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

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

APPLICATION OF CHEVRON U.S.A.,	Case Nos.
INC. FOR COMPULSORY POOLING,	22409-22412
LEA COUNTY, NEW MEXICO,	
APPLICATION OF MATADOR	Case Nos.
PRODUCTION COMPANY	21683, 21685
FOR COMPULSORY POOLING,	22103, 22104
LEA COUNTY, NEW MEXICO,	
APPLICATION OF E.G.L.	Case Nos.
RESOURCES, INC.	22083, 22084
FOR COMPULSORY POOLING,	22114, 22115
LEA COUNTY, NEW MEXICO,	

1	APPLICATION OF CHISHOLM ENERGY	Case Nos.
2	OPERATING, L.L.C. FOR	21849, 21850
3	COMPULSORY POOLING,	22393, 22394
4	LEA COUNTY, NEW MEXICO,	
5		
6	APPLICATION OF MEWBOURNE	Case Nos.
7	OIL COMPANY FOR COMPULSORY	22161-22164
8	POOLING, LEA COUNTY,	
9	NEW MEXICO,	
10		
11	APPLICATION OF MATADOR	Case Nos.
12	PRODUCTION COMPANY FOR	21994, 21995
13	COMPULSORY POOLING,	22000-22005
14	EDDY COUNTY, NEW MEXICO,	
15		
16		
17	APPLICATION OF TAP ROCK	Case Nos.
18	OPERATING, L.L.C. FOR	22929, 22930
19	COMPULSORY POOLING,	
20	EDDY COUNTY, NEW MEXICO,	
21		
22	APPLICATION OF OXY U.S.A., INC.	Case No.
23	FOR COMPULSORY POOLING,	22928
24	LEA COUNTY, NEW MEXICO,	
25		

1	APPLICATION OF MATADOR	Case Nos.
2	PRODUCTION COMPANY FOR	22747, 22748
3	COMPULSORY POOLING,	
4	LEA COUNTY, NEW MEXICO,	
5		
6	APPLICATION OF AVANT OPERATING,	Case Nos.
7	L.L.C. FOR COMPULSORY POOLING,	22895, 22896
8	LEA COUNTY, NEW MEXICO,	
9		
10	APPLICATION OF LECACY RESERVES	Case Nos.
11	OPERATING, L.P. FOR COMPULSORY	22230, 22231
12	POOLING, LEA COUNTY, NEW MEXICO,	
13		
14	APPLICATION OF AVANT OPERATING,	Case Nos.
15	L.L.C. FOR COMPULSORY POOLING,	22895, 22896
16	LEA COUNTY, NEW MEXICO,	
17		
18	APPLICATION OF MATADOR	Case Nos.
19	PRODUCTION COMPANY FOR	22571-22574
20	COMPULSORY POOLING,	
21	LEA COUNTY, NEW MEXICO,	

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1 APPLICATION OF DEVON ENERGY Case Nos.
2 PRODUCTION COMPANY, L.P. 22958-22964
3 FOR COMPULSORY POOLING,
4 EDDY COUNTY, NEW MEXICO,
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6 APPLICATION OF MATADOR Case Nos.
7 PRODUCTION COMPANY FOR 22006
8 COMPULSORY POOLING, 22008-22014
9 EDDY COUNTY, NEW MEXICO.

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VIDEOCONFERENCE HEARING

DATE: Thursday, August 18, 2022
TIME: 8:17 a.m. M.D.T.
BEFORE: Hearing Examiner Bill Brancard
Technical Examiner Dylan Rose-Coss
LOCATION: Remote Proceeding
Santa Fe, New Mexico
REPORTED BY: Mariah Bryant, Notary Public
JOB NO.: 5376524

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A P P E A R A N C E S

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ENERGY, CHISHOLM ENERGY, OXY U.S.A., INC., FASKEN OIL
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A P P E A R A N C E S (Cont'd.)
ON BEHALF OF CIMAREX ENERGY CO., PANTERA ENERGY,
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1 A P P E A R A N C E S (Cont'd.)
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A P P E A R A N C E S (Cont'd.)

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A P P E A R A N C E S (Cont'd.)
ON BEHALF OF SABINAL ENERGY OPERATING:
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Marlene Salvidrez
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John Stewart
Yarithza Pena
Nedra Murphy
Alana Shaefer
Phillip Goetze
Brett Willis
Andrew Schill
Lesley Forrest
Dean McClure

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I N D E X

E X H I B I T S

NO.	DESCRIPTION	ID/EVD
Tap Rock Operating, L.L.C. (Case nos. 22929, 22930):		
Exhibit A	Landman Affidavit	28/28
Exhibit B	Geologist Affidavit	28/28
(Exhibits retained by counsel.)		
NO.	DESCRIPTION	ID/EVD
Oxy U.S.A., Inc. (Case no. 22928):		
Exhibit A	Compulsory Pooling Checklist	35/35
Exhibit B	Application	35/35
Exhibit C	Landman Affidavit	35/35
Exhibit D	Geologist Affidavit	35/35
Exhibit E	Notice Affidavit	35/35
Exhibit F	Affidavit of Publication	35/35
(Exhibits retained by counsel.)		
NO.	DESCRIPTION	ID/EVD
Matador Production Company (Case nos. 22747, 22748):		
Exhibit A	Compulsory Pooling Checklists	40/40
Exhibit B	Application	40/40
Exhibit C	Landman Affidavit	40/40
Exhibit D	Geologist Affidavit	40/40

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E X H I B I T S (Cont'd.)

NO.	DESCRIPTION	ID/EVD
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Matador Production Company (Case nos. 22747, 22748
Cont'd.):

Exhibit E	Statement of Notice	40/40
Exhibit F	Affidavit of Publication	40/40

(Exhibits retained by counsel.)

NO.	DESCRIPTION	ID/EVD
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Avant Operating, L.L.C. (Case nos. 22895, 22896):

Exhibit A	Landman Affidavit	47/47
Exhibit B	Geologist Affidavit	47/47
Exhibit C	Notice Affidavit	47/47

(Exhibits retained by counsel.)

NO.	DESCRIPTION	ID/EVD
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Legacy Reserves Operating, L.P. (Case nos. 22230,
22231):

Exhibit A	Compulsory Pooling Checklist	57/57
Exhibit B	Applications	57/57
Exhibit C	Landman Affidavit	57/57
Exhibit D	Geologist Affidavit	57/57
Exhibit E	Notice Affidavit	57/57
Exhibit F	Affidavit of Publication	57/57

(Exhibits retained by counsel.)

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E X H I B I T S (Cont'd.)

NO.	DESCRIPTION	ID/EVD
Matador Production Company (Case nos. 22571-22574):		
Exhibit A	Compulsory Pooling Checklist	68/68
Exhibit B	Applications	68/68
Exhibit C	Landman Affidavit	68/68
Exhibit D	Geologist Affidavit	68/68
Exhibit E	Notice Affidavit	68/68
Exhibit F	Affidavit of Publication	68/68

(Exhibits retained by counsel.)

NO.	DESCRIPTION	ID/EVD
Devon Energy Production Company, L.P. (Case nos. 22961-22964):		
Exhibit A	Landman Affidavit	96/96
Exhibit B	Geologist Affidavit	96/96
Exhibit C	Notice Affidavit	96/96

(Exhibits retained by counsel.)

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P R O C E E D I N G S

HEARING EXAMINER: I am Bill Brancard, the hearing examiner. With me is Dylan Rose-Coss, the technical examiner. We have a court reporter today so, please, slowly and clearly. I don't think we have any other announcements other than the fact that our building is still under construction, so you may hear drilling behind me.

With that, we have our worksheet -- final docket worksheet listed on our website. There are 56 cases listed but some of them will go quickly today. In fact, I'll start with the last four cases just to break up the routine here. These are cases 22409, 22410, 22411, 22412, Chevron U.S.A.

MS. BENNETT: Good morning, Mr. Hearing Examiner. This is Deana Bennett on behalf of Chevron U.S.A. And, I apologize, I'm a little -- I mean, I'm here. I wasn't ready for these four to be called last, but I understand why you are.

HEARING EXAMINER: Yes. So you had a late-filed continuance motion?

MS. BENNETT: Yes, apologies for that. We had filed a Motion to Vacate the Pre-Hearing Order and a Motion for a Continuance but hadn't filed the actual motions to continue the cases. And, when I was

1 reviewing the worksheet last night, I realized that
2 oversight, and we immediately filed the Motions for
3 Continuance.

4 HEARING EXAMINER: Okay. So this is
5 based on a Scheduling Order which has already
6 continued the cases, so the Motion for Continuance is
7 granted. So cases 22409, 410, 411, and 412 are
8 continued. Thank you.

9 MS. BENNETT: Thank you very much. And
10 I will be more technologically put together for the
11 next cases I'll be participating in.

12 HEARING EXAMINER: Thank you.

13 MS. BENNETT: Thank you.

14 HEARING EXAMINER: All right. With
15 that, I'll start then back at the beginning. We're
16 going to call the first eight cases. These are cases
17 21683, 21685, 22103, 22104, 22083, 22084. Now I have
18 added on cases 22114, 22115 in case we can also
19 dispose of those at the same time. So let's start
20 with Matador Production Company.

21 MR. FELDEWERT: Good morning, Mr.
22 Examiner and Mr. Rose-Coss. This is Michael Feldewert
23 with Holland and Hart on behalf of Matador Production
24 Company.

25 HEARING EXAMINER: All right. We have

1 E.G.L. Resources, but I believe it's Earthstone now?

2 MR. PADILLA: That's correct, Mr.
3 Examiner. Ernest L. Padilla for Earthstone.

4 HEARING EXAMINER: Thank you. And then
5 I have entries for some of the cases. Cimarex Energy?

6 MR. SAVAGE: Good morning, Hearing
7 Examiner, Technical Examiner. Darin Savage with the
8 Santa Fe office of Abadie and Schill on behalf of
9 Pantera Energy, Incorporated and Cimarex Energy Co.

10 HEARING EXAMINER: Thank you. E.O.G.
11 Resources.

12 MR. PARROT: Good morning, Mr.
13 Examiner. This is James Parrot with Beatty and
14 Wozniak here for E.O.G. Resources, Inc.

15 HEARING EXAMINER: All right. I have
16 an X.T.O. Energy entry.

17 MR. FELDEWERT: Mr. Examiner, Michael
18 Feldewert with the Santa Fe office of Holland and
19 Hart.

20 HEARING EXAMINER: All right. Are
21 there any other entries of appearances then, cases
22 21683, 685, 22103, 104, 083, 084, 114, 115?

23 [No audible response.]

24 HEARING EXAMINER: Hearing none, Mr.
25 Feldewert, can we start with you?

1 MR. FELDEWERT: Sure. My understanding
2 from speaking with the client this week is that the
3 efforts to try to resolve these matters are, as they
4 said, progressing nicely. Our preference would be to
5 have a status conference in a month or two.

6 HEARING EXAMINER: I'll also note here
7 that E.G.L. indicated that -- I mean, sorry --
8 Earthstone indicated 22114, 22115 should be added to
9 this group. Do you have any objections to that?

10 MR. FELDEWERT: No. And, in fact, I --
11 there -- in my opinion, that's correct, so no
12 objection.

13 HEARING EXAMINER: All right. Mr.
14 Padilla?

15 MR. PADILLA: I agree with Mr.
16 Feldewert's representations of -- in fact, I got an
17 e-mail this morning saying that the trade is being
18 finalized, so they asked me to move the status
19 conference to a later date. And that's where we are.

20 HEARING EXAMINER: All right. So
21 should we do this two months from now or a month from
22 now? Two months from now?

23 MR. PADILLA: I vote two.

24 HEARING EXAMINER: All right. So how
25 about October 6th for a status conference?

1 MR. PADILLA: That works for us.

2 HEARING EXAMINER: And I'll check in
3 with the other parties. Cimarex?

4 MR. SAVAGE: No objection on that.
5 Thank you.

6 HEARING EXAMINER: E.O.G.?

7 MR. PARROT: No objection.

8 HEARING EXAMINER: And then, Mr.
9 Feldewert, X.T.O. on this?

10 MR. FELDEWERT: No objection.

11 HEARING EXAMINER: All right. So
12 status conference October 6th.

13 MR. FELDEWERT: Thank you, sir.

14 HEARING EXAMINER: So that's for cases
15 21683, 685, 22103, 104, 22083, 22084, and we're going
16 to add to the Scheduling Order case 22114 and 22115.
17 Thank you, everyone.

18 Now we're on items 9, I believe,
19 through 16 and so this would be case 21849, 21850,
20 22393, 22394, 22161, 22162, 22163, and 22164.
21 Chisholm Energy.

22 MR. FELDEWERT: May it please the
23 Examiner, Michael Feldewert of the Santa Fe office of
24 Holland and Hart appearing on behalf of Chisholm.

25 HEARING EXAMINER: All right.

1 Mewbourne Oil Company.

2 MR. BRUCE: Mr. Examiner, Jim Bruce
3 entering an appearance on all cases on behalf of
4 Mewbourne.

5 HEARING EXAMINER: Thank you. I also
6 have entries from Oxy U.S.A. and E.O.G. Resources. Is
7 that Mr. Parrot?

8 MR. PARROT: Sorry, Mr. Examiner. I
9 thought you were waiting for Oxy. Yeah. This is
10 James Parrot with Beatty and Wozniak representing
11 E.O.G. Resources, Inc.

12 HEARING EXAMINER: Okay. So we have
13 Oxy U.S.A.? I don't know if that's you, Mr.
14 Feldewert.

15 MR. FELDEWERT: I will enter an
16 appearance on behalf of Oxy U.S.A. in this matter.

17 HEARING EXAMINER: Okay. Apache
18 Corporation?

19 MS. BENNETT: Good morning, Mr.
20 Examiner. Deana Bennett from Modrall Sperling on
21 behalf of Apache Corporation.

22 HEARING EXAMINER: All right. And then
23 we have C.O.G. Operating.

24 MS. MUNDS-DRY: Thank you, Mr. Hearing
25 Examiner. Ocean Munds-Dry with C.O.G. Operating,

1 L.L.C.

2 HEARING EXAMINER: Thank you. I think
3 that's all the entries I have. Are there any other
4 entries of appearances cases 21849, 850, 22393, 394,
5 22161, 162, 163, 164?

6 [No audible response.]

7 HEARING EXAMINER: Hearing none, let's
8 start with Mr. Bruce.

9 MR. BRUCE: Mr. Examiner, I was
10 informed the other day that the parties are trying to
11 work things out, and they're getting pretty close. I
12 suppose it doesn't matter whether we set it for
13 another status conference or a hearing. I will defer
14 to Mr. Feldewert on that but, either way, it should
15 probably be bumped a couple of months at least.

16 HEARING EXAMINER: Mr. Feldewert,
17 you've been deferred to.

18 MR. FELDEWERT: In deference to Mr.
19 Bruce, I agree with his representation. There's a
20 couple other things, Mr. Examiner. There's some
21 moving parts here. We're actually going to dismiss
22 the Chisholm Energy cases, okay, because Earthstone
23 Operating, we had filed cases on their behalf that are
24 on the September 1st docket that will replace these
25 Chisholm Energy cases. And the Earthstone Operating

1 cases, Mr. Examiner, are 22978, 22979, 22980, and
2 22981. They are currently on the September 1st
3 docket. They should eventually be consolidated, if --
4 as -- if needed, with the Mewbourne cases since they
5 replaced the Chisholm Energy cases. But I do agree
6 with Mr. Bruce's suggestion that we hold another
7 status conference. I would suggest November for
8 purposes of seeing where things stand at that point.

9 HEARING EXAMINER: All right. Let me
10 offer November 3rd for a status conference. Mr.
11 Bruce, any objection to that or to the idea of
12 exchanging cases here?

13 MR. BRUCE: None whatsoever. November
14 3rd is fine.

15 HEARING EXAMINER: All right. Let me
16 go around to the other parties then. Mr. Parrot?

17 MR. PARROT: No objection.

18 HEARING EXAMINER: All right. Ms.
19 Bennett?

20 MS. BENNETT: No objection.

21 HEARING EXAMINER: Ms. Munds-Dry?

22 MS. MUNDS-DRY: No objection.

23 HEARING EXAMINER: Thank you. Okay.
24 So we will have a status conference for these cases
25 and it is, so far, cases 21849, 21850, 22393, 22394

1 and cases 22161, 162, 163, and 164. So I guess, if
2 you could, Mr. Feldewert, file a little motion to
3 amend the Prehearing Order indicating the cases will
4 be -- have been dismissed and new cases should be
5 added to the ...

6 MR. FELDEWERT: So that would be to
7 amend the Prehearing Order?

8 HEARING EXAMINER: Yes.

9 MR. FELDEWERT: Okay. Yeah.

10 HEARING EXAMINER: Assuming we have
11 one.

12 MR. FELDEWERT: That's a good question.
13 I hadn't checked that. And then moving the matters to
14 the November 3rd docket?

15 HEARING EXAMINER: Right. Yeah. Don't
16 worry about that. I'll just issue a little order
17 then. But whenever you are ready to dismiss your
18 cases, et cetera, file a piece of paper with us.

19 MR. FELDEWERT: I will do that.

20 HEARING EXAMINER: All right. Thank
21 you very much. So these cases are moved to November
22 3rd for a status conference.

23 MR. FELDEWERT: Thank you.

24 HEARING EXAMINER: Okay. Now let's try
25 to figure out where we are on the next batch of cases.

1 Cases 21994, 21995, 22000, 001, 002, 003, 004, and
2 005, which may be connected to cases later on in the
3 docket starting with 22006. So let me call Matador
4 Production Company here.

5 MR. BRUCE: Mr. Examiner, Jim Bruce,
6 representing Matador. And, yes, the cases are all
7 connected.

8 HEARING EXAMINER: Okay. Thank you.
9 And I'll get back to you in a second. Let me just get
10 all the other contestants up. E.O.G. Resources.

11 MR. PARROT: Good morning, Mr.
12 Examiner. This is James Parrot with Beatty and
13 Wozniak representing E.O.G. Resources, Inc.

14 HEARING EXAMINER: Thank you. Devon
15 Energy Production Company?

16 MR. SAVAGE: Good morning. Darin
17 Savage with the Santa Fe office of Abadie and Schill
18 for Devon Energy Production Company.

19 HEARING EXAMINER: Okay. Jalapeno
20 Corporation. Peifer Hanson Law Firm. All right.
21 Anyone else here for cases 21994, 995, and 22000
22 through 005, et cetera?

23 [No audible response.]

24 HEARING EXAMINER: Hearing none, Mr.
25 Bruce, I believe you filed some Motions to Dismiss; is

1 that correct?

2 MR. BRUCE: Yes, Mr. Examiner. I filed
3 a Motion to Dismiss cases 17 through 24 as well as
4 cases 45 to 52, and I have so notified the other
5 parties.

6 HEARING EXAMINER: All right. And I
7 understand there's -- so there's no competing cases
8 here so that's it then.

9 MR. BRUCE: Correct.

10 HEARING EXAMINER: All right. Any
11 other strong objections from the parties? I see a nod
12 from Mr. Savage. Mr. Parrot?

13 MR. PARROT: No objection.

14 HEARING EXAMINER: All right. So with
15 that, we will move forward on the Motions to Dismiss
16 on items 17 through 24 and, I believe, that's also 45
17 through 52; is that correct, Mr. Bruce?

18 MR. BRUCE: Yes, sir.

19 HEARING EXAMINER: All right. Well
20 that thins out the agenda for today.

21 MR. BRUCE: Glad to help.

22 HEARING EXAMINER: Thank you, everyone.

23 MR. SAVAGE: Thank you.

24 MR. BRUCE: Thank you.

25 HEARING EXAMINER: All right. Let's

1 try an actual hearing then. Cases 25 and 26, Tap Rock
2 Operating.

3 MR. RODRIGUEZ: Good morning, Michael
4 Rodriguez with Tap Rock Operating, L.L.C.

5 HEARING EXAMINER: Okay. And are there
6 any other interested parties then for cases 22929,
7 22930?

8 [No audible response.]

9 HEARING EXAMINER: Hearing none --

10 MR. VAWTER: Hi there. This is Andrew
11 Vawter with Monticello Investments, the successor
12 interest to Featherstone.

13 HEARING EXAMINER: I'm sorry. Could you
14 repeat your name again, sir?

15 MR. VAWTER: Andrew Vawter.

16 HEARING EXAMINER: Okay. And you said,
17 "Featherstone"?

18 MR. VAWTER: Correct. With a successor
19 interest to Featherstone's interest that's listed.

20 HEARING EXAMINER: All right. And I
21 think I had an entry here from E.O.G. Resources also.

22 MR. PARROT: Yes, Mr. Examiner. This
23 is James Parrot, with Beatty and Wozniak, representing
24 E.O.G.

25 HEARING EXAMINER: Okay. Let's start

1 with E.O.G. Do you have any objections to this case
2 going ahead by affidavit?

3 MR. PARROT: No. We don't.

4 HEARING EXAMINER: Okay. Let me turn
5 to Featherstone then. Does Featherstone have any
6 objection to this case going ahead by affidavits?

7 MR. VAWTER: No.

8 HEARING EXAMINER: Thank you. All
9 right. Any other persons then for cases 22929, 22930?
10 Hearing none, Mr. Rodriguez, I believe we continued
11 this from the last hearing. Please proceed, but I
12 think you need to introduce all your exhibits.

13 MR. RODRIGUEZ: Thank you. Yes. That
14 is correct. These cases were continued to correct the
15 pool code to a Wildcat oil pool with standard offset
16 and spacing that allows the well -- and it's described
17 in the applications -- to be formed. And, in these
18 cases, Tap Rock is seeking to pull all uncommitted
19 within the Bone Spring formation in Eddy County, New
20 Mexico. And, specifically case number 22929, Tap Rock
21 requests an order pooling all uncommitted interests in
22 the Wolfcamp 25S, 25E 14, Bone Spring pool code 98372
23 within the Bone Spring formation underlying a 640-acre
24 standard horizontal spacing unit comprised of the
25 south half of Sections 13 and 14, Township 25 south,

1 Range 25 east. And it seeks to dedicate this unit to
2 the Cold Snack Federal Com 153 and 154H wells. And
3 the completed interval for the Cold Snack Federal Com
4 153 will be within 330 feet of the quarter-quarter
5 line separating the north half, south half from the
6 south half, south half of Sections 13 and 14 to allow
7 the inclusion of this acreage into a standard
8 horizontal spacing unit.

9 And, in case number 22930, Tap Rock
10 requests a similar order pooling all uncommitted
11 interests in the same pool within the Bone Spring
12 formation underlying a 640-acre standard horizontal
13 spacing unit comprised of the north half of Sections
14 13 and 14. And it seeks to dedicate this unit to the
15 Cold Snack Federal Com 151 and 152H wells. The
16 completed interval for the Cold Snack Federal Com 152H
17 will be within 330 feet of the quarter-quarter line
18 separating the north half, north half from the south
19 half, north half of Sections 13 and 14 to allow this
20 acreage -- the inclusion of this acreage into a
21 standard horizontal spacing unit.

22 The exhibits submitted to the Division
23 of these cases are identical and contain the
24 Compulsory Pooling Checklist. Exhibits A, which are
25 the landman's testimony and related land exhibits.

1 Exhibits B, which is the geologist's testimony and
2 related geology exhibits. And notice can be found in
3 Exhibits A-6, which contains the sample Notice of
4 Hearing letter, and contains a tracking list, and the
5 current status of the parties who were notified of
6 this hearing via certified mail. And Exhibit A-7 is
7 the Affidavit of Publication demonstrating that all
8 notice requirements for these applications have been
9 met.

10 And with that, I ask that Exhibits A
11 through A-7 and B through B-5 be admitted into the
12 record and case numbers 22929 and 22930 be taken under
13 advisement.

14 (Tap Rock Operating, L.L.C. Exhibit A
15 and Exhibit B were marked for
16 identification.)

17 HEARING EXAMINER: Thank you. I'll
18 start with Mr. Parrot. Any questions or concerns?

19 MR. PARROT: No. Thank you.

20 HEARING EXAMINER: Thank you. Mr.
21 Vawter, any questions or concerns?

22 MR. VAWTER: No concerns.

23 HEARING EXAMINER: Thank you. We'll
24 turn to Mr. Rose-Coss. Any questions?

25 MR. TECHNICAL EXAMINER: All right.

1 Well there we go. Yes. Good morning, Mr. Rodriguez
2 -- for you today. So maybe my question is something
3 that was addressed in the last hearing. Could you
4 explain to me a little bit more about the pool code
5 change, how this is a wildcat pool and an oil pool
6 spacing as it relates to, like, the Wolfcamp tradition
7 -- or often being a gas pool and often being Purple
8 Sage? How is this unfolding here?

9 MR. RODRIGUEZ: I believe there was
10 originally a Bone Spring gas pool in that area but
11 recent production records indicate that this area is
12 more oily than it is gassy and the Aztec O.C.D.
13 office, I believe, prior the date of the hearing --
14 last hearing followed up with us agreeing with those
15 -- with that production information and created a
16 wildcat oil pool in the Bone Spring area for the area
17 that these spacing units cover. And so we continued
18 the case in order to adjust that and the pool code
19 that you see now is what is reflected from all of
20 that.

21 MR. TECHNICAL EXAMINER: Okay. So this
22 is a Bone Spring oil pool. How is it -- is this the
23 -- and then you said something about it being the same
24 pool for the Wolfcamp and the Bone Spring; is that
25 correct? How does that work?

1 MR. RODRIGUEZ: I'm sorry. Maybe I
2 misspoke. The Wolfcamp is in the Purple Sage-Wolfcamp
3 spacing units that went over the last hearing. Those
4 are in Purple Sage pools. However, this -- these two
5 are Bone Spring wildcat oil pools.

6 MR. TECHNICAL EXAMINER: Okay. And do
7 you know if -- did the wells have to be spaced any
8 differently? Does the spacing work out then?

9 MR. RODRIGUEZ: The spacing conforms to
10 how we have developed and arranged the wells within
11 these spacing units. So there's standard oil spacing
12 and offsets.

13 MR. TECHNICAL EXAMINER: Okay. And, on
14 the mock C102s submitted, is there a reason that
15 there's a bunch of, like -- I'm looking at page 12 of
16 the PDF -- a bunch of, like, message or, like, text
17 boxes everywhere on that PDF. Is that for a reason or
18 is that an error?

19 MR. RODRIGUEZ: I have no idea. I did
20 not notice that in Adobe Acrobat. Now I'm seeing it
21 off of the PDF submitted to the website. I'm not sure
22 where that came from, but I can certainly resubmit
23 them perhaps. That seems like that could be pretty
24 distracting.

25 MR. TECHNICAL EXAMINER: Yeah. I mean,

1 it's merely distracting. I would just suggest check
2 for that going forward. I've seen it on a bit of
3 stuff. I don't know what happens either. It does
4 make it hard if we needed any of the information from
5 that.

6 MR. RODRIGUEZ: I'll get right on that.
7 Thank you.

8 MR. TECHNICAL EXAMINER: And can you
9 tell me about any challenges you had delivering notice
10 to all the parties or everyone was identifiable?

11 MR. RODRIGUEZ: Yeah. I believe, from
12 the Exhibits -- let's see. What page is it? Page 25,
13 I believe, of the PDF shows that some items still
14 might be in transit, however, all parties have been
15 identified. And no undeliverable items are reflected
16 in that Exhibit.

17 MR. TECHNICAL EXAMINER: Okay. And
18 then so then was the newspaper notice out of an
19 abundance of caution?

20 MR. RODRIGUEZ: Yeah. We'll
21 belt-and-suspenders our notice just to make sure that
22 we're covering all our bases.

23 MR. TECHNICAL EXAMINER: Okay. And
24 that was done -- right?

25 MR. RODRIGUEZ: Yes. It was.

1 MR. TECHNICAL EXAMINER: Okay. Well
2 those exhaust the questions I have for you, so thank
3 you.

4 MR. RODRIGUEZ: Thank you.

5 HEARING EXAMINER: Thank you. The only
6 thing I'll note, Mr. Rodriguez, is if you go to your
7 checklist -- your revised checklist, it still has the
8 prior hearing date at the top.

9 MR. RODRIGUEZ: I can fix that and
10 resubmit those later this afternoon.

11 HEARING EXAMINER: Okay. No problem.
12 Are there any other questions then for cases 22929,
13 22930?

14 [No audible response.]

