: Good afternoon, Mr. Pride.
8 Again, Bill Zimsky. Excuse me. Good afternoon or
9 good morning, Mr. Pride. Bill Zimsky again.

10 MR. PRIDE: Yes.

11 MR. ZIMSKY: I have a question about
12 this exhibit that's on the screen right now. Were
13 these costs included in the AFE that you presented
14 within your direct testimony?

15 MR. PRIDE: Yes. Actually, in our --
16 in the AFE, there was additional costs, but this
17 474,000 was included in the total cost on the AFE for
18 the facilities.

19 MR. ZIMSKY: And you're -- the
20 facility's been built; correct?

21 MR. PRIDE: Oh, yes.

22 MR. ZIMSKY: And it has a tanked
23 battery; correct?

24 MR. PRIDE: Yes.

25 MR. ZIMSKY: Do you think it is

1 wasteful to spend more money on a tankless battery in
2 order to do -- reduce emissions and be more
3 environmentally sound and incur that extra cost? Do
4 you consider that waste?

5 MR. PRIDE: Well, I don't think that
6 that -- all the extra costs is necessary. Where
7 we're -- we don't have environmental issues or
8 problems with our facility. So I do think it's
9 wasteful by spending that extra that -- all that extra
10 money is -- all the working interest owners are going
11 to be having to foot the bill for an extra 1.8 million
12 when -- when it's not necessary.

13 MR. ZIMSKY: And so you're saying it's
14 better to have a tanked facility that will resolve
15 more emissions vis-a-vis a tankless battery?

16 MR. PRIDE: I'm not -- what I'm saying
17 I don't think that that Coterra's facility would be
18 any better than our facility. And -- and our facility
19 has been working fine without any problems.

20 MR. ZIMSKY: But you heard the
21 testimony of Mr. Boyle yesterday; correct?

22 MR. PRIDE: Yes.

23 MR. ZIMSKY: And you're claiming you
24 don't have any environmental issues, but you can be --
25 you can have no -- you may not have any environmental

1 issues where you are running a file of any regulatory
2 agency. But wouldn't you agree that the more you can
3 reduce emissions and at spill mitigation is better
4 than just being within compliance of the rules? Isn't
5 it better to do a better environmental stewardship?

6 MR. PRIDE: We have all that in place.
7 The question is at what cost are they adding all these
8 other things? We already have that in place at our
9 facility.

10 MR. ZIMSKY: Did you submit any
11 evidence about the emissions and flaring of your
12 facility as Coterra did?

13 MR. PRIDE: No.

14 MR. ZIMSKY: Give me one moment. No
15 further questions.

16 THE HEARING EXAMINER: Mr. McClure?

17 MR. MCCLURE: No questions for this
18 expert witness, Mr. Hearing Examiner.

19 THE HEARING EXAMINER: Ms. Shaheen, may
20 this witness be excused?

21 MS. SHAHEEN: Yes. He may.

22 THE HEARING EXAMINER: Thank you,
23 Mr. Pride.

24 MR. PRIDE: Thank you.

25 THE HEARING EXAMINER: All right.

1 Okay. Does that conclude your rebuttal case?

2 MS. SHAHEEN: Yes. It does.

3 THE HEARING EXAMINER: All right.

4 Thank you.

5 Mr. Zimsky?

6 MR. ZIMSKY: No. We're -- we've rest --
7 - resting our case pending closings.

8 THE HEARING EXAMINER: Perfect.

9 Mr. McClure, do you have any further --
10 do you need the record to stay open for additional
11 information?

12 MR. MCCLURE: Yes. I do, Mr. Hearing
13 Examiner.

14 THE HEARING EXAMINER: Okay. Let me
15 get --

16 MR. MCCLURE: Additionally --

17 THE HEARING EXAMINER: Let me get my
18 pen out. Hold on, Mr. McClure. Okay. So I think you
19 want documents in evidence from both parties. Don't
20 you?

