

DISTRICT COURT
SAN JUAN COUNTY NM
FILED

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**ELEVENTH JUDICIAL DISTRICT COURT
COUNTY OF SAN JUAN
STATE OF NEW MEXICO**

**STATE OF NEW MEXICO, *ex rel.*
STATE ENGINEER,**

Plaintiff,

v.

**THE UNITED STATES OF AMERICA,
et al.,**

Defendants.

CV-75-184

**HON. JAMES J. WECHSLER
Presiding Judge**

**SAN JUAN RIVER
ADJUDICATION**

**Claims of Navajo Nation
Case No. AB-07-1**

NAME OF PARTY: ConocoPhillips, its subsidiaries and affiliates, ConocoPhillips Company, Burlington Resources Oil and Gas Company LP ("ConocoPhillips"), and El Paso Natural Gas Company ("EPNG"); the United States of America, the State of New Mexico, and the Navajo Nation (collectively, "Settling Parties")

DESCRIPTIVE SUMMARY: Stipulation Regarding Discovery In Aid of Compromise and Settlement Discussions Between ConocoPhillips and EPNG and the Settling Parties.

NUMBER OF PAGES: 5

DATE OF FILING: February 15, 2013.

STIPULATION REGARDING DISCOVERY

WHEREAS, ConocoPhillips, its subsidiaries and affiliates, including ConocoPhillips Company and Burlington Resources Oil and Gas Company LP ("ConocoPhillips"), and El Paso Natural Gas Company ("EPNG"), and the United States of America ("United States"), the State of New Mexico ("State"), and the Navajo Nation (collectively, "the Parties") are engaged in negotiations to compromise and settle without further litigation ConocoPhillips and EPNG's objections to the Settlement Agreement and Proposed Decrees, which are the subject of the

United States', the State's, and the Navajo Nation's (collectively "Settling Parties") Settlement Motion filed January 3, 2011; and

WHEREAS, ConocoPhillips and EPNG and the Settling Parties believe that there is a reasonable likelihood of reaching such a compromise and settlement; and

WHEREAS, pursuant to Rules 1-026, 1-033, 1-034, and 1-036 NMRA, ConocoPhillips and EPNG served on January 25, 2013, Second Joint Requests for Admission, Interrogatories, and Requests for Production of Documents upon the Settling Parties, and on January 28, 2013, the United States served Second Discovery Requests of ConocoPhillips and El Paso Natural Gas Company (collectively, "Second Requests"); and

WHEREAS, ConocoPhillips and EPNG have noticed the depositions of John Whipple for February 20, 2013, and John Leeper for February 21, 2013, and noticed the depositions of witnesses for the United States, the State, and the Navajo Nation to be designated pursuant to Rule 1-030(B)(6), for February 19, 20, and 21, respectively; and

WHEREAS, ConocoPhillips and EPNG and the Settling Parties desire to avoid such expensive and potentially unnecessary discovery and seek to devote time and effort reaching a compromise and settlement;

THEREFORE, the Parties stipulate and agree as follows:

1. ConocoPhillips and EPNG shall vacate the depositions of John Whipple, John Leeper, and the witnesses to be designated by the United States, the State, and the Navajo Nation pursuant to Rule 1-030(B)(6), currently scheduled as provided in the Notice of Withdrawal filed by ConocoPhillips and EPNG on February 13, 2013, attached hereto as Exhibit A; provided, however, that the Settling Parties shall make all such deponents available on February 19, 20,

and 21, 2013, for deposition by any other party to this proceeding, subject to such party serving notice to take such deposition.

2. In the event that ConocoPhillips and EPNG and the Settling Parties do not reach a compromise and settlement, the Settling Parties shall make the witnesses subject to the withdrawn notices of deposition, described in Exhibit A, available for deposition by ConocoPhillips and EPNG at a mutually convenient time before June 10, 2013.

3. In the event that ConocoPhillips and EPNG and the Settling Parties do not reach a compromise and settlement, ConocoPhillips and EPNG shall make its expert witnesses, John Shomaker and Donald Snyder, available for deposition or interview by the Settling Parties at a mutually convenient time before June 10, 2013.

4. In the event ConocoPhillips and EPNG and the Settling Parties do not reach a compromise and settlement, all Second Requests shall be responded to in writing by the party upon whom such discovery has been served not later than a date mutually agreed to by the Parties, but subject to all rights and remedies otherwise provided by the Rules of Civil Procedure.

