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3 STATE OF NEW MEXICO
4 ENERGY, MINERALS, AND NATURAL RESOURCES
5 DEPARTMENT
6 OIL CONSERVATION DIVISION
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11 TRANSCRIPT OF VIRTUAL PROCEEDINGS
12 April 10, 2025
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16 HEARD BEFORE:

17 HEARING EXAMINER GREGORY CHAKALIAN

18 TECHNICAL HEARING EXAMINER DEAN McCLURE
19
20
21

22 REPORTED BY:

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24 500 4th Street, Northwest, Suite 105

25 Albuquerque, New Mexico 87102

Page 1

1 TRANSCRIPT OF PROCEEDINGS

2 HEARING EXAMINER CHAKALIAN: It
3 is 9:03 a.m. Today is April 10,
4 2025. This is the regular docket of
5 the OCD, the Oil Conservation
6 Division.

7 My name is Gregory Chakalian,
8 for the court reporter last name is
9 C-H-A-K-A-L-I-A-N. We have a new
10 court reporter today so I am going to
11 ask that the first time you speak
12 that you state your name and spell it
13 for the court reporter, that includes
14 the attorneys.

15 I am going to be calling cases
16 in the order that they were sent out
17 yesterday to all the parties.

18 Case number one, Permian
19 Resources compulsory pooling case.

20 MS. VANCE: Good morning,
21 Mr. Hearing Examiner. Paula Vance
22 with the Santa Fe office of Holland &
23 Hart on behalf of Permian.

24 I am similarly having an issue
25 with my video. I have been trying to

1
2 figure it out all morning, but every
3 time I get onto Teams it is not
4 showing up.

5 HEARING EXAMINER CHAKALIAN: I
6 understand, I know your voice, Paula,
7 so thank you.

8 Do we have any other parties or
9 is this uncontested?

10 MS. VANCE: These are
11 uncontested. Previously I believe
12 Mr. Samaniego was a party, but that
13 was dispensed with, and for the
14 benefit of the court reporter, again,
15 my name is Paula, P-A-U-L-A, and my
16 last name is Vance, V-A-N-C-E.

17 HEARING EXAMINER CHAKALIAN:
18 Back on the record today, because we
19 started this hearing last month, if I
20 am not mistaken, and we needed some
21 revised exhibits.

22 MS. VANCE: That's correct.
23 That would be in case -- that first
24 case 24963.

25 HEARING EXAMINER CHAKALIAN:

1
2 That is the only one I called so far.

3 So what have you submitted and
4 let's go to Mr. McClure to find out
5 if everything is what he wanted.

6 MS. VANCE: So in this case it
7 was perfecting notice. We sent out
8 notice to the three additional
9 parties. I think previously I had
10 communication with Mr. McClure, but
11 you will see that the three parties,
12 and they have an asterisk next to
13 their names on the pooling exhibit,
14 we provided notice to them and
15 Permian also followed up with lease
16 offers and that is all within the
17 hearing packets for that case.

18 HEARING EXAMINER CHAKALIAN:
19 What else did you submit that was
20 revised?

21 MS. VANCE: That would be the
22 additional notice that we are here to
23 perfect and that was -- and we
24 included a copy of that sample letter
25 that went out and that was on

1
2 March 5, 2025, and then a copy of the
3 notice, the Affidavit of Notice of
4 Publication, which was timely
5 published March 22, 2025.

6 HEARING EXAMINER CHAKALIAN: In
7 my notes, Miss Vance, I see that you
8 will also be providing updated CPACs
9 and C-102s, is that not what you
10 show?

11 MS. VANCE: I -- hold on one
12 second. I did update the compulsory
13 link checklist, but I think I had
14 previously done that before we were
15 at the last hearing and I am double
16 checking, but I thought we updated
17 all of that at the least hearing.

18 HEARING EXAMINER CHAKALIAN:
19 Let's go to Mr. McClure.

20 Mr. McClure.

21 TECHNICAL EXAMINER McCLURE:
22 Thank you, Mr. Hearing Examiner.

23 Miss Vance, it does appear -- I
24 guess I had two quick questions, you
25 may want to get the landman, but do

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you want me to talk to Miss Vance
first, Mr. Hearing Examiner?

HEARING EXAMINER CHAKALIAN:
Yes, please.

TECHNICAL EXAMINER McCLURE:
Miss Vance, is it your understanding
Mr. Samaniego is no longer being
requested to be pooled by Permian?

MS. VANCE: That is correct, he
is no longer being pooled.

The three parties -- the
interest that he was claiming from
our title analysis it would be that
interest actually would go to the
three parties that we have included
and referenced and that is what we
discussed at the last hearing, so the
three parties on the updated pooling
exhibit that had the asterisk, those
would be the three parties that
Permian is pooling.

TECHNICAL EXAMINER McCLURE:
Okay, we are probably going to want
to get the landman sworn in to revise

1
2 his statement then because it seems
3 that maybe there is an amendment he
4 needs to do to his paragraph eight
5 then.

6 The other question I had for
7 you is there was a typo on form C-102
8 which I wanted you to correct which
9 would, essentially, make the spacing
10 unit non-standard if it stands as is.

11 MS. VANCE: Let me see. And
12 where is the typo in the C-102, can
13 you just point it out?

14 TECHNICAL EXAMINER McCLURE:
15 One area of the lateral is
16 represented as being 330 feet from
17 the core to core line, which would
18 make it so you can't bring in that
19 proximity tract above it in that
20 particular region.

21 MS. VANCE: Okay, right below
22 where it says Section 12.

23 TECHNICAL EXAMINER McCLURE: I
24 don't have it directly in front of
25 me, but that could be correct. It

1
2 has 320 in all the points except one
3 that is left at 330, but that would
4 make it non-standard if that is
5 correct.

6 MS. VANCE: Okay, I believe
7 there may be an explanation for that,
8 and it may be because these include
9 lots so they are irregular, and so
10 even though it says the 320 it might
11 actually encroach, allow for the
12 enlarged spacing unit, but I do
13 believe Mr. Christian is available,
14 he is on the line and could probably
15 answer that if that is not the
16 correct answer.

17 HEARING EXAMINER CHAKALIAN:
18 Let's get Mr. Christian sworn in.

19 Would you turn on your camera,
20 sir.

21 Mr. Christian, would you state
22 and spell your name for the record,
23 please.

24 MR. CHRISTIAN: Collin
25 Christian, C-O-L-L-I-N, last name

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C-H-R-I-S-T-I-A-N.

HEARING EXAMINER CHAKALIAN:

Raise your right hand. Do you swear
or affirm under penalty of perjury
that the testimony you are about to
give is the truth, the whole truth,
and nothing but the truth?

MR. CHRISTIAN: I do.

HEARING EXAMINER CHAKALIAN:

And you have been previously
qualified as an expert in what field?

MR. CHRISTIAN: Petroleum land
management.

HEARING EXAMINER CHAKALIAN:

You put your hand down.

Mr. McCCLURE.

TECHNICAL EXAMINER McCCLURE:

Mr. Christian, can I direct your
attention to paragraph eight of your
affirmed statement, it is on page 14
of 50 in the latest exhibit packet.

MR. CHRISTIAN: Yes, I have got
it pulled up.

TECHNICAL EXAMINER McCCLURE: Do

1
2 you see, I guess the beginning of the
3 second sentence where it says Permian
4 is pooling these parties out of
5 abundance of caution?

6 MR. CHRISTIAN: Is this
7 paragraph eight?

8 TECHNICAL EXAMINER McCLURE:
9 Yes, that's correct.

10 MR. CHRISTIAN: Oh, yes. Sorry.

11 TECHNICAL EXAMINER McCLURE: Is
12 Permian still requesting to pool
13 Mr. Samaniego and American Energy
14 Resources?

15 MR. CHRISTIAN: We are not
16 pooling them anymore, they are not on
17 the exhibits anymore because of the
18 updated title we have gotten does not
19 show them owning an interest.

20 TECHNICAL EXAMINER McCLURE:
21 Thank you, sir.

22 Let me find the page with the
23 C-102. Maybe I didn't write it down
24 in my notes. I guess it is directly
25 below it looks like.

1
2 Can I direct your attention to
3 the land plot for the C-102, which is
4 kind of directly below that but on
5 page 17 of 50.

6 MR. CHRISTIAN: Yes, I am
7 there.

8 TECHNICAL EXAMINER MCCLURE: Do
9 you see where there is an area that
10 represents the 330 feet between the
11 quarter quarter line and the lateral
12 of the proposed well?

13 MR. CHRISTIAN: Yes.

14 TECHNICAL EXAMINER MCCLURE: Is
15 that a typo or is that correct?

16 MR. CHRISTIAN: I believe
17 that's a typo. The whole plan
18 lateral for this well will fall
19 within 330 feet at the quarter
20 quarter line to allow for the
21 occlusion of proximity tracts, so we
22 can correct that.

23 TECHNICAL EXAMINER MCCLURE:
24 Sounds good. I know I had made that
25 request at the last hearing, and

1
2 maybe it was just forgotten about, I
3 guess, in the list of requests I had
4 made.

5 Okay, sounds very good, we will
6 need a correction to that.

7 I thank you, Mr. Christian.

8 Thank you, Mr. Hearing
9 Examiner, I have no further
10 questions, but am requesting Permian
11 submit and amended C-102.

12 HEARING EXAMINER CHAKALIAN: Is
13 that the only document that Permian
14 needs to amend at this point to the
15 hearing packet?

16 TECHNICAL EXAMINER MCCLURE:
17 Well, provided we are fine with the
18 verbal update to the landman
19 statement, then I believe so, yes.

20 HEARING EXAMINER CHAKALIAN:
21 Okay. I leave that to your
22 discretion, Mr. McClure, if you are
23 fine with the testimony correcting
24 any issues you had with paragraph
25 eight then I leave that to your

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discretion.

TECHNICAL EXAMINER McCLURE:

Considering the rest of the exhibit packet is in agreement with their no longer doing Mr. Samaniego then I am fine with the verbal update.

HEARING EXAMINER CHAKALIAN:

Miss Vance, it sounds like we are going to be leaving the record open for this case until you submit another amended exhibit packet with the corrected C-102 and a cover letter.

MS. VANCE: Not a problem.

HEARING EXAMINER CHAKALIAN:

When do you want us to leave the record open until?

MS. VANCE: Um, I am not sure when, I would have to confer with Mr. Christian to see when they would be able to get a revised C-102, but I would imagine it would be within the next week or so.

HEARING EXAMINER CHAKALIAN:

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Mr. Christian is here with us now.
Mr. Christian.

MR. CHRISTIAN: Yes, I think we
could have a revised one in a day or
so.

HEARING EXAMINER CHAKALIAN: A
day or so, okay.

So, Miss Vance, close of
business tomorrow, is that enough
time for you?

MS. VANCE: Can we make it
Wednesday of next week, so that would
be the 16th?

HEARING EXAMINER CHAKALIAN:
Okay, sounds good.

So we are going to leave it
open until April 16th close of
business to receive your amended
exhibit packet with cover letter,
thank you very much.

MR. SAMANIEGO: This is
Jonathan Samaniego from American
Energy Resources.

HEARING EXAMINER CHAKALIAN:

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Would you state and spell your name.

MR. SAMANIEGO: Jonathan
Samaniego, J-O-N-A-T-H-A-N
S-A-M-A-N-I-E-G-O.

HEARING EXAMINER CHAKALIAN:
You are not a party.

MR. SAMANIEGO: Yes, sir.
Under the title that Permian has done
their statements of a cloud being in
the title, American Energy,
regardless of a cloud prior to the
state sale upon the state sale
cleared any cloud that might have
been prior to the sale and the state
sale -- under property tax code the
state sale, the sale, everything that
is with the property goes with the
property because Permian cannot find
severance in the minerals that
predates the tax sale shows there was
minerals included in the sale and
that property too under tax code
property state law the minerals went
with the sale and Mr. Samaniego

1
2 obtained them and, therefore,
3 Mr. Samaniego had the right to lease
4 to American Energy.

5 HEARING EXAMINER CHAKALIAN:
6 Thank you, Mr. Samaniego.

7 Miss Vance, do you want to
8 respond to that?

9 MS. VANCE: Sure. When -- if
10 there is an issue with title this is
11 not the correct venue, we can go to a
12 district court and as was decided at
13 the last hearing Mr. Samaniego is no
14 longer a party to this hearing.

15 HEARING EXAMINER CHAKALIAN:
16 Mr. Samaniego, what Miss Vance is
17 trying to explain, this forum does
18 not adjudicate title disputes, so if
19 you have a title dispute with Permian
20 then you would file suit in the
21 district court.

22 MR. SAMANIEGO: With respect to
23 affected parties I am going to motion
24 for a stay to protect collective
25 rights that may be effected and that

1
2 way we can get a clear title and a
3 clear understanding of everybodys'
4 ownership and interest through a
5 district court.

6 HEARING EXAMINER CHAKALIAN:

7 Okay, Mr. Samaniego, you are more
8 than welcome to file whatever you
9 need to file, you have the number, if
10 I am not mistaken.

11 MR. SAMANIEGO: Yes, sir.

12 Thank you.

13 HEARING EXAMINER CHAKALIAN:

14 Off the record.

15 Moving to 25233, this is an
16 amendment for Permian Resources.
17 Appearances, please.

18 MS. VANCE: Paula Vance with
19 the Santa Fe office of Holland &
20 Heart on behalf of the applicant,
21 Permian.

22 HEARING EXAMINER CHAKALIAN:

23 Are there any other parties that you
24 know of?

25 MS. VANCE: No.

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HEARING EXAMINER CHAKALIAN:

Please proceed.

MS. VANCE: So in this particular case all we are doing is opening up the previously -- opening up the order to pool additional parties, it is the same three parties that were referenced in the last case that we just discussed, so in this case we have included a copy of the application, the order, along with a statement from Mr. Collin Christian who has previously testified before the division, along with an updated pooling exhibit, again, that identifies those parties that are being added to the pooling. We also included a copy of the lease offer that was sent to those parties and an updated chronology of contacts.

Lastly, we have a copy of the notice that went out to those parties that was timely mailed on February 21, 2025, and then an

1
2 Affidavit of Notice of Publication
3 which was timely published on
4 February 23, 2025, and unless there
5 are any questions I would request
6 that the case be taken under
7 advisement at this time.

8 HEARING EXAMINER CHAKALIAN:
9 Thank you.

10 Mr. McClure.

11 TECHNICAL EXAMINER McCLURE:
12 Mr. Hearing Examiner, I do have the
13 questions for the landman.

14 HEARING EXAMINER CHAKALIAN:
15 Mr. Christian, I remind you you are
16 still under oath.

17 Mr. McClure, go ahead.

18 TECHNICAL EXAMINER McCLURE:
19 Mr. Christian, if I can direct your
20 attention to, essentially, your pool
21 person list, it looks like it is
22 found on page 16 of 56.

23 MR. CHRISTIAN: Yes, I am
24 there.

25 TECHNICAL EXAMINER McCLURE: Is

1
2 it correct that the three persons
3 that is highlighted in yellow, or is
4 it correct that those persons are the
5 ones that Permian is requesting to be
6 added to the pooling order?

7 MR. CHRISTIAN: Yes, sir, that
8 is correct.

9 TECHNICAL EXAMINER McCLURE: If
10 I can direct your attention to the
11 next page down, page 17 of 56, it
12 looks like this is, I guess maybe
13 notes about that prior table, do you
14 see where I am referring to?

15 MR. CHRISTIAN: Yes.

16 TECHNICAL EXAMINER McCLURE:
17 Here you have a note talking about
18 buffer acreage being removed from
19 city/SPC to adjust for unit acreage;
20 do you see the note I am referring
21 to?

22 MR. CHRISTIAN: Yes.

23 TECHNICAL EXAMINER McCLURE:
24 Can you please describe for me, I
25 guess what is meant by that note?

1
2 MR. CHRISTIAN: Yes. So in
3 putting this unit together there are
4 tons of lots within the city and so
5 figuring out the total acreage and
6 correct acreage amount can be tough
7 to do, so pretty much what we have
8 done is, you know, a portion of this
9 acreage is credited to the city of
10 Carlsbad, you know, a portion is
11 leased to SPC and other individuals,
12 and what we have done is use the
13 buffer acreage and use kind of the
14 city as well as our own interest to,
15 you know, make, I guess the nets true
16 up, so it is either going to be owned
17 by the city or it is the acreage that
18 is owned by Permian Resources now,
19 previously SPC.

20 TECHNICAL EXAMINER McCLURE:
21 Now when you are referring to "buffer
22 acreage" I guess can you please
23 describe that concept to me in a
24 little bit more detail?

25 MR. CHRISTIAN: I would say the

1
2 way we are thinking about it is the
3 acreage that makes up this whole unit
4 in making it whole, so anything
5 around these lots, you know, I think
6 we are thinking of roads, alleys,
7 everything as far as that stuff.

8 TECHNICAL EXAMINER MCCLURE:

9 Okay, so these 38.48 acres, they do
10 exist, but they are underlying, like
11 city streets?

12 MR. CHRISTIAN: Yes.

13 TECHNICAL EXAMINER MCCLURE:

14 And rural roads and stuff like that;
15 is that correct?

16 MR. CHRISTIAN: Yes, sir,
17 that's correct.

18 TECHNICAL EXAMINER MCCLURE: So
19 who is Permian attributing the
20 minerals that underlie those roads
21 and railroads to?

22 MR. CHRISTIAN: A lot of it --
23 I would have to look back at all of
24 our title, but a lot of it is
25 attributed to the city of Carlsbad

1
2 for the roads, but I would have to
3 look back at all the exact title.

4 TECHNICAL EXAMINER McCLURE: I
5 guess is Permian asking to pool any
6 of these 38 or asking the division to
7 force pool any of these 38.48 acres?

8 MR. CHRISTIAN: No, we are not
9 asking to force pool any of that.
10 Either that is acreage that is owned
11 by the city and leased to Permian
12 Resources now or owned by Permian
13 Resources, so, no, we are not asking
14 to force pool any of that 38 acres.

15 TECHNICAL EXAMINER McCLURE: So
16 then is it correct that all 38.48 of
17 these acres, the minerals are either
18 owned by Permian or leased to
19 Permian?

20 MR. CHRISTIAN: I believe that
21 is correct, yes.

22 TECHNICAL EXAMINER McCLURE:
23 Now in that table above there is a
24 final total of 1,267 and some-odd
25 hundredth of an acre; is that

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correct?

MR. CHRISTIAN: That is
correct.

TECHNICAL EXAMINER McCLURE: Is
that the true acreage that is within
the entirety of the unit?

MR. CHRISTIAN: Yes.

TECHNICAL EXAMINER McCLURE:
Okay, so how does this 38.49 come in
to that total, then?

MR. CHRISTIAN: That would just
be acreage that would be rolled out
of our SPC.

TECHNICAL EXAMINER McCLURE:
So, currently, in that table you have
1123.45 attributed to SPC Resources
LLC; is that correct?

MR. CHRISTIAN: That's correct.

TECHNICAL EXAMINER McCLURE: So
is the 38.48 acres a part of that
1,123?

MR. CHRISTIAN: I do not
believe it is, no.

TECHNICAL EXAMINER McCLURE: So

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then does all the totals in that
table come out to 1,267?

MR. CHRISTIAN: Yes, they do.

TECHNICAL EXAMINER McCLURE: So
I am just going to call it 40 acres
just to make it easier from this
point forward, but I am referring to
38.48.

Of that 40 acres of buffer
acres the buffer 40 acres that you
have listed below, if that is
attributed to SPC but it is not
included in that 1,123 acres then how
is it that the true acreage of that
unit is 1,267?

MR. CHRISTIAN: I would have to
look back at the calculations on this
and kind of talk with our group as
well who helped put this together.

TECHNICAL EXAMINER McCLURE: Is
it fair to say that there may be a
typo here somewhere then in terms of
the calculations?

MR. CHRISTIAN: So I do know

1
2 the true acreage for the unit is
3 1267., you know, 09. I need to see
4 exactly on the buffer, you know, I
5 think that's been ruled out of us and
6 the city, I think we could probably
7 do a better job of explaining exactly
8 what we are doing there with the
9 buffer acreage.

10 TECHNICAL EXAMINER MCCLURE:
11 Okay, now at this point standing here
12 in the hearing are you able to tell
13 me what this table should look like
14 then if it were to include all the
15 acreage?

16 MR. CHRISTIAN: If it was going
17 to include the buffer acreage?

18 TECHNICAL EXAMINER MCCLURE:
19 Well, Permian is asking for the
20 division to include that acreage in
21 the unit that we are force pooling
22 persons into; is that correct?

23 MR. CHRISTIAN: Yes, but it's
24 just an acreage total situation where
25 it is like the city is leasing to SPC

1
2 so it is just totalling up acreage,
3 we are not asking to force pool that,
4 it is just an acreage total thing.
5 We know that is the unit total and
6 that is the buffer amount and so it
7 is just figuring the breakdown of
8 what that exactly is supposed to be.

9 TECHNICAL EXAMINER McCLURE:

10 Well, a little bit of context so
11 maybe you could more easily
12 understand what I am looking for.

13 An applicant is required to
14 provide the division with a breakdown
15 of the different interests in the
16 unit, so what I am trying to grasp is
17 how that is figured into this total
18 of the unit, and right now it seems
19 to be outside of the table.

20 MR. CHRISTIAN: Yeah.

21 TECHNICAL EXAMINER McCLURE:

22 Unless it is a part of that
23 1,123 acres.

24 MR. CHRISTIAN: No, it wouldn't
25 be a part of that.

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2 TECHNICAL EXAMINER McCLURE: So
3 based upon that, I am assuming that
4 all these net acres here does not add
5 up to 1,267, do you believe that is
6 accurate?

7 MR. CHRISTIAN: I believe all
8 of this should add up to 1,267 and
9 then that's, you know, if it added up
10 to above that you would have almost
11 the 40 buffer acreage rolled into
12 SPC, so I believe all of this should
13 add up, but I could confirm that.

14 TECHNICAL EXAMINER McCLURE: To
15 prevent us from having to continue
16 this case, Mr. Hearing Examiner, I am
17 almost wondering if we could give the
18 applicant a chance to do that and
19 maybe hear it again later today, I
20 don't know what your thoughts are on
21 the matter, though.

22 HEARING EXAMINER CHAKALIAN:
23 Well, the docket is pretty full today
24 and by the pace we are going right
25 now I don't believe we are going to

1
2 be able to come back to it, so I
3 think we will either need to continue
4 it to another docket, so, Miss Vance,
5 when do you want to continue this
6 case?

7 MS. VANCE: Well, one, I did
8 want to point out this is just --
9 there is a pooling order in place and
10 we are requesting to pool additional
11 parties, but this isn't new pooling,
12 there is a pooling order in place, so
13 I just want to clarify.

14 HEARING EXAMINER CHAKALIAN:
15 Thank you.

16 MS. VANCE: So I am sure
17 Permian would like to get this heard
18 as soon as possible. I know there is
19 a special docket next week on the
20 15th, I believe, so if I can confer
21 with my client and see how soon we
22 could update the hearing packet to
23 make these edits and get back to the
24 Hearing Examiner and the Technical
25 Examiner during this hearing and just

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confirm if the 15th would work.

HEARING EXAMINER CHAKALIAN:

That works for me.

Mr. McClure.

TECHNICAL EXAMINER McCLURE: It

does for me as well.

HEARING EXAMINER CHAKALIAN:

Miss Vance, let's take a five-minute
break and maybe you could confer
during that time; okay?

MS. VANCE: Okay, thank you.

(Short break taken.)

HEARING EXAMINER CHAKALIAN:

Back on the record 9:37 a.m.

Miss Vance, did you confer with
your client?

TECHNICAL EXAMINER McCLURE:

You are muted, Miss Vance, if you are
speaking.

MS. VANCE: Sorry about that.

I was on the phone with
Mr. Christian.

That does work.

HEARING EXAMINER CHAKALIAN:

1
2 Then, Miss Vance, please continue
3 your case to the April 15th docket
4 and we will pick it up there.

5 MS. VANCE: Okay.

6 HEARING EXAMINER CHAKALIAN: We
7 are off the record in that case.

8 Moving on to cases 3 to 6 on
9 our docket 25039, 40, 41, 42 and
10 appearances, please.

11 MS. VANCE: Paul Vance with the
12 Santa Fe office of Holland & Hart on
13 behalf of Oxy.

14 HEARING EXAMINER CHAKALIAN:
15 Thank you.

16 MR. SAVAGE: Darin Savage with
17 Abadie & Schill on behalf of Alpha
18 Energy Partners.

19 MS. BENNETT: Deana Bennett,
20 Bennett, that is D-E-A-N-A
21 B-E-N-N-E-T-T, on behalf of Avant
22 Operating LLC.

23 HEARING EXAMINER CHAKALIAN:
24 Mr. Savage, would you spell your name
25 for the court reporter.

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MR. SAVAGE: Darin Savage,
D-A-R-I-N S-A-V-A-G-E.

HEARING EXAMINER CHAKALIAN:
Miss Bennett, let me start with you,
did you withdraw your objection?

MS. BENNETT: Mr. Hearing
Examiner, I did not file an objection
in these cases, I am monitoring them
only on behalf of Avant, but I did
want to just state I have been in
discussions with counsel for Permian
Resources and it is my understanding
that they are going to be submitting
a revised exhibit packet to address
some issues with respect to Avant's
interest in these units, and so I am
looking forward to hearing that from
Read & Stevens counsel, if that is
what they decided to do.

HEARING EXAMINER CHAKALIAN:
Thank you for the heads-up.

Mr. Savage.

MR. SAVAGE: We filed an
objection initially and the parties

1
2 resolved the matter so we withdrew
3 the objection.

4 HEARING EXAMINER CHAKALIAN:

5 Thank you, Mr. Savage.

6 Miss Vance.

7 MS. VANCE: I apologize, I
8 jumped in the worksheet.

9 I am Paula Vance from the Sante
10 Fe office of Holland & Hart on behalf
11 of Permian Resources and Read &
12 Stevens. I actually entered an
13 appearance for Oxy, I apologize for
14 that.

15 What both Miss Bennett and
16 Mr. Savage stated is my understanding
17 as well.

18 HEARING EXAMINER CHAKALIAN:

19 Would you present these in a group
20 format, please?

21 MS. VANCE: Yes. Can you give
22 me just one second, I am pulling up
23 the exhibit packets for reference, if
24 needed.

25 These are extension cases and

1
2 so we have provided a copy of the
3 application, the original pooling
4 orders, and then a statement from
5 Mr. Mark Hajdik, who has previously
6 testified before the division.

7 In this statement, to
8 Mr. Savage's point, it speaks to the
9 agreement that both Permian and Read
10 & Stevens and Alpha have come to. We
11 have also noted that since Permian
12 last appeared in these cases before
13 the division a couple of those
14 interests have changed, including
15 which are referenced in Mr. Hajdik's
16 statement, there is BTA Oil, Alpha
17 and RAB/Avant; however, they are not
18 listed in the updated pooling
19 exhibit. In fact, there is actually
20 no updates to the pooling exhibit,
21 that was an oversight on my part.
22 Those parties, those new parties,
23 Permian is working on an agreement
24 with them so we are not listing them
25 as pooled parties and so following

1
2 that is the affidavit of Notice of
3 Publication, the sample letter was
4 timely mailed on December 20, 2024,
5 and then the affidavit was timely
6 published on December 22, 2024, and
7 so unless there are any questions I
8 would ask these cases be -- that the
9 exhibits be taken under advisement or
10 that the exhibits be accepted and the
11 cases be accepted for advisement.

12 HEARING EXAMINER CHAKALIAN:

13 Miss Bennett, any objections?

14 MS. BENNETT: No objections.

15 HEARING EXAMINER: Mr. Savage,
16 any objections?

17 MR. SAVAGE: No objection.

18 HEARING EXAMINER CHAKALIAN: So
19 your exhibits are admitted into
20 evidence in all four cases.

21 Mr. McClure.

22 TECHNICAL EXAMINER McCLURE: I
23 do have questions for the landman,
24 Mr. Hearing Examiner.

25 HEARING EXAMINER CHAKALIAN:

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Miss Vance, can you get him on?

MS. VANCE: I know he was in a meeting and I may have to send him a message to get him on the line because I am not seeing him.

HEARING EXAMINER CHAKALIAN:
Well, then we will be in recess on these cases until the landman is able to join us.

Would you turn your camera on.
In the meantime would you state and spell your name for the record.

MR. HAJDIK: Mark Hajdik,
M-A-R-K H-A-J-D-I-K.

HEARING EXAMINER CHAKALIAN: I
am going to swear you in as soon as I
can see you. I can see you.

Would you raise your right
hand, please. Do you swear or affirm
under penalty of perjury that the
testimony you are about to give is
the truth, the whole truth, and
nothing but the truth?

MR. HAJDIK: I do.

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HEARING EXAMINER CHAKALIAN:

Thank you.

What field of expertise have you been previously admitted here in this division?

MR. HAJDIK: Land.

HEARING EXAMINER CHAKALIAN:

Land, okay.

Mr. McClure.

TECHNICAL EXAMINER McCLURE:

Mr. Hajdik, very briefly can you describe for me the good cause for the extension for these four cases?

MR. HAJDIK: We had kind of a two pronged situation here, we were waiting on the orders for the adjacent section so we could more timely co-develop and minimize parent-child situation and we had some kind of upside zones we were testing in the vicinity and those zones started flowing back earlier this year so we are actually going to be able to add a couple of wells

1
2 based on this development for the
3 wells, so that was the reason of
4 pushing it beyond the initial
5 expiration as results back.

6 TECHNICAL EXAMINER McCLURE:
7 Now, currently, Permian is asking
8 for, approximately, a six-month
9 extension on these orders, do you
10 foresee that being enough time to
11 take into account your neighboring
12 acreage?

13 MR. HAJDIK: Yes, we have taken
14 care of all of that. The six-month
15 was an agreement Alpha, they have an
16 expiration in 2026, so this will give
17 us enough time to kind of balance the
18 code of element, you know, get the
19 offset results which we currently
20 have, and, you know, meet Alpha's
21 needs.

22 TECHNICAL EXAMINER McCLURE:
23 Now when you are referring to the
24 neighboring acreage, is that part of
25 competing compulsory pooling cases

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that is currently being heard in
front of the division?

MR. HAJDIK: They were, those
orders were issued last week.

TECHNICAL EXAMINER MCCLURE: So
Permian -- does Permian -- are they
now the operator of that neighboring
acreage?

MR. HAJDIK: Correct.

TECHNICAL EXAMINER MCCLURE:
And as such you do foresee that
Permian will be drilling out these
units in question, that being the
Riddler 310 federal com wells within
the next six months?

MR. HAJDIK: Yes, we are
planning to start drillings this
summer in order to meet the 1015s.

TECHNICAL EXAMINER MCCLURE:
Thank you, Mr. Hajdik.

Mr. Hearing Examiner, no
further questions.

HEARING EXAMINER CHAKALIAN:
With those answers can we take these

1
2 under advisement or do we need any
3 kind of amendment?

4 TECHNICAL EXAMINER MCCLURE: We
5 can take that under advisement,
6 Mr. Hearing Examiner.

7 HEARING EXAMINER CHAKALIAN:
8 Perfect. Thank you, we are off the
9 record in these four cases.

10 Moving onto cases 7 through 12,
11 these are Oxy USA cases, 25103, 104,
12 105, 106, 107 and 108. Entrance of
13 appearance please.

14 MS. VANCE: Paula Vance with
15 the Santa Fe office of Holland & Hart
16 on behalf of Oxy.

17 HEARING EXAMINER CHAKALIAN:
18 Thank you.

19 MS. HATLEY: Keri, K-E-R-I,
20 last name Hatley, H-A-T-L-E-Y,
21 internet appearance on behalf of COG
22 Operating, COG Production, and
23 Marathon Oil Permian.

24 HEARING EXAMINER CHAKALIAN:
25 Did you enter an objection that you

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withdrew or just monitoring?

MS. HATLEY: We are monitoring only.

Ms. McLEAN: Jackie McLean on behalf of 3R Operating and we are monitoring as well. And McLean is M-C-L-E-A-N.

HEARING EXAMINER CHAKALIAN: Miss Vans, if there are no other parties could you please present these in a group fashion?

MS. VANCE: Yes, but before I get started our landman has not appeared before the division previously, so I wanted to go ahead and just swear her in now, if that is possible, and she should be on the line, her name is Miss Alissa Payne.

HEARING EXAMINER CHAKALIAN: Let's do that. Let's get her qualified.

MS. VANCE: We did include a copy of her resume that is Exhibit C-1.

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HEARING EXAMINER CHAKALIAN:
Thank you.

I see you there, Miss Payne,
would you raise your right hand.

MS. PAYNE: Yes, hi, good
morning.

HEARING EXAMINER CHAKALIAN:
Good morning.

Before I swear you in would you
state and spell your name for the
record.

MS. PAYNE: It is Alissa,
A-L-I-S-S-A, last name Payne,
P-A-Y-N-E.

HEARING EXAMINER CHAKALIAN:
Thank you.

Would you raise your right
hand. Do you wear or affirm under
penalty of perjury that the testimony
you are about to give is the truth,
the whole truth, and nothing but the
truth?

MS. PAYNE: I do.

HEARING EXAMINER CHAKALIAN:

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Thank you.

What field are you seeking to be admitted as an expert?

MS. PAYNE: Petroleum land management.

HEARING EXAMINER CHAKALIAN:
Very good, land management. I am not looking at your resume right now, tell me about your education that goes to that expertise.

MS. PAYNE: Yes, I graduated from Texas Tech University in 2018 with a degree in energy commerce.

HEARING EXAMINER CHAKALIAN:
What did you do after you graduated?

MS. PAYNE: I came to work for Occidental and have been here since.

HEARING EXAMINER CHAKALIAN:
Very good. From 2018 to present you are with Occidental and what is your position there?

MS. PAYNE: I am a senior land negotiator.

HEARING EXAMINER CHAKALIAN:

1
2 Land negotiator, okay. And as senior
3 land negotiator what are some of your
4 duties?

5 MS. PAYNE: Um, I am analyzing
6 acreage to manage a drill schedule
7 and am working non-op wells as well
8 for our land department.

9 HEARING EXAMINER CHAKALIAN:
10 Okay. From here on in you are
11 qualified before this division as a
12 petroleum land management expert.

13 So, Miss Vance, that has been
14 done.

15 MS. VANCE: Thank you. So I
16 will present these as consolidated
17 cases.

18 This involves acreage all in
19 Township 24 South, Range 29 East, and
20 that is Eddy County. There are
21 overlaps and notice was provided, no
22 objections were received and so I
23 believe we can drop that portion of
24 the applications and I will go
25 through the specific spacing units

1
2 for each of these.

3 In case 25103 this is Oxy is
4 seeking to pool the interest in a
5 317.34-acre spacing unit and that is
6 comprised of lots 1 through 4 which
7 is the west half of the west half
8 equivalent of irregular Sections 19
9 and 30 and dedicating that unit to
10 the SORO CC 19_30 Fed Com 11H and
11 this will be in the first Bone
12 Spring, so we are only pooling a
13 portion of the Bone Spring for each
14 of these cases.

15 Case number 25104, Oxy is
16 seeking to pool the interests in a
17 320-acre, more or less, spacing unit,
18 and that is comprised of the east
19 half and west half irregular Sections
20 19 and 30, dedicating that unit to
21 the SORO CC 19_30 Fed Com 12H.

22 And case 25105, Oxy is seeking
23 to pool the interests in a 640-acre,
24 more or less, spacing unit, and that
25 is comprised of the east half of

1
2 irregular Sections 19 and 30 and
3 dedicating that unit to the SORO CC
4 19_30 13H and 14H, and that is in the
5 first Bone Spring, and the 14H is the
6 proximity well.

7 And then in case number 25106,
8 Oxy seeks to pool the interests in
9 the 317.34-acre, more or less,
10 spacing unit, and that is comprised
11 of lots 1 through 4 and that is the
12 west half west half equivalent of
13 irregular Sections 19 and 30 and
14 dedicating that spacing unit to the
15 SORO CC 19_30 Fed Come 71H and 72H,
16 and this is pooling the third Bone
17 Spring.

18 Case number 25107, Oxy is
19 seeking to pool the interests in a
20 320-acre, more or less, spacing unit,
21 and that is comprised of the east
22 half of west half of irregular
23 Sections 19 and 30 and dedicating
24 that unit to the SORO CC 19_30 Fed
25 Com 73H, and that is in the third

1
2 Bone Spring.

3 And then, lastly, is case
4 number 25108, Oxy is seeking to pool
5 the interests in a 640-acre, more or
6 less, spacing unit, and that is
7 comprised of the east half of
8 irregular Sections 19 and 30 and
9 dedicating that unit to the SORO CC
10 19_30 Fed Com 74H, 75H and 76H, and
11 that is the third Bone Spring and the
12 75H is the proximity well.

13 The pool code is 96671. In
14 these cases we have included a copy
15 of the applications, the compulsory
16 pooling checklist, as well as the
17 self-affirmed statement of the
18 landman, Alissa Payne, who has now
19 been qualified as an expert in land
20 and Seth Brazell, who has previously
21 testified and his credentials have
22 been accepted as a matter of record.

23 In each of the hearing packets
24 you will find with Miss Payne's
25 exhibits the standard land exhibit,

1
2 sub exhibit requirements, because
3 these have been involved in overlap
4 along with the pooling exhibit the
5 diagram also depicts the overlaps so
6 the proposed unit in relation to the
7 existing units.

8 Following the land is the
9 geology, Mr. Brazell's statement is
10 Exhibit D, and that includes all of
11 the required geology sub exhibits.

12 Then, lastly, Exhibit E is my
13 self-affirmed statement of Notice
14 with a sample copy of the Notice that
15 went out, and that was timely dated
16 on December 20, 2024.

17 And then Exhibit F is a copy of
18 the Affidavit of Notice of
19 Publication, which was timely
20 published on December 21, 2024.

21 Unless there are any questions
22 I would ask that all the exhibits and
23 sub exhibits be admitted into the
24 record and that these cases be taken
25 under advisement at this time.

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HEARING EXAMINER CHAKALIAN:
Are there any objections?

MS. McLEAN: No objection.

HEARING EXAMINER CHAKALIAN:
Verifying not hearing any your
exhibits are admitted into evidence,
Miss Vance, and we will turn to
Mr. McClure.

TECHNICAL EXAMINER McCLURE: I
do have questions for the landman.

HEARING EXAMINER CHAKALIAN:
Miss Payne, will you turn your camera
on. I remind you you are under oath.
Mr. McClure.

TECHNICAL EXAMINER McCLURE:
Thank you, Mr. Hearing
Examiner.

Miss Payne, can you very
briefly describe for me the reason
that the applicant is requesting to
pool the Bone Spring one and Bone
Spring three separately here, not
including the Bone Spring two?

MS. PAYNE: Right, yeah,

1
2 because of the existing second Bone
3 Spring development that is there in
4 Section 30 we are only looking to
5 produce the first and the third.

6 TECHNICAL EXAMINER McCLURE:

7 Okay, thank you.

8 Can I draw your attention
9 looking at -- specifically looking at
10 case 25105, this is one of the east
11 half cases.

12 MS. PAYNE: There are quite a
13 few.

14 TECHNICAL EXAMINER McCLURE: I
15 think 25108 is one of them and 105 is
16 the other.

17 MS. PAYNE: Yes, got it.

18 TECHNICAL EXAMINER McCLURE: If
19 I could draw your attention to page
20 19 of 58, this should be your tract
21 map.

22 MS. PAYNE: Okay.

23 TECHNICAL EXAMINER McCLURE:

24 There appears to be a typo on this
25 slide, I just want to confirm that

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with you. Do you see above the tract map where you have identified as east half west half and then also you reference 320 acres?

MS. PAYNE: Yes.

TECHNICAL EXAMINER McCLURE: Is it correct that what you meant to include here was the east half of those sections and then 640 acres?

MS. PAYNE: That's correct.

TECHNICAL EXAMINER McCLURE: And would this also be correct for case 25108, which is also the east half?

MS. PAYNE: Let me just confirm here.

Yes, that's correct.

TECHNICAL EXAMINER McCLURE: Thank you, Miss Payne.

Mr. Hearing Examiner, I don't have any further questions, but I will need a correction to the CPAC and C-102s.

HEARING EXAMINER CHAKALIAN:

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Thank you.

Miss Vance, we will continue this record to receive an amending hearing packet with cover letter to correct the CPAC and the C-102s.

MS. VANCE: Go ahead, sorry.

TECHNICAL EXAMINER McCLURE: I apologize for interrupting, Mr. Hearing Examiner, actually there is one additional question I want to ask Miss Payne if I may real fast.

HEARING EXAMINER CHAKALIAN: Sure. Miss Payne.

TECHNICAL EXAMINER McCLURE: Miss Payne, to confirm, are there any depth severances within the Bone Spring within these units?

MS. PAYNE: There are not any depth severance in Section 30 that I am aware of.

TECHNICAL EXAMINER McCLURE: Are there any in Section 19, that you are aware of?

MS. PAYNE: No, 19 is owned

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100 percent by Oxy.

TECHNICAL EXAMINER McCLURE:

Okay, thank you, Miss Payne.

I apologize, Mr. Hearing
Examiner. That concludes my
questions.

HEARING EXAMINER CHAKALIAN:

Miss Vance.

MS. VANCE: Could you please
repeat what you wanted updated on the
checklist?

TECHNICAL EXAMINER McCLURE:

Yes, Miss Vance, we have two
different pools within this area, if
you have a pen and paper I will give
you the pool code for those and the
sections.

MS. VANCE: I am ready.

TECHNICAL EXAMINATION McCLURE:

Alright, Section 19 is pool code
50371.

MS. VANCE: Okay.

TECHNICAL EXAMINER McCLURE:

And then the pool code in Section 30

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2 I believe is the one you already have
3 on there, yes, 96671, that is for
4 Section 30 only, and then Section 19
5 is the Pierce Bone Spring that I just
6 gave you.

7 MS. VANCE: Now in reference to
8 that are you going to want updated
9 C-102s, because I believe they only
10 reference the one pool?

11 TECHNICAL EXAMINER McCLURE:
12 That is correct, Miss Vance. In
13 addition to that on the CPAC I know
14 historically speaking we have been
15 doing the Bone Spring as the
16 formation and including the vertical
17 extent in the later role, I guess do
18 you have any thoughts on that?

19 MS. VANCE: Which -- I am
20 trying to find the box that you are
21 referring to. Below formation pool?

22 TECHNICAL EXAMINER McCLURE:
23 That is correct, where you have first
24 Bone Spring and the formation name or
25 vertical extent box.

1
2 MS. VANCE: Sure. I just
3 wanted to be clear it was the first
4 Bone Spring, but to, you know, to
5 Miss Payne's, the question she
6 answered, there is no vertical or
7 there is no depth severance so I just
8 wanted to keep it clean by being
9 clear they are only pooling the first
10 Bone Spring but there is no depth
11 severance, I am happy to edit that,
12 if you like, or note there is no
13 depth severance and they are only
14 seeking to pool the specific targets,
15 but I leave it to your discretion
16 however you would like that to appear
17 in the checklist.

18 TECHNICAL EXAMINER McCLURE:
19 Yeah, I think the cleanest way to go
20 about that would be to change that to
21 Bone Spring and then do the first
22 Bone Spring in your vertical extent
23 and then it goes by default that you
24 are saying there is no depth
25 severance applies to the entirety of

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the Bone Spring; are you on the same page?

MS. VANCE: I am. So you would like to see listed Bone Spring and then next to that first Bone Spring or third Bone Spring?

TECHNICAL EXAMINER McCLURE:
Um --

MS. VANCE: Oh, I see, vertical extent, I am sorry, I did not see that below there, got you. So Bone Spring and then vertical extent two lines below that, got it.

TECHNICAL EXAMINER McCLURE: I know that is the more common way we have been approaching this, and, yeah, I think that might be the cleanest way. The context is I just want to confirm that we have it identified there is no depth severance in the Bone Spring and I think this might be the best approach to that.

MS. VANCE: I can do that.

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TECHNICAL EXAMINER McCLURE:

So, Miss Vance, you understand everything that I am asking to be updated between the CPAC and C-102s?

MS. VANCE: And the plot for, I believe it is 25105 and 25108, I believe where it said 320 and it is supposed to be 640, correcting that as well.

TECHNICAL EXAMINER McCLURE:

Yeah, that is correct, Miss Vance, I was actually hemming and hawing in my own mind whether the verbal confirmation would be enough for the minor typo, but since we are submitting an exhibit packet anyway it would be worthwhile to amend that as well.

MS. VANCE: That works for me. So I got the checklist and the -- I will also have to -- I believe we referenced the pools in Miss Payne's statement, so I will have to correct that as well.

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TECHNICAL EXAMINER McCLURE:

Okay, thank you, Miss Vance.

HEARING EXAMINER CHAKALIAN:

How much time would you like?

MS. VANCE: I will have to talk with Miss Payne, I could send her an e-mail just to see how long it will take to get the updated C-102s, I am not sure how long it will take to turn that around. She is still on the line so she may be able to provide a quick update on that.

MS. PAYNE: I will have to check with regulatory to see what kind of turnaround.

HEARING EXAMINER CHAKALIAN:

Miss Vance, here is what I will do so we could get off the record and keep moving these cases along. I will give you until April 16th, same deadline as last time, if you need more time file a Motion.

MS. VANCE: Thank you.

HEARING EXAMINER CHAKALIAN:

1
2 Thank you. We are off the record in
3 those cases.

4 Let's move on to case number 13
5 on our docket. This is V-F Petroleum
6 case 25151. Entrance of appearances,
7 please.

8 Mr. Savage, are you there?

9 MR. SAVAGE: Good morning,
10 Mr. Hearing Examiner. Good morning,
11 Darin Savage with Abadie & Schill
12 appearing on behalf of V-F Petroleum
13 Incorporated.

14 HEARING EXAMINER CHAKALIAN:
15 Thank you.

16 MS. HATLEY: Keri Hatley on
17 behalf of Marathon Oil, Permian and
18 COG.

19 HEARING EXAMINER CHAKALIAN:
20 Monitoring?

21 MS. HATLEY: Yes, monitoring
22 only.

23 MS. McLEAN: Jackie McLean on
24 behalf of Permian Resources and we
25 are monitoring only.

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HEARING EXAMINER CHAKALIAN:

Perfect.

Mr. Savage.

MR. SAVAGE: Yes, Mr. Examiner.

This case covers lands in Sections 33, 34 and 35, Township 18 South. The landman for this case has testified before the division as an expert witness and his credentials has been accepted, as well as have the geologist, Stephen Burke, and his credentials have been accepted as matter of record for geology.

In this case V-F Petroleum states an order pooling all commuted interests in the Bone Spring Formation underlying a standard 400-acre, more or less, spacing unit comprised of the north half northwest quarter of Section 35 and the north half north half of Sections 34 and 33. The unit will be dedicated to two additional wells and these are the two Walker wells 224H and 234H.

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2 Orientation of the unit is lay down
3 east to west. Mr. Shaw's exhibit
4 includes his landman affidavit
5 statement, the C-102s ownership
6 breakdown, well proposals and
7 chronology of context. And
8 Mr. Burke's Exhibit B includes his
9 geology affidavit that show the
10 potential for the development as
11 described in his affidavit. Exhibit
12 C provides the Affidavit of Notice
13 for mailings and publications notice,
14 all interested working owners were
15 locatable and notice letters were
16 submitted January 23, 2025 and notice
17 was timely published on January 25,
18 2025.

19 Mr. Examiner, at this time I am
20 going to move A, B and C be admitted
21 into the record for 25151 and this
22 case be taken under advisement.
23 Witnesses and counsel are available
24 for questions, thank you.

25 HEARING EXAMINER CHAKALIAN:

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Did you mention when the letter and
when the affidavit for publication
were submitted?

MR. SAVAGE: I did.
January 23rd.

HEARING EXAMINER CHAKALIAN: I
didn't catch you, but if you did that
is fine with me. They were both
timely?

MR. SAVAGE: They are.

HEARING EXAMINER CHAKALIAN:
Any objections to the exhibits?

MS. McLEAN: No.

HEARING EXAMINER CHAKALIAN:
Not hearing any your exhibits are
admitted into evidence. I will turn
to Mr. McClure.

TECHNICAL EXAMINER McCLURE:
Mr. Hearing Examiner, I am going to
have questions for, and I apologize I
was adding notes to the prior cases
here, here we have Mr. Shaw and what
is the geologist's name, Mr. Savage?

MR. SAVAGE: Mr. Burke.

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HEARING EXAMINER CHAKALIAN:
Mr. McClure, Shaw, Burke, which one?

TECHNICAL EXAMINER MCCLURE: I
am going to have questions for both
of them, primarily for the landman,
though.

HEARING EXAMINER CHAKALIAN:
Let's start with Mr. Shaw.

Mr. Shaw.

MR. SHAW: Yes, sir.

HEARING EXAMINER CHAKALIAN: I
will get you sworn in when I could
see you.

MR. SHAW: Can you see me?

HEARING EXAMINER CHAKALIAN: I
can see you. Thank you. Would you
please raise your right hand.

MR. SHAW: Yes, sir.

HEARING EXAMINER CHAKALIAN: Do
you swear or affirm under penalty of
perjury that the testimony you are
about to give is the truth, the whole
truth, and nothing but the truth?

MR. SHAW: Yes, sir.

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HEARING EXAMINER CHAKALIAN:
Would you state and spell your name,
please, for the record.

MR. SHAW: Yes. Jordan,
J-O-R-D-A-N, last name Shaw, S-H-A-W.

HEARING EXAMINER CHAKALIAN:
Mr. Shaw, you know you are a witness
in our motion hearing at the end of
this docket; right?

MR. SHAW: Yes, sir.

HEARING EXAMINER CHAKALIAN:
Mr. McClure.

TECHNICAL EXAMINER MCCLURE:
Thank you, Mr. Hearing Examiner.

Mr. Shaw, I am looking at your
affirmed statement, paragraph 5, it
should be found on page 12 of 61 is
the initial part of it.

MR. SHAW: Yes, sir.

TECHNICAL EXAMINER MCCLURE: In
this statement you reference that V-F
is seeking to pool what you describe
it as the Bone Spring Formation and
then you go on to describe it as the

1
2 top of the first Bone Spring to the
3 base of the third Bone Spring; do you
4 see where I am referencing?

5 MR. SHAW: Yes, sir.

6 TECHNICAL EXAMINER McCLURE: Do
7 you know if the Avalon exists in this
8 area?

9 MR. SHAW: No, sir, I do not.

10 TECHNICAL EXAMINER McCLURE:
11 Would it be V-F's intent to pool the
12 entirety of the Bone Spring including
13 the Avalon or would it be V-F's
14 intent to only do the top of the
15 first Bone Spring to the base of the
16 Third Bone spring?

17 MR. SHAW: I had a
18 conversation -- this would best be
19 probably answered by Mike Burke, but
20 what I am looking at that depth of
21 3,632 feet, and it was my
22 understanding, again, this was my
23 conversation with Mike Burke, our
24 geologist, that he did not see an
25 Avalon in these sections, and so he

1
2 looked at that depth as the top of
3 the first Bone Spring, but, again,
4 Mike Burke would be probably the best
5 one to answer that.

6 TECHNICAL EXAMINER McCLURE:

7 Thank you, Mr. Shaw. I will talk to
8 Mr. Burke here in a second, and I may
9 have to ask you additional questions
10 afterwards depending upon his
11 responses.

12 Moving on from that topic, you
13 know, actually I am ready to move on,
14 I guess I am ready to move on to
15 Mr. Burke now. Thank you, Mr. Shaw.

16 MR. SHAW: I am just trying to
17 locate him at the moment. He is
18 actually currently out of the office,
19 but I will let Darin know once I am
20 able to get a hold of him. He should
21 be able to jump on, but --

22 HEARING OFFICER CHAKALIAN: We
23 will be on recess in this case.

24 Mr. Savage, when you have your
25 witness let us know and we will come

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back to this case.

MR. SAVAGE: Thank you,
appreciate it.

HEARING OFFICER CHAKALIAN:
Moving onto number 14 on our docket,
25164, this is a COG compulsory
pooling, it looks like it stands by
itself. Appearance please.

MS. VANCE: Paula Vance with
the Santa Fe office of Holland & Hart
on behalf of the applicant COG.

HEARING EXAMINER CHAKALIAN:
Are there any other parties that you
know of?

MS. VANCE: I believe so.

MS. LUCK: This is Kaitlyn
Luck, K-A-I-T-L-Y-N L-U-C-K, for WR
Non-Op LLC and Chief Capital.

We don't have any objection, we
are just standing by observing
preserving rights to appeal.

HEARING EXAMINER CHAKALIAN:
Perfect.

Miss Vance.

1
2 MS. VANCE: So we actually
3 previously presented this case at the
4 last hearing and so we are just here
5 to perfect notice and there is a
6 cover page that outlines what was
7 updated, so on the revised pooling
8 exhibit COG actually reached
9 agreement with several parties and
10 then we have also included the
11 overrides that we provided that
12 additional notice to and included
13 with the pooling exhibit and then
14 there is an additional -- a revised
15 letter, Exhibit E, and I will tell
16 you that additional letter went out
17 on March 7, 2025 to those parties and
18 we also covered with additional
19 notice of publication and that was
20 timely published on March 15, 2025,
21 so unless there are any questions I
22 would ask that the exhibits and the
23 revised exhibits be admitted into the
24 record and that this case be taken
25 under advisement at this time.

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HEARING EXAMINER CHAKALIAN:

Okay, are there any objections?

Not hearing any your
exhibits --

MS. LUCK: No objections, thank
you.

HEARING EXAMINER CHAKALIAN:

Your exhibits are admitted into
evidence.

Mr. McClure.

TECHNICAL EXAMINER McCLURE:

Mr. Hearing Examiner, I have a quick
clarification question with Miss
Vance.