15 HEARING EXAMINER: Hearing none, the
16 Exhibits will be admitted into the record and 22929,
17 22930 will be taken under advisement.

18 MR. RODRIGUEZ: Thank you.

19 HEARING EXAMINER: Thank you. Okay.
20 With that, I will call item 27, case 22928, Oxy
21 U.S.A., Inc. I believe they're represented by
22 Gallagher and Kennedy. I see Mr. Moellenberg.

23 MR. MOELLENBERG: Good morning, Mr.
24 Hearing Officer. Dalva Moellenberg for Oxy U.S.A. and
25 Scott Woody also should be on. I'm not sure where he

1 is

2 MR. WOODY: It looks like someone just
3 unmuted me.

4 MR. MOELLENBERG: Oh there we go.

5 MR. WOODY: Mr. Hearing Officer, this
6 is Scott Woody with Gallagher and Kennedy.

7 HEARING EXAMINER: Thank you. Mr.
8 Moellenberg, who is going to handle it for your firm?

9 MR. MOELLENBERG: Mr. Woody will handle
10 it. Thank you.

11 HEARING EXAMINER: Thank you. Okay. I
12 have an entry from C.O.G. Operating.

13 MS. MUNDS-DRY: -- Examiner, Ocean
14 Munds-Dry with C.O.G. Operating, L.L.C.

15 HEARING EXAMINER: Okay. Does C.O.G.
16 object to this case going forward by affidavit?

17 MS. MUNDS-DRY: We have no objection
18 to this case going forward by affidavit. Thank you.

19 HEARING EXAMINER: Thank you. Are
20 there any other entries of appearance by case number
21 22928?

22 Hearing none, Mr. Woody, you may
23 proceed.

24 MR. WOODY: Thank you, Mr. Hearing
25 Officer. In case 22928 Oxy seeks to pool all

1 uncommitted mineral interests in the Bone Spring
2 formation for a horizontal spacing unit, so it'd be
3 underlying the western half of the western half of
4 Sections 1 and 12 of Township 22 south, Range 32 east
5 and the western half of the western half of Section
6 36, Township 21 south, Range 32 east. These are all
7 in Lea County. This will form a standard,
8 approximately 480-acre, more or less, spacing unit
9 pursuant to the Division's guidelines and setback
10 requirements.

11 Oxy seeks to dedicate this to the Paw
12 Swap 1236 Fed Com Number 11H well. This will be
13 located in the Red Tank Bone Spring Pool. Our Pool
14 Code is 51683. The surface location will be in Unit
15 C, the northeast quarter of the northwest quarter of
16 Section 13, Township 22 south, Range 32 east with an
17 intended bottom in Unit D of the northwest quarter of
18 the north -- excuse me -- the northwest quarter of the
19 west quarter of Section 36, Township 21, Range 32
20 east. Our depth is approximately 9,510 feet.

21 At the time, Your Honor, we have timely
22 submitted our packet, which is -- will include Exhibit
23 A, our Checklist; Exhibit B, our Application; Exhibit
24 C, our landperson Affidavit with standard landperson
25 Exhibits marked C1 through C4; and Exhibit D, our

1 geologist Affidavit with our standard geologist
2 Exhibits marked D1 through D4; Exhibit E, our
3 self-affirming Affidavit of the Letter Notice; and
4 Exhibit F, our Notice of Publication.

5 At this time, I respectfully request
6 that the Affidavits and Exhibits be admitted and this
7 case be taken under advisement. And we'll stand for
8 questions.

9 (Oxy U.S.A., Inc. Exhibit A, Exhibit B,
10 Exhibit C, Exhibit D, Exhibit E, and
11 Exhibit F were marked for
12 identification.)

13 HEARING EXAMINER: Thank you. Let's
14 start with Ms. Munds-Dry. Any questions?

15 MS. MUNDS-DRY: No questions. Just
16 like to state, for the record, that we believe C.O.G.
17 should no longer be a pool party.

18 HEARING EXAMINER: Okay. And under the
19 Exhibits, I don't believe it's listed as a pool party.

20 MR. WOODY: That's correct, Your Honor.
21 After the continuance, we changed that.

22 HEARING EXAMINER: Thank you.

23 MR. WOODY: The only pool parties
24 appear to be, as noted on C-2, Chevron Midcontinent,
25 Allar, Strategic, and Highland.

1 HEARING EXAMINER: Thank you. Mr.
2 Rose-Coss, any questions?

3 MR. TECHNICAL EXAMINER: I do not have
4 any questions. Thank you, Mr. Brancard.

5 HEARING EXAMINER: Okay. Mr. Woody,
6 just out of curiosity, you listed those on, as you
7 said, on your Exhibit C-2, is that correct, as those
8 are the pool parties, but I see you also made a lot of
9 effort to notify some other people like this Axis
10 Energy?

11 MR. WOODY: Yes, sir. And there's a
12 separate reason for that: we wanted to make sure
13 everybody was well aware of this and going forward.
14 But we did notify Axis, and Intrepid, and B.L.M. on
15 this because it is in the potash development area.

16 HEARING EXAMINER: Okay. And what's
17 Axis's relationship to this case?

18 MR. WOODY: That, Your Honor, is
19 another case that will be coming up in the next couple
20 of months, and we just wanted everybody in early.

21 HEARING EXAMINER: Okay. But they are
22 not a pool party in this case?

23 MR. WOODY: No, sir. As represented on
24 C-2, the only pool parties at this time is Chevron,
25 Allar, Strategic, and Highland.

1 HEARING EXAMINER: Okay. Thank you.
2 Are there any other interested persons then for case
3 22928?

4 [No audible response.]

5 HEARING EXAMINER: Hearing none, the
6 Exhibits will be admitted into the record and case
7 22928 will be taken under advisement.

8 MR. WOODY: Thank you.

9 HEARING EXAMINER: With that, we're on
10 items 28 and 29. These are cases 22747, 22748.

11 MS. VANCE: Good morning, Mr. Hearing
12 Examiner and Mr. Rose-Coss. Paula Vance with the
13 Santa Fe office of Holland and Hart on behalf of the
14 applicant, Matador Production Company.

15 HEARING EXAMINER: Thank you. I have
16 an entry from Conoco Philips.

17 MS. MUNDS-DRY: Thank you, Mr. Hearing
18 Examiner. Ocean Munds-Dry with Conoco Philips and
19 Burlington Resources Oil and Gas.

20 HEARING EXAMINER: Thank you. I will
21 note that there were a number of, I believe they were
22 royalty interest owners who had contacted us -- their
23 e-mails are in the case file -- requesting a
24 continuance in this case. I am seeing whether any of
25 those persons are here today. And the names I have

1 are Denise Crimmins, Aimee Ducharme -- probably
2 murdered that -- Celeste Martley, Michelle Deane. Are
3 any of those persons on the call today?

4 Hearing none, Ms. Vance, to explain
5 what efforts you've done with the royalty interest
6 owners and to present your case.

7 MS. VANCE: Sure. Just to touch on the
8 first question regarding the royalty interests, it's
9 our understanding that Matador has reached out to
10 those parties, and they are no longer seeking that
11 continuance, and they have come to an agreement. And
12 it's our understanding that we're able to move forward
13 with these cases.

14 HEARING EXAMINER: Thank you. We do
15 have correspondence from Mr. Feldewert that copies
16 each of these persons to that effect, and we did not
17 get any responses from those parties, so I will take
18 silence as assent in this case and allow you to move
19 forward with your case.

20 MS. VANCE: Thank you, Mr. Hearing
21 Examiner. So, in case 22747, Matador seeks to pool
22 uncommitted interests within the Bone Spring
23 formation. Pool Code 96399 underlying a standard
24 320-acre horizontal spacing unit comprised of the west
25 half of the east half of Sections 16 and 21, Township

1 20 south, Range 33 east, Lea County, New Mexico. And
2 Matador seeks to dedicate this spacing unit to the
3 proposed Pony Express Federal Com 403H, 504H, and 603H
4 wells.

5 Then, in case 22748, Matador seeks to
6 pool uncommitted interests within the Bone Spring
7 formation, Pool Code 96399 underlying a standard
8 320-acre horizontal spacing unit comprised of the east
9 half of the east half of Sections 16 and 21, Township
10 20 south, Range 33 east, Lea County, New Mexico. And
11 Matador seeks to dedicate this spacing unit to the
12 proposed Pony Express Federal Com 404H, 505H, and 604H
13 wells.

14 In each of these cases, we have
15 provided the compulsory pooling checklists as well as
16 the affidavit and testimony of landman Isaac Evans and
17 geologist, Andrew Parker, both of whom have previously
18 testified before the Division and their credentials
19 have been accepted as a matter of record. Mr. Evans,
20 his Affidavit is Exhibit C, which includes sub
21 exhibits C-1, C102s; C-2, a land track map; C-3, a
22 list of uncommitted working interest owners; C-4, a
23 list of overriding royalty interest owners; C-5,
24 sample well proposal letters and AFEs; and C-6, a
25 chronology of contacts.

1 This is followed by Mr. Parker's
2 affidavit, which is Exhibit D and includes sub
3 exhibits D-1, a locator map, D-2, a sub-sea structure
4 and cross section map, and D-3, a stratigraphic cross
5 section. In these cases, Mr. Parker did not observe
6 any faulting, pinch outs, or other geologic
7 impediments to the horizontal drilling of these wells.

8 Lastly is Exhibit E, which is a
9 self-affirmed Statement of Notice with sample letters
10 that were timely mailed on April 15, 2022 and July 29,
11 2022. And Exhibit F, which is the Affidavit of Notice
12 and Publication, which was timely published on April
13 19, 2022 and July 29, 2022.

14 And, unless there are any questions, I
15 would ask that all the Exhibits and sub exhibits be
16 accepted into the record and that case 22747 and 22748
17 be taken under advisement by the Division at this
18 time.

19 (Matador Production Company Exhibit A,
20 Exhibit B, Exhibit C, Exhibit D,
21 Exhibit E, and Exhibit F were marked
22 for identification.)

23 HEARING EXAMINER: Okay. Thank you.
24 Ms. Munds-Dry, any questions or objections?

25 MS. MUNDS-DRY: No questions, no

1 objections. Thank you.

2 HEARING EXAMINER: Thank you. Mr.
3 Rose-Coss.

4 TECHNICAL EXAMINER: Hi. Yes. Good
5 morning. You know, looking through, it appears that
6 these wells are going to penetrate Capitan Reef
7 Formation. I suppose this is -- it's really something
8 that would come later and be handled by the geologist
9 but has there been any -- you know, the -- when the
10 APDs are eventually filed. Do you know if any
11 consideration has been made in well design or location
12 placements of the well pads in this case? Is this in
13 the potash region or is there any, like, B.L.M. drill
14 islands that are negotiated in these cases?

15 MS. VANCE: I would have to follow up
16 with Matador to get better clarification on that for
17 you. It is my understanding that they are, at least
18 for case 22748, they do have a common well pad that
19 they're going to be drilling from. But, as far as
20 anything more specific than that, I would have to
21 follow up with Matador, but I'm happy to do that if
22 you would like any clarification on that.

23 TECHNICAL EXAMINER: Sure. I guess I
24 suppose I'd be curious if it affected the well costs
25 -- the well cost proposal at all if -- yeah.

1 MS. VANCE: I -- oh I'm sorry.

2 TECHNICAL EXAMINER: No. Go ahead.

3 MS. VANCE: Well at least in terms of
4 case 22748 where I discussed with Matador the common
5 well pad, they did state that there was no impact to
6 cost and the lateral would be -- it would be the same
7 completed lateral even though they're -- they've got
8 it all coming from a common well pad.

9 TECHNICAL EXAMINER: Sure. Yeah. The
10 issues with drilling through the Reef in the kind of
11 vertical section of the well, and the cement, and the
12 drilling fluids that would need to be used for that
13 interval, which I understand makes it more expensive
14 but not exactly sure how that's handled here.

15 It seems as if all of the parties have
16 been identified and notified. And that's correct?
17 Were they all identified and notified but the paper
18 notice was still run?

19 MS. VANCE: Well so, initially, we did
20 a round of notification in April. And then we did a
21 second round of notification both mailing and
22 publication end of April. And then we also did the
23 same in July and any parties that have not yet
24 received letter notification, which I think there may
25 be some that are still in transit, we did the

1 notification by publication to cover those parties.

2 TECHNICAL EXAMINER: Okay. So parties
3 -- well that exhausts my questions then. So thank you
4 for your time, Ms. Vance.

5 MS. VANCE: Thank you, Mr. Rose-Coss.

6 HEARING EXAMINER: Thank you. Okay.
7 Are there any other interested persons then for cases
8 22747, 22748?

9 [No audible response.]

10 HEARING EXAMINER: Hearing none, the
11 Exhibits will be admitted into the record and the
12 cases will be taken under advisement.

13 Now, Mr. Rose-Coss, was there any
14 further information you needed?

15 TECHNICAL EXAMINER: Yeah. Could you
16 have Matador send some of the well bore diagrams and
17 drilling plans to accommodate drilling through the
18 Reef or a statement saying that that's been considered
19 and nothing is necessary?

20 MS. VANCE: I will follow up with
21 Matador on that.

22 TECHNICAL EXAMINER: Okay. Thank you.

23 MS. VANCE: Is that something that can
24 be provided by e-mail or is that something that needs
25 to be entered into the record?

1 TECHNICAL EXAMINER: Mr. Brancard?

2 HEARING EXAMINER: Well it's up to you,
3 Mr. Rose-Coss, if you want -- I mean, it's not
4 something that is part of the exhibits normally so ...

5 TECHNICAL EXAMINER: Well e-mail, and
6 I'll upload it to the record or to the case file;
7 right?

8 HEARING EXAMINER: Yeah.

9 MS. VANCE: Anything else?

10 HEARING EXAMINER: I think that's it.
11 Thank you.

12 MS. VANCE: Thank you.

13 HEARING EXAMINER: Case will -- 22747,
14 748 are taken under advisement, the record left open
15 for the submittal of the additional information.
16 Thank you.

17 And with that, we're on items 30 and
18 31, cases 22895, 22896, Avant Operating.

19 MS. HARDY: Good morning, Examiners.
20 Dana Hardy with the Santa Fe office of Hinkle Shanor
21 on behalf of Avant Operating, L.L.C.

22 HEARING EXAMINER: All right. AND we
23 have an Entry of Appearance from Marathon Oil Permian.

24 MS. BRADFUTE: Good morning, Mr.
25 Examiner. This is Jennifer Bradfute on behalf of

1 Marathon Oil Permian, L.L.C.

2 HEARING EXAMINER: Thank you. Are
3 there any other -- does Marathon object to these cases
4 going forward by affidavit, Ms. Bradfute?

5 MS. BRADFUTE: No, Mr. Examiner. We do
6 not.

7 HEARING EXAMINER: Thank you. Are
8 there any other entries of appearance for cases 22895
9 and 22896?

10 [No audible response.]

11 HEARING EXAMINER: Hearing none, Ms.
12 Hardy, you may proceed.

13 MS. HARDY: Thank you. In case number
14 22895, Avant seeks an order pooling uncommitted
15 interests in a 640-acre, more or less, standard
16 overlapping spacing unit in the Bone Spring Formation
17 underlying the east half of Section 36, Township 19
18 south, Range 32 east and the east half of Section 1,
19 Township 20 south, Range 32 east in Lea County. Avant
20 proposes to dedicate that unit to the 604H, 605H, and
21 606H wells. And this is a proximity tract spacing
22 unit with the 605H well being the proximity tracked
23 defining well. This unit partially overlaps with the
24 spacing unit for Marathon's Maroon Bells Federal Com
25 well.

1 In case number 22896, Avant seeks an
2 order pooling uncommitted interests in the Bone Spring
3 Formation underlying a 640-acre standard horizontal
4 spacing unit comprised of the west half of Section 36,
5 Township 19 south, Range 32 East and the west half of
6 Section 1, Township 20 south, Range 32 East. And that
7 unit will be dedicated to the 601H, 602H, and 603H
8 wells. That unit is also a proximity tract unit with
9 the 602H well being the proximity tract defining well.

10 In both cases, our Exhibits include the
11 Affidavit of land professional Shelly Albrecht,
12 geologist, John Harper, and my Notice Affidavit. Ms.
13 Albrecht provides the standard land exhibits,
14 including the C-102s, the ownership information and
15 tracks, well proposal, and the chronology of contact.

16 The land ownership information, in both
17 cases, is included on Exhibit A-3, which also
18 identifies the uncommitted interests to be pooled.
19 And, when I was looking at this preparing for the
20 hearing, I realized that the pooled interests are
21 highlighted on the first page of Exhibit A-3 but the
22 overrides are also being pooled, and they are listed
23 on the second page but they're not highlighted. So I
24 would like to submit an updated Exhibit A-3 that just
25 highlights those overrides to be clear that they're

1 also being pooled.

2 The geologist, John Harper, submits a
3 regional location map, cross section map, structure
4 map, structural and stratigraphic cross sections, and
5 a gun barrel development plan.

6 My Notice Affidavit includes a chart
7 that lists the parties who were notified and the dates
8 on which Notices were sent. And, in this case, it
9 seems to be a miracle because we actually received all
10 of the green cards back, and I haven't seen that
11 happen in a little while. We did also publish notice
12 out of an abundance of caution.

13 But, in any event, unless there are
14 questions, I would request that the Exhibits be
15 admitted into the record and that these cases be taken
16 under advisement. Thank you.

17 (Avant Operating, L.L.C. Exhibit A,
18 Exhibit B, and Exhibit C were marked
19 for identification.)

20 HEARING EXAMINER: Thank you. We'll
21 start with Marathon. Ms. Bradfute, any questions or
22 concerns?

23 MS. BRADFUTE: No, Mr. Hearing
24 Examiner, no questions or objections at this time.

25 HEARING EXAMINER: Okay. And you

1 obviously have been notified of the overlap with your
2 spacing --

3 MS. BRADFUTE: Yeah. Yes, Mr.
4 Examiner. And Marathon is preserving its rights to
5 seek de novo -- a de novo application if it needs to
6 as it continues to work with Avant.

7 HEARING EXAMINER: Okay. Great. Thank
8 you.

9 Mr. Rose-Coss?

10 TECHNICAL EXAMINER: Sure. Yes. Good
11 morning.

12 MS. HARDY: Good morning.

13 TECHNICAL EXAMINER: So I noticed again
14 here that these wells are going to penetrate the Reef
15 and are in the R111P area. Do you know if there was
16 any challenges with the drill island and/or
17 construction details with the wells that are going to
18 compensate for drilling through the Reef, if that's
19 going to increase the costs at all?

20 MS. HARDY: Not that I know of, Mr.
21 Examiner.

22 TECHNICAL EXAMINER: Okay. I know
23 that's a -- it's a -- and it's a big consideration for
24 me in the saltwater disposal world that the well
25 designs need to change a lot. And so I imagine they

1 need to as well and that -- just wanted to make that
2 was compensated for in these, or addressed, or
3 considered would be my only thought here. So if you
4 could send us the same sort of statement that I asked
5 for in the previous case addressing that thought.

6 MS. HARDY: Sure.

7 TECHNICAL EXAMINER: And that would be
8 my only question here as well. I believe Mr. Brancard
9 is going to inquire as well, as somewhat of an aside,
10 but we've noticed in the checklist that the
11 introductory -- the application checklist, that the
12 drilling supervising costs per month and production
13 supervision costs per month are 20 percent or so more
14 than we typically see. Can you speak to that at all,
15 where those additional costs might be coming from in
16 these cases, or inflation?

17 MS. HARDY: I am hearing from clients
18 that that is a occurring due to service company
19 availability -- you know, issues associated with
20 service company availability and also inflation. I
21 don't have specific information on the reason in this
22 case but that's generally been my understanding, and
23 I'm seeing that coming up more often. If you'd like,
24 I can ask Avant specifically about that.

25 TECHNICAL EXAMINER: You know, I'll

1 pass to Mr. Brancard here. I'm not especially
2 interested but that is something that we are looking
3 for. That's all my questions.

4 MS. HARDY: Thank you.

5 HEARING EXAMINER: Thank you. Yeah.
6 So, yeah, 10,000 a month for drilling is, I think,
7 outside the norm of what we see. We normally see
8 7,000 or 8,000 a month so, if you could provide some
9 explanation as to why that is, that would be helpful.

10 MS. HARDY: Sure. Okay. I'd be happy
11 to do that.

12 HEARING EXAMINER: Yeah. I mean, I do
13 notice, as Mr. Rose-Coss has noticed, the last two
14 cases the well costs are pretty high, over 10 million
15 for each of these wells. So that may be what you're
16 seeing Mr. Rose-Coss is the cost of drilling in this
17 area.

18 TECHNICAL EXAMINER: Yeah that could --

19 MS. HARDY: That's possible.
20 Certainly. Okay. I will inquire and provide that.

21 HEARING EXAMINER: Thank you. Any
22 other questions or concerns then for cases 22895,
23 22896?

24 [No audible response.]

25 HEARING EXAMINER: Hearing none, the

1 Exhibits will be admitted into the record. These
2 cases will be taken under advisement, the record left
3 open for the submittal of the additional information
4 that we requested. So it's the drilling plans. It's
5 the supervision cost explanation. And then, I
6 believe, you also mentioned you were going to revise
7 Exhibit A-3.

8 MS. HARDY: That's correct. To
9 highlight the overrides.

10 HEARING EXAMINER: Thank you. Okay.
11 Good. I like to sort of say that on the record
12 because somebody else will end up writing the order
13 going, what did they ask for.

14 MS. HARDY: Yeah. Thank you.

15 HEARING EXAMINER: So thank you. Okay.
16 With that, we'll be on items 32 and 33. These are
17 cases 22230, 22231, Legacy Reserves Operating.

18 MR. PARROT: Good morning. Good
19 morning, Mr. Hearing Examiner. And this is James
20 Parrot representing E.O.G. -- sorry Legacy Reserves.
21 Sorry about that.

22 HEARING EXAMINER: All right. We have
23 a number of Entries of Appearance here, some of whom
24 may have dropped by the wayside. Because this was a
25 contested case at some point. We actually still have

1 a Prehearing Order in effect that I probably need to
2 vacate on the record if no one objects. So let's go
3 through and see who is here and, if anyone objects to
4 these cases being put forward by affidavit. Let's
5 start with C.O.G. Operating.

6 MS. MUNDS-DRY: Good morning, Mr.
7 Hearing Examiner. Ocean Munds-Dry with C.O.G.
8 Operating. We've withdrawn our Entry of Appearance
9 and so, godspeed.

10 HEARING EXAMINER: Thank you. E.G.L.
11 Resources.

12 MR. BRUCE: Mr. Examiner, Jim Bruce
13 representing E.G.L. Resources and also P.B.E.X., and I
14 have no objection to the matter proceeding by
15 affidavit.

16 HEARING EXAMINER: Thank you. Fasken
17 Oil and Ranch.

18 MR. FELDEWERT: Good morning, Mr.
19 Examiner. Michael Feldewert with the Santa Fe office
20 of Holland and Hart on behalf of Fasken Oil and Ranch.
21 We do not object to the matters proceeding by
22 affidavit.

23 HEARING EXAMINER: Thank you.
24 Earthstone Permian.

25 MS. HARDY: Good morning. Dana Hardy

1 with the Santa Fe office Hinkle Shanor on behalf of
2 Earthstone Permian and Earthstone Operating.

3 HEARING EXAMINER: All right. Thank
4 you. Are there any other entries of appearance for
5 cases 22230, 22231?

6 Okay. So let's get back then to Legacy
7 Reserves here. Mr. Parrot, so it hasn't been done
8 formally, so I will vacate the Prehearing Order now so
9 all those deadlines go away and nobody's in violation
10 of that.

11 MR. PARROT: Thank you.

12 HEARING EXAMINER: But I will notice in
13 here, and perhaps I'm just not seeing it, that I do
14 not see in the case file a prehearing statement from
15 Legacy.

16 MR. PARROT: I believe we filed a
17 prehearing statement several months ago, but I can
18 refile that for you today just to make sure that it's
19 in the record if that would be helpful.

20 HEARING EXAMINER: Yes. We need a
21 prehearing statement. It's --

22 MR. PARROT: Okay. I'll get that in
23 today so that it's in the record for you

24 HEARING EXAMINER: Okay. Yeah. I mean
25 --

1 MR. PARROT: These cases have been
2 pending for well over a year so, with all the
3 continuances and everything, the record has gotten a
4 little complicated.

5 HEARING EXAMINER: Yes. It has. And I
6 also note that, when you submitted your exhibits, you
7 said you were resubmitting your exhibits but, again, I
8 couldn't find an original set of exhibits, which is
9 irrelevant because we just go with whatever you
10 submit.

11 MR. PARROT: Okay.

12 HEARING EXAMINER: But again, that just
13 may be me not finding things in the case file. So but
14 if you could submit the prehearing statement, that we
15 need in order for this case to go forward.

16 MR. PARROT: Yep. Absolutely.

17 HEARING EXAMINER: Okay. And with
18 that, please proceed with your rest of your case.

19 MR. PARROT: Okay. Will do. Thank
20 you. Well this is James Parrot with Beatty and
21 Wozniak representing Legacy Reserves Operating, L.P.
22 Mr. Brancard and Mr. Rose-Coss, thanks for your time
23 today. I would like to present these cases
24 consolidated because they're pretty much the same.
25 Case numbers 22230 and 31 are Applications to pull all

1 committed interests in two Bone Spring units. One is
2 committed to the Ruby Fed Com 501H well 320-acre unit
3 covering the west half of the east half of Sections 15
4 and 22 in 19 south, 33 east. And the other is for the
5 502H well. Same sections but it's the east half, east
6 half. They're all in Lea County. No proximity
7 tracts.

8 The exhibit packet was filed last week.
9 It was the checklist, the application, and the
10 affidavits. Exhibit A is the checklist. Exhibit B is
11 the Applications. Exhibit C is Mr. Willis's
12 Affidavit; he's Legacy's land witness. He has
13 previously testified before the Division and had his
14 qualifications accepted. He notes that Exhibit C-1 is
15 the general location map. C-2 includes the Form
16 C-102s, and Mr. Willis notes that there are no
17 overlapping units for either well. C-3 includes the
18 spacing units and wells.

19 C-4 is the ownership within the units
20 and Legacy would like to note that Fasken, although
21 shown as uncommitted, is no longer a pooled party.
22 That was a recent development. C-5 contains a sample
23 proposal that was sent to the working interest owners
24 in the unit. C-6 is the AFEs for the wells. And then
25 C-7 is a extended chronology of the contacts with all

1 of the various interested parties, and we're very
2 delighted to note that we were able to work out all of
3 the different interests with the stakeholders, so we
4 don't have a contested hearing for you today.

5 Exhibit D is Mr. Stewart's Affidavit.
6 He's a geology witness. He has previously testified
7 before the Division and had his qualifications
8 accepted. D-1 is a locator map. D-2 is a structure
9 map for the Bone Spring showing the cross section from
10 A to A prime or the wells used to construct the
11 cross-section rather. D-3 is the cross section
12 itself. And then D-4 includes Mr. Stewart's
13 conclusions from his Affidavit. We wouldn't normally
14 include this, but we filed the exhibits when we were
15 anticipating the possibility of a contested hearing,
16 so we just left those in there. And he does state the
17 wells are representative of the area geology and
18 there's no faulting, pinching, or other geologic
19 hazards.

20 Exhibit E is the Notice Affidavits
21 showing notice was mailed to a number of interested
22 parties. It includes the green cards. A few were
23 undeliverable. And Exhibit F shows the Affidavits of
24 Publication. Notice was published in three papers:
25 The Albuquerque, Carlsbad, and Hobbs newspapers. And,

1 with that, I'd request the Exhibits be admitted into
2 the record and the matters be taken under advisement.

3 (Legacy Reserves Operating, L.P.
4 Exhibit A, Exhibit B, Exhibit C,
5 Exhibit D, Exhibit E and Exhibit F were
6 marked for identification.)

