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

IN THE MATTER OF THE HEARING CALLED
BY THE OIL CONSERVATION DIVISION FOR
THE PURPOSE OF CONSIDERING:

APPLICATION OF NOVO OIL & GAS NORTHERN
DELAWARE, LLC FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO.

CASE NO. 22957

REPORTER'S TRANSCRIPT OF VIRTUAL PROCEEDINGS
EXAMINER HEARING
AUGUST 4, 2022
SANTA FE, NEW MEXICO

This matter came on for virtual hearing before
the New Mexico Oil Conservation Division, HEARING OFFICER
WILLIAM BRANCARD and TECHNICAL EXAMINER JOHN GARCIA on
Thursday, August 4, 2022, through the Webex Platform.

Reported by: PAUL BACA PROFESSIONAL COURT REPORTERS
500 Fourth Street, NW, Suite 105
Albuquerque, NM 87102
505-843-9241

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A P P E A R A N C E S

For the Applicant:
ADAM RANKIN
HOLLAND & HART
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Santa Fe, NM 87501
505-954-7286

I N D E X

SUMMARY OF CASE AND EXHIBITS	04
TAKEN UNDER ADVISEMENT	14
REPORTER CERTIFICATE	15

E X H I B I T I N D E X

Exhibits and Attachments	Admitted 15
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1 HEARING EXAMINER BRANCARD: It is 11:10 a.m. We
2 are back on the record, New Mexico Oil Conservation Division
3 hearings on August 4, 2022. Okay. Where we left off was
4 Item Number 48, case 22957, Novo Oil & Gas.

5 MR. RANKIN: Mr. Examiner, Adam Rankin with the
6 Santa Fe office of Holland & Hart appearing on behalf of the
7 applicant in this case, and we intend to proceed by
8 presentation.

9 HEARING EXAMINER BRANCARD: Thank you. Any other
10 persons here -- I'm sorry --

11 (Audio interference.)

12 HEARING EXAMINER BRANCARD: I'm sorry, go ahead.
13 Hello? Do we have an entry of appearance?

14 MR. SAMANIEGO: Yes, Mr. Brancard.

15 HEARING EXAMINER BRANCARD: Mr. Samaniego? Okay.
16 Is there anyone else there? If you could mute yourself and
17 let --

18 UNIDENTIFIED: Audio connection (inaudible) and
19 it says (inaudible).

20 HEARING EXAMINER BRANCARD: Hello, someone is
21 speaking on the record here.

22 (Audio interference.)

23 MR. RANKIN: There is actually an entry of
24 appearance, and if so, who is making it?

25 HEARING EXAMINER BRANCARD: Mr. Samaniego

1 appeared, but I can't tell who else --

2 MR. RANKIN: I didn't hear a name. I heard
3 something, but I couldn't tell if it was Mr. Samaniego.

4 HEARING EXAMINER BRANCARD: All right. I
5 recognized the voice, i asked him if that's who it was and
6 he agreed, so I will take that as a yes from Mr. Samaniego
7 who is a pooled party in this case. Okay.

8 So with that, Mr. Rankin, you may proceed.

9 MR. RANKIN: Thank you, Mr. Examiner. In this
10 case Novo is seeking to pool all the uncommitted interest
11 owners in the Wolfcamp formation underlying a standard
12 318.34 acre more or less standard horizontal spacing unit
13 that's comprised of the S/2 of Section 7 in Township 23
14 South, Range 28 East in Eddy County.

15 Novo is seeking to dedicate the proposed spacing
16 unit to the Turks Fee 7-211H well. Mr. Examiner, due to
17 lease expiration deadlines that were in July, the well was
18 drilled, but had not yet been completed. Tuesday we filed
19 an exhibit packet containing exhibits and testimony in this
20 case, exhibits A through F.

21 Exhibit A is a copy of compulsory pooling
22 checklist that identifies the elements of the acreage, of
23 the wells and spacing unit and formation that's part of the
24 pooling.

25 Exhibit B is the application that was filed in

1 case.

2 Exhibit C is a self-affirmed statement of the
3 landman, Mr. Brandon Patrick, who has previously testified
4 before. He reviews the outline of the spacing unit, the
5 formation and the proposed well, actually the well that has
6 been drilled and proposed to be dedicated to the spacing
7 unit. He identifies the API number for the well and reviews
8 the necessity for Novo to proceed to drill including the
9 fact they recently acquired lease interest with primary
10 terms many which were expiring in July of this year.