Miss Vance, looking at the
transcript from the last hearing that
this was heard at I think there was
reference to maybe some existing
orders that may be overlaps of this
one and may no longer be needed; is
that correct?

MS. VANCE: That is correct,
and I do not have the existing order
number in my notes from the last

1
2 hearing and I don't have those in
3 front of me, but, yes, this was
4 previously pooled with a different
5 development plan. This is to replace
6 that order because this is a
7 different development, this involves
8 U-turn wells and I am happy to look
9 through my notes and grab that order
10 number for reference, I can either
11 e-mail that to you or I can follow-up
12 at the end of the hearing with that
13 information.

14 TECHNICAL EXAMINER McCLURE: It
15 would probably be good to have it in
16 the transcript if we don't have
17 anything in the file. Do you think
18 you referenced those hearing orders
19 in the previous hearing transcript?

20 MS. VANCE: I believe so,
21 because I did provide a short
22 historical background of, you know,
23 why we were back at a hearing for the
24 same acreage and I do believe that I
25 provided a summary of -- that

1
2 included a discussion at the previous
3 orders involved.

4 TECHNICAL EXAMINER McCLURE:

5 Miss Vance, if you could just e-mail
6 those for easier reference for myself
7 then that should be sufficient here.
8 I will let you respond to that,
9 Miss Vance.

10 MS. VANCE: Actually, I just
11 pulled up my notes and I can tell
12 you, so the prior orders it was the
13 original case was case number 23650
14 and the order was R-TAC 22859 and I
15 believe there was an extension
16 request and that was under case 24745
17 and the order was R-TAC 22859 TAC-A,
18 and so once an order is issued
19 through this then I can make a note
20 to follow-up, but that would
21 extinguish those existing orders or I
22 would have to look back on my notes,
23 I don't think we dismissed that
24 because we wanted to keep it intact
25 until we had this order issued.

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TECHNICAL EXAMINER McCLURE:
Okay, thank you, Miss Vance, and I
don't think you will need to do
anything on your end, we will just
terminate it when we do the order for
this one, it will be included in that
same order.

MS. VANCE: Perfect.

TECHNICAL EXAMINER McCLURE:
Thank you, Mr. Hearing Examiner, I
have nothing further for this case.

HEARING EXAMINER CHAKALIAN:
Can we take this under advisement?

TECHNICAL EXAMINER McCLURE:
Yes, we can.

HEARING EXAMINER CHAKALIAN:
Thank you, Miss Vance.

Moving onto 15, 25182, it is a
Cimarex case.

MR. HOLLIDAY: Good morning,
everyone, Ben Holliday on behalf of
the applicant Cimarex Energy Company
of Colorado, and that is Holliday
with two Ls.

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HEARING EXAMINER CHAKALIAN:

Thank you, Mr. Holliday.

MS. KESSLER: This is Jordan Kessler with EOG Resources and we are just monitoring this case.

HEARING OFFICER CHAKALIAN: Can you spell your name for the reporter.

MS. KESSLER: J-O-R-D-A-N, last name K-E-S-S-L-E-R.

HEARING EXAMINER CHAKALIAN: You said you were monitoring, so Mr. Holliday, please proceed.

MS. VANCE: There is one other party.

HEARING EXAMINER CHAKALIAN: Is that you, Miss Vance?

MS. VANCE: Yes. Good morning, Paula Vance with the Santa Fe office Holland & Hart on behalf of Matador.

HEARING EXAMINER CHAKALIAN: Are you monitoring?

MS. VANCE: Yes, just monitoring, thank you.

HEARING EXAMINER CHAKALIAN:

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2 Mr. Holliday, take it away.

3 MR. HOLLIDAY: So this case
4 Cimarex wants to pool from 7,680 feet
5 to the base of the Bone Spring
6 underlying a 960-acre standard
7 horizontal spacing unit comprised of
8 the east half of Sections 23, 26 and
9 35 all located in Township 25 South,
10 ranging 26 East Eddy county, New
11 Mexico. This unit will be dedicated
12 to the winning 2326 Fed Com notes,
13 and, for the record, this case number
14 25182 is a companion case with 25181
15 that was heard by affidavit in March.
16 The reason these two are separated is
17 due to existing Bone Spring
18 production in Section 35, so 25181
19 seeks to pool the upper Bone Spring
20 from the top of the formation to
21 7,680 feet, but as to Sections 23 and
22 26 only. So 25181 excludes 35 due to
23 that pre-existing Bone Spring
24 development.

25 The case today seeks to pool

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2 the east half of both these Sections
3 23 and 26 at well as 35 but from the
4 depth of 7,680 feet to the base of
5 the Bone Spring. So this is pooling
6 the remainder of the Bone Spring and
7 the reason these cases were
8 separated, there was originally an
9 objection to 182 and that has since
10 been withdrawn and we are now hearing
11 it by affidavit.

12 In terms of the exhibits we
13 provided the affidavit of Landman
14 Curtis and Kelleghan. Both Curtis
15 and Kelleghan have been previously
16 recognized as experts by the division
17 and have testified and both are also
18 available if the Technical Examiner
19 has any questions.

20 So turning to the exhibits,
21 Mr. Curtis provides our standard suit
22 of land exhibits shown in our table
23 of contents that is A-1 through 7.
24 Mr. Kelleghan provides likewise the
25 standard geology exhibits in B-1

1
2 through B-4. Exhibit C is my packet,
3 it is the Notice of Affidavit and the
4 associated attachments.

5 Notice in this case was timely
6 sent by certified mail on
7 February 18, 2025, and we also timely
8 published in the Carlsbad
9 Current-Argus on February 2, 2025.

10 So with that unless there is
11 any questions, I request that the
12 exhibits be admitted and these cases
13 be taken under advisement at this
14 time.

15 HEARING EXAMINER CHAKALIAN:
16 Thank you, Mr. Holliday.

17 Any objections?

18 Not hearing any your exhibits
19 are admitted into evidence.

20 Mr. McClure.

21 TECHNICAL EXAMINER McCLURE:
22 Mr. Examiner, I will have questions
23 for the landman.

24 HEARING EXAMINER CHAKALIAN:
25 Mr. Curtis, could we get you on the

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screen.

MR. CURTIS: Right here.

HEARING EXAMINER CHAKALIAN: As soon as you turn your camera on I can swear you in.

Mr. Curtis, please raise your right hand.

Do you swear or affirm under penalty of perjury that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

MR. CURTIS: I do.

HEARING EXAMINER CHAKALIAN: Would you state and spell your name for the record?

MR. CURTIS: K-E-A-T-O-N
C-U-R-T-I-S.

HEARING EXAMINER CHAKALIAN: You previously have been admitted as an expert as a landman.

MR. CURTIS: Yes, sir.

HEARING EXAMINER CHAKALIAN: Mr. McClure.

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TECHNICAL EXAMINER McCLURE:
Mr. Curtis, is it accurate that
Cimarex is asking to pool the east
half of these sections only?

MR. CURTIS: That's correct.

TECHNICAL EXAMINER McCLURE: Is
it also accurate to say that Cimarex
is asking to pool the entirety of the
third Bone Spring?

MR. CURTIS: Um, yes, those
will include the third Bone Spring.

TECHNICAL EXAMINER McCLURE:
Now when you say it will encompass
the third Bone Spring do you mean
those depths is the top and low lower
bounds of 30 Bone Spring?

MR. CURTIS: Internally we are
calling them Harkey wells, which
Cahill might be able to testify
better than I, but that zone exists
on the top of the third Bone Spring.

TECHNICAL EXAMINER McCLURE: I
may need to ask your geologist a
little more then because the Harkey

1
2 is a pool that is recognized in the
3 state of Texas. In the state of New
4 Mexico we consider it a part of the
5 third Bone Spring, so I will just
6 need some clarifying questions there
7 I guess, but sticking with you for a
8 second here, is it accurate to say
9 that there are no depth severances
10 within the Bone Spring Formation?

11 MR. CURTIS: That's correct.

12 TECHNICAL EXAMINER McCLURE: So
13 the only reason Cimarex is asking for
14 only the third Bone Spring, is that
15 solely because of the existing wells
16 in the Bone Spring two?

17 MR. CURTIS: That's correct.

18 TECHNICAL EXAMINER McCLURE: It
19 doesn't look like I gave a page
20 reference in my notes to the summary
21 of interest table. Where is that at?

22 MR. HOLLIDAY: I believe it is
23 on page 25.

24 TECHNICAL EXAMINER McCLURE:
25 Thank you, Mr. Holliday.

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Mr. Curtis, if I could direct
your attention to page 25 of 76.

MR. CURTIS: I am here.

TECHNICAL EXAMINER McCLURE: Is
Cimarex asking to pool CGWI Holdings
LLC?

MR. CURTIS: We are, yes. I
can take a little context to add to
that, if you like.

TECHNICAL EXAMINER McCLURE:
Possibly, depending on your response
to my next question.

Was notice provided, was notice
of this application provided to CGWI
Holdings LLC?

MR. CURTIS: So we submitted --
let me break that one down.

So with CGWI originally the
owner we were attempting to pool in
the very beginning of this, the owner
that received the well proposal was
Royal Ltd. We got hold of Arroyo in
February, from that communicated they
were going to communicate or lease

1
2 their interest. At this point the
3 applications for these two cases had
4 already been submitted and leased to
5 CGW and with that we took the
6 applications already being at the
7 level as notice; however, we did
8 submit additional proposals once we
9 received recognizing it was a working
10 interest and so they received it both
11 ways.

12 TECHNICAL EXAMINER MCCLURE: Go
13 ahead, sir.

14 MR. CURTIS: I was just going
15 to add that after communicating with
16 them once they pooled that lease they
17 were aware of our cases and we are
18 going to continue to evaluate.

19 TECHNICAL EXAMINER MCCLURE: So
20 as a clarifying question, then, is it
21 correct to state that their only
22 notification in regards to this case
23 is via whatever the mineral interest
24 owner may have told them and your
25 mail; is that correct?

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MR. CURTIS: That would be I
believe correct, yes.

TECHNICAL EXAMINER MCCLURE:
Mr. Hearing Examiner, I think I am
ready to for the geologist.

HEARING EXAMINER CHAKALIAN:
Okay. Mr. Kelleghan.

Would you state and spell your
name for the record.

MR. KELLEGHAN: First name is
C-A-H-I-L-L, last name is
K-E-L-L-E-G-H-A-N.

HEARING EXAMINER CHAKALIAN:
Raise your right hand.

Do you swear or affirm under
penalty of perjury that the testimony
you are go to give is the truth, the
whole truth, and nothing but the
truth?

MR. KELLEGHAN: Yes, I do.

HEARING EXAMINER CHAKALIAN:
And you have previously been admitted
as an expert in what field?

MR. KELLEGHAN: In the field of

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geology.

HEARING EXAMINER CHAKALIAN:
Mr. McClure.

TECHNICAL EXAMINER McCLURE:
Mr. Kelleghan, did you hear the
earlier testimony regarding the
Harkey when I was speaking to your
landman?

MR. KELLEGHAN: Yes, sir. So
we are -- go ahead.

TECHNICAL EXAMINER McCLURE: I
guess my question to you is the
extent that is being requested, does
that include the entirety of the
third Bone Spring?

MR. KELLEGHAN: That does not
cover the entirety of the third Bone
Spring. Our target interval is a
subzone within the third Bone Spring
and the base of a zone is the base of
a third Bone Spring, so, technically,
there is a subinterval above us
within the third Bone Spring we are
not pooling.

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2 TECHNICAL EXAMINER McCLURE: Is
3 it accurate to say the third Bone
4 Spring carbonate is above your
5 vertical limit, then?

6 MR. KELLEGHAN: Yes, sir.

7 TECHNICAL EXAMINER McCLURE:
8 Okay, thank you, Mr. Kelleghan.

9 I don't have anymore questions,
10 Mr. Hearing Examiner, though I will
11 have requests associated with this
12 case, including that we continue it
13 for notice to be cured.

14 HEARING EXAMINER CHAKALIAN: Do
15 you want to tell Miss Vance -- sorry,
16 don't tell Miss Vance, tell
17 Mr. Holliday what you need.

18 TECHNICAL EXAMINER McCLURE:
19 Mr. Holliday, in regards to notice to
20 CGWI Holdings LLC we are going to
21 need to provide them notice of this
22 application.

23 In regards to the CPAC, and let
24 me scroll up to it, if we could
25 correct -- are you with me where we

1
2 are looking at that group that is
3 under formation/pool on the CPAC?

4 MR. HOLLIDAY: Let me go with
5 you really quick. You mean the
6 checklist?

7 TECHNICAL EXAMINER McCLURE:
8 Yes, the pooling application
9 checklist.

10 THE HOLLIDAY: Okay, yes, sir.
11 Which line?

12 TECHNICAL EXAMINER McCLURE: If
13 we could change that formation to be
14 the Bone Spring and then move what
15 you have there down to the vertical
16 extent.

17 Do you know if in the landman's
18 statement we talk about -- I was just
19 looking at it and we don't. Um, can
20 we also include in there, and I know
21 it is going to make it longer, but
22 maybe in parenthesis or something in
23 regard to that top saying it is at
24 the Harkey or maybe saying it is at
25 the base of the third Bone Spring

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carbonate since we don't use Harkey
in the state of New Mexico.

MR. HOLLIDAY: Yes, sir.

TECHNICAL EXAMINER McCLURE: I
believe that was what -- my
understanding was of Mr. Kelleghan's
testimony was.

MR. HOLLIDAY: That's correct.

TECHNICAL EXAMINER McCLURE:
Also, in addition to that, can we --
do you see down lower where it has
the description TRS County, the
spacing unit area?

MR. HOLLIDAY: Yes, sir.

TECHNICAL EXAMINER McCLURE:
Can we direct that to reference the
east half of those sections.

MR. HOLLIDAY: Yes.

TECHNICAL EXAMINER McCLURE:
Thank you, Mr. Holliday.

I have nothing else to request,
Mr. Hearing Examiner.

HEARING EXAMINER CHAKALIAN:
Mr. Holliday, when will your notice

1
2 be perfected so we could come back
3 and close this case?

4 MR. HOLLIDAY: I guess we will
5 need 30 days, so we could get that
6 notice out today and we should be
7 able to get this on the next hearing
8 by affidavit docket in May.

9 HEARING EXAMINER CHAKALIAN:
10 Okay, I think it is May 8th, let me
11 look at my calendar. It is, it is
12 May 8th.

13 So, Mr. Holliday, would you
14 continue this case to the May 8th
15 docket.

16 MR. HOLLIDAY: Yes, I will.

17 HEARING EXAMINER CHAKALIAN: We
18 are off the record in this case.

19 Let me go back to Mr. Savage,
20 Mr. Savage, did you find your
21 witness?

22 MR. SAVAGE: Our witness
23 apparently is traveling in east Texas
24 right now and we are trying to get a
25 hold of him. Mr. Shaw is reaching

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out to him.

HEARING EXAMINER CHAKALIAN:

Fine. You just let me know; okay?

MR. SAVAGE: Yes, will do.

Thank you.

HEARING EXAMINER CHAKALIAN:

Let's move onto today's number 16 and maybe 17 on our docket are tied together, this is 25216, 25219, Texas Standard.

Appearances, please.

MS. BENNETT: Deana Bennett on behalf of Texas Standard.

HEARING EXAMINER CHAKALIAN:

Are there any other parties entered that you know of?

MS. BENNETT: No.

HEARING EXAMINER CHAKALIAN: Go right ahead.

MS. BENNETT: Today I was informed by Texas Standard they were able to reach a voluntary agreement with all the parties they were seeking to pool, so I will be filing

1
2 a dismissal of these cases after the
3 docket.

4 HEARING EXAMINER CHAKALIAN:
5 Wonderful, we will expect the Notice
6 of Dismissal. Thank you very much.
7 Off the record in this.

8 Moving onto 18 and 19, 25223
9 and 25224.

10 MS. McLEAN: Jackie McLean on
11 behalf of the Newbourne Oil Company
12 and there are two parties.

13 MS. KESSLER: Good morning,
14 Mr. Examiner, Jordan Kessler with EOG
15 Resources.

16 HEARING EXAMINER CHAKALIAN:
17 Thank you, Miss Kessler.

18 MS. HATLEY: Keri Hatley on
19 behalf of COG Operating and Permian
20 monitoring only.

21 MS. McLEAN: In 25223 and 25224
22 we are applying for an order pulling
23 all uncommitted interest in the Bone
24 Spring Formation in two standard
25 horizontal spaces units comprised of

1
2 the southeast quarter of Section 23
3 and the south half of Section 24,
4 Township 24 South, Range 28 East in
5 Eddy County, and the units will be
6 dedicated to the Queen wells.

7 The exhibit packets that were
8 submitted for these cases contain
9 compulsory pooling checklists,
10 Exhibit A, the statement of Brad
11 Dunn, who has been previously
12 admitted to testify as an expert in
13 petroleum land matters. Exhibit B,
14 the statement of Tyler Hill, who has
15 also been previously admitted to
16 testify as an expert in petroleum
17 geology, and a sample of the notice
18 letter sent to all interested parties
19 on February 12, 2025, and an
20 Affidavit of Publication for
21 February 27, 2025.

22 With that I ask that Exhibits
23 A, B and C be admitted into the
24 record and that cases 25223 and 25224
25 be taken under advisement.

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HEARING EXAMINER CHAKALIAN:

Thank you, Ms. McLean.

Any objections?

Hearing none you're admitted
into evidence and then, Mr. McClure,
do you have any questions on these
two cases?

TECHNICAL EXAMINER MCCLURE:

Mr. Hearing Examiner, these cases are
25216 and 25219; is that correct?

HEARING EXAMINER CHAKALIAN:

No, this is Mewbourne 25223 and
25224, we skipped over 16 and 19,
they are being dismissed.

TECHNICAL EXAMINER MCCLURE:

Okay, thank you, Mr. Hearing
Examiner, I was still writing notes
for the prior case.

HEARING EXAMINER CHAKALIAN:

Sure.

TECHNICAL EXAMINER MCCLURE: In
neither one of these cases do I have
questions.

HEARING EXAMINER CHAKALIAN:

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Perfect.

Thank you, Miss McLean, we will
take these under advisement.

Moving onto Strata Production,
20 and 21 on our documents, 25226,
25227.

MS. DALRYMPLE: Shelly
Dalrymple from Spencer Fane on behalf
of Strata Company. S-H-E-L-L-Y, last
name D-A-L-R-Y-M-P-L-E.

HEARING EXAMINER CHAKALIAN: I
don't see any other parties entering
in your cases. Would you present
them? They're amendment cases, they
are very simple cases. What is the
good cause to amend?

MS. DALRYMPLE: Unforeseen
service facility and takeaway issues
and Mr. Mitch Krakouskas who has
provided the affidavit is on-line for
further questions if you have any,
Mr. Hearing Examiner.

HEARING EXAMINER CHAKALIAN:
Was there any notice sent out in

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these cases?

MS. DALRYMPLE: Yes, thank you, sir, we did timely provide notice and that is in an affidavit in the packet. We inadvertently submitted the exhibit packet without the notice exhibit, but we corrected that yesterday.

Notice was sent by certified mail on February 20, 2025 to the two interested parties, WBC and BLM. It was received by both and then also we did do publication on February 22nd.

HEARING EXAMINER CHAKALIAN:
And the affidavit is in the packet?

MS. DALRYMPLE: Yes, that is by Sharon Shaheen.

HEARING EXAMINER CHAKALIAN:
Are there any objections to the exhibits in these two cases?

Not hearing any your exhibits in both cases are admitted into evidence.

Mr. McClure, are there any

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questions in these cases?

TECHNICAL EXAMINER McCLURE: To confirm, Mr. Hearing Examiner, because we got out of order, is this 25226 and 25227?

HEARING EXAMINER: Yes.

TECHNICAL EXAMINER McCLURE: Mr. Hearing Examiner, I have no questions for either of these cases.

HEARING EXAMINER CHAKALIAN: Fantastic.

Thank you, Miss Dalrymple.

These cases will be taken under advisement.

MS. DALRYMPLE: Thank you, Mr. Hearing Examiner.

HEARING EXAMINER CHAKALIAN: Moving onto Permian Resources in cases 25229, 25232 enter your appearance please.

MS. VANCE: Paula Vance with the Santa Fe offices of Holland & Hart on behalf of Permian Resources Operating, LLC.

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HEARING EXAMINER CHAKALIAN:
Are you also representing Matador?

MS. VANCE: That's correct.

HEARING EXAMINER CHAKALIAN:
Are there any other parties that you
know of, Miss Vance?

MS. VANCE: Yes, I believe
Miss Bennett turned on her camera and
she is going to speak.

MS. BENNETT: Good morning.

HEARING EXAMINER CHAKALIAN:
There you are, Miss Bennett.

MS. BENNETT: Deana Bennett on
behalf of Avant Operating 2 LLC, and
I entered an appearance in these
cases late yesterday evening.

HEARING EXAMINER CHAKALIAN:
Thank you. Are you monitoring?

MS. BENNETT: We are
monitoring.

I did have discussions with
Miss Vance about the exhibits in
these cases and it's my understanding
that Permian has determined to not

1
2 pool Avant in these cases, but rather
3 to work towards a voluntary agreement
4 with Avant.

5 HEARING EXAMINER CHAKALIAN:

6 Okay.

7 Miss Vance.

8 MS. VANCE: That's correct,
9 that is my understanding.

10 HEARING EXAMINER CHAKALIAN: Do
11 you want to present your cases?

12 MS. VANCE: I am happy to do
13 it. I will present these as
14 consolidated cases.

15 This involves acreage of 24
16 South, Range 29 East and that is Lea
17 County, so in case number 25229
18 Permian is seeking to pool a
19 320-acre, more or less, horizontal
20 well spacing unit and that is
21 comprised of the west half of Section
22 10 and then dedicating that spacing
23 unit to the Riddler 10 Fed Com 131H
24 and this is a U-turn well.

25 And then in case -- that will

1
2 be in the equal ridge Bone Spring
3 south and the pool code is 54061.

4 And then in case number 25232
5 it is the same dedicated acreage, so
6 that is Permian is pooling 320-acre,
7 more or less, horizontal well spacing
8 unit, and that is comprised of the
9 west half of Section 10 and then
10 dedicating that to the Riddler 10 Fed
11 Com 201H, but this is in the -- in a
12 Wildcat Wolfcamp pool, and that pool
13 code is 98276.

14 In these cases we have included
15 a copy of the applications, the
16 checklist, and the self-affirmed
17 statements of Mark Hajdik, the
18 geologist is Cole Hendrickson, both
19 of whom have previously testified
20 before the division and their
21 credentials have been accepted as a
22 matter of record.

23 Mr. Hajdik's statement is
24 Exhibit C and includes all the
25 required sub exhibits.

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2 Mr. Hendrickson's statement is
3 Exhibit D and includes the required
4 geologist exhibits.

5 Then, lastly, is Exhibit E,
6 which is my self-affirmed statement
7 of Notice, I believe it is mine, it
8 might be my colleagues, Mr. Rakens,
9 but there is a self-affirmed
10 statement there with a sample copy of
11 the Notice that went out, which was
12 timely mailed on February 21, 2025.

13 And then Exhibit F is the
14 Affidavit of Notice of Publication,
15 which was timely published on
16 February 23, 2025.

17 And unless there are any
18 questions, I would ask all the
19 exhibits and sub exhibits be admitted
20 into the record and these cases be
21 taken under advisement at this time.

22 HEARING EXAMINER CHAKALIAN:
23 Miss Bennett.

24 MS. BENNETT: No objections.

25 HEARING EXAMINER CHAKALIAN:

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Your exhibits are admitted.

Mr. McClure.

TECHNICAL EXAMINER MCCLURE:

Mr. Hearing Examiner, I will have questions for the landman and a quick clarifying question with the geologist.

HEARING EXAMINER CHAKALIAN:

Let's get them both on the screen and I will swear them both in.

I can see you, Mr. Hendrickson.
Now I see Mr. Mark Hajdik.

Okay, Mr. Hendrickson, we don't have the spelling of your name, would you state and spell your name for the record.

MR. HENDRICKSON: My name is
Cole Hendrickson, C-O-L-E
H-E-N-D-R-I-C-K-S-O-N.

HEARING EXAMINER CHAKALIAN:

Mr. Hajdik, we already have your spiel from earlier. Mr. Hajdik, you are still under oath so I don't have to swear you in.

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Mr. Hendrickson, please raise
your right hand.

Do you swear or affirm under
penalty of perjury that the testimony
you are about to give is the truth,
the whole truth, and nothing but the
truth?

MR. HENDRICKSON: I do.

HEARING EXAMINER CHAKALIAN:
Now what field of expertise have you
been previously qualified by this
division?

MR. HENDRICKSON: Geology, sir.

HEARING EXAMINER CHAKALIAN:
Mr. McClure, since we have
Mr. Hendrickson would you ask the
questions to him first.

TECHNICAL EXAMINER MCCLURE:
Mr. Hendrickson, can I draw your
attention to your Exhibit D-4, this
is the cross section for this unit,
page 42 of 51.

MR. HENDRICKSON: Sorry, I am
looking at the exhibit on PowerPoint,

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I could pull up the exhibit that you need, though. Is that the Wolfcamp one or the Bone Spring?

TECHNICAL EXAMINER McCLURE: I am looking at the one at the top it says third Bone Spring.

MR. HENDRICKSON: Okay, fantastic, sorry about that.

TECHNICAL EXAMINER McCLURE: I believe there is a similar for the Wolfcamp as well, so hopefully my question can address both at the same time, I guess.

MR. HENDRICKSON: Sure.

TECHNICAL EXAMINER McCLURE:
Do you see on this cross section, I guess whichever cross section you are looking at, do you see where you have an interval labeled "pooled interval" off on the right?

MR. HENDRICKSON: Yes.

TECHNICAL EXAMINER McCLURE: Is it more accurate to say that this is

1
2 the target formation for the wells
3 rather than pooled interval?

4 MR. HENDRICKSON: Sorry, it
5 could be those.

6 TECHNICAL EXAMINER McCLURE: So
7 to confirm, you are not representing
8 here that Permian is only interested
9 the third Bone Spring in one of the
10 cases or the upper Wolfcamp in the
11 other case?

12 MR. HENDRICKSON: Well, I
13 think, you know, the separate
14 exhibits are just meant to represent
15 the difference between the Wolfcamp
16 and third Bone; does that answer your
17 question?

18 TECHNICAL EXAMINER McCLURE:
19 No, it does not, Mr. Hendrickson.
20 Let me ask it again.

21 Looking at the Bone Spring
22 exhibit you say that the pooled
23 interval is from the top of the third
24 Bone Spring to the top of the
25 Wolfcamp; do you see what I am

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referring to?

MR. HENDRICKSON: Yes, sir.

TECHNICAL EXAMINER McCLURE:

Are you stating here that Permian
only wishes to pool that interval?

MR. HENDRICKSON: Yes, sir.

MS. VANCE: Can I jump in here?

HEARING EXAMINER CHAKALIAN:

No, Miss Vance, no, we are doing --
no, not right now, thank you.

TECHNICAL EXAMINER McCLURE:

Mr. Hendrickson, we may have to come
back to you.

I will move on to the landman,
if I may, Mr. Hearing Examiner.

HEARING EXAMINER CHAKALIAN:

Mr. Hajdik? Mr. Hajdik, I apologize,
I heard something, but it was very
muffled. Are you with us,
Mr. Hajdik?

MR. HAJDIK: Yes, I am right
here.

TECHNICAL EXAMINER McCLURE:

Mr. Hajdik, did you hear the

1
2 testimony from Mr. Hendrickson just
3 now?

4 MR. HAJDIK: Yes, I did. As to
5 the third Bone Spring case we have --
6 it is going to be a depth limited
7 case. The extension cases we heard
8 earlier, um, those are covering the
9 balance of the Bone Spring Formation.
10 There is an existing third bone wells
11 and portions of this acreage and
12 hence the necessity to do the U-turn
13 because there is only one half
14 section that doesn't have third bone
15 development in it existing already.

16 TECHNICAL EXAMINER McCLURE:
17 Mr. Hajdik, can I draw your attention
18 to your fifth paragraph in your
19 affirmed statement that being found
20 on page 10 of 51 for case 25229.

21 MR. HENDRICKSON: Okay, I got
22 to pull it up, unless you have a
23 direct question about it.

24 TECHNICAL EXAMINER McCLURE:
25 Well, I wanted to draw your attention

1
2 to the first sentence where you
3 reference that Permian seeks to pool
4 the uncommitted interest in the Bone
5 Spring Formation and I do not see
6 where it is limited anywhere here.

7 MR. HAJDIK: I would have to
8 check. I thought these were filed as
9 depth limited cases. That would have
10 been a typo, it should say
11 uncommitted parties in the third Bone
12 Spring interval.

13 TECHNICAL EXAMINER McCLURE: So
14 are you testifying that there is a
15 depth severance in these units or in
16 this unit, excuse me?

17 MR. HAJDIK: Correct, because
18 we are going to drill two miles
19 lateral in the shallower portion of
20 the Bone Spring Formation and then in
21 the undeveloped third portion we will
22 do these U-turning wells that are
23 currently before the commission.

24 TECHNICAL EXAMINER McCLURE: So
25 you are testifying that what is

1
2 currently in the exhibit packet,
3 including the checklist and your
4 affirmed statement, is incorrect for
5 the Bone Spring case; is that
6 correct?

7 MR. HAJDIK: It says all of the
8 Bone Spring, that needs to be revised
9 and limited to the third bone, as to
10 the third bone.

11 TECHNICAL EXAMINER MCCLURE:
12 And is it also accurate that depth
13 severance is not referenced within
14 that statement?

15 MR. HAJDIK: Um, I was under
16 the impression these were filed
17 separate cases, but they are
18 incorrect there.

19 TECHNICAL EXAMINER MCCLURE:
20 Mr. Hajdik, are you sure we are
21 talking about the same case? The
22 case we are talking about is 25229,
23 so that is the case that you're
24 testifying about; is that correct?

25 MR. HAJDIK: Correct, Riddler U

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tech case.

TECHNICAL EXAMINER McCLURE: If I were to tell you that we are going to need these exhibits amended to reference that including information about the depth severance do you understand what I am asking you for?

MR. HAJDIK: Yes, I do.

TECHNICAL EXAMINER McCLURE: In regards to the depth severance is it correct that you have some sort of title description or some sort of title deed that shows that depth severance and where it is located and what it is in reference to?

MR. HAJDIK: The ownership is not in the Bone Spring, is not bifurcated, so it's a geologic question of where that marker is.

TECHNICAL EXAMINER McCLURE: Let me ask a clarifying question there, you say the depth severance is not within the Bone Spring; is that correct?

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2 MR. HAJDIK: The depth
3 severance is not land driven. You
4 referenced a deed or you were asking
5 about a deed that notates the depth
6 severance.

7 TECHNICAL EXAMINER McCLURE:
8 Yes, I was asking about the deed, but
9 let me back up a second so I
10 understand where this depth severance
11 is.

12 In geological terms where is
13 the depth severance located?

14 MR. HAJDIK: It would be, I
15 mean, I am not a geologist, but it
16 would be at the top of the third
17 bones at the base of the Bone Spring.

18 Go ahead.

19 TECHNICAL EXAMINER McCLURE:
20 And where is that coming from? I am
21 assuming there is some sort of title
22 document that says that?

23 MR. HAJDIK: It is not title
24 driven, it is geologically driven.
25 The ownership is contiguous

1
2 throughout the Bone Spring Formation.
3 As I referenced earlier in the
4 broader expanse there are existing
5 third Bone Spring horizontal wells
6 except for this one spacing unit that
7 we have here, so as I mentioned
8 earlier in two-mile trade in the
9 shallower portion of the Bone Spring
10 and U-turns in the third Bone Spring
11 that is currently undeveloped.

12 TECHNICAL EXAMINER MCCLURE:

13 Mr. Hearing Examiner, I am wondering
14 if there might be some definition
15 questions here, I wonder if we may
16 turn to Miss Vance if she could maybe
17 clear up the air some?

18 HEARING EXAMINER CHAKALIAN:

19 Sounds good.

20 TECHNICAL EXAMINER MCCLURE:

21 Miss Vance, can you provide a very
22 brief description of where, if there
23 is a miscommunication happening here?

24 MS. VANCE: Yes. So I just
25 want to back up and give a little bit

1
2 of history on this. So there were
3 existing pooling orders for this
4 acreage for these Riddler -- this
5 Section 10 and the development
6 changed from a straight horizontal
7 development to these U-turn wells and
8 so we did re-file these and that is
9 maybe just a little bit of a
10 miscommunication there, but I filed
11 them similarly to how we did the
12 initial pooling for these, pooling
13 the entirety of the Bone Spring, but
14 it sounds like, one, there is no
15 depth severance, it is uniform
16 ownership in the Bone Spring, but
17 similar to the Oxy case that I
18 previously presented it is just
19 pooling a target. So these -- it
20 sounds like all that Permian is doing
21 is limiting this to pooling the third
22 Bone Spring in this particular case,
23 which is 25229, so no depth
24 severance, just pooling the third
25 Bone Spring, which is indicated in

1
2 Mr. Hendrickson's Exhibit D-4, but
3 that would need to be modified in the
4 CP checklist as well as Mr. Hajdik's
5 statement, so rather than pooling the
6 entirety of the Bone Spring this is
7 limited to the third Bone Spring.

8 TECHNICAL EXAMINER MCCLURE:

9 Mr. Hearing Examiner, do you think it
10 would be most appropriate to allow
11 Miss Vance to cross her witnesses in
12 order to clarify the responses they
13 have given me to my questions?

14 HEARING EXAMINER CHAKALIAN: It
15 is her prerogative to do so. Why
16 don't we take a five-minute break so
17 everyone can kind of think about what
18 is going on here and I will come back
19 on the record in five minutes, thank
20 you.

21 (Short break taken.)

22 HEARING EXAMINER CHAKALIAN: It
23 is 11:05 a.m., we are back on the
24 record.

25 Miss Vance.

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TECHNICAL EXAMINER McCLURE:
She may still be on the phone with
Mr. Hajdik.

HEARING EXAMINER CHAKALIAN:
Mr. McClure, were you waiting for
Miss Vance to answer a question or
just to work out with the witnesses
and you are going to continue with
them?

TECHNICAL EXAMINER McCLURE:
Mr. Hearing Examiner, originally I
was thinking it may be easier for her
to clarify the situation by her
questioning her witnesses, but now I
am thinking about it more I do have
further questions for them about
different topics.

Do you want us to take care of
this depth severance topic first with
Miss Vance or do you want me to
continue my questioning?

HEARING EXAMINER CHAKALIAN:
Miss Vance isn't available, so why
don't you go on with your own

1
2 questioning, although maybe she is
3 back.

4 MS. VANCE: I am here.

5 HEARING EXAMINER CHAKALIAN: Do
6 you want to, I mean, the questions
7 that Mr. McClure is asking I don't
8 know that you can -- let's not call
9 it re-direct or let's not call it
10 cross-examination. Why don't you ask
11 your witness some questions to help
12 clarify the problems we are having.

13 MS. VANCE: Sure, I will ask
14 Mr. Hajdik a couple of questions that
15 I think will help.

16 Mr. Hajdik, is there a depth
17 severance in the Bone Spring in this
18 development?

19 MR. HAJDIK: There is not a
20 depth severance in this development.

21 MS. VANCE: Please go ahead.

22 MR. HAJDIK: For this case we
23 are just pooling the vertical extent
24 of the third Bone Spring and the
25 balance of our development is the

1
2 Riddler extension cases that were
3 heard earlier today.

4 MS. VANCE: And so those cases
5 that were presented earlier today,
6 what is the target for those and the
7 Bone Spring?

8 MR. HAJDIK: The vertical
9 extent of the first and second Bone
10 Spring.

11 MS. VANCE: Okay, so those
12 cases that were presented earlier are
13 developing the upper Bone Spring and
14 these cases are developing the third
15 Bone Spring; correct?

16 MR. HAJDIK: Correct.

17 MS. VANCE: And was there any
18 particular reason why these cases
19 were re-filed, in other words, did
20 you have some changes to your plans?

21 MR. HAJDIK: The ones we are
22 talking about currently were re-filed
23 in light of the available U-turn
24 technology which can lower costs and
25 increase productivity of the wells.

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MS. VANCE: I believe that
answers those questions. I will just
follow-up with Mr. Hendrickson.

Mr. Hendrickson, your Exhibit
D, so in reference to what your
colleague just explained, does that
match, does your Exhibit D-4 match
the development described by Mr.
Hajdik?

MR. HENDRICKSON: Yes, that we
are seeking a pool of the third Bone
Spring specifically.

MS. VANCE: And is it your
understanding that there is no depth
severance, that these just involve
limiting the pool to vertical extent?

MR. HENDRICKSON: That's my
understanding, yes.

MS. VANCE: Thank you.

I think that's it.

HEARING EXAMINER CHAKALIAN:
Mr. McClure.

TECHNICAL EXAMINER MCCLURE:
Thank you, Miss Vance. Thank you,

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Mr. Hearing Examiner.

Mr. Hendrickson, now
referencing the Wolfcamp case I am
looking at your cross section in
Exhibit D-4 for that case, are you
with me?

MR. HENDRICKSON: Yes, sir, I
am.

TECHNICAL EXAMINER MCCLURE: On
this cross section as well you
reference an interval as to being the
pooled interval, do you see what I am
referring to?

MR. HENDRICKSON: Yes, sir.

TECHNICAL EXAMINER MCCLURE: In
this cross section are you depicting
the entire tier of the Wolfcamp or
only the upper Wolfcamp?

MR. HENDRICKSON: That is only
depicted the upper Wolfcamp, it goes
for a good amount deeper than that so
that is cut off there.

TECHNICAL EXAMINER MCCLURE: So
then is it accurate to say that that

1
2 is not an accurate representation of
3 the vertical extent that Permian is
4 asking to force pool?

5 MR. HENDRICKSON: That would be
6 correct, it would extend past what is
7 physically here.

8 TECHNICAL EXAMINER McCLURE:
9 Would it be more accurate to say this
10 is the target interval for these
11 particular wells?

12 MR. HENDRICKSON: Yes, sir.

13 TECHNICAL EXAMINER McCLURE:
14 Okay, so if I were to ask you to
15 amend this exhibit to change it to
16 something that represents that that
17 is the target interval rather than a
18 pooled interval do you understand
19 what I am asking?

20 MR. HENDRICKSON: Yes, sir.

21 TECHNICAL EXAMINER McCLURE:
22 Okay, thank you, Mr. Hendrickson. I
23 believe I am done with my questioning
24 of Mr. Hendrickson now, but I do have
25 additional questioning for

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Mr. Hajdik.

HEARING EXAMINER CHAKALIAN:

Go right ahead.

TECHNICAL EXAMINER MCCLURE:

Mr. Hajdik, if I could get my page, I believe of the Bone Spring case, it is found on page 18 of 51, and this is a table representing the breakdown of ownership; are you with me, sir.

MR. HAJDIK: Yes, I am here.

TECHNICAL EXAMINER MCCLURE:

The bottom three persons on there there is reference with -- I am assuming it is to be determined - title; do you see what I am referring to?

MR. HAJDIK: Yes.

TECHNICAL EXAMINER MCCLURE:

Can you provide me a very brief explanation of what you meant by that?

MR. HAJDIK: So those parties entered into a fairly complex deal where they retained leaseholds with

1
2 interest, those parties are going to
3 end up executing a JOA and due to the
4 complexity of the deal we did not
5 have a breakdown of their specific
6 ownership with their buyer at the
7 time. Their buyer is BTA, who we had
8 marked as signed the JOA, so that's
9 the explanation.

10 TECHNICAL EXAMINER MCCLURE:
11 Mr. Hajdik, do you have a total
12 percentage or total acreage between
13 all three of those?

14 MR. HAJDIK: They would be
15 derived from BTA, which I believe is
16 further up in the table, it is a
17 relatively small interest.

18 TECHNICAL EXAMINER MCCLURE:
19 Did you just say BTA's interest is
20 labeled somewhere else within this
21 table?

22 MR. HAJDIK: I believe so.

23 TECHNICAL EXAMINER MCCLURE:
24 Can you please confirm that for me
25 and direct my attention to it.

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MR. HAJDIK: Give me just a second.

HEARING EXAMINER CHAKALIAN:
Miss Vance, let's go in recess on this case, it sounds like your witnesses are having difficulty, we will come back to them later in the day; okay?

MS. VANCE: Thank you.

HEARING EXAMINER CHAKALIAN:
Let's go on to XTO Energy, this is number 24 on our docket, this is 25230. Let me see if it is joined with any other case. Another XTO Energy right after it, 25231.

Appearances, please.

MR. SUAZO: This is Miguel Suazo representing Permian Operating in 25230 and 25231.

HEARING EXAMINER CHAKALIAN:
Other parties that have entered.

MR. SUAZO: Only in 25231 I believe Miss Kessler entered an appearance but did not object in

1
2 that.

3 HEARING EXAMINER CHAKALIAN:
4 Why don't you proceed.

5 MR. SUAZO: So just as a bit of
6 background, these applications were
7 part of a prior application that was
8 dismissed due to an issue with the
9 legal description that was back on
10 February 13th of this year and you
11 requested that we file a Notice of
12 Dismissal in that case, which was
13 case 24991 and re-file the
14 application as corrected in separate
15 applications for each formation. So
16 the defects I believe have been
17 cured, and I am about to present them
18 both as consolidated cases since the
19 differences just related to the
20 formation.

21 Before I do that we do have a
22 witness that has never been
23 recognized as an expert before the
24 commission, so I defer to you as to
25 when you would like to examine the

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proposed witness.

HEARING EXAMINER CHAKALIAN: Is
your witness a landman or geologist
guy?

MR. SUAZO: A geologist.

HEARING EXAMINER CHAKALIAN:
Can we get the person on the screen.

MS. MCHARGE: I am Jennifer
McHarge, senior geologist gift.
M-C-H-A-R-G-E.

HEARING EXAMINER CHAKALIAN:
Would you raise your right hand,
please.

Do you swear or affirm under
penalty of perjury that the testimony
you are about to give is the truth,
the whole truth, and nothing but the
truth?

MS. MCHARGE: I do.

HEARING EXAMINER CHAKALIAN:
You seek to be an expert in the field
of geology before this division?

MS. MCHARGE: Correct.

HEARING EXAMINER CHAKALIAN:

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Would that be petroleum geology or
some other subspecialty?

MS. MCHARGE: Just general
geology. I did my Master's degree in
soft rock sedimentology.

HEARING EXAMINER CHAKALIAN:
Would you outline your education that
goes to this expertise?

MS. MCHARGE: I got a
Bachelor's degree at Western State in
geology. Then I went on to get a
Master's at University of Wyoming in
geology, and I have work-related
experience at several small companies
as well as the Colorado Geological
Survey and I worked with Exxon and
XTO for about 17 years now.

HEARING EXAMINER CHAKALIAN: So
when was your Master's achieved?

MS. MCHARGE: In 2008.

HEARING EXAMINER CHAKALIAN:
And you're currently with which
company?

MS. MCHARGE: I am working with

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XTO.

HEARING EXAMINER CHAKALIAN:

How long have you been there?

MS. MCHARGE: I have been working at Exxon Mobile since 2008, but I recently joined this team working for XTO about six months ago.

HEARING EXAMINER CHAKALIAN: Is XTO an Exxon-related --

MS. MCHARGE: It's a subsidiary.

HEARING EXAMINER CHAKALIAN:

Oh, it's a subsidiary, okay, I understand now.

And so since you have been with Exxon you -- give me some of your responsibilities or duties when it comes to geology.

MS. MCHARGE: Yes, I input seismic data, I do opportunity generation, prospect maturation, assessment, I do well planning.

HEARING EXAMINER CHAKALIAN:

Okay, that is great, thank you. You

1
2 are hereby recognized as a geologist
3 before this division.

4 Mr. Suazo.

5 MR. SUAZO: Thank you,
6 Mr. Examiner.

7 XTO is requesting two
8 applications to approve a
9 non-standard horizontal unit. They
10 are seeking to approve 2,080.66-acre,
11 more or less, non-standard unit
12 comprised of all of Sections 2, 11,
13 14, and the north half of the north
14 half of Section 23, Township 24
15 South, Range 30 East, and the
16 proposed non-standard horizontal unit
17 will be comprised of the following
18 wells, the Poker Lake Unit 23 DTD Fed
19 State Com #171H and the Poker Lake
20 Unit 23 DTD Fed State Com #157H, and
21 the subject wells will produce in the
22 Bone Spring Formation.

23 Moving on to case number 25231,
24 XTO is seeking approval of a
25 2,088.66-acre non-standard horizontal

1
2 spacing unit comprised of all of
3 Sections 2, 11, 14, and the north
4 half of the north half of Section 23,
5 Township 24 South, Range 30 East, and
6 the proposed non-standard horizontal
7 spacing unit will be comprising of
8 the following wells, Poker Lake Unit
9 23 DTD Fed State Com #151H, Poker
10 Lake Unit 23 DTD Fed State Com #152H,
11 Poker Lane Unit 23 DTD, and so on
12 with the wells only changing a number
13 to the 177H, 178H and 179H, and these
14 wells will produce in the Purple Sage
15 Wolfcamp Formation.

16 For 25230 the exhibit packet
17 that was filed on Thursday, March 6,
18 2025 contains the application,
19 affidavits and exhibits, and for case
20 number 25231 the exhibit packet was
21 filed on April 3, 2025, and contains
22 the application, affidavits and
23 exhibits.

24 Exhibit A of each application
25 is the proposed Notice of Hearing for

1
2 25230 that was filed on April 2nd and
3 for 25231 that was filed on
4 March 17th, and, again, on April 2nd
5 for 25231.

6 Exhibit B is the affidavit of
7 XTO senior commercial land advisor
8 Mr. Greg Davis, he has previously
9 testified before the division and his
10 qualifications have been accepted and
11 made a matter of record.

12 Exhibit B-1 contains the C-102s
13 reflecting the well locations. B-3
14 is a map depicting the non-standard
15 horizontal spacing unit in relation
16 to the outline of a standard spacing
17 unit and B-3 also identifies the
18 interest owners and the traps
19 surrounding the proposed unit.

20 Exhibit C is the affidavit of
21 geology witness Jennifer McHarge.
22 C-1 is her resume and credentials,
23 C-2 is the base and structure maps
24 showing the proposed Bone Spring
25 Formation, or in the case of 25231

1
2 the Wolfcamp Formation. C-2 also
3 depicts a sub C structure map
4 prepared on the top of the Bone
5 Spring over the subject area. C-3 is
6 a cross section prepared for the Bone
7 Spring in 25230 and for the Wolfcamp
8 in 25231. C-4 shows the diagram
9 within the Bone Spring and Wolfcamp
10 respectfully for each application.
11 Exhibit D is the Notice Affidavit
12 showing the Notice letters were
13 mailed on February 18th and March 19,
14 2025 respectively to the interested
15 parties. And Exhibit E is the
16 Affidavit of Publication in the
17 Carlsbad Current-Argus, and unless
18 Mr. McClure or you have any questions
19 for the witnesses I would like to
20 tender these exhibits for the record
21 in evidence and for these matters to
22 be taken under advisement.

23 HEARING EXAMINER CHAKALIAN:

24 Are there any objections?

25 Not hearing any the exhibits

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are so admitted.

Mr. McClure.

TECHNICAL EXAMINER MCCLURE:

Mr. Examiner, I do have questions for
the landman.

HEARING EXAMINER CHAKALIAN: Do
we have the landman, Mr. Suazo?

MR. SUAZO: We do.

HEARING EXAMINER CHAKALIAN:
Would you state and spell your name,
please.

MR. DAVIS: It is Greg Davis,
G-R-E-G D-A-V-I-S.

HEARING EXAMINER CHAKALIAN:
Have you been qualified as an expert
before this division?

MR. DAVIS: Yes, sir.

HEARING EXAMINER CHAKALIAN:
Very good. I see your right hand is
raised so let me get you sworn in.
We might as well keep it up.

Do you swear of affirm under
penalty of perjury that the testimony
you are about to give is the truth,

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the whole truth, and nothing but the truth?

MR. DAVIS: I do.

HEARING EXAMINER CHAKALIAN:
You can put your hand down.

Mr. McClure.

TECHNICAL EXAMINER McCLURE:
Mr. Davis, if I just draw your attention to one of the maps, the one I have in front of me is on page 18 of 43 of the Bone Spring case, I believe. Or, excuse me, this is actually the Wolfcamp case, but I think it is probably similarly located and a similar reference point for you to look at.

MR. DAVIS: Is it 2531 or 2530? The one I have in front of me is 25231.

MR. SUAZO: So that is the Wolfcamp.

TECHNICAL EXAMINER McCLURE:
Any of these maps would work, but I am looking specifically at page 18 of

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43 right now.

MR. DAVIS: Yeah, I have got it.

TECHNICAL EXAMINER MCCLURE:
Very good. The question for you, looking at the sections directly to the west of this highlighted unit, that being 3, 10, 15, 22, do you see where I am looking at?

MR. DAVIS: Yes, sir.

TECHNICAL EXAMINER MCCLURE: Is it accurate to say that XTO is the operator of record for those sections?

MR. DAVIS: Yes, sir, that is within the Poker Lake unit intersection. It is outlined in blue. The unit outline is in blue.

TECHNICAL EXAMINER MCCLURE:
Very good, that was my understanding, but I just needed to confirm with you on the record for each of these sections there.

In addition to that the

1
2 sections that is to the south, I
3 already asked about 22, but I will
4 say 22, 23, and section 24, is it
5 also accurate XTO is the author of
6 record for those sections?

7 MR. DAVIS: Yes, sir.

8 TECHNICAL EXAMINER MCCLURE: So
9 for all of these sections that we
10 were just talking about when you
11 reference XTO was the operator of
12 record does that include both the
13 Wolfcamp and Bone Spring Formations?

14 MR. DAVIS: Yes, sir.

15 TECHNICAL EXAMINER MCCLURE:
16 Thank you, Mr. Davis.

17 For the Wolfcamp case we are
18 going to need the C-102s to be
19 amended to include the entirety of
20 the proposed HSU, do you understand
21 what I am asking for here?

22 MR. DAVIS: Yes, sir. Those
23 wells, again, when they were
24 originally permitted they did not
25 include the acreage in Section 23.

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TECHNICAL EXAMINER McCLURE:

And it looks like the C-102s you have in the record or in the application is likely the existing C-102s rather than the proposed; is that accurate?

MR. DAVIS: Yes, yes.

TECHNICAL EXAMINER McCLURE: So if I tell you that we need to submit what you're proposing the spacing to be do you understand what I am asking for?

MR. DAVIS: Yes, sir; yes, sir.

TECHNICAL EXAMINER McCLURE:
Thank you, Mr. Davis.

Moving to the Bone Spring application --

MR. DAVIS: Yes, sir.

TECHNICAL EXAMINER McCLURE:
-- in preparing the amended C-102s for the proposed spacing do you understand that you need to have one C-102 for each of the pools and what I am asking for there?

MR. DAVIS: Yes, sir.

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TECHNICAL EXAMINER McCLURE:
Okay, thank you, Mr. Davis.

I have no further questions,
Mr. Hearing Examiner, although I
would --

HEARING EXAMINER CHAKALIAN:
Mr. Suazo, how long will it take for
you to provide this information?

MR. SUAZO: It shouldn't take
long, I will get some feedback from
the client, but I think if we kept
the record open till Wednesday of
next week we could submit those and
it could be closed at that time.

HEARING EXAMINER CHAKALIAN:
Sounds good, April 16th close of
business.

Is there anything further on
these cases?

MR. SUAZO: No, Mr. Examiner.

HEARING EXAMINER CHAKALIAN:
Let's move onto Mewbourne --

MR. DAVIS: One question really
quick, does that need to be provided

1
2 to you and filed with the BLM and
3 OCD?

4 HEARING EXAMINER CHAKALIAN:
5 Mr. Davis, you are going to provide
6 whatever Mr. McClure asks for
7 directly to Mr. Suazo and he will
8 deal with the division.

9 MR. DAVIS: Alright, thank you.

10 HEARING EXAMINER CHAKALIAN:
11 Thank you, Mr. Davis. We are off the
12 record in those cases.

13 Let's go onto Mewbourne Oil,
14 this is 25236.

15 MR. BRUCE: Jim Bruce
16 representing Mewbourne.

17 HEARING EXAMINER CHAKALIAN:
18 Good morning, Mr. Bruce. Any other
19 parties that you know of?

20 MR. BRUCE: Not that I know of.

21 HEARING EXAMINER CHAKALIAN:
22 Please proceed.

23 MR. BRUCE: Mr. Examiner, in
24 this case Mewbourne Oil Company seeks
25 to extend the drilling operations

1
2 deadline under order number R23233.
3 Exhibit 1 is the statement of the
4 landman Hudson Brunson who has
5 previously testified. Attached is an
6 exhibit is the original order, that
7 order expires on May 30th of this
8 year, so we need an extension. That
9 order pooled the entire Bone Spring
10 Formation underlying a non-standard
11 well unit comprised of the west half
12 of Section 24 and the west half of
13 Section 25, 18 South, 32 East for the
14 purpose of drilling two wells.

15 The reason for the request is
16 that Mewbourne filed applications for
17 permit to drill with the Bureau of
18 Land Management in 2024, those
19 applications have not yet been
20 approved and so we do not want the
21 order to expire in the interim.

22 Exhibit 2 is my affidavit of
23 mailing. The only two parties who
24 were notified are Burlington
25 Resources Oil & Gas Company and

1 Skeeco, S-K-E-E-C-O, Inc. The
2 landman informed me those are the
3 only two parties who have not
4 voluntarily joined in the well. The
5 letter was mailed on March 19th,
6 which is timely. And then Exhibit 3
7 is the Affidavit of Publication which
8 was published as against those two
9 parties on March 27th, which is,
10 again, timely. And then Exhibit 4 is
11 the application in this case itself,
12 I believe it contains everything the
13 division needs, and I move the
14 admission of Exhibits 1 through 4.

