

**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:**

**APPLICATION OF DEVON ENERGY PRODUCTION
COMPANY, L.P. TO REVOKE THE INJECTION
AUTHORITY GRANTED BY ADMINISTRATIVE
ORDER SWD-640, LEA COUNTY, NEW MEXICO.**

**CASE 15397
Order No. R-14120**

CONFIDENTIALITY ORDER

This matter came before the Oil Conservation Division (the "Division") on the joint motion of Devon Energy Production Company, L.P. ("Devon") and OXY USA Inc. ("OXY") for entry of a Confidentiality Order to govern information and documents designated as confidential which are produced and exchanged in the course of discovery.

Based thereon, IT IS ORDERED THAT:

1. This Confidentiality Order governs the handling of documents, materials, exhibits, and other tangible items disclosed in discovery in this case, when those items are designated "Confidential" in accordance with the procedures set forth herein.

2. The following definitions apply to this Confidentiality Order:

(a) "Confidential Material" or "Confidential Information" shall mean and refer to any documents, materials, exhibits, or other tangible items which are:

(i) deemed in good faith by the party or person producing it or them to constitute trade secret, confidential, or proprietary information; and

(ii) designated as such in accordance with the procedures set forth herein.

Expressly exempted from the definition of Confidential Material or Confidential Information are information or documents which are publicly available.

(b) "Qualified Persons" shall mean and refer to:

- (i) Attorneys for Devon or OXY, including in-house counsel;
- (ii) Employees of Devon or OXY who will be witnesses at the hearing in this case, or who assist said employees in preparation for the hearing;
- (iii) Independent experts or consultants who are employed or retained to assist Devon or OXY in this case; and
- (iv) Employees of the Division.

3. Anyone may designate Confidential Material to be handled in accordance with this Confidentiality Order by marking on, or affixing to, the document, material, exhibit, or other tangible item the following designation:

"Subject to the Confidentiality Order entered in New Mexico Oil Conservation Division Case No. 15397."

The designation shall be placed on documents in such a manner so as not to obscure or make illegible the wording of the document.

4. The following restrictions and procedures shall apply to any Confidential Material or Confidential Information:

(a) All Confidential Material, or Confidential Information contained in or derived from Confidential Material (except as specified in Paragraph 2(a) of this Confidentiality Order), shall not be used by any person for business or competitive purposes or for any purpose other than preparation for and the hearing of this case, and any appeals therefrom.

(b) Access to Confidential Material or Confidential Information shall be limited to Qualified Persons who require access to such Confidential Material or Confidential Information to perform their duties in this case. Qualified Persons shall not disclose any information designated as confidential to any other person or entity.

(c) Any Qualified Person to whom Confidential Material or Confidential Information is to be disclosed shall be advised by the disclosing person or party of the provisions of this Confidentiality Order, and of the limited purpose for which the Confidential Material or Confidential Information may be used; and

(d) Within sixty (60) days of the final termination of this case, whether by settlement or order of the Division (or any appeals therefrom), each Qualified Person, or Devon or OXY, shall return all Confidential Material or Confidential

Information to the party or other person from whom it was received, including any copies, extracts, summaries, or documents containing any information taken therefrom.

(e) If Devon or OXY seek to introduce Confidential Material as an exhibit at the hearing in this case, it shall inform the Division that the proposed exhibit consists of or contains Confidential Material and/or Confidential Information and shall request that, in accordance with NMSA 1978 §71-2-8, the Confidential Material or Confidential Information, and any associated testimony, not be made part of the public record.

5. Entering into, agreeing to, producing or receiving any Confidential Material or Confidential Information, or otherwise complying the terms of this Confidentiality Order shall not:

(a) Constitute an admission by Devon, OXY, or person that any document designated as Confidential Material contains or reflects trade secret, proprietary, or commercial information or other confidential matter;

(b) Prejudice the right of Devon or OXY to object to production of documents it considers not subject to discovery;

(c) Prejudice the right of Devon or OXY to seek a determination of the Division whether particular discovery materials should be produced, or, if produced, whether such materials are properly subject to the terms of this Confidentiality Order;

(d) Prejudice the right of Devon or OXY to seek a determination that access to Confidential Material or Confidential Information should be granted to a person not herein designated to receive the same; or

(e) Prejudice the rights of Devon or OXY to apply for a further protective order relating to any asserted confidential, trade secret, or proprietary information.

6. Devon or OXY may object to any designation of Confidential Materials at any time prior to or at the hearing in this matter by notifying the producing party in writing (or by e-mail) prior to the hearing or raising the issue orally at the hearing in this matter. The producing party, upon receipt of such objection, may seek a ruling from the Division for protection of the disputed materials. The disputed materials will be handled as Confidential Materials until a ruling is obtained

7. The Division reserves the right to rule on the admissibility and handling of Confidential Materials until the time of hearing.

DONE at Santa Fe, New Mexico, on this 1st day of February, 2016.

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION



DAVID R. CATANACH
Director

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