7 HEARING EXAMINER: Thank you. We'll
8 start with C.O.G. Ms. Munds-Dry, any questions or
9 concerns?

10 MS. MUNDS-DRY: No questions, no
11 objections. Thank you.

12 HEARING EXAMINER: Thank you. Mr.
13 Bruce, E.G.L., P.B.X. [sic]?

14 MR. BRUCE: Nothing. Nothing.

15 HEARING EXAMINER: Thank you. Mr.
16 Feldewert, Fasken?

17 MR. FELDEWERT: Mr. Parrot, I don't
18 have the -- let's see. I'm looking at the Exhibits
19 you filed. So I see you show Fasken with a working
20 interest, but you've indicated that Fasken is no
21 longer being pooled; is that correct?

22 MR. PARROT: That's correct. Fasken is
23 no longer a pooled party.

24 MR. FELDEWERT: In either case?

25 MR. PARROT: For either well, correct.

1 MR. FELDEWERT: Okay. All right.
2 Great. Thank you very much.

3 MR. PARROT: Yes.

4 HEARING EXAMINER: Thank you. Ms.
5 Hardy, Earthstone?

6 MS. HARDY: No questions. Thank you.

7 HEARING EXAMINER: Thank you. Mr.
8 Rose-Coss?

9 TECHNICAL EXAMINER: Hi, yes. Good
10 morning. So I'm coming late to this case. Seems like
11 it's been going on for a while, and I appreciate the
12 chronology of events that was submitted, page 107 and
13 155. That's helpful. And potentially maybe not under
14 my purview, but I'd still be interested to know if you
15 could summarize some of the events that have led us
16 out of the contest for the hearing. It was contested.
17 And can you tell me the nature of the contests and
18 some of the ways that it was resolved?

19 MR. PARROT: Sure. I think the nature
20 of the contest just arises from the fact that this is
21 anticipated to be an excellent area and a lot of
22 companies are excited to drill wells here. And a
23 number of companies have interests in the area and
24 wanted to drill wells. There were originally a set of
25 applications for the Bone Spring that proposed 2-mile

1 horizontal laterals in the east half of Sections 22
2 and the Section immediately to the south. So it was
3 basically offset 1 mile to the south.

4 And, after many months of discussions
5 between the parties, they have worked out an agreement
6 where everybody is okay with the development plans for
7 Legacy to develop the Ruby wells in the east half of
8 Sections 15 and 22 rather than other wells going in
9 the east half of Sections 22 and 27. And partially
10 that involved Earthstone's assessor, Chisholm, working
11 out an arrangement with Legacy where Legacy agreed
12 that Chisholm would be the operator for some certain
13 lands and then Chisholm agreed that Legacy would be
14 the operator for these lands.

15 And so Earthstone is the successor to
16 Chisholm, I think, initially was not necessarily aware
17 of that arrangement but a number of conversations took
18 place between the companies and the end result was
19 that both companies agreed to not protest each other's
20 proposals to operate certain lands. So I think that's
21 probably a good place for me to stop and see if you
22 have any questions.

23 TECHNICAL EXAMINER: No. Thanks. I
24 guess that makes it clear as mud. I probably --

25 MR. PARROT: Then I'd have to show you

1 a very complicated map with, like, six different
2 colors and probably an animated PowerPoint
3 presentation showing what units were proposed and
4 where to really clarify it, but I think the point is
5 that, just what I said in the beginning, several
6 different companies own interests in these areas. All
7 of them wanted to operate. It's a great area to
8 drill. And eventually the companies agreed on certain
9 arrangements whereby certain companies would operate
10 certain lands and other companies would operate other
11 lands. And that's just, you know, best for all
12 parties concerned so we don't have to take up your
13 time and energy with a contested hearing.

14 TECHNICAL EXAMINER: Yeah. No, well, I
15 appreciate that, and I guess I -- my takeaway from
16 today, looking through these cases, is, like, I don't
17 know if I'd seen this -- seen a case worked out like
18 this. But I'm not in a lot of these cases, so I'm, oh
19 okay, that could work. I bet that was a challenge.
20 And it seems like people are -- all the cases I've
21 seen are filling in the kind of potash lease area, so
22 I bet that is the hot area to be drilling in.

23 MR. PARROT: Well you can see on D-1
24 that the brown, thin line on D-1 is the -- south of
25 the brown line is the potash area and north is not

1 potash, so it's -- it, you know -- just that we're on
2 the boundary there, it complicated things even more.

3 TECHNICAL EXAMINER: Yeah. Yeah.

4 Okay. Well those are my questions.

5 MR. PARROT: Okay.

6 TECHNICAL EXAMINER: So thanks and glad
7 y'all worked it out.

8 MR. PARROT: We are too. Thank you
9 very much to P.B.E.X., and Earthstone, and E.G.L., and
10 Fasken for all of your hard work in coming to a
11 conciliatory solution here.

12 TECHNICAL EXAMINER: Perfect. That's
13 it for me, Mr. Brancard.

14 HEARING EXAMINER: Thank you. So, from
15 you C-4 Exhibit, it looks like there's five parties
16 being pooled here. I guess four, if you got rid of
17 Fasken. But then, when we get down to your Notices,
18 there's a whole lot of other people getting notice
19 here.

20 MR. PARROT: There are a number of
21 royalty owners who received Notice.

22 HEARING EXAMINER: Okay. So are you
23 pooling overriding royalty interests in this
24 proceeding?

25 MR. PARROT: No. We're just notifying

1 people of the action. I think it was more notice than
2 was necessary.

3 HEARING EXAMINER: Okay. Because some
4 parties, you know, have the override royalty interests
5 as actual pool parties and lists them.

6 MR. PARROT: The folks that are being
7 pooled are working interest owners.

8 HEARING EXAMINER: Okay. All right.
9 And, I guess you know, in the future, while we love
10 the green cards and love going through the green
11 cards, if you could do -- a number of parties have
12 adopted our suggestion of having a little spreadsheet
13 that just sort of shows the party, and when the notice
14 was sent, and was it received, and when it was
15 received kind of, you know ...

16 MR. PARROT: Absolutely.

17 HEARING EXAMINER: You know, some
18 people use a postal service, you know, report. Some
19 people develop their own spreadsheets but it's helpful
20 to us to kind of -- when there's a number of parties
21 to kind of get a quick glance at what the status of
22 the notice is.

23 MR. PARROT: We will certainly add that
24 to the exhibits from now on.

25 HEARING EXAMINER: Okay. Any other

1 persons then for cases 22230, 22231?

2 [No audible response.]

3 HEARING EXAMINER: Hearing none, the
4 Exhibits will be admitted into the record. So what we
5 need is the Prehearing Statement. We cannot move
6 forward on this case without your Prehearing
7 Statement. And I don't know whether any of the
8 parties would like to see this case continued for the
9 Prehearing Statement. Is there any objection to us
10 taking this case under advisement. I will throw that
11 open to the other parties.

12 MR. BRUCE: No objection from E.G.L.

13 HEARING EXAMINER: Thank you.

14 MS. HARDY: No objection from
15 Earthstone.

16 HEARING EXAMINER: All right. C.O.G.?

17 MS. MUNDS-DRY: No objection.

18 HEARING EXAMINER: Fasken?

19 MR. FELDEWERT: We're no longer being
20 pooled, so we have no objection.

21 HEARING EXAMINER: All right. Great.
22 Okay. So we'll take this case under advisement but,
23 in order to move forward, we need the Prehearing
24 Statement and, I guess, to deal with the Fasken issue,
25 if you could just send -- also submit a revised

1 Exhibit C-4, indicates which parties are actually
2 being pooled.

3 MR. PARROT: I will have those -- both
4 o those in to you within the hour.

5 HEARING EXAMINER: All right. Thank
6 you.

7 MR. PARROT: Thank you too.

8 HEARING EXAMINER: Okay. With that we
9 will have another set of cases that were once
10 contested by may not be anymore. So we're looking at
11 items 34 through 37.

12 MS. VANCE: -- oh sorry.

13 HEARING EXAMINER: Don't jump the gun,
14 Ms. Vance.

15 MS. VANCE: I will hold my horses.
16 Sorry about that, Mr. Hearing Examiner.

17 HEARING EXAMINER: Cases 22571, 22572,
18 22573, 22574, Matador Production.

19 MS. VANCE: Good morning, Mr. Hearing
20 Examiner, Mr. Rose-Coss. Paula Vance with the Santa
21 Fe office of Holland and Hart on behalf of the
22 applicant, Matador Production Company.

23 HEARING EXAMINER: Okay. And we have
24 an entry from ConocoPhillips and Burlington Resources.

25 MS. MUNDS-DRY: Good morning, Mr.

1 Hearing Examiner. Ocean Munds-Dry with ConocoPhillips
2 and Burlington Resources Oil and Gas.

3 HEARING EXAMINER: Ms. Munds-Dry, if I
4 read the case file correctly, your client has
5 withdrawn its objections to this case being -- going
6 forward by affidavit.

7 MS. MUNDS-DRY: Yes, Mr. Brancard. We
8 have no objection to this case proceeding by
9 affidavit.

10 HEARING EXAMINER: Thank you. Are
11 there any other interested parties for cases 22571,
12 572, 573, 574?

13 [No audible response.]

14 HEARING EXAMINER: Hearing none, Ms.
15 Vance, you may proceed.

16 MS. VANCE: Thank you, Mr. Hearing
17 Examiner. So we've got four cases. The first, in
18 case 22571, Matador seeks to pull uncommitted
19 interests within the Bone Spring Formation, Pool Code
20 97088 underlying a standard 320-acre horizontal
21 spacing unit comprised of the west half of the
22 northeast quarter of Section 30, the west half of the
23 east half of Section 19, and the west half of the
24 southeast quarter of Section 18, Township 24 south,
25 Range 36 east, Lea County, New Mexico. And Matador

1 seeks to dedicate this spacing unit to the proposed
2 Huneke Fed Com 137H well.

3 Next, in case 22572, Matador seeks to
4 pool uncommitted interests within the Bone Spring
5 Formation, Pool Code 97088 underlying a standard
6 320-acre horizontal spacing unit comprised of the east
7 half of the northeast quarter of Section 30, the east
8 half of the east half of Section 19, and the east half
9 of the southeast quarter of Section 18, Township 24
10 south, Range 36 east, Lea County, New Mexico. Matador
11 seeks to dedicate this spacing unit to the proposed
12 Huneke Fed Com 13H well.

13 Next, in case 22573, Matador seeks to
14 pool uncommitted interests within the Wolfcamp
15 Formation, Pool Code 33813 underlying a standard
16 320-acre horizontal spacing unit comprised of the west
17 half of the northeast quarter of Section 30, the west
18 half of the east half of Section 19, and the west half
19 of the southeast quarter of Section 18, Township 24
20 south, Range 36 east, Lea County, New Mexico. And
21 Matador seeks to dedicate the spacing unit to the
22 proposed Huneke Fed Com 213H well.

23 And lastly, in case 22754, Matador
24 seeks to pool uncommitted interests within the
25 Wolfcamp Formation, Pool Code 33813 underlying a

1 standard 320-acre horizontal spacing unit comprised of
2 the east half of the northeast quarter of Section 30,
3 the east half of the east half of Section 19, and the
4 east half of the southeast quarter of Section 18,
5 Township 24 south, Range 36 east, Lea County, New
6 Mexico. And Matador seeks to dedicate this spacing
7 unit to the proposed Huneke Fed Com 214H well.

8 In these cases we have provided the
9 compulsory pooling checklists as well as the affidavit
10 and testimony of landman David Johns and geologist
11 Andrew Parker, both of whom have previously testified
12 before the Division and their credentials have been
13 accepted as a matter of record. Mr. Johns' Affidavit
14 is Exhibit C, which includes sub exhibit C-1, the
15 C-102s, C-2, a land track map, C-3, a list of
16 uncommitted owners. C-4, sample well proposal letters
17 and AFEs. And C-5, a chronology of contacts. And
18 this is followed by Mr. Parker's Affidavit, which is
19 Exhibit D and includes sub exhibits D-1, a locator
20 map. And then for case numbers 22571 and 22572 are
21 sub exhibits D-2, a subsea structure map for the top
22 of the Bone Spring Formation and D-3, a stratigraphic
23 cross section of the Bone Spring Formation.

24 And then, for case numbers 22573 and
25 22574, we have sub exhibits D-4, a subsea structure

1 map for the top of the Wolfcamp Formation, and D-5, a
2 stratigraphic cross section for the Wolfcamp
3 Formation. In these cases, Mr. Parker did not observe
4 any faulting, pinch outs or other geologic impediments
5 to the horizontal drilling of these wells.

6 And then lastly is Exhibit E, a
7 Affidavit of Notice with sample letters that were
8 timely mailed on February 11, 2022 and Exhibit F,
9 which is the Affidavit of Notice of Publication, which
10 was timely published on February 10, 2022. And,
11 unless there are any questions, I would ask that all
12 Exhibits and sub exhibits be admitted into the record
13 for case numbers 22571, 22572, 22573, 22574 be taken
14 under advisement at this time. Thank you.

15 (Matador Production Company Exhibit A,
16 Exhibit B, Exhibit C, Exhibit D,
17 Exhibit E, and Exhibit F were marked
18 for identification.)

19 HEARING EXAMINER: Thank you. Ms.
20 Munds-Dry, any questions or concerns?

21 MS. MUNDS-DRY: No questions or
22 objections. Thank you.

23 HEARING EXAMINER: Thank you. Mr.
24 Rose-Coss?

25 TECHNICAL EXAMINER: Yes. Good morning

1 again. So my quick observation here, and I'm not a
2 field or a company geologist but, based on the cross
3 sections in this well's location, it appears that
4 there is a fault and these wells are going across
5 structure. But are you aware of much other
6 development in the area targeting these formations and
7 how they've gone? I see also, on page 68 of 82, that
8 this might be encroaching into new territory for these
9 wells or for this sort of development; is that
10 commented upon?

11 MS. VANCE: I would have to reach out
12 to Matador for more information on that. I'm going
13 off of what was provided in the Affidavit. And so, if
14 there is a question about that, I'm happy to reach out
15 to Matador for more information. I do believe that
16 there is some development to the south that Matador
17 has a unit just south that is also forced pool and
18 they may have some development there. But again, I'd
19 have to reach out to the geologist and to Matador to
20 get further clarification on any of that.

21 TECHNICAL EXAMINER: Well I guess I'll
22 kick it to Mr. Brancard. Is this my place to be
23 asking that? Is that something we're concerned with
24 or, if they want to put a well there, you know, they
25 can have at it, if they have the lease? Or maybe Mr.

1 Brancard's stepped away. I --

2 HEARING EXAMINER: No. You know, you
3 can ask the questions. I mean, it may get into more
4 detail when the actual, you know, applications for
5 drilling are filed with the geologist.

6 TECHNICAL EXAMINER: Sure. That could
7 be. No and if you look at the cross section on -- or
8 the isopach map, on page 68 of 82 in the files, you
9 know, those contour lines are very close to each
10 other. That's some steep -- I'd think they'd have a
11 hard time placing that well. And then, if you look at
12 the cross section from A to A prime, there's -- I
13 mean, they haven't flattened it. There's a big jump
14 in it, in the structure or in the tops, which suggests
15 a fault. So that's my observation looking at the
16 Exhibits but, again, maybe that's not of our concern
17 in this case. I would also say that, you know, this
18 one's through the Reef again, and I can't see the
19 drilling cost proposals on the documents submitted, so
20 we couldn't tell you whether or not that was a
21 reasonable price for these, or not, or, like, inline
22 with what we're used to seeing.

23 MS. VANCE: I believe if you go to the
24 administrative costs for drilling, it is paragraph 16
25 of Exhibit C.

1 TECHNICAL EXAMINER: Oh okay.

2 MS. VANCE: Eight thousand proposed
3 while drilling.

4 TECHNICAL EXAMINER: I can see that,
5 yeah, with a kind of tabulated well costs. That's,
6 you know, I could see that. So then, okay. So it
7 seems in line. So those are my observations for this
8 case, and I'll pass it to Mr. Brancard again. See if
9 he had anything else.

10 MS. VANCE: Thank you.

11 HEARING EXAMINER: Yeah. I do agree.
12 Particularly the Wolfcamp. That is really tight.
13 Yeah. It's taking either a jump up or a jump down,
14 the formation.

15 TECHNICAL EXAMINER: These are all
16 right on the edge of the, you know, Basin proper as it
17 -- under the platform.

18 HEARING EXAMINER: Right.

19 TECHNICAL EXAMINER: And there's giant
20 faults there with 1,000-foot of displacement. I would
21 not want to be the guy landing these wells or steering
22 them through the formation.

23 HEARING EXAMINER: Thank you. So this
24 is a 2-mile lateral, but you're leaving a quarter
25 section above and a quarter section below. You know

1 we always ask about stranding, Ms. Vance, so ...

2 MS. VANCE: Yes. And I did reach out
3 to Matador so -- to prepare for an answer on that. So
4 I think I mentioned south -- southward of the proposed
5 unit, Matador actually -- that's one of Matador's
6 units and is currently forced pooled. So and that
7 would be, I believe, in the southeast quarter of
8 Section 30 and going south into Section 31. And then,
9 as far as northward, that northeast quarter of Section
10 18 going into Section 7, that is open and available
11 for development but sort of unaware of anything
12 ongoing there. But there is nothing that would
13 prevent development in that area.

14 HEARING EXAMINER: Okay. So let me
15 look at your -- you sent in some revised exhibits on
16 interest owners. And --

17 MS. VANCE: Yes. And essentially those
18 just update and reflect that we're no longer seeking
19 to pool ConocoPhillips.

20 HEARING EXAMINER: Right. But we have
21 this little double asterisk here for two of the
22 owners. And it reads, "It appears that this interest
23 has been conveyed numerous times. The conveyances
24 have all been recorded within the last month. We will
25 continue to work with all the assignees to reach

1 voluntary joinder." So what are you actually -- who
2 are -- I mean, what interests are you actually pooling
3 here?

4 MS. VANCE: I believe what's reflected
5 in the Exhibit, but I can reach out to Matador to find
6 out if there have been any further updates to
7 communications with those parties.

8 HEARING EXAMINER: So they continue to
9 be unleased mineral interests, or have they been
10 leased?

11 MS. VANCE: I am not aware of any
12 updates to their status but, again, I'm happy to reach
13 out to Matador to get clarification on that.

14 HEARING EXAMINER: Well I'm just
15 concerned that we're, you know -- we're pooling
16 somebody who's not an interest owner anymore, and
17 we're not pulling somebody who is an interest owner.
18 Which may simply require your client to come back in
19 for an amended order at some point in the future, once
20 they've figured out who the real interest owners are.
21 But any clarification you could get about that --
22 obviously, if there are new parties, you obviously
23 need to do new notice to them. And you would need to
24 come in and amend the Order anyway.

25 MS. VANCE: I'll reach out to Matador,

1 and I'll get clarification on that, Mr. Hearing
2 Examiner.

3 HEARING EXAMINER: I will just make a
4 point here, and this is not for you -- well it is for
5 you, Ms. Vance, but it's more for your law firm that
6 whenever we see the applications in the case file or
7 attached as part of the exhibits, the application does
8 not include a required element, which is the proposed
9 public notice. I'm guessing you must submit it
10 separately somehow because it does end up in our
11 docket but it's difficult, in going through this, to
12 sort of make sure that that notice is correct, if we
13 don't see it attached to the application.

14 MS. VANCE: If that's something that
15 you would like to see filed, I know that we --
16 obviously we end up getting that notice into the
17 hearing docket but, if it's something that you'd like
18 to see in the hearing packet or filed with the
19 application, we can -- I will discuss with my
20 colleagues, and we'll see what adjustments we can make
21 on our end.

22 HEARING EXAMINER: Yeah. Most
23 everybody else simply has it as an attachment to their
24 application. Just the one paragraph proposed notice.

25 MS. VANCE: Anything else?

1 HEARING EXAMINER: Thank you. All
2 right. Mr. Rose-Coss, did you have any information
3 that you needed from these cases?

4 TECHNICAL EXAMINER: No. No. Those
5 were just my observations. They're obviously privy to
6 information I don't have that they'll feel confident
7 landing the wells there so ...

8 HEARING EXAMINER: Okay. So once
9 again, I should've started this case by saying that,
10 it hasn't happened formally, but we will vacate the
11 Prehearing Order so that all those deadlines go away.
12 And we simply need the information then for what is
13 the status on the --

14 MS. VANCE: Two interest owners.

15 HEARING EXAMINER: Yeah, unleased
16 mineral interest owners here. And if you want us to
17 just go forward with this case and then, if you need
18 to come back and amend it, I guess that's fine. But
19 otherwise we would have to keep this whole thing open,
20 and you would have to do more notice so ...

21 MS. VANCE: That would be our
22 preference, if we can have these cases taken under
23 advisement. And I will reach out to Matador and see
24 what clarification I can get on these interest owners.
25 And, if we have to request to amend the Order, that

1 we'd do that separately.

2 HEARING EXAMINER: Okay. Thank you.
3 With that, any other persons then for cases 22571,
4 22572, 22573, 22574?

5 Hearing none, the Exhibits will be
6 admitted into the record and these cases will be taken
7 under advisement.

8 MS. VANCE: Thank you, Mr. Hearing
9 Examiner. Thank you, Mr. Rose-Coss. Have a great
10 day.

11 HEARING EXAMINER: All right. Now I
12 like to check in with our court reporter, see how they
13 are doing, and whether they need a break.

14 THE REPORTER: Thank you, Your Honor.
15 I am okay as of now.

16 HEARING EXAMINER: Okay. Thank you.
17 We have one chunk of cases left, so I believe that's
18 it. All right. We are now on items 38 plus here, and
19 I don't know how many -- how we're going to do these
20 all together but it'll be good maybe to call them all,
21 and then we can discuss what we're going to do. So we
22 will call cases 22958, 22959, 22960, 22961, 22962,
23 22963, and 22964, Devon Energy Production Company.

24 MR. SAVAGE: Mr. Hearing Examiner, Mr.
25 Technical Examiner, good morning. Darin Savage with

1 the Santa Fe Office of Abadie and Schill appearing on
2 behalf of Devon Energy Production Company. And I'd be
3 glad to --

4 HEARING EXAMINER: All right.

5 MR. SAVAGE: And I'd be glad to address
6 the -- how we'd like to approach these at the
7 appropriate time.

8 HEARING EXAMINER: We will have the
9 discussion about that. So I have an Entry from M.R.C.
10 Permian Company.

11 MR. FELDEWERT: Good morning, Mr.
12 Examiner. Michael Feldewert with the Santa Fe office
13 of Holland and Hart.

14 HEARING EXAMINER: All right. And then
15 a Entry from Sabinal Energy Operating.

16 MR. JONES: Good morning, Mr. Examiner.
17 This is Blake Jones on behalf of Sabinal Energy
18 Operating.

19 HEARING EXAMINER: Thank you. And then
20 Chevron U.S.A., Inc.

21 MS. BENNETT: Good morning, Mr.
22 Examiner. Deana Bennett on behalf of Chevron, and
23 were in a subset of the cases, which are 22959, 22960,
24 22963, and 22964. It's my understanding that those
25 are the only cases in which Chevron has an interest.

1 HEARING EXAMINER: Thank you. I will
2 get back to you in a second.

3 MS. BENNETT: Okay.

4 HEARING EXAMINER: Let me just finish
5 up here. Okay. I think that's -- are there any other
6 interested persons then for cases 22958, 959, 960,
7 961, 962, 963, 964.

8 [No audible response.]

9 HEARING EXAMINER: Hearing none, Ms.
10 Bennett, is it correct that Chevron has objected to
11 several of these cases going forward by affidavit?

12 MS. BENNETT: I believe that Chevron
13 has withdrawn that objection, and I will have -- I'd
14 like Mr. Savage to confirm that I'm right about that,
15 but I believe that Chevron withdrew its objection and
16 is no longer objecting to the cases moving forward by
17 affidavit.

18 MR. SAVAGE: Ms. Bennett is correct.
19 There has been a filing of a withdrawal of objections
20 to these cases and the -- as I understand, the parties
21 have resolved their differences.

22 HEARING EXAMINER: Okay. Well that's
23 one issue out of the way. So let's get back then to
24 -- well let me just check then with the other parties.
25 M.R.C. Permian, do you object to these cases going

1 forward by affidavit?

2 MR. FELDEWERT: No, sir.

3 HEARING EXAMINER: Thank you. Sabinal
4 Energy Operating.

5 MR. JONES: Sabinal does not object,
6 and I would just state for the record that the parties
7 are in the process of fine lining an agreement.

8 HEARING EXAMINER: Wonderful. Thank
9 you. All right. So, as I understand it, and I
10 probably don't understand it correctly, Mr. Savage,
11 there are two sets of cases here that are
12 alternatives?

13 MR. SAVAGE: Yes, sir. Devon believes
14 that the first three cases, 22958, 22959, and 22960
15 show the most promising approach to building and
16 spacing units in these correction sections, and we
17 would like to present these cases in consolidated form
18 at first.

19 Because there have been some debate and
20 perhaps some unresolved issues about how to approach
21 these correction sections, we wanted to get everything
22 out on the table, all options, for the Division to
23 consider. And so we did pleadings in the --
24 applications in the alternative and that would
25 encompass the remaining four cases 22961 through

1 22964. And we'd like to present those as needed as a
2 separate set in the alternative.

3 HEARING EXAMINER: Thank you. So, if I
4 may summarize here, what you have going on in the
5 first three cases is an argument that the top eight
6 lots or the next row of eight lots can be considered a
7 standard horizontal spacing unit.

8 MR. SAVAGE: That is correct, Mr.
9 Brancard.

10 HEARING EXAMINER: And the remaining
11 four cases, either just do four lots as a standard or,
12 I believe, the last case you're doing a proximity
13 well; is that correct?

14 MR. SAVAGE: There is a proximity well
15 consideration in one of our cases in the last four.
16 These, the last four cases, are premised on the
17 Division viewing the building blocks as single lots --
18 viewing single lots as the building blocks. The first
19 three cases, the first set, is premised on an inherent
20 equivalency between the north half, north half as a
21 proper unit and the south half, north half as a proper
22 unit based on building blocks that are two lots
23 stacked, such as Lot 1 and Lot 8 stacked, for example,
24 to create the proper building block as being
25 equivalent and analogous to how you would handle a

1 standard section. And I would like to go into that in
2 more depth in the presentation and perhaps --

3 HEARING EXAMINER: Well I think I'm
4 going to effectively cut you off at the knees here and
5 tell you what position the Division is taking on this.

6 MR. SAVAGE: Okay. Okay.

7 HEARING EXAMINER: First, I'd like to
8 thank Mr. Savage and Mr. Feldewert who have reached
9 out to the Division to try to get clarification about
10 how we will deal with these irregular sections. And
11 we have a whole row of them here on 21 south, which
12 are oversized sections and result in a series of sort
13 of excessive lots but some small size lots other than
14 the normal quarter-quarter sections.

15 And the issue that has been raised is
16 in the rules. The Horizontal Well Rule 1915.16.15b1,
17 standard horizontal spacing unit for oil wells. Under
18 A it says, "The horizontal spacing unit shall comprise
19 one or more contiguous tracts." Tracts are defined as
20 a government land division. "That the horizontal oil
21 well's completed interval penetrates, each of which
22 shall consist of a governmental quarter-quarter
23 section or equivalent." And the issue, of course, is
24 on that somewhat ambiguous term, "or equivalent."

25 I will fess up and say that I came up

1 with what I thought was a rather elegant solution to
2 this problem, combining rule part 16 and the old part
3 15. I met with our geologists, explained it to them,
4 and they very politely told me I was full of hooey.
5 And so their position, which is going to be our
6 position, is that "or equivalent" means a lot in the
7 case of a quarter-quarter section. So you can have
8 four quarter-quarter sections in a row, or you can
9 have four lots in a row. They will all be standard
10 horizontal spacing units. You can combine them with
11 proximity wells, but we are basically focusing on
12 these quadrants.

13 Some of these lots may be small enough
14 that you may have to get a nonstandard location for
15 your well if you put it in there, but that's a
16 separate administrative process. But for the sake of
17 horizontal pooling and standard spacing -- horizontal
18 spacing units -- this has nothing to do with vertical
19 spacing units; that's a whole other part of the rules
20 -- we are treating lots as if they are -- in other
21 words, a tract is what you need. And so a lot or a
22 quarter-quarter section is what you need contiguous
23 of. So for the purpose of these cases, it would be my
24 recommendation, Mr. Savage, that you go forward with
25 961, 962, 963, and 964 and forget about 958, 959, 960.