11 Exhibit C-1 is a copy of the form C-102 that was
12 filed for the well reflecting it is dedicated to Wolfcamp
13 Purple Sage Pool, Pool Code 98220. The well complies with
14 the special setback requirements for the Wolfcamp Purple
15 Sage Pool. There are no depth severances here.

16 Exhibit C-2 is a locator map showing the general
17 location of the spacing unit.

18 C-3 is a map that reflects the different tracts
19 that comprise the spacing unit, as well the interests that
20 are owned within each of those tracts and the recapitulation
21 of the ownership on a spacing unit basis.

22 On that exhibit as well, Novo indicates the
23 parties that are uncommitted that they are seeking to pool,
24 comprising mostly unleased mineral interest owners with the
25 exception of one well working interest owner, Marathon.

1 Novo, since acquiring its interest in April of
2 this year has successfully negotiated 40 leases within the
3 acreage, so now fewer than eight percent of the ownership
4 interest remains uncommitted, five percent of which is
5 Marathon.

6 So Novo is continuing to work to reach agreement
7 with the remainder interest owners and has just this week
8 sign off with other interest owners. I will say that the
9 exhibits that were submitted on Tuesday reflect the current
10 status of the parties that we are seeking to pool.

11 MR. RANKIN: There is a copy of the well proposal
12 letter and the AFEs that were sent to each of the owners and
13 working interest owners that they seek to pool. The AFE
14 costs are reflective of the costs consistent with other
15 operators that Novo have drilled for similar wells in the
16 area. Novo seeks overhead administrative costs of 8,000 per
17 month while drilling and 800 a month while producing.

18 Exhibit C-3 is a chronology of contacts --
19 includes a chronology of contacts reflecting Novo's efforts
20 to reach agreement with each of the parties that remain
21 uncommitted.

22 Exhibit D is a copy of the self-affirmed
23 statement of Novo's geologist Michael Hale. Mr. Hale has
24 previously testified before the Division and his credentials
25 have been accepted.

1 D-1 is an execution plan of the Turks Fee 7 unit
2 and the well that was drilled in the acreage.

3 D-2 is a structure map at the top of the Wolfcamp
4 B, which is the target interval in this case. It shows that
5 the formation is suitable for drilling horizontal wells,
6 there is no impediments to drilling.

7 Exhibit D-3 is a stratigraphic cross section that
8 includes the line cross section showing the well logs used
9 to instruct it and identify the target interval.

10 There is no impediments to drilling across the
11 acreage and that the target interval is consistent across
12 the entire spacing unit. Mr. Hale confirms that the acreage
13 is suitable for horizontal well development.

14 Exhibit E is a copy of an affidavit prepared by
15 me and my office reflecting that we have provided notice to
16 the parties that Novo seeks to pool and the addresses they
17 provided for us along with the -- the postal service
18 tracking report showing the status of each of those
19 certified mailings.

20 Mr. Examiner, there are some un -- unprobated
21 estates in this case. Mr. Patrick has undertaken a good
22 faith effort to identify each of the heirs of those estates.
23 I believe he has identified all potential heirs and has
24 identified their addresses and contact information.

25 Nevertheless, because these are unprobated

1 estates, we are relying on a notice of -- affidavit of
2 publication for constructive notice to ensure that all
3 potential heirs have in fact received notification of this
4 pooling and the application.

5 Mr. Examiner, at this time I would move the
6 admission of Exhibits A through F into the record and ask
7 that this case be taken under advisement and stand for any
8 questions that I may be able to ask -- rather -- answer,
9 and I appreciate consideration.

10 HEARING EXAMINER BRANCARD: I will first go to
11 Mr. Garcia for questions and then see if Mr. Samaniego has
12 any comments. Mr. Garcia?

13 TECHNICAL EXAMINER GARCIA: I have one main
14 question, Mr. Rankin. The well is already drilled (unclear
15 audio) drilled but not completed. So I guess my first
16 question is, why is there still a risk charge in there
17 (unclear audio) 200 percent penalty risk assumed by
18 applicant for drilling -- while they are already drilling.