15 HEARING EXAMINER CHAKALIAN:

16 Thank you, Mr. Bruce.

17 Would you state and spell your
18 name for the record.

19 MR. BRUCE: Yes, excuse me, Jim
20 or James Bruce, Bruce is B-R-U-C-E.

21 HEARING EXAMINER CHAKALIAN:

22 Thank you very much.

23 Are there any objections to the
24 exhibits?
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Not hearing any the exhibits
are so admitted.

Mr. McClure.

TECHNICAL EXAMINER MCCLURE:
Mr. Hearing Examiner, I have no
questions for this case.

HEARING EXAMINER CHAKALIAN:
Thank you.

Mr. Bruce, the case is taken
under advisement, thank you.

MR. BRUCE: Thank you.

HEARING EXAMINER CHAKALIAN: I
am now calling three oil cases number
27, 28 and 29 on our docket, 25260,
25261, 25262. Enter appearances,
please.

MS. McLEAN: Jackie McLean on
behalf of Mewbourne.

HEARING EXAMINER CHAKALIAN:
Any other parties, Ms. McLean?

MS. McLEAN: No, there are not.

HEARING EXAMINER CHAKALIAN:
Please proceed.

MS. McLEAN: In these cases

1
2 Mewbourne seeks to reopen orders
3 R22195A, R2818 and R2819 to pull
4 additional interest owners into the
5 Beefalo well spacing units. The
6 exhibits that were submitted in these
7 cases contain the self-affirmed
8 statement of landman Brad Dunn who
9 has previously been admitted to
10 testify as an expert in petroleum
11 land matters, as well as the notice
12 item which attaches the notice letter
13 which was sent out on March 19th and
14 the publication notice for
15 March 23rd.

16 Unless there are any questions
17 I would like to ask that these
18 exhibits be admitted into the record
19 in case numbers 25260, 25261, and
20 25262, and that the cases be taken
21 under advisement.

22 HEARING EXAMINER CHAKALIAN:

23 Thank you, Ms. McLean.

24 Any objections?

25 Not hearing any the exhibits

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are so admitted.

Mr. McClure.

TECHNICAL EXAMINER McCLURE:

Mr. Examiner, I will have questions
for the landman.

HEARING EXAMINER CHAKALIAN:

And the name of the witness is what,
Miss McLean?

MS. McLEAN: Brad Dunn.

HEARING EXAMINER CHAKALIAN:

Brad Dunn. Mr. Dunn.

MR. DUNN: Yes.

HEARING EXAMINER CHAKALIAN:

Mr. Dunn, you have been qualified as
an expert before this division
before?

MR. DUNN: I have, yes.

HEARING EXAMINER CHAKALIAN: In
what field?

MR. DUNN: In land.

HEARING EXAMINER CHAKALIAN:

Would you state and spell your name
for the record, please.

MR. DUNN: It is Brad Dunn,

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B-R-A-D, last name D-U-N-N.

HEARING EXAMINER CHAKALIAN:

Please raise your right hand.

Do you swear or affirm under penalty of perjury that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

MR. DUNN: I do.

HEARING EXAMINER CHAKALIAN:

Very good.

Mr. McClure.

TECHNICAL EXAMINER McCLURE:

Mr. Dunn, specifically in case 25262 I am looking at your tract ownership exhibit, page 19 of 31 in that case.

MR. DUNN: Okay.

TECHNICAL EXAMINER McCLURE: It looks like the newly added person is going to be Chevron USA Incorporated; is that correct?

MR. DUNN: Yes, sir.

TECHNICAL EXAMINER McCLURE:

And it also appears that the change

1
2 in or the additional percentage that
3 is being added there is exceeding one
4 percent; is that correct?

5 MR. DUNN: Yes.

6 TECHNICAL EXAMINER McCLURE: If
7 I were to ask you to provide me with
8 an amended breakdown that includes
9 all the interest owners do you
10 understand what I am asking for?

11 MR. DUNN: Outside of the
12 parties that I am pooling you want a
13 breakdown all of the interest owners?

14 TECHNICAL EXAMINER McCLURE:
15 Yes, that's correct.

16 MR. DUNN: Okay.

17 TECHNICAL EXAMINER McCLURE: Do
18 you understand what I am asking for
19 in regards to that?

20 MR. DUNN: Yes, I do.

21 TECHNICAL EXAMINER McCLURE: No
22 further questions, Mr. Hearing
23 Examiner, though I will want that.

24 HEARING EXAMINER CHAKALIAN:
25 Thank you.

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Ms. McLean, how long would you like to keep the record open?

MS. McLEAN: It depends on how long that will take Mr. Dunn to assemble.

HEARING EXAMINER CHAKALIAN:
Mr. Dunn.

MR. DUNN: Um, I have title on this, I mean, is mid next week reasonable?

HEARING EXAMINER CHAKALIAN:
Yes, yes.

Ms. McLean, Wednesday, April 16th seems to be the magic day, does that work for you?

MS. McLEAN: That works for me, thank you.

HEARING EXAMINER CHAKALIAN:
Very good. Then we will keep --

MS. McLEAN: As amended, just clarifying for the record, we will be submitting an amended Exhibit A-4 specifically on the tract ownership percentages, which is currently page

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19 of 31 of that exhibit packet in
case number 25262 only.

HEARING EXAMINER CHAKALIAN: So
then, Mr. McClure, can we take the
other cases under advisement?

TECHNICAL EXAMINER McCLURE:
Yes, we can, Mr. Hearing Examiner.

HEARING EXAMINER CHAKALIAN:
The only case we are keeping the
record open is 25262. Perfect, thank
you Ms. McLean.

We are going to recall case
25151, Mr. Savage.

MR. SAVAGE: Yes. Darin Savage
appearing for V-F Petroleum,
Incorporated.

HEARING EXAMINER CHAKALIAN:
Have you your witness now available?

MR. SAVAGE: He should be
available, that is correct, Mike
Burke.

HEARING EXAMINER CHAKALIAN:
Let's get you on the screen,
Mr. Burke.

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2 MR. SAVAGE: He is available
3 only by telephone, unfortunately.
4 His location wouldn't allow --
5 support internet connection for the
6 Teams interaction.

7 HEARING EXAMINER CHAKALIAN:
8 Okay. Mr. Burke, why is it you are
9 not able to turn on your camera?

10 MR. BURKE: Well, I am in a
11 rural part of east Texas and
12 sometimes I have not adequate
13 connection. The phone is just fine,
14 but sometimes the internet doesn't do
15 everything it is supposed to do, so I
16 am not exactly sure what the problem
17 is that I can't get into the Team
18 meeting that you all have going on.

19 HEARING EXAMINER CHAKALIAN: So
20 Mr. Burke, it is hard to hear you,
21 first of all, so you are going to
22 need to speak louder and I am going
23 to make an exception and swear you in
24 even though I can't see you, but if I
25 can't hear you we are going to have

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to continue this case.

MR. BURKE: Okay. I can put you on my speaker phone; is that any better?

HEARING EXAMINER CHAKALIAN: I don't know, sir, we will find out.

Would you state and spell your name for the record.

MR. BURKE: Yes, sir, my name is Stephen Burke, S-T-E-P-H-E-N, B-U-R-K-E is the last name.

HEARING EXAMINER CHAKALIAN: Mr. Burke, would you please raise your right hand.

Do you swear or affirm under penalty of perjury that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

A. Yes, sir, I do.

HEARING EXAMINER CHAKALIAN: You have been previously qualified as an expert before this commission?

MR. BURKE: Yes, sir, I have.

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HEARING EXAMINER CHAKALIAN: In
what field?

MR. BURKE: As a petroleum
geologist, so I have testified as to
qualifications as a geologist.

TECHNICAL EXAMINER McCLURE:
Thank you, Mr. Hearing Examiner.
Just to get back to my notes, which
case number was this that we just
re-called, I apologize?

HEARING EXAMINER CHAKALIAN:
This is case 13 on or docket, 25151.
I am back at my notes.

TECHNICAL EXAMINER McCLURE:
Mr. Burke was it; is that correct?

MR. BURKE: Yes, sir.

TECHNICAL EXAMINER McCLURE:
Mr. Burke, in this unit does the
Avalon occur?

MR. BURKE: Yes, sir, it does.

TECHNICAL EXAMINER McCLURE:
Okay, is it your understanding that
V-F is not asking to force pool the
Avalon?

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2 MR. BURKE: I do not see that
3 included anywhere, any depths that
4 would cover the Avalon. If they are
5 asking for the entire Bone Springs be
6 pooled, then yes, that would include
7 the Avalon, but I don't see any depth
8 put onto this, so I am going to
9 assume that we are wanting to pool
10 the entire Bone Springs and, yes,
11 that would include the Avalon.

12 TECHNICAL EXAMINER McCLURE:
13 There is some vertical depth that
14 is -- actually, excuse me, I think
15 there is measured depth in the
16 specific well that are included in
17 the exhibit packet, do you think
18 those depths include the Avalon?

19 MR. BURKE: Do you have those
20 depths, I don't have those in front
21 of me. I can look at the cross
22 section that I presented in my
23 exhibits and tell you that everything
24 on that cross section which, let's
25 see here, begins at a depth of

1
2 7,000 feet. Everything below
3 7,000 feet that was included on my
4 exhibit is not in the Avalon, the
5 Avalon is, approximately, 1,000 to
6 1,500 foot above that.

7 TECHNICAL EXAMINER McCLURE: To
8 confirm, sir, are you looking at your
9 Exhibits B-2 and B-5, the cross
10 sections in the exhibit?

11 MR. BURKE: Yes, sir.

12 TECHNICAL EXAMINER McCLURE: Is
13 it accurate to say that that line
14 where it looks like the datum was
15 drawn on, I guess it is just the one
16 on B-2 there is a datum drawn at the
17 top of the second Bone Spring, do you
18 see where I am referencing?

19 MR. BURKE: Right.

20 TECHNICAL EXAMINER McCLURE: So
21 then regardless of whether V-F is
22 asking to include the Avalon, the
23 pooled interval extends above the top
24 of this cross section; is that
25 correct?

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2 MR. BURKE: The Avalon is above
3 the top of -- some 1,000 to
4 1,500 feet above that, that
5 stratigraphic datum line, if that is
6 what you are asking.

7 TECHNICAL EXAMINER McCLURE:
8 Let me get to the landman's
9 statement. It appears that actually
10 the depth in the landman's statement
11 doesn't make a whole lot of sense to
12 me.

13 MR. BURKE: I don't have that
14 log in front of me. I could tell you
15 it is probably way too high for the
16 top of the Bone Spring, probably 2 to
17 3,000 feet too high for the top of
18 the Bone Spring, so I don't know
19 where that depth came from.

20 TECHNICAL EXAMINER McCLURE: I
21 thank you, Mr. Burke.

22 If I could question the
23 landman, Mr. Shaw again.

24 HEARING EXAMINER CHAKALIAN:
25 Mr. Savage.

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MR. SAVAGE: I am texting
Mr. Shaw right now to make sure he is
on.

HEARING EXAMINER CHAKALIAN: He
is on.

Okay, Mr. Shaw, I remind you
you are still under oath.

MR. SHAW: Yes, sir.

TECHNICAL EXAMINER McCLURE:
Mr. Shaw, did you hear the testimony
just now from Mr. Burke?

MR. SHAW: I sure did, yes,
sir.

TECHNICAL EXAMINER McCLURE: Do
you, hearing that he stated that he
believes the Avalon sand, or, excuse
me, the Avalon does occur in this
unit, did you hear the same thing I
did?

MR. SHAW: I sure did.

TECHNICAL EXAMINER McCLURE:
With that understanding do you
believe V-F is asking to pool the
entirety of the Bone Spring which

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includes the Avalon?

MR. SHAW: No. V-F is only wanting to pool the Bone Spring Formation only from the top of the first bone down to the base of the third bone.

TECHNICAL EXAMINER McCLURE:
Okay, thank you, Mr. Shaw. I have no further questions, but I do need to talk, Mr. Savage, about updating the CPAC.

Mr. Examiner.

HEARING EXAMINER CHAKALIAN:
Please go ahead.

TECHNICAL EXAMINER McCLURE:
Mr. Savage, with that in mind under that formation pool area Bone Spring Formation is fine for the formation name, but we are going to want that vertical extent corrected to be from the top of the first Bone Spring to either the base of the Bone Spring or the base of the third Bone Spring.

MR. SAVAGE: Yes, sir, and to

1
2 clarify that, we don't need any of
3 the specifications, the depth
4 numerical specific cases on this, we
5 are good with stating the Bone Spring
6 and the way it was described from the
7 top to the base; is that correct?

8 TECHNICAL EXAMINER McCLURE:

9 Considering the typo that is in the
10 landman's statement, I mean, ideally
11 we will include some sort of depth in
12 there anyway, but especially
13 considering that typo that is in
14 there, yes, please amend it to
15 include the appropriate depth.

16 MR. SAVAGE: Okay, yes, sir.

17 TECHNICAL EXAMINER McCLURE:

18 Let me look back at my notes.

19 One other thing I want to
20 request from you, Mr. Savage, on the
21 cross sections that is included in
22 Exhibit B-2 and B-5, if we can either
23 provide higher resolution copies of
24 those or at the very least like
25 depicted above it what the API

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numbers are or such because I can't
read the API numbers even.

MR. SAVAGE: Yes, understood.

TECHNICAL EXAMINER MCCLURE:

That is everything I have for this
case.

HEARING EXAMINER CHAKALIAN:

Mr. Savage, how long did you want to
leave the record open for this?

MR. SAVAGE: I think we can do
it in a week.

HEARING EXAMINER CHAKALIAN:

You tell me.

MR. SAVAGE: What was the
hearing --

HEARING EXAMINER CHAKALIAN:

The magic day is April 16th so far,
but that is Wednesday, though, it is
not a full week.

MR. SAVAGE: That should be
fine.

HEARING EXAMINER CHAKALIAN:

April 16th, okay, April 16th close of
business for an amended hearing

1
2 packet with a cover letter,
3 Mr. Savage.

4 MR. SAVAGE: Yes, sir.

5 HEARING EXAMINER CHAKALIAN: We
6 are off the record in this case.

7 Going back to our other cases I
8 realize that there is, if I am not
9 mistaken, there is another case in
10 which we are in recess on because of
11 witness availability. Let's go to
12 Permian Resources, it is number 30 I
13 think on our docket, 25275.

14 MS. McLEAN: Yes, that is
15 correct.

16 Jackie McLean on behalf of
17 Earthstone Permian LLC is the
18 applicant and requesting that Permian
19 Resources be designated operator.

20 HEARING EXAMINER CHAKALIAN:
21 Thank you, please proceed,
22 Ms. McLean.

23 MS. McLEAN: In case 25275
24 Earthstone seeks to pool all
25 uncommitted interest in the Bone

1
2 Spring Formation underlying a
3 468.11-acre, more or less, standard
4 horizontal spacing unit comprised of,
5 Township 26 South, Range 35 East, in
6 Lea County, and this spacing unit
7 crosses the state line and extends
8 into Texas, but applicant is seeking
9 to pool only the portion located in
10 New Mexico and the unit will be
11 dedicated to the Los Vaqueros wells.

12 Exhibit packet contains a
13 checklist, Exhibit A, Travis Macha,
14 who has been previously admitted to
15 testify as an expert in petroleum
16 matters. Exhibit B, the statement of
17 Chris Reudelhuber, who has also
18 previously been admitted to testify
19 as an expert in petroleum geology,
20 and, finally, the Notice item which
21 attaches a sample notice letter sent
22 to the interested parties on
23 March 20, 2025, and an Affidavit of
24 Publication for March 23rd.

25 And with that I ask that the

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exhibits be admitted into the record
in case 25275 and that the case be
taken under advisement.

HEARING EXAMINER CHAKALIAN:
Thank you, Ms. McLean.

Any objections?
Not hearing any the exhibits
are so admitted.

Mr. McClure.
TECHNICAL EXAMINER MCCLURE:
Mr. Hearing Examiner, I will have a
question for the landman and the
geologist.

HEARING EXAMINER CHAKALIAN:
Ms. McLean, who are they?

MS. MCLEAN: Travis Macha and
Chris Reudelhuber.

HEARING EXAMINER CHAKALIAN:
Perfect. Let's start -- let's get
you both sworn in at the same time.

Mr. Macha, please state and
spell your name for the record,
please. You are muted, sir.

MS. MACHA: Travis Macha,

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T-R-A-V-I-S M-A-C-H-A.

HEARING EXAMINER CHAKALIAN:

And Mr. Reudelhuber.

MR. REUDELHUBER: Chris

Reudelhuber, R-E-U-D-E-L-H-U-B-E-R.

HEARING EXAMINER CHAKALIAN:

Would you please both raise your
right hand.

Do you swear or affirm under
penalty of perjury that the testimony
you are going to give is the truth,
the whole truth, and nothing but the
truth?

MR. MACHA: I do.

MR. REUDELHUBER: I do.

TECHNICAL EXAMINER McCLURE:

Mr. Reudelhuber, can I draw your
attention to your affirmed statement
found on page 52 of 86 specifically,
paragraph nine.

MR. REUDELHUBER: Yes, sir.

TECHNICAL EXAMINER McCLURE: In
this statement you reference that you
believe the tracts comprising the

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unit will be more or less actually to
the production of the wells; do you
see the statement I am referring to?

MR. REUDELHUBER: Yes, sir.

TECHNICAL EXAMINER McCLURE:

Does this also apply to the
tract located in Texas?

MR. REUDELHUBER: I believe it
does, yes, sir.

TECHNICAL EXAMINER McCLURE: So
then the tracts located in Texas and
the tracts located in New Mexico
should all contribute relatively
equally to the production of the
well; is that correct?

MR. REUDELHUBER: Yes, sir.

TECHNICAL HEARING EXAMINER:
Thank you, sir.

Mr. Macha, are you familiar
with the memorandum of understanding
that was signed between New Mexico
and the state of Texas dated
September of 2022?

MR. MACHA: Yes, sir.

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TECHNICAL EXAMINER McCLURE:
How is Permian planning on allocating
between the two states for these
wells?

MR. MACHA: So what we are
doing is obviously pooling a unit in
the state of New Mexico and the state
of Texas another pooled unit
designating spacing unit with Oxy, it
is just us and Oxy on the Texas side
of things so we are doing everything
on a basis as we would normally do in
New Mexico, but just applying that to
Texas as well, which we have signed
off on authority for in Texas.

TECHNICAL EXAMINER McCLURE:
Okay, so if you could confirm my
understanding, essentially, the
allocation between New Mexico and
Texas is going to be based solely
upon the entirety of the acreage in
New Mexico versus the tract, the
units in Texas?

MR. MACHA: That is correct,

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2 it's a surface acreage basis just
3 like we do in New Mexico.

4 TECHNICAL EXAMINER McCLURE: So
5 there is no reference to the length
6 or completed intervals or anything
7 like that?

8 MR. MACHA: That's correct.

9 TECHNICAL EXAMINER McCLURE:
10 Thank you, Mr. Macha.

11 If I can direct your attention
12 to the pool person list in Exhibit
13 C-3, I believe it is page 24 of 86;
14 are you with me, Mr. Macha?

15 MR. MACHA: Yes, sir.

16 TECHNICAL EXAMINER McCLURE:
17 There are certainly persons that are
18 included on this list that you
19 believe is going to be a JOA, but you
20 are still including them as approved
21 person here; is that correct?

22 MR. MACHA: Yes, that is
23 correct. We are currently in
24 negotiations, but those have not been
25 fully signed yet, so, yes, that is

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correct.

TECHNICAL EXAMINER McCLURE:

Okay, so Permian is asking the division to force pool them in the event that they don't sign the JOA; would that be accurate to say?

MR. MACHA: That is correct, and we are leaving all opportunities to sign the JOA open.

TECHNICAL EXAMINER McCLURE: On the same slide the exhibit that is in our record has like a watermark that is put on the bottom left page with the release imaging date.

MR. MACHA: Yep.

TECHNICAL EXAMINER McCLURE:

But there is some footnote that is there, can you describe for me what those footnotes say and what the intent is there?

MR. MACHA: Yeah, let me pull up my PowerPoint version real quick. But, basically, all that is is so Great Western back in around December

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2 for these applications, right around
3 when these applications were filed
4 they sold, or at least they were in
5 the process of selling their interest
6 to BEXP and we have been in contact
7 with them as well and they are
8 abundantly aware of this hearing, but
9 they are the ones we are currently
10 talking to JOA about. And the second
11 party is -- they just bought out, let
12 me pull up my PowerPoint version so I
13 can give you an exact verbiage.

14 TECHNICAL EXAMINER McCLURE:

15 Please describe it very clearly so it
16 is on the transcript because what we
17 have in the imaging doesn't have that
18 very good.

19 MR. MACHA: Certainly.

20 MS. McLEAN: Mr. Macha, I could
21 send it to you or, Dean, is it okay
22 if I read it out loud?

23 TECHNICAL EXAMINER McCLURE: I
24 have it pulled up, I am going to read
25 the statement. Second statement,

1
2 interest of Great Western sold to
3 BEXP to Great Western Alpha LC --
4 LLC, BEXP to Great Western, Omega
5 LLC, they are subject to this
6 pooling. And the last bullet,
7 interest of Bellamy sold to REG XI
8 Assets LLC, they are subject to this
9 pooling. There are dates of those
10 assignments that we could provide.

11 Mr. Macha, are the BEXP and REG
12 XI entities being requested to be
13 force pooled by Permian?

14 MR. MACHA: Yes, sir.

15 TECHNICAL EXAMINER McCLURE:
16 And they are included in this table
17 here of pooled parties?

18 MR. MACHA: Their predecessor
19 Great Western is and then Bellamy is
20 and then I am just making that
21 reference and highlighting them at
22 the bottom and making that inclusive,
23 if that makes sense.

24 TECHNICAL EXAMINER McCLURE:
25 Would it be Permian's intent to amend

1
2 an order that is issued based off
3 this pool party list to then include
4 the new owners?

5 MR. MACHA: So these
6 assignments were effectuated after we
7 filed the applications, so we are
8 hoping that this order would
9 encompass these parties. BEXP I
10 think regardless will get a JOA in
11 place. REG, they have not yet
12 reached out to us, so we need to
13 clarify if they want a JOA or be
14 subject to pooling, but they received
15 notice of this hearing.

16 TECHNICAL EXAMINER McCLURE:
17 Now earlier you mentioned that BEXP
18 is well aware of this case.

19 MR. MACHA: Yep.

20 TECHNICAL EXAMINER McCLURE:
21 Were they actually provided written
22 notice directly of this case?

23 MR. MACHA: Um, I am sure -- so
24 I am sure Great Western was, but I
25 have been in contact so the Brigham

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2 guys we were pretty close with, we do
3 a lot of deals with them and we have
4 been actively discussing the Los
5 Cataros and El Cantio units which is
6 directly adjacent to the east, so we
7 have been talking about all of this
8 pretty actively the past couple
9 months.

10 TECHNICAL EXAMINER MCCLURE:

11 But is it your belief that you did
12 not provide them with actual written
13 notice of this application?

14 MR. MACHA: I am not sure, I am
15 going to have to defer to Jackie if
16 we provided them.

17 MS. McLEAN: We did not because
18 they did not own an interest in this
19 spacing unit at the time of pooling.
20 After acquired interest are subject
21 to the pooling order and so we
22 wouldn't have to, um, have to notice
23 them, just whoever actually owns the
24 interests in the spacing unit at the
25 time, and we are seeking to pool

1
2 everyone highlighted in yellow on
3 page 24 and any successor's interest
4 owner would be subject to this order
5 just like that original party to the
6 pooling would be.

7 TECHNICAL EXAMINER McCLURE: Do
8 you believe that to be the case,
9 Ms. McLean, if the order is in place
10 after the interest has already been
11 sold and transferred?

12 MS. McLEAN: Yes, I believe
13 it's on the date that the pooling is
14 filed that the application is filed.
15 These interests are sold so often and
16 to so many people we would be
17 constantly having to send out notice
18 and it would never be done if we had
19 to keep waiting to see who else might
20 have bought something, so it is my
21 understanding that the notice that is
22 required under the rule is on the
23 day, you know, as of the date the
24 application to pool is filed.

25 TECHNICAL EXAMINER McCLURE:

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2 And you believe that if the interest
3 changed between that date and the
4 date of the hearing that no new
5 notice would have to be provided?

6 MS. McLEAN: Correct. But the
7 new interest owner would be subject
8 to the pooling order just as the
9 person who was the original pool
10 party.

11 TECHNICAL EXAMINER McCLURE:
12 Mr. Macha, does your list of pooled
13 parties include the new interest
14 owners?

15 MR. MACHA: Yes, as the
16 footnotes are highlighted on the
17 bottom so we are pooling everyone
18 that is highlighted.

19 MS. McLEAN: I think that is on
20 the pooled parties list, it is Great
21 Western Drilling, right, their
22 interest, you know, has recently been
23 sold to BEXP, right, but BEXP is not
24 actually in the chart, I think that
25 that was just put in there to provide

1
2 more information to the division and
3 also saying they are subject to this
4 pooling because they are the
5 successor in interest to the Great
6 Western Drilling interest in this
7 spacing unit, but they are not, you
8 know, on the pooled parties list that
9 is the chart, it is just a reference
10 underneath about what's actually
11 going on.

12 TECHNICAL EXAMINER McCLURE:
13 Miss McLean, was REGI provided notice
14 of this application?

15 MS. McLEAN: REGI, let me go to
16 my -- I don't even see them on the
17 pooled parties list. Let me see.

18 TECHNICAL EXAMINER McCLURE:
19 They are the entity that Mr. Macha
20 was referring to that had bought out
21 a different entity that is in the
22 transcript, but I don't recall now.

23 MS. McLEAN: Oh, that was for
24 the -- sorry, I am just going through
25 my -- for the Bellamy. So Bellamy

1
2 was provided notice just as Great
3 Western as we have discussed was
4 provided notice, but since notice was
5 provided, you know, which is required
6 by the rule at least 20 days before
7 the hearing, within that time period
8 I guess this new entity has acquired
9 the Bellamy exploration interest, so
10 notice was only provided to Bellamy
11 as required by the rule and not to
12 the successor interest owner.

13 TECHNICAL EXAMINER McCLURE:

14 Mr. Macha, moving to the next page
15 down that has the breakdown, the
16 summary of interest owners, do you
17 see the table I am referring to?

18 MR. MACHA: Yes, I do.

19 TECHNICAL EXAMINER McCLURE:

20 Does this include the new interest
21 owners in that breakdown?

22 MR. MACHA: So the new interest
23 owners are not listed here. So the
24 purpose of me listing -- to Jackie's
25 point -- the purpose of me listing

1
2 all of the -- so the notice parties
3 on here is so you all are able to see
4 who we noticed versus who is now the
5 owner and just so you all have all
6 the information in one place. So we
7 still have Great Western and Bellamy
8 on the unit capitulation because that
9 is what was the ownership at the time
10 of the application. Obviously there
11 are new successors here with REG and
12 BXP.

13 TECHNICAL EXAMINER McCLURE: So
14 at the date of hearing, that being
15 today, and further at the date that
16 this exhibit packet was put together
17 is this unit capitulation table
18 correct?

19 MR. MACHA: No, you would have
20 to replace Great Western with their
21 successors, and the same with
22 Bellamy.

23 TECHNICAL EXAMINER McCLURE: Is
24 the percentage for those new interest
25 owners identical to what we are

1
2 seeing here, in as you could quite
3 literally replace Great Western with
4 BEXP and the other one with its new
5 owner?

6 MR. MACHA: That is correct.

7 TECHNICAL EXAMINER McCLURE:
8 Let me ask one additional question
9 that I have for the geologist here.

10 Mr. Reudelhuber, could I direct
11 your attention to page 57 of 86, this
12 should be a cross section in Exhibit
13 B-4.

14 MR. REUDELHUBER: Yes, sir.

15 TECHNICAL EXAMINER McCLURE:
16 Here you have a grade highlight off
17 to the right that says "powered
18 interval;" do you see what I am
19 referencing?

20 MR. REUDELHUBER: Yes, sir.

21 TECHNICAL EXAMINER McCLURE: Is
22 it accurate to say that this is the
23 interval that the applicant is
24 requesting to be force pooled?

25 MR. REUDELHUBER: That is

1
2 correct, top of the Bone Spring to
3 the base of the Bone Spring or top
4 Wolfcamp.

5 TECHNICAL EXAMINER MCCLURE: So
6 the BSGI, is that the base of -- what
7 is that the base of?

8 MR. REUDELHUBER: That is
9 referring to the top of the Bone
10 Spring to the Bone Spring line, that
11 is just kind of our annotation.

12 TECHNICAL EXAMINER MCCLURE:
13 Does that occur above the Avalon or
14 did the Avalon occur in this region?

15 MR. REUDELHUBER: This includes
16 some section of Avalons, that's
17 correct.

18 TECHNICAL EXAMINER MCCLURE:
19 You reference some section of Avalon,
20 but do you mean the entirety of the
21 Avalon or just some of it?

22 MR. REUDELHUBER: Yes, sir, it
23 does.

24 TECHNICAL EXAMINER MCCLURE:
25 Mr. Hearing Examiner, I think that

1
2 resolves my questions, although I am
3 not sure how to proceed in this case
4 based off the fact that we --

5 MS. McLEAN: I have an idea.

6 HEARING EXAMINER CHAKALIAN:
7 What is the -- when you are saying
8 you are not sure how to proceed is it
9 about the notice issue?

10 TECHNICAL EXAMINER McCLURE: It
11 is about the notice issue and the
12 incorrect summary of interest that we
13 have submitted to us currently.

14 HEARING EXAMINER CHAKALIAN:
15 How do you want to proceed?

16 TECHNICAL EXAMINER McCLURE:
17 Well, I think the most ideal and most
18 conservative, which I am not sure if
19 Ms. McLean is going to want to go
20 this route, is provide notice of this
21 application to the new interest
22 owners and continue the case until
23 after that notice has been given.

24 HEARING EXAMINER CHAKALIAN:
25 Ms. McLean.

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MS. McLEAN: I have a different
idea.

HEARING EXAMINER CHAKALIAN:
Obviously.

MS. McLEAN: My proposition is
resubmitting the exhibit packet,
particularly Exhibit A-3, and
removing the highlighting on those
asterisk footnotes and then just
moving forward with pooling Great
Western and Bellamy because they were
the interest owners at the time of
the pooling, and then in the future
if we need to we could reopen to pool
those additional -- the successor
interest owners, but I think this
would keep it, like very clean and,
um, just pool who we originally
sought out to pool.

HEARING EXAMINER CHAKALIAN:
Got it.

Mr. McClure.

TECHNICAL EXAMINER McCLURE:
Well, if there is an understanding

1
2 that Permian planned on going forth
3 and amending the case then I think
4 the division could conceivably
5 approve those force pooled persons,
6 my only concern there is we have
7 knowledge as of this hearing date
8 that they are no longer interest
9 owners in the unit, but maybe if
10 there is an understanding that there
11 is going to be an amendment made to
12 correct that then I could conceivably
13 see the division proceeding.

14 MS. McLEAN: Well, I mean, so
15 the reason why I would like to do it
16 the way I suggested is because we
17 don't even know if we are going to
18 need to pool the successors because
19 it sounds like BXP is going to sign
20 the JOA anyways, so if that is the
21 case then they would not be a pooled
22 party and we wouldn't have to reopen.
23 Because we have to repropose these
24 anyways after the issuance of the
25 order so anyone could sign a JOA, all

1
2 of these additional successor
3 interest owners, so there might not
4 even be a need to reopen if we do get
5 this JOA signed, which is why I think
6 it is best to just move forward with
7 the pooling as originally filed and
8 as originally noticed and I could
9 just unhighlight those asterisked
10 people on page 24.

11 TECHNICAL EXAMINER McCLURE:

12 Okay, so Permian would no longer be
13 requesting to force pool the Great
14 Western interest and the Bellamy I
15 think you said; is that correct,
16 Ms. McLean?

17 MS. McLEAN: Bellamy

18 Exploration or BXP, there is BXP and
19 I can't read it on this thing, but
20 whoever is in those asterisked
21 footnotes, they might not actually
22 need to be force pooled going
23 forward, which would mean we don't
24 need to reopen the case and so that
25 is why I think moving forward in this

Page 177

1
2 way just revising the exhibit packet
3 is the easiest and the least burden
4 on the division.

5 TECHNICAL EXAMINER McCLURE:

6 Those asterisked persons as the new
7 interest owners, I don't believe they
8 are included in that table currently.

9 MS. McLEAN: They are not.

10 TECHNICAL EXAMINER McCLURE:

11 What do you mean by not highlighting
12 them?

13 MS. McLEAN: They are only in
14 the footnote, they are highlighted in
15 the footnote, but I would, just to
16 make it clear, unhighlight them
17 because the affidavit says that the
18 parties to be pooled are highlighted
19 in yellow on Exhibit A-3, so that
20 there is no confusion I would just
21 unhighlight the successor interest
22 owners that are currently highlighted
23 in the footnote and just resubmit it
24 with only the people highlighted in
25 the table on page 24.

1
2 TECHNICAL EXAMINER McCLURE: So
3 then Permian would still be doing the
4 force pool, the previous owners even
5 though they don't no longer own an
6 interest?

7 MS. McLEAN: That is correct,
8 because we would be seeking to force
9 pool them as of the date we filed
10 this back in March.

11 TECHNICAL EXAMINER McCLURE:
12 And if upon further discussion
13 internally at the division the
14 director decides to not force pool
15 those entities in the actual order
16 here do you understand that you
17 should be looking for that and
18 understand that those owners and any
19 new owners would not be force pooled
20 by the division under the order; does
21 that make sense to you?

22 MS. McLEAN: Yes, I could also
23 unhighlight Great Western and Bellamy
24 in that table so there is no
25 confusion and then we only pool the

1
2 parties that are highlighted in
3 yellow like the affidavit says and
4 then going forward if we need to we
5 can reopen to include additional
6 parties, but it sounds like there is
7 going to be a JOA.

8 TECHNICAL EXAMINER McCLURE:

9 Miss McLean, that sounds like
10 that might be the cleaner approach
11 here.

12 MS. McLEAN: Yeah. So I will
13 just redo it, it is page 24 of 86, I
14 will remove highlighting on Great
15 Western Drilling, remove highlighting
16 on Bellamy and remove all the
17 highlighting in the footnotes and
18 then resubmit that exhibit packet.

19 TECHNICAL EXAMINER McCLURE:

20 Again, that sounds very good,
21 Ms. McLean.

22 In addition to that if I were
23 to ask for the working interest
24 summary, that table to be corrected
25 to your current understanding, do you

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understand what I am asking for
there?

MS. McLEAN: Yes, I am sure
that we can get that done as well.

TECHNICAL EXAMINER McCLURE:
Okay, and I believe with that we
should be good to take it under
advisement with the record left open,
Mr. Hearing Examiner.

HEARING EXAMINER CHAKALIAN:
Until when, Ms. McLean?

MS. McLEAN: Mr. Macha, do you
think you could do that by Wednesday
the 16th is the day?

MR. MACHA: Yeah, for sure.

MS. McLEAN: Okay.

HEARING EXAMINER CHAKALIAN: We
will keep the record open to
April 16th close of business and we
will take it under advisement.

Would you please provide a
cover letter with that, Ms. McLean?

MS. McLEAN: Of course.

HEARING EXAMINER CHAKALIAN: We

1
2 are going to move on. This docket is
3 going very slowly today, I don't know
4 why, and we have a motion hearing
5 after it, so I guess we are just
6 going to keep plowing through this.

7 We are now on numbers 31 and
8 32, this is 25276, 25277.

9 MS. VANCE: Good afternoon,
10 Mr. Hearing Examiner. Paula Vance
11 with the Santa Fe office on Holland &
12 Hart on behalf of the applicant
13 Mewbourne Oil Company.

14 HEARING EXAMINER CHAKALIAN: We
15 are going to join this with 2579 and
16 2580 and maybe even 25281?

17 MS. VANCE: So 25276 and 25277
18 are the same group of development,
19 but then the other three are
20 separate.

21 HEARING EXAMINER CHAKALIAN: We
22 just have these two in front of us
23 now. Why don't you present them in a
24 consolidated abbreviated fashion,
25 Miss Vance.

1
2 MS. VANCE: Absolutely.

3 So both of these cases, in case
4 25276 Mewbourne is seeking to pool
5 the interests in a 1,909.6-acre
6 spacing unit, and that is in the Bone
7 Spring Formation. That is underlying
8 all of Sections 25 and 26 in Township
9 22 South, Range 26 East, and then
10 lots 1 through 4, the east half of
11 the west half and all the east half
12 of Section 30 in Township 22 South,
13 Range 27 East. This is a
14 non-standard spacing unit, but
15 Mewbourne already has an approved
16 order and that order number is NSP
17 2251 and Mewbourne seeks to dedicate
18 this unit to the runway 26/30 fed com
19 521H, 523H, 525H and 527H.

20 And then in case number 25232
21 Mewbourne seeks to pool the interests
22 in a 1,909.6-acre, more or less,
23 horizontal wells spacing unit and
24 that is going to be in the Wolfcamp
25 and that is the Purple Sage Wolfcamp,

1
2 pool code 98220, and that should be
3 the same dedicated acreage, so these
4 are overlapping spacing units.

5 I won't go through the full
6 land description, to abbreviate and
7 dedicate that spacing unit to the
8 runway 26/30 fed come 711H, 713H,
9 715H and 717H. Again, there is an
10 approved NSP and that is NSP 2252 for
11 that one.

12 And, I apologize, but one of
13 our experts has not previously
14 testified before the division and
15 that is the geologist, Mr. Dillon
16 Bagnall, and I may be mispronouncing
17 that, but he is available, I saw him
18 on here earlier and we did include a
19 copy of his resume, which is Sub
20 Exhibit D-1.

21 It looks like he is coming
22 on-line there.

23 HEARING EXAMINER CHAKALIAN: To
24 help abbreviate this, will you have
25 questions for this person?

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TECHNICAL EXAMINER McCLURE: I
will have questions for both the
landman and geologist, so, yeah.

HEARING EXAMINER CHAKALIAN:
Let's get them both on the screen.

I see you, Mr. Bruson. I
don't see you, Mr. Bagnall.

I see you now.

Now, Miss Vance, we will just
do it this way, would you, Mr.
Bagnall, start with stating and
spelling your name for the record,
please.

MR. BAGNALL: Yes, Dillon
Bagnall, D-I-L-L-O-N, last name
B-A-G-N-A-L-L.

HEARING EXAMINER CHAKALIAN:
And Mr. Bruson the same.

MR. BRUNSON: Hudson Brunson,
H-U-D-S-O-N, last name B-R-U-N-S-O-N.

HEARING EXAMINER CHAKALIAN:
Mr. Brunson, you have been previously
qualified as an expert?

MR. BRUNSON: Yes, sir.

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HEARING EXAMINER CHAKALIAN:
You have. So it is Mr. Bagnall that
has not been previously qualified.

Would both of you please raise
your right hands.

Do you swear or affirm under
penalty of perjury that the testimony
you are about to give is the truth,
the whole truth, and nothing but the
truth?

MR. BAGNALL: I do.

MR. BRUNSON: I do.

HEARING EXAMINER CHAKALIAN:
Mr. Brunson, what field have you been
accepted by this division?

MR. BRUNSON: Land.

HEARING EXAMINER CHAKALIAN:
Are you trying to become an expert in
geology before this division?

MR. BAGNALL: Yes, that's
correct.

HEARING EXAMINER CHAKALIAN:
Tell me about your education that
goes to geology.

1
2 MR. BAGNALL: I received my
3 undergraduate in geosciences at
4 Angelo State University from 2013 to
5 2016. After which I got my Master's
6 in geology at Texas Tech University
7 from 2017 to 2019. During in the
8 middle of that I interned at
9 Mewbourne Oil Company.

10 Following graduation in 2019 I
11 started full-time at Mewbourne and I
12 have worked here since then.

13 HEARING EXAMINER CHAKALIAN:
14 Perfect. You are hereby qualified
15 before this division as an expert in
16 the field of geology.

17 Please proceed, Miss Vance.

18 MS. VANCE: So in both of the
19 hearing packets we have included a
20 copy of the applications, the
21 compulsory pooling checklist, as well
22 as the self-affirmed statements of
23 both of our experts.

24 Mr. Bruson's statement is
25 Exhibit C. We have included a copy

1
2 of the NSP order, along with all of
3 the standard land exhibits, and then
4 we have Mr. Bagnall's statement,
5 which is Exhibit D, along with all of
6 the required geology exhibits. And
7 then, lastly, we have Exhibit E,
8 which is the self-affirmed statement
9 of notice with a sample copy of the
10 notice that went out, which was
11 timely mailed on March 21, 2025, and
12 then Exhibit F, which is the
13 Affidavit of Notice of Publication,
14 which was timely published on
15 March 27, 2025.

16 And unless there are any
17 questions, and it sounds like there
18 are, I would ask that the exhibits
19 and sub exhibits be admitted into the
20 record and we are ready for
21 questions.

22 HEARING EXAMINER CHAKALIAN:
23 Sounds good.

24 Any objections?

25 Not hearing any the exhibits

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are so admitted.

Mr. McClure.

TECHNICAL EXAMINER McCLURE:

Thank you, Mr. Examiner.

Mr. Bagnall, can I direct your attention to the cross section in Exhibit B-4, I believe. In both of these cases potentially, it looks like there are three different cross sections between the cases; do you see what I am referencing?

MR. BAGNALL: Yes, sir, I do.

TECHNICAL EXAMINER McCLURE: Do you see that little overlaid map that is over the top of the cross sections?

MR. BAGNALL: I do.

TECHNICAL EXAMINER McCLURE: Are you familiar with everybody at Mewbourne that is putting together these exhibits?

MR. BAGNALL: I am.

TECHNICAL EXAMINER McCLURE: If I were to ask you to talk to

1
2 everybody in Mewbourne that puts
3 together these exhibits and ask them
4 to not include that so I can quit
5 asking for it to be removed; do you
6 understand what I am asking for?

7 MR. BAGNALL: I do.

8 TECHNICAL EXAMINER McCLURE:
9 Okay, thank you, sir. That was the
10 only question I had for you,
11 Mr. Bagnall.

12 MR. BAGNALL: Okay.

13 TECHNICAL EXAMINER McCLURE:
14 Mr. Brunson, if I could draw your
15 attention, and I am looking at case
16 25276 specifically right now, page
17 27, I believe, this would be your
18 summary of working interests; do you
19 see what I am referring to or where I
20 am looking at?

21 MR. BRUNSON: Yes, sir.

22 TECHNICAL EXAMINER McCLURE: At
23 the very top of that list it says
24 Mewbourne Oil Company et. al.; do you
25 see what I am referring to?

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MR. BRUNSON: Yes, sir.

TECHNICAL EXAMINER McCLURE:

What is Mewbourne referencing when it says "Mewbourne Oil Company et. al.?"

MR. BRUNSON: I am referencing Mewbourne and all of the other parties that have signed the JOA to participate in these wells.

TECHNICAL EXAMINER McCLURE: If I were to ask for an interest breakdown including all the companies do you understand what I am asking for?

MR. BRUNSON: Yes, sir.

TECHNICAL EXAMINER McCLURE:

Okay, so rather than having "et. al." have the actual breakdown of each company.

MR. BRUNSON: Yes, sir, the committed parties.

TECHNICAL EXAMINER McCLURE:

Yes, sir, that is correct, Mr. Brunson.

That is all the questions I

1
2 have for the witnesses, Mr. Hearing
3 Examiner, but I would like to speak
4 to Miss Vance regarding not only what
5 we just discussed here and the CPAC
6 as well.

7 HEARING EXAMINER CHAKALIAN:
8 Ms. Vance.

9 MS. VANCE: Yes.

10 TECHNICAL EXAMINER McCLURE:
11 Miss Vance, did you catch when I
12 referenced the cross section so you
13 know what I am looking for there?

14 MS. VANCE: I do.

15 TECHNICAL EXAMINER McCLURE:
16 Ms. Vance, in regards to the interest
17 breakdown do you see what I was
18 asking for there and did you have any
19 input on my request?

20 MS. VANCE: No, I understand
21 what you were asking for. I was
22 double checking the other case and
23 whether or not the same thing showed
24 up there with the Mewbourne et. al.
25 and if we needed to break that out,

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but --

TECHNICAL EXAMINER McCLURE: I believe it does, but I will let you check.

MS. VANCE: Yeah, okay, so Hudson is nodding his head so he is familiar, so I think it sounds like we need to do the same thing for both cases.

TECHNICAL EXAMINER McCLURE: Okay. In addition to that, Miss Vance, in the CPAC for the operating cost the Exhibit C-4, instead of including the \$12,000 and 1,200 I think is what the cost was, if I ask you to correct that to include the actual cost considering they are very small items rather than citing the exhibit do you see what I am asking for?

MS. VANCE: Yes, that is no problem.

TECHNICAL EXAMINER McCLURE: Thank you, Miss Vance.

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Mr. Hearing Examiner, I have
nothing further on these cases.

HEARING EXAMINER CHAKALIAN:
Ms. Vance, on these two cases how
long do you want to leave the record
open?

MS. VANCE: Um, Hudson, how
long do you think it will take you to
update those exhibits?

MR. BRUNSON: Um, I could have
them done by Monday, if that works.

MS. VANCE: I think we will go
with that magic Wednesday date.

HEARING EXAMINER CHAKALIAN:
April 16th close of business.
Alright, we are in recess on these
two cases. We will take them under
advisement once we get your amended
hearing pack.

Let's move onto cases 33 to 35
on our docket, 25279, 25280 and
25281.

MS. VANCE: Good afternoon,
Mr. Hearing Examiner. Paula Vance

1
2 with the Santa Fe office of Holland
3 and Hart on behalf of the applicant
4 Mewbourne Oil Company.

5 HEARING EXAMINER CHAKALIAN:

6 What is the good cause here?

7 MS. VANCE: I am going to defer
8 to my client who is on the line, let
9 me see, I believe he -- this one, I
10 apologize, I do know, so on these
11 Mewbourne conducted additional title
12 and so we are open to pool those
13 additional parties so we have
14 included a statement and then updated
15 pooling exhibit along with an offer
16 letter and chronology of contacts.

17 HEARING EXAMINER CHAKALIAN:

18 Did you have your notice?

19 MS. VANCE: Yes, I did, and
20 that was timely. The letter went out
21 March 21, 2025, notice of publication
22 was March 27, 2025.

23 HEARING EXAMINER CHAKALIAN:

24 Very good.

25 Are you trying to admit your

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exhibits into evidence now?

MS. VANCE: Yes.

HEARING EXAMINER CHAKALIAN:

Very good.

Are there any objections?

Not hearing any objections the
exhibits in all three cases are
admitted.

Mr. McClure, any questions?

TECHNICAL EXAMINER McCLURE: If
we are fine with telling Miss Vance
what we want I have no questions.

HEARING EXAMINER CHAKALIAN:

Please go ahead, what do you want?

TECHNICAL EXAMINER McCLURE: In
all three of these cases the newly
found interest found exceeds one
percent and I would like to see an
amended breakdown of the interest
owners with that new interest taken
into account; do you understand what
I am asking for?

MS. VANCE: I understand, and I
just want to make sure that Hudson

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who is on the line understands
because he would be updating that,
so.

MR. BRUNSON: Can you restate
what you are asking for?

TECHNICAL EXAMINER McCLURE:
Yes, I can. Mr. Brunson, in each of
these cases the newly found interest
exceeds one percent and as such your
overall interest is going to be
changing relatively significantly
depending what you are going to make
that determination at and because of
that change I want to see the updated
working interest breakout.

MR. BRUNSON: Okay, yes, sir.

TECHNICAL EXAMINER McCLURE:
That is everything.

HEARING EXAMINER CHAKALIAN:
April 16th, Miss Vance?

MS. VANCE: Hudson, could you
get that done by Monday?

MR. BRUNSON: Yes, ma'am.

MS. VANCE: Okay, the 16th.

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HEARING EXAMINER CHAKALIAN: We
are off the record in those three
cases.

We are moving onto 36, 25282,
Enduring Resources.

MS. VANCE: Good afternoon,
Mr. Hearing Examiner. Paula Vance
with the Santa Fe office of Holland &
Hart on behalf of the applicant
Enduring Resources, LLC.

HEARING EXAMINER CHAKALIAN:
Excellent. Any other parties that
you know of, Miss Vance?

MS. VANCE: Not that I am aware
of, no.

HEARING EXAMINER CHAKALIAN: Go
ahead and present your case.

MS. VANCE: So in this case we
are just here to get -- submit the
approvals for the unit agreement on
behalf of Enduring and the unit that
is being formed consists of,
approximately, 5,927.62 acres, and
that includes both federal and Indian

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2 allotted lands and that is situated
3 in Sandoval County. I am not going
4 to go through the full land
5 description, it is in the
6 application.

7 We have included a copy of the
8 application, the self-affirmed
9 statement of Mr. Travis Whitham, who
10 has his camera on, he has not
11 previously testified, he has his
12 resume available so I will turn it
13 over to you, Mr. Hearing Examiner.

14 HEARING EXAMINER CHAKALIAN:
15 Are you going to have questions for
16 this witness?

17 TECHNICAL EXAMINER McCLURE: I
18 think I may, Mr. Hearing Examiner.

19 HEARING EXAMINER CHAKALIAN:
20 Mr. Whitham, would you please state
21 and spell your name for the record.

22 MR. WHITHAM: Yes, it is
23 Travis, T-R-A-V-I-S, last name
24 W-H-I-T-H-A-M.

25 HEARING EXAMINER CHAKALIAN:

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2 What field of expertise do you want
3 to be qualified before this division?

4 MR. WHITHAM: Petroleum
5 landman.

6 HEARING EXAMINER CHAKALIAN:
7 Very good.

8 Would you tell me your
9 experience, starting with your
10 education, when did you achieve your
11 degrees.

12 MR. WHITHAM: Yeah, I graduated
13 from Kansas State University in 2010
14 with a Bachelor of science in
15 geography and I have been employed
16 with Enduring Resources since
17 December of 2012. I started out as a
18 landtech and now I am a senior
19 landman with the company.

20 HEARING EXAMINER CHAKALIAN:
21 What do your duties include?

22 MR. WHITHAM: It kind of
23 varies, but for the most part
24 coordinating with our operations
25 teams, all of our non-op partners.

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2 Now we have over 1,500 operated wells
3 and we have had one drilling rig
4 running for the past year and a half,
5 so keeping up with the drilling
6 schedule.

7 HEARING EXAMINER CHAKALIAN:

8 Okay. How long have you been doing
9 that with this company?

10 MR. WHITHAM: Really since, you
11 know, I would say 2014 is where I
12 really started taking on more
13 responsibilities, so, and just to
14 note we have got over 20 units in New
15 Mexico now, so I am very familiar
16 with the New Mexico units.

17 HEARING EXAMINER CHAKALIAN:

18 Alright, so, again, you are seeking
19 to be recognized as an expert in
20 petroleum land matters; is that
21 right?

22 MR. WHITHAM: Yes, that is
23 correct.

24 HEARING EXAMINER CHAKALIAN:

25 Okay.

1
2 MR. SACERDOTI: My name is
3 Raffaello Sacerdoti, I am just
4 joining, sorry I am a few moments
5 late. I am a geologist with Enduring
6 Resources.

7 HEARING EXAMINER CHAKALIAN:
8 You are hereby qualified before this
9 division as an expert in petroleum
10 land matters.

11 Miss Vance, were you done or
12 were you still presenting?

13 MS. VANCE: I mean, there is
14 not that many exhibits so I will just
15 run through them very quickly.

16 We included a statement from
17 Mr. Whitham, like I said his resume,
18 as well as the deal and designation
19 letter and on the geology we have the
20 geology statement along with the
21 structural map and cross section. We
22 also have the notice that went out
23 which was timely, the letter, the
24 sample letter included was marked and
25 sent March 21, 2025, and then the

1
2 Affidavit of Notice of Publication
3 was timely, which was March 27, 2025.
4 That being said, I do think
5 Mr. Whitham has one item to correct
6 regarding the designation letter and
7 he can provide an update to the
8 technical examiner regarding that.

9 HEARING EXAMINER CHAKALIAN: So
10 let's get your exhibits admitted into
11 evidence.

12 Are there any objections?

13 Not hearing any your exhibits
14 are admitted into evidence.

15 Mr. McClure, questions for
16 Mr. Whitham?

17 TECHNICAL EXAMINER McCLURE:
18 Mr. Whitham, could you very briefly
19 describe the change to the
20 designation letter that Ms. Vance was
21 just referencing.

22 MR. WHITHAM: Yeah, I can. If
23 you note Exhibit A and go to page 4,
24 originally this unit was set up --

25 TECHNICAL EXAMINER McCLURE:

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2 Hold on, Mr. Whitham, do you know
3 what page of the exhibit packet that
4 is in?

5 MS. VANCE: Page seven.
6 Actually, I am sorry, page seven is
7 the first page. It would be page 10
8 of 79.

9 TECHNICAL EXAMINER McCLURE: I
10 am seeing part of the unit agreement,
11 is that what the amendment was made
12 to or was it the designation letter
13 from the BLM?

14 MR. WHITHAM: It was the unit
15 agreement.

16 TECHNICAL EXAMINER McCLURE: So
17 the unit agreement got updated.
18 Please, Mr. Whitham, please finish
19 with your brief description of the
20 change here.

21 MR. WHITHAM: So if you will
22 see at the top of that page where it
23 has the Section 16, Township 2020
24 North, Range 6 West and it lists
25 those two wells; do you see that?

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TECHNICAL EXAMINER McCLURE:
Yes, I do see that, sir.

MR. WHITHAM: Those should have been removed because initially we were going to include that state land section and the state land office did not want to include it so we removed it from the unit Exhibit A and B, but it didn't get caught in the actual body of the unit agreement, so that is the one change that we wanted to point out to you that doesn't need to be there.