21 MR. MCCLURE: That is correct.

22 THE HEARING EXAMINER: Okay. Let's
23 start out with Coterra. Let's tell Coterra what you
24 still want.

25 MR. MCCLURE: Mr. Hearing Examiner,

1 prior to generating a list, did we want to come back
2 to Ms. Shaheen in regards to the notice having the
3 wrong case number?

4 THE HEARING EXAMINER: Okay. We can do
5 that. Thank you, Mr. McClure.

6 Ms. Shaheen?

7 MS. SHAHEEN: Thank you. I did take a
8 look at the entries of appearance in case number -- in
9 the Coterra case 25564, which was inadvertently
10 entered in our notice. My reasoning was if it was
11 noticed at 25564, that whoever was interested in the
12 case that was described in that case number would've
13 entered an appearance in 25564. And the only folks
14 who entered an appearance in 25564 are the same ones
15 that entered in appearance in 25562. So I think we're
16 covered.

17 THE HEARING EXAMINER: Okay.

18 MS. SHAHEEN: If you -- hopefully,
19 you're in agreement, but I'm happy to make any --

20 THE HEARING EXAMINER: Okay. Thank
21 you.

22 Mr. Zimsky?

23 MR. ZIMSKY: Yeah. I'm fine with that.
24 But I -- you know, I have a general question about
25 giving notice to overriding royalty interest owners,

1 which we do as a matter of course.

2 THE HEARING EXAMINER: Uh-huh.

3 MR. ZIMSKY: Should we continue to do
4 that because they don't -- I don't know.

5 THE HEARING EXAMINER: Right.

6 MR. ZIMSKY: I don't know if they have
7 standing to --

8 THE HEARING EXAMINER: Right. I
9 understand.

10 MR. ZIMSKY: You know, and we had that
11 little snafu with Pegasus where -- I don't know if you
12 noticed that we said, you know, we haven't sent them
13 any -- contacted them. And we got a waiver. But it
14 just seems we have other cases where we have a hundred
15 over --

16 THE HEARING EXAMINER: Right.

17 MR. ZIMSKY: You know, so it's
18 expensive.

19 THE HEARING EXAMINER: Right.

20 Mr. McClure?

21 MR. MCCLURE: Mr. Hearing Examiner,
22 we'd have to go back and look at rules specifically,
23 you know, that 19.15.4 -- I don't remember which one
24 it is.

25 THE HEARING EXAMINER: Twelve.

1 MR. MCCLURE: But -- oh, yeah. I think
2 that's right at 12.1 -- or I mean, 12 A or something
3 like that. Anyway, my thought process to that is if
4 the operator's requesting the Division to force pool
5 them, then clearly they would require notice.

6 THE HEARING EXAMINER: Mr. Zimsky?

7 MR. ZIMSKY: Well, we were forced
8 pooling the lessee. And the overriding royalty
9 interest owner has no executory authority to object.
10 And they wouldn't have standing to -- in their
11 appearance, they wouldn't have standing to challenge
12 the pooling. I mean, that's up to the lessee.

13 THE HEARING EXAMINER: So why are you -
14 - then why are you for -- why are you asking the
15 Division to force pool overriding interests?

16 MR. ZIMSKY: Well, because that's been
17 the tradition --

18 THE HEARING EXAMINER: Yeah. It --
19 yes.

20 MR. ZIMSKY: It just seems -- this is
21 maybe outside the scope of this. But just as general
22 policy, I would request that the Division give
23 guidance on that. But if Mr. McClure says we got to
24 do the over -- notice them, then we will. It just --
25 to me, it just never makes sense.

1 THE HEARING EXAMINER: Well, the rule
2 specifically says -- and I'm doing this by memory.
3 But it says "Anyone that you are asking the Division
4 to force pool" -- no -- "Anyone who owns an interest
5 that is not voluntarily committed." And it seems to
6 me an overriding interest would be voluntarily
7 committed, or is that not right?