19 MR. RANKIN: Mr. Examiner, I think our argument
20 is that because the time frame was narrow, the operator here
21 is still seeking the risk charge in light of the fact that
22 they did undertake that risk and have sought to -- haven't
23 had it completed as well, you are right, it's been drilled
24 and not completed.

25 So I believe it's incumbent on any pooled parties

1 to object to that cost, but that's the status. The well has
2 been drilled and not completed, and they are asking for the
3 200 percent risk charge.

4 TECHNICAL EXAMINER GARCIA: I believe that's most
5 of my questions. I may have more. We'll see, but for now,
6 Mr. Brancard, that's all I have.

7 HEARING EXAMINER BRANCARD: Thank you.
8 Mr. Samaniego, do you have comments?

9 MR. SAMANIEGO: Yes, Mr. Brancard. Since the
10 last hearing I have hired an attorney and terminated the
11 lease, so any leases or working interests -- not leases, but
12 working interests that were obtained since -- after the
13 first, the first hearing are invalid. The lease has been
14 terminated, so any working interest from then until today
15 are not valid. They are grabbing papers.

16 I'm looking at it. The lease (unclear audio) the
17 well my lawyer has terminated that lease. Novo has no
18 standing. The fact that they drilled the well before the
19 hearing and approval shows injury in fact raised.
20 Application should be dismissed for lack of standing.

21 Also, applicant shouldn't even have been able to
22 apply for a year since the last hearing was only a little
23 over a month ago. This is a violation of the Oil & Gas Act,
24 document of laches, also a failure to prepare proper leases.
25 No lease is in place, just a manipulation of the system to

1 get what they wanted. This is definitely injury in fact
2 raised and Novo has no standing.

3 HEARING EXAMINER BRANCARD: Okay. Mr. Samaniego,
4 you are listed as an unleased mineral owner here, so it
5 indicates that your minerals have not been leased.

6 MR. SAMANIEGO: The fact that they are claiming
7 the S/2 of a past communitization, it affects me. On the
8 last time we were in the hearing, there was statements that
9 it wasn't going to affect me, and that's when they tried to
10 pull the whole section using that interest, and the fact
11 that the lease has now been terminated, there's is no
12 working interest to be obtained.

13 HEARING EXAMINER BRANCARD: Mr. Samaniego, they
14 can pool unleased mineral interest owners, so --

15 MR. SAMANIEGO: As long as they have, as long as
16 they have ownership to interests. But the interests that
17 they have obtained has been terminated from the original
18 communitization of the S/2. That's gone. My lawyer has
19 already filed that. They received it, along with Oxy USA.
20 Those working interests are no longer valid.

21 HEARING EXAMINER BRANCARD: Mr. Samaniego, are
22 you claiming ownership of the entire 320 acres of minerals?

23 MR. SAMANIEGO: Are they claiming the whole 320
24 acres with the working interest that is no longer valid.

25 HEARING EXAMINER BRANCARD: Mr. Samaniego, they

1 are seeking to pool a unit of 320 acres.

2 MR. SAMANIEGO: That no longer is valid. And the
3 fact that they drilled before the hearing showing injury of
4 fact raised.

5 HEARING EXAMINER BRANCARD: The fact that they
6 drilled before the hearing is irrelevant to our decision.
7 That's a risk they take.

8 MR. SAMANIEGO: The lease is invalid. The
9 working interests are invalid. They have been terminated.

10 HEARING EXAMINER BRANCARD: Okay. Thank you.
11 Mr. Rankin, did you have a comment?

12 MR. RANKIN: Mr. Examiner, I don't have a
13 comment. As the exhibits reflect there are undivided
14 interests across this acreage. Novo has obtained the, the
15 working interest through valid leases for a number of -- 40
16 different owners across the acreage, so they have a right to
17 drill across the entire spacing unit. They have exercised
18 that right and are now seeking to combine the remaining
19 interest to this pool order. So I believe that the record
20 in this case should reflect the rights and I ask this case
21 be taken under advisement.

22 MR. SAMANIEGO: And the 40 individuals that have
23 working interest would be valid if the lease was not
24 terminate. It's been terminated. The working interests are
25 no longer valid. This whole (unclear audio) is invalid for

1 a termination of invalid working interests. Invalid.

2 HEARING EXAMINER BRANCARD: Mr. Samaniego, I will
3 leave the record open. If there is any documentation you
4 would like to provide to support your claims, please do so
5 or have your lawyer do it, but at this point we don't have
6 any other documentation other than what has been submitted
7 by Novo at this point.