TECHNICAL EXAMINER McCLURE:
Okay, and these wells, they describe the Los Alamos Canyon area applies the new horizontal and multiunit lateral wells only and all existing wells within the unit area producing from the formation shall be excluded from the terms of this agreement specifically included the following wells, so are you saying that those top two wells 16A and 16I, those are

1
2 going to be included in the unit?

3 MR. WHITHAM: No, they are
4 definitely not because that Section
5 16 is no longer included in the unit.
6 It initially -- we were going to put
7 Section 16 in there, the state land
8 office didn't want to do it, we just
9 didn't get this portion removed.

10 TECHNICAL EXAMINER MCCLURE:
11 The way I am reading this unit
12 agreement it is saying that they
13 accepted all existing wells and
14 specifically including these
15 following three wells.

16 MR. WHITHAM: Well, I guess to
17 clarify, if we would have had Section
18 16 in the unit these two existing
19 wells would have been excluded, but
20 then we ended up removing Section 16,
21 we just forgot to remove this
22 portion.

23 TECHNICAL EXAMINER MCCLURE:
24 Okay, I understand. So these two
25 wells are no longer within the unit

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bounds, the proposed unit boundaries?

MR. WHITHAM: Yeah, so they don't need to be there, we just made an error in not removing them.

TECHNICAL EXAMINER McCLURE:
And the exclusion of Section 16, is that included in the legal description in this accident or in this exhibit packet, excuse me?

MR. WHITHAM: Yep, you won't notice it anymore because we removed it everywhere else.

TECHNICAL EXAMINER McCLURE:
And then the rest of the unit agreement here, it is also removed it sounds like; is that correct?

MR. WHITHAM: That is correct.

TECHNICAL EXAMINER McCLURE:
Okay, thank you, Mr. Whitham.

Let me ask if I can pull your attention to --

HEARING EXAMINER CHAKALIAN:
Who are you asking?

TECHNICAL EXAMINER McCLURE:

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Mr. Whitham.

HEARING EXAMINER CHAKALIAN: I
thought you were finished with him.

TECHNICAL EXAMINER MCCLURE:
No.

If I could pull your attention
to page 25 of 79, this is like the
second half of the list of tracts
associated with the proposed unit.

MR. WHITHAM: Okay, go ahead.

TECHNICAL EXAMINER MCCLURE:
That tract 11, it looks like it is
identified under allotted lands, do
you see where I am referring to, it
looks like it is in the southwest
quarter of Section 12 in Township
2020 North.

MR. WHITHAM: Yes, I am
familiar with that tract.

TECHNICAL EXAMINER MCCLURE: Is
that tribal interest?

MR. WHITHAM: Yes, it is,
Navajo allotted tract.

TECHNICAL EXAMINER MCCLURE: I

1
2 am with you. Is this the only tract
3 that is tribal and the rest is
4 federal; is that correct?

5 MR. WHITHAM: That is correct.

6 TECHNICAL EXAMINER McCLURE:
7 Thank you, sir.

8 Mr. Hearing Examiner, I believe
9 that is all my questions -- oh,
10 excuse me, let me back up, that is my
11 only question for the witness, but I
12 do have a question for Miss Vance
13 real fast.

14 Miss Vance, it looks like
15 Mr. Rankin (phonetic) might have been
16 the one that did the original notice
17 letter and such, but are you familiar
18 with the notice that was provided in
19 this case?

20 MS. VANCE: Yes.

21 TECHNICAL EXAMINER McCLURE: It
22 looks like a number of people were
23 noticed, but could you give me a
24 brief description of all working
25 interest owners, all mineral interest

1
2 owners, whatever that list comprises
3 of.

4 MS. VANCE: I think Mr. Whitham
5 could probably answer that as well,
6 but it is my understanding it is a
7 pretty large list and we provided
8 notice to the working interest as
9 well as FEMO, DLM, and then the
10 overrides, but Mr. Whitham can
11 correct me if I am wrong.

12 TECHNICAL EXAMINER McCLURE:
13 Mr. Whitham, did you hear Miss
14 Vance's response?

15 MR. WHITHAM: Yes, I did, and
16 the only correction we would make we
17 didn't send it out to all the
18 override owners, but everyone else we
19 did.

20 TECHNICAL EXAMINER McCLURE: So
21 that list would include all the
22 working interest owners; is that
23 correct?

24 MR. WHITHAM: That is correct.

25 TECHNICAL EXAMINER McCLURE:

1
2 Thank you, sir. Thank you, Miss
3 Vance. Thank you, Mr. Hearing
4 Examiner, I have no further questions
5 on this case.

6 HEARING EXAMINER CHAKALIAN:
7 Very good.

8 Miss Vance, is there anything
9 that you need to supply the division
10 or Mr. McClure or are we able to take
11 this under advisement.

12 TECHNICAL EXAMINER MCCLURE:
13 Mr. Hearing Examiner, there was a
14 change to the unit agreement, but the
15 applicant is required to provide us
16 with the actual executed and approved
17 one anyway, so I think we can just
18 take it under advisement.

19 HEARING EXAMINER CHAKALIAN:
20 Okay.

21 So back to you, Miss Vance, is
22 there anything else that you are
23 providing the division or are you
24 complete at this point?

25 MS. VANCE: I believe I am

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complete.

HEARING EXAMINER CHAKALIAN:

Okay, excellent. Then we are off the record in this case and we will take it under advisement. That is a nice refreshing change.

Going back there are two cases in which witnesses weren't available, Miss Vance, I think they are your cases 23 and 22 on our docket.

MS. VANCE: I am double checking.

HEARING EXAMINER CHAKALIAN:

The Riddler cases.

TECHNICAL EXAMINER McCLURE: I think we were looking for the landman in these cases.

HEARING EXAMINER CHAKALIAN: I think we were.

MS. VANCE: Yes, let me see if he is -- I do not see him on here. Do you mind pausing just for one second, my AirPods are about to die, I don't want to lose audio.

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HEARING EXAMINER CHAKALIAN:

Okay.

Mr. McClure, you had questions for the landman; is that right?

TECHNICAL EXAMINER McCLURE:

Yes, in this case I do, Mr. Hearing Examiner. I don't recall what the -- was this Mr. Hajdik was our landman in this case?

MR. HAJDIK: Yes, sir.

TECHNICAL EXAMINER McCLURE:

Mr. Hajdik, where I think we left questioning off is off of the breakdown of working interest owners. Do you recall that exhibit, it should be on page 18 of 51 for case 25229.

MR. HAJDIK: Correct. Um, so we are going to -- we are not going to pool any of those parties, they represent about four percent total, so we could submit -- they sign the JOA or were going to sign the JOA and so we can update it to show kind of a line item that shows the total

1
2 percentage and then a drop down of
3 the remaining parties and we will
4 mark them all as not pooled and we
5 can submit that.

6 TECHNICAL EXAMINER McCLURE:

7 So, Mr. Hajdik, essentially what you
8 just referenced to me is you have the
9 person of interest that is entirely
10 associated with BTA and potentially
11 these other two persons; is that
12 correct?

13 MR. HAJDIK: Correct.

14 TECHNICAL EXAMINER McCLURE: On
15 this table on page 18 of 51 that has
16 the breakdown of working interest
17 owners, do all those current
18 percentages that are shown, do those
19 add up to 100 percent?

20 MR. HAJDIK: They would be -- I
21 would have to look back at the source
22 data.

23 TECHNICAL EXAMINER McCLURE:

24 Let me ask you a different question.

25 Are you presenting to me that

1
2 once you include the percentage that
3 is associated with these three
4 entities, at that point is the sum of
5 this table going to equal
6 100 percent?

7 MR. HAJDIK: Yes, it will.

8 TECHNICAL EXAMINER McCLURE:
9 And if I were to ask you to include
10 an additional statement in your
11 affirmation statement giving a very
12 brief description of what is going on
13 here do you understand what I would
14 be asking for?

15 MR. HAJDIK: Just a quick
16 explanation of why certain parties
17 don't have a --

18 TECHNICAL EXAMINER McCLURE:
19 Not to tell you what to affirm to or
20 to certify, but just a written
21 statement in regards to our
22 conversation today. My current
23 understanding is you do not know for
24 sure what percentage may or may not
25 be associated with Richardson and

1
2 Davis versus BTA, but you know the
3 overall percentage; is that correct?

4 MR. HAJDIK: Correct.

5 TECHNICAL EXAMINER McCLURE:

6 And, essentially, what I would be
7 looking for is some sort of statement
8 just saying, essentially that, that
9 you know the overall interest and
10 currently you are just not sure which
11 of those two parties, however you
12 want to go about it is up to you.

13 MR. HAJDIK: Okay, we can do
14 that.

15 TECHNICAL EXAMINER McCLURE: I
16 don't recall if I questioned the
17 geologist or not in this case, but I
18 do have a question for him or her, I
19 don't remember who it was now.

20 MS. VANCE: You did, and I
21 believe he is still on the line.
22 That is Hendrickson.

23 TECHNICAL EXAMINER McCLURE:

24 Mr. Hendrickson, is that correct, did
25 I question you in regards to -- let

1
2 me just ask the questions again in
3 case it didn't come through. This is
4 the disadvantage of jumping around in
5 these cases, let me see if I could
6 find the page.

7 On this case, that being 25229,
8 Mr. Hendrickson, I am looking at your
9 cross section in Exhibit D-4, page 42
10 of 51.

11 MR. HENDRICKSON: Yes, sir, you
12 will have to forgive me, I am looking
13 at the PowerPoint version, but it is
14 the same as what you should be
15 seeing.

16 TECHNICAL EXAMINER McCLURE: I
17 think there was another case that we
18 talked about with this exact same
19 scenario, I don't think it was this
20 case, but I could be wrong, where you
21 reference on the right-hand side you
22 say this is the pooled interval, is
23 that representative of what the
24 applicants are requesting the force
25 pool in this case?

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MR. HENDRICKSON: Yes, we are seeking the pool interval in this case.

TECHNICAL EXAMINER McCLURE:
Thank you, Mr. Hendrickson.

Miss Vance, on the CPAC it represents that, and in the landman's statement it represents that Permian's requesting to force pool the entirety of the Bone Spring Formation, we are going to need to correct that if that is no longer the case.

MS. VANCE: That is correct, I can get those updated.

TECHNICAL EXAMINER McCLURE:
And you understand everything I am asking for there?

MS. VANCE: Yes, similar to what we discussed with the Oxy SORO.

TECHNICAL EXAMINER McCLURE:
Yes, sounds exactly so.

In addition to that, the only other thing I am looking for is in

1
2 regards to my discussion with
3 Mr. Hajdik in regard to those three
4 parties that have to be titled and an
5 updated breakdown of the interests.

6 MS. VANCE: Okay, and that is
7 for both of the cases, correct,
8 because both of them had that TBD.

9 TECHNICAL EXAMINER McCLURE:
10 That is correct.

11 For the other case in regards
12 to the -- I apologize, let me confirm
13 with Mr. Hendrickson, on your cross
14 section it looks like you reference
15 the upper Wolfcamp as being your
16 pooled interval, is it your
17 understanding that is what Permian is
18 requesting to force pool in case
19 25232?

20 MR. HENDRICKSON: Yeah, you
21 alluded to this earlier, but what we
22 discussed previously was the more
23 appropriate way to refer to this as
24 the target interval rather than the
25 pool. We are seeking to pool the

1
2 entire Wolfcamp Formation, what are
3 shown here is what we are targeting
4 for this project.

5 TECHNICAL EXAMINER MCCLURE: I
6 will need an amended cross section in
7 case 25232 with that pooled interval
8 correctly identified as targeted
9 interval, Ms. Vance.

10 MS. VANCE: Okay.

11 TECHNICAL EXAMINER MCCLURE:
12 And I believe that is everything I
13 have for these two cases.

14 HEARING EXAMINER CHAKALIAN:
15 Thank you, Mr. McClure.

16 Miss Vance, how long do you
17 want the record to stay open?

18 MS. VANCE: 4/16 sounds good.

19 HEARING EXAMINER CHAKALIAN:
20 4/16 close of business.

21 And, Mr. McClure, those
22 exhibits were for one case or both
23 cases?

24 TECHNICAL EXAMINER MCCLURE:
25 The working interest is for both

1
2 cases. The cross section is for
3 case -- the Wolfcamp case, 25232.

4 HEARING EXAMINER CHAKALIAN:

5 Very good.

6 Miss Bennett, did you have
7 something to say?

8 MS. BENNETT: No, I just
9 appeared in these cases so I was just
10 paying attention.

11 HEARING EXAMINER CHAKALIAN:

12 Well, that was nice of you. Alright,
13 it looks like we are done with our
14 regular docket so far and at 1:00 we
15 are going to begin a motion hearing
16 so we all have a four-minute break.

17 TECHNICAL EXAMINER McCLURE:

18 Mr. Hearing Examiner, could I
19 ask Miss Vance a quick question, I do
20 not know for sure which case this
21 applies to, I am not sure if she
22 knew.

23 Ms. Vance, I do not know which
24 of the U-turn wells it applies to,
25 but in one of the cases you made

1
2 reference verbally that there may be
3 existing hearing orders that is now
4 being changed, I believe it is the
5 first step that we talked about.

6 MS. VANCE: Yes, so you mean
7 the extension cases or are you --

8 TECHNICAL EXAMINER McCLURE:
9 No, it was one of these U-turn wells
10 we were talking about like the Bone
11 Spring three versus the entire Bone
12 Spring.

13 MS. VANCE: That there were
14 existing orders, yes, we actually
15 dismissed those cases, yeah.

16 TECHNICAL EXAMINER McCLURE: So
17 then there are no actual hearing
18 orders that need to be terminated or
19 dealt with in some manner, then, to
20 your understanding?

21 MS. VANCE: No.

22 TECHNICAL EXAMINER McCLURE:
23 Okay. I thank you, Miss Vance.

24 I am sorry, Mr. Hearing
25 Examiner, that was all I had.

1
2 HEARING EXAMINER CHAKALIAN: We
3 are going to take a three-minute
4 break and come back at 1:00, thank
5 you.

6 (Short break taken.)

7 HEARING EXAMINER CHAKALIAN: It
8 is 1:03 in the afternoon, we are now
9 calling 11 cases for a motion
10 hearing. Those cases are 2494142,
11 2499495, 25115, 16, 17, 25145, 46,
12 47, 48. Entrance of appearance,
13 please.

14 MR. SAVAGE: Darin Savage, good
15 afternoon, with Abadie & Schill
16 appearing on behalf of V-F Petroleum
17 Incorporated.

18 HEARING EXAMINER CHAKALIAN:
19 Thank you, sir.

20 MS. VANCE: Good afternoon,
21 Mr. Hearing Examiner. Paula Vance
22 with the Santa Fe office of Holland &
23 Hart on behalf of Permian.

24 MS. LUCK: I am Kaitlyn Luck
25 here on behalf of Carolyn Beall.

1
2 HEARING EXAMINER CHAKALIAN:

3 Let's review what we are doing today.
4 We have conducted two full days of
5 hearings in these cases -- in these
6 consolidated cases, first on January
7 the 28th, then on February 27th.

8 After the hearing on
9 February 27th Mr. McClure, our
10 technical examiner, had a list of
11 supplemental exhibits from two of the
12 three parties. From Miss Vance he
13 asked for an amended CPAC pooling
14 administrative checklist to include
15 all depth severances, if space is
16 limited list the depth separately,
17 and site landman's statement for
18 reference, make sure the Bone Spring
19 for each is listed in each case.
20 Exhibit C-3, summary of interest, I
21 am not going to go over all the
22 details there. Then a landman's
23 statement corrections remove typo or
24 duplicate reference regarding
25 vertical limit, ensure accurate

Page 224

1
2 reference to Bone Spring three
3 vertical limit, correct bullet point
4 lists of vertical limit to case
5 specific, add paragraph description
6 all depth severances.

7 Number four, supplement exhibit
8 on depth severance at 9,397 feet.
9 Provide a document, if available, for
10 depth severance in the southeast
11 quarter of the southwest quarter, if
12 no documents exist provide a detailed
13 description. If title documentation
14 is available submit a limited version
15 to clarify ownership severance.

16 Exhibit C-9, summary of
17 committed interests. I won't go
18 through all of those, and then
19 Exhibit D-7, a geologist's cross
20 section, again, focusing on vertical
21 limits, et cetera.

22 So as you can see, Mr. McClure
23 is quite concerned about vertical
24 limits, depth severance.

25 Resubmission of book 143 page 191

1
2 submit as an exhibit packet not just
3 as part of a Notice of Ownership.

4 Two, proposed allocation
5 method, and, three, table identifying
6 Miss Beall's interest providing a
7 table or document shows Ms. Beall's
8 percentage interests for the north
9 half of the north half of Sections 14
10 and 15 and the south half of north
11 half in Sections 14 and 15.

12 Miss Luck, you submitted an
13 exhibit, a supplemental exhibit
14 packet, your exhibits, I think you
15 listed them as 2 and 3, they don't
16 say who they are from.

17 MS. LUCK: I apologize, when I
18 turn on my camera I have connectivity
19 issues.

20 So the exhibits I submitted
21 were from Jordan Shaw, our landman,
22 who testified at the February 27th
23 hearing.

24 HEARING EXAMINER CHAKALIAN: So
25 you are saying that Mr. Shaw prepared

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both Exhibits 2 and 3?

MS. LUCK: That's correct.

HEARING EXAMINER CHAKALIAN:

There is nothing in the exhibits to say that. You can call him today and lay a foundation for your Exhibits 2 and 3 and we will decide what weight to give them after we hear from him and then see about the cross, if there is any cross-examination, but as it is now they have no evidentiary weight whatsoever.

MS. LUCK: Okay, Mr. Shaw testified to that information at the February 27th hearing, he went through his determination as to his review of the title to confirm that Miss Beall owned an interest, he described the before payout and after payout explanation. He also explained the reason for the allocation formula and the table that we put together to propose allocation in this unit for Miss Beall and so I

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2 do believe that a proper foundation
3 was laid at the February 27th hearing
4 for both of those exhibits and they
5 were simply submitted after the
6 hearing because we discussed those at
7 the hearing and they weren't
8 submitted with an affidavit or
9 anything to that extent because,
10 again, Mr. Shaw testified on the
11 February 27th hearing about both
12 those exhibits in pretty great detail
13 about Ms. Beall's interest in those
14 two units, as well as the proposed
15 allocation formula.

16 HEARING EXAMINER CHAKALIAN:

17 Miss Luck, I am not saying his
18 testimony is not evidence, it is.
19 What I am saying is your Exhibit 2
20 and 3 are not going to be given any
21 weight unless he adopts them under
22 oath today.

23 MS. LUCK: Okay, I understand,
24 I just want to be sure we did discuss
25 those at the February 27th hearing,

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but he is here and available to
testify.

HEARING EXAMINER CHAKALIAN:
Right, exactly. I am just letting
you know what you need to do today to
get those exhibits admitted as
evidence and not just as sort of a
demonstrative document, okay.

MS. LUCK: Thank you.

HEARING EXAMINER CHAKALIAN:
You're welcome.

So, Miss Vance, the list I read
earlier, did that comport with your
understanding of what Mr. McClure
wanted?

MS. VANCE: Correct, yes.

HEARING EXAMINER CHAKALIAN:
Very good.

So now that we have talked
about that I would like to go into
the motions that bring us here today.
So let's review.

On March 21st we have a motion
submitted by Carolyn Beall to strike

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2 your Exhibit C-12 and there was a
3 request for a hearing. Also on
4 March 21st we had a motion by Permian
5 to strike the intervention of Carolyn
6 Beall in case 25146, which deals with
7 the south half of the north half of
8 Section 14. Three days later V-F
9 filed a concurring motion to strike
10 Exhibit C-12. Then on March 26th we
11 have your response, Miss Vance, to
12 both V-F and Carolyn Beall regarding
13 your Exhibit C-12. Then on
14 March 26th we have Carolyn Beall's
15 response to your motion, to Permian's
16 motion to strike the intervention.
17 Then on April 4th we have both V-F
18 and Carolyn Beall filed a motion to
19 limit the hearing today and then on
20 April 9th we have your response,
21 Miss Vance, to the motions to limit
22 the hearing.

23 So those are the motions that
24 are before us here, and the way I
25 propose to deal with those motions is

1
2 to first take evidence on Exhibit
3 C-12 allowing the parties to cross
4 examine the witness supporting
5 Exhibit C-12, and we will go from
6 there.

7 So, Miss Vance, are you
8 preparing --

9 MS. VANCE: I have Mr. Macha
10 available to discuss the Exhibit
11 C-12.

12 HEARING EXAMINER CHAKALIAN:
13 Okay, so then we don't have the
14 author who drafted the opinion letter
15 as a witness today?

16 MS. VANCE: That's correct, no.

17 HEARING EXAMINER CHAKALIAN:
18 Okay. It is your case so you are
19 going to present it in whatever way
20 you want to. Do you want to make an
21 opening statement about Exhibit C-12
22 before we begin?

23 MS. VANCE: I will make it very
24 short.

25 HEARING EXAMINER CHAKALIAN:

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2 Whatever you want, Miss Vance, it is
3 whatever you want.

4 MS. LUCK: Mr. Examiner, if I
5 may, I think it is improper for
6 Mr. Macha to testify to the title
7 opinion, it was drafted by someone
8 else, it looks like Jeffrey Hubbell
9 and Mr. Lear, and I don't think
10 Mr. Macha is qualified to testify on
11 behalf of those folks. Unless he is
12 an attorney who can testify for Lear
13 & Lear, I don't believe Mr. Macha can
14 testify about this title opinion, I
15 would object to that proceeding at
16 this hearing today.

17 HEARING EXAMINER CHAKALIAN:
18 What I will allow you to do,
19 Miss Luck, is to voir dire the
20 witness after we get him sworn in,
21 but at this point we are just having
22 an opening statement from Miss Vance
23 and we will move into Mr. Macha and
24 you can make your objection by voir
25 diring the witness; okay?

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MS. LUCK: Okay.

HEARING EXAMINER CHAKALIAN:
Miss Vance.

MS. VANCE: Yes. So, one, I just want to be clear that this particular deed of distribution was admitted in the middle of the hearing that we held last month and it was the first time that Permian had been -- had taken a look at this document, and so immediately Permian took that document and did an analysis of it to understand it because it was being used as a basis for Miss Beall to substantiate her interest that she has claimed, specifically in the south half of the north half. And so we looked at that and responded or came to a conclusion based on the analysis that was provided and concurrent with that the technical examiner asked for information to clarify the depth severances and so that information

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2 was provided, which there was only
3 two depth severances that exist in
4 this case, there is one in the north
5 half of the north half case and there
6 is a depth severance in the south
7 half of the south half, and those are
8 listed in these supplemental Exhibit
9 C-12 that was provided. The reason
10 why the opinion letter was included
11 was to show that there was no depth
12 severance as originally was claimed
13 by Miss Beall, that was the basis of
14 her intervening in the case which she
15 was granted the ability to intervene
16 and it is completely circular, there
17 is no depth severance and she does
18 not have an interest there, that was
19 also discussed by her own witness who
20 repeatedly stated during the last
21 hearing that there were gaps, clouds,
22 there was no way to confirm that that
23 interest vested, so, you know, we
24 were asked by the technical examiner
25 to provide clarification on what

1
2 Ms. Beall's interests were and where
3 the depth severances were and that's
4 what we did.

5 Now I do want to put a point
6 on, and I stated this in my response,
7 is that Ms. Beall is asking -- was
8 allowed to intervene based on an
9 understanding that she had a vertical
10 offset, she was an affected party as
11 a vertical offset in the south half
12 of the north half. Again, her
13 witness repeatedly stated there is
14 cloud on title, there is a gap that
15 cannot be confirmed, she does not
16 have an interest in the south half of
17 the north half. Again, she was
18 allowed to intervene based on a depth
19 severance as an offsetting party;
20 however, when we got to the hearing
21 last month that changed, she went --
22 she is now stating she has an
23 interest in the entirety of that
24 third Bone Spring in all depths, so,
25 you know, I put it to the examiner

1
2 that now that she is claiming
3 something different than what she was
4 allowed to intervene on, that sort of
5 changes the circumstances, and it has
6 caused some confusion here, but that
7 being said we are not -- Permian is
8 not seeking to pool Miss Beall
9 because, as her witness confirmed,
10 she doesn't have an interest and even
11 if she wants to clear that up this is
12 not the venue to do that. We are
13 simply just to put a point on it
14 provided the document, the opinion
15 letter, to be honest, I don't think
16 we anticipated it would turn into
17 this big back and forth of motions
18 and, but I leave it to it is simply
19 to have confirmed actually what their
20 own witness stated on the record, we
21 concur there is no interest in the
22 south half of the north half because
23 it has not vested, there is a cloud,
24 there is a gap in title and so in
25 terms of the opinion letter itself I

1
2 leave it to the discretion of the
3 hearing examiner, the hearing
4 examiner has the discretion to allow
5 certain documents into cases and
6 hearings and the division may place
7 whatever weight it wishes to on the
8 document. That's all I have.

9 HEARING EXAMINER CHAKALIAN:
10 Thank you, Miss Vance.

11 Now the witness that you have
12 to this document is Mr. Macha; is
13 that correct?

14 MS. VANCE: That's correct.

15 HEARING EXAMINER CHAKALIAN:
16 Mr. Macha, could you unmute yourself,
17 please.

18 MR. MACHA: Yes, sir.

19 HEARING EXAMINER CHAKALIAN:
20 Mr. Macha, I swore you earlier today
21 so I remind you you are still under
22 oath.

23 MR. MACHA: Okay.

24 HEARING EXAMINER CHAKALIAN:
25 Now, Miss Vance, the reason that we

1
2 are here today is because there was
3 an objection to your document. If it
4 hadn't been objected to I would
5 consider it a rebuttal exhibit. I
6 know Miss Luck presented you with a
7 document during the hearing on
8 February 27th, and in all fairness I
9 do understand that this is a rebuttal
10 exhibit. It does speak to both
11 ownership interest, which we don't
12 deal with here, and it does speak to
13 depth severances, and that sort of
14 thing, which we do deal with here.

15 Before Mr. Macha testifies I
16 want to review one thing with the
17 parties. I did some research into
18 the Oil Conservation Division's
19 powers and duties under the Oil and
20 Gas Act and when it comes to pooling
21 orders I want to review this and I
22 know Mr. Savage must know this by
23 heart, but for me I learned, and I am
24 sure Mr. McClure knows this as well,
25 but for me I learned that pooling

1
2 orders generally identify all known
3 working interest owners and mineral
4 interest owners, therefore, it is
5 important for us to know as a
6 division who we are compulsory
7 pooling and who we are not compulsory
8 pooling, so right off the bat that
9 sends to me that identifying interest
10 owners whether it has been
11 adjudicated or not or whether there
12 is a dispute about ownership it has
13 to at least be mentioned in the
14 order, recognized in some way.
15 Typically we use exhibits, we use
16 exhibits from the applicant to show
17 ownership breakdown by tract, who was
18 offered participation, who accepted,
19 who declined, and those people that
20 are being force pooled and the
21 corresponding risk penalty applied.
22 Typically, legal sufficiency requires
23 that proper notice was given to all
24 parties with a known interest that
25 the record supports the need for

1
2 force pooling and that the order
3 provides for sufficient detail to
4 support enforceability and protect
5 rights. Also, force pooled interests
6 define participating owners and
7 non-consenting owners.

8 So, ultimately, this
9 information is relevant and that is
10 important because as a hearing
11 examiner I am not permitted to accept
12 irrelevant evidence and parties who
13 make objections based on relevancy,
14 you know, will carry the day, so with
15 that said I can see the relevance of
16 C-12 and if the only objection was to
17 relevance then I would overrule that
18 and tell the parties that we are
19 going to accept Exhibit C-12 and give
20 it the weight that we deem
21 sufficient; however, there are
22 objections and the parties have, V-F
23 and Carolyn Beall have requested the
24 ability to cross-examine the witness
25 and so we have Mr. Macha here.

1
2 Now we have an objection to
3 Mr. Macha, so, Miss Luck, you already
4 stated your objection earlier and I
5 said that you could voir dire this
6 witness as to this exhibit, so please
7 go ahead.

8 MS. LUCK: I would also like to
9 respond to a few of the comments that
10 Miss Vance made. So Miss Beall was
11 provided late notice of this hearing
12 by Permian's own words as a vertical
13 offset and this is not a proper
14 determination for whether or not
15 there is gaps in title or whether or
16 not she has a perfected interest in
17 this unit. It is our understanding
18 that this exhibit is only being
19 submitted for purposes of disputing
20 Miss Beall's title insurance, it
21 doesn't talk about the depth
22 severances at all, so just looking at
23 Mr. Macha's affidavit that was
24 submitted with the March 10th exhibit
25 packet it doesn't even reference C-12

1
2 at all, so I am not really sure how
3 Mr. Macha could testify to anything
4 in C-12 because it is not included in
5 his affidavits, he didn't sign the
6 document, and it is my understanding
7 he is not associated with the Lear &
8 Lear law firm and so --

9 HEARING EXAMINER CHAKALIAN:

10 Miss Luck, I ask -- you are repeating
11 yourself at this point. I already
12 have given you the opportunity to
13 voir dire Mr. Macha, you are not
14 doing that, so, again, you have an
15 opportunity to voir dire this witness
16 and ask him questions about Exhibit
17 C-12 and I will make a decision based
18 on your voir dire, so go ahead.

19 MR. SAVAGE: Mr. Hearing
20 Examiner, respectfully, I would also
21 object to Mr. Macha. I would object
22 to the opinion letter being addressed
23 here, and if I may explain based on
24 some of the comments that you had
25 made about the rules and law

1
2 regarding pooling, if I could
3 address, have an opportunity to
4 address some of that.

5 HEARING EXAMINER CHAKALIAN: We
6 will get to you after Miss Luck
7 either takes her opportunity to voir
8 dire this witness or not.

9 MR. SAVAGE: Yes, sir, thank
10 you.

11 MS. LUCK: Sir, I mean, turning
12 to Exhibit C-12, Mr. Macha, did you
13 draft this letter that is included
14 titled opinion letter regarding the
15 operation rights of Carolyn Beall?

16 MR. MACHA: No, I did not.

17 MS. LUCK: It looks like this
18 letter is addressed to you; is that
19 correct?

20 MR. MACHA: That is correct.

21 MS. LUCK: And do you know the
22 folks who wrote the letter to you?

23 MR. MACHA: They work with us
24 as our attorneys, but that is my
25 extent of the relationship.

1
2 MS. LUCK: And does your
3 affidavit that was submitted, it
4 looks like it was signed on
5 March 10th, does it include Exhibit
6 C-12?

7 MR. MACHA: No, I don't believe
8 so.

9 MS. LUCK: So there was no one
10 in Permian's office that was
11 affiliated or associated with
12 drafting this title opinion letter
13 that is included as Exhibit C-12?

14 MR. MACHA: That is correct.
15 We contract out our title opinions.

16 MS. LUCK: So why did Permian
17 request this title opinion?

18 MS. MACHA: So at the last
19 hearing when the additional exhibit
20 was presented and accepted in the
21 middle of the hearing that we had not
22 seen before we obviously wanted to
23 kind of get eyes on that, me, myself
24 personally, I don't review the
25 thousands of documents that go into a

1
2 title opinion, we have to kind of let
3 our title attorneys review those as
4 such and we wanted to substantiate
5 any claims like we understand if
6 someone owns an interest and we are
7 not attributing that we want to make
8 sure that is accounted for, so we
9 sent those documents that were
10 submitted to our title attorneys and
11 asked them for a brief synopsis of
12 what they thought and this letter was
13 provided to us, and to Paula's point
14 earlier, we did not realize this was
15 going to turn into a kind of back and
16 forth of motions. This letter was
17 purely meant to be additional
18 information for the division to
19 facilitate any sort of decision here.

20 MS. LUCK: So this opinion
21 letter doesn't describe or have
22 anything to do with depth severances?

23 MR. MACHA: I believe it does
24 talk about some depth severances, but
25 I think the depth severance on the

1
2 north half north half is not in
3 dispute. I think we acknowledge that
4 Miss Beall owns in the shallower
5 depths and that interest is not
6 disputed so we did not address that
7 specifically or request to address
8 that specifically in this letter.

9 MS. LUCK: Okay, thank you.

10 So, Mr. Hearing Examiner, I
11 would continue to object about this
12 only for the purpose of excluding
13 Miss Beall's interest in this unit.
14 I think Miss Beall has now submitted
15 supporting documentation she actually
16 owns an interest in this unit, there
17 are correlative rights issues and
18 this witness cannot proceed to
19 testify about a letter that was,
20 according to him, it is not included,
21 it is not included in his affidavit,
22 no one in Permian, and the reference
23 doesn't relate to any type of depth
24 severances, it is undisputed that
25 there is not a depth severance in the

1
2 south half north half, so if that is
3 undisputed then there is no further
4 need for any further testimony
5 regarding this title opinion letter,
6 it is completely improper for the
7 division to make any kind of decision
8 in Miss Beall's interest, that is for
9 the district courts.

10 HEARING EXAMINER CHAKALIAN:

11 Did you say there is no depth
12 severances in the south half of the
13 north half?

14 MS. LUCK: Right, I believe
15 that is completely undisputed at this
16 point in time. The first page of
17 Exhibit C-12 shows that.

18 HEARING EXAMINER CHAKALIAN: So
19 I am looking at your closing
20 statement that you submitted just --
21 well, you know when you submitted it,
22 and on page two of your closing
23 statement, and this was submitted
24 sometime in mid-March at the
25 conclusion of both hearings, you say,

1
2 Miss Beall owns, approximately, one
3 percent in the spacing units proposed
4 in the subject cases with the working
5 interest in the northeast quarter of
6 the northwest quarter and the south
7 half of the northeast quarter, the
8 northeast quarter of the northeast
9 quarter and the northwest quarter of
10 the northeast quarter, the southeast
11 quarter of the northwest quarter of
12 Section 14, Township 18, Range 31
13 EMPM, in the upper third of the third
14 Bone Spring to depths 9,290 in some
15 portions and 9,293 in other portions
16 underlying the subject lands, and
17 then you go on to say, and was
18 provided notice in cases, blah, blah,
19 blah, as vertical offset.

20 So in this document, this
21 closing argument that you submitted
22 you refer to a depth severance.

23 MS. LUCK: Right, and now it is
24 my understanding after having
25 reviewed this further that

1
2 Miss Beall's interest in the depth
3 severance is only in the north half
4 north half unit, and I believe that
5 is what Miss Vance's statements were
6 too, there is not a depth severance
7 in the south half north half, there
8 is only depth severance in the north
9 half north half unit.

10 HEARING EXAMINER CHAKALIAN: I
11 am reading your words in your closing
12 argument.

13 MS. LUCK: No, I understand
14 that, and I believe that that is an
15 error that Miss Beall actually owns a
16 non-depth severed interest in the
17 south half north half unit.

18 HEARING EXAMINER CHAKALIAN:
19 What are you relying on to change
20 your position from your closing
21 argument submitted weeks after the
22 hearing in which your witnesses
23 testified, you introduced the
24 document that you are now saying
25 changes your position, so what are

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you relying on at this point?

MS. LUCK: I am sorry, I believe it is undisputed at this point in time there is not a depth severance in the south half north half units, and my representation in that motion, I mean, I am sorry, in the closing statement appears to be incorrect and needs to be amended to clearly state that Miss Beall observes an interest in 25146 in the third Bone Spring Formation.

HEARING EXAMINER CHAKALIAN:

And I am asking you again, what are you relying on?

MS. LUCK: I am sorry, the interest ownership documents that we submitted with her notice of ownership interest support that. I made a misstatement about what those statements state because I misunderstood what those title documents reflected. That was a misstatement by counsel in the

1
2 pleading that needs to be amended to
3 reflect that Miss Beall owns a nine
4 depth severance interest in the south
5 half north half unit. And the
6 document is page 225980.

7 HEARING EXAMINER CHAKALIAN: I
8 don't know what you are talking about
9 right now.

10 MS. LUCK: I filed a document
11 with Miss Beall's ownership interest
12 that is 225, page 980.

13 HEARING EXAMINER CHAKALIAN: I
14 have all your documents here, so that
15 doesn't answer my question, but I do
16 understand that you made a mistake,
17 that is a pretty serious mistake to
18 continue to assert that there is a
19 depth severance when now you are
20 saying there is no depth severance,
21 but the letter, the opinion letter
22 from Lear & Lear does specifically go
23 into important things that the
24 division needs to know, for example,
25 that the chain of title -- this is

1
2 from the opinion letter, it talks
3 about the lack of recorded title
4 evidence. Now Permian can only
5 provide notice to those that provide
6 recorded title evidence to the
7 public, and, in fact, this chain of
8 title to Jean or Charles Reed for
9 those interests is not supported by
10 constructive notice in the public
11 record, so the fact that Permian
12 didn't see this potential ownership
13 is explained by this letter, number
14 one.

15 Number two, this letter
16 identifies specific shallow or depth
17 conveyances from Read & Stevens, for
18 example, the southwest quarter of the
19 northwest of 112 page 1035 the depths
20 are from 3,900 to 4,611 feet. In the
21 northwest northwest page 196 the
22 depths from 3,900 to 4,552 feet.
23 These fall short of the target third
24 Bone Spring interval which starts at
25 the 9397. This is relevant evidence

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for the division to consider.

Now your voir dire of Mr. Macha basically has -- supports your objection that he didn't produce this document; however, Mr. Macha -- so before I even go on, Mr. Savage, would you like an opportunity to voir dire this witness?

MR. SAVAGE: Yes, sir, please.

HEARING EXAMINER CHAKALIAN:
Please go ahead.

MR. SAVAGE: I would like to make a few comments, if I could.

HEARING EXAMINER CHAKALIAN:
No, it is not time for comments, it is time for you to voir dire this witness.

MR. SAVAGE: Okay.

Mr. Macha, as was stated, as you stated previously it is correct that you did not draft this opinion letter?

MR. MACHA: That is correct.

MR. SAVAGE: And do you

1
2 consider this opinion letter as being
3 written testimony to the division?

4 MR. MACHA: I don't -- I would
5 not consider it to be testimony since
6 our attorneys are not available, I
7 think that is a little bit of a legal
8 question.

9 MR. SAVAGE: If I remember
10 correctly you did not make it to the
11 January 28th hearing; is that
12 correct?

13 MR. MACHA: That is correct,
14 yes.

15 MR. SAVAGE: Isn't it true that
16 you submitted a written statement for
17 that?

18 MR. MACHA: Yes, that's
19 correct.

20 MR. SAVAGE: And you identified
21 it and defined it as written
22 testimony; is that correct?

23 MR. MACHA: That is correct.

24 MR. SAVAGE: So why is this
25 opinion letter not written testimony?

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MR. MACHA: I think -- I am not sure, I am sorry, I don't know how to answer that.

MR. SAVAGE: So the drafters, they wrote this statement, they make these written assertions and statements to the division like you did in yours, but they had not shown up like you did not and Permian is submitting this as a written statement; is that correct?

MR. MACHA: That is correct.

MR. SAVAGE: Mr. Macha, how long have you been a landman?

MR. MACHA: About nine years.

MR. SAVAGE: Nine years, and your educational background is specifically in land management, I assume?

MR. MACHA: That is correct.

MR. SAVAGE: Have you worked as a field landman or have you always been in-house?

MR. MACHA: I have been a field

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landman, yes.

MR. SAVAGE: Could you describe
does a field landman, are they often
asked to draft ownership reports?

MR. MACHA: Yes, sir.

MR. SAVAGE: Could you describe
the process if I asked you to do an
ownership report on the south half
north half of Section 14, can you
discuss the process?

MR. MACHA: Yeah. So with
these being federal leases, um, we
would run from the inception of that
lease forward since upon termination
of the federal lease it kind of wipes
the record clean. So I would start
from the inception of a federal
lease. First I would cross
everything through the county
abstract per legal description, then
I would cross everything through the
grantor and grantee index for every
party that was in that chain of
title. I would also order federal

1
2 and state abstracts for any chain of
3 title that has been filed with the BOM
4 and then I would compile that
5 information for detailed review and
6 put that chain of title together to
7 make my opinion.

8 MR. SAVAGE: And in this
9 process you would read and review the
10 lease, the base lease?

11 MR. MACHA: That is correct.

12 MR. SAVAGE: And you would read
13 and review every assignment in the
14 chain of title; is that correct?

15 MR. MACHA: That is correct.

16 MR. SAVAGE: And you would
17 analyze and interpret the language
18 such as the language of conveyance in
19 those assignments?

20 MR. MACHA: That is correct.

21 MR. SAVAGE: So as a landman
22 nine years you have quite a bit of
23 experience with reading, reviewing,
24 and interpreting such as language of
25 conveyance?

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MR. MACHA: Relatively, yes.

MR. SAVAGE: And you understand language that conveys working interest?

MR. MACHA: Yes, sir.

MR. SAVAGE: And as a landman you would review title documents, title documents to arrive at, basically the same conclusion of ownership that the opinion letter has provided, but without, say, a legal requirement; would you agree with that?

MR. MACHA: Sorry, can you repeat the question?

MR. SAVAGE: Okay, so let's say that you were in the field and you were trying to determine the property rights of Miss Beall, for example, okay, so you would look at the base leases, you would look at subsequent assignments, you would look at the language and then you would draft an ownership report and in this

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2 ownership report you would reach a
3 conclusion that Beall does not own
4 interest, for example, or you could
5 reach the conclusion she does own
6 interest; is that correct?

7 MR. MACHA: Yes.

8 MR. SAVAGE: I am going to
9 shift gears just a little bit, but I
10 want to go back to the foundation
11 that was laid that you are
12 experienced at reading assignments
13 and drafting ownership reports, but
14 you were present at the February 27,
15 2025, at that hearing at the
16 conclusion of the hearing of the
17 subject cases; correct?

18 MR. MACHA: Yes, I was.

19 MR. SAVAGE: And I believe you
20 understood, you heard what
21 Mr. McClure asked and you understood
22 what he was requesting?

23 MR. MACHA: Yes, for the most
24 part. I don't remember exactly what
25 he said, but yeah.

1
2 MR. SAVAGE: I am going to ask
3 this, do you recall that Mr. McClure
4 wanted a title document that
5 described the depth severance, if it
6 were available, that described the
7 depth severance at 9,397 feet so the
8 division could better understand the
9 depth severance in reference to the
10 vertical extent to the Permian space
11 units that the division was being
12 asked to pool, does that sound like a
13 fair statement of Mr. McClure's
14 request?

15 MR. MACHA: Yes. Um, our
16 understanding was that V-F provided
17 those documents, the opinion letter
18 provides the chain of title leading
19 into those documents was not
20 perfected.

21 MR. SAVAGE: And let me ask
22 this specific question, so the
23 opinion letter, does it describe in
24 any way a depth severance around
25 9,400 feet?

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MR. MACHA: No, it does not.

MR. SAVAGE: It does not, okay.

So on February 27th you testified in your written statement that ownership depth severance exists in the Bone Spring Formation with the proposed well spacing and, therefore, Permian seeks to pool only a portion of the Bone Spring Formation for each of its cases; is that correct?

MR. MACHA: I believe so.

MS. VANCE: Mr. Hearing Examiner, I am going to object to this line of questioning. The voir dire should be substantiating whether or not this witness is credible to talk about the document and we are getting into an entire new contested hearing, so the relevance of this -- I am objecting on a basis of relevance.

HEARING EXAMINER CHAKALIAN:

Mr. Savage, I asked you to voir dire this witness about this exhibit. Do

1
2 you have any other questions about
3 this exhibit before I make a judgment
4 on whether or not I am going to let
5 this exhibit in?

6 MR. SAVAGE: So what we
7 established is that it goes directly
8 to his ability to address the
9 ownership issues in that exhibit, it
10 goes to -- so there is a number of
11 issues that are integral to this
12 inquiry, so one is that Miss Beall
13 submitted title documents not just to
14 show that she was a party to be
15 pooled, but to show that she had
16 standing, and that was what the
17 intervention was ruled on, that she
18 met the threshold ownership for
19 standing. Now --

20 HEARING EXAMINER CHAKALIAN:
21 That is not correct, Mr. Savage. I
22 never adjudicated her ownership
23 interest. I allowed her to intervene
24 because the rule allows me to give
25 discretion for someone to protect

1
2 their rights even if there is a
3 slight possibility that her
4 correlative rights may be at issue
5 here and that is why I allowed her,
6 it had nothing to do with her
7 specific ownership interests.

8 MR. SAVAGE: She didn't have
9 ownership rights, she didn't have
10 correlative rights. If she has
11 correlative rights it is based on
12 ownership rights, Mr. Hearing
13 Examiner.

14 HEARING EXAMINER CHAKALIAN: My
15 understanding of the testimony on the
16 first day of the hearing,
17 January 28th, was that producing from
18 one part of the Bone Spring may, may
19 drain her ownership interests in
20 another part of the Bone Spring and
21 she had been verified to have
22 ownership in the southeast of the
23 northwest, if, I don't know if I am
24 saying this correctly, but I am doing
25 it from memory, so there was no

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2 question she had an ownership
3 interest of a vertical -- off of a
4 vertical well that she had an
5 interest in. On that basis alone I
6 allowed her to intervene.

7 I also denied, I also denied
8 the motion to not allow her to
9 intervene, okay. It was only until
10 the second day of the hearing in
11 February when her interest somehow
12 expanded into the south half of the
13 north half, okay.

14 MS. LUCK: And, Mr. Examiner,
15 sorry, I would like to clarify we did
16 submit those supporting
17 documentations, the 225 page 980,
18 that supports her interest in the
19 south half, north half unit and that
20 was provided in advance of the
21 hearing.

22 There was further questions
23 about whether or not a gap in title
24 exists and that is why the additional
25 documentation came up at the hearing.

1
2 I want to clarify this is relevant
3 testimony that Mr. Savage was trying
4 to get from Mr. Macha because the
5 issues about the depth severance
6 started with Mr. Macha's affidavit
7 that was filed before the
8 January 28th hearing. If you pull up
9 his affidavit that was filed on
10 January 27th it materially changes to
11 the affidavit that was filed on
12 March 10th with respect to the depth
13 severance.

14 MR. SAVAGE: Actually, that is
15 what I have been trying to get at,
16 that your closing statements rely on
17 Mr. Macha's testimony that there is a
18 depth severance in the south half of
19 the north half of Section 14, that
20 testimony is clear, it is unambiguous
21 and it is also unambiguous and clear
22 that he changed that testimony when
23 he submitted a new affidavit with
24 revised testimony, new testimony on
25 March 10th.

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HEARING EXAMINER CHAKALIAN:
Mr. Savage, who are you talking
about, Mr. Macha?

MR. SAVAGE: Mr. Macha.

HEARING EXAMINER CHAKALIAN: So
that is a different issue. Right now
we have to deal with one issue at a
time because we are lawyers, we have
to deal with one issue at a time.

I also take exception to
Ms. Luck and Mr. Savage both sort of
going back and forth taking turns,
you know, you're just here to voir
dire.

Okay, the voir dire period is
over, now I am going to make a
decision.

Mr. Macha --

MR. SAVAGE: Let me comment.
We are responding because you have
conflated depth severance with
ownership in that opinion letter so
in order to address these issues we
have to address them in this

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manner --

HEARING EXAMINER CHAKALIAN:

Mr. Savage, that exhibit -- we are here right now to decide whether to strike the exhibit or not, that is all we are here for at the moment, okay, and we don't have Mr. Hubbell who drafted this letter in front of us.

MR. SAVAGE: That's correct, and it should be struck on that basis alone it should you struck.

HEARING EXAMINER CHAKALIAN:

Well, no, actually, there is no rule of evidence that says I need to strike that letter. If it is relevant and reliable I can let it in. Now you are trying to determine the reliability of this evidence so that I can either make a ruling, that is why you're questioning Mr. Macha. I know that you and Miss Luck have many other things on the list of things that you want to do, but right

1
2 now I am dealing with this Exhibit
3 C-12, okay. Now both you and
4 Miss Luck have had plenty of
5 opportunity to voir dire this witness
6 and I am going to make a
7 determination --

8 MR. SAVAGE: Mr. Hearing
9 Examiner --

10 HEARING EXAMINER CHAKALIAN:
11 Enough.

12 MR. SAVAGE: -- for your
13 benefit --

14 HEARING EXAMINER CHAKALIAN: I
15 don't need anymore benefit, I don't
16 need your benefit, thank you. I have
17 given you an opportunity to voir dire
18 this witness, as I did Miss Luck.

19 MR. SAVAGE: I don't feel I had
20 a fair opportunity to conclude my
21 examination.

22 HEARING EXAMINER CHAKALIAN:
23 Maybe we need to actually mute you
24 because this is being unprofessional
25 at this point, sir.

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MR. SAVAGE: Yes, sir.

HEARING EXAMINER CHAKALIAN:

Thanks for agreeing.

Mr. Macha, I have some questions for you. How long have you been working with Mr. Hubbell at Lear & Lear?

MR. MACHA: Um, David has been working on our opinions for probably about, I would say 18 months, roughly, but I am not sure exactly the date.

HEARING EXAMINER CHAKALIAN:

Did Mr. Hubbell produce this letter based on your request?

MR. MACHA: That is correct.

HEARING EXAMINER CHAKALIAN:

And has he produced other opinion letters for you in other cases?

MR. MACHA: No. We have never had to do a letter opinion for a case like this before.

HEARING EXAMINER CHAKALIAN:

When you got this letter how do you

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use this letter?

MR. MACHA: So we viewed this letter as taking the additional exhibits supply from the last hearing and just giving it unbiased first part give me your opinion and synopsis of the Carolyn Beall interest in Section 34 that is disputed in the northwest and north severance was not as disputed part and maybe that was a communication error on my behalf to our attorneys, it should have discussed that a little bit more in depth in this letter, but we were just trying to confirm any discrepancies or disagreements between the parties as to the interest to clarify for the OCD.

HEARING EXAMINER CHAKALIAN: So here is what I am going to do, Miss Vance, the troubling part for me is that on March 27th at the status conference when Mr. Hubbell wasn't

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2 available I said to you that these
3 parties, Mr. Savage and Miss Luck,
4 are going to want to cross-examine
5 Mr. Hubbell, they made it abundantly
6 clear that they wanted to
7 cross-examine Mr. Hubbell. In
8 fairness, I scheduled another hearing
9 for today, but I also left it open to
10 you to pick another day if Mr.
11 Hubbell wasn't available. Do you
12 know why Mr. Hubbell is not available
13 today?

14 MS. VANCE: Yes, and Mr. Macha
15 might be able to backfill on this,
16 but it is my understanding to
17 Mr. Macha's point that the authors,
18 they are a third-party, they prepared
19 this just as an unbiased analysis of
20 the document that was entered during
21 the hearing and so their position is
22 they are not trying to argue for a
23 particular side and so take a neutral
24 position, so it is simply just to
25 provide an analysis of what was

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entered.

I would like to provide just a touch more color or if I do have an opportunity to ask Mr. Macha some questions regarding his oversight of this document.

HEARING EXAMINER CHAKALIAN: Go ahead.

MS. VANCE: Mr. Macha, actually the hearing examiner asked a couple of the questions that I was going to ask you, did you provide the documents to the authors, Mr. Hubbell and Mr. Taylor, that are discussed in the opinion letter?

MR. MACHA: That is correct.

MS. VANCE: And where did you get those documents from?

MR. MACHA: They were supplied by Mr. Savage or Miss Luck.

MS. VANCE: And is it a common practice for you to oversee the documents that you provide to your title attorneys --

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MR. MACHA: Yes, ma'am.

MS. VANCE: -- when you submit
them?

MR. MACHA: Yes, ma'am.

MS. VANCE: That is all I have,
that is enough.

HEARING EXAMINER CHAKALIAN:

Miss Vance, you know, the way I look
at this is we have Mr. Macha here and
he can testify to the information
that he received from Mr. Hubbell and
he is available for cross-examination
and if he can supply some sort of
reliability to the information that's
one thing. The problem I am having
with this opinion letter is it is an
opinion from someone who is not
available for cross-examination, I
don't know what his expertise is, I
don't know how he derived this
information. Some of the information
is irrelevant, some of it is
relevant, but at this point the
biggest problem I am having is that I

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2 made it clear to you that if you
3 wanted this exhibit to survive this
4 Motion that he better be available
5 for cross-examination. He decided
6 not to be, that is fine, but for that
7 reason alone I am going to strike
8 this exhibit from the packet and
9 Mr. McClure won't give it any
10 consideration in his order; however,
11 if Mr. Macha wants to testify to any
12 of that information, because hearsay
13 is admissible in an administrative
14 hearing, and we will give it the
15 weight that we deem it that it
16 deserves then I will give you an
17 opportunity to have Mr. Macha
18 testify.

19 Miss Luck, is Mr. Shaw
20 available?

21 MS. LUCK: Yes, he.

22 HEARING EXAMINER CHAKALIAN:
23 Good. Could you get him on the
24 screen, please.

25 Mr. Shaw, I think I swore you

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in earlier; did I not?

MR. SHAW: Yes, sir.

HEARING EXAMINER CHAKALIAN: I remind you you are under oath as well.

I want to deal with these two exhibits before we go back to Mr. Macha because they are in Miss Luck's exhibit packet.

Did you prepare Exhibits 2 and 3?

MR. SHAW: It is Exhibit B and C.

HEARING EXAMINER CHAKALIAN: That is what I was going to change, they are B and C; yes?

MR. SHAW: Yes, sir.

HEARING EXAMINER CHAKALIAN: You prepared them yourself?

MR. SHAW: Yes, sir.

HEARING EXAMINER CHAKALIAN: Miss Luck, do you want to ask any other questions to lay a foundation for these two exhibits before I see

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if there is an objection to them?

MS. LUCK: Mr. Shaw, you have been qualified as an expert landman before the OCD before; is that correct?

