



Rosario Doriott Domínguez

Partner

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When oil and gas companies face complex royalty audits, demands, compliance issues, administrative challenges, transactional concerns, or litigation, they turn to Rosario.

PRACTICES

Environmental
Environmental Litigation

INDUSTRIES

Oil and Gas
Energy and Resources

EDUCATION

University of Southern California Gould
School of Law, J.D., 2011
High Honors
*Southern California Review of Law and
Social Justice Journal*, Staff Member

Yale University, B.A., 2007

BAR ADMISSIONS

California
Montana
Indiana
Colorado

Rosario advises oil and gas companies on critical royalty reporting, payment, and compliance issues, ranging from small, specialized operators to multi-national companies. She represents payors operating on federal, Indian, state, and private lands, and those operating under federal leases in the Pacific and Gulf of Mexico.

Clients rely on Rosario for her insights on regulatory rulemaking and her proactive guidance on compliance with new rules and policies. Over the course of her career, Rosario's work has included saving producers an estimated \$25 billion in costs.

Rosario guides her clients not only through self-audits but also in responding to governmental audits, including data mining requests, compliance reviews, enforcement inquiries, and other investigations conducted by the Office of Natural Resources Revenue (ONRR), the Department of Justice, the Office of Inspector General, and State Departments of Audit. She also represents clients seeking royalty refunds and disputing royalty demands, including orders to pay, orders to perform restructured accounting, civil penalties, and denials of cost allocation and valuation proposals.

Rosario brings a rare combination of computational acumen and creative thinking necessary to articulate comprehensive and novel legal arguments persuasive to regulators and courts. Rosario regularly appears before ONRR, the Bureau of Indian Affairs, the Interior Board of Land Appeals, and in federal district and appellate courts.

Clients appreciate Rosario's painstaking attention to detail as well as her ability to recognize opportunities for deductions and other cost valuation methodologies that may reduce financial obligations.

Before joining Holland & Hart, Rosario was a partner at Ryan Law Firm, where she led the firm's oil and gas royalty practice. She also practiced as an associate at Baker & Hostetler and Norton Rose Fulbright.

CLIENT RESULTS

Audits & Investigations

- Successfully resolved numerous data mining reviews, compliance

reviews, and audits conducted by the Office of Natural Resources Revenue (ONRR), the New Mexico Taxation and Revenue Department (NMTRD), and the Wyoming Department of Audit (WYDOA) relating to federal and Indian oil and gas royalty sales, volumes, valuation, and allowances.

- Successfully obtained rare final audit report from WYDOA identifying no issues after completing audit of client's federal gas royalties and unbundling of arm's-length costs.
- Successfully resolved and settled False Claims Act investigation conducted by the Department of Justice alleging underpaid federal gas royalties and overclaimed allowances.
- Successfully resolved False Claims Act investigation conducted by the Office of Inspector General relating to the sale and transportation of oil condensate.
- Successfully resolved audit of national energy producer's private royalty payments and deductions on production from the Denver Basin.

Administrative Appeals

- Successfully obtained several Interior Board of Land Appeals findings of sufficient evidence suggesting ONRR acted in bad faith during its decision-making process and record compilation to deny appellants' royalty refund claims. IBLA-2020-398, IBLA-2021-176, IBLA-2022-69, Interior Board of Land Appeals, Orders (2023).
- Successfully obtained rare ONRR withdrawal of Order to Report and Pay issued by WYDOA alleging improper transportation and processing allowances.
- Successfully appealed, resolved, and settled Order to Report and Pay issued by ONRR alleging failure to claim transportation and processing allowances in compliance with marketable condition rule.

Federal Court Appeals

- Successfully appealed and vacated ONRR Director Decision denying transportation allowances. Obtained district court decision vacating agency's modified royalty demands as arbitrary and capricious, remanding case for further proceedings to address ONRR's compliance with Generally Accepted Governmental Auditing Standards.
- In a case of first impression, successfully appealed and vacated ONRR Director Decision denying transportation allowances. Obtained district court decision vacating unlawful expansion and modification of claims asserted in Order to Report and Pay. *Devon Energy Prod. Co., L.P. v. Gould*, 421 F.Supp.3d 1213 (D.Wyo. 2019).
- Successfully appealed and set aside ONRR Director Decision valuing lessee's unprocessed gas using higher residue gas pricing. Obtained district court decision holding valuation of unprocessed gas sold at wellhead under percentage-of-proceed contracts as

processed gas using residue gas pricing was arbitrary, capricious, plainly erroneous, and inconsistent with regulation. *Continental Resources, Inc. v. Gould*, 410 F.Supp.3d 30 (D.D.C. 2019).