8 MR. SAMANIEGO: A copy of the termination.
9 That's been submitted to Novo and Oxy USA, and it makes me
10 wonder why their -- why their lawyer doesn't have that.
11 They took the lawyer in there to claim these minerals under
12 false pretenses.

13 HEARING EXAMINER BRANCARD: Well, we don't have
14 the documentation. If you want to submit that, I will leave
15 the record open for period of time to allow you to, but at
16 this point, I think, Mr. Garcia, did you have any further
17 questions of either party?

18 TECHNICAL EXAMINER GARCIA: I do not.

19 MR. SAMANIEGO: And let me state for the court,
20 this is going to set precedence.

21 HEARING EXAMINER BRANCARD: Again, Mr. Samaniego,
22 if have you documentation, please provide it, otherwise we
23 have to go with the record as it exists right here. So at
24 this point I will admit the exhibits that Novo has presented
25 into the record and this case will be taken under

1 advisement. Thank you.

2 MR. SAMANIEGO: And I will e-mail it to you,
3 Mr. Brancard.

4 HEARING EXAMINER BRANCARD: If you could e-mail
5 it to Marlene that would be better. Do you have Marlene
6 Salvidrez's e-mail address?

7 MR. SAMANIEGO: Okay. And how about the attorney
8 of Novo, can I get your name?

9 MR. RANKIN: Mr. Samaniego, my name is Adam
10 Rankin. My information is on the record with the case, so
11 if you --

12 MR. SAMANIEGO: What firm do you work for?

13 MR. RANKIN: Holland & Hart.

14 MR. SAMANIEGO: Holland & Hart. Okay, I will
15 just contact the office and I will get the information then.

16 MR. RANKIN: Okay.

17 HEARING EXAMINER BRANCARD: Okay. Thank you.

18 MR. SAMANIEGO: Okay. Thank you, gentlemen.

19 HEARING EXAMINER BRANCARD: Thank you,
20 Mr. Samaniego. Mr. Rankin, there wasn't anything else to
21 submit, was there?

22 MR. RANKIN: No, Mr. Examiner, the record is
23 complete and we appreciate the case being taken under
24 advisement.

25 HEARING EXAMINER BRANCARD: Thank you.

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(Exhibits admitted.)

(Taken under advisement.)

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STATE OF NEW MEXICO
COUNTY OF BERNALILLO

REPORTER'S CERTIFICATE

I do hereby certify that I reported the foregoing virtual proceedings in stenographic shorthand and that the foregoing pages are a true and correct transcript of those proceedings to the best of my ability.

I FURTHER CERTIFY that I am neither employed by nor related to any of the parties or attorneys in this case and that I have no interest in the final disposition of this case.

I FURTHER CERTIFY that the Virtual Proceeding was of poor to reasonable quality.

Dated this 4th day of August 2022.

Irene Delago
Court Reporter
License Expires: 12-31-22

[& - brandon]

&	5	administrative 6:16	approval 9:19
& 1:7 2:3 3:4,6 9:23 13:13,14	500 1:23 505-843-9241 1:24	admission 8:6	april 6:1
0	505-954-7286 2:5	admit 12:24	area 6:16
04 2:7	7	admitted 2:12 14:1	argument 8:19
1	7 4:13 7:1	advisement 2:8 8:7 11:21 13:1 13:24 14:2	asked 4:5
1 2:4 5:11 7:1	7-211h 4:16	afe 6:13	asking 9:2
102 5:11	8	afes 6:12	assumed 8:17
105 1:23	8,000 6:16	affect 10:9	attachments 2:13
110 2:4	800 6:17	affidavit 7:14 8:1	attorney 9:10 13:7
11:10 3:1	87102 1:24	affirmed 5:2 6:22	attorneys 15:11
12-31-22 15:19	87501 2:4	ago 9:23	audio 3:11,18,22 8:15,17 9:16 11:25
14 2:8	9	agreed 4:6	august 1:18,21 3:3 15:16
15 2:9,13	98220 5:13	agreement 6:6 6:20	b
2	a	ahead 3:12	b 2:11 4:25 7:4
2 4:13 5:16 7:3 10:7,18	a.m. 3:1	albuquerque 1:24	baca 1:23
200 8:17 9:3	ability 15:9	allow 12:15	back 3:2
2022 1:18,21 3:3 15:16	able 8:8 9:21	answer 8:8	basis 5:21
22957 1:9 3:4	accepted 6:25	api 5:7	behalf 3:6
23 4:13	acquired 5:9	appearance 3:13 3:24	believe 7:23 8:25 9:4 11:19
28 4:14	acquiring 6:1	appeared 4:1	bernalillo 15:2
3	acre 4:12	appearing 3:6	best 15:9
3 5:18 6:18 7:7	acreage 4:22 6:3 7:2,11,12 11:14 11:16	applicant 2:2 3:7 8:18 9:21	better 13:5
318.34 4:12	acres 10:22,24 11:1	application 1:7 4:25 8:4 9:20	brancard 1:21 3:1,9,12,14,15 3:20,25 4:4 8:10 9:6,7,9 10:3,13 10:21,25 11:5,10 12:2,13,21 13:3 13:4,17,19,25
320 10:22,23 11:1	act 9:23	apply 9:22	brandon 5:3
4	adam 2:3 3:5 13:9	appreciate 8:9 13:23	
4 1:18,21 3:3	address 13:6		
40 6:2 11:15,22	addresses 7:16 7:24		
48 3:4			
4th 15:16			