8 MR. MCCLURE: Mr. Hearing Examiner?

9 THE HEARING EXAMINER: Yes. Are you
10 looking at the rule?

11 MR. MCCLURE: I believe -- I mean, I
12 don't have it directly in front of me.

13 THE HEARING EXAMINER: Okay.

14 MR. MCCLURE: But I believe it says
15 that, or if they're not covered under a pooling
16 clause, something along those lines.

17 THE HEARING EXAMINER: Oh, that's
18 right. It does say that.

19 MR. MCCLURE: And I believe that's the
20 argument that the attorneys have been using to say,
21 "We want to force pool these persons because
22 they're" -- I'm assuming they're saying -- that
23 they're not covered under a pooling clause. Now,
24 hypothetically, if the operator's saying they are
25 covered under the pooling clause, then I don't know

1 why they're even asking the Division to force pool.
2 But I still think it's pretty clear that if they're
3 going to ask the Division to force pool, then --

4 THE HEARING EXAMINER: Give them
5 notice?

6 MR. MCCLURE: You know, yeah.

7 THE HEARING EXAMINER: Right. Okay.
8 All right. So this is outside the scope.

9 I did see your hand, Ms. Vance.

10 I don't really want to go down this
11 rabbit hole right now because we have actually
12 discussed this as a group about six months ago, and we
13 came up with an answer. I don't remember what it was.
14 And I don't remember the -- my mind is on this hearing
15 right now.

16 So thanks for the question, Mr. Zimsky,
17 but I can't give you an answer right now.

18 MR. ZIMSKY: And I understand that I
19 was really -- I just wanted to raise that issue as a
20 general --

21 THE HEARING EXAMINER: Okay. But we're
22 back to the notice issue in these two cases. And I
23 think we all agree that the notice is sufficient
24 because anyone who would've gone to 64 would've seen
25 the filings in 62. They're linked together. So I

1 don't see that as an issue. Okay.

2 So, Mr. McClure, now are you ready to
3 give the parties a list of the documents you want?

4 MR. MCCLURE: Yes. I am, Mr. Hearing
5 Examiner. And I apologize for the sidetrack. We're
6 going to let -- notice document if we are conducting
7 new notice --

8 THE HEARING EXAMINER: Right. I
9 understand --

10 MR. MCCLURE: That's the point I'm
11 getting at.

12 THE HEARING EXAMINER: Could we start
13 with Coterra?

14 MR. MCCLURE: Yeah. That's fine. I'm
15 just bringing up their exhibit packet so I can be very
16 specific on the CPAC.

17 THE HEARING EXAMINER: While you're
18 doing that, Mr. Court Reporter, everything that has
19 been submitted has been admitted into evidence with
20 the exception of Pride Surrebuttal 1.

21 THE REPORTER: Okay.

22 THE HEARING EXAMINER: Okay. We are
23 going to have the parties submit new amended exhibit
24 packets with cover letters because Mr. McClure is
25 asking for additional information. And then we had

1 these piecemeal submissions over the last couple of
2 days at the last minute here and there by email. So
3 we're going to clean this record up completely at this
4 time.

5 So, Ms. Shaheen and Mr. Zimsky, I want
6 you both to understand that we are requiring you to
7 file an amended exhibit packet -- maybe it's the
8 first -- maybe it's the second -- I don't know -- with
9 a cover letter reflecting the changes that Mr. McClure
10 is asking for now. And you have an index with the
11 exhibit numbers all clearly marked in the submission.

12 MR. ZIMSKY: Yes. And by cover letter,
13 you mean? Like, we had submitted a -- you know, a
14 caption saying this is --

15 THE HEARING EXAMINER: No. A cover
16 letter in this case because it's an amended exhibit.
17 Why is -- why are you filing this amended exhibit?

18 MR. ZIMSKY: Yes.

19 THE HEARING EXAMINER: As opposed to
20 what you've already filed before.

21 MR. ZIMSKY: Yes.

22 THE HEARING EXAMINER: You know, have
23 there been additions along the road? Did Mr. McClure
24 ask for things that need to be amended or add -- or
25 supplemented? That's the cover letter.