1 MR. SAVAGE: Yes, sir. I will do that.

2 HEARING EXAMINER: I will say I brought
3 this up again with all of our engineering bureau
4 yesterday and, when I told them what you were
5 proposing, those engineers who had experience working
6 for the B.L.M. and federal tracts, you know, were
7 having coronaries over what you were proposing. So,
8 you know, they brought up the ghost of Thomas
9 Jefferson and the Land Ordinance of 1785, you know.
10 The public land survey section, you have to remember
11 in America, is older than the Constitution, so these
12 things have been around for a while.

13 MR. SAVAGE: Yes. If I may just -- if
14 that's a final ruling, I would respect that ruling.
15 There is -- the Division has some time to -- I know
16 that Matador is going to be applying, as I understand,
17 for spacing in these. There is some time to consider
18 the issue. I would ask that I can make one point
19 about the nature of the Rules and the definition of
20 equivalent. But, if that's -- would be an improper
21 use of the Division's time, then I will move forward.

22 HEARING EXAMINER: Well I will say
23 that, for what you're proposing in 958, 959, 960, you
24 can proceed that way, but you either have to have a
25 proximity well or you have to apply for a nonstandard

1 spacing unit. Standard spacing units -- only your
2 last four cases meet the definition and our
3 understanding of what a standard horizontal spacing
4 unit is.

5 MR. SAVAGE: Yes, Mr. Brancard, you
6 know, if that is the final ruling. I do think that
7 there is an alternative position and perspective on
8 this but, if that is the final ruling of the Division,
9 then I'll move forward with the other cases.

10 HEARING EXAMINER: Yeah. So however
11 you want to proceed then. If you want to -- I'm glad
12 you presented this in the alternative, so we're not
13 just sending you back to the drawing board here.

14 MR. SAVAGE: Yes. You know, we wanted
15 to get everything on the table to be considered, and
16 we hoped to walk away from this with a good, final
17 solution and resolution. And that was our intent, as
18 opposed to, you know, hit-and-miss with various
19 applications and then finding out that we're running
20 into dead ends. So we wanted to provide the Division
21 with the benefit of a comprehensive review.

22 I do think that it would be beneficial
23 to the Division to hear the argument and conceptual
24 basis for the first three cases. I can go -- I can
25 address just that aspect and, if it happens to calm

1 your engineers down, which it may or may not; it may
2 inflame them more. You know, but it would be on the
3 record and it would be available for your
4 consideration.

5 HEARING EXAMINER: You could do that,
6 but I will say that the people who discussed this
7 yesterday were aware of your application. We looked
8 at our Exhibits, they looked at your explanation so
9 ...

10 MR. SAVAGE: I understand that, and I
11 appreciate that. I have given this substantial
12 thought since the initial brief; that's Exhibit A.
13 You know, as -- it may help inform future discussions,
14 you know. The Division would have it as a base -- a
15 knowledge part of their information base in the record
16 should you want to revisit this.

17 So, with that, if you don't mind, I
18 will just give a quick overview of the conceptual
19 basis of the first three cases and then I'll proceed
20 to the next set of four cases, if that's appropriate.

21 HEARING EXAMINER: Okay. Please
22 proceed.

23 MR. SAVAGE: Okay. So, Mr. Brancard,
24 the review of the Rules show that the Division has a
25 great amount of discretion if not complete discretion

1 in the interpretation and application of Rule
2 1915.16.15b1a. This is the rule that does the
3 equivalency between the quarter-quarter section or the
4 equivalent. The Rule states that "the continuous
5 tracts that comprise the horizontal spacing unit shall
6 consist of a governmental quarter-quarter section or
7 equivalent."

8 Please consider that the term
9 equivalent stands alone without any qualification
10 after the conjunction "or," which is what should allow
11 the Division substantial discretion in this matter.
12 As Devon sees it, there is nothing in the Rules in
13 part 16 that states for a tract to be equivalent to a
14 quarter-quarter section that it has to be exactly 40
15 acres, that it is -- that it has to be the same number
16 of acres as a quarter-quarter section or even
17 substantially close to 40 acres.

18 Equivalent in Blacklaw's Dictionary,
19 Seventh Edition and other dictionaries is defined
20 first as "equal in value, force, amount, effect, or
21 significance." And secondly as, "corresponding in
22 effect or function." Thus the equivalence can be
23 based on a wide variety of differing criteria. Devon
24 asks that the Division consider the equivalent effect,
25 the equivalent significance, and function of the

1 proposed two-lot building blocks that we believe
2 should be utilized to construct a standard horizontal
3 spacing unit in the correction sections in a manner
4 equivalent to how government quarter-quarter sections
5 are utilized to construct standard spacing units in
6 standard units -- in standard sections.

7 The building block proposed, consisting
8 of two stacked lots, has the same effect,
9 significance, and function in their correction
10 sections as a quarter-quarter section has in its
11 standard section. The two-lot building block is
12 equivalent to 1/4 of the north half, north half of the
13 correction section, same as a governmental quarter
14 section is equivalent to 1/4 of the north half, north
15 half of a standard section. They both serve the same
16 effect, function, and value within their respective
17 sections and, therefore, the two-lot building block
18 would clearly meet the definition and meaning of,
19 quote, "or equivalent," under the rule for
20 establishing the spacing unit.

21 Now, as we see it, the former 40-acre
22 requirement in Part 15 of the Rules, intended for
23 spacing vertical wells, has been fully supplanted by
24 the Rule in Part 16 for horizontal well, which allowed
25 the rules in Part 16 to expand spacing units for

1 horizontal wells far beyond the restricted 40-acre
2 limitation to 160 acres, or 320 acres, or 640 acres,
3 for example, in order to prevent waste by optimizing
4 production by the construction of these larger units.

5 The quarter-quarter section as a
6 building block in a standard section is a remnant of
7 convention, we believe, remaining in use because it
8 provides a convenient convention for building
9 horizontal spacing units in standard sections since
10 they can be easily and conveniently utilized as a
11 basic building block. It looks to us that there is
12 nothing intrinsic to a quarter-quarter section that
13 determines the optimal capture, migration, or
14 production of hydrocarbons except the convenience of
15 its use within the P.L.S.S.

16 Thus, as we see it, there is nothing in
17 Part 16 that would prohibit or restrict the use of two
18 stacked lots as a convention for building standard
19 horizontal spacing units in correction sections
20 pursuant -- do you hear that, Mr. Brancard?

21 HEARING EXAMINER: Yeah. Thank you.
22 It was a call-in user.

23 MR. SAVAGE: -- okay, pursuant to the
24 Rules in order to prevent waste and ensure optimal --
25 so thus, there is -- we do not see anything in Part 16

1 that would prohibit or restrict the use of two stacked
2 lots as a convention for building standard horizontal
3 spacing units in correction sections pursuant to the
4 Rules in order to prevent waste and ensure optimal
5 production. Even if one or both of the two lots were
6 less than the 40 acres of a quarter-quarter section,
7 the two lot combined into a single building block
8 would provide building block of sufficient acreage.

9 And then there -- and then, Mr.
10 Brancard, there is more analysis to this. For
11 example, we believe that a non-standard unit
12 designation is predicated on a applicant seeking out a
13 deviation from the standard unit directly, whereas
14 Devon is attempting to conform to the rectangular
15 criteria within the correction sections. We are not
16 doing any kind of trapezoidal or diagonal requests or
17 irregular shapes.

18 And, you know, it's not the fault of
19 Devon that they have -- it has to deal with this --
20 these sections. These sections were imposed upon the
21 lands by the P.L.S.S., and we think there is a good
22 approach for addressing this as expanded units, north
23 half, north half and the south half, north half. You
24 know, if any of that is -- if the Division finds any
25 of that persuasive, we'd like to perhaps consider this

1 but, other than that, we will proceed with the final
2 set.

3 HEARING EXAMINER: So as stated, we
4 would offer that you go forward with cases 22961, 962,
5 963, 964 because these are combining contiguous
6 tracts, each tract of which is a governmental
7 quarter-quarter section or equivalent. So, if you'd
8 like to go forward with those four cases, you may
9 proceed.

10 MR. SAVAGE: I would indeed. Thank you
11 very much. And thank you for entertaining my
12 presentation. So just a minute here. All right. In
13 these cases, the second set, Darin Savage with the
14 Santa Fair office of Abadie and Schill appearing on
15 behalf of Devon Energy Production Company, L.P. As we
16 noted, all objections to these cases have been
17 withdrawn and, therefore, we'd like to proceed by
18 affidavit in consolidated form. Again, we originally
19 presented these four cases as alternatives, if the
20 Division should, based on what has been presented,
21 should decide further consideration is needed -- is
22 warranted, then we offer the first set as options, but
23 we will proceed with these cases as representing the
24 contiguous tracts.

25 These four cases cover lands in the

1 north half of Correction Sections 1, 2, and 3 in
2 Township 26 south, Range 27 east, Eddy County, New
3 Mexico. The landman, Andy Bennett, for the cases has
4 testified before the Division and his credentials have
5 been accepted and made a matter of record. Also the
6 geologist, Joe Dixon, has testified before the
7 Division and his credentials have been accepted and
8 made a matter of record.

9 In case numbers 22961, Devon would seek
10 a order creating a standard for 80-acre, more or less,
11 spacing unit comprised of Lots 5 through 8 of Sections
12 1, 2, and 3 and pooling all uncommitted interests in
13 the Wolfcamp Formation designated as an oil pool
14 underlying the unit. The unit would be dedicated to
15 the Burton Flat 3-1 Fed State Com 622H well.
16 Orientation of the well is laydown west to east and
17 all setback requirements under statewide Rules are
18 met.

19 Mr. Bennett's Exhibit A for case 22961
20 includes his landman Affidavit, the C-102s, an
21 ownership breakdown, the low proposal letter with
22 AFEs, and the chronology of contacts reflecting what
23 Mr. Bennett describes as good faith negotiations and
24 also reflected in some of the comments made by, for
25 example, Sabinal counsel.

1 Mr. Devon's -- Mr. Dixon's Exhibit B
2 for case 22961 includes his geology Affidavit along
3 with the five standard geology Exhibits that show good
4 potential for development as described in his
5 Affidavit.

6 Exhibit C provides the Affidavit of
7 Notice for mailings and publication notice. All
8 Notice letters were timely sent. The mailing of only
9 one working interest owner, Paladin was -- with a very
10 small minority interest, was returned as undeliverable
11 along with three letters to three overriding royalty
12 interest owners. Letters to ten parties are listed as
13 still in transit within our mailing report.
14 Publication notice was also timely to account for any
15 unknown parties or any contingencies regarding notice.
16 I would like to point out that the Exhibit C is in tab
17 4 of the Exhibits and it covers and applies to notice
18 to -- in all three cases. So what I just stated here
19 for Exhibit C applies to all three cases.

20 MR. SAVAGE: In case 22962, Devon would
21 seek an order establishing a nonstandard, if
22 necessary, 342.92-acre more or less spacing unit
23 comprised of Lots 1 through 4 of Sections 1, 2, and 3
24 and pooling all uncommitted interests in the Wolfcamp
25 Formation designated as an oil pool underlying the

1 unit. And, I believe, here there -- and it's fully
2 developed, in the landman Affidavit and also in the
3 application, that there could be an option to view
4 those lots and the spacing unit built upon those lots
5 as being standard. And we accounted for notice on
6 that. And, if that is the case that we can view
7 those, that proposed unit, as a standard unit, then
8 that would be our preference, to go forward with those
9 being standard -- with that unit being standard.

10 The unit would be dedicated to the
11 Burton Flat 3-1 Fed State Com 621H well and the 822H
12 well. Orientation of the wells are laydown west to
13 east and all setback requirements under the statewide
14 rules are met. Mr. Bennett's Exhibits A for case
15 22962 includes his landman Affidavit, the C-102, an
16 ownership breakdown, the well proposal letter with
17 AFE, the chronology of contacts showing good faith
18 negotiations, as described by Mr. Bennett.

19 Mr. Dixon's Exhibit B for this case
20 includes his geology Affidavit, along with the five
21 standard geology Exhibits that show good potential for
22 development, as described in his Affidavit. And,
23 again, Exhibit C shows proper notice -- proper and
24 timely notice in all respects.

25 Next, in case 22963, Devon would seek

1 an order establishing a standard 480-acre more or less
2 spacing unit comprised of Lots 9 through 12 of
3 Sections 1, 2, and 3 and pooling all uncommitted
4 interests in the Bone Spring Formation designated as
5 an oil pool underlying the unit. The unit would be
6 dedicated to the Burton Flat 3-1 Fed State Com 333H
7 well. Orientation of the well is laydown west to east
8 and all setback requirements under statewide rules are
9 met. Mr. Bennett's Exhibit for case 22963 includes
10 his landman Affidavit, again the standard suite of
11 land exhibits, C-102, ownership, well proposal with
12 AFE, and the chronology of contacts.

13 Mr. Dixon's Exhibit B for this case
14 includes his geology Affidavit along with the five
15 standard geology exhibits that show good potential for
16 development as described in his Affidavit. And,
17 again, Exhibit C, as described, show timely notice --
18 timely and effective notice.

19 Finally, in case 22964, Devon would
20 seek an order establishing a nonstandard, if
21 necessary, 832 -- 823.92-acre, more or less, spacing
22 unit comprised of Lots 1 through 8 of Sections 1, 2,
23 and 3 and pooling all uncommitted interests in the
24 Bone Spring Formation designated as an oil pool
25 underlying the unit. And this is another situation,

1 Mr. Brancard, in which we believe that the Division
2 has authority and the discretion to view this proposed
3 unit as a standard unit and that's fully explained and
4 described both in the application and in the landman
5 Affidavit.

6 And, if it -- we have positioned the
7 well, that is the Burton Flat 3-1 Fed State Com 332H
8 well, which is dedicated to the unit, we have
9 positioned that to function and serve as a proximity
10 well between the lots, and we would request that that
11 unit be viewed as standard -- that proposed unit be
12 viewed as standard, if that's allowable, and the
13 proximity well come into play.

14 Orientation of the well is laydown west
15 to east and all setback requirements under statewide
16 Rules are met. Mr. Bennett's Exhibit A for case 22964
17 includes his landman Affidavit and the standard suite
18 of land exhibits: the C-102, an ownership breakdown,
19 the well proposal letter with an AFE, and the
20 chronology of contacts showing good faith negotiations
21 as described by Mr. Bennett.

22 Mr. Dixon's Exhibit B for this case
23 includes his geology Affidavit along with the five
24 standard geology exhibits as described in his
25 Affidavit. And, again, Exhibit C demonstrates timely

1 notice. Letter notice and publication notice. Both
2 Mr. Bennett and Mr. Dixon believe that approval of the
3 prior cases would be in the best interests of
4 conservation, protection, and correlative rights, and
5 the prevention of waste. But, if approval of those
6 cases are not available then -- and going forward with
7 the second set of four cases, we affirm that approval
8 of the applications in these cases 22961 through
9 22964, would uphold conservation, protection --
10 protect correlative rights, and prevent waste in
11 addition to preventing the drilling of unnecessary
12 wells.

13 At the time I move that Exhibits A, B,
14 and C, and all sub exhibits be accepted into the
15 record for these cases, 22961 through 22964, and that
16 these cases be taken under advisement. I'm available
17 for any questions regarding these cases. Thank you.

18 (Devon Energy Production Company, L.P.
19 Exhibit A, Exhibit B, and Exhibit C
20 were marked for identification.)

21 HEARING EXAMINER: Thank you. Start
22 with Mr. Feldewert. Questions or concerns.

23 MR. FELDEWERT: Just I have -- I do
24 have a couple. And I appreciate the explanation as to
25 -- with respect to these cases because it took me a

1 while to map everything out. But I'm looking at,
2 let's see, cases 22961 and 22962 involve Wolfcamp.
3 Now, when I look at the chronology of contacts --
4 let's just go to the 22961 -- I think it's Exhibit
5 A-4, page 36 of the PDF. I see M.R.C. Permian listed
6 there. Now, when I go to the ownership tract for
7 these two cases, I don't see M.R.C. as being credited
8 with ownership in the Wolfcamp. So my question is
9 does -- are you all showing -- is M.R.C. owning in the
10 Wolfcamp or is M.R.C. owning only in the Bone Spring?

11 MR. SAVAGE: Mr. Feldewert, I believe
12 that M.R.C. is owning, and as far as I understand it,
13 is owning in both formations, but I would have to
14 confirm that with the client. I'm looking here
15 through the unit recapitulation.

16 MR. FELDEWERT: Right. So you're
17 looking at A-2, for example --

18 MR. SAVAGE: Yes. The ownership
19 recapitulation. I agree with you. I don't see M.R.C.
20 Permian so perhaps that is the conclusion that their
21 title arrived at, but we would certainly investigate
22 and confirm that one way or another.

23 MR. FELDEWERT: Just to put some color
24 on it, when I look at the ownership breakdown for the
25 Bone Spring cases, you do have M.R.C. listed in Tract

1 3 as well as in the chronology. But, when I look at
2 the ownership breakdown for the Wolfcamp cases, you
3 have M.R.C. in the chronology, but I don't see M.R.C.
4 as listed in Tract 3 or any of the other tracts.

5 MR. SAVAGE: Yes.

6 MR. FELDEWERT: So that's my question.

7 MR. SAVAGE: And that may be a matter
8 of trying to utilize that chronology across the board
9 and reflect the actual ownership.

10 MR. FELDEWERT: Okay.

11 MR. SAVAGE: And I will confirm that.
12 That should be easily confirmed.

13 MR. FELDEWERT: Okay. All right. I
14 appreciate that. I think that's all the questions I
15 had, Mr. Examiner. Thank you.

16 HEARING EXAMINER: Thank you. Mr.
17 Jones?

18 MR. JONES: Nothing further from
19 Sabinal.

20 HEARING EXAMINER: Thank you. Ms.
21 Bennett.

22 MS. BENNETT: No questions. Thank you.
23 And thanks for the explanation on the tracts.
24 Appreciate that clarification.

25 HEARING EXAMINER: Okay. Hope

1 everybody understands it. Not sure I do. But Mr.
2 Rose-Coss?

3 TECHNICAL EXAMINER: Yeah. As another
4 engineer -- or I'm a geologist so maybe that's why I
5 understand it less. For the sake of discussion, Mr.
6 Savage, could you maybe emphasize for me why you
7 believe or if you believe that the Division's proposal
8 for handling the lots and the sections is inferior to
9 the proposal that you presented?

10 MR. SAVAGE: Well I'm not sure if I
11 would call it necessarily inferior, and I do think
12 that the Division has a great deal of discretion on
13 this the way that equivalent is placed in the Rules in
14 an unqualified way. But I would need to -- you know,
15 I have not -- I did not research fully the definition
16 of tract. My presumption was that -- so for, you
17 know, the building blocks would constitute a discreet
18 tract. For example, the way we do -- you know with
19 oil wells, we do quarter-quarter section, 40 acres,
20 typically in the standard section. With gas wells, we
21 allow for a larger building block. That would be a
22 combination of four quarter-quarter sections or the
23 quarter section, the 160-acre tract. That seemed to
24 me that being able to combine those 40-acre tracts, if
25 -- and it looks to me like the Rules do allow, for

1 example, examples where you can combine two
2 quarter-quarter sections and create, for example, 80-
3 acre spacing units. And, if I remember right, I'm --
4 I believe those 80-acre spacing units could form --
5 contiguously form a horizontal spacing unit, but I'm
6 not sure about that. But definitely the 160-acre
7 tracts can form contiguous tracts.

8 And those are basically viewed -- I
9 view those as a combination of four quarter-quarter
10 sections. So, when I look at the lots, yes, the lots
11 are individual tracts but also the building blocks,
12 they also could be used -- viewed as building blocks
13 to account for the proper building block within the
14 correction section. And it looked to me like, in the
15 Rules, and I have not researched this in detail, but
16 it looked to me like that that could form a building
17 block, hence a tract.

18 But it sounds to me like the Division
19 is making a clear distinction between tracts,
20 individually, such as a lot or a quarter-quarter
21 section and the combination of tracts as building
22 blocks, which in some circumstances it sounds like it
23 would not be defined as a tract, even though the
24 quarter section is defined as a tract and it consists
25 of four quarter-quarter sections of building blocks.

1 But I guess the U.S.G.S. recognizes a quarter section
2 as a tract, so that may be the distinction.

3 Okay. That said, and you know, if the
4 -- there's a number of reasons I believe that there's
5 some advantages to looking at the north half, north
6 half as the standard unit in the construction of a
7 horizontal spacing unit. We have 16 lots in the
8 correction sections for the north half. It seems to
9 me like, unless there is, like, some kind of approach
10 or systematic method to address the equivalencies
11 between a standard section, in which you typically
12 pool a north half, north half as a standard unit, and
13 the correction sections where you could possibly pool
14 the north half, north half as a standard unit. If you
15 do not, then you have this fragmentation of 16 lots
16 that risks, you know, being done in a kind of a
17 piecemeal manner perhaps resulting in more easily --
18 not necessarily but more easily resulting in stranded
19 acreage, or gaps, or areas where an applicant decides
20 not to develop within the north half.

21 So and that's in one respect I think it
22 would be advantageous to view that. The other issue
23 is that, you know, it also is more cohesive and, you
24 know, and like, in the same vein, accounts for the
25 full development of the north half and all those 16

1 lots more readily and more easily.

2 The other issue seems to me is that,
3 and I mentioned this kind of just briefly but, when an
4 applicant does a nonstandard unit, they typically seek
5 out, intentionally seek out, a deviation from the
6 standard rectangular shape of the unit. So for
7 example -- and it could be for a variety of reasons.
8 Like some areas might not be leasable or, you know,
9 there's restrictions on certain areas for
10 environmental purposes. But the applicant would
11 intentionally seek out, like, a diagonal-shaped unit,
12 or a trapezoidal-shaped unit, or some irregular shape
13 like the north half, north half, north half and, in
14 doing so, you know, they're taking upon themselves the
15 burdens of a nonstandard unit.

16 In this situation, Devon, as an
17 applicant and applicants, who are trying to deal with
18 these correction sections -- and you should note that
19 the correction sections -- it's not the fault that
20 they have to deal with the correction sections. The
21 correction sections are imposed upon the applicants by
22 the P.L.S.S. And they do that, as I understand, to
23 account for irregularities, and perhaps curvature of
24 the surface of the Earth, or perhaps even, you know,
25 not as refined instruments when it was originally

1 surveyed. A whole variety of reasons for irregular --
2 for the need for these correction sections. But, you
3 know, so they're, in good faith, trying to deal with
4 these correction -- expanded correction sections.
5 And, in this case, like Devon is trying to conform to
6 the Rules by doing a substantially rectangular shape
7 in the north half, north half as they would do in a
8 standard section.

9 They're trying to develop it with
10 building blocks that would allow for consistent
11 production across the board. So in every way it looks
12 like they are following, in good faith, the efforts to
13 create a standard unit and it doesn't seem really kind
14 of fair to -- for an applicant to be subjected to the
15 burdens of a nonstandard unit under those conditions
16 when they are able to achieve a substantially
17 rectangular unit as a standard unit.

18 So, you know, those are some of the
19 issues. The other thing is -- the last thing I'd like
20 to say is that, you know, the quarter-quarter section
21 building block for a horizontal unit -- standard
22 horizontal unit in a standard section, I mean, that
23 seems to me to be a convention of convenience. You
24 know, the empirical data, if you actually looked at it
25 geologically, may actually show that a 30-acre tract

1 is more efficient and prevents waste better, or a
2 50-acre tract might prevent waste better. But it
3 would be so burdensome to follow those kinds of
4 idiosyncratic units that you'd need some kind of
5 process. And so the process, it looks like, that has
6 been adopted is the use of quarter-quarter sections
7 because they're readily available with the P.L.S.S.

8 In the same way, it looks like a
9 stacked -- a two stacked -- a two-lot stack of the
10 lots also lend themselves to a readily available
11 convention for ensuring that the full north half,
12 north half of the correction section is developed, the
13 same way the north half, north half of a standard
14 section would be developed.

15 So that's kind of a survey of reasons
16 why we think there's advantages to the first three
17 cases but, you know, this is, you know, this is --
18 we're in a situation where the Rules, basically, were
19 constructed for standard sections and now we have to
20 deal with or the Division has to deal with these
21 irregular -- somewhat irregular correction sections.
22 And, you know, we're hoping that, you know, we can
23 find a good solution to this. And I appreciate your
24 efforts.

25 I would like to point out that we would

1 -- Devon would prefer to have those two cases in the
2 second set of cases that we listed as nonstandard, if
3 necessary, we would like to have those as standard
4 cases -- or standard units, if at all possible.

5 And the area that brings up the
6 greatest issue are those Lots 1 through 4, which are
7 reduced from a 40-acres section down to a, I think
8 it's, like, something around 28, 29 acres and some
9 change. Again we believe that those are kind of, as I
10 think we described, revised equivalent that the
11 P.L.S.S. came up with to create those lots. They are
12 -- we believe they are equivalent to a quarter-quarter
13 section in that they serve the equivalent -- they have
14 the equivalent effect and the equivalent function as a
15 quarter-quarter section and our definition that we
16 provided of equivalent from the Blacklaw's Dictionary,
17 it accounts for items to be equivalent even though
18 they may differ in a variety of qualities, including
19 acreage. So, if that's helpful to inform the question
20 or if that created more confusion. I hope it was
21 helpful.

22 TECHNICAL EXAMINER: No. That was
23 helpful. And so I appreciate the additions there.
24 It's sounding a little bit to me like the challenges
25 or the -- come from, like, burdening the operator and

1 potentially stranding acreage. There isn't a burden
2 of, like -- or, like, it potentially makes those lots
3 less valuable. It's not the opposite where there's a
4 opportunity to maybe take additional resources not --
5 you know, or have those lots be more valuable one way
6 or the other. They're kind of -- they're just harder
7 to work with and it's a burden in the -- is it easier
8 for the Division to deal with it the way we're
9 proposing, but it makes the burden on the operator to
10 get a nonstandard -- they're, like, forced into a
11 nonstandard spacing; is that what the distinction is?

12 MR. SAVAGE: Well I mean, we're
13 presenting this from Devon's perspective, obviously,
14 and there's a lot of factors to consider. And the
15 Division should consider all the factors. But for an
16 applicant or an operator, you know, these correction
17 sections are kind of imposed on them at no fault to
18 the operator or the applicant. And, you know, when
19 the applicant makes every effort to maintain
20 uniformity of a substantially rectangular horizontal
21 spacing unit under these conditions, which the Rules
22 did not fully account for, we believe that there
23 should be some benefit of the doubt given to the
24 operator.

25 You know, we think that the -- like,

1 for example, the north half, north half, even though
2 it's an expanded horizontal spacing -- it would create
3 a little bit of an expanded horizontal spacing unit
4 for the north half, north half. And a prudent
5 operator or applicant would do everything it can to
6 extract the economic benefit regardless. You know, so
7 if they are allowed to space the north half, north
8 half as a little bit larger unit, I think that there's
9 incentive -- there's both incentive for the operator
10 to develop that to its full capacity and prevent
11 waste. And there's also provision in the Rules to --
12 for other working interest owners and participants to,
13 you know, force the applicant or operator to maximize
14 the economic potential.

15 So I think there's provisions in the
16 Rules, infill wells, additional wells, proposing
17 additional wells, that account for the concerns that
18 you point out, even though I think those are valid
19 factors to take into consideration and should be taken
20 into consideration.

21 TECHNICAL EXAMINER: Okay. Well I'm a
22 little swimming in the details of this one too, so I
23 might kick it to Mr. Brancard, because I'm sure he has
24 at least some comments. So but thank you for your
25 time, Mr. Savage.

1 MR. SAVAGE: Thank you. Thank you. I
2 appreciate it.

3 HEARING EXAMINER: Thank you. So, Mr.
4 Savage, I guess it's up to me now. So looking at your
5 Exhibits, I was on that unit recapitulation page.

6 MR. SAVAGE: For the Wolfcamp or for
7 the --

8 HEARING EXAMINER: For, well, all --
9 any one of them. So I'm looking at page 26. This is
10 the first of your applications, I think.

11 MR. SAVAGE: Yes.

12 HEARING EXAMINER: But it applies to
13 all the -- I think it would be helpful if you could --
14 because not all of these are being pooled. Some of
15 these are committed.