[c - expiring]

<p>c</p> <p>c 2:1 5:2,11,11 5:16,18 6:18</p> <p>called 1:5</p> <p>case 1:9 2:7 3:4 3:7 4:7,10,20 5:1 7:4,21 8:7 11:20,20 12:25 13:10,23 15:11 15:13</p> <p>certificate 2:9 15:4</p> <p>certified 7:19</p> <p>certify 15:6,10 15:14</p> <p>charge 8:16,21 9:3</p> <p>checklist 4:22</p> <p>chronology 6:18 6:19</p> <p>claim 12:11</p> <p>claiming 10:6,22 10:23</p> <p>claims 12:4</p> <p>code 5:13</p> <p>combine 11:18</p> <p>comment 11:11 11:13</p> <p>comments 8:12 9:8</p> <p>communitizati... 10:7,18</p> <p>complete 13:23</p> <p>completed 4:18 8:15,23,24 9:2</p> <p>complies 5:13</p> <p>comprise 5:19</p>	<p>comprised 4:13</p> <p>comprising 5:24</p> <p>compulsory 1:8 4:21</p> <p>confirms 7:12</p> <p>connection 3:18</p> <p>conservation 1:3 1:5,20 3:2</p> <p>consideration 8:9</p> <p>considering 1:6</p> <p>consistent 6:14 7:11</p> <p>constructive 8:2</p> <p>contact 7:24 13:15</p> <p>contacts 6:18,19</p> <p>containing 4:19</p> <p>continuing 6:6</p> <p>copy 4:21 5:11 6:11,22 7:14 12:8</p> <p>correct 15:8</p> <p>cost 9:1</p> <p>costs 6:14,14,16</p> <p>county 1:8 4:14 15:2</p> <p>court 1:23 12:19 15:18</p> <p>credentials 6:24</p> <p>cross 7:7,8</p> <p>current 6:9</p> <p>d</p> <p>d 2:6,11 6:22 7:1 7:3,7</p> <p>dated 15:16</p>	<p>day 15:16</p> <p>deadlines 4:17</p> <p>decision 11:6</p> <p>dedicate 4:15</p> <p>dedicated 5:6,12</p> <p>definitely 10:1</p> <p>delago 15:18</p> <p>delaware 1:8</p> <p>department 1:2</p> <p>depth 5:15</p> <p>development 7:13</p> <p>different 5:18 11:16</p> <p>dismissed 9:20</p> <p>disposition 15:12</p> <p>division 1:3,5,20 3:2 6:24</p> <p>document 9:24</p> <p>documentation 12:3,6,14,22</p> <p>drill 5:8 11:17</p> <p>drilled 4:18 5:6 6:15 7:2 8:14,15 8:23 9:2,18 11:3 11:6</p> <p>drilling 6:17 7:5 7:6,10 8:18,18</p> <p>due 4:16</p> <p>e</p> <p>e 2:1,1,6,11,11 7:14 13:2,4,6</p> <p>east 4:14</p> <p>eddy 1:8 4:14</p> <p>effort 7:22</p>	<p>efforts 6:19</p> <p>eight 6:3</p> <p>either 12:17</p> <p>elements 4:22</p> <p>employed 15:10</p> <p>energy 1:2</p> <p>ensure 8:2</p> <p>entire 7:12 10:22 11:17</p> <p>entry 3:13,23</p> <p>estates 7:21,22 8:1</p> <p>examiner 1:17 1:21 3:1,5,9,12 3:15,20,25 4:4,9 4:16 7:20 8:5,10 8:13,19 9:4,7 10:3,13,21,25 11:5,10,12 12:2 12:13,18,21 13:4 13:17,19,22,25</p> <p>exception 5:25</p> <p>execution 7:1</p> <p>exercised 11:17</p> <p>exhibit 4:19,21 4:25 5:2,11,16 5:22 6:18,22 7:7 7:14</p> <p>exhibits 2:7,13 4:19,20 6:9 8:6 11:13 12:24 14:1</p> <p>exists 12:23</p> <p>expiration 4:17</p> <p>expires 15:19</p> <p>expiring 5:10</p>
---	--	--	--

