

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

**APPLICATIONS OF APACHE CORPORATION
FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

**CASE NO. 21189
CASE NO. 21190
CASE NO. 21191
CASE NO. 21192**

**APPLICATIONS OF COLGATE OPERATING,
LLC FOR COMPULSORY POOLING AND
NON-STANDARD SPACING AND PRORATION UNIT,
EDDY COUNTY, NEW MEXICO**

**CASE NO. 21078
CASE NO. 21079
CASE NO. 21239**

JOINT STIPULATION

Apache Corporation (“Apache”), Colgate Operating, LLC & CM Resources, LLC (“Colgate”), Magnum Hunter Production, Inc. (“Magnum”), EOG Resources, Inc. (“EOG”), and XTO Energy Inc. (“XTO”), being all of the parties having entered an appearance in the referenced cases, provides this Joint Stipulation as required by the policy established for contested cases set forth in the Notice of the Oil Conservation Division dated April 22, 2020.

APPEARANCES

APPLICANT

Apache Corporation

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STIPULATIONS AS TO PROCEDURE

1. A virtual hearing on the referenced matters will commence on August [11, 12, or 14], at 8:30 a.m.
2. Apache's Case Nos. 21189, 21190, 21191 and 21192 will be consolidated for purposes of the hearing.
3. Colgate's Case Nos. 21078, 21079 and 21239 will be consolidated for purposes of the hearing.
4. The following dates shall be applicable to the proceedings in the referenced cases:

Task	Date
Deadline to file prehearing statements and witness lists and qualifications	7 days prior to hearing (August __, 2020)
Deadline to file proposed exhibits – exhibits not exchanged by this deadline may not be presented at hearing	7 days prior to hearing (August __, 2020)
Deadline to file full narrative of witness direct testimony	7 days prior to hearing (August __, 2020)
Deadline to file list of stipulated material facts not in dispute and list of disputed material facts and issues	7 days prior to hearing (August __, 2020)
Deadline to file any prehearing motions, including evidentiary motions and objections to witnesses or exhibits	2 days prior to hearing (August __, 2020)
Deadline to file responses to any prehearing motions or evidentiary objections to filed direct testimony or any exhibit (to be addressed by the examiner at the commencement of the hearing)	1 day prior to hearing (August __, 2020)
HEARING DATE	August [11, 12, or 14], 2020

5. The parties further agree and stipulate that the only currently pending competing compulsory pooling applications before the Division affecting the lands which are the subject of Apache's applications filed in Case Nos. 21189 – 21192 and Colgate's applications filed in Case Nos. 21078, 21079 and 21239 are those of Apache and Colgate referenced above.

6. Notwithstanding anything herein to the contrary, each party retains its respective right following entry of an order of the Division in these matters to a de novo hearing before the Oil Conservation Commission pursuant to NMAC 19.15.4.23.

7. The parties agree that, notwithstanding the deadline to file evidentiary motions regarding exhibits and witnesses, no party is prohibited from objecting at hearing to discrete aspects of a witness's written or oral testimony.

8. The Division's Guidelines for Presentation of Cases by Witnesses, paragraphs 1 through 6, are applicable.

9. Specifically, the case presentation at hearing for the combined cases will proceed pursuant to NMAC 19.15.4, except as modified below. Notwithstanding the presentation outline below, it is understood and agreed that each party will have an opportunity to cross-examine an individual witness directly following oral testimony of that witness, with redirect to follow cross-examination, before a party moves to the direct testimony of a new witness.

- a. Opening statements by all parties
- b. Case-in-Chief by Apache (including possible additional oral testimony of Apache's witnesses);
- c. Cross-examination by Colgate;
- d. Cross-examination by Magnum, EOG and XTO;
- e. Redirect by Apache;
- f. Case-in-Chief by Colgate (including possible additional oral testimony of Colgate's witnesses);
- g. Cross-examination by Apache;
- h. Cross-examination by Magnum, EOG and XTO;
- i. Redirect by Colgate;
- j. Direct witness testimony of Magnum, EOG and XTO;
- k. Cross-examination by Apache of any witness presented by Magnum, EOG and XTO;
- l. Cross-examination by Colgate of any witness presented by Magnum, EOG and XTO;
- m. Rebuttal by Apache and Colgate; and
- n. Closing Statement of Apache;
- o. Closing Statement of Colgate;

The foregoing stipulations are hereby agreed to and accepted this ____ day of June, 2020.

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