1 MR. ZIMSKY: Thank you.

2 THE HEARING EXAMINER: All right.

3 Thank you.

4 And, Ms. Shaheen, you understand that
5 too; right?

6 MS. SHAHEEN: Yes.

7 THE HEARING EXAMINER: Okay. I thought
8 you did. Okay.

9 So go ahead, Mr. McClure. Mr. Zimsky's
10 waiting for your list.

11 MR. MCCLURE: I thank you, Mr. Hearing
12 Examiner.

13 Mr. Zimsky, can you bring up your CPAC?
14 Is it in front of you right now -- pooling
15 administrative checklist. And please, if you have any
16 questions at all or any concerns about any of these
17 requests, please be very clear as here now because
18 we're not going to be giving the applicants an
19 additional bite at the apple. So you need to get it
20 right this time around.

21 MR. ZIMSKY: Okay.

22 MR. MCCLURE: Okay. Where you have --
23 do you see where it says "Formation names or vertical
24 extent"?

25 MR. ZIMSKY: Yes.

1 MR. MCCLURE: Should be on the first
2 page.

3 MR. ZIMSKY: Yes.

4 MR. MCCLURE: It appears that you have,
5 like, your vertical extent and your formation name
6 duplicated across there. You see where I'm referring
7 to?

8 MR. ZIMSKY: No. No. I do not.

9 MR. MCCLURE: Okay. Do you see the
10 first field that says "Formation names or vertical
11 extent"?

12 MR. ZIMSKY: Yes.

13 MR. MCCLURE: And then for that field,
14 you have the Wolfbone Pool measured from top, blah,
15 blah, blah.

16 MR. ZIMSKY: Yes. And then two rows
17 down, we repeat that information.

18 MR. MCCLURE: Okay. Yes. What I would
19 like you to do is for the top entry, the one under
20 formation names, get rid of the vertical extent. And
21 just put in there there the Wolfbone -- either say the
22 Wolfbone, or you can say the Third Bone Spring and the
23 Wolfcamp A if you'd like. But regardless, we don't
24 need all this vertical extent there. If you can just
25 limit it to the name.

1 MR. ZIMSKY: Understood.

2 MR. MCCLURE: And then keep -- where
3 you have this -- where you have pooling this vertical
4 extent, keep what you have there, though.

5 MR. ZIMSKY: Okay.

6 MR. MCCLURE: And then for your landman
7 exhibits, if we can -- if you can provide a table or
8 amend when -- your existing tables, just to give us a
9 clear list of who Coterra is asking the Division to
10 force pool in this case.

11 MR. ZIMSKY: Yes. And so, like,
12 another exhibit, exhibit -- I guess it'd be A-6, list
13 of parties that were seeking to pool, which I guess
14 would include the overriding royalty and trust owners.

15 MR. MCCLURE: I mean, that's probably
16 the cleanest way is just to add a new -- I don't know
17 if it's A-6, but whatever your next one is. And yeah.
18 If Corterra is asking the force pool the overrides,
19 then yeah. You need to include them.

20 MR. ZIMSKY: And how about work -- you
21 know, these are all state -- New Mexico State Oil and
22 Gas leases. Should we list the record title owners?
23 I guess there's some duplication. I think maybe all
24 of them are. I don't think anybody owns bare record
25 title here, but I'll just include them.

1 MR. MCCLURE: Yeah. I was going to say
2 if Coterra is asking the Division to force pool them,
3 just make sure that that person is listed in that
4 table.

5 MR. ZIMSKY: Copy.

6 MR. MCCLURE: And then I have a slight
7 cleanup on your statement, actually, your self-
8 affirmed statement.

9 MR. ZIMSKY: Exhibit E?

10 MR. MCCLURE: I'm getting to it. Yes.
11 Yes, sir. Mr. Zimsky, the Exhibit E. On here, you
12 specifically state that -- let me see if I can find it
13 so I can see where we're looking. Yeah. It's in,
14 like, your first paragraph, like, five lines down
15 from -- well, three lines down in paragraph 1 where it
16 says "To each of the uncommitted interest owners
17 sought to be pooled in this proceeding."