[f - making]

f	<p>going 10:9 12:20</p> <p>good 7:21</p> <p>grabbing 9:15</p> <p>guadalupe 2:4</p> <p>guess 8:15</p>	<p>impediments 7:6</p> <p>7:10</p> <p>inaudible 3:18</p> <p>3:19</p> <p>includes 6:19 7:8</p> <p>including 5:8</p> <p>incumbent 8:25</p> <p>indicates 5:22</p> <p>10:5</p> <p>individuals</p> <p>11:22</p> <p>information</p> <p>7:24 13:10,15</p> <p>injury 9:19 10:1</p> <p>11:3</p> <p>instruct 7:9</p> <p>intend 3:7</p> <p>interest 4:10 5:9</p> <p>5:24,25 6:1,4,7,8</p> <p>6:13 9:14 10:10</p> <p>10:12,14,24</p> <p>11:15,19,23</p> <p>15:12</p> <p>interests 5:19</p> <p>9:11,12 10:16,16</p> <p>10:20 11:9,14,24</p> <p>12:1</p> <p>interference</p> <p>3:11,22</p> <p>interval 7:4,9,11</p> <p>invalid 9:13 11:8</p> <p>11:9,25 12:1,1</p> <p>irene 15:18</p> <p>irrelevant 11:6</p> <p>item 3:4</p>	j
<p>f 4:20 8:6</p> <p>fact 5:9 8:3,21</p> <p>9:18,19 10:1,6</p> <p>10:10 11:3,4,5</p> <p>failure 9:24</p> <p>faith 7:22</p> <p>false 12:12</p> <p>fe 1:18 2:4 3:6</p> <p>fee 4:16 7:1</p> <p>fewer 6:3</p> <p>filed 4:18,25</p> <p>5:12 10:19</p> <p>final 15:12</p> <p>firm 13:12</p> <p>first 8:10,15</p> <p>9:13,13</p> <p>five 6:4</p> <p>foregoing 15:7,8</p> <p>form 5:11</p> <p>formation 4:11</p> <p>4:23 5:5 7:5</p> <p>fourth 1:23</p> <p>frame 8:20</p> <p>further 12:16</p> <p>15:10,14</p>	h		<p>john 1:21</p> <p>july 4:17 5:10</p>
	<p>h 2:11</p> <p>hale 6:23,23</p> <p>7:12</p> <p>hart 2:3 3:6</p> <p>13:13,14</p> <p>hear 4:2</p> <p>heard 4:2</p> <p>hearing 1:5,17</p> <p>1:20,20 3:1,9,12</p> <p>3:15,20,25 4:4</p> <p>8:10 9:7,10,13</p> <p>9:19,22 10:3,8</p> <p>10:13,21,25 11:3</p> <p>11:5,6,10 12:2</p> <p>12:13,21 13:4,17</p> <p>13:19,25</p> <p>hearings 3:3</p> <p>heirs 7:22,23 8:3</p> <p>hello 3:13,20</p> <p>hired 9:10</p> <p>holland 2:3 3:6</p> <p>13:13,14</p> <p>horizontal 4:12</p> <p>7:5,13</p>		l
g			<p>laches 9:24</p> <p>lack 9:20</p> <p>landman 5:3</p> <p>lawyer 9:17</p> <p>10:18 12:5,10,11</p> <p>lease 4:17 5:9</p> <p>9:11,13,16,17,25</p> <p>10:11 11:8,23</p> <p>leased 10:5</p> <p>leases 6:2 9:11</p> <p>9:11,24 11:15</p> <p>leave 12:3,14</p> <p>left 3:3</p> <p>letter 6:12</p> <p>license 15:19</p> <p>light 8:21</p> <p>line 7:8</p> <p>listed 10:4</p> <p>little 9:22</p> <p>llc 1:8</p> <p>location 5:17</p> <p>locator 5:16</p> <p>logs 7:8</p> <p>long 10:15,15</p> <p>longer 10:20,24</p> <p>11:2,25</p> <p>looking 9:16</p>
<p>garcia 1:21 8:11</p> <p>8:12,13 9:4</p> <p>12:16,18</p> <p>gas 1:7 3:4 9:23</p> <p>general 5:16</p> <p>gentlemen 13:18</p> <p>geologist 6:23</p> <p>go 3:12 8:10</p> <p>12:23</p>	i		m
	<p>identified 7:23</p> <p>7:24</p> <p>identifies 4:22</p> <p>5:7</p> <p>identify 7:9,22</p>		<p>mail 13:2,4,6</p> <p>mailings 7:19</p> <p>main 8:13</p> <p>making 3:24</p>