MR. SHAW: Yes, ma'am.

MS. LUCK: And you have extensive experience in reviewing title and making title determinations in the Permian; is that correct?

MR. SHAW: Yes, ma'am.

MS. LUCK: And did you prepare these two exhibits for purposes of these hearings?

MR. SHAW: Yes, ma'am.

MS. LUCK: Are you familiar with Miss Beall and her title interest in these two cases?

MR. SHAW: Yes, ma'am.

MS. LUCK: And I think that is all the questions that I have for this witness and I would move the admission of Exhibits B and C as prepared for purposes of this hearing

1
2 of establishing both Miss Beall's
3 ownership interest in case 25415 and
4 6 and the proposed allocation.

5 HEARING EXAMINER CHAKALIAN:
6 Miss Vance.

7 MS. VANCE: Again, I just want
8 to confirm, because we were saying
9 Exhibit 2 and 3, that we are talking
10 about Exhibit B, which is page 60 of
11 61 and Exhibit C, page 61.

12 HEARING EXAMINER CHAKALIAN:
13 Yes.

14 MS. VANCE: I just want it to
15 be clear.

16 I mean, I am going to object.
17 One, the division does not, I mean
18 the division does not approve
19 allocation formulas, that is
20 typically done between parties.
21 Pooling is done on a surface acreage
22 basis and so I don't believe it is
23 appropriate to have the allocation
24 formula included, even if it is what
25 I would say is based on the testimony

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2 of their own witness, Mr. Shaw.

3 MR. SAVAGE: I am going to
4 object to this line of questioning
5 and the reason is because it is
6 outside the scope of the purpose of
7 this evidentiary hearing is talking
8 about the allocation formulas and
9 that was not the subject matter of
10 this hearing.

11 HEARING EXAMINER CHAKALIAN:
12 Mr. Savage, I am giving Miss Luck an
13 opportunity to lay a foundation to
14 bring in her Exhibit B and C which
15 were basically unauthored in her
16 exhibit packet and one of them is the
17 allocation formula. I asked Miss
18 Vance if there was an objection to B
19 or C and so this is not outside the
20 scope of this hearing.

21 MS. LUCK: Again, Mr. Hearing
22 Examiner, we reviewed these exhibits
23 at the hearing in February. The
24 foundation was laid back then.
25 Miss Vance was given the opportunity

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2 to object back then. Mr. Shaw went
3 through each of these and all of this
4 information at the February hearing
5 in this matter and so, again, I agree
6 with Mr. Savage.

7 MS. VANCE: These documents
8 were not available for review, they
9 were filed after the fact, and to
10 point out this is being a little
11 hypocritical that the parties are
12 upset about there not being a
13 self-affirmed statement from Mr.
14 Hubbell or Mr. Taylor and these two
15 documents have just been provided
16 without having a statement attached
17 to them attesting to who created
18 them, how they were created, et
19 cetera, so that was going to be my
20 last point in terms of discussing an
21 objection, but I will go ahead and
22 state that now. The last thing I
23 would say is in regards to even if
24 the division allows these to come in
25 at this point it is clear in case

1
2 number 25146 Miss Beall does not have
3 a vested interest, those are the
4 words of her own witness, Mr. Shaw,
5 who repeatedly said on the record
6 that the interest -- that
7 there was a cloud, there was a gap,
8 it is not vested, and until they can
9 show that, which does not happen at
10 the administrative level here at the
11 OCD, then there is no reason to
12 include that information.

13 Now if they can substantiate
14 that by going to a district court and
15 clearing up title, fine, we can come
16 back, we can pool Miss Beall or we
17 can pool Miss Beall right now out of
18 an abundance of caution, but at this
19 point it is their own witness'
20 testimony, she does not have an
21 interest there.

22 HEARING EXAMINER CHAKALIAN:
23 Thank you, we got it. We don't need
24 to go on about this forever.

25 Let me ask you a question,

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Mr. Shaw, before I forget, Exhibit B, proposed allocation formula, is this document true and correct; to the best of your knowledge?

MR. SHAW: Yes, sir.

HEARING EXAMINER CHAKALIAN: Do you have any changes you want to make to it at this point?

MR. SHAW: No, sir.

HEARING EXAMINER CHAKALIAN: Okay, Exhibit C, same questions, is it true and accurate; to the best of your ability?

MR. SHAW: Yes, sir.

HEARING EXAMINER CHAKALIAN: Are there any changes you want to make to it?

MR. SHAW: No, sir.

HEARING EXAMINER CHAKALIAN: I am admitting Exhibits B and C, there is enough foundation to let them in at this point. I understand your objections, Miss Vance, but I am overruling them for now. Those

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2 documents are coming in.

3 I have excluded C-12,
4 Mr. McClure understands that,
5 although I am not including the part
6 of C-12 that has the map on it, so
7 that first page is admissible, it is
8 the opinion letter that is excluded.

9 Now we have Mr. Macha here,
10 okay, so, Miss Vance, do you want to
11 ask Mr. Macha any questions because I
12 am going to turn this over to
13 Mr. McClure because he has a list of
14 questions for all the parties that he
15 needs to clear up at this point so do
16 you want to just wait and let him do
17 that first?

18 MS. VANCE: Yes, I think that
19 is fine, because if there is anything
20 I need to clean up on the back end I
21 will do that.

22 HEARING EXAMINER CHAKALIAN:
23 Mr. McClure, you have Mr. Shaw.

24 Mr. Shaw, turn on your camera.
25 You have Mr. Shaw and you have

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Mr. Macha, who do you want to ask questions?

TECHNICAL EXAMINER MCCLURE:
You are asking about Mr. Macha or Mr. Shaw?

HEARING EXAMINER CHAKALIAN:
That is what I mean.

TECHNICAL EXAMINER MCCLURE: I apologize. Most of my questions in regard to Miss Beall's exhibits is cleared up now that we discussed Miss Luck's closing arguments.

Just for clarity I could ask him a couple of questions about Exhibit C.

Mr. Shaw, I am looking at Exhibit C found on page 61 of 61 of Miss Beall's exhibits.

MR. SHAW: Yes, sir.

TECHNICAL EXAMINER MCCLURE: To confirm I have an accurate understanding here, your top table only references depth severance of the northeast quarter of the

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northwest quarter?

MR. SHAW: Yes, sir.

TECHNICAL EXAMINER McCLURE:

And is it correct that you're stating that between the depth of 9,290 and 9,293 there is a different percentage of ownership than above 9,290?

MR. SHAW: Yes, sir, it looks like a Scrivener's error, potentially, but as per record as to title that would be correct, yes.

TECHNICAL EXAMINER McCLURE:

Now your second table here, is it correct that this has no depth severances and this is referring to ownership from the surface to the center of the earth?

MR. SHAW: Yes, sir. Well, from, I believe it is from a shallower depth, I believe it is from like 3,500 feet down to the center of the earth, approximately, outside of the subject Bone Spring depths, yes.

TECHNICAL EXAMINER McCLURE:

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So, technically, where you say all depths is not actually correct, it is actually from 3,500 feet down then; is that correct?

MR. SHAW: I believe so, that's correct.

TECHNICAL EXAMINER McCLURE:
That is all the questions I have for Mr. Shaw.

Mr. Macha.

MR. MACHA: Yes, sir.

TECHNICAL EXAMINER McCLURE:
Permian is asserting Miss Beall does not own an interest in the south half of the north half and additionally in the north half of the northeast quarter; is that correct?

MR. MACHA: Yes, that is correct. We are just showing the northeast to the northwest quarter.

TECHNICAL EXAMINER McCLURE:
And in those tracts who does Permian believe owns the working interest?

MR. MACHA: So that would be

1
2 represented on our exhibit -- let me
3 scroll up.

4 TECHNICAL EXAMINER McCLURE: If
5 you could please guide me, I guess,
6 to where it is provided.

7 MR. MACHA: Yeah, it would be
8 just the tract master tract
9 capitulation tab of our exhibits, so
10 that would mostly be we own most of
11 that stuff 50/50 together.

12 TECHNICAL EXAMINER McCLURE:
13 Now, Mr. Macha, if I can interrupt
14 you, I guess, Mr. Macha, what you
15 just referenced was for the entirety
16 of the unit; is that correct?

17 MR. MACHA: Um, so I am
18 referencing for the individual
19 40-acre tracts being in the south
20 half of the north half of Section 14.

21 TECHNICAL EXAMINER McCLURE: So
22 I am on the same page with you can
23 you please guide me to where you are
24 referencing that in your exhibit
25 packet if you believe it is included

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in there.

MR. MACHA: Yeah, I am looking at the revised exhibit packet from March 10th, it is page 93 of 227. It is just our master tract capitulation.

TECHNICAL EXAMINER McCLURE:
Mr. Macha, I am on that same page, if you could give me a few seconds to take a look at it.

Actually, Mr. Macha, can you guide me to specifically I am interested in I guess the northeast quarter of Section 14 and the southeast quarter of the northwest quarter of Section 14, is that provided anywhere here?

MR. MACHA: Yes, sir. So in that very first column where you see Section 14 east half and the south half of the northwest and the north half of the southwest, those legal descriptions would encompass the tracts you are referencing and it is

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50 percent each.

TECHNICAL EXAMINER McCLURE:

Mr. Macha, I guess I understand that, but where is the actual northeast quarter and the southeast quarter of the northwest broke out? I guess let me pause that question for a bit.

Are you in agreement that the northeast quarter and the southeast quarter of the northwest quarter is a tract that is independent from your legal description here that includes the entirety of the east half of Section 14?

MR. MACHA: Um, I don't believe so. So the way that we describe these tracts on a capitulation is every tract that has analogous ownership for the most part and or is part of the same oil and gas lease, if that makes any sense.

TECHNICAL EXAMINER McCLURE: It does, Mr. Macha, but to confirm as to which one of those we are talking

1
2 about, are you in agreement that the
3 south half of the southeast quarter
4 is not a part of the lease that is at
5 hand in this Lear & Lear statement?

6 MR. MACHA: Yes, that's
7 correct.

8 TECHNICAL EXAMINER McCLURE: So
9 then are you asserting that what you
10 have listed here for the first
11 column, to be clear what we are
12 talking about, are you asserting that
13 or is it your understanding that Read
14 & Stevens/Permian and Occidental each
15 have 50 percent of the working
16 interest specifically in the
17 northeast quarter and the southeast
18 quarter of the northwest quarter?

19 MR. MACHA: Yes, yes, sir.

20 TECHNICAL EXAMINER McCLURE:
21 Mr. Hearing Examiner, in regards to
22 this current topic, and I think
23 everything from my understanding of
24 the motion so far at least, I think
25 that concludes my questions.

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HEARING EXAMINER CHAKALIAN:

Okay. Does that mean that you have other questions outside of the motion hearing for these witnesses?

TECHNICAL EXAMINER MCCLURE: I

don't think they are necessary, unless the current hearing expands, I think we are fine as is, the division is, I believe.

HEARING EXAMINER CHAKALIAN: Is

there any cross-examination based on the questions that were asked?

MS. VANCE: No.

MR. SAVAGE: I do have one

question.

HEARING EXAMINER CHAKALIAN:

Based on the questions that Mr. McClure asked?

MR. SAVAGE: That is correct.

HEARING EXAMINER CHAKALIAN:

For which witness?

MR. SAVAGE: Mr. Macha.

HEARING EXAMINER CHAKALIAN: Go

ahead.

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2 MR. SAVAGE: Mr. Macha, as
3 Mr. McClure stated you are claiming
4 interest, Read & Stevens are claiming
5 interest in the southeast northwest
6 to be pooled, do you agree that if
7 you are mistaken in that and
8 Miss Beall does own working interest
9 in that tract that you will, Permian
10 is the party, the operator that runs
11 the risk of Miss Beall coming back in
12 as a working interest owner?

13 MR. MACHA: Yes, sir, if that
14 has been proven we would either seek
15 a JOA or compulsory.

16 MR. SAVAGE: Thank you.

17 That is all the questions I
18 have.

19 HEARING EXAMINER CHAKALIAN:
20 Miss Vance, you had said earlier that
21 since there is some evidence that
22 Miss Beall may own the entire third
23 bone in the south half of the north
24 half that you would add her to your
25 list of compulsory pooling.

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2 MS. VANCE: Yes, I believe that
3 just as Mr. Macha answered if Miss
4 Beall showed that she had a vested
5 interest Permian would either offer
6 her a JOA and try to work with her to
7 get voluntary agreement or we would
8 need to -- we would come back and we
9 would pool her interest.

10 HEARING EXAMINER CHAKALIAN:
11 Now you had also said, as I remember,
12 or we could just add her to the pool
13 interest list.

14 MS. VANCE: As a precaution if
15 that's where we are I think that
16 that's the route we would want to
17 take because we did not want to delay
18 these proceedings any longer than
19 necessary.

20 HEARING EXAMINER CHAKALIAN: So
21 Mr. Shaw, I have a question for you,
22 will you turn on your camera.

23 MR. SHAW: Yes, sir.

24 HEARING EXAMINER CHAKALIAN: On
25 February 27th during your testimony,

1
2 and I am looking at verbatim
3 transcript page 215, Mr. McClure was
4 trying to flesh out this very issue
5 and he said to you the following, now
6 was my understanding correct that
7 earlier -- or let me rephrase my
8 question. Does Miss Beall own an
9 interest outside of the depth
10 severance, that being above 9,290 or
11 9,293 and you said, possibly, but her
12 title is vested when we can say
13 100 percent from depths 3,900 to
14 9,290 there is a cloud as it pertains
15 to the other tracts and the other
16 depths. Then Mr. McClure said, okay,
17 now you said it's possible, but do
18 you have any reason to believe that
19 she does, and you said, yes, the
20 existence of this document assigning
21 an interest to her.

22 Okay, do you remember that
23 testimony?

24 MR. SHAW: Yes, sir.

25 HEARING EXAMINER CHAKALIAN: I

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2 don't know if you have done any
3 further research or if you thought
4 about it any further or if you looked
5 at the instrument at all since then,
6 but do you have any reason to change
7 your testimony now?

8 MR. SHAW: No, sir.

9 HEARING EXAMINER CHAKALIAN:

10 Mr. McClure, do you see any drawback
11 to Miss Vance or to Permian adding
12 Miss Beall to the pooled parties in
13 case she does have an interest and
14 letting them work that out in the
15 future after the order is issued?

16 TECHNICAL EXAMINER McCLURE:

17 The only topic that I would raise to
18 your consideration, and it may be a
19 moot point because she is already
20 aware of this application and has
21 taken part is potentially she was
22 provided notice as an offset protocol
23 owner rather than as --

24 HEARING EXAMINER CHAKALIAN: In
25 what area are you talking about?

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2 TECHNICAL EXAMINER McCLURE: I
3 believe it was in the case with the
4 north half of the north half was
5 where she was provided notice for as
6 being a vertical offset owner rather
7 than notice as a potential working
8 interest owner. Having said that she
9 is clearly aware of all these
10 applications, she clearly got her
11 attorney present, so does that
12 notice -- is that a concern,
13 obviously that is at your --

14 HEARING EXAMINER CHAKALIAN: I
15 don't know.

16 Miss Luck, I think you are with
17 us; aren't you?

18 MS. LUCK: Yes, Mr. Hearing
19 Examiner, I am right here.

20 HEARING EXAMINER CHAKALIAN: I
21 don't know that Mr. McClure's concern
22 is valid or not; however, if Permian
23 adds Miss Beall, your client, to the
24 list of pooled persons in the south
25 half of the north half do you have an

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issue with that?

MS. LUCK: No, that would be preferable here.

HEARING EXAMINER CHAKALIAN: I know it would be, I am asking you on the record if you have an issue.

MS. LUCK: No, I don't have an issue with that, I would request that on behalf of my client, Miss Beall, that her interest be pooled appropriately in that case, in 25146, yes.

HEARING EXAMINER CHAKALIAN: It is not up to us, as you know, if she has interest or not. I am trying to work out some sort of compromise allowing Permian's applications to be considered as well as V-F without going into your clients correlative rights.

MS. LUCK: The issue where my confusion came in, where Miss Beall's confusion came in, some applications she was provided notices as a

1
2 vertical offset, the original one
3 with the third Bone Spring they were
4 pulling a portion of the Bone Spring
5 to Miss Beall's ownership in 25146 I
6 think is established in this case,
7 but we don't want to waive any issues
8 with respect to notice that may be
9 pending before the commission, if
10 that makes sense. I mean, I am not
11 exactly sure where the division is
12 going to come down on this pooling
13 application, but Miss Beall still
14 filed her de novo application with
15 the permission relating to not
16 getting notice in this case, and so I
17 do want to continue to preserve her
18 rights to appeal to the commission
19 related to notice and whether or not
20 notice was proffered in that case.

21 HEARING EXAMINER CHAKALIAN:

22 That is your prerogative.

23 Miss Vance, how do you want to
24 proceed with the application? Do you
25 want to include Miss Beall in the

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south half of the north half or do
you not want to?

MS. VANCE: Two things. One, I
want to confer with my client to make
sure that is the route we want to
take, so even if we take a very brief
recess I just want to have that quick
conversation.

Two, I just want to -- in
reference to the pending or what were
the pending commission cases those
were denied?

HEARING EXAMINER CHAKALIAN:
They were, they were.

MS. VANCE: Thank you.

HEARING EXAMINER CHAKALIAN: Do
you want to take five minutes to
confer with your client?

MS. VANCE: Yes, please.

HEARING EXAMINER CHAKALIAN:
Thank you. We are off the record.

(Short break taken.)

HEARING EXAMINER CHAKALIAN: It
is 2:22 p.m., we are back on the

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record.

Miss Vance.

MS. VANCE: Yes, we are fine with pooling Miss Beall with the caveat, our understanding, and we would just like it confirmed on the record she is not going to later object to being pooled in this case, that we can go ahead and move forward with her as a pooled party.

HEARING EXAMINER CHAKALIAN:
Miss Luck.

MS. LUCK: Oh, yes, I agree to that proposal, thank you.

HEARING EXAMINER CHAKALIAN: So no objection, Miss Luck?

MS. LUCK: No objection, thank you.

HEARING EXAMINER CHAKALIAN:
Alright.

Mr. McClure, is there anything else that we need to do today before we rule on these motions?

TECHNICAL EXAMINER McCLURE:

1
2 Yes, I just want confirmation for
3 Miss Vance we are referring to both
4 the north half, north half Bone
5 Spring and the south half, north
6 half, those being 25145 and 25146.

7 MS. VANCE: Mr. McClure,
8 Miss Beall's interest was previously
9 pooled in the one mile north half,
10 north half case and as she already
11 understands she has an interest that
12 is above the depth severance so we
13 would not be pooling her in that
14 case, we would only be pooling her in
15 case 25146.

16 Before I stop I did want to
17 just get clarification, maybe I
18 misunderstood because I thought I was
19 going to be able to ask direct
20 questions to Mr. Macha about the
21 opinion letter, but it sounds like I
22 was, you know, Mr. McClure asked him
23 questions, I don't want to revisit
24 it, but I just -- maybe I got
25 confused, I thought I was going to be

1
2 able to ask some direct questions to
3 Mr. Macha about that, if not --

4 HEARING EXAMINER CHAKALIAN:
5 Miss Vance, what subject matter did
6 you want to ask Mr. Macha questions
7 about?

8 MS. VANCE: He has familiarity
9 with the letter and I just wanted --
10 there were a couple of key things
11 based on his familiarity and
12 understanding of the letter that I
13 wanted to get on the record, if
14 possible.

15 MS. LUCK: Again, we would
16 object to that because I thought it
17 was already excluded at this point in
18 time.

19 HEARING EXAMINER CHAKALIAN:
20 Miss Luck, I didn't ask for your
21 opinion for the moment, hold on.

22 Miss Vance, if it has to do
23 with depth severance then I will
24 allow the questions. If it has to do
25 with ownership interests we are not

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adjudicating ownership interest here.

MS. VANCE: Understood, that is fine then, we will leave it as is. I think everything is fine.

HEARING EXAMINER CHAKALIAN:
Okay.

So Mr. McClure, I asked you a question and I am not sure where we went with that.

TECHNICAL EXAMINER McCLURE: I never actually finished.

HEARING EXAMINER CHAKALIAN:
Right, go ahead.

TECHNICAL EXAMINER McCLURE:
Miss Vance stated Permian does not wish to also pool Miss Beall in case 25145. I am wondering if there was a miscommunication with her client or misunderstanding somewhere because currently my understanding is that Mr. Shaw's testimony is that Miss Beall asserts she has ownership in the north half of the northeast quarter within the unit itself, are

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you aware of that, Miss Vance?

MS. VANCE: No, the positions have changed so much it is hard to keep up, but my understanding, again, is her interest is above the depth severance and where we would be pooling her is just in case 21546, that is what I discussed with my client and that is where I understand Miss Luck, she agreed to that.

HEARING EXAMINER CHAKALIAN:
Let's bring Mr. Shaw back for a moment, Mr. Shaw.

MR. SHAW: Yes, sir.

HEARING EXAMINER CHAKALIAN:
Mr. Shaw, when you testified earlier to Miss Beall's possible holdings below the depth severance everyone knows here there is a depth severance in the northeast quarter of the northwest section; is that correct?

MR. SHAW: Northeast quarter of the northwest quarter, yes, 9,290, yeah.

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HEARING EXAMINER CHAKALIAN:

Are you saying outside that 140-acre piece in the north half of the north half of Section 14 that Miss Beall has interests that go below 9,293, let's say?

MR. SHAW: Are you talking about in the northeast quarter of the northwest quarter?

HEARING EXAMINER CHAKALIAN:

No, I am not, I am not talking about that. I am talking outside. Miss Vance is saying she was under the impression that the only place that you testified that Miss Beall potentially has an interest below 9,290 is in the south half of the north half, are you saying she also has that in the north half of the north half?

MR. SHAW: Yes, sir, in the northeast quarter of the northeast quarter, south half of the northeast quarter, northwest quarter of the

1
2 northwest quarter, so including Miss
3 Beall in both of the north half cases
4 for the third bone pooling her
5 interest would be sufficient.

6 HEARING EXAMINER CHAKALIAN:

7 So, Miss Vance, do you need to ask
8 Mr. Shaw any clarifying questions
9 before you discuss this with your
10 client?

11 MS. VANCE: No, I am prepared
12 to just state on the record we will
13 propose the same exact pooling her as
14 long as she is not going to object.

15 HEARING EXAMINER CHAKALIAN:

16 Okay, Miss Luck.

17 MS. LUCK: No objection to
18 that.

19 HEARING EXAMINER CHAKALIAN: So
20 can I get an affirmative statement on
21 whether you want to be included in
22 that north half of the north half in
23 case 45.

24 MS. LUCK: Yes, Mr. Hearing
25 Examiner, Miss Beall would agree to

1
2 be being pooled in 24514 if that is
3 what Permian is pursuing in this case
4 pursuant to Mr. Shaw's testimony.

5 HEARING EXAMINER CHAKALIAN:

6 You are proposing to include
7 Miss Beall has a pooled interest in
8 both case 45 and 46?

9 MS. VANCE: Miss Luck, you are
10 on mute.

11 HEARING EXAMINER CHAKALIAN:

12 Miss Vance, I was asking you.

13 MS. VANCE: I apologize.

14 Can you restate the question?

15 HEARING EXAMINER CHAKALIAN:

16 Sure. So as it stands now a little
17 while ago you came on the camera and
18 you offered Miss Beall's counsel the
19 opportunity to pool her client's
20 interests in case number 46, that is
21 the south half of the north half.
22 Then Mr. McClure correctly brought
23 out to your attention that, in fact,
24 Mr. Shaw's testimony goes toward a
25 possible ownership interest below the

1
2 depth severance in the north half of
3 the north half, which is your case
4 45. So I then asked Miss Luck if she
5 prefers that for her client, she says
6 yes, there is no objection and that
7 she affirmatively wants to be pooled
8 in case 45 as an interest owner, if,
9 in fact, she is an interest owner.
10 So are you prepared to add her to
11 that list as well?

12 MS. VANCE: Yes.

13 HEARING EXAMINER CHAKALIAN:

14 Okay.

15 Mr. McClure, where are we now?

16 TECHNICAL EXAMINER McCLURE:

17 Just about over the hump, Hearing
18 Examiner.

19 Miss Vance, to confirm, your
20 intent is to, essentially, submit
21 another amended exhibit packet which
22 now has an amended four pool person
23 list that includes Miss Beall; is
24 that correct?

25 MS. VANCE: That is correct,

1
2 and I held off on doing additional
3 revised hearing packets until we came
4 to the motions hearing today in case
5 there were other things. I will go
6 ahead and we will clean up
7 Mr. Macha's statement to address all
8 of the exhibits that he oversaw the
9 completion of, and if there is
10 anything else that the division
11 requests we will go ahead and take
12 care of it.

13 HEARING EXAMINER CHAKALIAN: Of
14 course, Miss Vance, I have granted
15 the motion to exclude the opinion
16 letter from Lear & Lear, so please
17 remove that from your exhibits.

18 MS. VANCE: Not a problem.

19 TECHNICAL EXAMINER MCCLURE:
20 Miss Vance, the only other thing I
21 would request is that we have a very
22 brief statement that is describing
23 the reason we are adding Miss Beall
24 in at this point, and I am assuming
25 the best place would be in the

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landman's statement.

MS. VANCE: I will do that, we will make a statement to clarify that we are pooling Miss Beall out of an abundance of caution.

TECHNICAL EXAMINER McCLURE:
Rather than abundance -- well, you can include that language if you want, but please state something that describes that there is some sort of title dispute, however you want to go about doing it, and as Miss Beall asserts she has this interest, Permian doesn't think so; is that agreeable with your thoughts or do you have feedback on that?

MS. VANCE: No, that is fine.
Um, and I also understand based off of what you were saying that we would need to update the pooling exhibit as well.

TECHNICAL EXAMINER McCLURE:
Yes. Well, the list of pool persons. I believe that was your intent, but

1
2 the division would like to see that
3 if you now wish to add Miss Beall to
4 it.

5 MS. VANCE: Yes, we can do
6 that.

7 HEARING EXAMINER CHAKALIAN:
8 When would you like to submit that?

9 MS. VANCE: Let's go with the
10 magic date of next Wednesday.

11 HEARING EXAMINER CHAKALIAN:
12 Okay, alright, April 16th.

13 Miss Vance, would you please
14 forward that revised, please call it
15 like the second or third, I don't
16 know what number it is, but please
17 title it something to make it
18 distinguishable from the others and
19 please pass it to Mr. Savage and Miss
20 Luck so they can make objections if
21 they see something they didn't count
22 on that that can make an objection
23 before we receive it.

24 MS. VANCE: Yes. So circulate
25 before I file?

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HEARING EXAMINER CHAKALIAN:

Yes, please, that way by the time you file it we will know that there is no problem and we can close the case and then we can work on evaluating Mr. Savage's case and your case and work on an order.

MS. VANCE: Okay, thank you.

HEARING EXAMINER CHAKALIAN:

Mr. Savage, anything further?

MR. SAVAGE: I would just say all this talk of pooling, Permian pooling Miss Beall, I would just like to point out and remind the division that V-F has competing applications and our competing applications completely avoid all the depth severance mess and protect correlative rights without dealing with depth severance, and I appreciate your time and attention to all these matters.

HEARING EXAMINER CHAKALIAN: I am sorry it got heated, Mr. Savage,

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but things happen.

MR. SAVAGE: This is a very frustrating situation and in our view we saw this, that Permian was attempting to adjudicate title and we felt strongly that was not appropriate, so I appreciate your diligence and attention to detail.

HEARING EXAMINER CHAKALIAN: Of course.

MS. VANCE: On that note I do want to be clear that Permian has not been trying to adjudicate title.

HEARING EXAMINER CHAKALIAN: Thank you.

MS. VANCE: That is a misunderstanding from the other parties.

HEARING EXAMINER CHAKALIAN: Miss Luck, anything further?

MS. LUCK: Nothing further, thank you, Mr. Examiner.

HEARING EXAMINER CHAKALIAN: Okay, so for the Carolyn Beall motion

1
2 to strike Exhibit C-12 and V-F's
3 concurring motion to strike C-12,
4 those are granted; I have already
5 stated that.

6 Permian's motion to strike
7 25146 is denied for obvious reasons,
8 and then we had the motions to limit
9 the title dispute as irrelevant,
10 etc., for today's hearing, those are
11 denied as well. The way I looked at
12 those is that the hearing examiner
13 has the power to admit relevant and
14 reliable evidence that is not
15 redundant. If the parties ever think
16 that something is unreliable or
17 irrelevant they can make an objection
18 at the time that the evidence is
19 offered and we will have a little
20 ruling about that.

21 (Continued on next page.)
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Anyway, I don't need to
pre-determine these things in advance
of the hearing, so thank you for
everyones' attention. It is now
2:35, we are off the record. Thank
you.

(Proceedings adjourned.)

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2 I, TIFFANY BANDO, a Notary
3 Public for and within the State of
4 New York, do hereby certify that the
5 above is a correct transcription of
6 my stenographic notes.

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9 TIFFANY BANDO

10 Dated: April 24, 2025
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&	97:10 104:20	208:17 230:2	16 19:22 88:8
& 2:22 17:19	110:5 131:9	230:10,13	91:14 204:23
31:12,17 32:19	204:7	231:3,5,11,21	206:5,7,18,20
33:10,11 34:10	100 53:2	234:9 240:16	207:7 223:11
40:15 59:11	214:19 215:6	240:19 241:25	16a 205:25
67:11 73:20	293:13	242:4,17	16i 205:25
94:23 136:25	1015s 39:19	243:12 244:6	16th 14:14,18
182:11 198:9	102 7:7,12	244:13 247:17	58:21 134:17
223:15,22	10:23 11:3	268:3 282:3,6	143:15 154:18
232:13 242:7	12:11 13:13,22	313:2,3	154:24,24
251:22 252:17	133:23	12,000 193:15	181:15,20
269:8 289:5,14	102s 5:9 51:24	1267 26:3	194:16 197:21
291:4 308:16	52:6 54:9 57:5	12h 45:21	197:25 310:12
	58:9 61:5	13 59:4 147:13	17 11:5 20:11
0	127:12 132:18	131h 96:23	88:9 123:18
09 26:3	133:3,5,21	13h 46:4	223:11
1	1035 252:19	13th 121:10	171h 125:19
1 41:25 45:6	104 40:11	14 9:21 67:6	177h 126:13
46:11 75:23,25	105 1:23 40:12	125:13 126:3	178h 126:13
127:12,22	50:15	226:9,11 230:8	179h 126:13
136:3 137:15	106 40:12	248:12 256:10	17th 127:4
183:10 184:20	107 40:12	265:19 286:20	18 60:7 76:7
1,000 149:5	108 40:12	287:15,17,21	89:8 118:8
150:3	10th 241:24	288:15 304:5	130:11,25
1,123 24:22	244:5 265:12	140 304:3	136:13 213:17
25:14 27:23	265:25 287:5	143 225:25	214:15 248:12
1,200 193:15	11 125:12	14h 46:4,5	269:11
1,267 23:24	126:3 208:13	15 68:20 72:19	182 75:9
25:3,16 28:5,8	223:9	131:9 226:10	18th 128:13
1,500 149:6	112 252:19	226:11	19 45:8,10,20
150:4 201:2	1123.45 24:17	151h 126:9	45:21 46:2,4
1,909.6 183:5	11:05 111:23	152h 126:10	46:13,15,23,24
183:22	11h 45:10	157h 125:20	47:8,10 50:20
10 1:12 2:3	12 7:22 40:10	15th 29:20 30:2	52:23,25 53:21
96:22,23 97:9	64:18 90:19	31:3	54:4 89:8

91:14 128:13 141:17 144:2 191 225:25 196 252:21 19th 137:6 139:13 1:00 221:14 223:4 1:03 223:8	201h 97:11 2020 204:23 208:18 2022 159:24 2024 35:4,6 48:16,20 136:18 2025 1:12 2:4 5:2,5 18:25 19:4 61:16,18 68:17,20 76:7 76:9 90:19,21 93:11 98:12,16 126:18,21 128:14 156:23 188:11,15 195:21,22 202:25 203:3 259:15 315:10 2026 38:16 21 18:25 48:20 92:6 98:12 188:11 195:21 202:25 215 293:3 21546 303:8 21st 229:24 230:4 22 5:5 35:6 131:9 132:3,4 183:9,12 212:11 224h 60:25 225 251:12 264:17	2251 183:17 2252 184:10 225980 251:6 227 287:5 22859 71:14,17 22nd 93:14 23 19:4 61:16 74:8,21 75:3 90:2 98:16 125:14,18,20 126:4,9,10,11 132:4,25 212:11 2326 74:12 234h 60:25 23650 71:13 23rd 62:6 139:15 156:24 24 44:19 90:3,4 96:15 120:13 125:14 126:5 132:4 136:12 161:13 167:3 177:10 178:25 180:13 315:10 24514 306:2 24645 315:8 24745 71:16 2494142 223:10 24963 3:24 24991 121:13 2499495 223:11 25 61:17 74:9 79:23 80:3 136:13 183:8	208:8 25039 31:9 25103 40:11 45:3 25104 45:15 25105 45:22 50:10 57:7 25106 46:7 25107 46:18 25108 47:4 50:15 51:14 57:7 25115 223:11 25145 223:11 300:6 302:18 25146 230:6 250:12 280:2 296:12 297:5 300:6,15 313:7 25151 59:6 61:21 144:14 147:13 25164 67:7 25181 74:14,18 74:22 25182 72:19 74:14 25216 88:10 91:11 25219 88:10 91:11 25223 89:8,21 90:24 91:13 25224 89:9,21 90:24 91:14
2			
2 76:9 95:15 125:12 126:3 127:23 128:2 136:22 149:9 149:16 150:16 153:22 226:15 227:2,7 228:19 275:11 277:9 2,080.66 125:10 2,088.66 125:25 20 35:4 48:16 92:6 93:11 156:23 170:6 201:14 2008 123:21 124:6 2010 200:13 2012 200:17 2013 187:4 2014 201:11 2016 187:5 2017 187:7 2018 43:13,20 2019 187:7,10			

<p>25226 92:6 94:6 25227 92:7 94:6 25229 94:20 96:17 104:20 106:22 110:23 213:17 217:7 25230 120:14 120:20 126:16 127:2 128:7 25231 120:16 120:20,23 125:23 126:20 127:3,5,25 128:8 130:20 25232 94:20 97:4 183:20 219:19 220:7 221:3 25233 17:15 25236 135:14 25260 138:15 139:19 25261 138:16 139:19 25262 138:16 139:20 141:15 144:3,11 25275 155:13 155:23 157:3 25276 182:8,17 183:4 190:16 25277 182:8,17</p>	<p>25279 194:22 25280 194:22 25281 182:16 194:23 25282 198:5 2530 130:18 2531 130:18 25415 277:3 2579 182:15 2580 182:16 26 74:8,10,22 75:3 156:5 183:8,9 26/30 183:18 184:8 26th 230:10,14 27 90:21 138:15 183:13 188:15 190:17 195:22 203:3 259:14 27th 137:10 224:7,9 226:22 227:16 228:3 228:11,25 238:8 261:4 265:10 270:24 292:25 28 90:4 138:15 28th 224:7 254:11 263:17 265:8 29 44:19 96:16 138:15</p>	<p>2:22 298:25 2:35 314:6 2nd 127:2,4 3 3 31:8 126:21 127:13,17 128:5 131:9 137:7 161:13 175:8 178:19 224:20 226:15 227:2,8 228:20 275:12 277:9 3,000 150:17 3,500 284:22 285:4 3,632 65:21 3,900 252:20,22 293:13 30 45:9,10,20 45:21 46:2,4 46:13,15,23,24 47:8,10 50:4 52:20 53:25 54:4 78:17 87:5 125:15 126:5 155:12 183:12 30th 136:7 31 141:17 144:2 182:7 248:12 310 39:15 317.34 45:5 46:9</p>	<p>32 136:13 182:8 320 8:2,10 45:17 46:20 51:5 57:8 96:19 97:6 33 60:7,23 194:21 330 7:16 8:3 11:10,19 34 60:7,22 270:9 35 60:7,21 74:9 74:18,22 75:3 156:5 194:21 36 198:5 38 23:6,14 38.48 22:9 23:7 23:16 24:21 38.48. 25:9 38.49 24:10 3r 41:6 4 4 45:6 46:11 76:2 100:21 111:2 115:8 116:6 128:8 137:11,15 143:23 172:13 183:10 189:8 193:14 203:23 217:9 4,552 252:22 4,611 252:20</p>
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[4/16 - abundantly]

4/16 220:18,20	525h 183:19	8	abadie 31:17
40 25:6,10,11	527h 183:19	86 158:20	59:11 223:15
28:11 31:9	54061 97:3	161:13 172:11	abbreviate
286:19	56 19:22 20:11	180:13	184:6,24
400 60:19	57 172:11	87102 1:24	abbreviated
41 31:9	58 50:20	8th 87:10,12,14	182:24
42 31:9 100:23	6	9	ability 234:15
217:9	6 31:8 126:17	9 225:16	240:24 262:8
43 130:12	204:24 277:4	9,290 248:14	281:14
131:2	60 277:10	284:6,8 293:10	able 13:22
45 305:23	61 64:18	293:14 303:24	26:12 29:2
306:8 307:4,8	277:11,11	304:18	36:9 37:25
46 223:11	283:18,18	9,293 248:15	58:12 66:20,21
306:8,20	640 45:23 47:5	284:7 293:11	78:20 87:7
468.11 156:3	51:10 57:9	304:6	88:23 145:9
47 223:12	7	9,397 225:8	171:3 211:10
48 223:12	7 40:10 68:17	260:7	271:15 300:19
4th 1:23 230:17	75:23 225:19	9,400 260:25	301:2
5	7,000 149:2,3	93 287:5	above 7:19
5 5:2 64:17	7,680 74:4,21	9397 252:25	23:23 28:10
149:9 153:22	75:4	960 74:6	51:2 83:23
5,927.62 198:24	711h 184:8	96671 47:13	84:4 149:6,23
50 9:22 11:5	713h 184:8	54:3	150:2,4 153:25
288:2 289:15	715h 184:9	980 251:12	173:13 284:8
50/50 286:11	717h 184:9	264:17	293:10 300:12
500 1:23	71h 46:15	98220 184:2	303:6 315:5
50371 53:22	72h 46:15	98276 97:13	absolutely
51 100:23	73h 46:25	9:03 2:3	183:2
104:20 118:8	74h 47:10	9:37 30:15	abstract 256:21
213:17 214:15	75h 47:10,12	9th 230:20	abstracts 257:2
217:10	76 80:3	a	abundance
52 158:20	76h 47:10	a.m. 2:3 30:15	10:5 280:18
521h 183:19	79 204:8 208:8	111:23	309:6,8
523h 183:19			abundantly
			163:8 271:5

[accept - admission]

accept 240:11 240:19	156:3 183:5,22 286:19 304:3	68:8 71:10 130:14 148:14	177:2 180:5 195:11,13
accepted 35:10 35:11 47:22 60:11,13 97:21 127:10 186:16 206:13 239:18 244:20	acreage 20:18 20:19 21:5,6,9 21:13,17,22 22:3 23:10 24:6,13 25:15 26:2,9,15,17,20 26:24 27:2,4 28:11 38:12,24 39:9 44:6,18 70:24 96:15 97:5 104:11 110:4 119:12 132:25 160:22 161:2 184:3 277:21	150:9 159:2 165:21 166:23 168:24 169:10 177:21 204:6 222:14 236:19 246:15 249:15 265:14 267:15 268:23 272:10 285:3,4 287:12 302:12	215:10 244:19 245:17 264:24 270:4 308:2
accident 207:9			additionally 285:16
account 38:11 196:22			address 32:15 101:13 243:3,4 246:6,7 262:8 266:24,25 308:7
accounted 245:8		add 28:4,8,13 37:25 80:9 81:15 214:19 225:5 291:24 292:12 307:10 310:3	addressed 242:22 243:18
accurate 28:6 78:3,8 79:8 84:3 101:25 106:12 116:25 117:2,9 131:13 132:5 133:6 149:13 162:7 172:22 224:25 281:13 283:22	acres 22:9 23:7 23:14,17 24:21 25:6,10,11,11 25:14 27:23 28:4 51:5,10 198:24	added 18:18 20:6 28:9 141:20 142:3	adds 295:23
achieve 200:10		adding 62:22 294:11 308:23	adequate 145:12
achieved 123:20	act 238:20	addition 54:13 86:11 131:25 180:22 193:12 218:24	adjacent 37:18 166:6
acknowledge 246:3	actively 166:4,8		adjourned 314:8
acquired 166:20 170:8	actual 166:12 179:15 191:18 193:18 205:10 211:16 222:17 288:5	additional 4:8 4:22 18:7 29:10 52:11 60:24 66:9 68:12,14,16,18 81:8 117:25 139:4 142:2 172:8 175:16	adjudicate 16:18 312:6,14
acre 23:25 45:5 45:17,23 46:9 46:20 47:5 60:19 74:6 96:19 97:6 125:10,25	actually 6:15 8:11 33:12 34:19 37:24 52:10 57:13 66:13,18 68:2		adjudicated 239:11 262:22
			adjudicating 302:2
			adjust 20:19
			administrative 224:14 274:13 280:10
			admissible 274:13 282:7
			admission 137:15 276:24

[admit - allow]

admit 195:25 313:13 admitted 35:19 37:5 43:4 48:23 49:7 61:20 62:17 68:23 69:9 76:12,19 77:21 82:23 90:12,15 90:23 91:5 93:23 98:19 99:2 129:2 138:3 139:9,18 140:2 156:14 156:18 157:2,9 188:19 189:2 196:9 203:10 203:14 229:7 233:8 admitting 281:21 adopts 228:21 advance 264:20 314:3 advisement 19:7 35:9,11 40:2,5 48:25 61:22 68:25 72:14 76:13 90:25 92:4 94:15 98:21 128:22 138:11 139:21 144:6 157:4 181:9,21 194:19 211:11	211:18 212:6 advisor 127:7 affected 16:23 235:10 affidavit 5:3 19:2 35:2,5 48:18 61:4,9 61:11,12 62:3 74:15 75:11,13 76:3 87:8 90:20 92:21 93:5,16 98:14 127:6,20 128:11,16 136:22 137:8 156:23 178:17 180:3 188:13 203:2 228:8 241:23 244:3 246:21 265:6,9 265:11,23 affidavits 126:19,22 242:5 affiliated 244:11 affirm 9:5 36:20 42:19 63:21 77:9 82:16 100:4 122:15 129:23 141:5 146:16 158:10 186:7 215:19	affirmation 215:11 affirmative 305:20 affirmatively 307:7 affirmed 9:21 47:17 48:13 64:17 97:16 98:6,9 104:19 106:4 139:7 158:19 187:22 188:8 199:8 279:13 afternoon 182:9 194:24 198:7 223:8,15 223:20 ago 124:8 306:17 agree 258:13 279:5 291:6 299:14 305:25 agreeable 309:16 agreed 303:11 agreeing 269:4 agreement 13:5 34:9,23 38:15 68:9 88:23 96:3 198:21 204:10,15,17 205:11,22 206:12 207:16 211:14 288:9	289:2 292:7 ahead 19:17 41:16 52:7 81:13 83:11 88:20 108:18 113:21 118:4 152:15 196:15 198:18 208:11 241:7 242:18 253:12 272:9 279:21 290:25 299:10 302:14 308:6,11 air 109:17 airpods 212:24 al 190:24 191:5 191:17 192:24 alamos 205:17 albuquerque 1:24 alissa 41:19 42:13 47:18 alleys 22:6 allocating 160:3 allocation 160:20 226:4 227:23,24 228:15 277:4 277:19,23 278:8,17 281:3 allotted 199:2 208:14,24 allow 8:11 11:20 111:10
--	--	--	---

[allow - applications]

<p>145:4 232:18 237:4 264:8 301:24 allowed 235:8 235:18 236:4 262:23 263:5 264:6 allowing 231:3 296:18 allows 262:24 279:24 alluded 219:21 alpha 31:17 34:10,16 38:15 164:3 alpha's 38:20 alright 53:21 135:9 194:17 201:18 221:12 299:21 310:12 amend 12:14 57:18 92:17 117:15 153:14 164:25 amended 12:11 13:12 14:19 107:5 132:19 133:20 142:8 143:21,23 154:25 194:19 196:20 220:6 224:13 250:10 251:2 307:21 307:22</p>	<p>amending 52:4 176:3 amendment 7:3 17:16 40:3 92:15 176:11 204:11 american 10:13 14:23 15:11 16:4 amount 21:6 27:6 116:22 analogous 288:19 analysis 6:14 233:14,21 271:19,25 analyze 257:17 analyzing 44:5 angelo 187:4 annotation 173:11 answer 8:15,16 66:5 102:16 112:7 210:5 251:15 255:4 answered 55:6 65:19 292:3 answers 39:25 115:3 anticipated 236:16 anymore 10:16 10:17 84:9 207:12 268:15</p>	<p>anyway 57:17 153:12 211:17 314:2 anyways 176:20,24 api 153:25 154:3 apologize 33:7 33:13 52:9 53:5 62:21 103:18 147:11 184:12 195:10 219:12 226:17 283:10 306:13 apparently 87:23 appeal 67:22 297:18 appear 5:23 55:16 appearance 33:13 40:13,21 67:9 94:21 95:16 120:25 223:12 appearances 17:17 31:10 59:6 88:12 120:17 138:16 appeared 34:12 41:15 221:9 appearing 59:12 144:16 223:16</p>	<p>appears 50:24 141:25 150:9 250:9 applicant 17:20 27:13 28:18 49:21 67:12 72:23 155:18 156:8 172:23 182:12 195:3 198:10 211:15 239:16 applicants 217:24 application 18:12 34:3 80:15 84:22 85:8 121:7,14 126:18,22,24 128:10 133:4 133:17 137:12 166:13 167:14 167:24 169:14 171:10 174:21 199:6,8 294:20 297:13,14,24 applications 44:24 47:15 81:3,6 97:15 121:6,15 125:8 136:16,19 163:2,3 165:7 187:20 295:10 296:18,24 311:16,17</p>
---	--	--	--

[applied - attention]

<p>applied 239:21</p> <p>applies 55:25 205:17 221:21 221:24</p> <p>apply 159:7</p> <p>applying 89:22 160:14</p> <p>appreciate 67:4 311:22 312:8</p> <p>approach 56:23 180:10</p> <p>approaching 56:17</p> <p>appropriate 111:10 153:15 219:23 277:23 312:8</p> <p>appropriately 296:12</p> <p>approval 125:24</p> <p>approvals 198:21</p> <p>approve 125:8 125:10 176:5 277:18</p> <p>approved 136:20 161:20 183:15 184:10 211:16</p> <p>approximately 38:8 149:5 198:24 248:2 284:23</p>	<p>april 1:12 2:3 14:18 31:3 58:21 126:21 127:2,4 134:17 143:15 154:18 154:24,24 181:20 194:16 197:21 230:17 230:20 310:12 315:10</p> <p>area 7:15 11:9 53:15 65:8 86:14 128:5 152:18 205:17 205:20 294:25</p> <p>argue 271:22</p> <p>argument 248:21 249:12 249:21</p> <p>arguments 283:13</p> <p>argus 76:9 128:17</p> <p>arrive 258:9</p> <p>arroyo 80:23</p> <p>asked 132:3 224:13 233:23 234:24 245:11 256:5,8 259:21 260:12 261:24 272:11 278:17 290:13,19 300:22 302:8 307:4</p>	<p>asking 23:5,6,9 23:13 26:19 27:3 38:7 57:4 78:4,9 79:13 80:6 107:8 108:4,8 113:7 117:4,19 132:21 133:11 133:24 142:10 142:18 147:24 148:5 149:22 150:6 151:24 162:4 181:2 190:5,6 191:13 192:18,21 193:20 196:23 197:6 207:24 215:14 218:19 235:7 250:15 283:5 296:6 306:12</p> <p>asks 135:6</p> <p>assemble 143:6</p> <p>assert 251:18</p> <p>asserting 285:14 289:9 289:12</p> <p>assertions 255:7</p> <p>asserts 302:23 309:14</p> <p>assessment 124:23</p> <p>assets 164:8</p>	<p>assigning 293:20</p> <p>assignment 257:13</p> <p>assignments 164:10 165:6 257:19 258:23 259:12</p> <p>associated 76:4 84:11 208:10 214:10 215:3 215:25 242:7 244:11</p> <p>assume 148:9 255:20</p> <p>assuming 28:3 108:21 118:15 308:24</p> <p>asterisk 4:12 6:20 175:10</p> <p>asterisked 177:9,20 178:6</p> <p>attached 136:5 279:16</p> <p>attaches 139:12 156:21</p> <p>attachments 76:4</p> <p>attempting 80:20 312:6</p> <p>attention 9:20 11:2 19:20 20:10 50:8,19 80:3 100:21 104:17,25</p>
---	--	---	--

[attention - basis]

119:25 130:10 158:19 161:11 172:11 189:7 190:15 207:22 208:7 221:10 306:23 311:22 312:9 314:5 attesting 279:17 attorney 232:12 295:11 attorneys 2:14 243:24 245:3 245:10 254:6 270:13 272:25 attributed 22:25 24:17 25:13 attributing 22:19 245:7 audio 212:25 author 132:5 231:14 authority 160:16 authors 271:17 272:14 availability 155:11 available 8:13 61:23 75:18 112:24 114:23 144:19,21 145:2 184:17 199:12 212:9	225:9,14 229:2 231:10 254:6 260:6 271:2,11 271:12 273:13 273:19 274:4 274:20 279:8 avalon 65:7,13 65:25 147:20 147:25 148:4,7 148:11,18 149:4,5,22 150:2 151:17 151:18 152:2 173:13,14,19 173:21 avalons 173:16 avant 31:21 32:10 34:17 95:15 96:2,4 avant's 32:16 avoid 311:18 aware 52:21,24 81:17 163:8 165:18 198:15 294:20 295:9 303:2 b b 31:21 61:8,20 75:25 76:2 90:13,23 127:6 127:12,13,17 137:21 141:2 146:12 149:9,9 149:16 153:22 153:22 156:16	158:6 172:13 185:17,21 189:8 205:9 275:13,17 276:24 277:10 278:14,18 281:2,21 bachelor 200:14 bachelor's 123:11 back 3:18 22:23 23:3 25:18 29:2,23 30:15 37:23 38:5 67:2 70:23 71:22 87:2,19 103:14 108:9 109:25 111:18,23 113:3 120:8 121:9 147:9,14 153:18 155:7 162:25 179:10 209:10 211:21 212:8 214:21 223:4 236:17 245:15 259:10 266:13 275:8 278:24 279:2 280:16 282:20 291:11 292:8 298:25 303:13 backfill 271:15	background 70:22 121:6 255:18 bagnall 184:16 185:8,12,15,16 186:3,12,21 187:2 189:6,13 189:18,23 190:7,11,12 bagnall's 188:4 balance 38:17 104:9 113:25 bando 315:2,8 base 65:3,15 74:5 75:4 83:21,21 85:25 108:17 127:23 152:6,23,24 153:7 173:3,6 173:7 257:10 258:21 based 28:3 38:2 160:21 165:2 174:4 233:21 235:8,18 240:13 242:17 242:23 263:11 269:16 277:25 290:12,18 301:11 309:19 basically 162:24 253:4 258:10 278:15 basis 160:13 161:2 233:15
---	--	--	--

[basis - blah]

234:13 261:21 264:5 267:12 277:22 bat 239:8 beall 223:25 227:19,25 229:25 230:6 230:12,18 233:16 234:13 235:7 236:8 240:23 241:10 243:15 246:4 246:14 248:2 249:15 250:11 251:3 258:20 259:3 262:12 270:8 276:18 280:2,16,17 285:14 291:8 291:11,22 292:4 293:8 294:12 295:23 296:10 297:13 297:25 299:5 302:17,23 304:5,16 305:3 305:25 306:7 307:23 308:23 309:5,13 310:3 311:14 312:25 beall's 226:6,7 228:13 230:14 235:2 241:20 246:13 247:8 249:2 251:11	277:2 283:11 283:19 296:23 297:5 300:8 303:18 306:18 beefalo 139:5 beginning 10:2 80:21 begins 148:25 behalf 2:23 17:20 31:13,17 31:21 32:10 33:10 40:16,21 41:6 59:12,17 59:24 67:12 72:22 73:20 88:14 89:11,19 92:9 94:24 95:15 138:19 155:16 182:12 195:3 198:10 198:22 223:16 223:23,25 232:11 270:13 296:10 belief 166:11 believe 3:11 8:6 8:13 11:16 12:19 23:20 24:24 28:5,7 28:12,25 29:20 44:23 54:2,9 57:7,8,22 67:16 70:20,24 71:15 79:22 82:3 86:6 95:8	98:7 101:11 115:2 117:23 118:7 119:15 119:22 120:24 121:16 130:13 137:13 151:24 158:25 159:9 161:13,19 167:8,12 168:2 178:7 181:7 189:8 190:17 193:4 195:9 209:8 211:25 216:21 220:12 222:4 228:2 232:13 244:7 245:23 247:14 249:4,14 250:4 259:19 261:12 277:22 284:20 284:21 285:6 285:24 286:25 288:16 290:10 292:2 293:18 295:3 309:25 believes 151:17 bellamy 164:7 164:19 169:25 169:25 170:9 170:10 171:7 171:22 175:12 177:14,17 179:23 180:16 ben 72:22	benefit 3:14 268:13,15,16 bennett 31:19 31:19,20 32:5 32:7 33:15 35:13,14 88:13 88:13,18,21 95:9,11,13,14 95:14,20 98:23 98:24 221:6,8 best 56:23 65:18 66:4 177:6 281:5,13 308:25 better 26:7 78:21 146:5 260:8 274:4 bexp 163:6 164:3,4,11 165:9,17 168:23,23 172:4 beyond 38:4 bifurcated 107:19 big 236:17 biggest 273:25 bit 21:24 27:10 109:25 110:9 121:5 254:7 257:22 259:9 270:15 288:8 blah 248:18,18 248:19
---	---	--	--