18 Is that an accurate statement or not?
19 Because the requirement under rule is not that. The
20 requirement under rule would drop off the last part of
21 that where you say "sought to be pooled in this
22 proceeding," that part of it would be dropped off.

23 MR. ZIMSKY: So take out "sought to be
24 pooled in this proceeding"?

25 MR. MCCLURE: Yeah. I mean, well, just

1 make a statement that is -- I believe, based off of
2 your landman's testimony, that the list that they
3 provided to your law firm included everyone was kind
4 of my understanding. So whatever you think is the
5 most appropriate language there. I was just calling
6 out that rule does not limit it to only the persons
7 being pooled.

8 MR. ZIMSKY: So to each interest owner?

9 MR. MCCLURE: I mean, if that's an
10 accurate statement. And based off my understanding
11 from the landman, I believe that's the case. But I
12 mean, I guess it's your self-affirmed statement
13 obviously.

14 MR. ZIMSKY: Okay. I do understand
15 that.

16 MR. MCCLURE: Okay. And then
17 supplemental exhibit or a amended self-affirmed
18 statement from your reservoir engineer in regards to
19 the written criteria that was -- or a more complete
20 list of the criteria used to evaluate which wells to
21 include in that plot on the left hand side of C-6.

22 And then I believe your reservoir
23 engineer understood what I was asking for, but we
24 definitely want to make sure that's the case if you
25 have any doubts.

1 MR. ZIMSKY: I -- yeah. I believe
2 he -- you said -- Mr. Weinkauf, are you still there?

3 MR. WEINKAUF: Yes. I am.

4 MR. ZIMSKY: And do you need any
5 further clarification of what Examiner McClure is
6 asking for?

7 MR. WEINKAUF: No. I fundamentally
8 understand to give color on the criteria of why those
9 particular wells are included. I might have some
10 questions for you on exactly the structure or tile
11 forms that go in that, but I think I'm clear on what's
12 required.

13 MR. ZIMSKY: Thank you.

14 MR. MCCLURE: And thank you,
15 Mr. Zimsky. I have nothing further for Coterra.

16 Would you like me to move on to --

17 MR. ZIMSKY: Well, if I can --

18 MR. MCCLURE: Go ahead.

19 MR. ZIMSKY: I guess more for the
20 hearing examiner, this revised package -- so, like,
21 for Mr. Weinkauf, I would take out what we have and
22 just replace it.

23 THE HEARING EXAMINER: Uh-huh.

24 MR. ZIMSKY: Same with mine.

25 THE HEARING EXAMINER: Uh-huh.

1 MR. ZIMSKY: And then I would add the
2 Exhibit A-6.

3 THE HEARING EXAMINER: Uh-huh.

4 MR. ZIMSKY: Okay.

5 THE HEARING EXAMINER: And then you're
6 going -- what we're going to do is we're going to put
7 a time deadline on these. And you're going to share
8 them with opposing counsel, get their take on it. And
9 if there's no objection to it, then you can file it.

10 MR. ZIMSKY: Thank you.

11 THE HEARING EXAMINER: All right.
12 You're welcome.

13 And, Mr. Zimsky, I'd like you to think
14 how much time you need to do this while I'm deal --
15 while we're dealing with Ms. Shaheen's evidentiary
16 record.

17 Go ahead, Mr. McClure.

18 Ms. Shaheen, you want to turn your
19 microphone on? Thank you.

20 MR. MCCLURE: Thank you, Mr. Hearing
21 Examiner.

22 Ms. Shaheen, you heard my direction or
23 my guidance for Mr. Zimsky in regards to ensuring that
24 we get all these corrections correct because we're not
25 going to get another chance at it?