16 MR. SAVAGE: Right.

17 HEARING EXAMINER: So if you could
18 just, you know, give us a version of this page that
19 highlights or whatever what's being pooled.

20 MR. SAVAGE: Yes. That would be
21 helpful. I agree. That was number --

22 HEARING EXAMINER: You do it on the
23 individual ones but then we got to -- have to sort of
24 try to figure out who's really where.

25 MR. SAVAGE: Okay.

1 HEARING EXAMINER: So the unit -- I
2 mean, that's where I looked to is the unit
3 recapitulation page because that sort of quickly gets
4 us to where -- who is actually being pooled here.

5 MR. SAVAGE: Noted. Thank you.

6 HEARING EXAMINER: And I think that's
7 the only questions I had. I think you did a really
8 thorough job with all your notice because you had a
9 lot of people to notice.

10 MR. SAVAGE: We did. We did. I mean,
11 that was --

12 HEARING EXAMINER: I mean, I see hardly
13 any undelivered here so ...

14 MR. SAVAGE: Yeah. Very few. We were
15 glad about that.

16 HEARING EXAMINER: Good job by your
17 land people there tracking down addresses. All right.
18 Any other interested persons then? So we're on cases
19 22961, 962, 963, 964. Any other persons with
20 comments, suggestions on these cases? Mr. Feldewert?

21 MR. FELDEWERT: I just have -- what are
22 we doing with the 22958, 22959, and 22960?

23 HEARING EXAMINER: Well I will -- it is
24 my understanding, from the options that I presented to
25 Mr. Savage, and he will need to confirm this, that

1 given the choice of coming back with those cases
2 either as nonstandard or putting some proximity wells
3 in, his preference appears to be to move forward with
4 961, 962, 963, and 964 today rather than coming back
5 later. Is that correct, Mr. Savage?

6 MR. SAVAGE: Mr. Brancard, would it be
7 possible to put those in a holding pattern and let me
8 confer with my client regarding the possibility of
9 proximity wells? Also, would it be appropriate to
10 allow me to address the tract issue in a very brief
11 pleading or a very short brief, you know, just for the
12 record? I assume that your engineers are -- have made
13 the final decision but perhaps there's some time to
14 take some things under consideration.

15 HEARING EXAMINER: Well, you know,
16 unlike many things that rumble around inside our
17 agency, I feel like this one has gotten a fair amount
18 of discussion and people are pretty set on the answer
19 there. I think the result for the operators, you
20 know, is a fairly flexible situation where any size
21 lot can be part of a standard horizontal spacing unit.

22 MR. SAVAGE: Okay.

23 HEARING EXAMINER: So we're not putting
24 any, you know, 70 percent limitation like is in --
25 71/30, which is in the vertical wells. We're saying

1 any size lot so that gives you a fair amount of
2 flexibility along with the ability to always use
3 proximity wells or apply for nonstandard spacing
4 units.

5 And I will say, you know, you make the
6 point about nonstandards often being leaving something
7 out. I'd say, so far, most of our applications for
8 nonstandard spacing units have been essentially
9 oversized spacing units. In other words, things that
10 could've been two standard spacing units, people come
11 in and say, can I get one big nonstandard spacing unit
12 because the B.L.M. wants them to combine it or
13 something.

14 MR. SAVAGE: Okay. Okay.

15 HEARING EXAMINER: So that's not an
16 unusual request to take two horizontal spacing units
17 -- standard horizontal spacing units and request that
18 they become one nonstandard. In a situation with
19 irregular shapes, that seems to be an easily
20 justifiable reason for one of those too so ...

21 MR. SAVAGE: Okay, Mr. Brancard, then
22 let me ask, in case 22964, that's a unit created from
23 Lots 1 through 8. We have a proximity well in there
24 in place. Can we ask that the Division, when they
25 review that particular case, that they recognize that

1 we are wanting that to be a standard unit, and we
2 provided the rationale for that in the Affidavit?

3 HEARING EXAMINER: Unless something
4 comes up, Mr. Savage, I think we view all four of the
5 cases that you presented today as being standard
6 horizontal spacing units.

7 MR. SAVAGE: Okay. Great. No, then
8 let's do that. That sounds like a good compromise
9 from our perspective, and we will -- let's go forward
10 with cases 22961 through 22964, and we ask that those
11 be taken under advisement. And, if you are final on
12 the other and you don't want additional consideration
13 of any items discussed, then I can dismiss those other
14 cases.

15 HEARING EXAMINER: That would be great.
16 I will note though, in comparing those two sets of
17 cases, that Lots 13 through 16 of the Bone Spring are
18 not included in the four cases that you went forward
19 with. They were included in the first three.

20 MR. SAVAGE: That would be correct, I
21 believe. That is correct.

22 HEARING EXAMINER: So I don't know if
23 you're going to do another application or what for
24 that one.

25 MR. SAVAGE: You know, I believe Devon

1 has, you know, some long-term plans for the full
2 development of that section, and I'll let them --
3 consult with them to see how they want to go forward
4 after the pooling of what we presented.

5 HEARING EXAMINER: Okay. So, Mr.
6 Feldewert, does that clarify matters for you?

7 MR. FELDEWERT: I think what I heard
8 was 22958, 22951, and 22960 will likely be dismissed.
9 Is that what I heard?

10 MR. SAVAGE: That would be correct,
11 from my perspective.

12 MR. FELDEWERT: Okay. Okay.

13 HEARING EXAMINER: Okay. Any other
14 questions or concerns from any persons on 22961, 962,
15 963, 964?

16 Hearing none, these cases will be taken
17 under advisement. We will leave the record open to
18 revise that one page. Well it's in each of the four
19 cases so the unit recapitulation page to highlight
20 which interests are actually being pooled here, to
21 clarify for the record.

22 Was there anything else that we need,
23 Mr. Rose-Coss?

24 TECHNICAL EXAMINER: No. No. That
25 covers it.

1 MR. FELDEWERT: And just so we don't
2 forget, Mr. Savage, you're going to get back to me on
3 Matador's Wolfcamp potential interest? Yes or no.

4 MR. SAVAGE: Yes, sir.

5 MR. FELDEWERT: Or what your records
6 show. Okay. Thanks.

7 MR. SAVAGE: All right.

8 HEARING EXAMINER: Okay. And I
9 believe, while we're only at item 44, we are actually
10 done for the day because everything else below that
11 has been dismissed today. And, if there are no other
12 burning issues before anyone, and if there are, don't
13 take it to me. So with that, everyone, have a great
14 day, and we'll see you all soon.

15 (Whereupon, at 10:45 a.m. M.D.T., the
16 proceeding was concluded.)

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CERTIFICATE OF DEPOSITION OFFICER

I, MARIAH BRYANT, the officer before whom
the foregoing proceedings were taken, do hereby
certify that any witness(es) in the foregoing
proceedings, prior to testifying, were duly sworn;
that the proceedings were recorded by me and
thereafter reduced to typewriting by a qualified
transcriptionist; that said digital audio recording of
said proceedings are a true and accurate record to the
best of my knowledge, skills, and ability; that I am
neither counsel for, related to, nor employed by any
of the parties to the action in which this was taken;
and, further, that I am not a relative or employee of
any counsel or attorney employed by the parties
hereto, nor financially or otherwise interested in the
outcome of this action.



MARIAH BRYANT

Notary Public in and for the
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, JESSICA MESSERSCHMITT, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

A handwritten signature in black ink, reading "Jenni S. Messerschmitt", is written over a light gray rectangular background.

JESSICA MESSERSCHMITT

&	114 16:22	19 40:13 45:17	21994 2:12 23:1
& 6:6,15 8:11,18 10:4	115 16:22	46:5 55:4 65:23	23:21
0	11h 34:12	66:8,18 67:3	21995 2:12 23:1
001 23:1	12 30:15 34:4 94:2	1915.16.15b1 81:16	22 34:4,16 55:4 59:1,8,9
002 23:1	1236 34:12	1915.16.15b1a. 86:2	22000 23:1,21
003 23:1	1239 8:12,19	1st 20:24 21:2	22000-22005 2:13
004 23:1	13 26:25 27:6,14 27:19 34:16 112:17	2	22006 4:7 23:3
005 23:2,22	137h 66:2	2 35:24 36:7,24 39:21 40:3 55:15 56:8 58:25 67:15,21 71:24 91:1,12 92:23 94:3,22 97:17	22008-22014 4:8
083 16:22	13h 66:12	20 39:1,10 45:19 46:6 49:13	22083 1:20 15:17 18:15
084 16:22	14 26:22,25 27:6 27:14,19	2022 4:13 40:10 40:11,13,13 68:8 68:10	22084 1:20 15:17 18:15
1	15 40:10 55:3 59:8 82:3 87:22	203-5730 10:8	22103 1:16 15:17 16:22 18:15
1 5:15 9:5 34:4 39:21 40:3 45:18 46:6 55:14 56:8 59:3 60:23,24 67:14 67:19 80:23 91:1,12 92:23,23 94:3,22,22 105:6 111:23	151 27:15	2068 9:14	22104 1:16 15:17
1,000 71:20	152h 27:15,16	21 34:6,19 38:25 39:9 81:11	22114 1:21 15:18 17:8 18:16
1/4 87:12,14	153 27:2,4	213h 66:22	22115 1:21 15:18 17:8 18:16
10 50:14 68:10	154h 27:2	214 6:7	22161 18:20 20:5 22:1
10,000 50:6	155 58:13	214h 67:7	22161-22164 2:7
102 93:15 94:11 95:18	16 18:19 38:25 39:9 70:24 82:2 86:13 87:24,25 88:17,25 101:7 101:15,25 112:17	2168 5:5	22162 18:20
102s 46:14 55:16 67:15 91:20	160 88:2 99:23 100:6	21683 1:15 15:17 16:22 18:15	22163 18:20
104 16:22 18:15	162 20:5 22:1	21685 1:15 15:17	22164 18:20
1048 7:14	163 20:5 22:1	21849 2:2 18:19 20:4 21:25	22230 3:11 12:17 51:17 53:5 54:25 63:1
1056 7:5	164 20:5 22:1	21850 2:2 18:19 21:25	22231 3:11 12:18 51:17 53:5 63:1
107 58:12	17 24:3,16		22393 2:3 18:20 20:4 21:25
10:45 114:15	1780 10:5		22394 2:3 18:20 21:25
11 68:8	1785 83:9		22409 14:14 15:7
110 5:15 9:5	18 4:13 65:24 66:9,19 67:4 72:10		

<p>22409-22412 1:11 22410 14:14 22411 14:14 22412 14:14 22571 64:17 65:11,18 67:20 68:13 76:3 22571-22574 3:19 13:3 22572 64:17 66:3 67:20 68:13 76:4 22573 64:18 66:13 67:24 68:13 76:4 22574 64:18 67:25 68:13 76:4 22747 3:2 11:21 12:3 37:10 38:21 40:16 43:8 44:13 22748 3:2 11:21 12:3 37:10 39:5 40:16 41:18 42:4 43:8 22754 66:23 22895 3:7,15 12:10 44:18 45:8,14 50:22 22896 3:7,15 12:10 44:18 45:9 46:1 50:23 22928 2:23 11:11 32:20 33:21,25 37:3,7</p>	<p>22929 2:18 11:5 25:6 26:9,20 28:12 32:12,16 22930 2:18 11:5 25:7 26:9 27:9 28:12 32:13,17 22951 113:8 22958 76:22 78:6 79:14 109:22 113:8 22958-22964 4:2 22959 76:22 77:23 79:14 109:22 22960 76:22 77:23 79:14 109:22 113:8 22961 76:22 79:25 90:4 91:9 91:19 92:2 96:8 96:15 97:2,4 109:19 112:10 113:14 22961-22964 13:14 22962 76:22 92:20 93:15 97:2 22963 76:23 77:24 93:25 94:9 22964 76:23 77:24 80:1 94:19 95:16 96:9,15 111:22 112:10 22978 21:1</p>	<p>22979 21:1 22980 21:1 22981 21:2 24 24:3,16 65:24 66:9,19 67:5 245-2606 7:25 25 25:1 26:25 27:1 31:12 2523 5:23 25e 26:22 25s 26:22 26 25:1 91:2 108:9 26325 116:14 264-8740 9:25 27 32:20 59:9 91:2 28 37:10 105:8 28/28 11:6,7 281 10:8 28372 115:17 29 37:10 40:10 40:13 105:8</p>	<p>31 44:18 54:25 72:8 32 34:4,6,16,19 45:18,19 46:5,6 51:16 320 38:24 39:8 55:2 65:20 66:6 66:16 67:1 88:2 33 39:1,10 51:16 55:4 330 27:4,17 332h 95:7 333h 94:6 33813 66:15,25 34 64:11 342.92 92:22 35/35 11:12,13 11:14,15,16,17 36 34:6,19 45:17 46:4 65:25 66:10,20 67:5 97:5 37 64:11 38 76:18 385-4401 6:10 394 20:4 3rd 21:10,14 22:14,22</p>
		<p>3</p>	<p>4</p>
		<p>3 39:21 40:4 46:17,21,24 51:7 55:17 56:11 67:15,22 91:1,12 92:23 94:3,23 98:1,4 3-1 91:15 93:11 94:6 95:7 30 44:17 65:22 66:7,17 67:2 72:8 103:25 303 6:19</p>	<p>4 39:22 55:19 56:12 61:15 64:1 67:16,25 92:17,23 97:5 105:6 40 86:14,17 87:21 88:1 89:6 99:19,24 105:7</p>

40/40 11:22,23 11:24,25 12:5,6 403h 39:3 404h 39:12 407-4458 6:19 410 15:7 411 15:7 412 15:7 44 114:9 45 24:4,16 4508 8:5 47/47 12:11,12 12:13 480 34:8 94:1	574 65:12	8,000 50:8	964 78:7 82:25
	6	80 91:10 100:2,4	90:5 109:19
5	6 28:3 39:24 55:24 601h 46:7 602h 46:7,9 603h 39:3 46:7 604h 39:12 45:20 605h 45:20,22 606h 45:21 621h 93:11 622h 91:15 640 26:23 27:12 45:15 46:3 88:2 68 69:7 70:8 68/68 13:4,5,6,7 13:8,9 685 16:22 18:15 6th 17:25 18:12	80401 7:23 82 69:7 70:8 822h 93:11 823.92 94:21 832 94:21 848-1834 5:8 850 20:4 87103 5:6 87501 5:16 6:8 7:15 8:13,20 9:6 87504 5:24 7:6 9:15 87505 6:17 8:17 4:14	970 6:10 97088 65:20 66:5 982-2043 7:8 982-4554 9:17 982-9523 8:22 98372 26:22 988-4421 5:18 989-7278 8:15 990 9:22 995 23:21
	5	9	a
5 28:11 39:23 55:22 67:17 68:1 91:11 50 104:2 500 6:16 501h 55:2 502h 55:5 504h 39:3 505 5:8,18 7:8,17 8:15,22 9:8,17 9:25 505h 39:12 51683 34:14 52 24:4,17 523 7:22 5376524 4:20 56 14:11 57/57 12:19,20 12:21,22,23,24 572 65:12 573 65:12	7	9 18:18 94:2 9,510 34:20 954-7286 9:8 958 82:25 83:23 959 78:6 82:25 83:23 96/96 13:15,16 13:17 960 78:6 82:25 83:23 961 78:7 82:25 110:4 962 78:7 82:25 90:4 109:19 110:4 113:14 963 78:7 82:25 90:5 109:19 110:4 113:15 96399 38:23 39:7	a.m. 4:14 114:15 abadie 6:6 16:8 23:17 77:1 90:14 abadieschill.co... 6:9 ability 111:2 115:10 116:7 able 38:12 56:2 99:24 103:16 absolutely 54:16 62:16 abundance 31:19 47:12 accepted 39:19 40:16 55:14 56:8 67:13 91:5 91:7 96:14 accommodate 43:17 account 92:14 100:13 102:23 106:22 107:17
	8		
	8 80:23 91:11 94:22 111:23		

[accounted - amount]

<p>accounted 93:5</p> <p>accounts 101:24 105:17</p> <p>accurate 115:9 116:5</p> <p>achieve 103:16</p> <p>acre 26:23 27:12 34:8 38:24 39:8 45:15 46:3 55:2 65:20 66:6,16 67:1 87:21 88:1 91:10 92:22 94:1,21 99:23,24 100:3,4,6 103:25 104:2</p> <p>acreage 27:7,20 27:20 89:8 101:19 105:19 106:1</p> <p>acres 86:15,16 86:17 88:2,2,2 89:6 99:19 105:7,8</p> <p>acrobat 30:20</p> <p>action 62:1 115:12,16 116:8 116:12</p> <p>actual 14:25 25:1 62:5 70:4 98:9</p> <p>adam 10:11</p> <p>add 18:16 62:23</p> <p>added 15:18 17:8 22:5</p> <p>addition 96:11</p> <p>additional 44:15 49:15 51:3 106:4 107:16,17</p>	<p>112:12</p> <p>additions 105:23</p> <p>address 77:5 84:25 101:10 110:10</p> <p>addressed 29:3 49:2</p> <p>addresses 109:17</p> <p>addressing 49:5 89:22</p> <p>adjust 29:18</p> <p>adjustments 74:20</p> <p>administrative 70:24 82:16</p> <p>admitted 28:11 32:16 35:6 37:6 43:11 47:15 51:1 57:1 63:4 68:12 76:6</p> <p>adobe 30:20</p> <p>adopted 62:12 104:6</p> <p>advantageous 101:22</p> <p>advantages 101:5 104:16</p> <p>advisement 28:13 32:17 35:7 37:7 40:17 43:12 44:14 47:16 51:2 57:2 63:10,22 68:14 75:23 76:7 96:16 112:11 113:17</p>	<p>afe 93:17 94:12 95:19</p> <p>afes 39:24 55:24 67:17 91:22</p> <p>affidavit 11:6,7 11:14,15,16,17 11:24,25 12:6,11 12:12,13,21,22 12:23,24 13:6,7 13:8,9,15,16,17 26:2 28:7 33:16 33:18 34:24 35:1,3 39:16,20 40:2,11 45:4 46:11,12 47:6 52:4,15,22 55:12 56:5,13 65:6,9 67:9,13,18 68:7 68:9 69:13 78:11,17 79:1 90:18 91:20 92:2,5,6 93:2,15 93:20,22 94:10 94:14,16 95:5,17 95:23,25 112:2</p> <p>affidavits 26:6 35:6 55:10 56:20,23</p> <p>affirm 96:7</p> <p>affirmed 40:9</p> <p>affirming 35:3</p> <p>afternoon 32:10</p> <p>agency 110:17</p> <p>agenda 24:20</p> <p>ago 53:17</p> <p>agree 17:15 20:19 21:5 71:11 97:19</p>	<p>108:21</p> <p>agreed 59:11,13 59:19 60:8</p> <p>agreeing 29:14</p> <p>agreement 38:11 59:5 79:7</p> <p>ahead 26:2,6 42:2</p> <p>aimee 38:1</p> <p>alana 10:18</p> <p>albrecht 46:11 46:13</p> <p>albuquerque 5:6 56:25</p> <p>allar 35:25 36:25</p> <p>allow 27:6,19 38:18 86:10 99:21,25 103:10 110:10</p> <p>allowable 95:12</p> <p>allowed 87:24 107:7</p> <p>allows 26:16</p> <p>alternative 79:24 80:2 84:7 84:12</p> <p>alternatives 79:12 90:19</p> <p>ambiguous 81:24</p> <p>amend 22:3,7 73:24 75:18,25</p> <p>amended 73:19</p> <p>america 83:11</p> <p>amount 85:25 86:20 110:17 111:1</p>
--	--	---	--

[analogous - b]

analogous 80:25 analysis 89:10 andrew 8:3 10:21 25:10,15 39:17 67:11 andy 91:3 animated 60:2 announcements 14:6 answer 72:3 110:18 anticipated 58:21 anticipating 56:15 anymore 64:10 73:16 anyway 73:24 aol.com 7:7 apache 5:2 19:17 19:21 apds 41:10 apologies 14:22 apologize 14:17 appear 35:24 appearance 19:3 19:16 33:20 44:23 45:8 51:23 52:8 53:4 appearances 16:21 20:4 appearing 18:24 77:1 90:14 appears 41:5 69:3 72:22 110:3 applicant 37:14 64:22 89:12	101:19 102:4,10 102:17 103:14 106:16,18,19 107:5,13 applicants 102:17,21 application 1:10 1:14,19 2:1,6,11 2:17,22 3:1,6,10 3:14,18 4:1,6 11:13,23 34:23 48:5 49:11 55:9 74:7,13,19,24 85:7 86:1 93:3 95:4 112:23 applications 12:20 13:5 26:17 28:8 54:25 55:11 58:25 70:4 74:6 79:24 84:19 96:8 108:10 111:7 applies 92:17,19 108:12 apply 83:25 111:3 applying 83:16 appreciate 58:11 60:15 85:11 96:24 98:14,24 104:23 105:23 108:2 approach 77:6 79:15,20 89:22 101:9 appropriate 77:7 85:20	110:9 approval 96:2,5 96:7 approximately 34:8,20 april 40:10,12 42:20,22 area 29:10,11,16 29:16 36:15 48:15 50:17 56:17 58:21,23 60:7,21,22,25 69:6 72:13 105:5 areas 60:6 101:19 102:8,9 argument 80:5 84:23 arises 58:20 arranged 30:10 arrangement 59:11,17 arrangements 60:9 arrived 97:21 aside 49:9 asked 17:18 49:4 asking 69:23 asks 86:24 aspect 84:25 assent 38:18 assessor 59:10 assignees 72:25 associated 49:19 assume 110:12 assuming 22:10 asterisk 72:21	attached 74:7,13 attachment 74:23 attempting 89:14 attorney 115:14 116:10 audible 16:23 20:6 23:23 25:8 32:14 37:4 43:9 45:10 50:24 63:2 65:13 78:8 audio 115:8 116:4 august 4:13 authority 95:2 availability 49:19,20 available 72:10 85:3 96:6,16 104:7,10 avant 3:6,14 9:10 12:10 44:18,21 45:14 45:19 46:1 47:17 48:6 49:24 avenue 6:16 aware 36:13 59:16 69:5 73:11 85:7 axis 36:9,14 axis's 36:17 aztec 29:12
b			
b 11:3,7,13,23 12:1,12,20 13:1			

[b - bruce]

13:5,16 28:1,11 28:11,15 34:23 35:9 40:20 47:18 55:10 57:4 68:16 92:1 93:19 94:13 95:22 96:13,19 b.l.m. 36:14 41:13 83:6 111:12 baca 10:13 back 15:15 23:9 47:10 53:6 73:18 75:18 78:2,23 84:13 110:1,4 114:2 barrel 47:5 base 85:14,15 based 15:5 69:2 80:22 86:23 90:20 bases 31:22 basic 88:11 basically 59:3 82:11 100:8 104:18 basin 71:16 basis 84:24 85:19 batch 22:25 beatty 6:15 16:13 19:10 23:12 25:23 54:20 beginning 15:15 60:5 behalf 5:2,10,20 6:2,12 7:2,10,19	8:2,9 9:2,10,19 10:2 14:16 15:23 16:8 18:24 19:3,16,21 20:23 37:13 44:21,25 52:20 53:1 64:21 77:2 77:17,22 90:15 believe 16:1 18:18 23:25 24:16 26:10 29:9,13 31:11,13 32:21 35:16,19 37:21 49:8 51:6 53:16 69:15 70:23 72:7 73:4 76:17 78:12,15 80:12 87:1 88:7 89:11 93:1 95:1 96:2 97:11 99:7 99:7 100:4 101:4 105:9,12 106:22 112:21 112:25 114:9 believes 79:13 bells 45:24 belt 31:21 beneficial 84:22 benefit 84:21 106:23 107:6 bennett 5:3 14:15,16,22 15:9 15:13 19:19,20 21:19,20 77:21 77:22 78:3,10,12 78:18 91:3,23 93:18 95:21 96:2 98:21,22	bennett's 91:19 93:14 94:9 95:16 best 60:11 96:3 115:10 116:6 bet 60:19,22 better 41:16 104:1,2 beyond 88:1 big 48:23 70:13 111:11 bill 4:15 14:2 bit 29:4 31:2 105:24 107:3,8 blacklaw's 86:18 105:16 blake 10:3 77:17 blake,jones 10:7 block 80:24 87:7 87:11,17 88:6,11 89:7,8 99:21 100:13,17 103:21 blocks 80:17,18 80:22 87:1 99:17 100:11,12 100:22,25 103:10 board 84:13 98:8 103:11 bone 26:19,22,23 27:11 29:10,16 29:22,24 30:5 34:1,13 38:22 39:6 45:16 46:2 55:1 56:9 58:25 65:19 66:4 67:22,23 94:4,24	97:10,25 112:17 bore 43:16 bottom 34:17 boulevard 8:5 9:22 10:5 boundary 61:2 box 5:5,23 7:5 9:14 boxes 30:17 bradfute 9:20 44:24,25 45:4,5 47:21,23 48:3 brancard 4:15 14:2 36:4 44:1 49:8 50:1 54:22 61:13 65:7 69:22 71:8 80:9 84:5 85:23 88:20 89:10 95:1 107:23 110:6 111:21 brancard's 70:1 brandt 8:3,7 break 14:13 76:13 breakdown 91:21 93:16 95:18 97:24 98:2 brett 10:20 brief 85:12 110:10,11 briefly 102:3 brings 105:5 brought 83:2,8 brown 60:24,25 bruce 7:4 19:2,2 20:8,9,19 21:11
--	---	--	---

[bruce - cases]

21:13 23:5,5,25 24:2,9,17,18,21 24:24 52:12,12 57:13,14 63:12 bruce's 21:6 bryant 4:19 115:2,18 building 14:7 79:15 80:17,18 80:22,24 87:1,7 87:11,17 88:6,8 88:11,18 89:2,7 89:8 99:17,21 100:11,12,13,16 100:21,25 103:10,21 built 93:4 bumped 20:15 bunch 30:15,16 burden 106:1,7 106:9 burdening 105:25 burdens 102:15 103:15 burdensome 104:3 bureau 83:3 burlington 7:11 37:19 64:24 65:2 burning 114:12 burton 91:15 93:11 94:6 95:7 bwenergylaw.... 6:18	c c 5:1 6:1,5 7:1 8:1 9:1 10:1,3 11:14,24 12:13 12:21 13:6,17 14:1 34:15,24 35:10,24 36:7,24 39:20,21,21,21 39:22,23,24 40:20 46:14 47:18 55:11,14 55:15,16,17,19 55:22,24,25 57:4 61:15 64:1 67:14,14,15,15 67:15,16,17 68:16 70:25 91:20 92:6,16,19 93:15,23 94:11 94:17 95:18,25 96:14,19 c.o.g. 7:10 19:23 19:25 33:12,14 33:15 35:16 52:5,7 57:8 63:16 c1 34:25 c102s 30:14 39:21 c4 34:25 call 15:16 23:3 32:20 38:3 76:20,22 88:22 99:11 called 1:6 14:18 calm 84:25 capacity 107:10	capitan 41:6 capture 88:13 cards 47:10 56:22 62:10,11 carlsbad 56:25 case 1:10,14,19 2:1,6,11,17,22 3:1,6,10,14,18 4:1,6 11:5,11,21 12:3,10,17 13:3 13:13 15:18 18:16,19 26:1,6 26:20 27:9 28:12 29:18 32:20 33:16,18 33:20,25 35:7 36:17,19,22 37:2 37:6,23,24 38:6 38:18,19,21 39:5 40:16 41:12,18 42:4 44:6,13 45:13 46:1 47:8 49:5,22 51:25 53:14 54:13,15 54:18,25 57:24 58:10 60:17 63:6,8,10,22 65:4,5,8,18 66:3 66:13,23 67:20 67:24 68:13 70:17 71:8 74:6 75:9,17 80:12 82:7 91:9,19 92:2,20 93:6,14 93:19,25 94:9,13 94:19 95:16,22 103:5 111:22,25	cases 14:11,12 14:13,25 15:6,7 15:11,16,16,18 16:5,21 18:14 19:3 20:4,22,23 20:25 21:1,4,5 21:12,24,25 22:1 22:3,4,18,21,25 23:1,2,6,21 24:3 24:4,7 25:1,6 26:9,14,18 27:23 32:12 37:10 38:13 39:14 40:5 41:14 43:7 43:12 44:18 45:3,8 46:10,17 47:15 49:16 50:14,22 51:2,17 52:4 53:5 54:1 54:23 60:16,18 60:20 63:1 64:9 64:17 65:11,17 67:8 68:3 75:3 75:22 76:3,6,17 76:22 77:23,25 78:6,11,16,20,25 79:11,14,17,25 80:5,11,15,16,19 82:23 84:2,9,24 85:19,20 90:4,8 90:13,16,19,23 90:25 91:3 92:18,19 96:3,6 96:7,8,15,16,17 96:25 97:2,7,25 98:2 104:17 105:1,2,4 109:18 109:20 110:1
--	---	--	--