[blm - burke]

blm 93:12 135:2 204:13 blue 131:19,19 body 205:11 bom 257:3 bone 45:11,13 46:5,16 47:2 47:11 49:22,22 49:24 50:2 52:17 54:5,15 54:24 55:4,10 55:21,22 56:2 56:5,6,7,12,22 60:17 64:24 65:2,3,12,15,16 66:3 74:5,17 74:19,23 75:5 75:6 78:10,12 78:15,17,22 79:5,10,14,16 83:16,18,20,22 83:24 84:3 85:14,25 89:23 97:2 101:4,7 102:9,16,21,24 104:5,9,10,14 105:4,11,20 106:5,8,9,10 107:18,24 108:17 109:2,5 109:9,10 110:13,16,22 110:25 111:6,7 113:17,24 114:7,9,13,15	115:12 118:7 125:22 127:24 128:4,6,9 130:12 132:13 133:16 136:9 148:5,10 149:17 150:16 150:18 151:25 152:4,6,7,18,22 152:23,24 153:5 155:25 173:2,3,9,10 183:6 218:11 222:10,11 224:18 225:2 235:24 248:14 250:13 252:24 261:7,10 263:18,20 284:24 291:23 297:3,4 300:4 305:4 bones 108:17 book 225:25 bottom 118:13 162:14 164:22 168:17 bought 163:11 167:20 169:20 boundaries 207:2 bounds 78:17 207:2 box 54:20,25	brad 90:10 139:8 140:10 140:12,25 brazell 47:20 brazell's 48:9 break 30:10,13 80:18 111:16 111:21 192:25 221:16 223:4,6 298:23 breakdown 27:7,14 61:6 118:9 119:5 142:8,13 170:15,21 191:12,18 192:17 196:20 213:15 214:16 219:5 239:17 breakout 197:16 brief 109:22 118:20 204:19 209:24 215:12 245:11 298:7 308:22 briefly 37:12 49:20 203:18 brigham 165:25 bring 7:18 229:22 278:14 303:13 broader 109:4	broke 288:7 brought 306:22 bruce 135:15 135:15,18,20 135:23 137:17 137:20,21,21 138:10,12 brunson 136:4 185:20,20,23 185:25 186:13 186:15,17 190:14,21 191:2,6,15,20 191:24 194:11 197:5,8,17,24 bruson 185:7 185:19 bruson's 187:24 bsgl 173:6 bta 34:16 119:7 119:15 214:10 216:2 bta's 119:19 buffer 20:18 21:13,21 25:10 25:11 26:4,9 26:17 27:6 28:11 bullet 164:6 225:3 burden 178:3 bureau 136:17 burke 60:12 62:25 63:3
---	--	--	---

[burke - case]

65:19,23 66:4 66:8,15 144:22 144:25 145:8 145:10,20 146:3,10,11,14 146:25 147:4 147:16,17,19 147:21 148:2 148:19 149:11 149:19 150:2 150:13,21 151:12 burke's 61:8 burlington 136:24 business 14:10 14:19 134:18 154:25 181:20 194:16 220:20 buyer 119:6,7 bxp 171:12 176:19 177:18 177:18	122:11 127:12 127:20,22,23 128:2,3,5,8 132:18 133:3,5 133:21,23 137:2,21 158:2 161:13 187:25 193:14 224:20 225:16 230:2 230:10,13 231:3,5,11,21 234:9 240:16 240:19 241:25 242:4,17 243:12 244:6 244:13 247:17 268:3 275:14 275:17 276:24 277:11 278:14 278:19 281:12 281:21 282:3,6 283:16,18 313:2,3 cahill 78:20 calculations 25:18,24 calendar 87:11 call 25:6 113:8 113:9 227:6 310:14 called 4:2 147:11 calling 2:15 78:19 138:14 223:9	camera 8:19 36:11 49:13 77:5 95:9 145:9 199:10 226:18 282:24 292:22 306:17 cantio 166:5 canyon 205:17 capital 67:19 capitulation 171:8,17 286:9 287:7 288:18 carbonate 84:4 86:2 care 38:14 112:19 308:12 carlsbad 21:10 22:25 76:8 128:17 carolyn 223:25 229:25 230:5 230:12,14,18 240:23 243:15 270:8 312:25 carry 240:14 case 2:18,19 3:23,24 4:6,17 13:11 18:5,9 18:11 19:6 28:16 29:6 31:3,7 45:3,15 45:22 46:7,18 47:3 50:10 51:14 59:4,6 60:6,8,15	61:22 66:23 67:2 68:3,24 71:13,13,16 72:12,20 73:6 74:3,13,14,25 76:5 81:22 84:12 87:3,14 87:18 91:19 96:17,25 97:4 102:11 104:5,7 104:20 106:5 106:21,22,23 107:2 110:17 110:22 113:22 116:4,6 118:7 120:6,15 121:12,13 125:23 126:19 127:25 130:12 130:14 132:17 135:24 137:12 138:7,10 139:19 141:15 141:17 144:3 144:10,13 146:2 147:10 147:13 154:7 155:6,9,23 157:3,3 165:18 165:22 167:8 174:3,22 176:3 176:21 177:24 183:3,20 190:15 192:22 198:18,19
c			
c 2:9 3:16 5:9 7:7,12 8:25 9:2 10:23 11:3 12:11 13:13,22 41:8,25 51:24 52:6 54:9 57:5 58:9 61:5,12 61:20 67:18 76:2 77:19 82:12 90:23 97:24 99:19,20			

[case - chakalian]

209:19 211:5 212:5 213:7,10 213:17 216:17 217:3,7,17,20 217:25 218:4 218:14 219:11 219:18 220:7 220:22 221:3,3 221:20 224:19 225:4 230:6 231:18 234:4,5 234:14 269:22 277:3 279:25 294:13 295:3 296:12 297:6 297:16,20 299:9 300:10 300:14,15 302:17 303:8 305:23 306:3,8 306:20 307:3,8 308:4 311:5,7 311:7 cases 2:15 31:8 32:9 33:25 34:12 35:8,11 35:20 36:9 37:14 38:25 40:9,10,11 44:17 45:14 47:14 48:24 50:11 58:20 59:3 62:22 75:7 76:12 81:3,17 89:2	90:8,24 91:8 91:10,23 92:14 92:15,16 93:2 93:21,23 94:2 94:10,14,20 95:17,24 96:2 96:11,14 97:14 98:20 102:10 104:7 105:9 106:17 114:2,4 114:12,14,18 121:18 134:20 135:12 138:14 138:25 139:7 139:20 144:6 153:4 155:7 183:3 189:9,11 193:10 194:3,5 194:18,21 196:8,17 197:9 198:4 212:8,11 212:15,18 217:5 219:7 220:13,23 221:2,9,25 222:7,15 223:9 223:10 224:5,6 237:5 248:4,18 259:17 261:11 269:20 276:19 298:12 305:3 cataros 166:5 catch 62:8 192:11	caught 205:10 cause 37:13 92:17 195:6 caused 236:6 caution 10:5 280:18 309:6 caveat 299:6 cc 45:10,21 46:3,15,24 47:9 center 284:18 284:22 certain 215:16 237:5 certainly 161:17 163:19 certified 76:6 93:10 certify 215:20 315:4 cetera 225:21 279:19 cgw 81:5 cgwi 80:6,15,19 84:20 chain 251:25 252:7 256:24 257:2,6,14 260:18 chakalian 1:17 2:2,7 3:5,17,25 4:18 5:6,18 6:4 8:17 9:3,10,15 12:12,20 13:8 13:16,25 14:7	14:15,25 15:6 16:5,15 17:6 17:13,22 18:2 19:8,14 28:22 29:14 30:3,8 30:14,25 31:6 31:14,23 32:4 32:21 33:4,18 35:12,18,25 36:7,16 37:2,8 39:24 40:7,17 40:24 41:9,20 42:2,8,16,25 43:7,15,19,25 44:9 49:2,5,12 51:25 52:13 53:8 58:4,17 58:25 59:14,19 60:2 61:25 62:7,12,15 63:2,8,12,16,20 64:2,7,12 66:22 67:5,13 67:23 69:2,8 72:13,17 73:2 73:7,11,16,21 73:25 76:15,24 77:4,15,20,24 82:7,14,22 83:3 84:14 86:24 87:9,17 88:3,7,15,19 89:4,16 91:2 91:12,20,25 92:12,24 93:15
---	---	---	---

[chakalian - checklists]

93:19 94:11,18	157:15,19	250:14 251:7	312:24
95:2,5,12,18	158:3,7 174:6	251:13 253:11	chance 28:18
96:5,10 98:22	174:14,24	253:15 261:23	change 55:20
98:25 99:9,21	175:4,21	262:20 263:14	85:13 117:15
100:10,15	181:11,18,25	266:2,6 267:3	141:25 197:15
103:9,17	182:14,21	267:14 268:10	203:19 204:20
109:18 111:14	184:23 185:5	268:14,22	205:12 211:14
111:22 112:5	185:18,22	269:3,14,18,24	212:7 249:19
112:23 113:5	186:2,14,18,23	270:21 272:8	275:16 294:6
115:22 118:3	187:13 188:22	273:8 274:22	changed 34:14
120:4,11,21	192:7 194:4,15	275:4,15,19,22	110:6 168:3
121:3 122:3,7	195:5,17,23	277:5,12	222:4 235:21
122:12,21,25	196:4,14	278:11 280:22	265:22 303:4
123:7,19,22	197:20 198:2	281:7,11,16,20	changes 114:20
124:3,9,13,24	198:12,17	282:22 283:7	236:5 249:25
128:23 129:7	199:14,19,25	290:2,11,17,21	265:10 281:8
129:10,15,19	200:6,20 201:7	290:24 291:19	281:17
130:5 134:7,16	201:17,24	292:10,20,24	changing
134:22 135:4	202:7 203:9	293:25 294:9	126:12 197:12
135:10,17,21	207:23 208:3	294:24 295:14	charles 252:8
137:16,22	211:6,19 212:3	295:20 296:5	chart 168:24
138:8,13,20,23	212:14,19	296:14 297:21	169:9
139:22 140:7	213:2 220:14	298:14,17,21	check 58:15
140:11,14,19	220:19 221:4	298:24 299:12	105:8 193:5
140:22 141:3	221:11 223:2,7	299:16,20	checking 5:16
141:11 142:24	223:18 224:2	301:4,19 302:6	192:22 212:13
143:7,12,19	226:24 227:4	302:13 303:12	checklist 5:13
144:4,9,18,23	228:16 229:4	303:16 304:2	47:16 53:12
145:7,19 146:6	229:11,18	304:11 305:6	55:17 57:21
146:13,22	231:12,17,25	305:15,19	85:6,9 97:16
147:2,12	232:17 233:3	306:5,11,15	106:3 111:4
150:24 151:5	237:9,15,19,24	307:13 308:13	156:13 187:21
152:14 154:8	242:9 243:5	310:7,11 311:2	224:14
154:13,17,23	247:10,18	311:10,24	checklists 90:9
155:5,20 157:5	249:10,18	312:10,15,20	

[chevron - come]

chevron 141:21 chief 67:19 child 37:20 chris 156:17 157:18 158:5 christian 8:13 8:18,21,24,25 9:9,13,19,23 10:6,10,15 11:6,13,16 12:7 13:21 14:2,3,4 18:13 19:15,19,23 20:7,15,22 21:2,25 22:12 22:16,22 23:8 23:20 24:3,8 24:12,19,23 25:4,17,25 26:16,23 27:20 27:24 28:7 30:23 chronology 18:21 61:7 195:16 cimarex 72:20 72:23 74:4 78:4,8 79:13 80:6 circular 234:16 circulate 310:24 circumstances 236:5	citing 193:19 city 20:19 21:4 21:9,14,17 22:11,25 23:11 26:6,25 claimed 233:17 234:12 claiming 6:13 236:2 291:3,4 claims 245:5 clarification 69:14 234:25 300:17 clarify 29:13 111:12 112:14 113:12 153:2 165:13 206:17 225:15 233:24 264:15 265:2 270:19 309:4 clarifying 79:6 81:20 99:7 107:22 143:22 305:8 clarity 283:14 clean 55:8 175:18 256:17 282:20 308:6 cleaner 180:10 cleanest 55:19 56:19 clear 17:2,3 55:3,9 109:17 178:16 233:6 236:11 265:20	265:21 271:6 274:2 277:15 279:25 282:15 289:11 312:13 cleared 15:14 283:12 clearing 280:15 clearly 163:15 250:11 295:9 295:10 client 29:21 30:17 134:12 195:8 295:23 296:10 298:5 298:19 302:19 303:10 305:10 307:5 client's 306:19 clients 296:20 close 14:9,18 87:3 134:17 154:24 166:2 181:20 194:16 220:20 311:5 closed 134:15 closing 247:19 247:22 248:21 249:11,20 250:9 265:16 283:13 cloud 15:10,12 15:14 235:14 236:23 280:7 293:14	clouds 234:21 code 15:16,23 38:18 47:13 53:17,21,25 97:3,13 184:2 cog 40:21,22 59:18 67:7,12 68:8 89:19 cole 97:18 99:19 colleague 115:7 colleagues 98:8 collective 16:24 collin 8:24 18:13 color 272:4 colorado 72:24 123:16 column 287:20 289:11 com 39:15 45:10,21 46:25 47:10 74:12 96:23 97:11 125:19,20 126:9,10 183:18 come 24:10 25:3 29:2 34:10 46:15 66:25 87:2 103:13 111:18 120:8 184:8 217:3 223:4 279:24 280:15
---	--	--	--

[come - consenting]

<p>292:8 297:12</p> <p>comes 124:19</p> <p>238:20</p> <p>coming 108:20</p> <p>184:21 282:2</p> <p>291:11</p> <p>comment</p> <p>266:20</p> <p>comments</p> <p>241:9 242:24</p> <p>253:14,16</p> <p>commerce</p> <p>43:14</p> <p>commercial</p> <p>127:7</p> <p>commission</p> <p>105:23 121:24</p> <p>146:24 297:9</p> <p>297:18 298:12</p> <p>committed</p> <p>191:21 225:17</p> <p>common 56:16</p> <p>272:22</p> <p>communicate</p> <p>80:25</p> <p>communicated</p> <p>80:24</p> <p>communicating</p> <p>81:15</p> <p>communication</p> <p>4:10 270:12</p> <p>commuted</p> <p>60:16</p> <p>companies</p> <p>123:15 191:12</p>	<p>companion</p> <p>74:14</p> <p>company 72:23</p> <p>89:11 92:10</p> <p>123:24 135:24</p> <p>136:25 182:13</p> <p>187:9 190:24</p> <p>191:5,19 195:4</p> <p>200:19 201:9</p> <p>competing</p> <p>38:25 311:16</p> <p>311:17</p> <p>compile 257:4</p> <p>complete</p> <p>211:24 212:2</p> <p>completed</p> <p>161:6</p> <p>completely</p> <p>234:16 247:6</p> <p>247:15 311:18</p> <p>completion</p> <p>308:9</p> <p>complex</p> <p>118:24</p> <p>complexity</p> <p>119:4</p> <p>comport</p> <p>229:14</p> <p>comprised 45:6</p> <p>45:18,25 46:10</p> <p>46:21 47:7</p> <p>60:20 74:7</p> <p>89:25 96:21</p> <p>97:8 125:12,17</p> <p>126:2 136:11</p>	<p>156:4</p> <p>comprises</p> <p>210:2</p> <p>comprising</p> <p>126:7 158:25</p> <p>compromise</p> <p>296:17</p> <p>compulsory</p> <p>2:19 5:12</p> <p>38:25 47:15</p> <p>67:7 90:9</p> <p>187:21 239:6,7</p> <p>291:15,25</p> <p>conceivably</p> <p>176:4,12</p> <p>concept 21:23</p> <p>concern 176:6</p> <p>295:12,21</p> <p>concerned</p> <p>225:23</p> <p>conclude</p> <p>268:20</p> <p>concludes 53:6</p> <p>289:25</p> <p>conclusion</p> <p>233:20 247:25</p> <p>258:10 259:3,5</p> <p>259:16</p> <p>concur 236:21</p> <p>concurrent</p> <p>233:22</p> <p>concurring</p> <p>230:9 313:3</p> <p>conducted</p> <p>195:11 224:4</p>	<p>confer 13:20</p> <p>29:20 30:10,16</p> <p>298:5,19</p> <p>conference</p> <p>270:25</p> <p>confirm 28:13</p> <p>30:2 50:25</p> <p>51:16 52:16</p> <p>56:20 94:4</p> <p>102:7 119:24</p> <p>131:22 149:8</p> <p>160:18 219:12</p> <p>227:18 234:22</p> <p>270:17 277:8</p> <p>283:22 288:24</p> <p>307:19</p> <p>confirmation</p> <p>57:15 300:2</p> <p>confirmed</p> <p>235:15 236:9</p> <p>236:19 299:7</p> <p>conflated</p> <p>266:22</p> <p>confused</p> <p>300:25</p> <p>confusion</p> <p>178:20 179:25</p> <p>236:6 296:23</p> <p>296:24</p> <p>connection</p> <p>145:5,13</p> <p>connectivity</p> <p>226:18</p> <p>consenting</p> <p>240:7</p>
---	---	--	---

[conservation - corrected]

conservation 1:6 2:5 238:18	contested 261:19	97:15 98:10	176:12 177:15
conservative 174:18	context 27:10	184:19 187:20	179:7 186:22
consider 79:4	56:19 61:7	187:25 188:9	191:23 193:17
238:5 253:2	80:9	199:7	201:23 203:5
254:2,5	contiguous	core 7:17,17	207:17,18
consideration	108:25	correct 3:22	209:4,5 210:11
274:10 294:18	continue 28:15	6:10 7:8,25 8:5	210:23,24
considered	29:3,5 31:2	8:16 10:9	213:18 214:12
296:19	52:3 81:18	11:15,22 16:11	214:13 216:3,4
considering	84:12 87:14	20:2,4,8 21:6	216:24 218:13
13:4 153:9,13	112:9,22 146:2	22:15,17 23:16	218:15 219:7
193:18	174:22 246:11	23:21 24:2,4	219:10 225:3
consists 198:23	251:18 297:17	24:18,19 26:22	227:3 229:17
consolidated	continued	39:10 51:8,11	231:16 237:13
44:16 96:14	313:21	51:13,18 52:6	237:14 243:19
121:18 182:24	contract	54:12,23 57:12	243:20 244:14
224:6	244:15	57:24 69:22,23	253:21,24
constantly	contribute	78:6 79:11,17	254:12,13,19
167:17	159:14	81:21,25 82:3	254:22,23
constructive	conversation	84:25 86:9	255:12,13,21
252:10	65:18,23	91:11 95:4	257:11,14,15
contact 163:6	215:22 298:9	96:8 105:17	257:20 259:6
165:25	conveyance	106:6,24,25	259:17 261:11
contacts 18:21	257:18,25	107:12,25	262:21 267:11
195:16	conveyances	114:15,16	269:17 272:17
contain 90:8	252:17	117:6 122:24	276:6,11 281:4
139:7	conveys 258:4	141:22 142:4	284:5,12,15
contains	coordinating	142:15 144:21	285:3,5,7,18,20
126:18,21	200:24	147:16 149:25	286:16 289:7
127:12 137:13	copies 153:23	153:7 155:15	290:20 293:6
156:12	copy 4:24 5:2	159:16 160:25	303:22 307:24
contents 75:23	18:11,19,22	161:8,21,23	307:25 315:5
	34:2 41:24	162:2,8 168:6	corrected 13:13
	47:14 48:14,17	171:18 172:6	93:8 121:14
		173:2,17	152:21 180:24

[correcting - david]

correcting 12:23 57:9 correction 12:6 51:23 210:16 corrections 224:23 correctly 220:8 254:10 263:24 306:22 correlative 246:17 263:4 263:10,11 296:20 311:20 corresponding 239:21 cost 193:14,16 193:18 costs 114:24 counsel 32:12 32:19 61:23 250:25 306:18 count 310:21 county 44:20 74:10 86:13 90:5 96:17 156:6 199:3 256:20 couple 34:13 37:25 113:14 166:8 272:11 283:15 301:10 course 181:24 308:14 312:11 court 2:8,10,13 3:14 16:12,21	17:5 31:25 280:14 courts 247:9 cover 13:13 14:20 52:5 68:6 83:18 148:4 155:2 181:23 covered 68:18 covering 104:8 covers 60:6 cp 111:4 cpac 51:23 52:6 54:13 57:5 84:23 85:3 152:12 192:5 193:13 218:7 224:13 cpacs 5:8 created 279:17 279:18 credentials 47:21 60:10,13 97:21 127:22 credible 261:17 credited 21:9 cross 100:22 101:17,18 111:11 113:10 116:5,11,17 128:6 148:21 148:24 149:9 149:24 153:21 172:12 189:7 189:10,16	192:12 202:21 217:9 219:13 220:6 221:2 225:19 227:10 227:11 231:3 240:24 256:19 256:22 271:4,7 273:13,19 274:5 290:12 crosses 156:7 cured 84:13 121:17 current 76:9 128:17 180:25 214:17 215:22 289:22 290:8 currently 24:16 38:7,19 39:2 66:18 105:23 106:2 109:11 114:22 123:23 143:25 161:23 163:9 174:13 178:8,22 216:10 302:21 curtis 75:14,14 75:21 76:25 77:3,7,14,18,23 78:3,6,11,18 79:11,17 80:2 80:4,8,17 81:14 82:2 cut 116:23	d d 31:20 32:3 36:15 48:10 64:6 73:9 92:11 98:3 99:20 100:21 111:2 115:6,8 116:6 128:11 129:14 141:2,2 158:6 184:20 185:16,21 188:5 217:9 225:19 dalrymple 92:8 92:9,18 93:3 93:17 94:13,16 darin 31:16 32:2 59:11 66:19 144:15 223:14 data 124:21 214:22 date 162:15 167:13,23 168:3,4 171:14 171:15 176:7 179:9 194:14 269:13 310:10 dated 48:15 159:23 315:10 dates 164:9 datum 149:14 149:16 150:5 david 269:9
--	---	--	---

[davis - derived]

<p>davis 127:8 129:13,13,18 130:4,9,18 131:3,11,16 132:7,14,16,22 133:7,13,15,18 133:25 134:3 134:24 135:5,9 135:11 216:2</p> <p>day 14:5,8 120:9 143:15 154:18 167:23 181:15 240:14 263:16 264:10 271:10</p> <p>days 87:5 170:6 224:4 230:8</p> <p>de 297:14</p> <p>deadline 58:22 136:2</p> <p>deal 118:24 119:4 135:8 202:18 230:25 238:12,14 266:8,10 275:7</p> <p>dealing 268:2 311:20</p> <p>deals 166:3 230:6</p> <p>dealt 222:19</p> <p>dean 1:18 163:21</p> <p>deana 31:19 88:13 95:14</p>	<p>december 35:4 35:6 48:16,20 162:25 200:17</p> <p>decide 227:8 267:5</p> <p>decided 16:12 32:20 274:5</p> <p>decides 179:14</p> <p>decision 242:17 245:19 247:7 266:18</p> <p>declined 239:19</p> <p>dedicate 183:17 184:7</p> <p>dedicated 60:23 74:11 90:6 97:5 156:11 184:3</p> <p>dedicating 45:9 45:20 46:3,14 46:23 47:9 96:22 97:10</p> <p>deed 107:14 108:4,5,8 233:7</p> <p>deem 240:20 274:15</p> <p>deeper 116:22</p> <p>default 55:23</p> <p>defects 121:16</p> <p>defer 121:24 166:15 195:7</p> <p>define 240:6</p>	<p>defined 254:21</p> <p>definitely 206:4</p> <p>definition 109:14</p> <p>degree 43:14 123:5,11</p> <p>degrees 200:11</p> <p>delay 292:17</p> <p>demonstrative 229:9</p> <p>denied 264:7,7 298:13 313:7 313:11</p> <p>department 1:5 44:8</p> <p>depending 66:10 80:12 197:13</p> <p>depends 143:4</p> <p>depicted 116:21 153:25</p> <p>depicting 116:17 127:14</p> <p>depicts 48:5 128:3</p> <p>depth 52:17,20 55:7,10,13,24 56:21 65:20 66:2 75:4 79:9 104:6 105:9,15 106:12 107:7 107:11,14,23 108:2,5,10,13 110:15,23 112:20 113:16</p>	<p>113:20 115:15 148:7,13,15,25 150:10,19 153:3,11,15 224:15,16 225:6,8,10,24 233:24 234:3,6 234:11,17 235:3,18 238:13 241:21 245:22,24,25 246:23,25 247:11 248:22 249:2,6,8,16 250:5 251:4,19 251:20 252:16 260:5,7,9,24 261:6 265:5,12 265:18 266:22 270:15 283:24 284:6,15,21 293:9 300:12 301:23 303:6 303:19,20 307:2 311:18 311:21</p> <p>depths 78:16 148:3,18,20 235:24 246:5 248:14 252:19 252:22 284:24 285:3 293:13 293:16</p> <p>derived 119:15 273:21</p>
--	--	--	--

[describe - disputes]

describe 20:24 21:23 37:13 49:20 64:23,25 162:19 163:15 203:19 205:16 245:21 256:3,7 260:23 288:17 described 61:11 115:9 153:6 227:20 260:5,6 describes 309:11 describing 308:22 description 86:13 107:13 109:22 121:9 184:6 199:5 204:19 207:9 209:24 215:12 225:5,13 256:21 288:13 descriptions 287:24 deserves 274:16 designated 155:19 designating 160:10 designation 202:18 203:6 203:20 204:12	detail 21:24 228:12 240:3 312:9 detailed 225:12 257:5 details 224:22 determination 197:14 227:17 241:14 268:7 determinations 276:10 determine 258:19 267:19 314:3 determined 95:25 118:15 develop 37:19 developing 114:13,14 development 38:2 50:3 61:10 70:5,7 74:24 104:15 110:5,7 113:18 113:20,25 115:9 182:18 diagram 48:5 128:8 die 212:24 difference 102:15 differences 121:19 different 27:15 53:15 70:4,7	112:18 169:21 175:2 189:10 214:24 236:3 266:7 284:7 difficulty 120:7 diligence 312:9 dillon 184:15 185:15 dire 232:19 241:5 242:13 242:15,18 243:8 253:3,9 253:17 261:16 261:24 266:15 266:16 268:5 268:17 direct 9:19 11:2 19:19 20:10 80:2 86:17 104:23 113:9 119:25 161:11 172:10 189:6 300:19 301:2 directly 7:24 10:24 11:4 131:7 135:7 165:22 166:6 262:7 director 179:14 diring 232:25 disadvantage 217:4 disagreements 270:18	discrepancies 270:17 discretion 12:22 13:2 55:15 237:2,4 262:25 discuss 228:24 231:10 256:11 305:9 discussed 6:18 18:10 170:3 192:5 218:21 219:22 228:6 234:19 270:14 272:15 283:12 303:9 discussing 166:4 279:20 discussion 71:2 179:12 219:2 discussions 32:12 95:22 dismissal 89:2 89:6 121:12 dismissed 71:23 91:15 121:8 222:15 dispensed 3:13 dispute 16:19 239:12 246:3 309:12 313:9 disputed 246:6 270:10,11 disputes 16:18
---	---	--	---

[disputing - e]

disputing 241:19 distinguishable 310:18 distribution 233:7 district 16:12 16:21 17:5 247:9 280:14 division 1:6 2:6 18:15 23:6 26:20 27:14 34:6,13 37:6 39:3 41:15 44:11 60:9 75:16 97:20 100:13 122:23 125:3 127:9 129:17 135:8 137:14 140:16 162:5 169:2 176:4,13 178:4 179:13,20 184:14 186:16 186:20 187:15 200:3 202:9 211:9,23 237:6 239:6 245:18 247:7 251:24 253:2 254:3 255:8 260:8,11 277:17,18 279:24 290:9 297:11 308:10 310:2 311:15	division's 238:18 dln 210:9 docket 2:4 28:23 29:4,19 31:3,9 59:5 64:10 67:6 87:8,15 88:9 89:3 120:13 138:15 147:13 155:13 182:2 194:22 212:11 221:14 document 12:13 108:22 225:9 226:7 229:9 233:12 233:13 236:14 237:8,12 238:3 238:7 242:6 248:20 249:24 251:6,10 253:6 260:4 261:18 271:20 272:7 281:4 293:20 documentation 225:13 246:15 264:25 documentatio... 264:17 documents 92:6 225:12 237:5 244:25 245:9 250:18 250:24 251:14	258:8,9 260:17 260:19 262:13 272:14,19,24 279:7,15 282:2 doing 13:6 18:5 26:8 54:15 103:10 110:20 160:7,12 179:3 201:8 224:3 242:14 263:24 308:2 309:13 double 5:15 192:22 212:12 draft 243:13 253:22 256:5 258:24 drafted 231:14 232:7 267:9 drafters 255:5 drafting 244:12 259:13 drain 263:19 draw 50:8,19 100:20 104:17 104:25 130:9 158:18 190:14 drawback 294:10 drawn 149:15 149:16 drill 44:6 105:18 136:17 drilling 39:13 135:25 136:14 168:21 169:6	180:15 201:3,5 drillings 39:18 driven 108:3,24 108:24 drop 44:23 214:2 dtd 125:18,20 126:9,10,11 due 74:17,22 119:3 121:8 dunn 90:11 139:8 140:10 140:12,12,13 140:15,18,21 140:25,25 141:10,15,18 141:23 142:5 142:11,16,20 143:5,8,9 duplicate 224:24 duties 44:4 124:18 200:21 238:19
e			
e 3:16 15:5 31:20,21,21 32:3 40:19,20 41:8 42:15 48:12 58:8 68:15 70:11 71:5 73:10,10 77:18 82:13,13 92:10,11 98:5 99:19,20			

[e - everyones]

122:11 128:15 129:14 137:2,2 137:21 146:11 146:11,12 158:6,6,6 188:7 earlier 37:23 83:7 99:23 104:8 109:3,8 114:3,5,12 165:17 184:18 219:21 229:14 237:20 241:4 245:14 275:2 291:20 293:7 303:17 earth 284:18,23 earthstone 155:17,24 easier 25:7 71:6 112:13 easiest 178:3 easily 27:11 east 44:19 45:18,25 46:21 47:7 50:10 51:3,9,14 61:3 74:8,10 75:2 78:4 86:18 87:23 90:4 96:16 125:15 126:5 136:13 145:11 156:5 166:6 183:9,10 183:11,13	287:21 288:14 eddy 44:20 74:10 90:5 edit 55:11 edits 29:23 education 43:10 123:8 186:24 200:10 educational 255:18 effected 16:25 effectuated 165:6 eight 7:4 9:20 10:7 12:25 either 21:16 23:10,17 29:3 70:10 94:10 152:23 153:22 243:7 267:21 291:14 292:5 el 166:5 element 38:18 employed 200:15 empm 248:13 encompass 78:14 165:9 287:24 encroach 8:11 ended 206:20 enduring 198:6 198:11,22 200:16 202:5	energy 1:4 10:13 14:24 15:11 16:4 31:18 43:14 72:23 120:12 120:16 enforceability 240:4 enlarged 8:12 ensure 224:25 enter 40:25 94:20 138:16 entered 33:12 88:16 95:16 118:24 120:22 120:24 271:20 272:2 entering 92:13 entire 116:18 136:9 148:5,10 220:2 222:11 261:19 291:22 entirely 214:9 entirety 24:7 55:25 65:12 78:9 83:15,18 110:13 111:6 132:19 151:25 160:22 173:20 218:11 235:23 286:15 288:14 entities 164:12 179:15 215:4 entity 169:19 169:21 170:8	entrance 40:12 59:6 223:12 eog 73:5 89:14 equal 97:2 215:5 equally 159:15 equivalent 45:8 46:12 error 207:5 249:15 270:13 284:10 especially 153:12 essentially 7:9 19:20 160:19 214:7 216:6,8 307:20 established 262:7 297:6 establishing 277:2 et 190:24 191:5 191:17 192:24 225:21 279:18 evaluate 81:18 evaluating 311:6 evening 95:17 event 162:6 everybody 189:20 190:2 everybodys 17:3 everyones 314:5
--	--	--	--

[evidence - examiner]

evidence 35:20	7:23 8:17 9:3	49:12,16,18	86:24 87:9,17
49:7 62:17	9:10,15,18,25	50:6,14,18,23	88:3,7,15,19
69:10 76:19	10:8,11,20	51:7,12,19,21	89:4,14,16
91:6 93:24	11:8,14,23	51:25 52:8,10	91:2,9,10,12,16
128:21 196:2	12:9,12,16,20	52:13,15,22	91:18,20,22,25
203:11,14	13:3,8,16,25	53:3,6,8,13,24	92:12,23,24
228:18 229:8	14:7,15,25	54:11,22 55:18	93:15,19 94:3
231:2 240:12	15:6 16:5,15	56:8,15 57:2	94:4,7,8,9,11
252:4,6,25	17:6,13,22	57:11 58:2,4	94:17,18 95:2
267:16,20	18:2 19:8,11	58:17,25 59:10	95:5,12,18
291:21 313:14	19:12,14,18,25	59:14,19 60:2	96:5,10 98:22
313:18	20:9,16,23	60:5 61:19,25	98:25 99:4,5,9
evidentiary	21:20 22:8,13	62:7,12,15,19	99:21 100:10
227:12 278:7	22:18 23:4,15	62:20 63:2,4,8	100:15,19
exact 23:3	23:22 24:5,9	63:12,16,20	101:5,10,16,24
163:13 217:18	24:15,20,25	64:2,7,12,14,15	102:6,18 103:4
305:13	25:5,21 26:10	64:21 65:6,10	103:9,12,16,17
exactly 26:4,7	26:18 27:9,21	66:6 67:13,23	103:24 104:16
27:8 145:16	28:2,14,16,22	69:2,8,12,13	104:24 105:13
218:23 229:5	29:14,24,25	70:14 71:4	105:24 106:11
259:24 269:12	30:3,6,8,14,18	72:2,10,11,13	106:19 107:3
297:11	30:25 31:6,14	72:15,17 73:2	107:10,21
examination	31:23 32:4,8	73:11,16,21,25	108:7,19
53:20 113:10	32:21 33:4,18	75:18 76:15,21	109:12,13,18
227:11 268:21	35:12,15,18,22	76:22,24 77:4	109:20 111:8,9
273:13,19	35:24,25 36:7	77:15,20,24	111:14,22
274:5 290:12	36:16 37:2,8	78:2,7,13,23	112:2,5,11,12
examine	37:11 38:6,22	79:12,18,24	112:23 113:5
121:25 231:4	39:6,11,20,22	80:5,11 81:12	115:22,24
240:24 271:4,7	39:24 40:4,6,7	81:19 82:4,5,7	116:2,10,16,24
examiner 1:17	40:17,24 41:9	82:14,22 83:3	117:8,13,21
1:18 2:2,21 3:5	41:20 42:2,8	83:5,12 84:2,7	118:3,5,12,19
3:17,25 4:18	42:16,25 43:7	84:10,14,18	119:10,18,23
5:6,18,21,22	43:15,19,25	85:7,12 86:5	120:4,11,21
6:3,4,6,23 7:14	44:9 49:2,5,10	86:10,16,20,23	121:3 122:3,7

[examiner - examiner]

122:12,21,25	153:8,17 154:5	189:4,5,14,19	220:14,19,24
123:7,19,22	154:8,13,17,23	189:24 190:8	221:4,11,17,18
124:3,9,13,24	155:5,20 157:5	190:13,22	222:8,16,22,25
125:6 128:23	157:11,12,15	191:3,10,16,22	223:2,7,18,21
129:4,5,7,10,15	157:19 158:3,7	192:3,7,10,15	224:2,10
129:19 130:5,8	158:17,23	193:3,11,24	226:24 227:4
130:23 131:5	159:6,11,18	194:2,4,15,25	228:16 229:4
131:12,20	160:2,17 161:4	195:5,17,23	229:11,18
132:8,15 133:2	161:9,16 162:3	196:4,11,14,16	231:12,17,25
133:8,14,19	162:11,17	197:7,18,20	232:4,17 233:3
134:2,5,7,16,21	163:14,23	198:2,8,12,17	233:23 234:24
134:22 135:4	164:15,24	199:13,14,17	235:25 237:3,4
135:10,17,21	165:16,20	199:18,19,25	237:9,15,19,24
135:23 137:16	166:10 167:7	200:6,20 201:7	240:11 242:9
137:22 138:5,6	167:25 168:11	201:17,24	242:20 243:5
138:8,13,20,23	169:12,18	202:7 203:8,9	246:10 247:10
139:22 140:4,5	170:13,19	203:17,25	247:18 249:10
140:7,11,14,19	171:13,23	204:9,16 205:2	249:18 250:14
140:22 141:3	172:7,15,21	205:15 206:10	251:7,13
141:11,14,19	173:5,12,18,24	206:23 207:6	253:11,15
141:24 142:6	173:25 174:6	207:14,19,23	261:14,23
142:14,17,21	174:10,14,16	207:25 208:3,5	262:20 263:13
142:23,24	174:24 175:4	208:12,21,25	263:14 264:14
143:7,12,19	175:21,24	209:6,8,21	266:2,6 267:3
144:4,7,8,9,18	177:11 178:5	210:12,20,25	267:14 268:9
144:23 145:7	178:10 179:2	211:4,6,12,13	268:10,14,22
145:19 146:6	179:11 180:8	211:19 212:3	269:3,14,18,24
146:13,22	180:19 181:6	212:14,16,19	270:21 272:8
147:2,7,8,12,15	181:10,11,18	213:2,6,8,12	272:11 273:8
147:18,22	181:25 182:10	214:6,14,23	274:22 275:4
148:12 149:7	182:14,21	215:8,18 216:5	275:15,19,22
149:12,20	184:23 185:2,5	216:15,23	277:5,12
150:7,20,24	185:18,22	217:16 218:5	278:11,22
151:5,10,15,22	186:2,14,18,23	218:17,22	280:22 281:7
152:8,13,14,16	187:13 188:22	219:9 220:5,11	281:11,16,20

[examiner - exhibits]

282:22 283:4,7 283:9,21 284:4 284:13,25 285:8,13,22 286:4,12,21 287:8 288:3,23 289:8,20,21 290:2,6,11,17 290:21,24 291:19 292:10 292:20,24 293:25 294:9 294:16,24 295:2,14,19,20 296:5,14 297:21 298:14 298:17,21,24 299:12,16,20 299:25 301:4 301:19 302:6 302:11,13,15 303:12,16 304:2,11 305:6 305:15,19,25 306:5,11,15 307:13,16,18 308:13,19 309:7,23 310:7 310:11 311:2 311:10,24 312:10,15,20 312:23,24 313:12 example 251:24 252:18	258:20 259:4 exceeding 142:3 exceeds 196:18 197:10 excellent 198:13 212:4 except 8:2 109:6 exception 145:23 266:11 exclude 308:15 excluded 205:21 206:19 282:3,8 301:17 excludes 74:22 excluding 246:12 exclusion 207:7 excuse 105:16 130:13 137:20 148:14 151:17 207:10 209:10 executed 211:16 executing 119:3 exhibit 4:13 6:20 9:22 13:4 13:12 14:20 18:16 32:15 33:23 34:19,20 41:24 47:25 48:2,4,10,12,17 57:17 61:3,8	61:11 68:8,13 68:15 76:2 90:7,10,13 93:7,8 97:24 98:3,5,13 100:21,25 101:2 102:22 106:2 111:2 115:5,8 116:6 117:15 126:16 126:20,24 127:6,12,20 128:11,15 136:3,6,22 137:7,11 141:17 143:23 144:2 148:17 149:4,10 153:22 156:12 156:13,16 161:12 162:12 171:16 172:12 175:7,8 178:2 178:19 180:18 184:20 187:25 188:5,7,12 189:8 193:14 193:20 195:15 203:23 204:3 205:9 207:10 213:16 217:9 224:20 225:7 225:16,19 226:2,13,13 228:19 230:2	230:10,13 231:2,5,10,21 234:8 238:5,10 240:19 241:6 241:18,24 242:16 243:12 244:5,13,19 247:17 261:25 262:3,5,9 267:4,6 268:2 274:3,8 275:10 275:13 277:9 277:10,11 278:14,16 281:2,12 283:16,18 286:2,24 287:4 307:21 309:21 313:2 exhibits 3:21 10:17 35:9,10 35:19 47:25 48:11,22,23 49:7 62:13,16 68:22,23 69:5 69:9 75:12,20 75:22,25 76:12 76:18 90:22 93:21,22 95:23 97:25 98:4,19 98:19 99:2 102:14 107:5 126:19,23 128:20,25 137:15,25
--	---	--	--

[exhibits - far]

138:2 139:6,18 139:25 148:23 149:9 157:2,8 188:3,6,18,19 188:25 189:22 190:3 194:10 196:2,8 202:14 203:10,13 220:22 224:11 226:14,20 227:2,5,7 228:4,12 229:7 239:15,16 270:5 275:8,11 275:25 276:14 276:24 278:22 281:21 283:11 283:19 286:9 308:8,17 exist 22:10 225:12 234:3 existence 293:20 existing 48:7 50:2 69:19,24 71:21 74:17,23 79:15 104:10 104:15 109:4 110:3 133:5 205:19 206:13 206:18 222:3 222:14 exists 65:7 78:21 261:6 264:24	expanded 264:12 expands 290:8 expanse 109:4 expect 89:5 experience 123:15 200:9 257:23 276:9 experienced 259:12 expert 9:12 43:4 44:12 47:19 60:10 77:22 82:24 90:12,16 121:23 122:22 129:16 139:10 140:16 146:24 156:15,19 185:24 186:19 187:15 201:19 202:9 276:4 expertise 37:4 43:11 100:11 123:9 200:2 273:20 experts 75:16 184:13 187:23 expiration 38:5 38:16 expire 136:21 expires 136:7 explain 16:17 242:23	explained 115:7 227:22 252:13 explaining 26:7 explanation 8:7 118:21 119:9 215:16 227:21 exploration 170:9 177:18 extend 117:6 135:25 extends 149:23 156:7 extension 33:25 37:14 38:9 71:15 104:7 114:2 136:8 222:7 extensive 276:9 extent 54:17,25 55:22 56:11,13 83:14 85:16 113:23 114:9 115:17 117:3 152:21 228:9 243:25 260:10 extinguish 71:21 exxon 123:17 124:6,10,17 eyes 244:23 f f 48:17 59:5,12 60:15 64:22 98:13 144:16	147:24 149:21 151:24 152:3 188:12 223:16 230:8,12,17 240:22 260:16 296:19 311:16 f's 65:11,13 313:2 facilitate 245:19 facility 92:19 fact 34:19 174:4 252:7,11 279:9 306:23 307:9 fair 25:22 260:13 268:20 fairly 118:24 fairness 238:8 271:8 fall 11:18 252:23 familiar 159:20 189:20 193:8 201:15 208:20 209:17 276:17 familiarity 301:8,11 fane 92:9 fantastic 94:12 101:9 far 4:2 22:7 154:18 221:14 289:24
--	---	--	---

[fashion - force]

fashion 41:12 182:24	feel 268:19	135:2 136:16	152:6,22 204:7
fast 52:12 209:13	feet 7:16 11:10 11:19 65:21	163:3 165:7	222:5 224:6
fe 2:22 17:19 31:12 33:10	74:4,21 75:4	167:14,14,24	231:2 233:10
40:15 67:11	149:2,3 150:4	177:7 179:9	247:16 256:19
73:19 94:23	150:17 225:8	230:9,18	263:16 270:6
182:11 195:2	252:20,22	251:10 257:3	282:7,17
198:9 223:22	260:7,25	265:7,9,11	287:20 289:10
february 18:25	284:22 285:4	279:9 297:14	five 30:9
19:4 76:7,9	felt 312:7	filing 88:25	111:16,19
80:24 90:19,21	femo 210:9	final 23:24	298:18
93:11,14 98:12	field 9:12 37:4	finally 156:20	flesh 293:4
98:16 121:10	43:3 82:24,25	find 4:4 10:22	flowing 37:23
128:13 224:7,9	100:11 122:22	15:19 47:24	focusing
226:22 227:16	140:20 147:3	54:20 87:20	225:20
228:3,11,25	186:15 187:16	146:7 217:6	folks 232:11
238:8 259:14	200:2 255:23	fine 12:17,23	243:22
261:4 264:11	255:25 256:4	13:7 62:9 88:4	follow 70:11
278:23 279:4	258:18	145:13 152:19	71:20 115:4
292:25	fifth 104:18	154:22 196:12	followed 4:15
fed 45:10,21	figure 3:2	274:6 280:15	following 34:25
46:15,24 47:10	figured 27:17	282:19 290:9	48:8 125:17
74:12 96:23	figuring 21:5	299:4 302:4,5	126:8 187:10
97:10 125:18	27:7	309:18	205:23 206:15
125:20 126:9	file 16:20 17:8	finish 204:18	293:5
126:10 183:18	17:9 32:8	finished 208:4	foot 149:6
184:8	58:23 70:17	302:12	footnote 162:18
federal 39:15	110:8 121:11	firm 242:8	178:14,15,23
198:25 209:4	121:13 310:25	first 2:11 3:23	footnotes
256:13,16,18	311:4	6:3 45:11 46:5	162:20 168:16
256:25	filed 32:24	50:5 54:23	175:10 177:21
feedback	105:8 106:16	55:3,9,21 56:6	180:17
134:11 309:17	110:10 114:19	65:2,15 66:3	force 23:7,9,14
	114:22 126:17	82:11 100:18	26:21 27:3
	126:21 127:2,3	105:2 112:20	117:4 147:24
		114:9 145:21	162:5 164:13

[force - geosciences]

<p>172:24 176:5 177:13,22 179:4,8,14,19 217:24 218:10 219:18 239:20 240:2,5 foresee 38:10 39:12 forever 280:24 forget 281:2 forgive 217:12 forgot 206:21 forgotten 12:2 form 7:7 format 33:20 formation 54:16,21,24 60:18 64:24 74:20 79:10 85:3,13 89:24 102:2 104:9 105:5,20 109:2 121:15,20 125:22 126:15 127:25 128:2 136:10 152:5 152:18,19,19 156:2 183:7 205:21 218:12 220:2 250:13 261:7,10 formations 132:13 formed 198:23</p>	<p>formula 227:23 228:15 277:24 278:17 281:3 formulas 277:19 278:8 forth 176:2 236:17 245:16 266:13 forum 16:17 forward 25:8 32:18 175:11 177:6,23,25 180:4 256:15 299:10 310:14 found 19:22 64:18 104:19 118:8 158:20 196:18,18 197:9 283:18 foundation 227:7 228:2 259:10 275:24 278:13,24 281:22 four 35:20 37:14 40:9 213:21 221:16 225:7 307:22 front 7:24 39:3 70:3 130:11,19 148:20 150:14 182:22 267:9 frustrating 312:4</p>	<p>full 28:23 154:20 184:5 187:11 199:4 224:4 fully 161:25 further 12:9 39:23 51:22 72:12 92:22 112:17 119:16 134:4,19 142:22 152:10 171:15 179:12 194:3 211:4 247:3,4 248:25 264:22 294:3,4 311:11 312:21 312:22 future 175:14 294:15</p>	<p>generation 124:22 geography 200:15 geologic 107:19 geological 108:12 123:16 geologically 108:24 geologist 60:12 65:24 78:24 82:6 97:18 98:4 99:8 108:15 122:4,6 122:10 125:2 147:5,6 157:14 172:9 184:15 185:4 202:5 216:17 geologist's 62:24 225:19 geology 48:9,11 60:14 61:9 75:25 83:2 90:17 100:14 122:23 123:2,5 123:12,14 124:19 127:21 156:19 186:20 186:25 187:6 187:16 188:6 202:19,20 geosciences 187:3</p>
		<p>g</p>	
		<p>g 15:5 32:3 82:13 122:11 129:14,14 185:17 gap 235:14 236:24 264:23 280:7 gaps 234:21 241:15 gas 136:25 238:20 288:21 gears 259:9 general 123:4 generally 239:2</p>	

[getting - grantee]

<p>getting 261:19 297:16</p> <p>gift 122:10</p> <p>give 9:7 28:17 33:21 36:22 38:16 42:21 53:16 58:21 63:23 77:11 82:18 100:6 109:25 120:2 122:17 124:17 129:25 141:7 146:18 158:12 163:13 186:9 209:23 227:9 240:19 262:24 270:7 274:9,14 274:16 287:10</p> <p>given 111:13 174:23 228:20 239:23 242:12 268:17 278:25</p> <p>giving 215:11 270:6 278:12</p> <p>go 4:4 5:19 6:15 16:11 19:17 41:16 44:24 52:7 55:19 64:25 81:12 82:18 83:11 85:4 87:19 88:19 108:18 112:25 113:21 118:4 120:5,12</p>	<p>135:13 152:15 155:11 169:15 174:19 184:5 194:13 196:15 198:17 199:4 203:23 208:11 216:12 224:21 225:17 229:21 231:5 241:7 242:18 244:25 248:17 251:22 253:7,12 259:10 272:8 275:8 279:21 280:24 290:24 299:10 302:14 304:6 308:5,11 309:12 310:9</p> <p>goes 15:18 43:11 55:23 116:21 123:9 186:25 262:7 262:10 306:24</p> <p>going 2:10,15 6:24 13:10 14:17 16:23 21:16 25:6 26:16 28:24,25 32:14 36:17 37:24 54:8 61:20 62:20 63:5 80:25 81:14,18 84:20 85:21 95:10 104:6 105:18</p>	<p>107:4 111:18 112:9 119:2 132:18 135:5 141:21 144:13 145:18,21,22 145:25 148:8 152:20 155:7 158:12 160:21 161:19 163:24 166:15 169:11 169:24 174:19 176:2,11,17,19 177:22 180:4,7 182:2,3,6,15 183:24 195:7 197:11,13 199:3,15 205:6 206:2,6 212:8 213:19,19,23 215:5,12 218:12 221:15 223:3 224:21 228:20 231:19 240:19 245:15 259:8 260:2 261:14 262:4 266:13,17 268:6 270:22 271:4 272:12 274:7 275:16 277:16 278:3 279:19 280:14 282:12 296:20 297:12 299:8 300:19,25</p>	<p>305:14</p> <p>good 2:20 11:24 12:5 14:16 37:13 42:6,9 43:8,20 59:9,10 70:15 72:21 73:18 89:13 92:17 95:11 109:19 116:22 129:20 131:6,21 134:17 135:18 141:12 143:20 153:5 163:18 180:20 181:8 182:9 188:23 194:24 195:6 195:24 196:5 198:7 200:7 211:7 220:18 221:5 223:14 223:20 229:19 274:23</p> <p>gotten 10:18</p> <p>grab 70:9</p> <p>grade 172:16</p> <p>graduated 43:12,16 200:12</p> <p>graduation 187:10</p> <p>granted 234:15 308:14 313:4</p> <p>grantee 256:23</p>
--	---	---	--

[grantor - hart]

<p>grantor 256:23 grasp 27:16 great 124:25 162:25 164:2,3 164:4,19 165:24 168:20 169:5 170:2 171:7,20 172:3 175:11 177:13 179:23 180:14 228:12 greg 127:8 129:13 gregory 1:17 2:7 group 25:19 33:19 41:12 85:2 182:18 guess 5:24 10:2 10:24 12:3 20:12,25 21:15 21:22 23:5 54:17 66:14 79:7 83:13 87:4 101:14,18 149:15 170:8 182:5 206:16 286:5,14 287:14 288:4,7 guide 286:5,23 287:13 guy 122:5 guys 166:2</p>	<p>h</p> <p>h 2:9 9:2 15:4 36:15 40:20 64:6 82:12,13 92:10 99:20 122:11 146:11 158:2,6 185:21 199:24,24 hajdik 34:5 36:14,14,25 37:7,12,15 38:13 39:4,10 39:17,21 97:17 99:13,22,23 103:18,18,21 103:22,25 104:4,17 105:7 105:17 106:7 106:15,20,25 107:9,17 108:2 108:14,23 112:4 113:14 113:16,19,22 114:8,16,21 115:10 118:2,6 118:11,18,23 119:11,14,22 120:2 213:9,11 213:13,18 214:7,13,20 215:7,15 216:4 216:13 219:3 hajdik's 34:15 97:23 111:4</p>	<p>half 45:7,7,19 45:19,25 46:12 46:12,22,22 47:7 50:11 51:4,4,9,15 60:20,22,22 74:8 75:2 78:5 86:18 90:3 96:21 97:9 104:13 125:13 125:14 126:4,4 136:11,12 183:10,11,11 201:4 208:9 226:9,9,10,11 230:7,7 233:18 233:19 234:5,5 234:7,7 235:11 235:12,16,17 236:22,22 246:2,2 247:2 247:2,12,13 248:7 249:3,4 249:7,7,9,9,17 249:17 250:6,7 251:5,5 256:9 256:10 264:12 264:13,19,19 265:18,19 285:15,16,17 286:20,20 287:21,22,23 288:14 289:3 291:23,24 295:4,4,25,25</p>	<p>298:2,2 300:4 300:4,5,6,9,10 302:24 304:4,5 304:18,19,20 304:21,24 305:3,22,22 306:21,21 307:2,3 hand 9:4,16 36:20 42:5,19 63:18 77:8 82:15 100:3 122:13 129:20 130:6 141:4 146:15 158:9 217:21 289:5 hands 186:6 happen 280:9 312:2 happening 109:23 happy 55:11 70:8 96:12 hard 145:20 303:4 harkey 78:19 78:25 83:8 85:24 86:2 hart 2:23 31:12 33:10 40:15 67:11 73:20 94:24 182:12 195:3 198:10 223:23</p>
---	---	---	--