1 MS. SHAHEEN: I did hear that.

2 MR. MCCLURE: Yeah. Thank you.

3 Ms. Shaheen, do you have your CPAC in front of you?

4 MS. SHAHEEN: I do.

5 MR. MCCLURE: Okay. Do you see in the
6 upper portion where there's, like, a case entry for to
7 include the case number?

8 MS. SHAHEEN: Oh, yes.

9 MR. MCCLURE: If we can include that.
10 And then on a -- if we can scroll down and look at,
11 like, what your formation names or vertical extent is.

12 MS. SHAHEEN: Yes.

13 MR. MCCLURE: If we can change that to
14 be Wolfbone or Third Bone Spring and Wolfcamp A,
15 something along those lines.

16 MS. SHAHEEN: Yes.

17 MR. MCCLURE: And then what you
18 currently have listed there, if you can put that down
19 into your vertical extent entry.

20 MS. SHAHEEN: Yes.

21 MR. MCCLURE: Okay. Then if you move
22 down a little further where you have your setback
23 rules and you have NA.

24 MS. SHAHEEN: Yes.

25 MR. MCCLURE: If we can correct that to

1 -- well, you can say statewide, or you can go into the
2 more detail and be 100 and 330, whatever you think,
3 whatever you'd like to do with regards to that.

4 MS. SHAHEEN: Okay.

5 MR. MCCLURE: And then if we -- if you
6 look at your well number 1, for your last take point,
7 do you see where it says section 19 there?

8 MS. SHAHEEN: Yes.

9 MR. MCCLURE: If we can correct that to
10 the -- to be the correct section. I believe it's 12.

11 MS. SHAHEEN: Will do.

12 MR. MCCLURE: And then also on your
13 special provisions/stipulations, it appears that it is
14 cut off.

15 MS. SHAHEEN: Oh, it sure is.

16 MR. MCCLURE: Do you see where I'm
17 referring to?

18 MS. SHAHEEN: Uh-huh.

19 MR. MCCLURE: Okay. Yeah. And I was
20 going to say, I mean, any order that gets issued we'll
21 draft specific ordering paragraphs. I don't know if
22 you need it, but I don't know if the Division has, you
23 know, an opinion on whether you include this in there
24 or not. But if you are going to include it, if we
25 can, you know, make sure it's got the complete

1 language, I guess.

2 MS. SHAHEEN: I understand. I put that
3 there. I thought it would be helpful -- in light of
4 the depth severance, that it might be helpful for the
5 Division. And it will be obviously up to you whether
6 it's included in the order.

7 MR. MCCLURE: Then if we can look at
8 your -- I guess we don't need to look at it. But in
9 the landman statement, the last take point error is
10 also replicated there. I believe it's in paragraph 6
11 of the landman statement.

12 MS. SHAHEEN: Okay.

13 MR. MCCLURE: But if we can just
14 correct the landman statement to have the correct
15 section for the last take point.

16 MS. SHAHEEN: Got it.

17 MR. MCCLURE: And then the current
18 C-1 -- the current Form C-102 that's attached, it is
19 of the old form rather than the new form. So if we
20 can omit that to include, well, the new form C-102
21 rather than the older one.

22 MS. SHAHEEN: Will do.

23 MR. MCCLURE: Then I believe that's
24 everything that I have for Pride. Thank you,
25 Ms. Shaheen.

1 MS. SHAHEEN: Thank you.

2 MR. MCCLURE: I thank you, Mr. Hearing
3 Examiner.

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

6 Okay. Let's talk about the deadline
7 for this submission that we're asking for of the
8 evidence. I was thinking that one week should be
9 plenty of time to do this. Do the parties have a
10 feedback on that?

11 MR. ZIMSKY: One week is sufficient
12 time.

13 THE HEARING EXAMINER: Ms. Shaheen?

14 MS. SHAHEEN: It just depends on what
15 my calendar looks like. If we get the transcripts
16 back -- and today is the --

17 THE HEARING EXAMINER: Now, hold on,
18 Ms. Shaheen. I wasn't talking about closing argument.

19 MS. SHAHEEN: Oh.

20 THE HEARING EXAMINER: I was talking
21 about the list mister -- we're talking about the
22 amended exhibit packet. That's all we're talking
23 about.