5. In the event the Parties do not reach a compromise and settlement, the Parties shall act in accordance with this Stipulation regarding the foregoing discovery matters, and further agree that the terms of this Stipulation shall be enforceable by the Court in this action in accordance with its terms.

So Stipulated:

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ATTORNEYS FOR CONOCOPHILLIPS AND
EL PASO NATURAL GAS COMPANY

UNITED STATES OF AMERICA

Approved 2/15/2013

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COUNSEL FOR THE UNITED STATES

STATE OF NEW MEXICO

Approved 2/15/2013

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NAVAJO NATION

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ATTORNEYS FOR THE NAVAJO NATION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 15th day of February 2013, a copy of the foregoing was served on all parties by emailing to wrtnavajointerse@nmcourts.gov and by separate email transmission to aoccaj@nmcourts.gov, and the list of parties identified on the Court's Corrected Order Summarizing Discovery Activities Discussed at the November 6, 2012 Discovery Conference, filed on November 19, 2012.



Adam G. Rankin

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**STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT COURT**

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NAME OF PARTY: ConocoPhillips, its subsidiaries and affiliates, ConocoPhillips Company, Burlington Resources Oil and Gas Company LP ("ConocoPhillips"), and El Paso Natural Gas Company.

DESCRIPTIVE SUMMARY: ConocoPhillips and El Paso Natural Gas Company's Notice of Withdrawal of Deposition Notices.

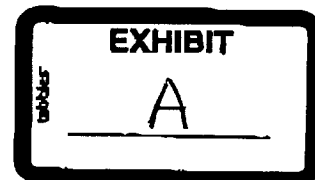
NUMBER OF PAGES: 2

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NOTICE OF WITHDRAWAL OF NOTICES OF DEPOSITION

PLEASE TAKE NOTICE that ConocoPhillips, its subsidiaries and affiliates, ConocoPhillips Company, Burlington Resources Oil and Gas Company LP ("ConocoPhillips"), and El Paso Natural Gas Company ("EPNG"), hereby withdraw the following notices of deposition:


1. Amended Notice of Rule 30(B)(6) Deposition set for February 19, 2013, to the United States of America, filed and served on February 7, 2013;
2. Notice of Deposition of John Whipple set for February 20, 2013, filed and served on February 7, 2013.



- 3. Second Amended Notice of Rule 30(B)(6) Deposition set for February 20, 2013, to the State of New Mexico, filed and served on February 11, 2013;
- 4. Second Amended Notice of Rule 30(B)(6) Deposition set for February 21, 2013, to the Navajo Nation, filed and served on February 11, 2013; and
- 5. Amended Notice of Deposition of John Leeper set for February 21, 2013, filed and served on February 7, 2013.

Respectfully Submitted,

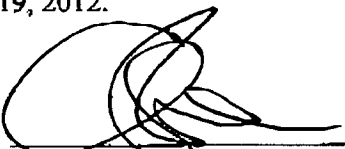
HOLLAND & HART LLP

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ATTORNEYS FOR CONOCOPHILLIPS AND EL PASO NATURAL GAS COMPANY

CERTIFICATE OF SERVICE

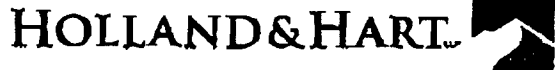
The undersigned hereby certifies that on this 13th day of February 2013, a copy of the foregoing was served on all parties by emailing to wnavajointerse@nmcourts.gov and by separate email transmission to occaj@nmcourts.gov, and the list of parties identified on the Court's Corrected Order Summarizing Discovery Activities Discussed at the November 6, 2012 Discovery Conference, filed on November 19, 2012.


 Adam G. Rankin

*** TX REPORT ***

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February 13, 2013

To: Clerk's Office Fax : (505) 334-1940
Eleventh Judicial District Court Phone: (505) 334-6151

From: Adam Rankin Fax : (505) 983-6043
Holland & Hart LLP Phone: (505) 988-4421

Message:

Re: State of New Mexico ex rel. State Engineer v. USA et al.; No. CV-75-184, San Juan River Adjudication, Claims of Navajo Nation, Case No.: AB-07-1

Please file in the above-captioned case the following document, telecopied herewith: ConocoPhillips and El Paso Natural Gas Company's Notice of Withdrawal of Notices of Depositions.

If you have any questions, please don't hesitate to contact me or legal secretary, Lisa Ortiz. Thank you for your assistance.

Number of pages: 3 ,excluding cover page