[hatley - hearing]

hatley 40:19,20 41:3 59:16,16 59:21 89:18,18 hawing 57:13 head 193:7 heads 32:22 hear 28:19 83:6 103:25 145:20 145:25 151:11 151:19 210:13 227:9 heard 1:16 29:17 39:2 69:18 74:15 103:19 104:7 114:3 259:20 hearing 1:17,18 2:2,21 3:5,17 3:19,25 4:17 4:18 5:6,15,17 5:18,22 6:3,4 6:18 8:17 9:3 9:10,15 11:25 12:8,12,15,20 13:8,16,25 14:7,15,25 15:6 16:5,13 16:14,15 17:6 17:13,22 18:2 19:8,12,14 26:12 28:16,22 29:14,22,24,25 30:3,8,14,25 31:6,14,23 32:4,7,18,21	33:4,18 35:12 35:15,18,24,25 36:7,16 37:2,8 39:22,24 40:6 40:7,17,24 41:9,20 42:2,8 42:16,25 43:7 43:15,19,25 44:9 47:23 49:2,5,6,12,17 51:21,25 52:5 52:10,13 53:5 53:8 58:4,17 58:25 59:10,14 59:19 60:2 61:25 62:7,12 62:15,16,20 63:2,8,12,16,20 64:2,7,9,12,15 66:22 67:5,13 67:23 68:4 69:2,4,8,13,17 70:2,12,18,19 70:23 72:11,13 72:17 73:2,7 73:11,16,21,25 75:10 76:15,18 76:24 77:4,15 77:20,24 82:5 82:7,14,22 83:3 84:10,14 86:23,24 87:7 87:9,17 88:3,7 88:15,19 89:4 89:16 91:2,5	91:10,12,17,20 91:25 92:12,23 92:24 93:15,19 93:22 94:4,7,9 94:11,17,18 95:2,5,12,18 96:5,10 98:22 98:25 99:5,9 99:21 100:10 100:15 103:9 103:16,17 109:13,18 111:9,14,22 112:5,12,23 113:5 115:22 116:2 118:3 120:4,11,21 121:3 122:3,7 122:12,21,25 123:7,19,22 124:3,9,13,24 126:25 128:23 128:25 129:7 129:10,15,19 130:5 134:5,7 134:16,22 135:4,10,17,21 137:16,22 138:2,6,8,13,20 138:23 139:22 139:25 140:7 140:11,14,19 140:22 141:3 141:11 142:22 142:24 143:7	143:12,19 144:4,8,9,18,23 145:7,19 146:6 146:13,22 147:2,8,12 150:24 151:5 151:16 152:14 154:8,13,16,17 154:23,25 155:5,20 157:5 157:8,12,15,19 158:3,7 159:18 163:8 165:15 168:4 170:7 171:14 173:25 174:6,14,24 175:4,21 176:7 181:10,11,18 181:25 182:4 182:10,14,21 184:23 185:5 185:18,22 186:2,14,18,23 187:13,19 188:22,25 192:2,7 194:2 194:4,15,20,25 195:5,17,23 196:4,7,14 197:20 198:2,8 198:12,17 199:13,14,18 199:19,25 200:6,20 201:7 201:17,24
--	--	--	--

[hearing - holland]

202:7 203:9,13	263:14,16	307:13,17	219:13,20
207:23 208:3	264:10,21,25	308:3,4,13	hendrickson's
209:8 211:3,6	265:8 266:2,6	310:7,11 311:2	98:2 111:2
211:13,19	267:3,14 268:8	311:10,24	hi 42:6
212:3,14,19	268:10,14,22	312:10,15,20	high 150:15,17
213:2,7 220:14	269:3,14,18,24	312:24 313:10	higher 153:23
220:19 221:4	270:5,21 271:8	313:12 314:4	highlight
221:11,15,18	271:21 272:8	hearings 224:5	172:16
222:3,17,24	272:11 273:8	237:6 247:25	highlighted
223:2,7,10,18	274:14,22	276:15	20:3 131:8
223:21 224:2,8	275:4,15,19,22	hearsay 274:12	167:2 168:16
226:23,24	276:25 277:5	heart 17:20	168:18 178:14
227:4,16 228:3	277:12 278:7	238:23	178:18,22,24
228:6,7,11,16	278:10,11,20	heated 311:25	180:2
228:25 229:4	278:21,23	held 233:9	highlighting
229:11,18	279:4 280:22	308:2	164:21 175:9
230:3,19,22	281:7,11,16,20	help 113:11,15	178:11 180:14
231:12,17,25	282:22 283:7	184:24	180:15,17
232:16,17	289:21 290:2,5	helped 25:20	hill 90:14
233:3,8 234:21	290:8,11,17,21	hemming 57:13	historical 70:22
235:20 237:3,3	290:24 291:19	hendrickson	historically
237:9,15,19,24	292:10,20,24	97:18 99:12,14	54:14
238:7 240:10	293:25 294:9	99:18,19 100:2	history 110:2
241:11 242:9	294:24 295:14	100:9,14,17,20	hold 5:11 66:20
242:19 243:5	295:18,20	100:24 101:8	80:23 87:25
244:19,21	296:5,14	101:15,23	204:2 301:21
246:10 247:10	297:21 298:14	102:4,12,19	holdings 80:6
247:18 249:10	298:17,21,24	103:3,7,13	80:16 84:20
249:18,22	299:12,16,20	104:2,21 115:4	303:18
250:14 251:7	301:4,19 302:6	115:5,11,18	holland 2:22
251:13 253:11	302:13 303:12	116:3,8,15,20	17:19 31:12
253:15 254:11	303:16 304:2	117:5,12,20,22	33:10 40:15
259:15,16	304:11 305:6	117:24 216:22	67:11 73:20
261:13,20,23	305:15,19,24	216:24 217:8	94:23 182:11
262:20 263:12	306:5,11,15	217:11 218:2,6	195:2 198:9

[holland - information]

223:22 holliday 72:21 72:22,24 73:3 73:13 74:2,3 76:16 79:22,25 84:17,19 85:4 85:10 86:4,9 86:15,19,21,25 87:4,13,16 honest 236:15 hopefully 101:12 hoping 165:8 horizontal 74:7 89:25 96:19 97:7 109:5 110:6 125:9,16 125:25 126:6 127:15 156:4 183:23 205:18 house 255:24 hsu 132:20 hubbell 232:8 267:8 269:7,15 270:25 271:5,7 271:11,12 272:14 273:12 279:14 hudson 136:4 185:20 193:7 194:8 196:25 197:22 hump 307:17 hundredth 23:25	hypocritical 279:11 i idea 174:5 175:3 ideal 174:17 ideally 153:10 identical 171:25 identified 51:3 56:21 208:14 220:8 254:20 identifies 18:17 127:17 252:16 identify 239:2 identifying 226:5 239:9 imagine 13:23 imaging 162:15 163:17 immediately 233:12 important 239:5 240:10 251:23 impression 106:16 304:15 improper 232:5 247:6 inadvertently 93:6 inception 256:14,18 include 8:8 26:14,17,20	41:23 51:9 78:12 83:15 85:20 132:12 132:19,25 148:6,11,18 149:22 153:11 153:15 165:3 168:13 170:20 180:5 184:18 190:4 193:17 200:21 205:6,8 210:21 215:2,9 224:14 244:5 280:12 297:25 306:6 309:9 included 4:24 6:16 15:22 18:11,19 25:14 47:14 68:10,12 71:2 72:7 97:14 148:3,16 149:3 153:21 161:18 164:16 178:8 187:19 187:25 195:14 199:7 202:16 202:24 205:23 206:2,5 207:8 234:10 242:4 243:13 244:13 246:20,21 277:24 286:25 305:21 includes 2:13 48:10 61:4,8	97:24 98:3 142:8 152:2 173:15 198:25 288:13 307:23 including 34:14 49:24 54:16 65:12 84:12 106:3 107:6 161:20 191:12 193:15 206:14 282:5 305:2 inclusive 164:22 incorporated 59:13 141:21 144:17 223:17 incorrect 106:4 106:18 174:12 250:10 increase 114:25 independent 288:12 index 256:23 indian 198:25 indicated 110:25 individual 286:18 individuals 21:11 information 70:13 107:6 134:9 169:2 171:6 227:15 233:24,25
--	--	---	--

[information - intervention]

240:9 245:18 257:5 273:11 273:15,22,22 274:12 279:4 280:12 informed 88:22 137:3 initial 38:4 64:19 110:12 initially 32:25 205:5 206:6 input 124:20 192:19 inquiry 262:12 instrument 294:5 insurance 241:20 intact 71:24 integral 262:11 intent 65:11,14 162:21 164:25 307:20 309:25 interaction 145:6 interest 6:13,15 10:19 17:4 21:14 32:17 45:4 79:21 81:2,10,23 89:23 105:4 119:2,17,19 127:18 139:4 142:9,13 155:25 163:5	164:2,7 166:18 166:20 167:3 167:10 168:2,7 168:13,22 169:5,6 170:9 170:12,16,20 170:22 171:24 174:12,21 175:13,17 176:8 177:3,14 178:7,21 179:6 180:23 191:11 192:16 196:18 196:20,21 197:9,11,16 208:22 209:25 209:25 210:8 210:22 213:15 214:9,16 216:9 220:25 224:20 226:6 227:19 228:13 233:17 234:18,23 235:16,23 236:10,21 238:11 239:3,4 239:9,24 241:16 245:6 246:5,13,16 247:8 248:5 249:2,16 250:12,18,20 251:4,11 258:5 259:4,6 262:23 264:3,5,11,18	270:9,19 276:19 277:3 280:3,6,21 285:15,24 289:16 291:4,5 291:8,12 292:5 292:9,13 293:9 293:21 294:13 295:8 296:11 296:16 300:8 300:11 302:2 303:6 304:17 305:5 306:7,25 307:8,9 309:14 interested 61:14 90:18 93:12 102:8 128:14 156:22 287:14 interests 27:15 34:14 45:16,23 46:8,19 47:5 60:17 166:24 167:15 183:5 183:21 190:18 219:5 225:17 226:8 235:2 240:5 252:9 263:7,19 301:25 304:6 306:20 interim 136:21 internally 78:18 179:13	interned 187:8 internet 40:21 145:5,14 interpret 257:17 interpreting 257:24 interrupt 286:13 interrupting 52:9 intersection 131:18 interval 83:19 101:20,21 102:3,23 103:6 105:12 116:12 116:13 117:10 117:17,18 149:23 172:18 172:23 217:22 218:3 219:16 219:24 220:7,9 252:24 intervals 161:6 intervene 234:15 235:8 235:18 236:4 262:23 264:6,9 intervening 234:14 intervention 230:5,16 262:17
--	---	---	---

[introduced - know]

introduced 249:23	j	joining 202:4	kelleghan's 86:7
involve 115:16	j 15:4 36:15	jonathan 14:23	kept 134:12
involved 48:3	64:6 73:9	15:3	keri 40:19
71:3	jackie 41:5	jordan 64:5	59:16 89:18
involves 44:18	59:23 89:10	73:4 89:14	kessler 73:4,5,9
70:7 96:15	138:18 155:16	226:21	89:13,14,17
irregular 8:9	166:15	judgment	120:24
45:8,19 46:2	jackie's 170:24	262:3	key 301:10
46:13,22 47:8	james 137:21	jump 66:21	kind 11:4 21:13
irrelevant	january 61:16	103:8	25:19 37:15,21
240:12 273:23	61:17 62:6	jumped 33:8	38:17 40:3
313:9,17	224:6 254:11	jumping 217:4	58:16 111:17
issuance	263:17 265:8	k	173:11 200:22
176:24	265:10	k 2:9 36:15,15	213:24 244:23
issue 2:24	jean 252:8	40:19 67:18,18	245:2,15 247:7
16:10 121:8	jeffrey 232:8	73:10 77:18	256:16
174:9,11 263:4	jennifer 122:9	82:13 99:20	knew 221:22
266:7,8,10	127:21	137:2 146:12	know 3:6 11:24
293:4 296:2,7	jim 135:15	kaitlyn 67:17	17:24 21:8,10
296:9,22	137:20	223:24	21:15 22:5
issued 39:5	joa 119:3,8	kansas 200:13	25:25 26:3,4
71:18,25 165:2	161:19 162:6	keep 55:8 58:19	27:5 28:9,20
294:15	162:10 163:10	71:24 129:22	29:18 36:3
issues 12:24	165:10,13	143:3,20	38:18,20 54:13
32:16 92:19	176:20,25	167:19 175:18	55:4 56:16
226:19 246:17	177:5 180:7	181:19 182:6	64:8 65:7
262:9,11 265:5	191:8 213:23	303:5	66:13,19,25
266:24 297:7	213:23 291:15	keeping 144:10	67:15 70:22
item 139:12	292:6	201:5	85:17,20 88:4
156:20 203:5	job 26:7	kelleghan	88:17 95:7
213:25	join 36:10	75:14,15,24	102:13 113:8
items 193:19	182:15	82:8,11,21,25	135:19,20
	joined 120:14	83:6,10,17	146:7 150:18
	124:7 137:5	84:6,8	167:23 168:22

[know - left]

169:8 170:5 176:17 182:3 192:13 195:10 198:14 201:11 204:2 215:23 216:2,9 221:20 221:23 229:6 234:23 235:25 238:6,22,22 239:5 240:14 243:21 247:21 251:8,24 255:3 263:23 266:14 267:23 271:12 273:9,20,21 294:2 295:15 295:21 296:6 296:15 300:22 310:16 311:4 knowledge 176:7 281:5 known 239:2 239:24 knows 238:24 303:20 krakouskas 92:20	185:16,16,17 185:17 labeled 101:21 119:20 lack 252:3 laid 228:3 259:11 278:24 lake 125:18,19 126:8,10 131:17 land 9:13 11:3 37:7,9 43:5,8 43:23 44:2,3,8 44:12 47:19,25 48:8 75:22 90:13 108:3 127:7 136:18 139:11 140:21 184:6 186:17 188:3 199:4 201:20 202:10 205:6,7 206:7 255:19 landman 5:25 6:25 12:18 19:13 35:23 36:9 41:14 47:18 49:11 60:8 61:4 63:6 75:13 76:23 77:22 83:9 99:6 103:15 122:4 129:6,8 136:4 137:3 139:8 140:6	150:23 157:13 185:4 200:5,19 212:17 213:5,9 226:21 255:15 255:23 256:2,4 257:21 258:7 276:4 landman's 85:17 150:8,10 153:10 218:8 224:17,22 309:2 lands 60:6 199:2 208:14 248:16 landtech 200:18 lane 126:11 language 257:17,18,24 258:4,24 309:9 large 210:7 lastly 18:22 47:3 48:12 98:5 188:7 late 95:17 202:5 241:11 lateral 7:15 11:11,18 105:19 205:19 latest 9:22 law 15:24 242:8,25 lawyers 266:9	lay 61:2 227:7 275:24 278:13 lc 164:3 lea 96:16 156:6 leading 260:18 lear 232:9,12 232:13 242:7,8 251:22,22 269:7,8 289:5 289:5 308:16 308:16 learned 238:23 238:25 lease 4:15 16:3 18:19 80:25 81:16 256:15 256:16,19 257:10,10 288:21 289:4 leased 21:11 23:11,18 81:4 leaseholds 118:25 leases 256:13 258:22 leasing 26:25 leave 12:21,25 13:17 14:17 55:15 154:10 194:6 236:18 237:2 302:4 leaving 13:10 162:9 left 8:3 162:14 181:9 213:13
l			
l 2:9 3:15 8:25 8:25 40:20 41:8 42:14 67:18,18 73:10 82:12,12,13,13 92:10,10,11,11 99:19 158:6			

[left - looked]

271:9 legal 1:22 121:9 207:8 239:22 254:7 256:21 258:12 287:23 288:13 length 161:5 letter 4:24 13:14 14:20 35:3 52:5 62:2 68:15,16 90:18 137:6 139:12 155:2 156:21 181:23 195:16 195:20 202:19 202:23,24 203:6,20 204:12 209:17 231:14 234:10 236:15,25 242:22 243:13 243:14,18,22 244:12 245:12 245:16,21 246:8,19 247:5 251:21,21 252:2,13,15 253:23 254:2 254:25 258:11 260:17,23 266:23 267:9 267:17 269:15 269:22,25 270:2,4,16 272:16 273:17	282:8 300:21 301:9,12 308:16 letters 61:15 128:12 269:20 letting 229:5 294:14 level 81:7 280:10 light 114:23 likely 133:5 likewise 75:24 limit 84:5 224:25 225:3,4 230:19,21 313:8 limited 104:6 105:6,9 106:9 111:7 224:16 225:14 limiting 110:21 115:17 limits 225:21 225:24 line 7:17 8:14 11:11,20 36:5 41:19 58:12 85:11 92:21 149:13 150:5 156:7 173:10 184:22 195:8 197:2 213:25 216:21 261:15 278:4	lines 56:14 link 5:13 list 12:3 19:21 161:12,18 165:3 168:12 168:20 169:8 169:17 190:23 208:9 210:2,7 210:21 224:10 224:16 229:13 267:24 282:13 291:25 292:13 295:24 307:11 307:23 309:24 listed 25:12 34:18 56:5 170:23 224:19 226:15 234:8 289:10 listing 34:24 170:24,25 lists 204:24 225:4 literally 172:3 little 21:24 27:10 78:25 80:9 109:25 110:9 189:15 254:7 259:9 270:15 279:10 306:16 313:19 llc 1:22 24:18 31:22 67:19 80:7,16 84:20 94:25 95:15	155:17 164:4,5 164:8 198:11 locatable 61:15 locate 66:17 located 74:9 107:15 108:13 130:16 156:9 159:8,12,13 location 145:4 locations 127:13 log 150:14 long 58:8,10 124:4 134:8,11 143:2,5 154:9 194:6,9 201:8 220:16 255:15 269:6 305:14 longer 6:8,11 13:6 16:14 69:21 85:21 176:8 177:12 179:5 206:5,25 218:13 292:18 look 22:23 23:3 25:18 26:13 70:8 71:22 79:19 87:11 130:17 148:21 153:18 214:21 233:11 258:21 258:22,23 273:9 287:11 looked 66:2 233:19 294:4
---	---	--	--

[looked - macha's]

313:11	loud 163:22	306:9 307:4	242:21 243:12
looking 27:12	louder 145:22	310:20 312:21	243:16,20,23
32:18 43:9	low 78:16	312:22	244:7,14,18
50:4,9,9 64:16	lower 78:16	luck's 275:10	245:23 253:3,6
65:20 69:16	86:12 114:24	283:13	253:20,24
85:2,19 100:25	ls 72:25	m	254:4,13,18,23
101:6,19	luck 67:17,18	m 15:5 36:15	255:2,13,14,16
102:21 116:5	69:6 223:24,24	41:8 92:11	255:21,25
130:25 131:7	226:12,17	122:11 158:2	256:6,12
131:10 141:16	227:3,14	199:24	257:11,15,20
149:8 179:17	228:17,23	ma'am 197:24	258:2,6,15
190:15,20	229:10 232:4	273:2,5 276:7	259:7,18,23
192:13 212:17	232:19 233:2	276:12,16,20	260:15 261:2
216:7 217:8,12	238:6 241:3,8	macha 156:13	261:12 265:4
218:25 241:22	242:10 243:6	157:17,22,25	266:4,5,19
247:19 283:17	243:11,17,21	157:25 158:15	267:22 269:5,9
287:3 293:2	244:2,9,16	159:20,25	269:17,21
looks 10:25	245:20 246:9	160:6,25 161:8	270:3 271:14
19:21 20:12	247:14 248:23	161:10,14,15	272:5,10,17,20
67:8 133:3	249:13 250:3	161:22 162:8	273:2,5,10
141:20 149:14	250:17 251:10	162:16,22	274:11,17
184:21 189:9	264:14 266:12	163:19,20	275:9 282:9,11
208:13,16	267:23 268:4	164:11,14,18	283:2,5 285:11
209:14,22	268:18 271:3	165:5,19,23	285:12,19,25
219:14 221:13	272:21 274:19	166:14 168:12	286:7,13,14,17
232:8 243:17	274:21 275:23	168:15 169:19	287:3,9,12,19
244:4 284:9	276:3,8,13,17	170:14,18,22	288:4,16,24
los 156:11	276:21 278:12	171:19 172:6	289:6,19
166:4 205:17	278:21 295:16	181:13,16	290:23 291:2
lose 212:25	295:18 296:3,8	231:9 232:6,10	291:13 292:3
lot 22:22,24	296:22 299:13	232:13,23	300:20 301:3,6
150:11 166:3	299:14,17,18	237:12,16,18	macha's 241:23
lots 8:9 21:4	301:15,20	237:20,23	265:6,17
22:5 45:6	303:11 305:16	238:15 240:25	271:17 308:7
46:11 183:10	305:17,24	241:3 242:3,13	

<p>made 11:24 12:4 127:11 176:11 204:11 207:4 221:25 241:10 242:25 250:21 251:16 271:5 274:2 magic 143:15 154:18 194:14 310:10 mail 58:8 70:11 71:5 76:6 81:25 93:11 mailed 18:24 35:4 98:12 128:13 137:6 188:11 mailing 136:23 mailings 61:13 make 7:9,18 8:4 14:12 21:15 25:7 29:23 71:19 85:21 145:23 150:11 151:3 178:16 179:21 196:25 197:13 210:16 224:18 231:20,23 232:24 240:13 242:17 245:7 247:7 253:14 254:10 255:6 257:7 262:3 266:17 267:21</p>	<p>268:6 281:8,18 298:5 309:4 310:17,20,22 313:17 makes 22:3 164:23 288:22 297:10 making 22:4 164:20,22 276:10 manage 44:6 management 9:14 43:6,8 44:12 136:18 255:19 manner 222:19 267:2 map 50:21 51:3 127:14 128:3 189:15 202:21 282:6 maps 127:23 130:10,24 marathon 40:23 59:17 march 5:2,5 68:17,20 74:15 126:17 127:4 128:13 137:6 137:10 139:13 139:15 156:23 156:24 179:10 188:11,15 195:21,22 202:25 203:3</p>	<p>229:24 230:4 230:10,14 241:24 244:5 247:24 265:12 265:25 270:24 287:5 mark 34:5 36:14 97:17 99:13 214:4 marked 119:8 202:24 marker 107:20 master 286:8 287:6 master's 123:5 123:13,20 187:5 matador 73:20 95:3 match 115:8,8 materially 265:10 matter 28:21 33:2 47:22 60:14 97:22 127:11 278:9 279:5 301:5 matters 90:13 128:21 139:11 156:16 201:20 202:10 311:23 maturation 124:22 mcclure 1:18 4:4,10 5:19,20</p>	<p>5:21 6:6,23 7:14,23 9:17 9:18,25 10:8 10:11,20 11:8 11:14,23 12:16 12:22 13:3 19:10,11,17,18 19:25 20:9,16 20:23 21:20 22:8,13,18 23:4,15,22 24:5,9,15,20,25 25:5,21 26:10 26:18 27:9,21 28:2,14 30:5,6 30:18 35:21,22 37:10,11 38:6 38:22 39:6,11 39:20 40:4 49:9,10,15,16 50:6,14,18,23 51:7,12,19 52:8,15,22 53:3,13,20,24 54:11,22 55:18 56:8,15 57:2 57:11 58:2 62:18,19 63:3 63:4 64:13,14 64:21 65:6,10 66:6 69:11,12 70:14 71:4 72:2,10,15 76:20,21 77:25 78:2,7,13,23</p>
---	---	--	---

[mcclure - mclean]

79:12,18,24	141:14,19,24	191:3,10,16,22	287:8 288:3,23
80:5,11 81:12	142:6,14,17,21	192:10,15	289:8,20 290:6
81:19 82:4	144:5,7 147:7	193:3,11,24	290:19 291:3
83:4,5,12 84:2	147:15,18,22	196:10,11,16	293:3,16
84:7,18 85:7	148:12 149:7	197:7,18	294:10,16
85:12 86:5,10	149:12,20	199:17 203:15	295:2 299:22
86:16,20 91:6	150:7,20	203:17,25	299:25 300:7
91:9,16,22	151:10,15,22	204:9,16 205:2	300:22 302:8
93:25 94:3,8	152:8,16 153:8	205:15 206:10	302:11,15
99:3,4 100:16	153:17 154:5	206:23 207:6	306:22 307:15
100:19 101:5	157:10,11	207:14,19,25	307:16 308:19
101:10,16,24	158:17,23	208:5,12,21,25	309:7,23
102:6,18 103:4	159:6,11 160:2	209:6,21	mcclure's
103:12,24	160:17 161:4,9	210:12,20,25	260:13 295:21
104:16,24	161:16 162:3	211:10,12	mcharge 122:9
105:13,24	162:11,17	212:16 213:4,6	122:10,20,24
106:11,19	163:14,23	213:12 214:6	123:4,10,21,25
107:3,10,21	164:15,24	214:14,23	124:5,11,20
108:7,19	165:16,20	215:8,18 216:5	127:21
109:12,20	166:10 167:7	216:15,23	mclean 41:5,5,7
111:8 112:2,6	167:25 168:11	217:16 218:5	49:4 59:23,23
112:11 113:7	169:12,18	218:17,22	62:14 89:10,10
115:23,24	170:13,19	219:9 220:5,11	89:21 91:3
116:10,16,24	171:13,23	220:15,21,24	92:3 138:18,18
117:8,13,21	172:7,15,21	221:17 222:8	138:21,22,25
118:5,12,19	173:5,12,18,24	222:16,22	139:23 140:9
119:10,18,23	174:10,16	224:9 225:22	140:10 143:2,4
128:18 129:3,4	175:23,24	229:15 238:24	143:14,17,21
130:7,8,23	177:11 178:5	259:21 260:3	144:12 155:14
131:5,12,20	178:10 179:2	274:9 282:4,13	155:16,22,23
132:8,15 133:2	179:11 180:8	282:23 283:4,9	157:6,16,17
133:8,14,19	180:19 181:6	283:21 284:4	163:20 166:17
134:2 135:6	185:2 189:3,4	284:13,25	167:9,12 168:6
138:4,5 140:3	189:14,19,24	285:8,13,22	168:19 169:13
140:4 141:13	190:8,13,22	286:4,12,21	169:15,23

[mclean - motions]

174:5,19,25 175:2,6 176:14 177:16,17 178:9,13 179:7 179:22 180:9 180:12,21 181:4,12,13,17 181:23,24 mean 78:15 85:5 108:15 113:6 143:10 153:10 173:20 176:14 177:23 178:11 202:13 222:6 243:11 250:8 277:16 277:17 283:8 290:3 297:10 meant 20:25 51:8 102:14 118:21 245:17 measured 148:15 meet 38:20 39:19 meeting 36:4 145:18 memorandum 159:21 memory 263:25 mention 62:2 mentioned 109:7 165:17 239:13	mess 311:19 message 36:5 met 262:18 method 226:5 mewbourne 91:13 134:23 135:13,16,24 136:16 138:19 139:2 182:13 183:4,15,17,21 187:9,11 189:21 190:2 190:24 191:4,5 191:7 192:24 195:4,11 mexico 1:3,24 74:11 79:4 86:3 156:10 159:13,22 160:8,14,20,23 161:3 201:15 201:16 mid 143:10 247:24 middle 187:8 233:8 244:21 miguel 120:18 mike 65:19,23 66:4 144:21 mile 109:8 300:9 miles 105:18 mind 57:14 152:17 212:23	mine 98:7 mineral 81:23 209:25 239:3 minerals 1:4 15:20,22,24 22:20 23:17 minimize 37:19 minor 57:16 minute 30:9 111:16 221:16 223:3 minutes 111:19 298:18 miscommuni... 109:23 110:10 302:19 mispronounc... 184:16 misstatement 250:21,25 mistake 251:16 251:17 mistaken 3:20 17:10 155:9 291:7 misunderstan... 302:20 312:18 misunderstood 250:23 300:18 mitch 92:20 mobile 124:6 modified 111:3 moment 66:17 267:7 301:21 303:14	moments 202:4 monday 194:12 197:23 monitoring 32:9 41:2,3,7 59:20,21,25 73:6,12,22,24 89:20 95:19,21 month 3:19 38:8,14 233:9 235:21 months 39:16 124:8 166:9 269:11 moot 294:19 morning 2:20 3:2 42:7,9 59:9 59:10 72:21 73:18 89:13 95:11 135:18 motion 16:23 58:23 64:9 182:4 221:15 223:9 229:24 230:4,9,15,16 230:18 250:8 264:8 274:4 289:24 290:4 308:15 312:25 313:3,6 motions 229:22 230:21,23,25 236:17 245:16 299:24 308:4 313:8
---	--	---	--

[move - non]

move 59:4 61:20 66:13,14 85:14 88:8 103:15 134:23 137:14 177:6 182:2 194:21 232:23 276:23 299:10 moving 17:15 31:8 40:10 58:20 66:12 67:6 72:19 89:8 92:5 94:19 125:23 133:16 170:14 175:11 177:25 198:5 muffled 103:20 multiunit 205:18 mute 268:23 306:10 muted 30:19 157:24	185:21,21 name 2:7,8,12 3:15,16 8:22 8:25 15:2 31:24 36:13 40:20 41:19 42:11,14 54:24 62:24 64:3,6 73:8,10 77:16 82:10,11,12 92:11 99:15,16 99:18 129:11 137:19 140:8 140:23 141:2 146:9,10,12 152:20 157:23 185:13,16,21 199:21,23 202:2 names 4:13 natural 1:4 navajo 208:24 necessary 290:7 292:19 necessity 104:12 need 12:6 17:9 26:3 29:3 40:2 51:23 58:22 72:4 78:24 79:6 84:17,21 87:5 101:3 107:5 111:3 132:18 133:9 133:22 134:25	136:8 145:22 152:10 153:2 165:12 175:15 176:18 177:4 177:22,24 180:4 193:9 205:13 207:4 211:9 218:12 220:6 222:18 229:6 239:25 247:4 267:16 268:15,16,23 280:23 282:20 292:8 299:23 305:7 309:21 314:2 needed 3:20 33:24 69:21 131:22 192:25 needs 7:4 12:14 38:21 106:8 137:14 250:10 251:2,24 282:15 negotiations 161:24 negotiator 43:24 44:2,3 neighboring 38:11,24 39:8 neither 91:23 net 28:4 nets 21:15 neutral 271:23	never 121:22 167:18 262:22 269:21 302:12 new 1:3,24 2:9 29:11 34:22 74:10 79:3 86:3 156:10 159:13,22 160:8,14,20,23 161:3 165:4 168:4,7,13 170:8,20,22 171:11,24 172:4 174:21 178:6 179:19 196:21 201:14 201:16 205:18 261:19 265:23 265:24 315:4 newbourne 89:11 newly 141:20 196:17 197:9 nice 212:6 221:12 nine 158:21 251:3 255:16 255:17 257:22 nodding 193:7 non 7:10 8:4 44:7 67:19 125:9,11,16,25 126:6 127:14 136:10 183:14 200:25 240:7
n			
n 2:9 3:16 8:25 9:2 15:4,4,5 31:20,21,21 32:3 41:8 42:15 64:6 67:18 73:9 77:18 82:13 99:20,20 141:2 141:2 146:11 185:16,17,21			

[non - oath]

<p>249:16 normally 160:13 north 60:20,21 60:22 125:13 125:13 126:3,4 204:24 208:18 226:8,9,10 230:7 233:19 234:4,5 235:12 235:17 236:22 246:2,2 247:2 247:13 249:3,4 249:7,8,9,17 250:6 251:5 256:10 264:13 264:19 265:19 270:10 285:16 285:17 286:20 287:22 291:23 295:4,4,25 298:2 300:4,4 300:5,9,10 302:24 304:4,4 304:19,20,21 305:3,22,22 306:21 307:2,3 northeast 248:5,7,8,8,10 283:25 285:17 285:21 287:14 288:5,10 289:17 302:24 303:21,23 304:9,23,23,24</p>	<p>northwest 1:23 60:20 248:6,9 248:11 252:19 252:21,21 263:23 270:10 284:2 285:21 287:16,22 288:7,11 289:18 291:5 303:22,24 304:10,25 305:2 notary 315:2 notates 108:5 note 20:17,20 20:25 55:12 71:19 201:14 203:23 312:12 noted 34:11 notes 5:7 10:24 20:13 62:22 69:25 70:9 71:11,22 74:12 79:20 91:18 147:9,14 153:18 315:6 notice 4:7,8,14 4:22 5:3,3 18:23 19:2 35:2 44:21 48:13,14,18 61:12,13,15,16 68:5,12,19 76:3,5 80:14 80:14 81:7</p>	<p>84:13,19,21 86:25 87:6 89:5 90:17 92:25 93:4,7 93:10 98:7,11 98:14 121:11 126:25 128:11 128:12 139:11 139:12,14 156:20,21 165:15,22 166:13,22 167:17,21 168:5 169:13 170:2,4,4,10 171:2 174:9,11 174:20,23 188:9,10,13 195:18,21 202:22 203:2 207:12 209:16 209:18 210:8 226:3 239:23 241:11 248:18 250:19 252:5 252:10 294:22 295:5,7,12 297:8,16,19,20 noticed 171:4 177:8 209:23 notices 296:25 notification 81:22 notified 136:24</p>	<p>novo 297:14 nsp 183:16 184:10,10 188:2 number 2:18 17:9 45:15 46:7,18 47:4 59:4 67:6 69:25 70:10 71:13 74:13 88:8 96:17 97:4 120:13 125:23 126:12 126:20 136:2 138:14 144:3 147:10 155:12 183:16,20 209:22 225:7 252:13,15 262:10 280:2 306:20 310:16 numbers 139:19 154:2,3 182:7 numerical 153:4</p>
o			
<p>o 8:25 15:4,5 64:6 73:9 77:18 99:19,20 137:2 185:16 185:21,21 oath 19:16 49:14 99:24 151:8 228:22</p>			

[oath - okay]

<p>237:22 275:5</p> <p>object 120:25</p> <p>232:15 242:21</p> <p>242:21 246:11</p> <p>261:14 277:16</p> <p>278:4 279:2</p> <p>299:9 301:16</p> <p>305:14</p> <p>objected 238:4</p> <p>objecting</p> <p>261:21</p> <p>objection 32:6</p> <p>32:8,25 33:3</p> <p>35:17 40:25</p> <p>49:4 67:20</p> <p>75:9 232:24</p> <p>238:3 240:16</p> <p>241:2,4 253:5</p> <p>276:2 278:18</p> <p>279:21 299:17</p> <p>299:18 305:17</p> <p>307:6 310:22</p> <p>313:17</p> <p>objections</p> <p>35:13,14,16</p> <p>44:22 49:3</p> <p>62:13 69:3,6</p> <p>76:17 91:4</p> <p>93:20 98:24</p> <p>128:24 137:24</p> <p>139:24 157:7</p> <p>188:24 196:6,7</p> <p>203:12 240:13</p> <p>240:22 281:24</p> <p>310:20</p>	<p>observes</p> <p>250:12</p> <p>observing</p> <p>67:21</p> <p>obtained 16:2</p> <p>obvious 313:7</p> <p>obviously</p> <p>160:7 171:10</p> <p>175:5 244:22</p> <p>295:13</p> <p>occidental</p> <p>43:18,21</p> <p>289:14</p> <p>occlusion 11:21</p> <p>occur 147:20</p> <p>151:18 173:13</p> <p>173:14</p> <p>ocd 2:5 135:3</p> <p>270:20 276:5</p> <p>280:11</p> <p>odd 23:24</p> <p>offer 18:19</p> <p>195:15 292:5</p> <p>offered 239:18</p> <p>306:18 313:19</p> <p>offers 4:16</p> <p>office 2:22</p> <p>17:19 31:12</p> <p>33:10 40:15</p> <p>66:18 67:11</p> <p>73:19 182:11</p> <p>195:2 198:9</p> <p>205:7 206:8</p> <p>223:22 244:10</p>	<p>officer 66:22</p> <p>67:5 73:7</p> <p>offices 94:23</p> <p>offset 38:19</p> <p>235:10,11</p> <p>241:13 248:19</p> <p>294:22 295:6</p> <p>297:2</p> <p>offsetting</p> <p>235:19</p> <p>oh 10:10 56:10</p> <p>124:14 169:23</p> <p>209:9 299:14</p> <p>oil 1:6 2:5</p> <p>34:16 40:23</p> <p>59:17 89:11</p> <p>135:13,24</p> <p>136:25 138:14</p> <p>182:13 187:9</p> <p>190:24 191:5</p> <p>195:4 238:18</p> <p>238:19 288:21</p> <p>okay 6:24 7:21</p> <p>8:6 12:5,21</p> <p>14:8,16 17:7</p> <p>22:9 24:10</p> <p>26:11 30:11,12</p> <p>31:5 37:9 44:2</p> <p>44:10 50:7,22</p> <p>53:4,23 58:3</p> <p>69:3 72:3 82:8</p> <p>84:8 85:10</p> <p>87:10 88:4</p> <p>91:17 96:6</p> <p>99:14 101:8</p>	<p>104:21 114:11</p> <p>117:14,22</p> <p>120:9 124:14</p> <p>124:25 134:3</p> <p>141:18 142:16</p> <p>145:8 146:3</p> <p>147:23 151:7</p> <p>152:9 153:16</p> <p>154:24 160:18</p> <p>162:4 163:21</p> <p>177:12 181:7</p> <p>181:17 190:9</p> <p>190:12 191:17</p> <p>193:6,12</p> <p>197:17,25</p> <p>201:8,25</p> <p>205:16 206:24</p> <p>207:20 208:11</p> <p>211:20 212:4</p> <p>213:3 216:13</p> <p>219:6 220:10</p> <p>222:23 227:14</p> <p>228:23 229:9</p> <p>231:13,18</p> <p>232:25 233:2</p> <p>237:23 246:9</p> <p>253:19 258:17</p> <p>258:21 261:3</p> <p>264:9,13</p> <p>266:16 267:8</p> <p>268:3 281:12</p> <p>282:10 290:3</p> <p>293:16,22</p> <p>302:7 305:16</p> <p>307:14 310:12</p>
--	--	--	---

<p>311:9 312:25 omega 164:4 once 66:19 71:18 81:8,16 194:19 215:2 ones 20:5 114:21 163:9 op 44:7 67:19 200:25 open 13:10,18 14:18 134:13 143:3 144:11 154:10 162:10 181:9,19 194:7 195:12 220:17 271:9 opening 18:6,6 231:21 232:22 operated 201:2 operating 31:22 40:22 41:6 89:19 94:25 95:15 120:19 193:13 operation 243:15 operations 135:25 200:24 operator 39:8 131:14 132:11 155:19 291:10 opinion 231:14 232:7,14 234:10 236:14 236:25 242:22</p>	<p>243:14 244:12 244:17 245:2 245:20 247:5 251:21 252:2 253:22 254:2 254:25 257:7 258:11 260:17 260:23 266:23 269:19,22 270:7 272:16 273:17,18 282:8 300:21 301:21 308:15 opinions 244:15 269:10 opportunities 162:9 opportunity 124:21 242:12 242:15 243:3,7 253:8 268:5,17 268:20 272:5 274:17 278:13 278:25 306:19 order 2:16 18:7 18:12 20:6 29:9,12 39:19 60:16 69:24 70:6,9 71:14 71:17,18,25 72:6,8 89:22 94:5 111:12 136:2,6,7,9,21 165:2,8 166:21 167:4,9 168:8</p>	<p>176:25 179:15 179:20 183:16 183:16 188:2 239:14 240:2 256:25 266:24 274:10 294:15 311:8 orders 34:4 37:17 38:9 39:5 69:20 70:18 71:3,12 71:21 110:3 139:2 222:3,14 222:18 238:21 239:2 orientation 61:2 original 34:3 71:13 136:6 167:5 168:9 209:16 297:2 originally 75:8 80:19 112:12 132:24 175:19 177:7,8 203:24 234:12 outline 123:8 127:16 131:19 outlined 131:18 outlines 68:6 outside 27:19 142:11 278:6 278:19 284:23 290:4 293:9 304:3,13</p>	<p>overall 197:11 216:3,9 overlaid 189:15 overlap 48:3 overlapping 184:4 overlaps 44:21 48:5 69:20 override 210:18 overrides 68:11 210:10 overrule 240:17 overruling 281:25 oversaw 308:8 oversee 272:23 oversight 34:21 272:6 own 21:14 57:14 112:25 166:18 179:5 234:19 236:20 241:12 259:3,5 278:2 280:4,19 285:15 286:10 291:8,22 293:8 owned 21:16 21:18 23:10,12 23:18 52:25 227:19 owner 80:20,21 81:24 167:4 168:7 170:12</p>
---	--	--	--

[owner - particularly]

171:5 172:5 291:12 294:23 295:6,8 307:8 307:9 owners 61:14 127:18 139:4 142:9,13 165:4 168:14 170:16 170:21,23 171:25 174:22 175:13,17 176:9 177:3 178:7,22 179:4 179:18,19 196:21 209:25 210:2,18,22 213:15 214:17 239:3,4,10 240:6,7 ownership 17:4 61:5 107:17 108:25 110:16 118:10 119:6 141:16 143:24 171:9 225:15 226:3 238:11 239:12,17 250:18,20 251:11 252:12 256:5,9 258:11 258:25 259:2 259:13 261:6 262:9,18,22 263:7,9,12,19 263:22 264:2	266:23 277:3 284:8,17 288:20 297:5 301:25 302:2 302:23 306:25 owning 10:19 owns 166:23 245:6 246:4,16 248:2 249:15 251:3 285:24 oxy 31:13 33:13 40:11,16 45:3,15,22 46:8,18 47:4 53:2 110:17 160:10,11 218:21	207:10 226:2 226:14 241:25 274:8 275:10 278:16 286:25 287:4 307:21 packets 4:17 33:23 47:23 90:7 187:19 308:3 page 9:21 10:22 11:5 19:22 20:11,11 50:19 56:3 64:18 68:6 79:19,23 80:3 100:23 104:20 118:6,8 130:11 130:25 141:17 143:25 158:20 161:13 162:14 167:3 170:14 172:11 177:10 178:25 180:13 190:16 203:23 204:3,5,6,7,7 204:22 208:8 213:17 214:15 217:6,9 225:25 247:16,22 251:6,12 252:19,21 264:17 277:10 277:11 282:7 283:18 286:22 287:5,9 293:3	313:21 paper 53:16 paragraph 7:4 9:20 10:7 12:24 64:17 104:18 158:21 225:5 parent 37:20 parenthesis 85:22 part 24:21 27:22,25 34:21 38:24 64:19 79:4 121:7 145:11 200:23 204:10 226:3 259:24 263:18 263:20 270:7 270:11,23 282:5 288:20 288:21 289:4 294:21 participate 191:9 participating 240:6 participation 239:18 particular 7:20 18:5 110:22 114:18 117:11 233:7 271:23 particularly 175:8
	<p style="text-align: center;">p</p>		
	p 3:15 42:15 92:11 146:11 p.m. 298:25 pace 28:24 pack 194:20 packet 9:22 12:15 13:5,12 14:20 29:22 32:15 52:5 57:17 76:2 93:6,7,16 106:2 126:16 126:20 144:2 148:17 155:2 156:12 171:16 175:7 178:2 180:18 204:3		

[parties - permian]

<p>parties 2:17 3:8 4:9,11 6:12,16 6:19,21 10:4 16:23 17:23 18:8,8,17,20,23 29:11 32:25 34:22,22,25 41:11 67:14 68:9,17 88:16 88:24 89:12 90:18 92:13 93:12 95:6 105:11 118:23 119:2 120:22 128:15 135:19 136:23 137:4 137:10 138:21 142:12 156:22 164:17 165:9 168:13,20 169:8,17 171:2 178:18 180:2,6 191:8,21 195:13 198:13 213:20 214:3 215:16 216:11 219:4 224:12 231:3 238:17 239:24 240:12 240:18,22 270:18 271:3 277:20 279:11 282:14 294:12 312:19 313:15</p>	<p>partners 31:18 200:25 party 3:12 15:7 16:14 73:15 163:11 165:3 167:5 168:10 176:22 235:10 235:19 256:24 262:14 271:18 291:10 299:11 pass 310:19 past 117:6 166:8 201:4 paul 31:11 paula 2:21 3:6 3:15 17:18 33:9 40:14 67:10 73:19 94:22 182:10 194:25 198:8 223:21 paula's 245:13 pause 288:8 pausing 212:23 paying 221:10 payne 41:19 42:4,6,13,14,24 43:5,12,17,23 44:5 47:18 49:13,19,25 50:12,17,22 51:6,11,16,20 52:12,14,16,19 52:25 53:4 58:7,14</p>	<p>payne's 47:24 55:5 57:23 payout 227:20 227:21 pen 53:16 penalty 9:5 36:21 42:20 63:21 77:10 82:17 100:5 122:16 129:24 141:6 146:17 158:11 186:8 239:21 pending 297:9 298:11,12 people 167:16 177:10 178:24 209:22 239:19 percent 53:2 142:4 196:19 197:10 213:21 214:19 215:6 248:3 288:2 289:15 293:13 percentage 119:12 142:2 171:24 214:2 215:2,24 216:3 226:8 284:7 percentages 143:25 214:18 perfect 4:23 40:8 60:3 67:24 68:5 72:9 92:2</p>	<p>144:11 157:20 187:14 perfected 87:2 241:16 260:20 perfecting 4:7 period 170:7 266:16 perjury 9:5 36:21 42:20 63:22 77:10 82:17 100:5 122:16 129:24 141:6 146:17 158:11 186:8 permian 2:18 2:23 4:15 6:9 6:22 10:3,12 12:10,13 15:9 15:19 16:19 17:16,21 20:5 21:18 22:19 23:5,11,12,18 23:19 26:19 29:17 32:12 33:11 34:9,11 34:23 38:7 39:7,7,13 40:23 59:17,24 89:19 94:19,24 95:25 96:18 97:6 102:8 103:5 105:3 110:20 117:3 120:19 155:12 155:17,18</p>
---	--	--	---

[permian - pool]

160:3 162:4 164:13 176:2 177:12 179:3 219:17 223:23 230:4 233:10 233:12 236:7 244:16 246:22 252:4,11 255:10 260:10 261:9 276:11 285:14,23 289:14 291:9 292:5 294:11 295:22 302:16 306:3 309:15 311:13 312:5 312:13 permian's 164:25 218:10 230:15 241:12 244:10 296:18 313:6 permission 297:15 permit 136:17 permitted 132:24 240:11 person 19:21 122:8 141:20 161:12,21 168:9 184:25 214:9 307:22 personally 244:24	persons 20:2,4 26:22 118:13 161:17 176:5 178:6 214:11 295:24 309:24 pertains 293:14 petroleum 9:13 43:5 44:12 59:5,12 60:15 90:13,16 123:2 139:10 144:16 147:4 156:15 156:19 200:4 201:20 202:9 223:16 phone 30:22 112:3 145:13 146:4 phonetic 209:15 physically 117:7 pick 31:4 271:10 piece 304:4 pierce 54:5 place 29:9,12 165:11 167:9 171:6 237:6 304:15 308:25 plan 11:17 70:5 planned 176:2 planning 39:18 124:23 160:3	plans 114:20 pleading 251:2 please 6:5 8:23 17:17 18:3 20:24 21:22 31:2,10 33:20 36:20 40:13 41:11 53:10 59:7 63:18 64:4 67:9 73:13 77:7 88:12 94:21 100:2 113:21 119:24 120:17 122:14 129:12 135:22 138:17 138:24 140:24 141:4 146:14 152:15 153:14 155:21 157:22 157:24 158:8 163:15 181:22 185:14 186:5 187:17 196:15 199:20 204:18 204:18 223:13 237:17 241:6 253:10,12 274:24 286:5 286:23 298:20 308:16 309:10 310:13,14,16 310:19 311:3 plenty 268:4	plot 11:3 57:6 plowing 182:6 point 7:13 12:14 25:8 26:11 29:8 34:8 81:2 130:16 170:25 205:13 211:24 215:4 225:3 232:21 235:5 236:13 242:11 245:13 247:16 250:2,5 268:25 271:17 273:24 279:10,20,25 280:19 281:9 281:23 282:15 294:19 301:17 308:24 311:15 points 8:2 poker 125:18 125:19 126:8,9 126:11 131:17 pool 10:12 18:7 19:20 23:5,7,9 23:14 27:3 29:10 45:4,16 45:23 46:8,19 47:4,13 49:22 53:17,21,25 54:10,21 55:14 64:23 65:11 74:4,19,25 78:4,9 79:2 80:6,20 85:3
---	--	--	---

[pool - present]

88:25 96:2,18 97:3,12,12 103:6 105:3 115:12,17 117:4 147:24 148:9 151:24 152:4,18 155:24 156:9 161:12 162:5 165:3 166:25 167:24 168:9 175:15,19,20 176:18 177:13 179:4,9,14,25 183:4,21 184:2 195:12 213:20 217:25 218:3 218:10 219:18 219:25,25 236:8 260:12 261:9 280:16 280:17 292:9 292:12 302:17 306:19 307:22 309:24 pooled 6:9,11 34:25 70:4 81:16 101:21 102:3,22 116:13 117:18 136:9 148:6 149:23 160:9 164:13,17 168:12,20 169:8,17	172:24 176:5 176:21 177:22 178:18 179:19 214:4 217:22 219:16 220:7 239:20 240:5 262:15 291:6 294:12 295:24 296:11 299:9 299:11 300:9 306:2,7 307:7 pooling 2:19 4:13 6:19,22 10:4,16 18:16 18:18 20:6 26:21 29:9,11 29:12 34:3,18 34:20 38:25 45:12 46:16 47:16 48:4 55:9 60:16 67:8 68:7,13 75:5 83:25 85:8 90:9 97:6 110:3,12,12,19 110:21,24 111:5 113:23 142:12 160:7 164:6,9 165:14 166:19,21 167:6,13 168:8 168:17 169:4 175:11,14 177:7 187:21 195:15 224:13	238:20,25 239:7,8 240:2 243:2 277:21 291:25 297:12 299:5 300:13 300:14 303:8 305:4,13 309:5 309:21 311:13 311:14 pools 53:15 57:23 133:23 portion 21:8,10 44:23 45:13 105:19,21 109:9 156:9 206:9,22 261:9 297:4 portions 104:11 248:15 248:15 position 43:22 249:20,25 271:21,24 positions 303:3 possibility 263:3 possible 29:18 41:18 293:17 301:14 303:18 306:25 possibly 80:12 293:11 potential 61:10 252:12 295:7	potentially 189:9 214:10 284:11 294:21 304:17 power 313:13 powered 172:17 powerpoint 100:25 162:23 163:12 217:13 powers 238:19 practice 272:23 pre 74:23 314:3 precaution 292:14 predates 15:21 predecessor 164:18 preferable 296:4 prefers 307:5 prepare 275:11 276:13 prepared 128:4 128:6 226:25 271:18 275:20 276:25 305:11 307:10 preparing 133:20 231:8 prerogative 111:15 297:22 present 33:19 41:11 43:20 44:16 92:14
--	--	---	--

[present - provided]

<p>96:11,13 121:17 182:23 198:18 231:19 259:14 295:11 presented 68:3 110:18 114:5 114:12 148:22 238:6 244:20 presenting 202:12 214:25 preserve 297:17 preserving 67:22 pretty 21:7 28:23 166:2,8 210:7 228:12 251:17 prevent 28:15 previous 70:19 71:2 179:4 previously 3:11 4:9 5:14 9:11 18:6,14 21:19 34:5 37:5 41:16 47:20 68:3 70:4 75:15 77:21 82:23 90:11,15 97:19 100:12 110:18 127:8 136:5 139:9 146:23 156:14 156:18 184:13 185:23 186:4</p>	<p>199:11 219:22 253:21 300:8 primarily 63:6 prior 15:12,15 20:13 62:22 71:12 91:19 121:7 probably 6:24 8:14 26:6 65:19 66:4 70:15 130:15 150:15,16 210:5 269:10 problem 13:15 145:16 193:23 273:16,25 308:18 311:5 problems 113:12 proceed 18:3 73:13 121:4 135:22 138:24 155:21 174:3,8 174:15 187:17 246:18 297:24 proceeding 176:13 232:15 proceedings 1:11 2:1 292:18 314:8 process 163:5 256:8,11 257:9 produce 50:5 125:21 126:14 253:5 269:15</p>	<p>produced 269:19 producing 205:20 263:17 production 40:22 74:18 92:5 159:3,15 productivity 114:25 proffered 297:20 project 220:4 pronged 37:16 proper 228:2 239:23 241:13 property 15:16 15:18,19,23,24 258:19 proposal 80:22 299:15 proposals 61:6 81:8 propose 227:24 230:25 305:13 proposed 11:12 48:6 122:2 125:16 126:6 126:25 127:19 127:24 132:20 133:6,21 207:2 208:10 226:4 228:14 248:3 261:8 277:4 281:3</p>	<p>proposing 133:10 306:6 proposition 175:6 prospect 124:22 protect 16:24 240:4 262:25 311:19 protocol 294:22 proven 291:14 provide 27:14 58:13 70:21 84:21 93:4 109:21 118:20 134:9 135:5 142:7 153:23 164:10 166:12 168:25 174:20 181:22 203:7 211:15 225:9 225:12 234:25 252:5,5 271:25 272:3,13,24 provided 4:14 12:17 34:2 44:21 68:11 70:25 75:13 80:14,15 92:21 134:25 165:21 166:16 168:5 169:13 170:2,4 170:5,10 209:18 210:7</p>
--	---	--	--

[provided - questions]