24 MS. SHAHEEN: Oh, okay. One week is
25 fine.

1 THE HEARING EXAMINER: Fine. Okay. So
2 today is the 28th. Let's see. One week from today
3 will be the 4th, Wednesday the 4th at 5 p.m.
4 Wednesday the 4th of February, 5 p.m. deadline for
5 amended exhibit packets with cover letter.

6 MR. ZIMSKY: And, Ms. Shaheen, we'll
7 try to get you our -- everything, you know, on Monday
8 or Tuesday, just so you have -- you know, hopefully
9 Monday.

10 MS. SHAHEEN: That sounds good. Thank
11 you. I'll try to do the same.

12 THE HEARING EXAMINER: And you'll do
13 the same. That's perfect.

14 MS. SHAHEEN: Yes.

15 THE HEARING EXAMINER: Great. Okay.
16 If for some reason the parties need more time, they
17 can file a motion. I'll consider it. But, you know,
18 we are giving the parties this chance to clean up
19 their own evidentiary record, which we don't always
20 do. So I would suggest sticking within that deadline.

21 Okay. Second, now, we're talking about
22 closing arguments, 15 pages all cited to the record
23 for any argument you make. We were talking about two
24 weeks from today for the hearing -- for the verbatim
25 transcript. That would be the 11th. How much time

1 after the 11th do the parties want?

2 Ms. Shaheen, I'm going to start with
3 you.

4 MS. SHAHEEN: Two weeks.

5 THE HEARING EXAMINER: Mr. Zimsky, two
6 weeks?

7 MR. ZIMSKY: Two weeks is fine.

8 THE HEARING EXAMINER: Good for you?
9 All right. So then we're saying the 25th of February.

10 MR. ZIMSKY: And that's presuming we
11 get the transcripts on --

12 THE HEARING EXAMINER: Of course it's -
13 - yes. Of course.

14 MR. ZIMSKY: Two weeks from the time we
15 get the transcripts.

16 THE HEARING EXAMINER: Well, we're
17 going to say the 25th of February. If there's a
18 problem with the transcript, someone let us know.

19 MR. ZIMSKY: Okay.

20 THE HEARING EXAMINER: We'll adjust
21 that time accordingly.

22 MR. ZIMSKY: Great. Thank you.

23 THE HEARING EXAMINER: Yes. Of course.
24 And that's 5 p.m. also. The caption
25 page does not count toward the 15-page limit, nor does

1 the certification page. All right. I believe we're
2 at the end of the formal hearing.

3 Ms. Shaheen, is there anything else?

4 MS. SHAHEEN: Not that comes to mind.

5 THE HEARING EXAMINER: All right.

6 Excellent.

7 MS. SHAHEEN: Thank you very much.

8 THE HEARING EXAMINER: Excellent.

9 Mr. Zimsky?

10 MR. ZIMSKY: No. Nothing further from
11 Coterra.

12 THE HEARING EXAMINER: Okay.

13 Mr. McClure, is there anything further?

14 MR. MCCLURE: Nothing from me,
15 Mr. Hearing Examiner.

16 THE HEARING EXAMINER: All right. Then
17 we are off the record.

18 (Whereupon, at 11:31 a.m., the
19 proceeding was concluded.)

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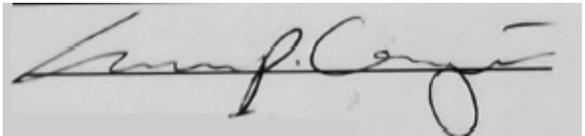
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CERTIFICATE

I, GERALD ARAGON, 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.



GERALD ARAGON
Notary Public in and for the
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, JENNIFER SMITH, 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.



JENNIFER SMITH

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