[manipulation - raised]

<p>manipulation 9:25 map 5:16,18 7:3 marathon 5:25 6:5 marlene 13:5,5 matter 1:5,20 mexico 1:1,8,18 1:20 3:2 15:1 michael 6:23 mineral 5:24 10:4,14 minerals 1:2 10:5,22 12:11 month 6:17,17 9:23 move 8:5 mute 3:16</p>	<p>6:1,6,15,16 7:16 9:17 10:2 11:14 12:7,9,24 13:8 novo's 6:19,23 number 3:4 5:7 11:15 nw 1:23</p>	<p style="text-align: center;">p</p> <p>p 2:1,1 packet 4:19 pages 15:8 papers 9:15 part 4:23 parties 5:23 6:10 6:20 7:16 8:25 15:11 party 4:7 12:17 patrick 5:3 7:21 paul 1:23 penalty 8:17 percent 6:3,4 8:17 9:3 period 12:15 persons 3:10 place 9:25 plan 7:1 platform 1:21 please 12:4,22 point 12:5,7,16 12:24 pool 4:10 5:13 5:13,15,23 6:10 6:13 7:16 10:14 11:1,19 pooled 4:7 8:25 pooling 1:8 4:21 4:24 8:4 poor 15:15 postal 7:17 potential 7:23 8:3 precedence 12:20 prepare 9:24</p>	<p>prepared 7:14 presentation 3:8 presented 12:24 pretenses 12:12 previously 5:3 6:24 primary 5:9 proceed 3:7 4:8 5:8 proceeding 15:14 proceedings 1:17 15:7,9 producing 6:17 professional 1:23 proper 9:24 proposal 6:11 proposed 4:15 5:5,6 provide 12:4,22 provided 7:15 7:17 publication 8:2 pull 10:10 purple 5:13,14 purpose 1:6</p>
n	o		
<p>n 2:1,6,11 name 4:2 13:8,9 narrow 8:20 natural 1:2 necessity 5:8 negotiated 6:2 neither 15:10 nevertheless 7:25 new 1:1,8,18,20 3:2 15:1 nm 1:24 2:4 north 2:4 northern 1:7 notice 7:15 8:1,2 notification 8:3 novo 1:7 3:4 4:10,15 5:8,22</p>	<p>object 9:1 obtained 9:12 10:12,17 11:14 office 3:6 7:15 13:15 officer 1:20 oil 1:3,5,7,20 3:2 3:4 9:23 okay 3:3,15 4:7 10:3 11:10 13:7 13:14,16,17,18 open 12:3,15 operator 8:20 operators 6:15 order 11:19 original 10:17 outline 5:4 overhead 6:16 owned 5:20 owner 5:25 10:4 owners 4:11 5:24 6:7,8,12,13 10:14 11:16 ownership 5:21 6:3 10:16,22 oxy 10:19 12:9</p>		q
			r
			<p>r 2:1 raised 9:19 10:2 11:4</p>

[range - top]