233:22 234:2,9 236:14 241:11 245:13 248:18 258:12 260:16 264:20 279:15 286:6 287:18 294:22 295:5 296:25 provides 61:12 75:21,24 240:3 260:18 providing 5:8 211:23 226:6 proximity 7:19 11:21 46:6 47:12 public 252:7,10 315:3 publication 5:4 19:2 35:3 48:19 62:3 68:19 90:20 93:14 98:14 128:16 137:8 139:14 156:24 188:13 195:21 203:2 publications 61:13 published 5:5 19:3 35:6 48:20 61:17 68:20 76:8 98:15 137:9 188:14	pull 101:2 104:22 139:3 162:22 163:12 207:21 208:7 265:8 pulled 9:24 71:11 163:24 pulling 33:22 89:22 297:4 purely 245:17 purple 126:14 183:25 purpose 136:14 170:24,25 246:12 278:6 purposes 241:19 276:14 276:25 pursuant 306:4 pursuing 306:3 pushing 38:4 put 9:16 25:20 130:6 146:3 148:8 162:14 168:25 171:16 206:6 227:24 235:5,25 236:13 257:6 puts 190:2 putting 21:3 189:21	qualified 9:12 41:22 44:11 47:19 100:12 129:16 140:15 146:23 185:24 186:4 187:14 200:3 202:8 232:10 276:4 quarter 11:11 11:11,19,20 60:21 90:2 208:17 225:11 225:11 248:5,6 248:7,8,9,9,10 248:11,11 252:18 283:25 284:2 285:18 285:21 287:15 287:16,17 288:6,6,10,11 288:11 289:3 289:17,18,18 302:25 303:21 303:23,24 304:9,10,23,24 304:25,25 305:2 queen 90:6 question 7:6 39:14 52:11 55:5 69:14 80:13 81:20 83:13 99:7 101:13 102:17 104:23 107:20	107:22 112:7 131:6 134:24 150:22 157:13 172:8 190:10 209:11,12 214:24 216:18 216:25 221:19 251:15 254:8 258:16 260:22 264:2 280:25 288:8 290:16 292:21 293:8 302:9 306:14 questioned 216:16 questioning 112:15,22 113:2 117:23 117:25 213:14 261:15 267:22 278:4 questions 5:24 12:10 19:5,13 35:7,23 39:23 48:21 49:11 51:22 53:7 61:24 62:21 63:5 66:9 68:21 75:19 76:11,22 79:6 84:9 91:7,24 92:22 94:2,10 98:18 99:6 100:18 109:15 111:13 112:17
	q		
	qualifications 127:10 147:6		

[questions - record]

113:6,11,14 115:3 128:18 129:5 134:4 138:7 139:16 140:5 142:22 152:10 174:2 184:25 185:3 188:17,21 191:25 196:10 196:13 199:15 203:15 209:9 211:4 213:4 217:2 242:16 262:2 264:22 269:6 272:6,12 275:24 276:22 281:12 282:11 282:14 283:3 283:10,15 285:9 289:25 290:4,13,18 291:17 300:20 300:23 301:2,6 301:24 305:8 quick 5:24 58:13 69:13 85:5 99:6 134:25 162:23 215:15 221:19 298:8 quickly 202:15 quit 190:4 quite 50:12 172:2 225:23 257:22	r r 9:2 32:3 36:15 40:19 64:6 71:14,17 73:9 73:10 77:19 92:11 99:20 122:11 129:14 137:21 141:2 146:12 158:2,6 158:6 185:21 199:23 r22195a 139:3 r23233 136:2 r2818 139:3 r2819 139:3 rab 34:17 raffaello 202:3 railroads 22:21 raise 9:4 36:19 42:5,18 63:18 77:7 82:15 100:2 122:13 141:4 146:14 158:8 186:5 294:17 raised 129:21 rakens 98:8 range 44:19 90:4 96:16 125:15 126:5 156:5 183:9,13 204:24 248:12 ranging 74:10 rankin 209:15	rather 96:2 102:3 111:5 117:17 133:5 191:17 193:19 219:24 294:23 295:6 309:8 reach 88:23 259:2,5 reached 68:8 165:12 reaching 87:25 read 32:19 33:11 34:9 154:3 163:22 163:24 177:19 229:13 252:17 257:9,12 289:13 291:4 reading 206:11 249:11 257:23 259:12 ready 53:19 66:13,14 82:6 188:20 real 52:12 162:23 209:13 realize 155:8 245:14 really 85:5 134:24 201:10 201:12 242:2 reason 38:3 49:20 74:16 75:7 79:13 114:18 136:15	176:15 227:22 234:9 237:25 274:7 278:5 280:11 293:18 294:6 308:23 reasonable 143:11 reasons 313:7 rebuttal 238:5 238:9 recall 144:13 169:22 213:8 213:16 216:16 260:3 receive 14:19 52:4 310:23 received 44:22 80:22 81:9,10 93:13 165:14 187:2 273:12 recently 124:7 168:22 recess 36:8 66:23 120:5 155:10 194:17 298:8 recognized 75:16 79:2 121:23 125:2 201:19 239:14 recognizing 81:9 record 3:18 8:22 13:10,18 17:14 30:15
---	---	--	---

31:7 36:13 40:9 42:12 47:22 48:24 52:4 58:19 59:2 60:14 61:21 64:4 68:24 74:13 77:17 82:10 87:18 89:7 90:24 97:22 98:20 99:17 111:19,24 127:11 128:20 131:14,23 132:6,12 133:4 134:13 135:12 137:19 139:18 140:24 143:3 143:22 144:11 146:9 154:10 155:6 157:2,23 162:13 181:9 181:19 185:13 188:20 194:6 198:3 199:21 212:5 220:17 236:20 239:25 252:11 256:17 280:5 284:11 296:7 298:22 299:2,8 301:13 305:12 314:6 recorded 252:3 252:6	redo 180:13 redundant 313:15 reed 252:8 refer 219:23 248:22 reference 33:23 51:5 54:7,10 64:22 69:19 70:10 71:6 79:20 86:17 105:3 107:6,16 115:6 116:12 118:14 130:16 132:11 158:24 161:5 164:21 169:9 173:19 217:21 219:14 222:2 224:18 224:24 225:2 241:25 246:22 260:9 298:11 referenced 6:17 18:9 34:15 57:23 70:18 106:13 108:4 109:3 192:12 214:8 286:15 references 283:24 referencing 65:4 116:4 149:18 172:19 189:12 191:4,6 203:21 286:18	286:24 287:25 referring 20:14 20:20 21:21 25:8 38:23 54:21 103:2 116:14 118:16 159:4 169:20 170:17 173:9 190:19,25 208:15 284:16 300:3 reflect 251:3 reflected 250:24 reflecting 127:13 refreshing 212:7 reg 164:7,11 165:11 171:11 regard 85:23 219:3 283:11 regarding 83:7 192:4 203:6,8 224:24 230:12 243:2,14 247:5 272:6 regardless 15:12 149:21 165:10 regards 81:22 84:19,23 107:11 142:19 192:16 215:21 216:25 219:2	219:11 279:23 289:21 regi 169:13,15 region 7:20 173:14 regular 2:4 221:14 regulatory 58:15 relate 246:23 related 121:19 123:14 124:10 297:19 relating 297:15 relation 48:6 127:15 relationship 243:25 relatively 119:17 159:14 197:12 258:2 release 162:15 relevance 240:15,17 261:20,22 relevancy 240:13 relevant 240:9 252:25 265:2 267:18 273:24 313:13 reliability 267:20 273:15 reliable 267:18 313:14
--	--	--	---

[rely - resubmission]

<p>rely 265:16</p> <p>relying 249:19 250:2,16</p> <p>remainder 75:6</p> <p>remaining 214:3</p> <p>remember 216:19 254:9 259:24 292:11 293:22</p> <p>remind 19:15 49:14 151:7 237:21 275:5 311:15</p> <p>remove 180:14 180:15,16 206:21 224:23 308:17</p> <p>removed 20:18 190:5 205:5,8 206:9 207:12 207:16</p> <p>removing 175:9 206:20 207:5</p> <p>reopen 139:2 175:15 176:22 177:4,24 180:5</p> <p>repeat 53:11 258:16</p> <p>repeatedly 234:20 235:13 280:5</p> <p>repeating 242:10</p>	<p>rephrase 293:7</p> <p>replace 70:5 171:20 172:3</p> <p>report 256:9 258:25 259:2</p> <p>reported 1:21</p> <p>reporter 2:8,10 2:13 3:14 31:25 73:8</p> <p>reports 256:5 259:13</p> <p>represent 102:14 213:21</p> <p>representation 117:2 250:7</p> <p>representative 217:23</p> <p>represented 7:16 286:2</p> <p>representing 95:3 102:7 118:9 120:19 135:16</p> <p>represents 11:10 117:16 218:8,9</p> <p>repropose 176:23</p> <p>request 11:25 19:5 71:16 76:11 86:22 136:15 153:20 192:19 230:3 244:17 246:7 260:14 269:16</p>	<p>296:9 308:21</p> <p>requested 6:9 83:14 121:11 164:12 240:23</p> <p>requesting 10:12 12:10 20:5 29:10 49:21 125:7 155:18 172:24 177:13 217:24 218:10 219:18 259:22</p> <p>requests 12:3 84:11 308:11</p> <p>required 27:13 48:11 97:25 98:3 167:22 170:5,11 188:6 211:15</p> <p>requirement 258:13</p> <p>requirements 48:2</p> <p>requires 239:22</p> <p>research 238:17 294:3</p> <p>resolution 153:23</p> <p>resolved 33:2</p> <p>resolves 174:2</p> <p>resources 1:4 2:19 10:14 14:24 17:16 21:18 23:12,13</p>	<p>24:17 32:13 33:11 59:24 73:5 89:15 94:19,24 136:25 155:12 155:19 198:6 198:11 200:16 202:6</p> <p>respect 16:22 32:16 265:12 297:8</p> <p>respectfully 128:10 242:20</p> <p>respectively 128:14</p> <p>respond 16:8 71:8 241:9</p> <p>responded 233:20</p> <p>responding 266:21</p> <p>response 80:12 210:14 230:11 230:15,20 235:6</p> <p>responses 66:11 111:12</p> <p>responsibilities 124:18 201:13</p> <p>rest 13:4 207:15 209:3</p> <p>restate 197:5 306:14</p> <p>resubmission 225:25</p>
---	--	---	---

resubmit 178:23 180:18	310:14	302:14	rural 22:14 145:11
resubmitting 175:7	revising 178:2	rights 16:25 67:22 240:5	s
results 38:5,19	revisit 300:23	243:15 246:17	s 9:2 15:5 32:3
resume 41:24	richardson 215:25	258:20 263:2,4	42:14,14 64:6
43:9 127:22	riddler 39:15	263:9,10,11,12	73:10,10 77:19
184:19 199:12	96:23 97:10	296:21 297:18	92:10 99:20
202:17	106:25 110:4	311:20	129:14 137:2
retained	114:2 212:15	risk 239:21	146:11 158:2
118:25	ridge 97:2	291:11	185:21,21
reudelhuber	rig 201:3	roads 22:6,14	199:23
156:17 157:18	right 7:21 9:4	22:20 23:2	sacerdoti 202:2
158:4,5,6,16,18	16:3 27:18	rock 123:6	202:3
158:22 159:5,9	28:24 36:19	role 54:17	sage 126:14
159:17 172:10	42:5,18 43:9	rolled 24:13	183:25
172:14,20,25	49:25 63:18	28:11	sale 15:13,13
173:8,15,22	64:10 77:3,8	roughly 269:12	15:15,16,17,17
review 224:3	82:15 87:24	route 174:20	15:21,22,25
227:18 229:23	88:20 100:3	292:16 298:6	samaniego 3:12
238:16,21	101:22 103:11	royal 80:23	6:8 10:13 13:6
244:24 245:3	103:22 118:4	rule 167:22	14:22,23 15:3
257:5,9,13	120:16 122:13	170:6,11	15:4,8,25 16:3
258:8 279:8	129:20 131:2	262:24 267:15	16:6,13,16,22
reviewed	141:4 146:15	299:24	17:7,11
248:25 278:22	149:19 151:3	ruled 26:5	sample 4:24
reviewing	158:9 163:2	262:17	35:3 48:14
257:23 276:9	168:21,23	rules 242:25	90:17 98:10
revise 6:25	172:17 186:6	ruling 267:21	156:21 188:9
revised 3:21	190:16 201:21	313:20	202:24
4:20 13:22	213:5 217:21	run 202:15	sand 151:17
14:5 32:15	229:5 239:8	256:14	sandoval 199:3
68:7,14,23	247:14 248:23	running 201:4	santa 2:22
106:8 265:24	251:9 266:7	runs 291:10	17:19 31:12
287:4 308:3	267:5,25	runway 183:18	40:15 67:11
	280:17 295:19	184:8	73:19 94:23

[santa - sedimentology]

182:11 195:2 198:9 223:22 sante 33:9 savage 31:16 31:16,24 32:2 32:2,23,24 33:5,16 35:15 35:17 59:8,9 59:11 60:4,5 62:5,11,24,25 66:24 67:3 87:19,20,22 88:5 144:14,15 144:15,20 145:2 150:25 151:2 152:11 152:17,25 153:16,20 154:4,9,11,15 154:21 155:3,4 223:14,14 238:22 242:19 243:9 253:7,10 253:13,19,25 254:9,15,20,24 255:5,14,17,22 256:3,7 257:8 257:12,16,21 258:3,7,17 259:8,19 260:2 260:21 261:3 261:24 262:6 262:21 263:8 265:3,14 266:3 266:5,12,20	267:4,11 268:8 268:12,19 269:2 271:3 272:21 278:3 278:12 279:6 290:15,20,23 291:2,16 310:19 311:11 311:12,25 312:3 savage's 34:8 311:7 saw 184:17 312:5 saying 55:24 85:23,24 169:3 174:7 205:24 206:12 216:8 226:25 228:17 228:19 249:24 251:20 263:24 277:8 304:3,14 304:19 309:20 says 7:22 8:10 10:3 101:7 106:7 108:22 172:17 178:17 180:3 190:23 191:5 267:16 307:5 scenario 217:19 schedule 44:6 201:6	scheduled 271:8 schill 31:17 59:11 223:15 science 200:14 scope 278:6,20 screen 77:2 99:10 122:8 144:24 185:6 274:24 scrivener's 284:10 scroll 84:24 286:3 second 5:12 10:3 33:22 50:2 66:8 79:8 108:9 114:9 120:3 149:17 163:10,25 208:9 212:24 264:10 284:14 310:15 seconds 287:10 section 7:22 37:18 50:4 52:20,23 53:21 53:25 54:4,4 60:21 74:18 90:2,3 96:21 97:9 100:22 101:18,19 104:14 110:5 116:5,11,17 125:14 126:4	128:6 132:4,25 136:12,13 148:22,24 149:24 172:12 173:16,19 183:12 189:7 192:12 202:21 204:23 205:7 206:4,7,17,20 207:7 208:17 217:9 219:14 220:6 221:2 225:20 230:8 248:12 256:10 265:19 270:9 286:20 287:15 287:17,21 288:15 303:22 304:5 sections 45:8 45:19 46:2,13 46:23 47:8 51:10 53:18 60:6,22 65:25 74:8,21 75:2 78:5 86:18 125:12 126:3 131:7,15,24 132:2,6,9 149:10 153:21 183:8 189:11 189:17 226:9 226:11 sedimentology 123:6
--	--	--	---

[see - shallower]

see 4:11 5:7 7:11 10:2 11:9 13:21 20:14,20 26:3 29:21 36:18,18 42:4 51:2 56:5,10 56:11 58:8,15 63:14,15,17 65:4,24 86:12 92:13 99:12,13 101:17,20 102:25 105:5 116:13 118:16 120:14 129:20 131:9 145:24 148:2,7,25 149:18 159:4 167:19 169:16 169:17 170:17 171:3 172:18 176:13 185:7,8 185:9 189:12 189:15 190:19 190:25 192:17 193:20 195:9 196:19 197:15 204:22,25 205:3 208:15 212:21,22 217:5 225:22 227:10 240:15 252:12 275:25 287:20 294:10 310:2,21	seeing 36:6 172:2 204:10 217:15 seek 122:22 291:14 seeking 43:3 45:4,16,22 46:19 47:4 55:14 64:23 88:25 96:18 115:12 125:10 125:24 156:8 166:25 179:8 183:4 201:18 218:3 219:25 236:8 seeks 46:8 74:19,25 105:3 135:24 139:2 155:24 183:17 183:21 261:9 seems 7:2 27:18 143:15 seen 244:22 seismic 124:21 self 47:17 48:13 97:16 98:6,9 139:7 187:22 188:8 199:8 279:13 selling 163:5 send 36:4 58:7 163:21 167:17 210:17	sends 239:9 senior 43:23 44:2 122:10 127:7 200:18 sense 150:11 164:23 179:21 288:22 297:10 sent 2:16 4:7 18:20 76:6 90:18 92:25 93:10 139:13 156:21 202:25 245:9 sentence 10:3 105:2 separate 102:13 106:17 121:14 182:20 separated 74:16 75:8 separately 49:23 224:16 september 159:24 serious 251:17 service 92:19 set 203:24 seth 47:20 seven 204:5,6 several 68:9 123:15 severance 15:20 52:20 55:7,11,13,25 56:22 105:15	106:13 107:7 107:11,15,23 108:3,6,10,13 110:15,24 112:20 113:17 113:20 115:16 225:8,10,15,24 234:6,12,17 235:19 245:25 246:25 248:22 249:3,6,8 250:6 251:4,19 251:20 260:5,7 260:9,24 261:6 265:5,13,18 266:22 270:11 283:24 293:10 300:12 301:23 303:7,19,20 307:2 311:19 311:21 severances 52:17 79:9 224:15 225:6 233:25 234:3 235:3 238:13 241:22 245:22 245:24 246:24 247:12 284:16 severed 249:16 shaheen 93:18 shallow 252:16 shallower 105:19 109:9 246:4 284:21
--	--	---	---

[sharon - sold]

sharon 93:18	223:6 231:24	similarly 2:24	191:15,20,23
shaw 62:23	252:23 298:23	110:11 130:15	197:17 205:3
63:3,9,10,11,15	show 5:10	simple 92:16	209:7 211:2
63:19,25 64:5	10:19 61:9	simply 228:5	213:11 217:11
64:6,8,11,16,20	213:24 234:11	236:13,18	223:19 237:18
65:5,9,17 66:7	239:16 262:14	271:24	243:9,11
66:15,16 87:25	262:15 280:9	sir 8:20 10:21	253:10 256:6
150:23 151:3,7	showed 192:23	15:8 17:11	258:6 268:25
151:9,11,13,21	292:4	20:7 22:16	269:2 275:3,18
152:3,9 226:21	showing 3:4	63:11,19,25	275:21 281:6
226:25 227:14	127:24 128:12	64:11,20 65:5	281:10,15,19
228:10 274:19	285:20	65:9 77:23	283:20 284:3,9
274:25 275:3	shown 75:22	81:13 83:10	284:19 285:12
275:13,18,21	214:18 220:3	84:6 85:10	287:19 289:19
276:3,7,12,16	255:9	86:4,15 93:4	291:13 292:23
276:20 278:2	shows 15:21	100:14 103:3,7	293:24 294:8
279:2 280:4	107:14 128:8	116:8,15	303:15 304:22
281:2,6,10,15	213:25 226:7	117:12,20	site 224:17
281:19 282:23	247:17	118:10 129:18	situated 199:2
282:24,25	side 160:11	131:11,16	situation 26:24
283:6,17,20	217:21 271:23	132:7,14,22	37:16,20
284:3,9,19	sign 162:6,10	133:13,13,18	112:14 312:4
285:6,10	176:19,25	133:25 141:23	six 38:8,14
292:21,23	213:22,23	146:7,10,21,25	39:16 124:8
293:24 294:8	242:5	147:17,21	skeeco 137:2
303:13,14,15	signature 315:8	149:8,11 151:9	skipped 91:14
303:17,23	signed 119:8	151:14 152:25	slide 50:25
304:8,22 305:8	159:22 160:15	153:16 155:4	162:12
shaw's 61:3	161:25 177:5	157:24 158:22	slight 263:3
302:22 306:4	191:8 244:4	159:5,10,17,19	slowly 182:3
306:24	significantly	159:25 161:15	small 119:17
shelly 92:8	197:12	164:14 172:14	123:15 193:19
shift 259:9	similar 101:11	172:20 173:22	soft 123:6
short 30:13	110:17 130:16	185:25 189:13	sold 163:4
70:21 111:21	218:20	190:9,21 191:2	164:2,7 167:11

[sold - spring]

<p>167:15 168:23 solely 79:15 160:21 solutions 1:22 soon 29:18,21 36:17 77:5 soro 45:10,21 46:3,15,24 47:9 218:21 sorry 10:10 30:21 52:7 56:11 84:15 100:24 101:9 102:4 169:24 202:4 204:6 222:24 250:3,8 250:17 255:3 258:15 264:15 311:25 sort 107:12,13 108:21 153:11 216:7 229:8 236:4 238:13 245:19 266:12 273:14 296:17 309:11 sought 175:20 sound 260:12 sounds 11:24 12:5 13:9 14:16 109:19 110:14,20 120:6 134:17 176:19 180:6,9 180:20 188:17</p>	<p>188:23 193:8 207:17 218:23 220:18 300:21 source 214:21 south 44:19 60:7 74:9 90:3 90:4 96:16 97:3 125:15 126:5 132:2 136:13 156:5 183:9,12 226:10 230:7 233:18 234:6,7 235:11,16 236:22 247:2 247:12 248:6 249:7,17 250:6 251:4 256:9 264:12,19 265:18 285:15 286:19 287:21 289:3 291:23 295:24 298:2 300:5 304:18 304:24 306:21 southeast 90:2 225:10 248:10 263:22 287:16 288:6,10 289:3 289:17 291:5 southwest 208:16 225:11 252:18 287:23 space 224:15 260:10</p>	<p>spaces 89:25 spacing 7:9 8:12 44:25 45:5,17,24 46:10,14,20 47:6 60:19 74:7 86:14 96:20,22 97:7 109:6 126:2,7 127:15,16 133:10,21 139:5 156:4,6 160:10 166:19 166:24 169:7 183:6,14,23 184:4,7 248:3 261:8 spc 20:19 21:11 21:19 24:14,17 25:13 26:25 28:12 speak 2:11 95:10 145:22 192:3 238:10 238:12 speaker 146:4 speaking 30:20 54:14 83:8 speaks 34:8 special 29:19 specific 44:25 55:14 119:5 148:16 153:4 225:5 252:16 260:22 263:7</p>	<p>specifically 50:9 115:13 130:25 141:15 143:24 158:20 190:16 205:23 206:14 233:18 246:7,8 251:22 255:19 287:13 289:16 specifications 153:3 spell 2:12 8:22 15:2 31:24 36:13 42:11 64:3 73:8 77:16 82:9 99:16 129:11 137:18 140:23 146:8 157:23 199:21 spelling 99:15 185:13 spencer 92:9 spiel 99:23 spring 45:12,13 46:5,17 47:2 47:11 49:22,23 49:24 50:3 52:18 54:5,15 54:24 55:4,10 55:21,22 56:2 56:5,6,7,13,22 60:17 64:24 65:2,3,12,15,16 66:3 74:5,17</p>
--	---	--	--

[spring - stenographic]

74:19,23 75:5	263:18,20	77:16 79:3,3	153:10 156:16
75:6 78:10,12	284:24 297:3,4	81:21 82:9	158:19,24
78:15,17,22	300:5	86:3 99:16	159:4 163:25
79:5,10,14,16	springs 148:5	123:11 125:19	163:25 187:24
83:16,19,20,22	148:10	125:20 126:9	188:4,8 195:14
83:24 84:4	standard 7:10	126:10 129:11	199:9 202:16
85:14,25 89:24	8:4 47:25	137:18 140:23	202:20 215:10
97:2 101:4,7	60:18 74:6	146:8 156:7	215:11,21
102:9,21,24	75:21,25 88:11	157:22 159:23	216:7 218:9
104:5,9 105:5	88:14,22 89:24	160:8,8 187:4	224:17,23
105:12,20	125:9,11,16,25	199:20 200:13	231:21 232:22
106:5,8 107:18	126:6 127:14	205:6,7 206:7	247:20,23
107:24 108:17	127:16 136:10	250:11,22	250:9 254:16
109:2,5,9,10	156:3 183:14	257:2 279:22	255:6,12
110:13,16,22	188:3	305:12 309:10	260:13 261:5
110:25 111:6,7	standing 26:11	315:3	279:13,16
113:17,24	67:21 262:16	stated 33:16	289:5 305:20
114:7,10,13,15	262:19	151:16 234:20	308:7,22 309:2
115:13 118:7	stands 7:10	235:6,13	309:4
125:22 127:24	67:8 306:16	236:20 241:4	statements
128:5,7,9	start 32:5	253:20,21	15:10 97:17
130:12 132:13	39:18 63:9	291:3 302:16	187:22 249:5
133:16 136:9	157:20 185:12	313:5	250:22 255:8
149:17 150:16	256:17	statement 7:2	265:16
150:18 151:25	started 3:19	9:21 12:19	states 60:16
152:4,18,22,23	37:23 41:14	18:13 34:4,7	160:4
152:24 153:5	187:11 200:17	34:16 47:17	stating 103:5
156:2 173:2,3	201:12 265:6	48:9,13 57:24	153:5 185:12
173:10,10	starting 200:9	61:5 64:17,22	235:22 284:5
183:7 218:11	starts 252:24	85:18 90:10,14	status 270:24
222:11,12	state 1:3 2:12	97:23 98:2,6	stay 16:24
224:18 225:2	8:21 15:2,13	98:10 104:19	220:17
235:24 248:14	15:13,15,17,24	106:4,14 111:5	stenographic
250:13 252:24	32:11 36:12	136:3 139:8	315:6
261:7,10	42:11 64:3	150:9,10	

step 222:5	sub 48:2,11,23	submitting	174:12 180:24
stephen 60:12	97:25 98:19	32:14 57:17	190:18 224:20
146:11	128:3 184:19	143:23 255:11	225:16
stevens 32:19	188:19	subsequent	summer 39:19
33:12 34:10	subinterval	258:22	supplement
252:17 289:14	83:23	subsidiary	225:7
291:4	subject 125:21	124:12,14	supplemental
sticking 79:7	128:5 164:5,8	subspecialty	224:11 226:13
stop 300:16	165:14 166:20	123:3	234:8
straight 110:6	167:4 168:7	substantiate	supplied
strata 92:5,10	169:3 248:4,16	233:16 245:4	272:20
stratigraphic	259:17 278:9	280:13	supply 211:9
150:5	284:24 301:5	substantiating	270:5 273:14
street 1:23	submit 4:19	261:16	support 145:5
streets 22:11	12:11 13:11	subzone 83:20	240:4 250:20
strike 229:25	81:8 133:9	successor 169:5	supported
230:5,9,16	134:14 198:20	170:12 175:16	252:9
267:6,17 274:7	213:22 214:5	177:2 178:21	supporting
313:2,3,6	225:14 226:2	successor's	231:4 246:15
strongly 312:7	264:16 273:3	167:3	264:16
struck 267:12	307:20 310:8	successors	supports
267:13	submitted 4:3	171:11,21	239:25 253:4
structural	61:16 62:4	176:18	264:18
202:21	80:17 81:4	sufficiency	supposed 27:8
structure	90:8 93:6	239:22	57:9 145:15
127:23 128:3	139:6 174:13	sufficient 71:7	sure 13:19 16:9
stuff 22:7,14	226:12,20	240:3,21 305:5	29:16 52:14
286:11	228:5,8 229:25	suggested	55:2 58:10
suazo 120:18	241:19,24	176:16	91:21 101:15
120:19,23	244:3 245:10	suit 16:20	106:20 113:13
121:5 122:6	246:14 247:20	75:21	145:16 151:3
125:4,5 129:8	247:21,23	suite 1:23	151:13,21
129:9 130:21	248:21 249:21	sum 215:4	165:23,24
134:8,10,21	250:19 254:16	summary 70:25	166:14 174:3,8
135:7	262:13 265:23	79:20 170:16	174:18 181:4

[sure - technical]

181:16 196:25 215:24 216:10 221:20,21 224:18 228:24 238:24 242:2 245:8 255:3 269:12 297:11 298:6 302:9 306:16 surface 161:2 277:21 284:17 surrounding 127:19 survey 123:17 survive 274:3 swear 9:4 36:17,20 41:17 42:10 63:21 77:6,9 82:16 99:11,25 100:4 122:15 129:23 141:5 145:23 146:16 158:10 186:7 swore 237:20 274:25 sworn 6:25 8:18 63:13 129:21 157:21 232:20 synopsis 245:11 270:8	t t 9:2 15:4 31:21 31:21 40:20 67:18 77:18,19 146:11 158:2 199:23,24 tab 286:9 table 20:13 23:23 24:16 25:3 26:13 27:19 75:22 79:21 118:9 119:16,21 164:16 170:17 171:17 178:8 178:25 179:24 180:24 214:15 215:5 226:5,7 227:23 283:23 284:14 tac 71:14,17,17 take 30:9 38:11 39:25 40:5 58:9,10 72:14 74:2 80:9 92:4 111:16 112:19 134:8,10 143:5 144:5 181:8,21 194:9,18 211:10,18 212:5 223:3 231:2 266:11 271:23 287:11 292:17 298:7,7 298:18 308:11	takeaway 92:19 taken 19:6 30:13 35:9 38:13 48:24 61:22 68:24 76:13 90:25 94:14 98:21 111:21 128:22 138:10 139:20 157:4 196:21 223:6 233:11 294:21 298:23 takes 243:7 talk 6:2 25:19 58:6 66:7 85:18 152:11 189:25 241:21 245:24 261:18 311:13 talked 217:18 222:5 229:20 talking 20:17 106:21,22 114:22 132:10 163:10 166:7 222:10 251:8 266:3 277:9 278:7 288:25 289:12 294:25 304:8,12,13 talks 252:2 target 83:19 102:2 110:19 114:6 117:10	117:17 219:24 252:23 targeted 220:8 targeting 220:3 targets 55:14 tax 15:16,21,23 taylor 272:15 279:14 tbd 219:8 team 124:7 145:17 teams 3:3 145:6 200:25 tech 43:13 107:2 187:6 technical 1:18 5:21 6:6,23 7:14,23 9:18 9:25 10:8,11 10:20 11:8,14 11:23 12:16 13:3 19:11,18 19:25 20:9,16 20:23 21:20 22:8,13,18 23:4,15,22 24:5,9,15,20,25 25:5,21 26:10 26:18 27:9,21 28:2,14 29:24 30:6,18 35:22 37:11 38:6,22 39:6,11,20 40:4 49:10,16 50:6,14,18,23
--	--	--	--

[technical - terms]

51:7,12,19	117:8,13,21	174:10,16	284:13,25
52:8,15,22	118:5,12,19	175:24 177:11	285:8,13,22
53:3,13,20,24	119:10,18,23	178:5,10 179:2	286:4,12,21
54:11,22 55:18	129:4 130:8,23	179:11 180:8	287:8 288:3,23
56:8,15 57:2	131:5,12,20	180:19 181:6	289:8,20 290:6
57:11 58:2	132:8,15 133:2	185:2 189:4,14	294:16 295:2
62:19 63:4	133:8,14,19	189:19,24	299:25 302:11
64:14,21 65:6	134:2 138:5	190:8,13,22	302:15 307:16
65:10 66:6	140:4 141:14	191:3,10,16,22	308:19 309:7
69:12 70:14	141:19,24	192:10,15	309:23
71:4 72:2,10	142:6,14,17,21	193:3,11,24	technically
72:15 75:18	144:7 147:7,15	196:11,16	83:22 285:2
76:21 78:2,7	147:18,22	197:7,18	technology
78:13,23 79:12	148:12 149:7	199:17 203:8	114:24
79:18,24 80:5	149:12,20	203:17,25	telephone
80:11 81:12,19	150:7,20	204:9,16 205:2	145:3
82:4 83:5,12	151:10,15,22	205:15 206:10	tell 26:12 43:10
84:2,7,18 85:7	152:8,16 153:8	206:23 207:6	68:15 71:11
85:12 86:5,10	153:17 154:5	207:14,19,25	84:15,16,16
86:16,20 91:9	157:11 158:17	208:5,12,21,25	107:4 133:9
91:16,22 94:3	158:23 159:6	209:6,21	148:23 150:14
94:8 99:4	159:11,18	210:12,20,25	154:14 186:24
100:19 101:5	160:2,17 161:4	211:12 212:16	200:8 215:19
101:10,16,24	161:9,16 162:3	213:6,12 214:6	240:18
102:6,18 103:4	162:11,17	214:14,23	telling 196:12
103:12,24	163:14,23	215:8,18 216:5	tender 128:20
104:16,24	164:15,24	216:15,23	terminate 72:6
105:13,24	165:16,20	217:16 218:5	terminated
106:11,19	166:10 167:7	218:17,22	222:18
107:3,10,21	167:25 168:11	219:9 220:5,11	termination
108:7,19	169:12,18	220:24 221:17	256:15
109:12,20	170:13,19	222:8,16,22	terms 25:23
111:8 112:2,11	171:13,23	224:10 233:23	75:12 108:12
115:24 116:10	172:7,15,21	234:24 283:4,9	205:22 236:25
116:16,24	173:5,12,18,24	283:21 284:4	279:20

[testified - think]

testified 18:14 34:6 47:21 60:9 75:17 97:19 127:9 136:5 147:5 184:14 199:11 226:22 227:15 228:10 249:23 261:5 303:17 304:16 testifies 238:15 testify 78:20 90:12,16 139:10 156:15 156:18 229:3 232:6,10,12,14 242:3 246:19 273:11 274:11 274:18 testifying 105:14,25 106:24 testimony 9:6 12:23 36:22 42:20 63:22 77:10 82:17 83:7 86:8 100:5 104:2 122:16 129:24 141:6 146:17 151:11 158:11 186:8 228:18 247:4 254:3,5 254:22,25 263:15 265:3	265:17,20,22 265:24,24 277:25 280:20 292:25 293:23 294:7 302:22 306:4,24 testing 37:22 texas 43:13 79:3 87:23 88:10,14,22 145:11 156:8 159:8,12,23 160:9,11,15,16 160:21,24 187:6 texting 151:2 thank 3:7 5:22 10:21 12:7,8 14:21 16:6 17:12 19:9 29:15 30:12 31:15 32:22 33:5 37:3 39:21 40:8,18 42:3,17 43:2 44:15 49:17 50:7 51:20 52:2 53:4 58:3 58:24 59:2,15 61:24 63:17 64:15 66:7,15 67:3 69:6 72:3 72:11,18 73:3 73:24 76:16 79:25 84:8	86:21 88:6 89:6,17 91:3 91:17 92:3 93:3 94:13,16 95:19 103:11 111:19 115:20 115:25,25 117:22 120:10 124:25 125:5 132:16 133:15 134:3 135:9,11 137:17,23 138:9,11,12 139:23 142:25 143:18 144:11 147:8 150:21 152:9 155:21 157:6 159:19 161:10 189:5 190:9 193:25 207:20 209:7 211:2,2,3 218:6 220:15 222:23 223:4 223:19 229:10 237:10 243:9 246:9 268:16 280:23 291:16 298:16,22 299:15,18 311:9 312:16 312:23 314:4,6 thanks 269:4 thing 27:4 151:19 153:19	177:19 192:23 193:9 218:25 238:14,16 273:16 279:22 308:20 things 160:12 251:23 267:24 267:25 298:4 301:10 308:5 312:2 314:3 think 4:9 5:13 14:4 22:5 26:5 26:6 29:3 50:15 55:19 56:18,23 69:18 70:17 71:23 72:4 82:5 87:10 102:13 111:9,17 113:15 115:21 130:15 134:12 148:14,17 154:11 155:13 165:10 168:19 168:24 173:25 174:17 175:17 176:3 177:5,15 177:25 181:14 193:8,16 194:9 194:13 199:18 203:4 210:4 211:17 212:10 212:17,20 213:13 217:17 217:19 226:14
---	--	---	--

[think - together]

232:5,9 236:15 245:25 246:3 246:14 254:7 255:2 274:25 276:21 282:18 289:22,24 290:7,9 292:15 295:16 297:6 302:5 309:15 313:15 thinking 22:2,6 112:13,16 third 46:16,25 47:11 50:5 56:7 65:3,16 78:10,12,15,22 79:5,14 83:16 83:18,20,22,24 84:3 85:25 101:7 102:9,16 102:23 104:5 104:10,14 105:11,21 106:9,10 108:16 109:5 109:10 110:21 110:24 111:7 113:24 114:14 115:12 152:7 152:24 235:24 248:13,13 250:13 252:23 271:18 291:22 297:3 305:4 310:15	thought 5:16 105:8 208:4 245:12 294:3 300:18,25 301:16 thoughts 28:20 54:18 309:16 thousands 244:25 three 4:8,11 6:12,16,19,21 18:8 20:2 49:23 118:13 119:13 138:14 182:19 189:10 196:8,17 198:3 206:15 215:3 219:3 222:11 223:3 224:12 225:2 226:5 230:8 threshold 262:18 thursday 126:17 tied 88:9 tier 116:18 tiffany 315:2,8 tile 257:3 till 134:13 time 2:11 3:3 14:11 19:7 30:11 38:10,17 48:25 58:5,22 58:23 61:19	68:25 76:14 98:21 101:14 119:7 134:15 157:21 166:19 166:25 170:7 171:9 175:13 187:11 233:10 247:16 250:5 253:16,17 266:9,10 301:18 311:3 311:22 313:18 timely 5:4 18:24 19:3 35:4,5 37:19 48:15,19 61:17 62:10 68:20 76:5,7 93:4 98:12,15 137:7 137:11 188:11 188:14 195:20 202:23 203:3 title 6:14 10:18 15:9,11 16:10 16:18,19 17:2 22:24 23:3 107:13,14 108:21,23 118:16 143:9 195:11 225:13 227:18 232:6 232:14 235:14 236:24 241:15 241:20 244:12 244:15,17	245:2,3,10 247:5 250:23 251:25 252:3,6 252:8 256:25 257:6,14 258:8 258:9 260:4,18 262:13 264:23 272:25 276:10 276:10,18 280:15 284:12 293:12 309:12 310:17 312:6 312:14 313:9 titled 219:4 243:14 today 2:3,10 3:18 28:19,23 74:25 87:6 88:21 114:3,5 171:15 182:3 215:22 224:3 227:6 228:22 229:6,22 230:19 231:15 232:16 237:20 238:2 271:9,13 299:23 308:4 today's 88:8 313:10 together 21:3 25:20 88:10 171:16 189:21 190:3 227:24 257:6 286:11
--	---	--	--

[told - two]

<p>told 81:24</p> <p>tomorrow 14:10</p> <p>tons 21:4</p> <p>took 81:5 233:13</p> <p>top 65:2,14 66:2 74:20 78:16,22 85:23 101:6 102:23 102:24 108:16 128:4 149:17 149:23 150:3 150:16,17 152:5,22 153:7 173:2,3,9 189:16 190:23 204:22 205:25 283:23</p> <p>topic 66:12 112:20 289:22 294:17</p> <p>topics 112:18</p> <p>total 21:5 23:24 24:11 26:24 27:4,5,17 119:11,12 213:21,25</p> <p>totalling 27:2</p> <p>totals 25:2</p> <p>touch 272:4</p> <p>tough 21:6</p> <p>toward 306:24</p> <p>towards 96:3</p>	<p>township 44:19 60:7 74:9 90:4 125:14 126:5 156:5 183:8,12 204:23 208:17 248:12</p> <p>tract 7:19 50:20 51:2 141:16 143:24 159:8 160:23 208:13,20,24 209:2 239:17 286:8,8 287:6 288:12,19 291:9</p> <p>tracts 11:21 158:25 159:12 159:13 208:9 285:23 286:19 287:25 288:18 293:15</p> <p>trade 109:8</p> <p>transcript 1:11 2:1 69:17 70:16,19 163:16 169:22 293:3</p> <p>transcription 315:5</p> <p>transferred 167:11</p> <p>traps 127:18</p> <p>traveling 87:23</p> <p>travis 156:13 157:17,25</p>	<p>199:9,23</p> <p>tribal 208:22 209:3</p> <p>troubling 270:23</p> <p>trs 86:13</p> <p>true 21:15 24:6 25:15 26:2 254:15 281:4 281:13</p> <p>truth 9:7,7,8 36:23,23,24 42:21,22,23 63:23,24,24 77:11,12,13 82:18,19,20 100:6,7,8 122:17,18,19 129:25 130:2,3 141:7,8,9 146:18,19,20 158:12,13,14 186:9,10,11</p> <p>try 292:6</p> <p>trying 2:25 16:17 27:16 54:20 66:16 87:24 186:19 195:25 258:19 265:3,15 267:19 270:16 271:22 293:4 296:16 312:14</p> <p>turn 8:19 36:11 49:8,13 58:11</p>	<p>62:17 70:8 77:5 96:24 104:12 109:16 110:7 114:23 145:9 199:12 221:24 222:9 226:18 236:16 245:15 282:12 282:24 292:22</p> <p>turnaround 58:16</p> <p>turned 95:9</p> <p>turning 75:20 105:22 243:11</p> <p>turns 109:10 266:13</p> <p>two 5:24 37:16 49:24 53:14 56:13 60:24,25 72:25 74:16 79:16 81:3 89:12,24 91:8 93:11,21 105:18 109:8 125:7 136:14 136:23 137:4,9 160:4 182:22 194:5,18 204:25 205:25 206:18,24 212:8 214:11 216:11 220:13 224:4,11 226:4 228:14 234:3 247:22 252:15</p>
--	---	--	--

[two - unhighlight]

275:7,25 276:14,19 279:14 298:4 298:10 tyler 90:14 type 246:23 typically 239:15,22 277:20 typo 7:7,12 11:15,17 25:23 50:24 57:16 105:10 153:9 153:13 224:23	269:9 286:17 288:16 309:19 unambiguous 265:20,21 unauthored 278:15 unbiased 270:6 271:19 uncommitted 89:23 105:4,11 155:25 uncontested 3:9,11 under 9:5 15:9 15:16,23 19:6 19:16 35:9 36:21 40:2,5 42:19 48:25 49:14 61:22 63:21 68:25 71:16 72:14 76:13 77:9 82:16 85:3 90:25 92:4 94:14 98:21 99:24 100:4 106:15 122:15 128:22 129:23 136:2 138:11 139:21 141:5 144:6 146:16 151:8 152:17 157:4 158:10 167:22 179:20 181:8,21 186:7	194:18 208:14 211:11,18 212:6 228:21 237:21 238:19 275:5 304:14 undergraduate 187:3 underlie 22:20 underlying 22:10 60:18 74:6 136:10 156:2 183:7 248:16 underneath 169:10 understand 3:6 27:12 57:3 107:8 108:10 117:18 124:15 132:20 133:11 133:22 142:10 142:18 179:16 179:18 181:2 190:6 191:13 192:20 196:22 196:24 206:24 215:13 218:18 228:23 233:14 238:9 245:5 249:13 251:16 258:3 260:8 281:23 288:4 303:10 309:19 understanding 6:7 17:3 32:13	33:16 65:22 86:7 95:24 96:9 115:15,19 131:21 147:23 151:23 159:21 160:19 167:21 175:25 176:10 180:25 210:6 215:23 219:17 222:20 229:15 235:9 241:17 242:6 248:24 260:16 263:15 271:16 283:23 289:13,23 293:6 299:6 301:12 302:21 303:5 understands 197:2 282:4 300:11 understood 154:4 259:20 259:21 302:3 undeveloped 105:21 109:11 undisputed 246:24 247:3 247:15 250:4 unforeseen 92:18 unfortunately 145:3 unhighlight 177:9 178:16
u			
u 3:15 67:18 70:8 77:19 96:24 104:12 105:22 106:25 109:10 110:7 114:23 137:21 141:2 146:12 158:6,6 185:21 185:21 221:24 222:9 ultimately 240:8 um 13:19 44:5 56:9 78:11 85:19 104:8 106:15 143:9 165:23 166:22 175:19 194:8 194:11 213:18 256:13 260:15			

178:21 179:23 uniform 110:15 unit 7:10 8:12 20:19 21:3 22:3 24:7 25:16 26:2,21 27:5,16,18 45:5,9,17,20,24 46:3,10,14,20 46:24 47:6,9 48:6 60:19,23 61:2 74:7,11 86:14 96:20,23 97:8 100:22 105:16 109:6 125:9,11,16,18 125:20 126:2,7 126:8,10,11 127:15,17,19 131:8,17,19 136:11 147:19 151:19 156:4,6 156:10 159:2 160:7,9,10 166:19,24 169:7 171:8,17 176:9 183:6,14 183:18,23 184:7 198:21 198:22 203:24 204:10,14,17 205:9,11,20 206:2,5,11,18 206:25 207:2 207:15 208:10	211:14 227:25 241:17 246:13 246:16 249:4,9 249:17 251:5 264:19 286:16 302:25 units 32:17 39:14 44:25 48:7 52:18 89:25 90:5 105:15 139:5 160:24 166:5 184:4 201:14 201:16 228:14 248:3 250:7 260:11 university 43:13 123:13 187:4,6 200:13 unmute 237:16 unprofessional 268:24 unreliable 313:16 update 5:12 12:18 13:7 29:22 58:13 194:10 203:7 213:24 309:21 updated 5:8,16 6:19 10:18 18:15,21 34:18 53:11 54:8 57:5 58:9 68:7 195:14 197:15	204:17 218:16 219:5 updates 34:20 updating 152:11 197:3 upper 74:19 102:10 114:13 116:19,21 219:15 248:13 upset 279:12 upside 37:21 usa 40:11 141:21 use 21:12,13 86:2 239:15,15 270:2 used 233:15	7:21 8:6 13:9 13:15,19 14:9 14:12 16:7,9 16:16 17:18,18 17:25 18:4 29:4,7,16 30:9 30:12,16,19,21 31:2,5,11,11 33:6,7,9,21 36:2,3 40:14 40:14 41:13,23 44:13,15 49:8 52:3,7 53:9,10 53:14,19,23 54:7,12,19 55:2 56:4,10 56:25 57:3,6 57:12,20 58:3 58:6,18,24 67:10,10,16,25 68:2 69:15,16 69:23 70:20 71:5,9,10 72:3 72:9,18 73:14 73:17,18,19,23 84:15,16 94:22 94:22 95:4,7,8 95:23 96:7,8 96:12 103:8,10 109:16,21,24 111:11,25 112:7,21,24 113:4,13,21 114:4,11,17 115:2,14,20,25
		v	
		v 3:16 32:3 59:5,12 60:15 64:22 65:11,13 129:14 144:16 147:24 149:21 151:24 152:3 158:2 199:23 223:16 230:8 230:12,17 240:22 260:16 296:19 311:16 313:2 valid 295:22 vance 2:20,21 3:10,16,22 4:6 4:21 5:7,11,23 6:2,7,10 7:11	

[vance - want]

120:5,10 182:9 182:10,17,25 183:2 185:10 187:17,18 192:4,8,9,11,14 192:16,20 193:6,13,22,25 194:5,8,13,24 194:25 195:7 195:19 196:3 196:12,24 197:21,22,25 198:7,8,14,15 198:19 202:11 202:13 203:20 204:5 209:12 209:14,20 210:4 211:3,8 211:21,25 212:10,12,21 216:20 218:7 218:15,20 219:6 220:9,10 220:16,18 221:19,23 222:6,13,21,23 223:20,21 224:12 229:13 229:17 230:11 230:21 231:7,9 231:16,23 232:2,22 233:4 233:5 237:10 237:14,25 241:10 261:13	270:23 271:14 272:10,18,22 273:3,6,9 277:6,7,14 278:18,25 279:7 281:24 282:10,18 290:14 291:20 292:2,14 294:11 297:23 298:4,16,20 299:3,4 300:3 300:7 301:5,8 301:22 302:3 302:16 303:2,3 304:14 305:7 305:11 306:9 306:12,13 307:12,19,25 308:14,18,20 309:3,18 310:5 310:9,13,24 311:9 312:12 312:17 vance's 210:14 249:5 vans 41:10 vaqueros 156:11 varies 200:23 venue 16:11 236:12 verbal 12:18 13:7 57:14	verbally 222:2 verbatim 293:2 verbiage 163:13 verified 263:21 verifying 49:6 veritext 1:22 version 162:23 163:12 217:13 225:14 versus 160:23 171:4 216:2 222:11 vertical 54:16 54:25 55:6,22 56:10,13 84:5 85:15 113:23 114:8 115:17 117:3 148:13 152:21 224:25 225:3,4,20,23 235:9,11 241:12 248:19 260:10 264:3,4 295:6 297:2 vested 234:23 236:23 280:3,8 292:4 293:12 vicinity 37:22 video 2:25 view 312:4 viewed 270:3 virtual 1:11 voice 3:6	voir 232:19,24 241:5 242:13 242:15,18 243:7 253:3,8 253:17 261:15 261:24 266:14 266:16 268:5 268:17 voluntarily 137:5 voluntary 88:23 96:3 292:7
			w
			w 64:6 199:24 wait 282:16 waiting 37:17 112:6 167:19 waive 297:7 walker 60:25 want 5:25 6:2 6:24 13:17 16:7 29:5,8,13 32:11 50:25 52:11 54:8 56:20 84:15 96:11 109:25 112:19,21 113:6 136:20 142:12,23 152:20 153:19 154:9 165:13 174:15,19 194:6 196:13 196:15,25

[want - witness]

197:15 200:2 205:8 206:8 212:25 216:12 220:17 228:24 231:20,20 232:2,3 233:6 235:5 238:16 238:21 245:7 259:10 265:2 267:25 271:4 275:7,23 277:7 277:14 281:8 281:17 282:10 282:16 283:2 292:16,17 297:7,17,23,25 298:3,5,6,8,10 298:18 300:2 300:16,23 301:6 305:21 309:10,12 312:13 wanted 4:5 7:8 41:16 53:11 55:3,8 71:24 104:25 205:12 229:16 244:22 245:4 260:4 271:6 274:3 301:9,13 wanting 148:9 152:4 wants 74:4 236:11 274:11 307:7	watermark 162:13 way 17:2 22:2 55:19 56:16,19 150:15 153:6 176:16 178:2 185:11 206:11 219:23 230:24 231:19 234:22 239:14 260:24 273:9 288:17 311:3 313:11 ways 81:11 wbc 93:12 wear 42:19 wednesday 14:13 134:13 143:14 154:19 181:14 194:14 310:10 week 13:24 14:13 29:19 39:5 134:14 143:10 154:12 154:20 weeks 249:21 weight 227:8 227:13 228:21 237:7 240:20 274:15 welcome 17:8 229:12 wells 37:25 38:3 39:15 44:7 60:24,25	70:8 78:19 79:15 90:6 102:2 104:10 105:22 109:5 110:7 114:25 117:11 125:18 125:21 126:8 126:12,14 132:23 136:14 156:11 159:3 160:5 183:23 191:9 201:2 204:25 205:16 205:19,20,24 205:25 206:13 206:15,19,25 221:24 222:9 went 4:25 15:24 18:23 48:15 68:16 98:11 123:12 188:10 195:20 202:22 227:16 235:21 279:2 302:10 west 45:7,7,19 46:12,12,22 51:4 61:3 96:21 97:9 131:8 136:11 136:12 183:11 204:24 western 123:11 162:25 164:2,3 164:4,19	165:24 168:21 169:6 170:3 171:7,20 172:3 175:12 177:14 179:23 180:15 whatsoever 227:13 whichever 101:18 whitham 199:9 199:20,22 200:4,12,22 201:10,22 202:17 203:5 203:16,18,22 204:2,14,18,21 205:4 206:3,16 207:3,11,18,20 208:2,11,19,23 209:5 210:4,10 210:13,15,24 wildcat 97:12 winning 74:12 wipes 256:16 wish 302:17 310:3 wishes 103:6 237:7 withdraw 32:6 withdrawn 75:10 withdrew 33:2 41:2 witness 60:10 64:8 66:25
---	---	---	---

[witness - zones]

87:21,22 113:11 121:22 122:2,4 127:21 140:8 144:19 155:11 199:16 209:11 231:4 231:15 232:20 232:25 234:19 235:13 236:9 236:20 237:11 240:24 241:6 242:15 243:8 246:18 253:9 253:18 261:17 261:25 268:5 268:18 276:23 278:2 280:4,19 290:22 witnesses 61:23 111:11 112:8 112:15 120:7 128:19 192:2 212:9 249:22 290:5 wolfcamp 97:12 101:3,12 102:10,15,25 116:4,18,19,21 126:15 128:2,7 128:9 130:14 130:22 132:13 132:17 173:4 183:24,25 219:15 220:2 221:3	wonder 109:15 wonderful 89:5 wondering 28:17 109:13 302:18 words 114:19 241:12 249:11 280:4 work 30:2,24 43:17 96:3 112:8 123:14 130:24 143:16 243:23 292:6 294:14 296:17 311:6,8 worked 123:17 187:12 255:22 working 34:23 44:7 61:14 81:9 123:25 124:6,8 180:23 190:18 197:16 209:24 210:8 210:22 213:15 214:16 220:25 239:3 248:4 258:4 269:7,10 285:24 289:15 291:8,12 295:7 works 30:4 57:20 143:17 194:12 worksheet 33:8 worthwhile 57:18	wr 67:18 write 10:23 writing 91:18 written 165:21 166:12 215:20 254:3,16,21,25 255:7,11 261:5 wrong 210:11 217:20 wrote 243:22 255:6 wyoming 123:13 x xi 164:7,12 xto 120:12,15 123:18 124:2,8 124:10 125:7 125:24 127:7 131:13 132:5 132:11 y y 40:20 42:15 67:18 92:10,11 yeah 27:20 49:25 55:19 56:18 57:12 131:3 162:22 180:12 181:16 185:4 193:6 200:12 203:22 207:3 219:20 222:15 256:12 259:25 286:7	287:3 303:25 year 37:24 121:10 136:8 201:4 years 123:18 255:16,17 257:22 yellow 20:3 167:2 178:19 180:3 yep 162:16 165:19 207:11 yesterday 2:17 93:9 95:17 york 315:4 z zone 78:21 83:21 zones 37:21,23
--	---	---	--