[cases - comprehensive]

112:5,10,14,17 112:18 113:16 113:19 caution 31:19 47:12 celeste 38:2 cement 42:11 certain 59:12,20 60:8,9,10 102:9 certainly 30:22 50:20 62:23 97:21 certificate 115:1 116:1 certified 28:6 certify 115:4 116:2 cetera 22:18 23:22 challenge 60:19 challenges 31:9 48:16 105:24 change 29:5 48:25 105:9 changed 35:21 chart 47:6 check 18:2 31:1 76:12 78:24 checked 22:13 checklist 11:12 12:19 13:4 27:24 32:7,7 34:23 49:10,11 55:9,10 checklists 11:22 39:15 67:9 chevron 1:10 5:2 14:14,16 35:24	36:24 77:20,22 77:25 78:10,12 78:15 chisholm 2:1 5:11 18:21,24 20:22,25 21:5 59:10,12,13,16 choice 110:1 chronology 39:25 46:15 55:25 58:12 67:17 91:22 93:17 94:12 95:20 97:3 98:1 98:3,8 chunk 76:17 cimarex 6:2 16:5 16:9 18:3 circumstances 100:22 city 8:6 clarification 41:16,22 69:20 73:13,21 74:1 75:24 81:9 98:24 clarify 60:4 113:6,21 classen 8:5 clear 46:25 59:24 100:19 clearly 14:5 87:18 client 17:2 65:4 73:18 97:14 110:8 clients 49:17	close 20:11 70:9 86:17 code 26:15,22 29:4,18 34:14 38:23 39:7 65:19 66:5,15,25 cohesive 101:23 cold 27:2,3,15,16 colleagues 74:20 color 97:23 colorado 7:23 colors 60:2 com 27:2,3,15,16 34:12 39:3,12 45:24 55:2 66:2 66:12,22 67:7 91:15 93:11 94:6 95:7 combination 99:22 100:9,21 combine 82:10 99:24 100:1 111:12 combined 89:7 combining 82:2 90:5 come 38:11 41:8 73:18,24 75:18 95:13 105:25 111:10 comes 112:4 coming 36:19 42:8 49:15,23 58:10 61:10 110:1,4 commented 69:10	comments 91:24 107:24 109:20 committed 55:1 55:2 108:15 common 41:18 42:4,8 communications 73:7 companies 58:22 58:23 59:18,19 60:6,8,9,10 company 1:15 2:7,12 3:2,19 4:2,7 5:10,12 6:3 7:3 9:2 11:21 12:3 13:3 13:13 15:20,24 19:1 23:4,15,18 37:14 40:19 49:18,20 64:22 68:15 69:2 76:23 77:2,10 90:15 96:18 comparing 112:16 compensate 48:18 compensated 49:2 competing 24:7 complete 85:25 completed 27:3 27:16 42:7 81:21 complicated 54:4 60:1 61:2 comprehensive 84:21
---	--	---	---

[comprise - copies]

<p>comprise 81:18 86:5</p> <p>comprised 26:24 27:13 38:24 39:8 46:4 65:21 66:6,16 67:1 91:11 92:23 94:2,22</p> <p>compromise 112:8</p> <p>compulsory 1:11 1:16,21 2:3,7,13 2:19,23 3:3,7,11 3:15,20 4:3,8 11:12,22 12:19 13:4 27:24 39:15 67:9</p> <p>conceptual 84:23 85:18</p> <p>concern 70:16</p> <p>concerned 60:12 69:23 73:15</p> <p>concerns 28:18 28:21,22 47:22 50:22 57:9 68:20 96:22 107:17 113:14</p> <p>conciliatory 61:11</p> <p>concluded 114:16</p> <p>conclusion 97:20</p> <p>conclusions 56:13</p> <p>conditions 103:15 106:21</p> <p>confer 110:8</p>	<p>conference 17:5 17:19,25 18:12 20:13 21:7,10,24 22:22</p> <p>confident 75:6</p> <p>confirm 78:14 97:14,22 98:11 109:25</p> <p>confirmed 98:12</p> <p>conform 89:14 103:5</p> <p>conforms 30:9</p> <p>confusion 105:20</p> <p>conjunction 86:10</p> <p>connected 23:2,7</p> <p>conoco 37:16,18</p> <p>conocophillips 7:10,13 64:24 65:1 72:19</p> <p>conocophillips... 7:16</p> <p>conservation 1:3 1:6 96:4,9</p> <p>consider 79:23 83:17 86:8,24 89:25 106:14,15</p> <p>consideration 41:11 48:23 80:15 85:4 90:21 107:19,20 110:14 112:12</p> <p>considered 43:18 49:3 80:6 84:15</p> <p>considering 1:8</p>	<p>consist 81:22 86:6</p> <p>consistent 103:10</p> <p>consisting 87:7</p> <p>consists 100:24</p> <p>consolidated 21:3 54:24 79:17 90:18</p> <p>constitute 99:17</p> <p>constitution 83:11</p> <p>construct 56:10 87:2,5</p> <p>constructed 104:19</p> <p>construction 14:7 48:17 88:4 101:6</p> <p>consult 113:3</p> <p>cont'd 6:1 7:1 8:1 9:1 10:1 12:1,4 13:1</p> <p>contact 46:15</p> <p>contacted 37:22</p> <p>contacts 39:25 55:25 67:17 91:22 93:17 94:12 95:20 97:3</p> <p>contain 27:23</p> <p>contains 28:3,4 55:22</p> <p>contest 58:16,20</p> <p>contestants 23:10</p> <p>contested 51:25 56:4,15 58:16</p>	<p>60:13 64:10</p> <p>contests 58:17</p> <p>contiguous 81:19 82:22 90:5,24 100:7</p> <p>contiguously 100:5</p> <p>contingencies 92:15</p> <p>continuance 14:21,24 15:3,6 35:21 37:24 38:11</p> <p>continuances 54:3</p> <p>continue 14:25 72:25 73:8</p> <p>continued 15:6,8 26:10,14 29:17 63:8</p> <p>continues 48:6</p> <p>continuous 86:4</p> <p>contour 70:9</p> <p>convenience 88:14 103:23</p> <p>convenient 88:8</p> <p>conveniently 88:10</p> <p>convention 88:7 88:8,18 89:2 103:23 104:11</p> <p>conversations 59:17</p> <p>conveyances 72:23</p> <p>conveyed 72:23</p> <p>copies 38:15</p>
---	--	--	---

[coronaries - defined]

<p>coronaries 83:7</p> <p>corporation 5:2 19:18,21 23:20</p> <p>correct 16:2 17:11 24:1,9,17 25:18 26:14,14 29:25 35:20 36:7 42:16 51:8 57:21,22,25 74:12 78:10,18 80:8,13 110:5 112:20,21 113:10</p> <p>correction 79:16 79:21 87:3,9,13 88:19 89:3,15 91:1 100:14 101:8,13 102:18 102:19,20,21 103:2,4,4 104:12 104:21 106:16</p> <p>correctly 65:4 79:10</p> <p>correlative 96:4 96:10</p> <p>correspondence 38:15</p> <p>corresponding 86:21</p> <p>coss 4:16 14:3 15:22 28:24 36:2 37:12 41:3 43:5,13 44:3 48:9 50:13,16 54:22 58:8 64:20 68:24 75:2 76:9 99:2 113:23</p>	<p>cost 41:25 42:6 50:16 51:5 70:19</p> <p>costs 41:24 48:19 49:12,13 49:15 50:14 70:24 71:5</p> <p>could've 111:10</p> <p>counsel 11:8,18 12:7,14,25 13:10 13:18 91:25 115:11,14 116:7 116:10</p> <p>country 9:22</p> <p>county 1:12,17 1:22 2:4,8,14,20 2:24 3:4,8,12,16 3:21 4:4,9 26:19 34:7 39:1,10 45:19 55:6 65:25 66:10,20 67:5 91:2</p> <p>couple 20:15,20 36:19 96:24</p> <p>course 81:23</p> <p>court 14:4 76:12</p> <p>cover 29:17 43:1 90:25</p> <p>covering 31:22 55:3</p> <p>covers 92:17 113:25</p> <p>create 80:24 100:2 103:13 105:11 107:2</p> <p>created 29:15 105:20 111:22</p>	<p>creating 91:10</p> <p>credentials 39:18 67:12 91:4,7</p> <p>credited 97:7</p> <p>crimmins 38:1</p> <p>criteria 86:23 89:15</p> <p>cross 40:4,4 47:3 47:4 56:9,11,11 67:23 68:2 69:2 70:7,12</p> <p>curiosity 36:6</p> <p>curious 41:24</p> <p>current 28:5</p> <p>currently 21:2 72:6</p> <p>curvature 102:23</p> <p>cut 81:4</p> <hr/> <p>d</p> <hr/> <p>d 11:1,15,25 12:22 13:7 14:1 34:17,25 35:10 40:2,3,3,4,20 56:5,8,8,11,12 57:5 60:23,24 67:19,19,21,22 67:25 68:1,16</p> <p>d1 35:2</p> <p>d4 35:2</p> <p>dalva 8:10 32:24</p> <p>dana 9:12 44:20 52:25</p> <p>darin 6:5,9 16:7 23:16 76:25 90:13</p>	<p>data 103:24</p> <p>date 4:13 17:19 29:13 32:8</p> <p>dates 47:7</p> <p>david 67:10</p> <p>day 20:10 76:10 114:10,14</p> <p>de 7:14 8:12,19 48:5,5</p> <p>dead 84:20</p> <p>deadlines 53:9 75:11</p> <p>deal 63:24 81:10 89:19 99:12 102:17,20 103:3 104:20,20 106:8</p> <p>dean 10:23</p> <p>deana 5:3 14:16 19:20 77:22</p> <p>deana.bennett 5:7</p> <p>deane 38:2</p> <p>debate 79:19</p> <p>decide 90:21</p> <p>decides 101:19</p> <p>decision 110:13</p> <p>dedicate 27:1,14 34:11 39:2,11 45:20 66:1,11,21 67:6</p> <p>dedicated 46:7 91:14 93:10 94:6 95:8</p> <p>defer 20:13</p> <p>deference 20:18</p> <p>deferred 20:17</p> <p>defined 81:19 86:19 100:23,24</p>
---	--	--	---

[defining - drilling]

defining 45:23 46:9 definitely 100:6 definition 83:19 84:2 87:18 99:15 105:15 delighted 56:2 delivering 31:9 demonstrates 95:25 demonstrating 28:7 denise 38:1 department 1:2 deposition 115:1 depth 34:20 81:2 described 26:16 92:4 93:18,22 94:16,17 95:4,21 95:24 105:10 describes 91:23 description 11:4 11:10,20 12:2,9 12:16 13:2,12 design 41:11 designated 91:13 92:25 94:4,24 designation 89:12 designs 48:25 detail 70:4 100:15 details 48:17 107:22 determines 88:13 develop 59:7 62:19 101:20	103:9 107:10 developed 30:10 93:2 104:12,14 development 36:15 47:5 55:22 59:6 69:6 69:9,16,18 72:11 72:13 92:4 93:22 94:16 101:25 113:2 deviation 89:13 102:5 devon 4:1 6:3 13:13 23:14,18 76:23 77:2 79:13 86:12,23 89:14,19 90:15 91:9 92:20 93:25 94:19 96:18 102:16 103:5 105:1 112:25 devon's 92:1 106:13 dhardy 9:16 diagonal 89:16 102:11 diagrams 43:16 dictionaries 86:19 dictionary 86:18 105:16 differ 105:18 differences 78:21 different 56:3 60:1,6	differently 30:8 differing 86:23 difficult 74:11 digital 115:8 116:3 directly 89:13 discreet 99:17 discretion 85:25 85:25 86:11 95:2 99:12 discuss 74:19 76:21 discussed 42:4 85:6 112:13 discussion 77:9 99:5 110:18 discussions 59:4 85:13 dismiss 20:21 22:17 23:25 24:3,15 112:13 dismissed 22:4 113:8 114:11 displacement 71:20 disposal 48:24 dispose 15:19 distinction 100:19 101:2 106:11 distracting 30:24 31:1 division 1:3,7 27:22 39:18 40:17 55:13 56:7 67:12 79:22 80:17 81:5,9,20 83:15	84:8,20,23 85:14 85:24 86:11,24 89:24 90:20 91:4,7 95:1 99:12 100:18 104:20 106:8,15 111:24 division's 34:9 83:21 99:7 dixon 91:6 96:2 dixon's 92:1 93:19 94:13 95:22 dml 8:14 docket 14:10 20:24 21:3 22:14 23:3 74:11,17 documents 70:19 doing 76:13 80:12 89:16 102:14 103:6 109:22 don 6:16 double 72:21 doubt 106:23 drawing 84:13 drill 41:13 48:16 58:22,24 60:8 drilling 14:8 40:7 41:19 42:10,12 43:17 43:17 48:18 49:12 50:6,16 51:4 60:22 68:5 70:5,19,24 71:3 96:11
--	---	--	---

[drive - esquire]

drive 7:22 dropped 51:24 dry 7:12,16 19:24,25 21:21 21:22 33:13,14 33:17 35:14,15 37:17,18 40:24 40:25 52:6,7 57:8,10 63:17 64:25 65:1,3,7 68:20,21 ducharme 38:1 due 49:18 duly 115:5 dylan 4:16 14:3	earthstone 5:20 9:10,11 16:1,3 17:8 20:22,25 52:24 53:2,2 58:5 59:15 61:9 63:15 earthstone's 59:10 easier 106:7 easily 88:10 98:12 101:17,18 102:1 111:19 east 27:1 34:4,6 34:16,20 38:25 39:1,8,9,10 45:17,18,18,19 46:5,6 55:3,4,5,5 59:1,7,9 65:23 65:25 66:6,7,8,8 66:10,18,20 67:2 67:3,3,4,5 91:2 91:16 93:13 94:7 95:15 economic 107:6 107:14 eddy 2:14,20 4:4 4:9 26:19 91:2 edge 71:16 edition 86:19 effect 38:16 52:1 86:20,22,24 87:8 87:16 105:14 effective 94:18 effectively 81:4 efficient 104:1 effort 36:9 106:19	efforts 17:3 38:5 103:12 104:24 eight 15:16 71:2 80:5,6 either 20:14 31:3 55:17 57:24,25 71:13 80:11 83:24 110:2 elegant 82:1 element 74:8 emphasize 99:6 empirical 103:24 employed 115:11,14 116:8 116:11 employee 115:13 116:10 encompass 79:25 encroaching 69:8 ends 84:20 energy 1:2 2:1 4:1 5:11,11 6:2 6:2,3 10:2 13:13 16:5,9,9,16 18:21 20:22,25 21:5 23:15,18 36:10 60:13 76:23 77:2,15,17 79:4 90:15 96:18 engineer 99:4 engineering 83:3 engineers 83:5 85:1 110:12 ensure 88:24 89:4	ensuring 104:11 enter 19:15 entered 43:25 entering 19:3 entertaining 90:11 entries 16:5,21 19:6 20:3,4 33:20 45:8 51:23 53:4 entry 16:16 25:21 33:12 37:16 44:23 52:8 64:24 77:9 77:15 environmental 102:10 equal 86:20 equivalence 86:22 equivalencies 101:10 equivalency 80:20 86:3 equivalent 80:25 81:23,24 82:6 83:20 86:4,7,9 86:13,18,24,25 87:4,12,14,19 90:7 99:13 105:10,12,13,14 105:14,16,17 ernest 5:21 16:3 error 30:18 es 115:4 especially 50:1 esquire 5:3,13 5:21 6:5,14 7:4
e			
e 5:1,1 6:1,1 7:1 7:1 8:1,1 9:1,1 10:1,1 11:1,3,16 12:1,5,23 13:1,8 14:1,1 17:17 35:2,10 37:23 40:8,21 43:24 44:5 56:20 57:5 68:6,17 e.g.l. 1:19 7:3 16:1 17:7 52:10 52:13 57:13 61:9 63:12 e.o.g. 6:12 16:10 16:14 18:6 19:6 19:11 23:10,13 25:21,24 26:1 51:20 early 36:20 earth 102:24			

[esquire - exhibits]

7:12,20 8:10,17 9:3,12,20 10:3 essentially 72:17 111:8 establishing 87:20 92:21 94:1,20 et 22:18 23:22 evans 39:16,19 evd 11:4,10,20 12:2,9,16 13:2 13:12 event 47:13 events 58:12,15 eventually 21:3 41:10 60:8 everybody 36:13 36:20 59:6 74:23 99:1 exactly 42:14 86:14 examiner 4:15 4:16 14:2,3,4,16 14:20 15:4,12,14 15:22,25 16:3,4 16:7,7,10,13,15 16:17,20,24 17:6 17:13,20,24 18:2 18:6,8,11,14,23 18:25 19:2,5,8 19:12,17,20,22 19:25 20:2,7,9 20:16,20 21:1,9 21:15,18,21,23 22:8,10,15,20,24 23:5,8,12,14,19 23:24 24:2,6,10 24:14,19,22,25	25:5,9,13,16,20 25:22,25 26:4,8 28:17,20,23,25 29:21 30:6,13,25 31:8,17,23 32:1 32:5,11,15,19 33:7,11,13,15,19 35:13,18,22 36:1 36:3,5,16,21 37:1,5,9,12,15 37:18,20 38:14 38:21 40:23 41:2,4,23 42:2,9 43:2,6,10,15,22 44:1,2,5,8,10,13 44:22,25 45:2,5 45:7,11 47:20,24 47:25 48:4,7,10 48:13,21,22 49:7 49:25 50:5,12,18 50:21,25 51:10 51:15,19,22 52:7 52:10,12,16,19 52:23 53:3,12,20 53:24 54:5,12,17 57:7,12,15 58:4 58:7,9 59:23 60:14 61:3,6,12 61:14,22 62:3,8 62:17,25 63:3,13 63:16,18,21 64:5 64:8,13,16,17,20 64:23 65:1,3,10 65:14,17 68:19 68:23,25 69:21 70:2,6 71:1,4,11 71:15,18,19,23 72:14,20 73:8,14	74:2,3,22 75:1,4 75:8,15 76:2,9 76:11,16,24,25 77:4,8,12,14,16 77:19,22 78:1,4 78:9,22 79:3,8 80:3,10 81:3,7 83:2,22 84:10 85:5,21 88:21 90:3 96:21 98:15,16,20,25 99:3 105:22 107:21 108:3,8 108:12,17,22 109:1,6,12,16,23 110:15,23 111:15 112:3,15 112:22 113:5,13 113:24 114:8 examiners 44:19 example 80:23 88:3 89:11 91:25 97:17 99:18 100:1,2 102:7 107:1 examples 100:1 excellent 58:21 excessive 81:13 exchanging 21:12 excited 58:22 excuse 34:18 exhaust 32:2 exhausts 43:3 exhibit 11:6,7,12 11:13,14,15,16 11:17,22,23,24 11:25 12:5,6,11	12:12,13,19,20 12:21,22,23,24 13:4,5,6,7,8,9,15 13:16,17 28:6,14 28:15 31:16 34:22,23,23,25 35:2,4,9,9,10,10 35:10,11 36:7 39:20 40:2,8,11 40:19,20,20,20 40:21,21 46:17 46:21,24 47:17 47:18,18 51:7 55:8,10,10,11,14 56:5,20,23 57:4 57:4,4,5,5,5 61:15 64:1 67:14,14,19 68:6 68:8,15,16,16,16 68:17,17 70:25 73:5 85:12 91:19 92:1,6,16 92:19 93:19,23 94:9,13,17 95:16 95:22,25 96:19 96:19,19 97:4 exhibits 11:8,18 12:7,14,25 13:10 13:18 26:12 27:22,24,25 28:1 28:2,3,10 31:12 32:16 34:25 35:2,6,19 37:6 39:21 40:3,15,15 43:11 44:4 46:10,13 47:14 51:1 54:6,7,8 56:14 57:1,18
--	--	---	--

[exhibits - focusing]

62:24 63:4 67:19,21,25 68:12,12 70:16 72:15 74:7 76:5 85:8 92:3,17 93:14,21 94:11 94:15 95:18,24 96:13,14 108:5 expand 87:25 expanded 89:22 103:4 107:2,3 expensive 42:13 experience 83:5 explain 29:4 38:4 explained 82:3 95:3 explanation 50:9 51:5 85:8 96:24 98:23 express 39:3,12 extended 55:25 extract 107:6	faith 91:23 93:17 95:20 103:3,12 far 21:25 41:19 72:9 88:1 97:12 111:7 fasken 5:11 52:16,20 55:20 57:16,19,20,22 61:10,17 63:18 63:24 fault 69:4 70:15 89:18 102:19 106:17 faulting 40:6 56:18 68:4 faults 71:20 fe 4:18 5:16,24 6:8,17 7:6,15 8:13,20 9:6,15 16:8,18 18:23 23:17 37:13 44:20 52:19 53:1 64:21 77:1 77:12 featherstone 25:12,17 26:5,5 featherstone's 25:19 february 68:8,10 fed 34:12 55:2 66:2,12,22 67:7 91:15 93:11 94:6 95:7 federal 27:2,3,15 27:16 39:3,12 45:24 83:6 feel 75:6 110:17	feet 27:4,17 34:20 feldewert 5:13 15:21,22 16:17 16:18,25 17:1,10 18:9,10,13,22,23 19:14,15 20:14 20:16,18 22:2,6 22:9,12,19,23 38:15 52:18,19 57:16,17,24 58:1 63:19 77:11,12 79:2 81:8 96:22 96:23 97:11,16 97:23 98:6,10,13 109:20,21 113:6 113:7,12 114:1,5 feldewert's 17:16 fess 81:25 field 69:2 figure 22:25 108:24 figured 73:20 file 22:2,18 37:23 44:6 53:14 54:13 65:4 74:6 filed 14:21,23,24 15:2 20:23 23:25 24:2 41:10 53:16 55:8 56:14 57:19 70:5 74:15,18 files 70:8 filing 78:19	filling 60:21 final 14:10 83:14 84:6,8,16 90:1 110:13 112:11 finalized 17:18 finally 94:19 financially 115:15 116:11 find 54:8 73:5 104:23 finding 54:13 84:19 finds 89:24 fine 21:14 75:18 79:7 finish 78:4 firm 5:22 23:20 33:8 74:5 first 15:16 38:8 46:21 65:17 79:14,18 80:5,18 80:19 81:7 84:24 85:19 86:20 90:22 104:16 108:10 112:19 five 61:15 92:3 93:20 94:14 95:23 fix 32:9 flat 91:15 93:11 94:6 95:7 flattened 70:13 flexibility 111:2 flexible 110:20 fluids 42:12 focusing 82:11
f			
f 11:17 12:6,24 13:9 35:4,11 40:11,21 56:23 57:5 68:8,17 fact 14:6,12 17:10,16 58:20 factors 106:14 106:15 107:19 fair 90:14 103:14 110:17 111:1 fairly 110:20			

[folks - good]

<p>folks 62:6</p> <p>follow 41:15,21 43:20 104:3</p> <p>followed 29:14 40:1 67:18</p> <p>following 103:12</p> <p>foot 71:20</p> <p>force 86:20 107:13</p> <p>forced 69:17 72:6 106:10</p> <p>foregoing 115:3 115:4 116:4</p> <p>forget 82:25 114:2</p> <p>form 34:7 55:15 79:17 90:18 100:4,5,7,16</p> <p>formally 53:8 75:10</p> <p>formation 26:19 26:23 27:12 34:2 38:23 39:7 41:7 45:16 46:3 65:19 66:5,15,25 67:22,23 68:1,3 71:14,22 91:13 92:25 94:4,24</p> <p>formations 69:6 97:13</p> <p>formed 26:17</p> <p>former 87:21</p> <p>forrest 10:22</p> <p>forward 24:15 31:2 33:16,18 36:13 38:12,19 45:4 52:4 54:15 63:6,23 65:6</p>	<p>75:17 78:11,16 79:1 82:24 83:21 84:9 90:4 90:8 93:8 96:6 110:3 112:9,18 113:3</p> <p>found 28:2</p> <p>four 14:12,18 61:16 65:17 79:25 80:11,11 80:15,16 82:8,9 84:2 85:20 90:8 90:19,25 96:7 99:22 100:9,25 112:4,18 113:18</p> <p>fragmentation 101:15</p> <p>full 82:4 101:25 104:11 107:10 113:1</p> <p>fully 87:23 93:1 95:3 99:15 106:22</p> <p>function 86:22 86:25 87:9,16 95:9 105:14</p> <p>further 43:14 69:20 73:6 90:21 98:18 115:13 116:9</p> <p>future 62:9 73:19 85:13</p>	<p>gaps 101:19</p> <p>gas 7:11 29:7,10 37:19 65:2 99:20</p> <p>gaspar 6:16</p> <p>gassy 29:12</p> <p>general 55:15</p> <p>generally 49:22</p> <p>geologic 40:6 56:18 68:4</p> <p>geologically 103:25</p> <p>geologist 11:7,15 11:25 12:12,22 13:7,16 35:1,1 39:17 41:8 46:12 47:2 67:10 69:2,19 70:5 91:6 99:4</p> <p>geologist's 28:1</p> <p>geologists 82:3</p> <p>geology 28:2 56:6,17 92:2,3 93:20,21 94:14 94:15 95:23,24</p> <p>getting 20:11 61:18 74:16</p> <p>ghost 83:8</p> <p>giant 71:19</p> <p>give 85:18 108:18</p> <p>given 85:11 106:23 110:1</p> <p>gives 111:1</p> <p>gknet.com 8:14 8:21</p> <p>glad 24:21 61:6 77:3,5 84:11</p>	<p>109:15</p> <p>glance 62:21</p> <p>go 14:11 21:16 29:1 32:6 33:4 42:2 52:2 53:9 54:9,15 70:23 75:11,17 81:1 82:24 84:24 90:4,8 93:8 97:4 97:6 112:9 113:3</p> <p>godspeed 52:9</p> <p>goetze 10:19</p> <p>going 15:16 18:15 20:21 26:2,6 31:2 33:8 33:16,18 36:13 41:6,19 45:4 48:14,17,19 49:9 51:6,13 58:11 59:8 62:10 65:5 69:4,12 72:8,10 74:11 76:19,21 78:11,25 80:4 81:4 82:5 83:16 96:6 112:23 114:2</p> <p>golden 7:23</p> <p>good 14:15 15:21 16:6,12 19:19 22:12 23:11,16 25:3 29:1 32:23 37:11 41:4 44:19,24 48:10 48:12 51:11,18 51:18 52:6,18,25 58:9 59:21</p>
	<p>g</p> <p>g 14:1</p> <p>gallagher 8:11 8:18 32:22 33:6</p>		

[good - hearing]