<p>range 4:14 rankin 2:3 3:5,5 3:23 4:2,8,9 6:11 8:14,19 11:11,12 13:9,10 13:13,16,20,22 reach 6:6,20 reasonable 15:15 recapitulation 5:20 received 8:3 10:19 recognized 4:5 record 3:2,21 8:6 11:19 12:3 12:15,23,25 13:10,22 reflect 6:9 11:13 11:20 reflecting 5:12 6:19 7:15 reflective 6:14 reflects 5:18 related 15:11 relying 8:1 remain 6:20 remainder 6:7 remaining 11:18 remains 6:4 report 7:18 reported 1:23 15:6 reporter 2:9 15:18 reporter's 1:17 15:4</p>	<p>reporters 1:23 requirements 5:14 resources 1:2 reviews 5:4,7 right 4:4 8:23 11:16,18 12:23 rights 11:20 risk 8:16,17,21 8:22 9:3 11:7</p> <hr/> <p style="text-align: center;">s</p> <hr/> <p>s 2:1 4:13 10:7 10:18 sage 5:13,15 salvidrez's 13:6 samaniego 3:14 3:15,25 4:3,6 8:11 9:8,9 10:3 10:6,13,15,21,23 10:25 11:2,8,22 12:2,8,19,21 13:2,7,9,12,14 13:18,20 santa 1:18 2:4 3:6 says 3:19 section 4:13 7:7 7:8 10:10 see 8:11 9:5 seek 6:13 seeking 4:10,15 5:23 6:10 8:21 11:1,18 seeks 6:16 7:16 self 5:2 6:22 sent 6:12</p>	<p>service 7:17 set 12:20 setback 5:14 severances 5:15 shorthand 15:7 showing 5:16 7:8 7:18 11:3 shows 7:4 9:19 sign 6:8 similar 6:15 sorry 3:10,12 sought 8:22 south 4:14 spacing 4:12,15 4:23 5:4,6,17,19 5:21 7:12 11:17 speaking 3:21 special 5:14 stand 8:7 standard 4:11 4:12 standing 9:18,20 10:2 state 1:1 12:19 15:1 statement 5:2 6:23 statements 10:8 status 6:10 7:18 9:1 stenographic 15:7 stratigraphic 7:7 street 1:23 structure 7:3 submit 12:14 13:21</p>	<p>submitted 6:9 12:6,9 successfully 6:2 suitable 7:5,13 suite 1:23 2:4 summary 2:7 support 12:4 system 9:25</p> <hr/> <p style="text-align: center;">t</p> <hr/> <p>t 2:11 take 4:6 11:7 taken 2:8 8:7 11:21 12:25 13:23 14:2 target 7:4,9,11 technical 1:21 8:13 9:4 12:18 tell 4:1,3 terminate 11:24 terminated 9:10 9:14,17 10:11,17 11:9,24 termination 12:1 12:8 terms 5:10 testified 5:3 6:24 testimony 4:19 thank 3:9 4:9 9:7 11:10 13:1,17,18 13:19,25 think 8:19 12:16 thursday 1:21 time 8:5,20 10:8 12:15 today 9:14 top 7:3</p>
---	---	--	---

[township - year]

township 4:13	voice 4:5
tracking 7:18	w
tracts 5:18,20	want 12:14
transcript 1:17 15:8	wanted 10:1
tried 10:9	webex 1:21
true 15:8	week 6:7
tuesday 4:18 6:9	wells 4:23 6:15 7:5
turks 4:16 7:1	william 1:21
u	wolfcamp 4:11 5:12,14 7:3
un 7:20	wonder 12:10
unclear 8:14,17 9:16 11:25	work 6:6 13:12
uncommitted 4:10 5:23 6:4,21	working 5:25 6:13 9:11,12,14 10:12,20,24 11:9 11:15,23,24 12:1
underlying 4:11	x
undertake 8:22	x 2:6,11,11
undertaken 7:21	y
undivided 11:13	year 5:10 6:2 9:22
unidentified 3:18	
unit 4:12,16,23 5:4,7,17,19,21 7:1,12 11:1,17	
unleased 5:24 10:4,14	
unprobated 7:20 7:25	
usa 10:19 12:9	
v	
valid 9:15 10:20 10:24 11:2,15,23 11:25	
violation 9:23	
virtual 1:17,20 15:7,14	