- In a case of first impression, successfully appealed district court decision denying federal royalty suit as time barred. Obtained reversal, determining proper application of the 180-day and 33-month periods for judicial review under 30 U.S.C. § 1724. *Continental Resources, Inc. v. Jewell*, 846 F.3d 1232 (D.C. Cir. 2017).

Policy & Legislation

- Drafted H.R. 10005, "Expedited Appeals Review Act" (Rep. Hageman, 2024), to establish a process to expedite the review of appeals of certain decisions by the Department of the Interior.

Class Actions

- Successfully prevented discovery of non-party natural gas processor's confidential information in various class action suits.

Pro Bono

- In 2013, successfully obtained the Nation's first ruling holding that transgender students must be allowed to use bathrooms that match their gender identities. Successfully appealed decision of Colorado school district to Colorado Civil Rights Division under Colorado's Anti-Discrimination Act, working alongside the Transgender Legal Defense & Education Fund.

PUBLICATIONS

"Oil & Gas Industry Welcomes New Era of Administrative Law," *Ryan Law Alerts*, 2024

"Contesting the Department of the Interior: Is Deferential Treatment Still Due?," *Foundation for Natural Resources and Energy Law*, 2024

"High-Stakes Royalty Litigation: Class Actions and Federal Royalty Demands," *Rocky Mountain Mineral Law Foundation*, 2018

SPEAKING ENGAGEMENTS

"Recent Trends in Oil and Gas Royalty Appeals and Strategies to Overcome Judicial Deference," *Foundation for Natural Resources and Energy Law Special Institute of Federal and Indian Oil & Gas Royalty Valuation and Management*, 2024

"Contesting the Department of the Interior through Judicial Deference," *Texas Bar Association 9th Annual Oil & Gas Disputes Course*, 2024

"Implications of ONRR Regulations," *Independent Petroleum Association of America (IPAA) Midyear Meeting*, 2019

"Policy Summit on ONRR Rules: Program Regarding Recent Rulings in *Continental Resources, Inc. v. Jewell* and *State of California v. Department*

of the Interior," *IPAA Policy Summit*, 2019

"The BLM's Final Rule Governing Rents and Fees for Solar and Wind Energy and the Future of the Renewable Energy Program," *Colorado Bar Association Natural Resources & Energy Law Section*, 2018

"Crude Oil Valuation for Federal Leases," *Rocky Mountain Mineral Law Foundation (RMMLF) – Federal and Indian Oil & Gas Royalty Valuation and Management Conference*, 2018

"Regulatory and Legal Issues Relating to Federal Lands (Onshore and Offshore)," *Houston Bar Association – Oil, Gas, and Mineral Law Section*, 2018

"Marketable Condition – Update on IBLA/Court Cases; Current Issues," *Petroleum Accountants Society of Oklahoma-Tulsa Federal & Indian Royalty Compliance Workshop*, 2017

"ONRR Compliance: Unbundling, Audits, Order, and Increasing Civil Penalties," *Council of Petroleum Accountants Societies (COPAS Education Day)*, 2016

RECOGNITION

- *Attorney Intel*, Top 25 Attorneys of Colorado, 2024
- Colorado Super Lawyers®, Rising Stars, 2018, 2020, 2021
- *Denver Business Journal*, Top Women in Energy, 2019
- *Denver Business Journal*, Who's Who in Energy, 2018
- *The Business Journals*, Bizwoman Headliner in Law, 2018
- *Denver Business Journal*, 40 Under 40 Honoree, 2017
- American Bar Association, On the Rise – Top 40 Lawyer, 2017
- *Law Week Colorado*, Up and Coming Lawyer, 2016
- *Chambers Diversity & Inclusion Awards: North America*, Future Leader – Gender Diversity Award, 2016

PROFESSIONAL AND CIVIC AFFILIATIONS

- Colorado Bar Association, Member
- Colorado Women's Bar Association, Member
- Colorado LGBTQ+ Bar Association, Member