64:19,25 68:25 76:20,25 77:11 77:16,21 84:16 89:21 91:23 92:3 93:17,21 94:15 95:20 103:3,12 104:23 109:16 112:8 gotten 54:3 110:17 government 81:20 87:4 governmental 81:22 86:6 87:13 90:6 granted 15:7 great 48:7 58:2 60:7 63:21 76:9 85:25 99:12 112:7,15 114:13 greatest 105:6 green 47:10 56:22 62:10,10 group 17:9 guadalupe 5:15 9:5 guess 22:1 41:23 59:24 60:15 61:16 62:9 63:24 69:21 75:18 101:1 108:4 guessing 74:9 guidelines 34:9 gun 47:5 64:13 guy 71:21	h h 11:3 12:1 13:1 half 26:25 27:5,5 27:6,6,13,18,18 27:19,19 34:3,3 34:5,5 38:25,25 39:9,9 45:17,18 46:4,5 55:3,3,5,6 59:1,7,9 65:21 65:22,23,23 66:7 66:8,8,8,17,18 66:18,18 67:2,3 67:3,4 80:20,20 80:21,21 87:12 87:12,14,15 89:23,23,23,23 91:1 101:5,6,8 101:12,12,14,14 101:20,25 102:13,13,13 103:7,7 104:11 104:12,13,13 107:1,1,4,4,7,8 handle 33:8,9 80:25 handled 41:8 42:14 handling 99:8 hanson 23:20 happen 47:11 happened 75:10 happens 31:3 84:25 happy 41:21 50:10 69:14 73:12 hard 31:4 61:10 70:11	harder 106:6 hardy 9:12 44:19,20 45:12 45:13 48:12,20 49:6,17 50:4,10 50:19 51:8,14 52:25,25 58:5,6 63:14 harper 46:12 47:2 hart 5:14 9:4 15:23 16:19 18:24 37:13 52:20 64:21 77:13 hazards 56:19 hear 14:7 84:23 88:20 heard 113:7,9 hearing 1:5 4:12 4:15 14:2,3,15 14:20,23 15:4,12 15:14,25 16:4,6 16:10,15,20,24 16:24 17:6,13,20 17:24 18:2,6,8 18:11,14,25 19:5 19:12,17,22,24 20:2,7,7,13,16 21:9,15,18,21,23 22:8,10,15,20,24 23:8,14,19,24,24 24:6,10,14,19,22 24:25 25:1,5,9,9 25:13,16,20,25 26:4,8,10,11 28:4,6,17,20,23 29:3,13,14 30:3	32:5,8,11,15,15 32:19,24 33:5,7 33:11,15,19,22 33:24 35:13,18 35:22 36:1,5,16 36:21 37:1,5,5,9 37:11,15,17,20 38:4,14,20 40:23 41:2 43:6,10,10 44:2,8,10,13,22 45:2,7,11,11 46:20 47:20,23 47:25 48:7 49:17 50:5,12,21 50:25,25 51:10 51:15,19,22 52:7 52:10,16,23 53:3 53:12,20,24 54:5 54:12,17 56:4,15 57:7,12,15 58:4 58:7,16 60:13 61:14,22 62:3,8 62:17,25 63:3,3 63:13,16,18,21 64:5,8,13,16,17 64:19,23 65:1,3 65:10,14,14,16 68:19,23 70:2 71:11,18,23 72:14,20 73:8,14 74:1,3,17,18,22 75:1,8,15 76:2,5 76:8,11,16,24 77:4,8,14,19 78:1,4,9,9,22 79:3,8 80:3,10 81:3,7 83:2,22 84:10 85:5,21
--	---	--	---

88:21 90:3 96:21 98:16,20 98:25 108:3,8,12 108:17,22 109:1 109:6,12,16,23 110:15,23 111:15 112:3,15 112:22 113:5,13 113:16 114:8 hearings 1:3 help 24:21 85:13 helpful 50:9 53:19 58:13 62:19 105:19,21 105:23 108:13 108:21 hereto 115:15 116:11 hi 25:10 41:4 58:9 high 50:14 highland 35:25 36:25 highlight 51:9 113:19 highlighted 46:21,23 highlights 46:25 108:19 hinkle 9:13 44:20 53:1 hinklelawfirm.... 9:16 hit 84:18 hobbs 56:25 hold 21:6 64:15 holding 110:7	holland 5:14 9:4 15:23 16:18 18:24 37:13 52:20 64:21 77:13 hollandhart.com 5:17 9:7 honor 34:21 35:20 36:18 76:14 hooey 82:4 hope 98:25 105:20 hoped 84:16 hoping 104:22 horizontal 26:24 27:8,12,21 34:2 38:24 39:8 40:7 46:3 59:1 65:20 66:6,16 67:1 68:5 80:7 81:16 81:17,18,20 82:10,17,17 84:3 86:5 87:2,24 88:1,9,19 89:2 100:5 101:7 103:21,22 106:20 107:2,3 110:21 111:16 111:17 112:6 horses 64:15 hot 60:22 hour 64:4 houston 9:23 hughes 10:5 huneke 66:2,12 66:22 67:7	hydrocarbons 88:14 i idea 21:11 30:19 identical 27:23 identifiable 31:10 identification 28:16 35:12 40:22 47:19 57:6 68:18 96:20 identified 31:15 42:16,17 identifies 46:18 idiosyncratic 104:4 imagine 48:25 immediately 15:2 59:2 impact 42:5 impediments 40:7 68:4 imposed 89:20 102:21 106:17 improper 83:20 incentive 107:9 107:9 include 34:22 46:10 56:14 74:8 included 46:17 112:18,19 includes 39:20 40:2 47:6 55:15 55:17 56:12,22 67:14,19 91:20	92:2 93:15,20 94:9,14 95:17,23 including 46:14 105:18 inclusion 27:7 27:20 incorporated 6:3 16:9 increase 48:19 indicate 29:11 indicated 17:7,8 57:20 indicates 64:1 indicating 22:3 individual 100:11 108:23 individually 100:20 inferior 99:8,11 infill 107:16 inflame 85:2 inflation 49:16 49:20 inform 85:13 105:19 information 29:15 31:4 43:14 44:15 46:14,16 49:21 51:3 69:12,15 75:2,6,12 85:15 informed 20:10 inherent 80:19 initial 85:12 initially 42:19 59:16 inline 70:21
---	---	--	---

[inquire - know]

<p>inquire 49:9 50:20 inside 110:16 instruments 102:25 intended 34:17 87:22 intent 84:17 intentionally 102:5,11 interest 25:12,19 25:19 37:22 38:5 39:22,23 55:23 57:20 62:7 72:16,22 73:16,17,20 75:14,16,24 77:25 92:9,10,12 107:12 114:3 interested 25:6 37:2 43:7 50:2 56:1,21 58:14 65:11 78:6 109:18 115:15 116:12 interests 26:21 27:11 34:1 38:8 38:22 39:6 45:15 46:2,18,20 55:1 56:3 58:23 60:6 61:23 62:4 65:19 66:4,14,24 73:2,9 91:12 92:24 94:4,23 96:3 113:20 interpretation 86:1</p>	<p>interval 27:3,16 42:13 81:21 intrepid 36:14 intrinsic 88:12 introduce 26:12 introductory 49:11 investigate 97:21 investments 8:2 8:4 25:11 involve 97:2 involved 59:10 irregular 81:10 89:17 102:12 103:1 104:21,21 111:19 irregularities 102:23 irrelevant 54:9 isaac 39:16 island 48:16 islands 41:14 isopach 70:8 issue 22:16 63:24 78:23 81:15,23 83:18 101:22 102:2 105:6 110:10 issues 42:10 49:19 79:20 103:19 114:12 it'd 34:2 it'll 76:20 item 32:20 114:9 items 18:18 24:16 31:13,15 37:10 44:17</p>	<p>51:16 64:11 76:18 105:17 112:13 j jalapeno 23:19 james 6:14 7:4 16:13 19:10 23:12 25:23 51:19 54:20 jamesbruc 7:7 jbradfute 9:24 jefferson 83:9 jennifer 9:20 44:25 jessica 116:2,15 jim 19:2 23:5 52:12 job 4:20 109:8 109:16 joe 91:6 john 10:15 46:12 47:2 johns 67:10,13 johnson 10:4 johnson.com 10:7 joinder 73:1 jones 10:3 77:16 77:17 79:5 98:17,18 jparrot 6:18 july 40:10,13 42:23 jump 64:13 70:13 71:13,13 justifiable 111:20</p>	<p>k keep 75:19 kennedy 8:11,18 32:22 33:6 kick 69:22 107:23 kind 42:10 60:21 62:15,20,21 71:5 89:16 101:9,16 102:3 103:13 104:4,15 105:9 106:6,17 kinds 104:3 knees 81:4 know 19:13 30:7 31:3 41:5,9,10 48:15,20,22 49:19,25 58:14 60:11,17 61:1 62:4,9,15,17,18 63:7 69:24 70:2 70:4,9,17 71:6 71:16,25 73:15 74:15 76:19 83:6,8,9,15 84:6 84:14,18 85:2,13 85:14 89:18,24 99:14,17,18 101:3,16,23,24 102:8,14,24 103:3,18,20,24 104:17,17,22,22 106:5,16,18,25 107:6,13 108:18 110:11,15,20,24 111:5 112:22,25 113:1</p>
--	---	--	---

knowledge 85:15 115:10 116:6	larger 88:4 99:21 107:8	lesley 10:22 letter 28:4 35:3	57:21,23 63:19 72:18 78:16
l	lastly 40:8 66:23 68:6	42:24 91:21 93:16 95:19 96:1	look 70:7,11 72:15 97:3,24 98:1 100:10
l 5:21 16:3 l.l.c. 2:2,18 3:7 3:15 5:20 7:3,10 7:19,21 9:10,11 9:11,19,21 11:5 12:10 20:1 25:4 28:14 33:14 44:21 45:1 47:17 l.p. 3:11 4:2 6:4 6:13 12:17 13:13 54:21 57:3 90:15 96:18 land 27:25 39:21 46:11,13,16 55:12 67:15 81:20 83:9,10 94:11 95:18 109:17 landing 10:5 71:21 75:7 landman 11:6,14 11:24 12:11,21 13:6,15 39:16 67:10 91:3,20 93:2,15 94:10 95:4,17 landman's 27:25 landperson 34:24,24 lands 59:13,14 59:20 60:10,11 89:21 90:25	late 14:21 58:10 lateral 42:6,7 71:24 laterals 59:1 law 5:22 23:20 74:5 laydown 91:16 93:12 94:7 95:14 lea 1:12,17,22 2:4,8,24 3:4,8,12 3:16,21 34:7 39:1,10 45:19 55:6 65:25 66:10,20 67:5 leasable 102:8 lease 60:21 69:25 leased 73:10 leave 113:17 leaving 71:24 111:6 lecacy 3:10 led 58:15 left 44:14 51:2 56:16 76:17 legacy 6:12 12:17 51:17,20 53:6,15 54:21 55:20 57:3 59:7 59:11,11,13 legacy's 55:12 lend 104:10	letters 39:24 40:9 67:16 68:7 92:8,11,12 limitation 88:2 110:24 line 27:5,17 60:24,25 71:7 lines 70:9 lining 79:7 list 28:4 39:22 39:23 67:15 listed 14:10,11 25:19 35:19 36:6 46:22 92:12 97:5,25 98:4 105:2 lists 47:7 62:5 little 14:17 22:2 22:16 29:4 47:11 54:4 62:12 72:21 105:24 107:3,8 107:22 located 34:13 location 4:17 34:14 41:11 47:3 55:15 69:3 82:14 locator 40:3 56:8 67:19 long 113:1 longer 35:17 38:10 55:21	looked 85:7,8 100:14,16 103:24 109:2 looking 30:15 41:5 46:19 50:2 57:18 60:16 64:10 70:15 97:1,14,17 101:5 108:4,9 looks 33:2 61:15 88:11 99:25 103:11 104:5,8 lot 36:8 48:25 58:21 60:18 61:18 80:23,23 82:6,21 87:1,11 87:17 89:7 100:20 104:9 106:14 109:9 110:21 111:1 lots 80:6,6,11,17 80:18,22 81:13 81:13 82:9,13,20 87:8 88:18 89:2 89:5 91:11 92:23 93:4,4 94:2,22 95:10 99:8 100:10,10 101:7,15 102:1 104:10 105:6,11 106:2,5 111:23 112:17

[love - morning]

love 62:9,10	marked 28:15	mckee 10:14	77:12
low 91:21	34:25 35:2,11	mckenzie 6:7	michelle 38:2
m	40:21 47:18	mean 14:17 17:7	midcontinent
m 5:3	57:6 68:17	30:25 44:3	35:24
m.d.t. 4:14	96:20	50:12 53:24	migration 88:13
114:15	marlene 10:12	70:3,13 73:2	mile 58:25 59:3
m.r.c. 5:12 77:9	maroon 45:24	103:22 106:12	71:24
78:25 97:5,7,9	martley 38:2	109:2,10,12	million 50:14
97:10,12,19,25	matador 1:14	meaning 87:18	mind 85:17
98:3,3	2:11 3:1,18 4:6	means 82:6	mineral 34:1
mail 17:17 28:6	5:10 7:2 9:2	meet 84:2 87:18	73:9 75:16
43:24 44:5	11:21 12:3 13:3	mentioned 51:6	minerals 1:2
mailed 40:10	15:20,23 23:3,6	72:4 102:3	minority 92:10
56:21 68:8	37:14 38:9,21	merely 31:1	minute 90:12
mailing 42:21	39:2,5,11 40:19	message 30:16	miracle 47:9
92:8,13	41:16,21 42:4	messerschmitt	misspoke 30:2
mailings 92:7	43:16,21 64:18	116:2,15	mock 30:14
mails 37:23	64:22 65:18,25	met 28:9 82:3	modrall 5:4
maintain 106:19	66:3,10,13,21,23	91:18 93:14	19:20
making 100:19	67:6 68:15	94:9 95:16	modrall.com 5:7
manner 87:3	69:12,15,16,19	method 101:10	moellenberg
101:17	72:3,5 73:5,13	mewbourne 2:6	8:10 32:22,23,24
map 39:21 40:3	73:25 75:23	7:2 19:1,4 21:4	33:4,8,9
40:4 47:3,3,4	83:16	mexico 1:1,12,17	month 17:5,21
55:15 56:8,9	matador's 72:5	1:22 2:4,9,14,20	49:12,13 50:6,8
60:1 67:15,20,21	114:3	2:24 3:4,8,12,16	72:24
68:1 70:8 97:1	matter 1:5 19:16	3:21 4:4,9,18	months 17:21,22
marathon 9:19	20:12 39:19	5:6,16,24 6:8,17	20:15 36:20
9:21 44:23 45:1	52:14 67:13	7:6,15 8:13,20	53:17 59:4
45:3 47:21 48:4	86:11 91:5,8	9:6,15 26:20	monticello 8:2,4
marathon's	98:7	39:1,10 65:25	25:11
45:24	matters 17:3	66:10,20 67:6	montllc.com 8:7
marathonoil.c...	22:13 52:21	91:3 115:20	morning 14:15
9:24	57:2 113:6	mfeldewert 5:17	15:21 16:6,12
mariah 4:19	maximize	michael 5:13	17:17 19:19
115:2,18	107:13	7:20 15:22	23:11,16 25:3
	mcclure 10:23	16:17 18:23	29:1 32:23
		25:3 52:19	37:11 41:5

[morning - notice]

44:19,24 48:11 48:12 51:18,19 52:6,18,25 58:10 64:19,25 68:25 76:25 77:11,16 77:21 motion 14:21,23 14:24 15:6 22:2 24:3 motions 14:25 15:2 23:25 24:15 move 17:18 24:15 38:12,18 63:5,23 83:21 84:9 96:13 110:3 moved 22:21 moving 20:21 22:13 78:16 mrodriguez 7:24 mud 59:24 munds 7:12 19:24,25 21:21 21:22 33:13,14 33:17 35:14,15 37:17,18 40:24 40:25 52:6,7 57:8,10 63:17 64:25 65:1,3,7 68:20,21 murdered 38:2 murphy 10:17	name 25:14 names 37:25 natural 1:2 nature 58:17,19 83:19 necessarily 59:16 99:11 101:18 necessary 43:19 62:2 92:22 94:21 105:3 nedra 10:17 need 26:12 42:12 48:25 49:1 52:1 53:20 54:15 63:5,23 73:23,23 75:12,17 76:13 82:21,22 99:14 103:2 104:4 109:25 113:22 needed 21:4 31:4 43:14 75:3 80:1 90:21 needs 43:24 48:5 negotiated 41:14 negotiations 91:23 93:18 95:20 neither 115:11 116:7 new 1:1,12,17,22 2:4,9,14,20,24 3:4,8,12,16,21 4:4,9,18 5:6,16 5:24 6:8,17 7:6 7:15 8:13,20 9:6 9:15 22:4 26:19 39:1,10 65:25	66:10,20 67:5 69:8 73:22,23 91:2 115:20 newspaper 31:18 newspapers 56:25 nicely 17:4 night 15:1 nobody's 53:9 nod 24:11 non 89:11 nonstandard 82:14 83:25 92:21 94:20 102:4,15 103:15 105:2 106:10,11 110:2 111:3,8,11 111:18 nonstandards 111:6 norm 50:7 normal 81:14 normally 44:4 50:7 56:13 north 5:15 8:5 9:5 27:5,13,18 27:18,19 34:18 60:25 80:20,20 80:21 87:12,12 87:14,14 89:22 89:23,23 91:1 101:5,5,8,12,12 101:14,14,20,25 102:13,13,13 103:7,7 104:11 104:12,13,13 107:1,1,4,4,7,7	northeast 34:15 65:22 66:7,17 67:2 72:9 northward 72:9 northwest 34:15 34:17,18 nos 1:10,14,19 2:1,6,11,17 3:1,6 3:10,14,18 4:1,6 11:5,21 12:3,10 12:17 13:3,13 notary 4:19 115:19 note 17:6 32:6 37:21 54:6 55:20 56:2 102:18 112:16 noted 35:24 90:16 109:5 notes 55:14,16 notice 11:16 12:5,13,23 13:8 13:17 28:2,3,8 30:20 31:9,18,21 35:3,4 40:9,11 42:18 46:12 47:6,11 50:13 53:12 56:20,21 56:24 61:18,21 62:1,13,22 68:7 68:9 73:23 74:9 74:12,16,24 75:20 92:7,7,8 92:14,15,17 93:5 93:23,24 94:17 94:18 96:1,1,1 109:8,9
n			
n 5:1 6:1 7:1 8:1 9:1 10:1 11:1 14:1			

[noticed - operator]

<p>noticed 48:13 49:10 50:13 notices 47:8 61:17 notification 42:20,21,24 43:1 notified 24:4 28:5 42:16,17 47:7 48:1 notify 36:9,14 notifying 61:25 november 21:7 21:10,13 22:14 22:21 novo 48:5,5 number 26:20 27:9 33:20 34:12 37:21 45:13 46:1 51:23 56:21 58:23 59:17 61:20 62:11,20 86:15 101:4 108:21 numbers 28:12 54:25 67:20,24 68:13 91:9 numerous 72:23</p>	<p>objection 17:12 18:4,7,10 21:11 21:17,20,22 24:13 26:6 33:17 52:14 63:9,12,14,17,20 65:8 78:13,15 objections 17:9 24:11 26:1 40:24 41:1 47:24 57:11 65:5 68:22 78:19 90:16 objects 52:2,3 observation 69:1 70:15 observations 71:7 75:5 observe 40:5 68:3 obviously 48:1 73:22,22 74:16 75:5 106:13 occurring 49:18 ocean 7:12 19:25 33:13 37:18 52:7 65:1 ocean.munds 7:16 october 17:25 18:12 offer 21:10 90:4 90:22 office 16:8,18 18:23 23:17 29:13 37:13 44:20 52:19 53:1 64:21 77:1</p>	<p>77:12 90:14 officer 32:24 33:5,25 115:1,2 offset 26:15 59:3 offsets 30:12 oh 33:4 42:1 60:18 64:12 71:1 oil 1:3,6 2:7 5:11 7:2,11 9:19,21 19:1 26:15 29:5 29:16,22 30:5,11 37:19 44:23 45:1 52:17,20 65:2 81:17,20 91:13 92:25 94:5,24 99:19 oily 29:12 okay 15:4 19:12 19:17 20:22 21:23 22:9,24 23:8,19 25:5,16 25:25 26:4 29:21 30:6,13 31:17,23 32:1,11 32:19 33:11,15 35:18 36:5,16,21 37:1 40:23 43:2 43:6,22 47:25 48:7,22 50:10,20 51:10,15 53:6,22 53:24 54:11,17 54:19 58:1 59:6 60:19 61:4,5,22 62:3,8,25 63:22 64:8,23 71:1,6 72:14 75:8 76:2 76:15,16 78:3,5</p>	<p>78:22 81:6,6 85:21,23 88:23 98:10,13,25 101:3 107:21 108:25 110:22 111:14,14,21 112:7 113:5,12 113:12,13 114:6 114:8 oklahoma 8:6,6 old 82:2 older 83:11 once 64:9 73:19 75:8 one's 70:18 ones 108:23 ongoing 72:12 open 44:14 51:3 63:11 72:10 75:19 113:17 operate 59:20 60:7,9,10 operating 2:2,18 3:6,11,14 5:20 6:13 7:10,19,21 9:10,11 10:2 11:5 12:10,17 19:23,25 20:23 20:25 25:2,4 28:14 33:12,14 44:18,21 47:17 51:17 52:5,8 53:2 54:21 57:3 77:15,18 79:4 operator 59:12 59:14 105:25 106:9,16,18,24 107:5,9,13</p>
o			
<p>o 14:1 64:4 o.c.d. 29:12 object 33:16 45:3 52:21 78:25 79:5 objected 78:10 objecting 78:16</p>			

[operators - parties]

operators 110:19 opinion 17:11 opportunity 106:4 opposed 84:18 opposite 106:3 optimal 88:13,24 89:4 optimizing 88:3 option 93:3 options 79:22 90:22 109:24 order 14:23 15:5 18:16 22:3,7,16 26:21 27:10 29:18 45:14 46:2 51:12 52:1 53:8 54:15 63:23 73:19,24 75:11,25 88:3,24 89:4 91:10 92:21 94:1,20 ordinance 83:9 orientation 91:16 93:12 94:7 95:14 original 54:8 originally 29:10 58:24 90:18 102:25 outcome 115:16 116:12 outs 40:6 68:4 outside 50:7 overlap 48:1 overlapping 45:16 55:17	overlaps 45:23 override 62:4 overrides 46:22 46:25 51:9 overriding 39:23 61:23 92:11 oversight 15:2 oversized 81:12 111:9 overview 85:18 owner 73:16,17 92:9 owners 37:22 38:6 39:22,23 55:23 61:21 62:7 67:16 72:16,22 73:20 75:14,16,24 92:12 107:12 ownership 46:14 46:16 55:19 91:21 93:16 94:11 95:18 97:6,8,18,24 98:2,9 owning 97:9,10 97:12,13 oxy 2:22 5:11 8:9 11:11 19:6,9 19:13,16 32:20 32:24 33:25 34:11 35:9	p.a. 5:22 8:11,18 p.b.e.x. 7:3 52:13 61:9 p.b.x. 57:13 p.l.l.c. 10:4 p.l.s.s. 88:15 89:21 102:22 104:7 105:11 p.o. 5:5,23 7:5 9:14 packet 34:22 55:8 74:18 pad 41:18 42:5,8 padilla 5:21,22 16:2,3 17:14,15 17:23 18:1 padillalaw 5:25 pads 41:12 page 30:15 31:12 31:12 46:21,23 58:12 69:7 70:8 97:5 108:5,9,18 109:3 113:18,19 paladin 92:9 pantera 6:2 16:9 paper 22:18 42:17 papers 56:24 paragraph 70:24 74:24 paralta 8:12,19 park 7:22 parker 39:17 40:5 67:11 68:3 parker's 40:1 67:18 parrot 6:14 16:12,13 18:7	19:7,8,10 21:16 21:17 23:11,12 24:12,13 25:22 25:23 26:3 28:18,19 51:18 51:20 53:7,11,16 53:22 54:1,11,16 54:19,20 57:17 57:22,25 58:3,19 59:25 60:23 61:5,8,20,25 62:6,16,23 64:3 64:7 part 44:4 74:7 82:2,2,19 85:15 86:13 87:22,24 87:25 88:17,25 110:21 partially 45:23 59:9 participants 107:12 participating 15:11 particular 111:25 particularly 71:12 parties 18:3 20:10 21:16 24:5,11 25:6 28:5 31:10,14 35:23 36:8,24 38:10,17 42:15 42:23 43:1,2 47:7 56:1,22 59:5 60:12 61:15 62:4,5,11
	<p style="text-align: center;">p</p> p 5:1,1 6:1,1 7:1 7:1 8:1,1 9:1,1 10:1,1 14:1		

[parties - prepare]

62:20 63:8,11 64:1 65:11 73:7 73:22 78:20,24 79:6 92:12,15 115:12,14 116:8 116:11 parts 20:21 party 35:17,19 36:22 55:21 57:23 62:13 pasea 7:14 paseo 8:12,19 pass 50:1 71:8 pattern 110:7 paul 10:13 paula 9:3 37:12 64:20 paw 34:11 pdf 30:16,17,21 31:13 97:5 peifer 23:20 pena 10:16 pending 54:2 penetrate 41:6 48:14 penetrates 81:21 people 36:9 60:20 61:18 62:1,18,19 85:6 109:9,17 110:18 111:10 peralta 7:14 percent 49:13 110:24 perfect 61:12 permian 5:12 9:11,19,21 44:23 45:1 52:24 53:2	77:10 78:25 97:5,20 persons 26:9 37:2,25 38:3,16 43:7 63:1 76:3 78:6 109:18,19 113:14 perspective 84:7 106:13 112:9 113:11 persuasive 89:25 philips 37:16,18 phillip 10:19 piece 22:18 piecemeal 101:17 pinch 40:6 68:4 pinching 56:18 place 59:18,21 69:22 111:24 placed 99:13 placements 41:12 placing 70:11 plan 47:5 plans 43:17 51:4 59:6 113:1 platform 71:17 play 95:13 pleading 110:11 pleadings 79:23 please 14:5 18:22 26:11 54:18 85:21 86:8 plus 76:18 pmvance 9:7	point 7:22 21:8 51:25 60:4 73:19 74:4 83:18 92:16 104:25 107:18 111:6 politely 82:4 pony 39:3,12 pool 26:15,15,22 27:11 29:4,5,5,7 29:10,16,18,22 29:24 33:25 34:13,13 35:17 35:19,23 36:8,22 36:24 38:21,23 39:6,7 62:5 65:19 66:4,5,14 66:15,24,25 69:17 72:19 91:13 92:25 94:5,24 101:12 101:13 pooled 46:18,20 46:22 47:1 55:21 57:21,23 61:16 62:7 63:20 64:2 72:6 108:14,19 109:4 113:20 pooling 1:11,16 1:21 2:3,8,13,19 2:23 3:3,7,12,15 3:20 4:3,8 11:12 11:22 12:19 13:4 26:21 27:10,24 39:15 45:14 46:2 61:23 67:9 73:2	73:15 82:17 91:12 92:24 94:3,23 113:4 pools 30:4,5 position 81:5 82:5,6 84:7 positioned 95:6 95:9 possibility 56:15 110:8 possible 50:19 105:4 110:7 possibly 101:13 postal 62:18 potash 36:15 41:13 60:21,25 61:1 potential 92:4 93:21 94:15 107:14 114:3 potentially 58:13 106:1,2 powerpoint 60:2 pre 14:23 predicated 89:12 prefer 105:1 preference 17:4 75:22 93:8 110:3 prehearing 22:3 22:7 52:1 53:8 53:14,17,21 54:14 63:5,6,9 63:23 75:11 premised 80:16 80:19 prepare 72:3
---	--	---	---

<p>prepared 116:3 preparing 46:19 present 10:10 38:6 54:23 79:17 80:1 presentation 60:3 81:2 90:12 presented 84:12 90:19,20 99:9 109:24 112:5 113:4 presenting 106:13 preserving 48:4 presumption 99:16 pretty 20:11 30:23 50:14 54:24 110:18 prevent 72:13 88:3,24 89:4 96:10 104:2 107:10 preventing 96:11 prevention 96:5 prevents 104:1 previous 49:5 previously 39:17 55:13 56:6 67:11 price 70:21 prime 56:10 70:12 prior 29:13 32:8 96:3 115:5 privy 75:5</p>	<p>probably 20:15 38:1 52:1 59:21 59:24 60:2 79:10 problem 32:11 82:2 proceed 26:11 33:23 45:12 54:18 65:15 83:24 84:11 85:19,22 90:1,9 90:17,23 proceeding 4:17 52:14,21 61:24 65:8 114:16 116:4 proceedings 115:3,5,6,9 116:6 process 79:7 82:16 104:5,5 production 1:15 2:12 3:2,19 4:2 4:7 5:10 6:3 7:2 9:2 11:21 12:3 13:3,13 15:20,23 23:4,15,18 29:11 29:15 37:14 40:19 49:12 64:18,22 68:15 76:23 77:2 88:4 88:14 89:5 90:15 96:18 103:11 professional 46:11 progressing 17:4</p>	<p>prohibit 88:17 89:1 promising 79:15 proper 71:16 80:21,21,24 93:23,23 100:13 proposal 39:24 41:25 46:15 55:23 67:16 91:21 93:16 94:11 95:19 99:7,9 proposals 59:20 70:19 proposed 39:3 39:12 58:25 60:3 66:1,11,22 67:7 71:2 72:4 74:8,24 87:1,7 93:7 95:2,11 proposes 45:20 proposing 83:5,7 83:23 106:9 107:16 protect 96:10 protection 96:4 96:9 protest 59:19 provide 50:8,20 84:20 89:8 provided 39:15 43:24 67:8 69:13 105:16 112:2 provides 46:13 88:8 92:6 provision 107:11</p>	<p>provisions 107:15 proximity 45:21 45:22 46:8,9 55:6 80:12,14 82:11 83:25 95:9,13 110:2,9 111:3,23 prudent 107:4 public 4:19 74:9 83:10 115:19 publication 11:17 12:6,24 13:9 28:7 35:4 40:12 42:22 43:1 56:24 68:9 92:7,14 96:1 publish 47:11 published 40:12 56:24 68:10 pull 26:18 54:25 65:18 pulling 73:17 purple 29:7 30:2 30:4 purpose 1:7 82:23 purposes 21:8 102:10 pursuant 34:9 88:20,23 89:3 purview 58:14 put 15:10 52:4 69:24 82:15 97:23 110:7 putting 110:2,23</p>
---	--	---	---

[quadrants - relative]

q	58:6 59:22 61:4	ready 14:18	116:5
quadrants 82:12	68:11,20,21 70:3	22:17	recorded 72:24
qualification	96:17,22 98:14	real 73:20	115:6
86:9	98:22 109:7	realized 15:1	recording 115:8
qualifications	113:14	46:20	116:4
55:14 56:7	questoffice.net	really 41:7 60:4	records 29:11
qualified 115:7	5:25	71:12 103:13	114:5
qualities 105:18	quick 62:21 69:1	108:24 109:7	rectangular
quarter 27:4,4	85:18	reason 30:14,17	89:14 102:6
27:17,17 34:15	quickly 14:11	36:12 49:21	103:6,17 106:20
34:15,17,18,19	109:3	111:20	red 34:13
65:22,24 66:7,9	quote 87:19	reasonable	reduced 105:7
66:17,19 67:2,4	r	70:21	115:7
71:24,25 72:7,9	r 5:1 6:1 7:1 8:1	reasons 101:4	reef 41:6 42:10
81:14,14,22,22	9:1 10:1 14:1	102:7 103:1	43:18 48:14,18
82:7,7,8,8,22,22	r111p 48:15	104:15	70:18
86:3,3,6,6,14,14	raised 81:15	recapitulation	refile 53:18
86:16,16 87:4,4	ranch 5:12 52:17	97:15,19 108:5	refined 102:25
87:10,10,13 88:5	52:20	109:3 113:19	reflect 72:18
88:5,12,12 89:6	range 27:1 34:4	received 42:24	98:9
89:6 90:7,7	34:6,16,19 39:1	47:9 61:21	reflected 29:19
99:19,19,22,22	39:10 45:18,19	62:14,15	31:15 73:4
99:23 100:2,2,9	46:5,6 65:25	recognize 111:25	91:24
100:9,20,20,24	66:10,20 67:5	recognizes 101:1	reflecting 91:22
100:25,25 101:1	91:2	recommendation	regarding 38:8
103:20,20 104:6	rankin 10:11	82:24	92:15 96:17
104:6 105:12,12	rationale 112:2	record 28:12	110:8
105:15,15	reach 69:11,14	32:16 35:16	regardless 107:6
question 22:12	69:19 72:2,25	37:6 39:19	region 41:13
29:2 38:8 49:8	73:5,12,25 75:23	40:16 43:11,25	regional 47:3
69:14 97:8 98:6	reached 38:9	44:6,14 47:15	related 27:25
105:19	81:8	51:1,2,11 52:2	28:2 115:11
questions 28:18	read 65:4	53:19,23 54:3	116:7
28:21,24 32:2,12	readily 102:1	57:2 63:4 67:13	relates 29:6
35:8,14,15 36:2	104:7,10	68:12 76:6 79:6	relationship
36:4 40:14,24,25	reads 72:22	85:3,15 91:5,8	36:17
43:3 47:14,21,24		96:15 110:12	relative 115:13
50:3,22 57:8,10		113:17,21 115:9	116:10

[remaining - rule]

remaining 79:25 80:10 88:7 remember 83:10 100:3 remnant 88:6 remote 4:17 repeat 25:14 replace 20:24 replaced 21:5 report 62:18 92:13 reported 4:19 reporter 14:4 76:12,14 representation 20:19 representations 17:16 representative 56:17 represented 32:21 36:23 representing 19:10 23:6,13 25:23 51:20 52:13 54:21 90:23 request 35:5 47:14 57:1 75:25 95:10 111:16,17 requested 51:4 requesting 37:23 requests 26:21 27:10 89:16 require 73:18 required 74:8	requirement 87:22 requirements 28:8 34:10 91:17 93:13 94:8 95:15 research 99:15 researched 100:15 reserves 3:10 6:13 12:17 51:17,20 53:7 54:21 57:3 resolution 84:17 resolve 17:3 resolved 58:18 78:21 resources 1:2,20 6:12 7:3,11 16:1 16:11,14 19:6,11 23:10,13 25:21 37:19 52:11,13 64:24 65:2 106:4 respect 83:14 96:25 101:21 respectfully 35:5 respective 87:16 respects 93:24 response 16:23 20:6 23:23 25:8 32:14 37:4 43:9 45:10 50:24 63:2 65:13 78:8 responses 38:17 rest 54:18 restrict 88:17 89:1	restricted 88:1 restrictions 102:9 resubmit 30:22 32:10 resubmitting 54:7 result 59:18 81:12 110:19 resulting 101:17 101:18 retained 11:8,18 12:7,14,25 13:10 13:18 returned 92:10 review 84:21 85:24 111:25 reviewing 15:1 revise 51:6 113:18 revised 32:7 63:25 72:15 105:10 revisit 85:16 rid 61:16 right 15:14,25 16:15,20 17:13 17:20,24 18:11 18:25 19:22 21:9,15,18 22:15 22:20 23:20 24:6,10,14,19,25 25:20 26:9 28:25 31:6,24 44:7,22 51:22 53:3 58:1 62:8 63:16,21 64:5 71:16,18 72:20	75:2 76:11,18 77:4,14 78:14 79:9 90:12 97:16 98:13 100:3 108:16 109:17 114:7 rights 48:4 96:4 96:10 risks 101:16 rock 2:17 7:19 7:21 11:5 25:1,4 26:18,20 27:9 28:14 rodriguez 7:20 25:3,4 26:10,13 29:1,9 30:1,9,19 31:6,11,20,25 32:4,6,9,18 rose 4:16 14:3 15:22 28:24 36:2 37:12 41:3 43:5,13 44:3 48:9 50:13,16 54:22 58:8 64:20 68:24 75:2 76:9 99:2 113:23 round 42:20,21 routine 14:13 row 80:6 81:11 82:8,9 royalty 37:22 38:5,8 39:23 61:21,23 62:4 92:11 ruby 55:2 59:7 rule 81:16 82:2 86:1,2,4 87:19
--	---	--	---

<p>87:24 rules 81:16 82:19 83:19 85:24 86:12 87:22,25 88:24 89:4 91:17 93:14 94:8 95:16 99:13,25 100:15 103:6 104:18 106:21 107:11,16 ruling 83:14,14 84:6,8 rumble 110:16 run 42:18 running 84:19 ryan 10:14</p>	<p>37:13 44:20 52:19 53:1 64:20 77:1,12 90:14 savage 6:5 16:6 16:7 18:4 23:16 23:17 24:12,23 76:24,25 77:5 78:14,18 79:10 79:13 80:8,14 81:6,8 82:24 83:1,13 84:5,14 85:10,23 88:23 90:10,13 92:20 97:11,18 98:5,7 98:11 99:6,10 106:12 107:25 108:1,4,6,11,16 108:20,25 109:5 109:10,14,25 110:5,6,22 111:14,21 112:4 112:7,20,25 113:10 114:2,4,7 saying 17:17 43:18 75:9 110:25 says 81:18 scheduling 15:5 18:16 schill 6:6 10:21 16:8 23:17 77:1 90:14 scott 8:17 32:25 33:6 scott.woody 8:21 sea 40:3</p>	<p>second 23:9 42:21 46:23 78:2 90:13 96:7 105:2 secondly 86:21 section 34:5,16 34:19 40:4,5 42:11 45:17,18 46:4,6 47:3 56:9 56:11,11 59:2 65:22,23,24 66:7 66:8,9,17,18,19 67:2,3,4,23 68:2 70:7,12 71:25,25 72:8,8,9,10 81:1 81:23 82:7,22 83:10 86:3,6,14 86:16 87:10,11 87:13,14,15 88:5 88:6,12 89:6 90:7 99:19,20,23 100:14,21,24 101:1,11 103:8 103:20,22 104:12,14 105:7 105:13,15 113:2 sections 26:25 27:6,13,19 34:4 38:25 39:9 47:4 55:3,5 59:1,8,9 69:3 79:16,21 81:10,12,14 82:8 87:3,4,6,10,17 88:9,19 89:3,15 89:20,20 91:1,11 92:23 94:3,22 99:8,22 100:2,10 100:25 101:8,13</p>	<p>102:18,19,20,21 103:2,4 104:6,19 104:21 106:17 see 24:11 29:19 31:12 32:22 36:8 49:14 50:7 50:7 52:3 53:14 57:18,19 59:21 60:23 63:8 69:7 70:18 71:4,6,8 74:6,13,15,18,20 75:23 76:12 87:21 88:16,25 97:2,5,7,19 98:3 109:12 113:3 114:14 seeing 21:8 30:20 37:24 49:23 50:16 53:13 70:22 seek 48:5 91:9 92:21 93:25 94:20 102:4,5,11 seeking 26:18 38:10 72:18 89:12 seeks 27:1,14 33:25 34:11 38:21 39:2,5,11 45:14 46:1 65:18 66:1,3,11 66:13,21,24 67:6 seen 31:2 47:10 60:17,17,21 sees 86:12 self 35:3 40:9 send 43:16 49:4 63:25</p>
<p>s</p>			
<p>s 5:1 6:1 7:1 8:1 9:1,12 10:1 11:3 12:1 13:1 14:1 sabinal 10:2 77:15,17 79:3,5 91:25 98:19 sage 29:8 30:2,4 sake 82:16 99:5 saltwater 48:24 salvidrez 10:12 sample 28:3 39:24 40:9 55:22 67:16 68:7 santa 4:18 5:16 5:24 6:8,17 7:6 7:15 8:13,20 9:6 9:15 16:8,18 18:23 23:17</p>			

[sending - spreadsheets]

<p>sending 84:13</p> <p>sent 47:8 55:23 62:14 72:15 92:8</p> <p>separate 36:12 80:2 82:16</p> <p>separately 74:10 76:1</p> <p>separating 27:5 27:18</p> <p>september 20:24 21:2</p> <p>series 81:12</p> <p>serve 87:15 95:9 105:13</p> <p>service 49:18,20 62:18</p> <p>set 20:12 54:8 58:24 64:9 80:2 80:19 85:20 90:2,13,22 96:7 105:2 110:18</p> <p>setback 34:9 91:17 93:13 94:8 95:15</p> <p>sets 79:11 112:16</p> <p>seventh 86:19</p> <p>shaefer 10:18</p> <p>shanor 9:13 44:20 53:1</p> <p>shape 102:6,12 103:6</p> <p>shaped 102:11 102:12</p> <p>shapes 89:17 111:19</p>	<p>shelly 46:11</p> <p>short 110:11</p> <p>should've 75:9</p> <p>show 57:19 59:25 79:15 85:24 92:3 93:21 94:15,17 103:25 114:6</p> <p>showing 56:9,21 60:3 93:17 95:20 97:9</p> <p>shown 55:21</p> <p>shows 31:13 56:23 62:13 93:23</p> <p>sic 57:13</p> <p>signature 115:17 116:14</p> <p>significance 86:21,25 87:9</p> <p>silence 38:18</p> <p>similar 27:10</p> <p>simply 73:18 74:23 75:12</p> <p>single 80:17,18 89:7</p> <p>sir 18:13 24:18 25:14 36:11,23 79:2,13 83:1 114:4</p> <p>situation 94:25 102:16 104:18 110:20 111:18</p> <p>six 60:1</p> <p>size 81:13 110:20 111:1</p> <p>skills 115:10 116:6</p>	<p>slowly 14:5</p> <p>small 81:13 82:13 92:10</p> <p>snack 27:2,3,15 27:16</p> <p>solution 61:11 82:1 84:17 104:23</p> <p>somebody 51:12 73:16,17</p> <p>somewhat 49:9 81:24 104:21</p> <p>soon 114:14</p> <p>sorry 17:7 19:8 25:13 30:1 42:1 51:20,21 64:12 64:16</p> <p>sort 49:4 51:11 62:13 69:9 72:11 74:12 81:12 108:23 109:3</p> <p>sounding 105:24</p> <p>sounds 100:18 100:22 112:8</p> <p>south 26:25,25 27:5,6,6,18 34:4 34:6,16 39:1,10 45:18,19 46:5,6 55:4 59:2,3 60:24 65:24 66:10,20 67:5 69:16,17 72:4,8 80:21 81:11 89:23 91:2</p> <p>southeast 65:24 66:9,19 67:4 72:7</p>	<p>southward 72:4</p> <p>space 107:7</p> <p>spaced 30:7</p> <p>spacing 26:16,24 27:8,13,21 29:6 29:17 30:3,8,9 30:11,11 34:2,8 38:24 39:2,8,11 45:16,21,24 46:4 48:2 55:18 65:21 66:1,6,11 66:16,21 67:1,6 79:16 80:7 81:17,18 82:10 82:17,18,19 83:17 84:1,1,3 86:5 87:3,5,20 87:23,25 88:9,19 89:3 91:11 92:22 93:4 94:2 94:21 100:3,4,5 101:7 106:11,21 107:2,3 110:21 111:3,8,9,10,11 111:16,17 112:6</p> <p>speak 49:14</p> <p>speaking 17:2</p> <p>specific 41:20 49:21</p> <p>specifically 26:20 49:24</p> <p>sperling 5:4 19:20</p> <p>spreadsheet 62:12</p> <p>spreadsheets 62:19</p>
--	--	--	---

<p>spring 26:19,22 26:23 27:11 29:10,16,22,24 30:5 34:1,13 38:22 39:6 45:16 46:2 55:1 56:9 58:25 65:19 66:4 67:22,23 94:4,24 97:10,25 112:17 stack 104:9 stacked 80:23,23 87:8 88:18 89:1 104:9,9 stakeholders 56:3 stand 21:8 35:7 standard 26:15 26:24 27:7,12,21 30:11 34:7,24 35:1 38:23 39:7 45:15 46:3,13 65:20 66:5,15 67:1 80:7,11 81:1,17 82:9,17 84:1,3 87:2,5,6,6 87:11,15 88:6,9 88:18 89:2,11,13 91:10 92:3 93:5 93:7,9,9,21 94:1 94:10,15 95:3,11 95:12,17,24 99:20 101:6,11 101:12,14 102:6 103:8,13,17,21 103:22 104:13 104:19 105:3,4 110:21 111:10</p>	<p>111:17 112:1,5 stands 86:9 start 14:12 15:15 15:19 16:25 20:8 25:25 28:18 35:14 47:21 52:5 57:8 96:21 started 75:9 starting 23:3 state 1:1 35:16 42:5 56:16 79:6 91:15 93:11 94:6 95:7 115:20 stated 90:3 92:18 statement 12:5 40:9 43:18 49:4 53:14,17,21 54:14 63:5,7,9 63:24 states 86:4,13 statewide 91:17 93:13 94:8 95:15 status 17:5,18,25 18:12 20:13 21:7,10,24 22:22 28:5 62:21 73:12 75:13 steep 70:10 steering 71:21 stepped 70:1 steptoe 10:4,7 stewart 10:15 stewart's 56:5 56:12</p>	<p>stop 59:21 stranded 101:18 stranding 72:1 106:1 strategic 35:25 36:25 stratigraphic 40:4 47:4 67:22 68:2 street 6:7 strong 24:11 structural 47:4 structure 40:3 47:3 56:8 67:21 67:25 69:5 70:14 stuff 31:3 sub 39:20 40:2,3 40:15 67:14,19 67:21,25 68:12 96:14 subjected 103:14 submit 46:24 54:10,14 63:25 74:9 submits 47:2 submittal 44:15 51:3 submitted 27:22 30:14,21 34:22 54:6 58:12 70:19 subsea 67:21,25 subset 77:23 substantial 85:11 86:11 substantially 86:17 103:6,16</p>	<p>106:20 successor 25:11 25:18 59:15 sufficient 89:8 suggest 21:7 31:1 suggestion 21:6 62:12 suggestions 109:20 suggests 70:14 suite 5:15 9:5 10:5 94:10 95:17 summarize 58:15 80:4 supervising 49:12 supervision 49:13 51:5 supplanted 87:23 suppose 20:12 41:7,24 sure 17:1 30:21 31:21 32:25 36:12 38:7 41:23 42:9,14 48:10 49:6 50:10 53:18 58:19 70:6 74:12 99:1,10 100:6 107:23 surface 34:14 102:24 survey 83:10 104:15</p>
--	--	---	--

[surveyed - time]

surveyed 103:1 suspenders 31:21 swap 34:12 swimming 107:22 sworn 115:5 systematic 101:10	technical 4:16 14:4 16:7 28:25 29:21 30:6,13,25 31:8,17,23 32:1 36:3 41:4,23 42:2,9 43:2,15 43:22 44:1,5 48:10,13,22 49:7 49:25 50:18 58:9 59:23 60:14 61:3,6,12 68:25 69:21 70:6 71:1,4,15 71:19 75:4 76:25 99:3 105:22 107:21 113:24 technologically 15:10 tell 31:9 58:17 70:20 81:5 ten 92:12 term 81:24 86:8 113:1 terms 42:3 territory 69:8 testified 39:18 55:13 56:6 67:11 91:4,6 testifying 115:5 testimony 27:25 28:1 39:16 67:10 texas 9:23 10:6 text 30:16 thank 15:8,9,12 15:13 16:4,10 18:5,13,17 19:5	19:24 20:2 21:23 22:20,23 23:8,14 24:22,23 24:24 26:8,13 28:17,19,20,23 31:7 32:2,4,5,18 32:19 33:7,10,11 33:18,19,24 35:13,22 36:1,4 37:1,8,15,17,20 38:14,20 40:23 41:1,2 43:3,5,6 43:22 44:11,12 44:16 45:2,7,13 47:16,20 48:7 50:4,5,21 51:10 51:14,15 52:10 52:16,23 53:3,11 54:19 57:7,11,12 57:15 58:2,4,6,7 61:8,14 63:13 64:5,7 65:10,16 68:14,19,22,23 71:10,23 75:1 76:2,8,9,14,16 77:19 78:1 79:3 79:8 80:3 81:8 88:21 90:10,11 96:17,21 98:15 98:16,20,22 107:24 108:1,1,3 109:5 thanks 54:22 59:23 61:6 98:23 114:6 thin 60:24 thing 32:6 75:19 103:19,19	things 20:11,20 21:8 54:13 61:2 83:12 110:14,16 111:9 think 14:5 20:2 25:21 26:12 42:24 44:10 50:6 58:19 59:16,20 60:4 62:1 70:10 72:4 78:5 81:3 84:6 84:22 89:21 97:4 98:14 99:11 101:21 104:16 105:7,10 106:25 107:8,15 107:18 108:10 108:13 109:6,7 110:19 112:4 113:7 thins 24:20 thomas 83:8 thorough 109:8 thought 19:9 49:3,5 82:1 85:12 thousand 71:2 three 56:24 79:14 80:5,19 84:24 85:19 92:11,11,18,19 104:16 112:19 throw 63:10 thursday 4:13 tight 71:12 time 4:14 15:19 34:21 35:5 36:24 40:18
t			
t 11:3 12:1 13:1 tab 92:16 table 79:22 84:15 tabulated 71:5 take 38:17 60:12 63:22 106:4 107:19 110:14 111:16 114:13 takeaway 60:15 taken 28:12 32:17 35:7 37:7 40:17 43:12 44:14 47:15 51:2 57:2 68:13 75:22 76:6 96:16 107:19 112:11 113:16 115:3,12 116:9 tank 34:13 tap 2:17 7:19,21 11:5 25:1,4 26:18,20 27:9 28:14 taprk.com 7:24 targeting 69:6			

[time - unit]

43:4 47:24 54:22 60:13 68:14 70:11 77:7 83:15,17,21 96:13 107:25 110:13 timely 34:21 40:10,12 68:8,10 92:8,14 93:24 94:17,18 95:25 times 72:23 title 97:21 today 14:4,12 24:20 29:2 37:25 38:3 53:18,23 54:23 56:4 60:16 110:4 112:5 114:11 told 82:4 83:4 top 32:8 67:21 68:1 80:5 tops 70:14 touch 38:7 town 9:22 township 26:25 34:4,6,16,19 38:25 39:9 45:17,19 46:5,6 65:24 66:9,19 67:5 91:2 track 39:21 67:15 tracked 45:22 tracking 28:4 109:17 tracks 46:15	tract 45:21 46:8 46:9 82:21 86:13 90:6 97:6 97:25 98:4 99:16,18,23 100:17,23,24 101:2 103:25 104:2 110:10 tracts 55:7 81:19 81:19 83:6 86:5 90:6,24 98:4,23 99:24 100:7,7,11 100:19,21 trade 17:17 tradition 29:6 transcriber 116:1 transcript 116:3 116:5 transcriptionist 115:8 transit 31:14 42:25 92:13 trapezoidal 89:16 102:12 treating 82:20 true 115:9 116:5 try 17:3 22:24 25:1 81:9 108:24 trying 20:10 98:8 102:17 103:3,5,9 turn 26:4 28:24 two 17:5,21,22 17:23 30:4 50:13 55:1 72:21 75:14	79:11 80:22 87:1,8,11,17 88:17 89:1,5,7 97:7 100:1 104:9,9 105:1 111:10,16 112:16 typewriting 115:7 typically 49:14 99:20 101:11 102:4 u u.s.a. 1:10 2:22 5:2,11 8:9 11:11 14:14,17 19:6,13 19:16 32:21,24 35:9 77:20 u.s.g.s. 101:1 unaware 72:11 uncommitted 26:18,21 27:10 34:1 38:22 39:6 39:22 45:14 46:2,18 55:21 65:18 66:4,14,24 67:16 91:12 92:24 94:3,23 undeliverable 31:15 56:23 92:10 undelivered 109:13 underlying 26:23 27:12 34:3 38:23 39:7 45:17 46:3	65:20 66:5,15,25 91:14 92:25 94:5,25 understand 14:19 24:7 42:13 78:20 79:9,10 83:16 85:10 97:12 99:5 102:22 understanding 17:1 38:9,12 41:17 49:22 77:24 84:3 109:24 understands 99:1 unfolding 29:8 uniformity 106:20 unit 26:24 27:1,8 27:13,14,21 34:2 34:8,14,17 38:24 39:2,8,11 45:16 45:20,22,23,24 46:4,7,8,8 55:2 55:24 65:21 66:1,6,11,16,21 67:1,7 69:17 72:5 80:7,21,22 81:17,18 84:1,4 86:5 87:3,20 89:11,13 91:11 91:14,14 92:22 93:1,4,7,7,9,10 94:2,5,5,22,25 95:3,3,8,11,11 97:15 100:5 101:6,7,12,14
--	--	---	---

[unit - wildcat]

102:4,6,11,12,15 103:13,15,17,17 103:21,22 106:21 107:3,8 108:5 109:1,2 110:21 111:11 111:22 112:1 113:19 units 29:17 30:3 30:11 55:1,17,18 55:19 60:3 72:6 79:16 82:10,18 82:19 84:1 87:5 87:6,25 88:4,9 88:19 89:3,22 100:3,4 104:4 105:4 111:4,8,9 111:10,16,17 112:6 unknown 92:15 unleased 73:9 75:15 unmuted 33:3 unnecessary 96:11 unqualified 99:14 unresolved 79:20 unusual 111:16 update 72:18 updated 46:24 updates 73:6,12 uphold 96:9 upload 44:6 use 62:18 83:21 88:7,15,17 89:1 104:6 111:2	user 88:22 utilize 98:8 utilized 87:2,5 88:10 v vacate 14:23 52:2 53:8 75:10 valid 107:18 valuable 106:3,5 value 86:20 87:16 vance 9:3 37:11 37:12 38:4,7,20 41:15 42:1,3,19 43:4,5,20,23 44:9,12 64:12,14 64:15,19,20 65:15,16 69:11 70:23 71:2,10 72:1,2,17 73:4 73:11,25 74:5,14 74:25 75:14,21 76:8 variety 86:23 102:7 103:1 105:18 various 56:1 84:18 vawter 8:3 25:10 25:11,15,15,18 26:7 28:21,22 vein 101:24 version 108:18 vertical 42:11 82:18 87:23 110:25	videoconference 4:12 5:3,13,21 6:5,14 7:4,12,20 8:3,10,17 9:3,12 9:20 10:3 view 93:3,6 95:2 100:9 101:22 112:4 viewed 95:11,12 100:8,12 viewing 80:17,18 violation 53:9 voluntary 73:1 vote 17:23 w waiting 19:9 walk 84:16 want 44:3 69:24 71:21 75:16 84:11,11 85:16 112:12 113:3 wanted 36:12,20 49:1 58:24 60:7 79:21 84:14,20 wanting 112:1 wants 111:12 warranted 90:22 waste 88:3,24 89:4 96:5,10 104:1,2 107:11 way 20:14 78:23 83:24 97:22 99:13,14,18 103:11 104:8,13 106:5,8 ways 58:18	wayside 51:24 we've 49:10 52:8 65:17 website 14:10 30:21 week 17:2 55:8 well's 69:3 81:21 wells 27:2,15 30:7,10 39:4,13 40:7 41:6 45:21 46:8 48:14,17 50:15 55:18,24 56:10,17 58:22 58:24 59:7,8 68:5 69:4,9 71:21 75:7 81:17 82:11 87:23 88:1 93:12 96:12 99:19,20 107:16 107:16,17 110:2 110:9,25 111:3 went 30:3 112:18 west 34:19 38:24 46:4,5 55:3 65:21,22,23 66:16,17,18 91:16 93:12 94:7 95:14 western 34:3,3,5 34:5 whatsoever 21:13 wide 86:23 wildcat 26:15 29:5,16 30:5
---	--	---	---

[willis - yesterday]

willis 10:20 55:16 willis's 55:11 withdrawal 78:19 withdrawn 52:8 65:5 78:13 90:17 withdrew 78:15 witness 55:12 56:6 115:4 wolfcamp 26:22 29:6,24 30:2,2 66:14,25 68:1,2 71:12 91:13 92:24 97:2,8,10 98:2 108:6 114:3 wonderful 79:8 woodlands 10:6 woody 8:17 32:25 33:2,5,6,9 33:22,24 35:20 35:23 36:5,11,18 36:23 37:8 words 82:21 111:9 work 20:11 29:25 30:8 48:6 56:2 60:19 61:10 72:25 106:7 worked 59:5 60:17 61:7 working 39:22 55:23 57:19 59:10 62:7 83:5 92:9 107:12	works 18:1 worksheet 14:9 14:10 15:1 world 48:24 worry 22:16 wozniak 6:15 16:14 19:10 23:13 25:23 54:21 writing 51:12
	x
	x 11:1,3 12:1 13:1 x.t.o. 5:10 16:16 18:9
	y
	y'all 61:7 yarithza 10:16 yeah 19:9 22:9 22:15 30:25 31:11,20 41:25 42:9 43:15 44:8 48:3 50:5,6,12 50:18 51:14 53:24 60:14 61:3,3 71:5,11 71:13 74:22 75:15 84:10 88:21 99:3 109:14 year 54:2 yep 54:16 yesterday 83:4 85:7